

RESOLUTION NO. 2020-208R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS APPROVING A CONSENT TO ENCROACHMENT AGREEMENT WITH ELLA LOFTS FUNDING COMPANY, LLC THAT ALLOWS CERTAIN IMPROVEMENTS TO ENCROACH WITHIN A CITY DRAINAGE EASEMENT IN THE VICINITY OF CHESTNUT STREET AND LIVE OAK STREET, SUBJECT TO THE OWNER OF SUCH IMPROVEMENTS GRANTING A DRAINAGE EASEMENT TO THE CITY FOR IMPROVEMENTS ALONG SESSOM CREEK AS PART OF THE EDWARDS AQUIFER HABITAT CONSERVATION PLAN; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE SAID AGREEMENT ON BEHALF OF THE CITY; AND DECLARING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

PART 1. The attached Consent to Encroachment Agreement with Ella Lofts Funding Company, LLC is approved, subject to Ella Lofts Funding Company, LLC granting an easement to the City as needed for improvements along Sessom Creek under the Edwards Aquifer Habitat Conservation Plan in a form approved by the City Manager and City Attorney.

PART 2. The City Manager, or his designee, is authorized to execute the Agreement on behalf of the City.

PART 3. This resolution shall be in full force and effect immediately from and after its adoption, except that the Agreement hereby approved shall not be effective until the conditions in Part 1 are satisfied.

ADOPTED on October 7, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
Interim City Clerk