

## Legislation Text

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**File #:** 17-549, **Version:** 2

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Presenter/Contact  
*Garry Ford, City Engineer*  
(830) 221-4020 - [gford@nbtexas.org](mailto:gford@nbtexas.org)

**SUBJECT:**

Discuss and consider approval of a Development Agreement and Settlement and Release Agreement authorizing offsets against roadway impact fees for The Silos Subdivision, and authorizing the City Manager to execute the agreements.

**BACKGROUND / RATIONALE:**

In 2007, the City of New Braunfels adopted Ordinance No. 2007-19, which was codified in the Code of Ordinances, in Chapter 100 entitled "Roadway Impact Fees". That ordinance established a procedure for an owner or developer to obtain an offset or credit based on construction of public infrastructure. The developer of The Silos Subdivision, Milestone Crest Investments, LTD, have petitioned the City of New Braunfels for offsets against roadway impact fees due for Pahmeyer Road. Pahmeyer Road within the subdivision is a collector street on the City of New Braunfels Regional Transportation Plan; however, the street is not included in the roadway impact fee capital improvements plan used to determine the roadway impact fees. Per Section 100-14(e)(3), the city council may authorize alternate credit or offset agreements upon petition by the developer.

The developer is requesting roadway impact fee offsets of \$174,454 for The Silos Units 1 and 2 subdivision plats, and entitlement to offsets for additional improvements to Pahmeyer Road in future subdivision units. The total amount of roadway impact fees due of 164 single-family residential lots subject to the plats is \$307,500. The offsets to be applied to roadway impact fees result from the excess cost of constructing a residential collector street from a local residential street as required by the Regional Transportation Plan. Per ordinance, a Development Agreement is required in order to establish terms of roadway impact fee offsets.

The Settlement and Release Agreement is a settlement and compromise of disputed proportionality claims.

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

N/A

**FISCAL IMPACT:**

Developer will receive \$174,454 and entitlement of offsets against roadway impact fees for additional improvements for the construction of Pahmeyer Road in The Silos Subdivision. The impact will be a reduction in the roadway impact fees collected by the City of New Braunfels in Service Area 5 designated for projects in the roadway impact fee capital improvement plan.

**COMMITTEE RECOMMENDATION:**

N/A

**STAFF RECOMMENDATION:**

Staff recommends approval of authorizing the offsets against roadway impact fees for the The Silos Subdivision and authorizing the City Manager to execute the Development Agreement and Settlement and Release Agreement.