



CITY COUNCIL CONSIDERATION ITEM

CITY OF FAIR OAKS RANCH, TEXAS

AGENDA TOPIC: Consideration and possible action approving a resolution of the City of Fair Oaks Ranch, Texas authorizing a First Amendment to the 2008 Water Supply Agreement between the City of Fair Oaks Ranch and Oak Bend Forest, L.C. for the reservation of water and other related matters, and authorizing the City Manager to execute the First Amendment

DATE: March 21, 2024

DEPARTMENT: Public Works

PRESENTED BY: Carole Vanzant, CPM, Asst City Manager, Community Services

INTRODUCTION/BACKGROUND:

On July 20, 2006, the City of Fair Oaks Ranch, under Ordinance 153 accepted the City of San Antonio's release of 3,258 acres of its extraterritorial jurisdiction adjacent to the north, east, and southwest of Fair Oaks Ranch city limits. To ensure water reservation to the property owners in this area as they develop, the City entered into water supply agreements with various property owners in September 2008.

On February 17, 2011, a subdivision plat of Oak Bend Estates was submitted and approved by the City Council creating 130 lots in compliance with the Agreement. To date, the proposed development remains unconstructed.

The 2008 Agreement with Oak Bend Forest, L.C., relative to term, states: *This Agreement shall become enforceable upon execution by the City and Owner. This Agreement shall terminate on the 15th anniversary of its execution unless extended by mutual agreement of the parties, or upon full build-out of the property.*

On August 17, 2023, City Council approved a resolution authorizing a six-month extension to review the current agreements, negotiate any changes, develop an agreement amendment, allow for legal review, and prepare for City Council approval.

On February 20, 2024, Oak Bend Forest, L.C., through its Attorney, agreed to a 15-year term extension and a reduction of 130 to 110 lots. The reduction allows for the protection of two valuable karst features, for improved alignment of streets, and provides a second exit as an emergency exit. This amendment becomes enforceable upon execution by the City and Owner and shall terminate on the 15th anniversary of its execution unless extended by mutual agreement of the parties, or upon full build-out of the property.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Further Priority 3.1 of the Strategic Action Plan – Enhance and ensure continuity of reliable water resources in accordance with CCN obligations.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

1. Continued payments of reservation and water capacity fees by owner.
2. Payment of the second installment of the Contribution in Aid toward construction of an elevated water storage tank.

LEGAL ANALYSIS:

Amendment was submitted by Oak Bend Forest's attorney and approved as to form by the city attorney's office.

RECOMMENDATION/PROPOSED MOTION:

I move to approve a resolution authorizing a First Amendment to the 2008 Water Supply Agreement between the City of Fair Oaks Ranch and Oak Bend Forest, L.C.