

RESOLUTION NO. 23 03 13

**RECOMMENDING THE CITY OF SAN ANTONIO GRANT ITS CONSENT TO THE CREATION OF A PUBLIC IMPROVEMENT DISTRICT TO BE CALLED "BOERNE STAGE ROAD SPECIAL IMPROVEMENT DISTRICT" BY BEXAR COUNTY; AND TO APPROVE A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND CHESMAR HOMES, LLC, OWNERS OF THE APPROXIMATELY 167.73 ACRE PROPERTY GENERALLY LOCATED SOUTHWEST OF IH-10 AND STATE HIGHWAY 46 WEST OF BOERNE STAGE ROAD IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY SAN ANTONIO, BEXAR COUNTY, TEXAS.**

**WHEREAS**, the Texas Local Government Code Chapters 382 allows a county to create a Public Improvement Districts (PID) pursuant to Section 52, Article III, and Section 59, Article XVI of the Texas Constitution and for the purposes of creating a program to engage in economic development projects as provided in Section 52-a, Article III, Texas Constitution; and

**WHEREAS**, the Texas Local Government Code provides that if one purpose of a political subdivision, which includes a PID, is to supply fresh water for domestic or commercial use or to furnishing sanitary sewer services, roadways, or drainage, a municipality in whose extraterritorial jurisdiction (ETJ) the subdivision is located must give its written consent by ordinance or resolution in order for the subdivision to be created; and

**WHEREAS**, Chesmar Homes, LLC (Owners) own approximately 167.73 acres of land generally located southwest of IH-10 and State Highway 46 and west of Boerne Stage Road, within the City of San Antonio's ETJ (the "Property"), more particularly described and depicted in the PID Petition attached as **ATTACHMENT "A,"** and

**WHEREAS**, the owners propose to develop the Property to consist of approximately 131 single family units. The project will also include proposed improvements consisting of roadways, traffic signals, parkland, landscaping, erosion control, water, sanitary sewer and storm water improvements. Said improvements are depicted in the PID Summary and Master Development Plan (MDP) included in **ATTACHMENT "A"**. Costs for the improvements specified herein are to be paid for through reimbursements by the PID once it has been created; and

**WHEREAS**, on October 11, 2022 the Owners filed a petition with Bexar County (County) requesting that the County create the Boerne Stage Road Special Improvement District, authorize the PID to impose certain taxes within the PID, delegate the powers of a road district and the powers to construct water, wastewater and drainage facilities to the PID under Chapter 382 of the Local Government Code; and

**WHEREAS**, on November 1, 2022 Owner submitted a revised petition to the City requesting the City's consent to the creation of the PID by the County in accordance with Section 382.101 of the Local Government Code; and

**WHEREAS** on November 11, 2022, the County Commissioners Court approved a resolution stating their intent to create the PID; and

**WHEREAS**, in consideration of the City's consent to the creation of the PID by the County, the

Owners have agreed to enter into a 30-year Development Agreement, enclosed in substantially final form as **ATTACHMENT "B,"** which will set forth the conditions of the City's consent, including the City's authority to enforce development regulations and city ordinances applicable to other land within the City's ETJ, and will provide terms for the voluntary annexation of the District Property upon expiration of the term of the Agreement; and

**WHEREAS,** the Development Agreement will also include a Strategic Partnership Agreement (attached in substantial form as an exhibit to the Development Agreement attached hereto as Attachment "B"), which sets out the terms for limited purpose annexation by City of commercial property in the PID and revenue sharing of the of sales and use taxes collected within the PID; and

**WHEREAS,** the Owners have paid an 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 Owners' estimation amounts to Twenty-Two Thousand Nine Hundred and [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 Owners 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.

**WHEREAS,** the San Antonio Planning Commission held a public hearing on March 22, 2023 and at the conclusion thereof, determined that, subject to the conditions set forth herein, the City should grant its consent to the creation of the PID.

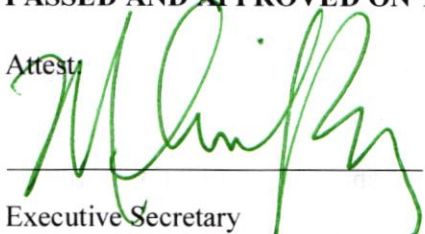
**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The San Antonio Planning Commission recommends that the City of San Antonio grant its consent to the creation by Bexar County of the PID to be named Boerne Stage Road Special Improvement District as detailed in the Owner's petition attached as **ATTACHMENT "A"** and to the County's delegation to the District the powers granted by Section 52, Article III of the Texas Constitution, the powers and duties of a road district and the power or to construct water, wastewater and drainage facilities in accordance with Section 382.101 of the Local Government Code. The Planning Commission does not recommend that the City's consent include the powers to exercise eminent domain, annexation, expansion, division or exclusion of property from the District.


**SECTION 2.** The San Antonio Planning Commission further recommends that the City Council approve a 30-year Development Agreement, attached in substantially final form as **ATTACHMENT "B"** between the City and Chesmar Homes, LLC Owners of the PID property, which includes provisions for the voluntary annexation of the property upon expiration of the term of the Agreement and that establishes services and terms for future annexation of the PID property.

**PASSED AND APPROVED ON THIS 22<sup>nd</sup> DAY OF MARCH 2023.**

Attest:

  
Executive Secretary  
San Antonio Planning Commission

Approved:

  
Matthew Proffitt, Chair  
San Antonio Planning Commission