

**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 ESPINO SPECIAL IMPROVEMENT
DISTRICT, GENERALLY LOCATED SOUTHEAST OF THE
INTERSECTION OF W US HIGHWAY 90 AND MASTERSON ROAD (7530
MASTERSON ROAD) IN THE EXTRATERRITORIAL JURISDICTION OF
THE CITY SAN ANTONIO, BEXAR COUNTY, TEXAS; AND
ESTABLISHING CONDITIONS WITH RESPECT THERETO.**

* * * * *

WHEREAS, Masterson 90 Investors, LP ("Landowner"), owns approximately 241.815 acres of land ("Espino Property"), referred to as the Espino Special Improvement District, generally located southeast of the intersection of West US Highway 90 and Masterson 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 September 13, 2024, the Applicant/Landowner filed a petition with Bexar County ("County") requesting that the County create a Public Improvement District ("PID" or "District"), which would include the Espino 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 Landowner 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 October 9, 2024, the Applicant/Landowner submitted a petition, and resubmitted same on January 15, 2025 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/Landowner 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 January 22,

2025, 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 Landowner 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 Landowner's 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, the Landowner 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 Espino 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 San Antonio resolves that its consent to the County's creation of the Espino PID shall remain in effect so long as the Landowner and Developer agree to and execute the above described Development Agreement.

PASSED AND APPROVED ON THIS 30TH DAY OF JANUARY, 2025.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney

ATTACHMENT “A”

- Exhibit 1 – Petition to the City of San Antonio
 - Exhibit A – Property Description
 - Exhibit B – Survey Description
 - Exhibit C – Sworn Affidavit
- Exhibit 2 – Provisions Matrix
- Exhibit 3 – PID Summary
- Exhibit 4 – Pro-Forma Costs and Revenues
- Exhibit 5 – Preliminary Master Development Plan
- Exhibit 6 – Petitioner/Landowner’s Executed Contract
 - Disclosure Form and Form 1295
- Exhibit 7 – Deed Instruments/Landownership Information