

RESOLUTION RELATED TO PUBLIC UTILITY EASEMENT

WHEREAS, the College Station Independent School District (“District”) owns approximately sixty four (64) acres of real property at the intersection of Victoria Road and Barron, in College Station, Brazos County, Texas (“Property”); and

WHEREAS, the City of College Station (“City”) has requested that the District grant a Public Utility Easement (“Easement”) over and across a portion of the Property; and

WHEREAS, the Easement will encompass approximately 0.5587 acres of land, more or less, said land more fully described in the copy of the Easement that is attached hereto and incorporated herein; and

WHEREAS, BCS Development Company (“Developer”) has agreed with the City to construct a sewer main to and through the Easement for the benefit of a residential subdivision that is being developed by the Developer; and

WHEREAS, the Developer is constructing the sewer main at no cost to the District; and

WHEREAS, the District’s engineer has confirmed that the size of the sewer main is adequate for the anticipated uses of the Property by the District; and

WHEREAS, the District’s engineer has confirmed that the sewer main is being constructed in a physical location, and at a depth, that is not expected to interfere with the District’s anticipated use of the Property; and

WHEREAS, pursuant to Senate Bill 883, which was effective on May 11, 2007, Section 395.022 of the Local Government Code was amended to provide that a school district is not required to pay impact fees to the City; accordingly, with the exception of minor tap fees, the District will not incur any municipal fees at such time that the District develops the Property; and

WHEREAS, the District has determined that the costs and consequences of granting the Easement is offset and exceeded by the value received by the District in the form of the construction on the District’s Property of a sewer main, at no cost to the District, and further in the form of the enhancement in the value of the District’s property as a result of the availability of sewer service to the Property.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SCHOOL TRUSTEES OF THE COLLEGE STATION INDEPENDENT SCHOOL DISTRICT AS FOLLOWS:

The Board approves the terms and conditions of the Easement; and

The Board authorizes the Board President, the Superintendent or their appointed designees, to execute and deliver the Easement to the City.

FINALLY PASSED AND ADOPTED this 18th day of September, 2007.

Tim Jones, President
Board of School Trustees

ATTEST:

Randall Pitcock, Secretary
Board of School Trustees