

**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 originally owned by Fair Oaks Mosaic TBY, LLC and SA Kosta Browne Ltd, ("Original PID Owners"); 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

WHEREAS, on August 15, 2024, Fair Oaks Mosaic TBY, LLC, SA Kosta Browne Ltd, SA Given To Fly, LP, SA Do the Evolution, LLC, and SA Eisele, LLC, ("Owners") the current owners of the property within and outside of the PID, submitted a petition, attached as **Attachment "I"**, requesting the City's consent to the expansion of the PID boundaries to include the additional 146.153 acres owned by SA Given To Fly, LP, SA Do the Evolution, LLC, and SA Eisele, LLC, more fully described in **Exhibit "A" to Attachment "I"**, attached hereto, thereby increasing the total area within the District Property to approximately 372.697 acres; 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 of 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 Owner’s 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 “A”** to **Attachment “I”** by the Clearwater Creek Special Improvement District (“PID”) and the expansion of the boundaries of the PID to approximately 372.697 acres, more particularly depicted in **Exhibit “B”**.

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 payment of all fees as set forth in Section 1 of this Resolution.

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

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FOR

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney