

A RESOLUTION

A RESOLUTION OF THE CITY OF FAIR OAKS RANCH, TEXAS (“CITY”) APPROVING THE ACCEPTANCE OF A \$42,000 MONETARY DONATION FROM SA FRONT GATE, LLC, ELKHORN RIDGE DEVELOPMENT SA, LLC, AND ELKHORN RIDGE SA, LLC; A \$10,000 MONETARY DONATION FROM ROW AT DIETZ ELKHORN, LLC; AND A MONETARY DONATION OF UP TO \$10,000 FROM VANTAGE AT FAIR OAKS, LLC FOR THE DESIGN AND CONSTRUCTION OF THE DIETZ ELKHORN SIDEWALK PROJECT

WHEREAS, the current and future developments planned to the west of City limits are expected to increase the number of families and school aged children within the Van Raub Elementary School attendance zone and increase traffic volumes on Dietz Elkhorn Road; and,

WHEREAS, there are pedestrian facilities on Dietz Elkhorn Road in the immediate vicinity of Van Raub Elementary School but no pedestrian facilities between Elkhorn Ridge and Cheyenne Ridge (approximately 1,155 feet); and,

WHEREAS, the City and SA Front Gate, LLC, Elkhorn Ridge Development SA, LLC, Elkhorn Ridge SA, LLC, ROW at Dietz Elkhorn, LLC, and Vantage at Fair Oaks, LLC (collectively “Developers”) have identified the need for pedestrian facilities, specifically the Dietz Elkhorn Sidewalk Project (the “Project”) as shown in **Exhibit A**; and,

WHEREAS, the total estimated cost of engineering design, procurement, construction, inspection and oversight, for the Project is approximately \$350,000; and,

WHEREAS, SA Front Gate, LLC, Elkhorn Ridge Development SA, LLC, and Elkhorn Ridge SA, LLC wish to donate \$42,000 towards the Project, of which \$22,000 is intended as a donation-in-lieu of planting trees in the Front Gate subdivision although no such option to pay a fee or donation exists in the City’s old Subdivision Regulations; and,

WHEREAS, the Tree Plan for each unit within the Front Gate subdivision, including the removal of heritage trees, was approved by City Council in parallel with the plat review and approval process for each unit; and,

WHEREAS, the City acknowledges that there is no space within the Front Gate subdivision or on other City or Fair Oaks Ranch Homeowners Association owned property for the planting of 74 trees as mitigation for heritage tree removal; and,

WHEREAS, City acknowledges that SA Front Gate, LLC, Elkhorn Ridge Development SA, LLC, and Elkhorn Ridge SA, has fully complied with all other development requirements for public infrastructure, including roadway and drainage facilities, utilities, sidewalks and landscaping within the Front Gate and Elkhorn Ridge subdivisions; and,

WHEREAS, ROW at Dietz Elkhorn, LLC wishes to donate \$10,000 towards the Project; and,

WHEREAS, Vantage at Fair Oaks, LLC wishes to donate up to \$10,000 towards the Project; and,

WHEREAS, the City is responsible for all engineering design, procurement, construction, inspection and oversight of the Project; and,

WHEREAS, the City Council of the City of Fair Oaks Ranch desires to reaffirm its support for the Project and authorize the acceptance of monetary donations towards the Project.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS THAT:

- Section 1.** The City Council hereby approves the acceptance of the monetary donations from the Developers, including the donation in lieu of tree mitigation for Front Gate, and the allocation of any monetary donations received towards the Project.
- Section 2.** The City Council hereby authorizes the City Manager to execute all applicable documents to effectuate this resolution.
- Section 3.** 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 4.** 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 provision of this resolution shall be and remain controlling as to the matters resolved herein.
- Section 5.** This resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
- Section 6.** 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 7.** It is officially found, determined, and declared that the meeting at which this resolution is adopted was open to the public and that 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 Chapter 551, Texas Government Code, as amended.
- Section 8.** This resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED, APPROVED, and ADOPTED on the 16th day of November 2023.

ATTEST:

Gregory C. Maxton, Mayor

APPROVED AS TO FORM:

Christina Picioccio, TRMC, City Secretary

Denton Navarro Rocha Bernal & Zech, P.C.,
City Attorney