

RESOLUTION NO. SL4B-R-25-02

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SUGAR LAND 4B CORPORATION APPROVING A REQUEST BY THE CITY OF SUGAR LAND TO FUND PERIMETER FENCING TO BE LOCATED ALONG THE SOUTH SIDE OF JESS PIRTLE BLVD., FROM BURNEY ROAD TO OAKLAND COURT, UNDER THE COUNCIL POLICY FOR A FOSTERING UNIQUE NEIGHBORHOODS REIMBURSEMENT GRANT PROGRAM USING SUGAR LAND 4B CORPORATION FUNDS.

WHEREAS, by Resolution No. 20-03 the City Council of the City of Sugar Land adopted a Council Policy Regarding Participation with Community-Based Organizations in Capital Improvements Projects Using Sugar Land 4B Corporation Funds (JCIP Policy); and

WHEREAS, by Resolution No. 23-28 the City Council of the City of Sugar Land repealed the JCIP Policy and adopted a Council Policy For a Fostering Unique Neighborhoods Reimbursement Grant Program Using Sugar Land 4B Corporation Funds (FUN Grant Policy); and

WHEREAS, pursuant to the FUN Grant Policy, Sugar Mill Community Association, Inc. (Association) has submitted an application to the City requesting funding for perimeter fencing (Improvements) to be located on the south side of Jess Pirtle Blvd., from Burney Road to Oakland Court (Application); and

WHEREAS, the perimeter fencing will replace the existing deteriorating fencing located on the south side of Jess Pirtle Blvd., from Burney Road to Oakland Court; and

WHEREAS, under Section 5.02 (a) of the Sugar Land 4B Corporation's bylaws, on or about February 21, 2024 the City requested that the Corporation fund a portion of the costs of the Improvements, subject to the following being accomplished by April 30, 2024: (1) the Association obtaining a survey for the Improvements; (2) if applicable, the Association obtaining a "No Objection" letter or consent to encroachment from each entity with utility facilities located within any public utility easement evidencing that the entity does not object to the perimeter fencing being located within the public utility easement; (3) if applicable, the Association obtaining an easement or consent to encroachment from any easement holder or private property owner, evidencing that they do not object to the perimeter fencing being located within their easement or on their private property; (4) if applicable, the Association submitting to the City the "No Objection" letter or consent to encroachment from each entity with utility facilities located with the public utility easement evidencing that the entity does not object to the perimeter fencing being located within the public utility easement; (5) if applicable, the Association submitting to the City any easements or consents to encroachment from any easement holders or private property owners evidencing that they do not object to the perimeter fencing being located within their easement or on their private property; and (6) the Association entering into an agreement with the City regarding the perimeter fencing in a form acceptable to the City; and

WHEREAS, by Resolution No. SL4B-R-24-11 the SL4B previously approved funding based on the Association's Application; and

WHEREAS, due to delays Resolution No. SL4B-R-24-11 expired on April 30, 2024;

WHEREAS, by Resolution No. SL4B-R-24-13 the SL4B once again approved funding for the Improvements; and

WHEREAS, due to delays Resolution No. SL4B-R-24-13 expired on December 31, 2024; and

WHEREAS, the Association has obtained the survey and has finally received a “No Objection” letter or consent to encroachment from each entity with utility facilities located within any public utility easement evidencing that the entity does not object to the perimeter fencing being located within the public utility easement; and

WHEREAS, the proposed Improvements will be visible from Jess Pirtle Blvd. which is a major collector in the City; and

WHEREAS, infrastructure and beautification projects along the City’s roadways improve, enhance, and promote development of the City and lead to attraction of new and expanded business within the City; and

WHEREAS, the expenditures for the Improvements to be located along the south side of Jess Pirtle Blvd., from Burney Road to Oakland Court, are required or suitable for street and related infrastructure necessary to promote or develop new or expanded business enterprises within the City; and

WHEREAS, the Corporation’s Board of Directors finds that the described project or activity is authorized under the Development Corporation Act codified in Chapters 501 to 505, Tex. Loc. Gov’t Code (Act); and

WHEREAS, notice of the project or general type of project was published on the dates described below, as required by Section 505.160 of the Act; and

WHEREAS, the City of Sugar Land city council did not receive within 60 days of the date of the published notice a petition from more than 10 percent of the City’s registered voters requesting that an election be held before the specific project or general type of project for which notice was published is undertaken; and

WHEREAS, the Corporation held a public hearing on this project on February 21, 2024, as required by section 505.159 of the Act; NOW THEREFORE,

**BE IT RESOLVED BY THE BOARD OF DIRECTORS
OF THE SUGAR LAND 4B CORPORATION:**

Section 1. That it adopts the findings, recitals, and defined terms set forth in the preamble to this Resolution.

Section 2. That, subject to the provisions of this Resolution, it approves the City’s request for funding as follows:

Description of Project or Activity: Perimeter fencing to be located on the south side of Jess Pirtle Blvd., from Burney Road to Oakland Court.

Date of Published Notices: November 22, 1995
August 2, 2017

Amount Funded: \$75,000.00

Statutory Authorizations: Project includes expenditures that are found by the board of directors to be required or suitable for infrastructure necessary to promote or develop new or expanded business enterprises, limited to streets and roads, water and sewer utilities, electric utilities, or gas utilities, drainage, site improvements, and related improvements. (Local Gov’t Code § 501.103)

“Cost” with respect to a project has the meaning as specified in Local Gov’t Code § 501.152.

Section 3. That approval of this Resolution authorizes the City to pay the costs of the Project or activity from the Corporation’s funds, as described in this Resolution, as authorized by Section 5.02 of the Corporation’s bylaws; subject, however, to occurrence of the following:

- (1) The Association obtaining a “No Objection” letter or consent to encroachment from each entity with utility facilities located within any public utility easement evidencing that the entity does not object to the perimeter fencing being located within the public utility easement;
- (2) The Association obtaining an easement or consent to encroachment from any easement holder or private property owner, evidencing that they do not object to the perimeter fencing being located within their easement or on their private property;
- (3) The Association submitting to the City the “No Objection” letter or consent to encroachment from each entity with utility facilities located within the public utility easement evidencing that the entity does not object to the perimeter fencing being located within the public utility easement;
- (4) The Association submitting to the City any easements or consents to encroachment from any easement holders or private property owners evidencing that they do not object to the perimeter fencing being located within their easement or on their private property; and
- (5) The Association entering into an agreement with the City regarding the perimeter fencing

in a form acceptable to the City.

Section 4. That approval of this Resolution is subject to the requirements of Section 3 being met by the Association by September 30, 2025. Provided, however, the general manager or its designee is herein authorized to grant the Association one (1) additional three (3) month extension of time to comply with the requirements of Section 3, to December 31, 2025.

Section 5. That if the conditions of Sections 3 and 4 are not met, this Resolution shall be of no force and effect.

Section 6. That approval of this Resolution authorizes the general manager to enter into subsequent contracts related to this Project in accordance with section 3.06 of the Corporation's bylaws provided that the contract is for a "project cost" as defined in section 501.152 of the Act.

APPROVED ON _____, 2025.

Kurt Kirchof, President
Sugar Land 4B Corporation

ATTEST:

Linda Mendenhall, City Secretary

APPROVED AS TO FORM:

DAnn Shea Smith