

A RESOLUTION

PROVIDING THE CITY OF SAN ANTONIO'S CONSENT TO THE CREATION BY BEXAR COUNTY OF A PUBLIC IMPROVEMENT DISTRICT (PID), TO LATER 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 ("ETJ") OF THE CITY SAN ANTONIO, BEXAR COUNTY, TEXAS; AND ESTABLISHING CONDITIONS WITH RESPECT THERETO.

* * * * *

WHEREAS, Chesmar Homes, LLC (Owners), own approximately 167.73 acres of land, referred to as the Boerne Stage Road property, generally located south of southwest of IH-10 and State Highway 46 west of Boerne Stage Road, in the northern 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 purpose; 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 Boerne Stage Road 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 Owner to petition the County to create the PID with the powers of a road district, in accordance with Section 382.101; and on November 1, 2022, the Owners submitted a revised petition attached as **Attachment "A"** requesting the City to consent to the creation of the PID within the City's ETJ; and

WHEREAS on November 11, 2022, the County Commissioners Court approved a resolution stating their intent to create the Boerne Stage Road Special Improvement District (also referred to as the Boerne Stage Road PID) and would authorize the PID to impose an ad valorem tax on future property owners within the PID boundaries; 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 by resolution in accordance with Section 382.101, hence on November 1, 2022 Owners submitted a petition to the City, and Owners, attached hereto as **Attachment "A"**, requesting the City's consent to the creation of the PID and the delegation of the powers by the County to the Boerne Stage Road PID as set forth therein; and

WHEREAS the Owners 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 in the future, 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 Owners 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 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") for limited purpose annexation and revenue sharing by City of sales and use taxes imposed within commercial areas of the District; **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 of a 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; 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 County's creation of the PID shall remain in effect so long as the Owner agrees to and executes 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