



Legislation Details (With Text)

**File #:** Res. 2024-132R      **Version:** 1      **Name:**

**Type:** Resolution      **Status:** Individual Consideration

**File created:** 7/8/2024      **In control:** City Council

**On agenda:** 8/5/2024      **Final action:**

**Title:** Consider approval of Resolution 2024-132R, approving a Release and Partial Release of Wastewater Easements located near Posey Road and IH 35 and expending \$35,505.00 and closing costs in exchange for a larger wastewater easement saving operational money for an abandoned lift station, under the terms of an Easement Exchange Agreement with BKCK, Ltd., a Texas limited partnership; authorizing the City Manager, or her designee, to execute necessary documents on behalf of the city; and declaring an effective date.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution, 2. 00006.0001 Map for City Council, 3. 00006.0001 Easement Exchange Agreement Signed, 4. 00006.0001 Survey Release of Easement, 5. Doc 04022975, Vol 2521, Pg 26 PUE to CoSM, 6. Doc 04022974, Vol 2521, Pg 19 Access and PUE to CoSM, 7. 00006.0001 Partial Release Of Easement, 8. 00006.0001 Release of Easement, 9. 00006.0001 Public Wastewater Line Easement Signed

Date	Ver.	Action By	Action	Result
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**AGENDA CAPTION:**

Consider approval of Resolution 2024-132R, approving a Release and Partial Release of Wastewater Easements located near Posey Road and IH 35 and expending \$35,505.00 and closing costs in exchange for a larger wastewater easement saving operational money for an abandoned lift station, under the terms of an Easement Exchange Agreement with BKCK, Ltd., a Texas limited partnership; authorizing the City Manager, or her designee, to execute necessary documents on behalf of the city; and declaring an effective date.

**Meeting date:** August 5, 2024

**Department:** Engineering & CIP

**Amount & Source of Funding**

**Funds Required:** \$35,505.00 plus closing costs

**Account Number:** Impact Fees

**Funds Available:** \$40,000.00

**Account Name:** C729

**Fiscal Note:**

**Prior Council Action: January 5, 2021 Approval of Developer Participation Agreement (Resolution No. 2020-03R)**

**City Council Strategic Initiative:** [Please select from the dropdown menu below]

Choose an item.

Choose an item.

Choose an item.

**Comprehensive Plan Element (s):** [Please select the Plan element(s) and Goal # from dropdown menu below]

- Economic Development - Choose an item.
- Environment & Resource Protection - Choose an item.
- Land Use - Choose an item.
- Neighborhoods & Housing - Choose an item.
- Parks, Public Spaces & Facilities - Choose an item.
- Transportation - Choose an item.
- Core Services
- Not Applicable

**Master Plan:** [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Wastewater Master Plan

**Background Information:**

In December 2003, the City of San Marcos was conveyed land and land rights associated with the current pressurized sewer alignment on this property. According to the special warranty deed conveyed to the City for the current lift station, there is a reversionary clause requiring the City to revert the area of the lift station back to the grantor, its successors and assigns.

In January 2021, the City Council of San Marcos approved a developer participation agreement with two properties developing an Industrial Business Park along Posey Road and Interstate Highway 35 for the extension of a City wastewater main. This extension will provide for wastewater services to a larger area north and west of IH-35. This easement will provide for this extension while also allowing the City to abandon an existing lift station and with it eliminating the operations and maintenance costs associated with this facility. Since the revised easements are larger than the easements we are releasing, the City is paying the appraised value of the difference in the amount of \$35,505.00 together with associated closing costs

**Council Committee, Board/Commission Action:**

Click or tap here to enter text.

**Alternatives:**

Click or tap here to enter text.

**Recommendation:**

Staff recommends approval of the Easement Exchange Agreement and Release of Easements.