

RESOLUTION NO. 22-R-78

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS INDICATING THE INTENT TO ACQUIRE A 10.5-ACRE PROPERTY ON DRY COMAL CREEK GENERALLY AT FM 482 AND BUNKER STREET IF THE OUTLINED CONDITIONS ARE MET AND A SUBSEQUENT RESOLUTION IS APPROVED SPECIFICALLY AUTHORIZING THE PURCHASE, AND OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the City of Schertz and the Great Springs Project have overlapping interests in the Dry Comal Creek area for future trail system development; and

WHEREAS, the Great Springs Project is purchasing a 10.5-acre property on Dry Comal Creek generally at FM 482 and Bunker Street with intent to sell it to the City of Schertz; and

WHEREAS, city staff has determined the property to have great historic, cultural, ecological, and recreational value that would be a tremendous asset to the city park and trail system; and

WHEREAS, city staff has identified funding for the property acquisition in an amount not to exceed \$375,000.

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

Section 1. The City Council hereby indicates the intent to acquire a 10.5-acre property on Dry Comal Creek generally at FM 482 and Bunker Street (in attached Exhibit A.) subject to the following conditions: the maximum sale price shall be no more than \$375,000 and not more than the appraised value of the property, funds must be approved specifically for this purchase, a Phase I environmental review finds no issues, and the deed restrictions are modified to allow for development of the site with a hike and bike trail, signage, and trail head parking, and a separate resolution is approved specifically authorizing the purchase.

Section 2. 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.

Section 3. 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resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 4. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. 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.

Section 6. 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.

Section 7. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this 23rd day of August, 2022.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary

(CITY SEAL)

