

RESOLUTION NO. 23-R-41

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS TO ACQUIRE THE PROPERTY LOCATED AT 11776 LOWER SEGUIN RD FOR AN AMOUNT NOT TO EXCEED 160,000.

WHEREAS, the Lower Seguin Rd is classified as a secondary arterial by the City's Master Thoroughfare Plan; and

WHEREAS, additional right-of-way is needed from the property at 11776 Lower Seguin Rd to accommodate the secondary arterial street section; and

WHEREAS, the needed right-of-way acquisition would adversely impact the entire property due to its small size and shape, therefore it is prudent to purchase the entire property; and

WHEREAS, the City had a Certified Market Analysis done for the property and the property was listed publicly for sale; and

WHEREAS, Staff briefed City Council on the merits of acquiring the property and the results of the Certified Market Analysis and Council authorized Staff to negotiate for purchasing the property on April 25, 2023; and

WHEREAS, the City's realtor has negotiated with the property owner and the property owner has agreed to sell the property to the City; and

WHEREAS, the City of Schertz will fund the purchase of the property from Roadway Impact Fee funds available for this purpose.

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

Section 1. The City Council hereby authorizes purchasing the property located at 11776 Lower Seguin Rd and authorizes the City Manager to execute the necessary documents to purchase the property for an amount not to exceed **ONE HUNDRED SIXTY THOUSAND DOLLARS** (\$160,000.00) during the FY 2022-2023.

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resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.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

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary