

**RESOLUTION OF BOARD OF TRUSTEES  
NORTH EAST INDEPENDENT SCHOOL DISTRICT  
(For City of San Antonio Interlocal Agreement)**

**WHEREAS**, NORTH EAST INDEPENDENT SCHOOL DISTRICT (the "School District") has entered into an Interlocal Agreement dated on or about September 3, 2009 with THE CITY OF SAN ANTONIO (the "City") pertaining among other things, to the waiver by the City of certain security requirements for plats otherwise required by Section 35-4223 of the City's Unified Development Code, such Interlocal Agreement having been authorized by the City's Ordinance No. 2009-06-03-0690 dated September 3, 2009, (the "Interlocal Agreement").

**WHEAREAS**, the School District will be constructing schools or other improvements from time to time on certain tracts to be platted from time to time, and it desires to provide certain assurances to the City required by the terms of the Interlocal Agreement in connection with the recording of each or such various plats for its future schools or other improvements.

**WHEAREAS**, In the case of Las Lomas Elementary School (formerly Knights Cross Elementary School), the current construction contract with Summit Builders includes on-site and off-site public drainage improvements. On-site drainage improvements include earthen and concrete channels along the western property boundary and a section of an underground drainage system along the southern property boundary. Off-site drainage improvements include concrete riprap along a portion of the western property boundary and an underground drainage system and the associated outfall extending from the southern property boundary.

**WHEAREAS**, as a separate construction project, Yantis Company has been contracted to construct the Hardy Oak Boulevard Extension Project adjacent to the school site (Phase II). The Phase II construction includes an underground public drainage system extending from just inside the eastern property boundary of the school, across Hardy Oak and eastward to an existing low. The Hardy Oak Extension Phase II Project is currently under construction.

**THEREFORE**, be it resolved as follows:

**THAT**, the School District pursuant to Section 5.10g of the Interlocal Agreement, hereby covenants and agrees to cause the general contractors for the schools or other improvements to be constructed on each such tract to be hereafter platted to construct certain off-site and/or on-site improvements associated with any such plat (i.e., water mains, sewer mains, sidewalks, drainage improvements, etc., collectively referred to herein as the "improvements") in conjunction with the construction of its schools or other improvements on the tracts covered by the plats, but in any event within three (3)

years from the recording of the applicable plat for each such tract. All of the remaining covenants and conditions contained in Section 5.10g of the Interlocal Agreement are hereby adopted by reference with the same force and effect as if set forth verbatim herein. The School District hereby further represents to the City that the payment and performance bonds required by Texas statute to be carried by the general contractors constructing each of its schools or other improvements to be situated on the tracts to be platted will specifically cover the improvements that are applicable to each such plat or a tract contemplated herein. This Resolution may be relied upon by the City in connection with its recordation of any future plat for a tract upon which a school or other improvements are being constructed by or on behalf of the School District hereunder that occurs during the term of the Interlocal Agreement and is intended to provide the same assurances to the City that a bond, letter of credit, trust agreement or other form of security in favor of the City required by Section 35-4223 of the City's Unified Development code would have otherwise provided.

PASSED and ADOPTED at a meeting of School District's Board of Trustees on the 9<sup>th</sup> day of May 2011.

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Beth Plummer, President  
Board of Trustees  
North East Independent School District

STATE OF TEXAS

COUNTY OF BEXAR

This instrument was acknowledged before me on the 9<sup>th</sup> day of May 2011, by Beth Plummer, President Board of Trustees of the North East Independent School District, on behalf of the School District.

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Notary Public, State of Texas