

**RESOLUTION NO. 2023-R82**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PUBLIC ACCESS EASEMENT AGREEMENT WITH BUCKSHOT ENTERPRISES, LLC; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City of Boerne, Texas (“City”) is a home rule municipality acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, the Buckshot Enterprises, LLC is the owner of Lot 2B-A, Pfeiffer Heritage Subdivision, Boerne, Texas (“Lot 2B-A”) and the City is the owner of Lot 3-A, Pfeiffer Heritage Subdivision, Boerne, Texas, which abuts Lot 2B-A; and

**WHEREAS**, Buckshot Enterprises, LLC has requested the City enter into a public access easement agreement for public access to Lot 2B-A from North Main Street across Lot 3-A (“Easement Agreement”); and

**WHEREAS**, pursuant to Section 272.001(b)(1) of the Texas Local Government Code, notice and bidding requirements for the sale of real property do not apply to this Easement Agreement as it involves a narrow strip of land or land that because of its shape, lack of access to public roads, or small area cannot be used independently under its current zoning or under applicable subdivision or other development control ordinances; and

**WHEREAS**, the City Council believes it is in the best interest of the City to enter into this Easement Agreement; and

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

**SECTION 1.**

The recitals above are incorporated herein for all purposes.

**SECTION 2.**

The City Council of the City of Boerne approves the Public Access Easement Agreement attached as Exhibit A and incorporated into this Resolution for all purposes as if set forth herein, and hereby authorizes the City Manager to execute same on behalf of the City.

**SECTION 3.**

This Resolution shall be in full force and effect from and after its date of passage.

PASSED, APPROVED and ADOPTED this the \_\_\_\_ day of November, 2023.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary