

Legislation Details (With Text)

File #: 22-515 **Name:**

Type: Report **Status:** Passed

File created: 5/9/2022 **In control:** City Council

On agenda: 5/23/2022 **Final action:** 5/23/2022

Title: Approval of an amendment to a 2011 development agreement with Dorthlin R. Wilson and Leroy E. Wilson regarding an approximate 179-acre tract located off Coyote Run within the ETJ, by reducing the total acreage.

Sponsors:**Indexes:****Code sections:**

Attachments: 1. Location Map, 2. 2011 Development Agreement, 3. Survey of 9.971 acres, 4. Correction Development Agreement

Date	Ver.	Action By	Action	Result
5/23/2022	1	City Council	approved	Pass

PRESENTER:

Jean Drew, AICP, CNU-A, Planning and Development Services Assistant Director

SUBJECT:

Approval of an amendment to a 2011 development agreement with Dorthlin R. Wilson and Leroy E. Wilson regarding an approximate 179-acre tract located off Coyote Run within the ETJ, by reducing the total acreage.

DEPARTMENT: Planning and Development Services

COUNCIL DISTRICTS IMPACTED: ETJ

BACKGROUND INFORMATION:

Case #: CS22-0185

Applicant: John T. Dierksen
Reagan Burrus PLLC
401 Main Plaza, Suite 200
New Braunfels, Texas 78130
830.625.8026
jdierksen@reaganburrus.com

Owner: Dorthlin Wilson
1055 Coyote Run
New Braunfels, Texas 78132

Staff Contact: Stacy Snell

ssnell@nbtexas.org

ISSUE:

A development agreement granting a waiver from the City's platting requirements was approved by City Council on June 27, 2011, at the property owners' request which allowed the property owner to convey portions of their land to family members so they could subsequently construct homes. Such a conveyance is authorized under state law for counties but is not included for cities or in the City's Code of Ordinances. The development agreement stipulated that at such time such tracts of land were conveyed to someone not related to the property owner within the third degree by consanguinity or affinity, the City's platting requirements would need to be followed and a final plat would need to be approved prior to the transfer of ownership.

The owner recently discovered during their pending sale of a 9.97-acre tract on FM 2252 (Old Nacogdoches Rd.), also owned by the property owner, that they had erroneously included the 9.97 acres within their legal description in the 2011 development agreement (188.584 acres). The 9.97-acre tract (illustrated in yellow on the attached location map) is not contiguous to the subject property, was not intended to be part of their request in 2011 and is not located within the City's ETJ (it is in Schertz' and Garden Ridge's ETJs).

The map of the subject property attached as an exhibit to the 2011 development agreement is correct, but the 9.97-acre tract was incorrectly listed as part of the area shown on the map. The proposed amended development agreement removes the erroneous 9.97 acres from the legal description of the 2011 development agreement but retains Exhibit B and all of the original provisions and conditions unaltered.

FISCAL IMPACT:

N/A

RECOMMENDATION:

Approval.