



## AGENDA ITEM SUMMARY

**Agenda Date**

July 9, 2024

**Requested Action**

CONSIDER ORDINANCE NO. 2024-11; AN ORDINANCE AUTHORIZING THE SALE OF REAL PROPERTY AND IMPROVEMENTS LOCATED AT 329 AMMANN RD., BOERNE, KENDALL COUNTY, TEXAS TO KENDALL COUNTY, A TEXAS POLITICAL SUBDIVISION, IN THE AMOUNT OF \$10.00; AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AND SALE AGREEMENT AND SPECIAL WARRANTY DEED; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (Right-of-way dedication to Kendall County)

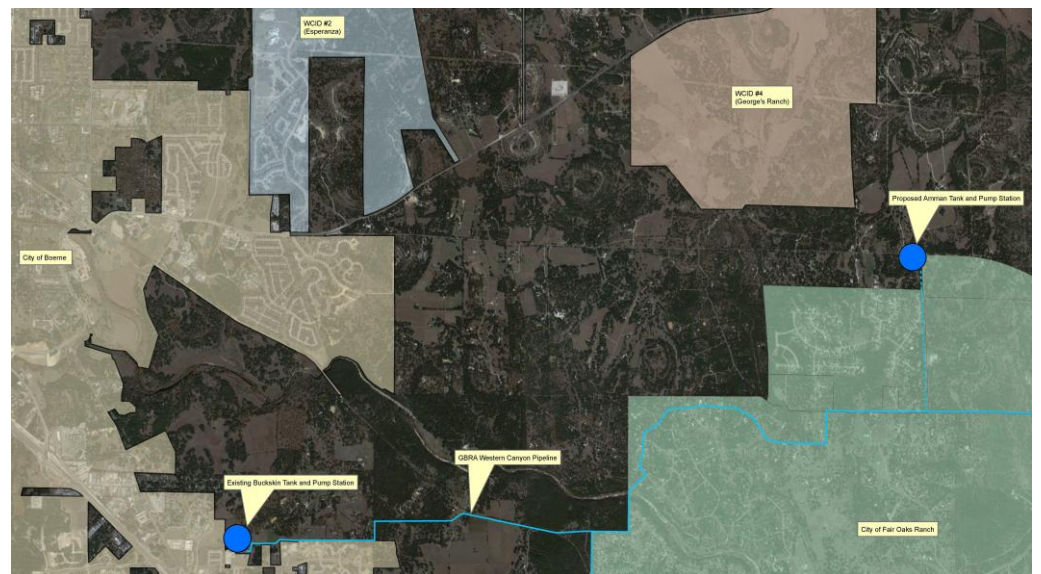
**Contact Person**

Michael Mann, PE – Utilities Director

**Background Information**

The City of Boerne is seeking a development permit from Kendall County to construct a new potable water storage tank and pump station on Ammann Road near Fair Oaks Ranch. These facilities will ultimately serve as a second delivery point for treated Canyon Lake water under our wholesale purchase agreement with GBRA.

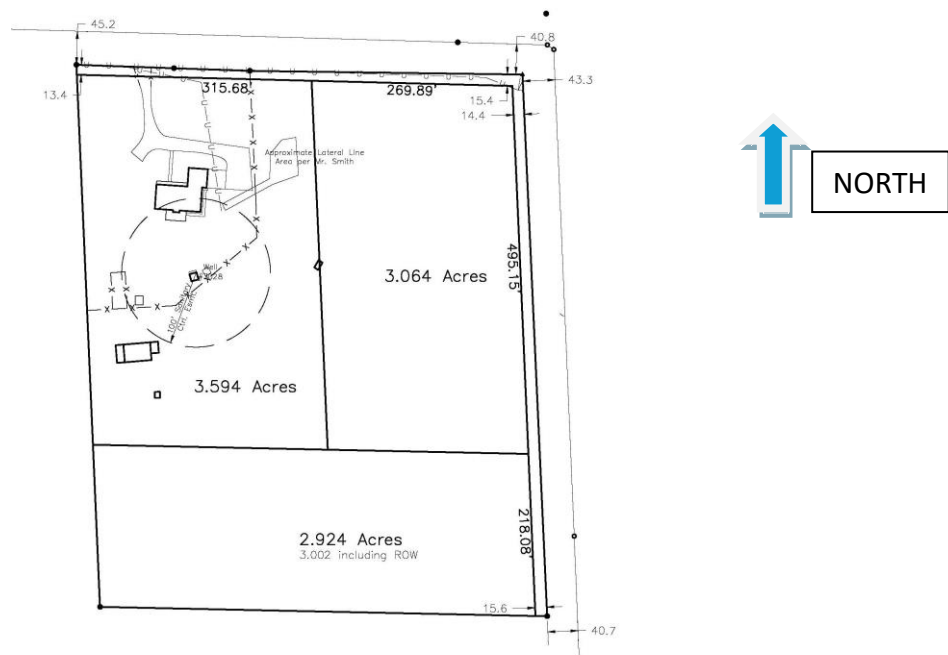
The location of the site is shown on the map below.



