

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL.**

**RESOLUTION**

**GRANTING THE CITY OF SAN ANTONIO'S CONSENT TO THE CREATION BY BEXAR COUNTY OF A PUBLIC IMPROVEMENT DISTRICT, TO BE NAMED THE FISCHER GARDENS SPECIAL IMPROVEMENT DISTRICT, GENERALLY LOCATED SOUTH OF THE INTERSECTION OF NORTH GRAYTOWN ROAD AND FREUDENBERG ROAD IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY SAN ANTONIO, BEXAR COUNTY, TEXAS; AND ESTABLISHING CONDITIONS WITH RESPECT THERETO.**

\* \* \* \* \*

**WHEREAS**, SA Given To Fly, LP, Lennar Homes of Texas Land and Construction, Ltd., and Graytown Rd. Holdings LLC ("Landowners"), own approximately 165.86 acres of land, referred to as the Fischer Gardens Special Improvement District, generally located south of the intersection of North Graytown Road and Freudenberg Road in the extraterritorial jurisdiction ("ETJ") of the City of San Antonio ("City"), more particularly described and depicted in **Exhibit "A"** to **Attachment "A"** attached hereto and incorporated herein for all purposes; and

**WHEREAS**, on March 28, 2024, the Applicant/Landowners filed a petition with Bexar County ("County") requesting that the County create a Public Improvement District ("PID" or "District"), which would include the Fischer Gardens Property, 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 Landowners in its petition to the County, the City must provide its written consent by resolution in accordance with Sections 42.042 and 382.101 of the Texas Local Government Code; and

**WHEREAS**, on March 12, 2024, the Applicant/Landowners submitted a petition, attached as **Attachment "A"**, to the City requesting the City's consent to the creation of the PID and the delegation of the powers by the County to the District as set forth therein; and

**WHEREAS**, the City of San Antonio ("City") recognizes that the construction of road, water, waste water, drainage, and other infrastructure to serve the planned residential and commercial development within the District has the potential to impact the City's existing and future public infrastructure serving other properties within the City's ETJ in the future; 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 Applicant/Landowners plan to construct public improvements and infrastructure as depicted in the Property Description in **Exhibit "A"** and in the PID Summary attached as **Exhibit "3"** enclosed in **Attachment "A"**; and

**WHEREAS**, the City of San Antonio Planning Commission held a public hearing on May 22,

2024, and recommended that the City Council consent to the creation of the PID by the County subject to the execution of a development agreement with Landowners providing terms and conditions designed to protect City's interests as specified herein; 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 agreement to consent to the creation of the PID on the Landowners' execution of a Development Agreement ("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 of the Agreement; municipal services to be provided by the City within the District in the event of annexation; and a Strategic Partnership Agreement ("SPA") for limited purpose annexation and revenue sharing by City of sales and use taxes imposed within commercial areas of the District; and

**WHEREAS**, as additional consideration for the City's consent provided in this Resolution, Owner has agreed to remit payment to the City a Special District application fee in the amount of \$7,500.00; a Special District Operations Assessment in the amount of \$175.00 per residential lot and/or multifamily unit constructed and to reimburse the City for all costs paid the City pays for recording the Development Agreement and SPA in the County property records, as more fully set forth in the development agreement to be executed by the parties. **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 by Bexar County ("County") of the Fischer Gardens Special Improvement District ("PID") as described and depicted in **Exhibit "A"** enclosed in **Attachment "A"**, as well to the construction of certain public infrastructure as further described and depicted in **Exhibit "4"** enclosed in **Attachment "A"**; 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 the City of San Antonio resolves that its consent to the County's creation of the Fischer Gardens PID shall remain in effect so long as the Landowners and Developer agree to and execute the above-described Development Agreement.

**PASSED AND APPROVED on this 20<sup>th</sup> day of June, 2024.**

**M A Y O R**  
**Ron Nirenberg**

**ATTEST:**

**APPROVED AS TO FORM:**

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Debbie Racca-Sittre, City Clerk

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Andrew Segovia, City Attorney

XX  
06/20/2022  
Item No.

**ATTACHMENT “A”**

Exhibit 1 – Petition to the City of San Antonio  
Exhibit A – Property Description  
Exhibit B – Sworn Statement  
Exhibit 2 – Provisions Matrix  
Exhibit 3 – PID Summary  
Exhibit 4 – PRO-FORMA Costs and Revenues  
Exhibit 5 – Master Development Plan