

STATE OF TEXAS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEGUIN, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE A LETTER AMENDMENT TO A CAPITAL IMPROVEMENT AGREEMENT WITH 44.76 SEGUIN, LLC FOR 24 INCH WATER TRANSMISSION MAIN CONSTRUCTION ALONG STATE HIGHWAY 123 BYPASS; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the Developer owns a certain tract of real property (the “Developer Property”) located at 3320 N State Hwy 123, Seguin, Texas 78155, with a legal description of North Seguin Commercial Lot #1, 3.575 acres, and North Seguin Lot #2, 1.258 acres.

WHEREAS, the Lot 3 Owner owns a certain tract of real property (the “Lot 3 Property”, and together with the Developer Property, the “Property”) located at 3320 N State Hwy 123, Seguin, Texas 78155, with a legal description of North Seguin Commercial Lot #3, 2.692 acres.

WHEREAS, In June of 2024, the City executed the original agreement with Developer to construct a 24 inch water transmission main (the “Project”) on a portion of the property as described on the Subdivision Plat of North Seguin Commercial Replat as shown in Volume 9, Page 730-791 shown as a 15’ Sanitary Sewer Easement (Doc #201999026777) and a 20’ Public Utility Easement (Volume 9 Page 712) of the Deed Records of Guadalupe County; and

WHEREAS, the City now has a need to add a 12” water line to the project, and Developer is willing to amend its arrangements with the City to include these additional improvements; and

WHEREAS, the additional scope of work will result in an escalation of the Not-to-Exceed costs from \$587,758.00 to \$700,203.00.

WHEREAS, Staff recommends authorizing executing of the above-referenced Letter Amendment so that Developer may timely fulfill its obligations under the amended Agreement.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Seguin, Texas:

SECTION 1. The City Manager is hereby authorized to execute the above-referenced Letter Amendment to a Capital Improvements Agreement, for a Not-to-Exceed amount of \$700,203.00.

SECTION 2. This resolution is effective on the date of its passing.

PASSED AND APPROVED THIS 30th of September 2024.

DONNA DODGEN
MAYOR

ATTEST:

Kristin Mueller, City Secretary