We initially attempted to subdivide the property into three lots through the County. One lot was intended for the proposed Boerne tank site, another with the existing home, and the third potentially for purchase by the City of Fair

Oaks Ranch for their own water tank. However, we were unable to subdivide the property under County regulations because the existing home has a groundwater well.

We requested a variance from the average lot size requirement from the Commissioner's Court, as the other two lots would presumably be used for public water infrastructure (with no additional wells for site development). However, our variance request was not approved. The subdivision plat would have included street right-of-way (ROW) dedication along the northern and eastern perimeter of the site, as shown on the site plan below, which is a standard property development requirement when a site fronts a thoroughfare roadway.



We proceeded with plans to obtain a site development permit for the 10-acre lot as it currently exists. County staff advised that this was an administrative process. During the permitting discussions, we were advised that we would still be required to dedicate areas for future street widening, as shown on our draft plat document. Along the east side, the existing roadway is within the City of Fair Oaks Ranch. Along the north side, Kendall County remains the ROW management jurisdiction.

The County Engineer requested that instead of street ROW, we dedicate fee-simple titles to those areas via warranty deeds. We had surveys prepared for the two separate dedications, and the City Attorney has drafted the deed documents. Because this is a real-property transaction, specific approval from the City Council is required. Intergovernmental transactions such as this are

	<p>permissible under state law without the need for a public auction.</p> <p>Staff requests that the Council authorize the City Manager to execute the deed and submit it to Kendall County for their approval. A related dedication to the City of Fair Oaks Ranch is also included separately on the Council agenda. It is our understanding that we cannot obtain the desired site development permit without this property dedication.</p>										
<b>Item Justification</b>	<table border="0"> <tr> <td><input checked="" type="checkbox"/> Legal/Regulatory Obligation</td> <td><input checked="" type="checkbox"/> Infrastructure Investment</td> </tr> <tr> <td><input type="checkbox"/> Reduce Costs</td> <td><input type="checkbox"/> Customer Pull</td> </tr> <tr> <td><input type="checkbox"/> Increase Revenue</td> <td><input type="checkbox"/> Service Enhancement</td> </tr> <tr> <td><input type="checkbox"/> Mitigate Risk</td> <td><input type="checkbox"/> Process Efficiency</td> </tr> <tr> <td><input type="checkbox"/> Master Plan Recommendation</td> <td><input type="checkbox"/> Other:</td> </tr> </table>	<input checked="" type="checkbox"/> Legal/Regulatory Obligation	<input checked="" type="checkbox"/> Infrastructure Investment	<input type="checkbox"/> Reduce Costs	<input type="checkbox"/> Customer Pull	<input type="checkbox"/> Increase Revenue	<input type="checkbox"/> Service Enhancement	<input type="checkbox"/> Mitigate Risk	<input type="checkbox"/> Process Efficiency	<input type="checkbox"/> Master Plan Recommendation	<input type="checkbox"/> Other:
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<b>Strategic Alignment</b>	F2 – Investing in high-quality infrastructure										
<b>Financial Considerations</b>	N/A										
<b>Citizen Input/Board Review</b>	N/A										
<b>Legal Review</b>	Process and documentation approved by City Attorney.										
<b>Alternative Options</b>	We could choose not to proceed with the dedication, but would likely have difficulty obtaining the desired site development permit from Kendall County.										
<b>Supporting Documents</b>	Ordinance No. 2024-11 Proposed Deed Document Attached for Review										