



**Meeting Date:** April 25, 2024      **Agenda Type:** Consent Items for Action

**From:** Adam Willard, P.E.      **Reviewed by:** Michael Short, P.E.  
Chief Engineer of Water      Director of Water Services and  
Services      Compliance

**Submitted by:** Michael Short, P.E.      **Approved by:** Ryan Kelso  
Director of Water Services and      Chief Executive Officer  
Compliance

**RECOMMENDED ACTION:** Authorize Resolution #2024 -183 Approving (i) The Conveyance of 1.209 Acres Being Lot 1, Block 36, Veramendi Est No. 1 Subdivision From Veramendi PE-Brisbane, LLC To New Braunfels Utilities, together With The Elevated Storage Tank Located Thereon and an Access Easement For Ingress and Egress; (ii) Execution of Any and All Related Documents Associated with Closing the Transaction; and (iii) Other Matters In Connection Therewith

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## **BACKGROUND**

NBU entered into a Utility Construction Cost Sharing Agreement (“CSA”) on February 25, 2013, with, among others, Word-Borchers Ranch Joint Venture (“Original Developer”) to address the conditions under which NBU would provide water and wastewater service to the Veramendi development. Original Developer owned the rights to purchase a 2,400-acre tract of land from Word-Borchers Ranch Real Estate Limited Partnership (“Word-Borchers LP”), which it proposed to develop as the Veramendi Development. The CSA was amended on three subsequent occasions.

1. *Water Tank Site.* Pursuant to Section 2 of the Third Amendment to the CSA, Original Developer agreed to convey a 1.209 acre tract of land platted as Lot 1, Block 36, VERAMENDI EST No. 1 (“Veramendi EST Property”) to NBU by special warranty deed following construction of a 1.5-million-gallon elevated storage tank and related infrastructure (collectively the “Infrastructure”) on the Veramendi EST Property. The Veramendi EST Property was conveyed from Word-Borchers LP to Veramendi PE – Brisbane, LLC on August 20, 2020, by special warranty deed recorded as Document No. 202006034952, Official Public Records, Comal County, Texas. A special warranty deed (“Deed”) conveying the Veramendi EST Property from Veramendi PE – Brisbane, LLC to NBU is enclosed for the Board’s review and consideration.

2. *Infrastructure.* Section 8 of the Third Amendment to the CSA further provided that the Infrastructure would be conveyed by two bills of sale (“Bills of Sale”), one to the Comal County Water Improvement District No. 1A (“Water District”) and the second from the Water District to NBU. The Infrastructure has

been constructed on the Veramendi EST Property and was accepted by NBU on May 20, 2022. The Bills of Sale conveying the Infrastructure to the Water District and from the Water District to NBU are enclosed for the Board's review and consideration.

3. *Easement.* The Veramendi EST Property does not have direct access to a public road. An Access Easement conveying an easement ("Easement") to NBU on, over, and across contiguous property owned by Word-Borchers LP for use as a means of access to and from Loop 337 is enclosed for the Board's review and consideration.

NBU staff requests that the Board approve the conveyance of the Property, Infrastructure, and Easement to NBU at closing by means of the form Deed, Bill of Sale, and Access Easement, or forms substantially similar thereto and authorize the CEO or his designee to execute any documents reasonably necessary to close the transaction and pay the necessary closing costs for the conveyance of the Property in an amount not to exceed \$7,000.

### **FINANCIAL IMPACT**

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The anticipated closing costs are estimated not to exceed \$7,000.00

### **LINK TO STRATEGIC PLAN**

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**Infrastructure and Technology**

### **EXHIBITS**

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1. Resolution #2024-183
2. Deed
3. Bills of Sale
4. Easement Agreement