

RESOLUTION NO. 23-R-36

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING AN EXTRATERRITORIAL JURISDICTION AGREEMENT WITH THE CITY OF SANTA CLARA FOR THE RELEASE OF 4.8 ACRES OF THE CITY OF SCHERTZ EXTRATERRITORIAL JURISDICTION (ETJ), AND RELATED MATTERS IN CONNECTION THEREWITH

WHEREAS, Chesmar Homes, LLC, as land owner, has requested the City of Schertz release 4.8 acres within the City of Schertz Extraterritorial Jurisdiction (ETJ) so that such area may be incorporated into the City of Santa Clara Extraterritorial Jurisdiction; and

WHEREAS, the remainder of the subject property (58.48 acres), Guadalupe County Property ID 61495, is currently within the City of Santa Clara's Extraterritorial Jurisdiction; and

WHEREAS, the subject property is generally located 4,000 feet southwest of the intersection of Green Valley Road and Marion Road; and

WHEREAS, the subject property is not provided water or sewer by the City of Schertz, and is located within Green Valley Special Utility District Certificate of Convenience and Necessity (CCN) for water and sewer; and

WHEREAS, the release of the subject property from the City of Schertz Extraterritorial Jurisdiction would allow the prompt expansion of the City of Santa Clara Extraterritorial Jurisdiction; and

WHEREAS, on February 27, 2023 the City Council of the City of Santa Clara authorized the Mayor of Santa Clara to enter into an agreement with the City of Schertz in relation to the subject property; and

WHEREAS, the City Council of the City of Schertz has determined it is in the best interest of the City to enter into an agreement with the City of Santa Clara pursuant to the Extraterritorial Jurisdiction Agreement attached here to as Exhibit A (the "ETJ Agreement") regarding the release of 4.8 acres of ETJ by the City of Schertz to the City of Santa Clara

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 and deliver the ETJ Agreement with the City of Santa Clara in substantially the form set forth in Exhibit "A".

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 11th day of April, 2023.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

(city seal)