

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

RESOLUTION

GRANTING THE CITY OF SAN ANTONIO'S CONSENT TO THE ANNEXATION OF 146.153 ACRES OF LAND BY THE CLEARWATER CREEK SPECIAL IMPROVEMENT DISTRICT, GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF FM 2538 AND MILLER ROAD IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF SAN ANTONIO IN BEXAR COUNTY.

* * * * *

WHEREAS, on January 30, 2020, the City Council adopted Resolution 2020-01-30-005R, consenting to the creation of the Clearwater Creek Special Improvement District, a Public Improvement District ("PID") consisting of 226.544 acres of land, a description of which is attached hereto as **Exhibit "A"**; and

WHEREAS, as a condition of the City's consent to the creation of the PID, the Original PID Owners executed a development agreement ("original agreement") which is recorded in the real property records of Bexar County under No. 20200033301 containing the terms and conditions associated with the City's consent, including providing for future annexation of the PID property and revenue sharing of sales and use tax in commercial areas of the PID; and

WHEREAS, after the PID was officially created by the County, and after entering into the original agreement, SA Given To Fly, LP, SA Do the Evolution, LLC, SA Eisele, LLC acquired 146.153 acres outside the original PID boundaries and petitioned the District's Board of Directors (Board) to amend its boundaries by annexing the 146.153 acres of land; and

WHEREAS, on August 15, 2024, the Board authorized the annexation of the 146.153 acres by the PID, expanding the boundary of the PID to approximately 372.697 acres, subject to the consent from both the County and the City; and

WHEREAS, the Board formally requested the City to consent to the District's annexation of the 146.153 acres, a description of which is attached as **Exhibit "B"**, and the expansion of the PID's boundaries to approximately 372.697 acres, as described and depicted in the field notes and survey attached as **Exhibit "C"**; and

WHEREAS, the Owners have agreed 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 the terms and conditions of the City's consent to the creation of the PID under the original agreement; and

WHEREAS, it is the Owners' and City's intent that the only amendments to be made to the original agreement are those contained in the amended agreement and that all provisions of the original agreement shall now apply to the entire 372.697 acres of land to be included in the PID after the annexation of the 146.153 acres; and

WHEREAS, in addition to the Owners execution of the amended agreement, Owners agree to remit payment to the City for a PID application fee in the amount of \$7,500.00; a Special District Operations Assessment in the amount of \$175 per residential lot paid annually based on the number of units erected within the area annexed by the PID, as verified by staff, which the Owners estimate to be approximately \$120,750.00; and for reimbursement of all costs paid by the City for recording the amended 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 to the annexation of approximately 146.153 acres of land as described in **Exhibit “B”** by the Clearwater Creek Special Improvement District (“PID”) and the expansion of the boundaries of the PID to approximately 372.697 acres, with the new PID boundaries being depicted in **Exhibit “C”**.

SECTION 2. The City Council of the City of San Antonio resolves that its consent to the annexation of land and expansion of the PID’s boundaries as set forth in this Resolution is conditioned upon the current Owners’ execution of an Amended Development Agreement providing that all terms and conditions that applied to the City’s consent to the original PID property (226.544 acres) will also apply to the additional 146.153 acres being annexed by the PID, and the current Owners’ payment to the City a PID application fee in the amount of \$7,500.00; a Special District Operations Assessment in the amount of \$175 per residential lot paid annually based on the number of units erected within the area annexed by the PID, as verified by staff, which the current Owners estimate to be approximately \$120,750.00; and for reimbursement of all costs paid by the City for recording the amended agreement and related documents in the Bexar County property records.

PASSED AND APPROVED on this 21st day of November, 2024.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney

JYW/ml
11/21/2024
Item No. ##

EXHIBIT "A"
Map of Original PID

Westwood

North 35° 37' 30" West, 174.06 feet to a calculated point, and

North 39° 22' 30" West, 70.94 feet to a calculated point on the southeast line of the remaining portion of a 126.2 acre tract conveyed unto Vernon E. Winkelmann described in deed recorded in Volume 1927, Page 33, said Real Property Records for the west corner of the herein described tract of land from whence a 1" iron pipe found on the southeast line of said remaining portion of a 126.2 acre tract common with north corner of said 37.265 acre tract bears South 60° 11' 28" West, 546.52 feet;

THENCE, along the south east line of said 126.2 acre tract, North 60° 11' 28" East, 676.67 feet to an iron pipe and South 29° 54' 52" East, 20.47 feet to a calculated point on the southeast line of a private road for a reentrant corner of the herein described tract of land;

THENCE, along the southeast line of a private road, North 60° 10' 02" East, 2303.28 feet to a 1" pipe found for an angle point in the northwest line of the herein described tract of land;

