

RESOLUTION NO. 23-R-35

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS APPROVING AND AUTHORIZING THE WATER CCN TRANSFER FROM GREEN VALLEY SPECIAL UTILITY DISTRICT TO THE CITY OF SCHERTZ, AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, Green Valley Special Utility District (“GVSUD”) provides retail water service under water CCN No. 10646, issued by the Public Utility Commission of Texas (“PUC”) to certain areas in and about Comal County and Guadalupe County, as generally depicted in Exhibit A;

WHEREAS, the City of Schertz (“Schertz”) provides retail water service under water CCN No. 10645, issued by the PUC, for the provision of retail water to certain areas in and about Bexar County, Comal County, and Guadalupe County, as generally depicted in Exhibit B;

WHEREAS, the boundaries of the GVSUD water CCN and the Schertz water CCN are adjacent to one another in various areas;

WHEREAS, TEXAS MULTIFAMILY CAPITAL, LLC., a Texas limited liability company (the “Developer”) has requested that GVSUD transfer approximately 22.16 acres of its water CCN located within Comal County, located near the intersection of FM 482 and Hubertus Rd. depicted in Exhibit C (the “Property”) to Schertz, so that Schertz might provide retail water services to the Property;

WHEREAS, the Property is being developed by Developer and is identified as PIDs#401272, 401273, 75237, 75375 and 75246, Comal County Appraisal District records, and depicted in Exhibit D, and is currently undeveloped;

WHEREAS, GVSUD and Schertz are amenable to altering the boundaries of their respective water CCNs by transferring the portion of the Property contained within the boundaries of the GVSUD CCN to the Schertz CCN so that the Property is removed from the GVSUD water CCN and added to the Schertz water CCN; and

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 execute an agreement to transfer the water CCN from GVSUD to Schertz as attached in Exhibit 1 (“Water CCN Transfer Agreement”).

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resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.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 4th day of April, 2023.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

(city seal)

Exhibit 1