

A RESOLUTION

PROVIDING THE CITY OF SAN ANTONIO'S CONSENT TO THE CREATION OF A PUBLIC IMPROVEMENT DISTRICT BY BEXAR COUNTY TO BE NAMED THE BOERNE STAGE ROAD SPECIAL IMPROVEMENT DISTRICT, CONSISTING OF APPROXIMATELY 167.73 ACRES OF LAND, GENERALLY LOCATED SOUTHWEST OF IH-10 AND STATE HIGHWAY 46 WEST OF BOERNE STAGE ROAD, IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS; AND ESTABLISHING CONDITIONS WITH RESPECT THERETO.

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WHEREAS, Chesmar Homes, LLC (Owner), owns approximately 167.73 acres of land, referred to as the Boerne Stage Road property or ("PID property"), generally located south of southwest of IH-10 and State Highway 46 west of Boerne Stage Road, in the northern extraterritorial jurisdiction ("ETJ") of the City of San Antonio (the "City"), more particularly described and depicted in **Exhibit "1"** to **Attachment "A"** attached hereto and incorporated herein for all purposes; and

WHEREAS, on October 11, 2022 the Owner submitted a petition to Bexar County (the "County"), attached hereto as **Exhibit "1" to Attachment "A"**, to create a Public Improvement District ("PID" or "District") which would include the PID Property, the description of which is detailed in **Exhibits "1," "2" and "3"** to **Attachment "A"**, and that the County delegate to the PID the powers granted by Section 52, Article III of the Texas Constitution; the powers and duties of a road district; and the power to provide water, wastewater and drainage facilities in accordance with Section 382.101 of the Local Government Code; and

WHEREAS, in order for the County to delegate to a District the powers requested by the Owner in its petition to the County, the City must provide its written consent in accordance with Chapters 42 and 382 of the Texas Local Government Code, hence on November 1, 2022 Owner submitted a petition to the City, attached hereto as **Attachment "A"**, requesting the City's consent to the creation of the PID and the delegation of the powers requested therein; and

WHEREAS on November 11, 2022, the County Commissioners Court approved a resolution stating their intent to create the PID and to authorize the PID to impose an ad valorem tax on future property owners within the PID boundaries; and

WHEREAS the Owner plans to develop the property and construct public improvements and infrastructure as generally depicted in the Land Use Plan in **Exhibits "2" and "E"** to **Exhibit "4" to Attachment "A"**; and

WHEREAS, the City recognizes that the construction of road, water, waste water, drainage and other infrastructure to serve the planned residential development has the potential of impacting the City's existing and future public infrastructure serving other properties within the City's ETJ and, therefore the City has an interest in ensuring that the proposed PID does not unduly burden the City's infrastructure as well as that which will be constructed and may be expanded into the City's ETJ pursuant to the City's current and future long-term capital improvement planning; and

WHEREAS, the Planning Commission of the City of San Antonio held a public hearing on March 22, 2023 and recommended that the City grant its consent to the Boerne Stage Road Special Improvement District's creation by the County subject to the execution of a development agreement with the Owner providing terms and conditions designed to protect the aforementioned interests of the City; and

WHEREAS, in order to protect the City's planning goals in the ETJ, the City Council finds that it is prudent to condition the City's consent to the creation of the PID on the Owners' execution of a Development Agreement containing mutually agreeable terms relating to the development of the District property, assessment of taxes within the District, voluntary annexation at the end of the term or upon violation of the Agreement at the City's discretion; municipal services to be provided by the City within the District in the event of annexation; and a Strategic Partnership Agreement ("SPA") regarding limited purpose annexation and revenue sharing of sales and use taxes imposed within commercial areas of the District; and

WHEREAS, Owner has remitted payment to the City a PID application fee in the amount of \$7,500.00 and will pay an Operations Assessment Fee in the amount of \$175.00 per residential lot, which in the Owner's estimation amounts to approximately Twenty Two Thousand Nine Hundred Twenty Five and No/100 (\$22,925.00) U.S. dollars, and which shall be paid annually based on the number of units built within the PID reflected in an annual report provided by the Owner and as verified by staff; and shall reimburse the City for all costs paid by City for the recording of this Agreement and related documents in the Bexar County property records. **NOW, THEREFORE:**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Council of San Antonio hereby consents (1) to the creation of a Public Improvement District ("PID") to be named the Boerne Stage Road Special Improvement District, consisting of 167.73 acres of land, generally located southwest of IH-10 and State Highway 46, west of Boerne Stage Road as described and depicted in **Exhibits "1," "2" and "3" to Attachment "A"** hereto by Bexar County; and (2) to the County's delegation to the PID the powers granted by Section 52, Article III of the Texas Constitution; the power and duties of a road district and the power to provide water, wastewater and drainage facilities in accordance with Section 382.101 of the Local Government Code; but the City's consent does not include the powers to exercise eminent domain, annexation, expansion, division, and exclusion of property from the PID.

SECTION 2. The City Council of San Antonio resolves that its consent to the creation of the PID is conditioned upon the Owner's execution of a Development Agreement with the City providing terms and conditions of the City's consent to the creation of the PID and that said consent to the County's creation of the PID shall remain in effect so long as the Owner executes and complies with the above-described Development Agreement.

PASSED AND APPROVED on this _____.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FOR

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney

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