THENCE, continuing along the southeast line of said private road, North 60° 22' 23" East, 2295.64 feet, to a ½" iron rod found for the west corner of a 1.50 acre tract conveyed unto Eugene H. Bielke, et al by warranty deed recorded in Volume 3154, Page 1641, said Real Property Records for a north corner of said 242.562 acre tract and the herein described tract of land;

THENCE, South 29° 27' 35" East, at 306.23 feet pass a ½" iron rod found at the west corner of said 1.147 acre tract, in all a total distance of 430.60 feet to a ½" iron rod found for a reentrant corner of the herein described tract of land;

THENCE, North 60° 23' 42" East, 455.19 feet to the POINT OF BEGINNING.

Containing in all, 9,868,244 square feet or 226,544 acres, more or less.
Bearings are referenced to NAD83, 2011 adjustment for Texas State Plane Coordinates, South Central Zone 4204.

This document was prepared under 22 TAC §663.21, and does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those right and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.



Jason R. Gabriel, RPLS
Texas No. 6530

Westwood

POLITICAL DESCRIPTION of a 226.544 acre tract of land situated in the E. Gortari Survey No. 2, Abstract 5 and the M.J. Rodriguez Survey No. 3, Abstract 17, Bexar County, Texas and out of a 242.562 acre tract conveyed unto SA Kosta Browne, Ltd., and Fair Oaks Mosaic TBY, LLC by warranty deed recorded in Doc. No. 20180253543, Bexar County Official Public Records; in all, said 226.544 acre tract being more particularly described as follows:

BEGINNING at a ½" iron rod found on the southwest right-of-way line of FM 2538 (an 80' wide state highway) coincident with the common east corner of a 1.147 acre tract of land conveyed unto L. Prentiss Cammack by warranty deed recorded in Volume 17914, Page 1034, said Real Property Records and a north corner of said 242.562 acre tract for a north corner and POINT OF BEGINNING of the herein described tract of land;

THENCE, along the southwest line of said FM 2538, South 70° 29' 32" East, 1,654.77 feet to a calculated point for the common north corner of a 57.736 acre tract as shown by court order to Pamela Suzanne Luensmann Griffin recorded in Volume 16626, Page 2397, said Real Property Records and the east corner of said 242.562 acre tract for the easternmost corner of the herein described tract of land from whence a TXDOT Type I concrete monument bears South 70° 29' 32" East, 57.01 feet;

THENCE, along the northwest line of said 57.736 acre tract, South 60° 00' 34" West, at 1,523.03 feet pass a 1" iron pipe found, at approximately 2,176 feet pass the north corner of an 88.176 acre tract conveyed unto Alvin H. and Josephine Koepf by warranty deed recorded in Volume 6200, Page 1851, said Real Property Records, in all, a total distance of 3,845.07 feet to a ½" iron rod found for an angle point in the southeast line of the herein described tract of land;

THENCE, continuing along said southeast line, South 59° 55' 18" West, 2,281.99 feet to a fence corner post found on the northeast line of a 59.76 acre tract of land conveyed unto Michael William Elliot, et al by warranty deed recorded in Volume 15176, Page 673, said Real Property Records coincident with the southernmost corner of the herein described tract of land;

THENCE, along the northeast line of said 59.76 acre tract, North 29° 54' 52" West, at 240.89 feet pass a ¼" iron rod found at the east corner of a 10 acre tract conveyed unto Paula L. Maples by affidavit of heirship recorded in Volume 13007, Page 833, said Real Property Records, in all, a total distance of 528.89 feet to a ¼" iron rod found for a reentrant corner of the herein described tract of land;

THENCE, along the northwest line of said 10 acre tract, South 60° 07' 12" West, 640.96 feet to a calculated angle point of the herein described tract of land from whence a 1" iron pipe (leaning) found at the east corner of a 37.265 acre tract conveyed unto Geraldine Zunker Scheel by warranty deed recorded in Volume 13328, Page 1296, said Real Property Records bears South 60° 07' 12" West, 581.47 feet;

THENCE, across said 242.562 acre tract, the following courses:

North 29° 58' 16" West, 793.41 feet to a calculated point,
North 31° 53' 27" West, 172.28 feet to a calculated point,

JYW/ml
11/21/2024
Item No. ##

EXHIBIT "B"
Map of 146.153 Acres Being Annexed by PID

JYW/ml
11/21/2024
Item No. ##

EXHIBIT "C"
Map of New PID Boundaries After Annexation

JYW/ml
11/21/2024
Item No. ##

EXHIBIT "D"
Map of New PID Boundaries