

RESOLUTION NO. _____

RECOMMENDING THE APPROVAL OF THE FIRST AMENDMENT TO A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND FAIR OAKS MOSAIC TBY, LLC, SA KOSTA BROWNE LTD, SA GIVEN TO FLY, LP, SA DO THE EVOLUTION, LLC, AND SA EISELE, LLC OF THE CLEARWATER CREEK SPECIAL IMPROVEMENT DISTRICT. THIS AMENDMENT REVISES THE BOUNDARIES OF THE DISTRICT PROPERTY BY INCLUDING APPROXIMATELY 146.153 ACRES, GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF FM 2538 AND MILLER ROAD, IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS; AND APPLIES THE TERMS AND CONDITIONS OF THE AMENDED AGREEMENT TO THE ENTIRE 146.153 ACRE PID EXTENSION PROPERTY.

WHEREAS, in January 30, 2020, the City of the San Antonio (City) entered into a development agreement (“original agreement”), which is filed in the real property records of Bexar County under document number 2020-01-30-0072 and attached hereto in **Exhibit “I” to Attachment “A”**, established terms and conditions to the City’s consent to the Bexar County’s creation of the Clearwater Creek Special Improvement District (District), a public improvement district (“PID”) originally consisting of 226.544 acres of land, as more particularly identified and described attached hereto in **Exhibit “A” to Attachment “A”** attached hereto, with Fair Oaks Mosaic TBY, LLC and SA Kosta Browne Ltd, the Owners of the taxable real property contained within the original 226.544 acre parcel (the “original District Property”); and

WHEREAS, Fair Oaks Mosaic TBY, LLC and SA Kosta Browne Ltd. desire to expand the original District Property to include the additional 146.153 acres now owned by SA Given To Fly, LP, SA Do the Evolution, LLC, SA Eisele, LLC, which are more particularly described and depicted in **Exhibit “A” to Attachment “B”** attached hereto, thereby increasing the total area within the District Property to approximately 372.697 acres; and

WHEREAS, the Owners further desire to amend the original agreement to expand the boundaries of the PID to include the additional 146.153 acres of land and to apply all of the terms and conditions of the City’s consent to the creation of the PID under the original agreement; and

WHEREAS, on September 30, 2023 the Board authorized the amendment to the District's boundaries which will add the 146.153 acres to the existing 226.544 acres, and establishing a new boundary of approximately 372.697 acres, subject to the consent from both, the County and the City; and–

WHEREAS, on August 15, 2024, the Board formally requested the City to consent to the District boundary amendment described and depicted in the field notes and survey attached **Exhibit “A”** in the Petition which is attached hereto as **Attachment “B”**; and

WHEREAS, it is the Parties intent that the only amendments to be made to the original agreement are those contained herein and that all provisions of the original agreement shall now apply to the entire 372.697 acres of land to be included in the District Property; and

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO:

SECTION 1. The San Antonio Planning Commission recommends to City Council the approval of the first amendment to the Development Agreement, attached as **Attachment “A”** between the City and Fair Oaks Mosaic TBY, LLC, SA Kosta Browne Ltd, SA Given To Fly, LP, SA Do the Evolution, LLC, and SA Eisele, LLC Owners of the PID Property. The agreement includes provisions for the addition of the PID expansion and voluntary annexation of the PID property upon expiration of the term of the Agreement and that establishes services and terms for future annexation of the PID property and that is in substantial conformance with the above recitals and is attached hereto and incorporated herein for all purposes, as **Attachment “A”**. This First Amendment revises the boundaries of 226.544 acre District property, as described and depicted in **Exhibit “A”** to **Exhibit “I”** by including an approximately 146.153 acres, and applies all of the conditions of the City’s consent and the provisions and terms of the Amended Agreement to the entire 146.153 acre District expansion property as depicted in **Exhibit “A”** to **Attachment “B”**.

PASSED AND APPROVED ON THIS 23TH DAY OF OCTOBER 2024.

Attest:

Approved:

Executive Secretary
San Antonio Planning Commission

Matthew Proffitt, Chair
San Antonio Planning Commission