

RESOLUTION NO. 23-R-03

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING THE CITY MANAGER TO SIGN ON BEHALF OF THE CITY OF SCHERTZ, APPLICATIONS TO REPLAT LOT 1, BLOCK 41 OF THE LIVE OAK HILLS ADDITION AS PART OF THE PROPOSED HERITAGE OAKS SUBDIVISION.

WHEREAS, the Live Oak Hills Subdivision was platted in the 1960's prior to the property being annexed into the City of Schertz; and

WHEREAS, the Live Oak Hills Subdivision, is a paper subdivision, lacking adequate infrastructure including roads, water and sewer to support development of the existing lots; and

WHEREAS, the right-of-way for the streets in the Live Oak Hills Subdivision do not provide for adequate width to provide necessary turn arounds required for emergency vehicles; and

WHEREAS, the City of Schertz City Council in May 2021 approved a request to rezone a portion of the Live Oak Hills Subdivision to PDD - Planned Development District to allow for the redevelopment of the property as Heritage Oaks; and

WHEREAS, the approved master plan for Heritage Oaks proposed to replat the property, realigning, abandoning and dedicating new streets and creating a new lot pattern that provides for necessary infrastructure and access by emergency response vehicles; and

WHEREAS, the City of Schertz owns Lot 1, Block 41 of the Live Oak Hills Subdivision, and

WHEREAS, Lot 1, Block 41 cannot be developed for lack of infrastructure and the City of Schertz is required to maintain the property including cleaning up illegally dumped materials; and

WHEREAS, developer of Heritage Oaks is proposing to utilize Lot 1, Block 41 as a drainage and utility easement and right-of-way; and

WHEREAS, the incorporation of Lot 1, Block 41 is consistent with the City's role in providing for infrastructure and will likely reduce the costs associated with maintaining the property.

NOW THEREFORE, 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 sign any necessary development applications to allow Lot 1, Block 41 of the Live Oak Hills Subdivision to be replatted and redeveloped as right-of-way, drainage and utility easements as part of the Heritage Oaks Development.

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 28th day of February, 2023.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

(city seal)