

RESOLUTION NO. 22-R-59

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING THE APPROVAL OF A SUBDIVISION IMPROVEMENT AGREEMENT WITH COMAL INDEPENDENT SCHOOL DISTRICT TO ALLOW THE FILING OF THE REPLAT OF THE HARRAL SUBDIVISION TO CREATE LOT 1 AND 2 BLOCK 5 PRIOR TO ACCEPTANCE OF PUBLIC IMPROVEMENTS, AND OTHER MATTERS IN CONECTION THEREWITH

WHEREAS, the City staff of the City of Schertz (the “City) has been approached by COMAL INDEPENDENT SCHOOL DISTRICT (Comal ISD) to enter into a Subdivision Improvement Agreement to allow the filing of the replat of the Harral Subdivision Lot 2 Block 1 to create the Harral Subdivision Lot 1 and 2 Block 5, prior to acceptance of the public improvements; and

WHEREAS, City staff has determined that it is in the interest of the community to allow Comal ISD to proceed with the construction of Comal ISD Elementary School 20 in a timely manner in order to be able to open in the fall of 2023 to serve growing number of student in the community; and

WHEREAS, pursuant to Section 21.4.15 Public Infrastructure Improvement Construction Plans and Community Facility Agreements allows for property owners to enter into a subdivision improvement agreement to defer the construction of public improvements; and

WHEREAS, the City Council has determined that no surety is required of Comal ISD, a political subdivision of the State of Texas, to secure the obligations to construct public improvements; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS:

The City Council hereby authorizes the City Manager to execute and deliver a Subdivision Improvement Agreement with Comal ISD generally per the attached Exhibit A, subject to changes approved by the City Manger and City Attorney.

The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this 14th day of June, 2022.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

City Secretary, Brenda Dennis

(CITY SEAL)