

## **RESOLUTION NO. 2019-R58**

### **A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE A CHAPTER 43 TEXAL LOCAL GOVERNMENT CODE DEVELOPMENT AGREEMENT (NON-ANNEXATION AGREEMENT) WITH ACA INVESTMENTS LLC ON SAID PROPERTY DESCRIBED IN THE ATTACHED AGREEMENT AND METES AND BOUNDS LEGAL DESCRIPTION**

**WHEREAS**, the City of Boerne finds it necessary to enter into and manage a Chapter 43 Development Agreement with the said property owner(s);

**WHEREAS**, the City Council of the City of Boerne passed a resolution on April 16, 2019 to set public hearings for proposed annexation of certain properties by the City and authorizing the City Manager to prepare the necessary service plans for the areas in the City Extraterritorial Jurisdiction ("ETJ") being considered for annexation into the corporate limits of the City of Boerne;

**WHEREAS**, the City of Boerne, preserved the right to conduct annexation proceeding in accordance with the applicable law as it existed on January 1, 2019, as preserved by House Bill 347 transition provision because the City of Boerne adopted a resolution to direct the City Manager to set public hearings and prepare a service plan for the area considered for annexation prior to the effective date of House Bill 347;

**WHEREAS**, the City held public hearings on May 28, 2019 and June 11, 2019 on properties proposed for annexation;

**WHEREAS**, the City and the Property Owner (s) listed in said agreement attached as Exhibit "A" desire to have the property described in the attached agreement to remain in the City's ETJ, in consideration for which the Property Owner (s) agree to enter into this agreement with the City;

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

Section 1. The facts, findings, recitations contained in the preamble of this resolution hereby found and declared to be true and correct, and are incorporated by reference herein and expressly made part hereof, as it copied herein verbatim.

Section 2. The City Council hereby authorizes the City Manager to enter into and manage a Chapter 43 Development Agreement (non-annexation agreement) between the City of Boerne, and ACA Investments LLC, Property Owner(s).

Section 3. The terms of the Agreement are set out in the Agreement attached as Exhibit "A" and incorporated herein for all intents and purposes.

Section 4. The property subject to this Agreement are described in the metes and bounds legal description attached as Exhibit "B."

Section 5. This Agreement shall be recorded in the Real Property Records of Kendall County,

Texas.

Section 6. This Resolution shall become effective immediately upon its adoption.

PASSED, APPROVED, and ADOPTED on this the 2<sup>nd</sup> day of July, 2019.

APPROVED:

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Mayor

ATTEST:

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City Secretary