

RESOLUTION NO. 22-R-102

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS
AUTHORIZING A SUBDIVISION IMPROVEMENT, REIMBURSEMENT AND
CAPITAL RECOVERY OFFSET AGREEMENTS WITH SCHERTZ 1518, LTD. AND
OTHER MATTERS IN CONNECTION THEREWITH**

WHEREAS, the Landowner desires to defer certain dedication and improvement obligation for Crossvine Module 3A, Unit 1; and

WHEREAS, pursuant to Section 21.4.15 of the City’s Unified Development Code, the obligation to dedicate and construct improvements for the Subdivision may be deferred if an Improvement Agreement is executed and if sufficient surety is provided to secure the obligation to construct the improvements; and

WHEREAS, the City staff of the City of Schertz has recommended that the City enter into a Subdivision Improvement Agreement; and

WHEREAS, the City of Schertz is obligated to relocate and construct certain improvements adjacent to FM 1518; and

WHEREAS, the developer is obligated to make certain improvements adjacent to FM 1518, and

WHEREAS, the developer and City have agreed that it is in the public interest for the developer to construct all of the improvements and be reimbursed by the City for the portions the City is obligated to improve; and

WHEREAS, the developer has offered to construct improvement to Lower Seguin Road, beyond their obligation and do so within a specified time frame; and

WHEREAS, the City agrees to reimburse the developer for the cost to construct Lower Seguin Road beyond their obligation; and

WHEREAS, the City Council has determined that it is in the best interest of the City to authorize the City Manager to enter into Agreements.

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

Section 1. The City Council hereby authorizes the City Manager to execute the agreements as outlined in Exhibits “A”, “B” and “C” generally as attached.

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 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resolutions or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions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. 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 5. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

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 11th day of October, 2022.

Ralph Gutierrez, Mayor

ATTEST:

Brenda Dennis, City Secretary
(SEAL OF THE CITY)

Exhibit "A"
Subdivision Improvement Agreement
The Crossvine, Module 3A, Unit 1

Exhibit "B"
**Reimbursement Agreement with Developer for Construction of Public Improvements
Associated with Module 3A, Unit 1 (The Crossvine)**

Exhibit "C"
**Roadway Capital Recovery Offset and Reimbursement with
Developer for Construction of Public Improvement Agreement
For Lower Sequin Road**