

HAUPT TRACT
DEDICATION OF RIGHT OF WAY/ JOINT DEVELOPMENT AGREEMENT

Agenda Item:

Consider approval of the dedication of a right of way to the City of College Station to facilitate the extension of Deacon Drive, and construction of Towers Parkway, and a Joint Development Agreement related to the dedication. The property is described as follows: right of way for the extension of Deacon Road and the construction of Towers Parkway on the 27.02 acres owned by College Station Independent School District and located adjacent to Holleman Drive South, College Station, Brazos County, Texas.

Motion and Resolution:

On motion made and seconded, it is hereby resolved that:

WHEREAS, the College Station Independent School District ("**District**") owns approximately 27.02 acres of real property adjacent to Holleman Drive South, College Station, Brazos County, Texas (the "**District Tract**"), more particularly described on **Exhibit "A,"** attached hereto and incorporated for all purposes herein; and

WHEREAS, Heath Phillips Investments, LLC ("**Phillips**") is the owner of an adjacent tract of land of approximately 108.88 acres known as the Barracks II Subdivision ("**Phillips Tract**"), more particularly described on **Exhibit "B,"** attached hereto and incorporated for all purposes herein; and

WHEREAS, Phillips has submitted a Concept Plan ("**Plan**") to the City of College Station and the District has approved that Plan subject to certain caveats set forth in a letter dated May 13, 2011, and addressed to the City Attorney for the City of College Station, said letter and Plan attached hereto as **Exhibit "C;"** and

WHEREAS, the District's use of the District Tract will require certain public infrastructure such as access to sewer, water, and drainage, and the extension of Deacon Road and Towers Parkway ("**Extension**"); and

WHEREAS, in consideration for certain site development to be performed by Phillips, more particularly described in the Joint Development Agreement ("**JDA**") attached hereto as **Exhibit "D,"** the District has agreed to dedicate the right of way for those portions of Deacon Drive and Towers Parkway that are adjacent to the District Tract; and

WHEREAS, in consideration for, and as a condition precedent to, the District's dedication of the right of way for those portions of Deacon Drive and Towers Parkway that are adjacent to the District Tract, Phillips has agreed to perform and construct certain site development work on the Phillips Tract or otherwise on the dedicated right of way, as more further described in the JDA; and

WHEREAS, the Extension will be constructed as part of Phase 1 of the Phillips development as illustrated on the Final Plat attached hereto as **Exhibit "E;"** and

WHEREAS, CSISD, and the City are governmental entities/ political subdivisions of the state of Texas; and

WHEREAS, the dedication of right of way as referenced herein is in conformity with the development ordinances of the City of College Station; and

WHEREAS, pursuant to Texas Local Government Code Section 272.001, the District may convey real property to governmental entities with the power of eminent domain, such as the City, without following the notice and bidding procedures set forth in Section 272.001, so long as the sale is for fair market value; and

WHEREAS, the consideration to be received by CSISD is greater than the fair market value of the right of way to be conveyed.

Now therefore, the Board of Trustees of College Station Independent School District ("Board") makes the following resolutions:

1. **RESOLVED**, that the benefit of the Extension and the access to the infrastructure provided by Phillips is necessary to the District's use of the District Tract.
2. **RESOLVED**, that the Board approves and ratifies the terms and conditions of the proposed Dedication to the City.
3. **RESOLVED**, that the Board further approves and ratifies the terms and conditions of the proposed Joint Development Agreement, and other documents necessary to accomplish the Dedication.
4. **RESOLVED**, the Board authorizes the Board President, to execute and deliver the Joint Development Agreement, execute any other documents necessary to accomplish the Dedication, and do all things necessary to convey the described property to the City and receive consideration for the agreement to make the Dedication.

Name: _____

Title: _____

Date: _____