

## Legislation Details (With Text)

---

|                      |  |                      |                    |
|----------------------|--|----------------------|--------------------|
| <b>File #:</b>       | 19-153   | <b>Name:</b>         |                    |
| <b>Type:</b>         | Report   | <b>Status:</b>       | Consent Item Ready |
| <b>File created:</b> | 2/19/2019  | <b>In control:</b>   | City Council       |
| <b>On agenda:</b>    | 2/25/2019  | <b>Final action:</b> |                    |
| <b>Title:</b>        | Approval to authorize the City Manager to enter into a development agreement between the City of New Braunfels, New Braunfels Utilities, and August Fields, LP for utility modifications as part of the Alves Lane Improvements Project. |                      |                    |

**Sponsors:****Indexes:****Code sections:****Attachments:** 1. August Fields - Brook Ave. - Development Agreement (CONB-NBU)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

Presenter/Contact

*Matthew Eckmann, Facilities and Real Estate Manager  
(830) 221-4089 - meckmann@nbtexas.org*

**SUBJECT:**

Approval to authorize the City Manager to enter into a development agreement between the City of New Braunfels, New Braunfels Utilities, and August Fields, LP for utility modifications as part of the Alves Lane Improvements Project.

**BACKGROUND / RATIONALE:**

The City of New Braunfels is currently in the construction phase of the Alves Lane Improvements Project which is part of the 2013 Bond Program. This project will provide drainage improvements and widen Alves lane from SH 46 to Barbarosa Road to a three-lane roadway.

August Fields, LP, the Developer of the August Fields Subdivision submitted a Master Plan and Concept Plan for the development on October 22, 2015. Phase 4 of the August Fields Subdivision shows a connection of Brook Avenue to Alves Lane. On October 22, 2018, City Council approved a development agreement between the City and August Fields, LP to make the roadway connection and modify the drainage infrastructure as part of the Alves Lane Improvements Project. In order to make the roadway connection, certain utilities will need to be relocated. The Developer has requested the utility relocation be completed as part of the Alves Lane Improvements Project and has agreed to pay all necessary design and construction costs. In addition, the Developer will be required to dedicate any necessary utility easements to accommodate the modifications. Since the Alves Lane Project is a joint bid project, the City and New Braunfels Utilities have agreed to enter into a three-party agreement with the developer to accomplish these modifications.

Upon execution of the attached development agreement, the Developer will be required to deposit \$6,500 with New Braunfels Utilities to begin the design phase of the improvements. Once the

modifications are designed, the Developer will be required to deposit the necessary funds with New Braunfels Utilities and the City to cover the cost of construction. Upon receipt of those funds, New Braunfels Utilities and the City will execute a change order with the Construction Contractor and the modifications will become part of the project.

**ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:**

|                                     |     |                                    |   |
|-------------------------------------|-----|------------------------------------|---|
| <input checked="" type="checkbox"/> | Yes | <b>City Plan/Council Priority:</b> | Strategic Priorities: Use a variety of funding sources for operational and capital needs. |
|-------------------------------------|-----|------------------------------------|---|

**FISCAL IMPACT:**

Developer will pay all necessary costs for the design and construction of the improvements.

**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

Staff recommends approval of this development agreement.