

RESOLUTION NO. {{item.sequential_number}}

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A DEVELOPER PARTICIPATION AGREEMENT WITH THE RIDGE AT KNOB CREEK LAND INVESTMENTS, LLC FOR THE CONSTRUCTION OF A LIFT STATION SERVING APPROXIMATELY 263 ACRES OF LAND, 2,150 LINEAR FEET OF TWELVE-INCH GRAVITY SEWER, 2,500 LINEAR FEET OF EIGHT-INCH GRAVITY SEWER, 1,300 LINEAR FEET OF FORCE MAIN, REMOVAL OF THE EXISTING WATERS EDGE LIFT STATION, AND, IN A FUTURE PHASE OF THE DEVELOPMENT, REMOVAL OF THE EXISTING CRESTVIEW LIFT STATION OFF 40TH STREET, IN A TOTAL NOT-TO-EXCEED AMOUNT OF \$3,028,970; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, The Ridge at Knob Creek Land Investments, LLC (“Developer”) is in the process of developing the first phase of the Ridge at Knob Creek development to include single-family homes, duplexes, and commercial located along the west side of Loop 363 just south of the Doshier Farm Wastewater Treatment Plant - the City and the Developer desire to enter into a Developer Participation Agreement, attached hereto and incorporated herein as Exhibit A, pursuant to the Pro Rata Ordinance adopted by the Temple City Council on September 19, 2024;

Whereas, the Developer understands that the City will participate in the construction of a lift station serving 263 acres of land, gravity sewer mains and force mains connecting lift stations, removal of the existing Waters Edge lift station, and, in a future phase of the development, removal of the existing Crestview lift station off 40th Street up to the not-to-exceed amount of \$3,028,970 (Not-to-Exceed Amount), or 100 percent of the actual costs of the improvements, whichever is less;

Whereas, the City’s total contribution to the Project will not exceed \$3,028,970 - this amount is reimbursable to the Developer upon presentation of paid invoices to the City showing funds expended towards the Project;

Whereas, the Developer’s obligations for the Project are as follows:

- Create a plat and engineered construction plans for the approximately 92.68 acres of land located in the Crestview Neighborhood.
- Construct the Knob Creek Regional Lift Station to serve 153 acres of future developable area and 110 acres of existing development, a total of approximately 263 acres, providing sufficient capacity to serve 2,552 Living Equivalent Units as defined in the Pro Rata Ordinance adopted by the Temple City Council on September 19, 2024.
- Remove the existing Waters Edge lift station.
- Remove the existing Crestview lift station off 40th Street in a future phase of the development.
- Construct 2,150 linear feet of 12-inch gravity sewer, 2,500 linear feet of eight-inch gravity sewer, and 1,300 linear feet of force main.
- Dedicate 66 feet of right-of-way for the construction of Avenue N. Construct Avenue N collector street from Loop 363 to the western property boundary with a 36-foot pavement

width from front of curb to front of curb. The Avenue N street section shall include two 12-foot travel lanes and a 12-foot center turn lane.

- Construct a 10-foot-wide shared use path along the southern side of the roadway.
- Install street trees with a minimum two-inch diameter at the breast height within an eight-foot-wide landscaping strip in accordance with the Unified Development Code on both sides of Avenue N. Street trees shall be installed between the 10-foot-wide shared use path and Avenue N on the southern side of the roadway.
- Construct an alley, local street, or private street behind properties fronting Avenue N for access. No driveways shall be constructed along the future Avenue N collector street.
- Dedicate a minimum 15-foot-wide trail easement along Loop 363 to the City of Temple with the subdivision plat and construct a 10-foot-wide thoroughfare connector trail within the easement in accordance with the 2020 Parks and Trails Master Plan.
- Dedicate 5.22 acres of parkland to serve the development.

Whereas, the City shall contribute no more than the Not-to-Exceed Amount and the Developer shall bear the cost, if any, of the Project construction which exceeds the City's contribution under Section 3 of the Developer Participation Agreement;

Whereas, the Developer agrees to provide full documentation to the City of the actual amounts spent towards eligible costs - subject to verification of such records by the City, the City agrees to reimburse the Developer for construction of the Project up to the Not-to Exceed-Amount;

Whereas, the City's obligations for the Project are as follows:

- The City agrees to reimburse the Developer for construction of the Project up to the Not-to-Exceed Amount of \$3,028,970, or 100 percent of the actual costs of the improvements, whichever is less. Final payment will be made to the Developer once satisfactory documentation showing funds expended has been received and the City has accepted the improvements.
- The Developer bears 100 percent of the cost of the Project over the Not-to-Exceed Amount. Eligible expenses to be reimbursed by the City include the cost of labor and materials for the Project, provided that the total reimbursement by the City cannot exceed the Not-to-Exceed Amount.
- After acceptance of the said improvements, the City shall maintain those improvements at its own expense, subject to any warranties by the contractors or maintenance bonds on said improvements.

Whereas, Staff recommends Council authorize a Developer Participation Agreement with The Ridge at Knob Creek Land Investments, LLC for the construction of a lift station serving approximately 263 acres of land, 2,150 linear feet of 12-inch gravity sewer, 2,500 linear feet of eight-inch gravity sewer, 1,300 linear feet of force main, removal of the existing Waters Edge lift station, and, in a future phase of the development, removal of the existing Crestview lift station off 40th Street, in a total Not-to-Exceed amount of \$3,028,970;

Whereas, a budget adjustment is being presented to Council for approval to appropriate funding for a Developer Participation Agreement with Ridge at Knob Creek Land Investments, LLC for construction of a lift station serving approximately 263 acres of land, 2,150 linear feet of 12-inch gravity sewer, 2,500 linear feet of eight-inch gravity sewer, 1,300 linear feet of force main, removal of the existing Crestview lift station off 40th Street, and removal of the existing Waters Edge lift station - after approval of the budget adjustment, funding in the total Not-to-Exceed Amount of \$3,028,970, will be available in Account No. 561-5400-535-6723, Project No. 103268; and

Whereas, the City Council has considered the matter and deems it in the public interest to authorize this action.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Part 2: The City Council authorizes a Developer Participation Agreement with The Ridge at Knob Creek Land Investments, LLC for the construction of a lift station serving approximately 263 acres of land, 2,150 linear feet of 12-inch gravity sewer, 2,500 linear feet of eight-inch gravity sewer, 1,300 linear feet of force main, removal of the existing Waters Edge lift station, and, in a future phase of the development, removal of the existing Crestview lift station off 40th Street, in a total Not-to-Exceed Amount of \$3,028,970, and authorizes the City Manager, or her designee, after approval as to form by the City Attorney's Office, to execute any necessary documents.

Part 3: The City Council authorizes an adjustment to the Fiscal Year 2024 Budget, substantially in the form of the copy attached hereto as Exhibit B.

Part 4: It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED this the 19th day of September, 2024.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Jana Lewellen
City Secretary

Kathryn H. Davis
City Attorney