

ORDINANCE

AUTHORIZING THE CITY OF SAN ANTONIO'S EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND MEDINA DEL REY QOZB, LLC AS WELL AS SS1604 RANCH LLC, OWNERS OF APPROXIMATELY 814.039 ACRES OF LAND GENERALLY LOCATED NORTH OF THE INTERSECTION OF PLEASANTON ROAD AND LOOP 1604 SOUTH IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY SAN ANTONIO, BEXAR COUNTY, TEXAS.

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WHEREAS, Medina Del Rey QOZB, LLC and SS1604 Ranch LLC ("Owners") own approximately 814.039 acres of land, "Subject Property" generally located north of the intersection of Pleasanton Road and Loop 1604 South in the extraterritorial jurisdiction ("ETJ") of the City of San Antonio ("City"), more particularly described and depicted in **Exhibits "1 through 6"** to **Attachment "I"** attached hereto and incorporated herein for all purposes; and

WHEREAS, the City of San Antonio ("City") initiated Limited Purpose Annexation of the south side area in 2014, with Full Purpose Annexation of the area in 2016 completed, and while part of both annexation processes, Texas Local Government Code (LGC) required the City to offer Development Agreements to properties that had the applicable appraisal for ad valorem tax purposes as land for agricultural or wildlife management use or as timber land ("agricultural") as designated by the Bexar Appraisal District (BCAD); and

WHEREAS, in 2014 and 2016, prior to final Full Purpose Annexation of other properties in the South San Antonio Area, numerous owners of properties entered into Development Agreements with the City of San Antonio which allowed their continued agricultural use, or other use as specified by the LGC, and guaranteed the extraterritorial status for the property as long as the property owner continued the use as described in the terms of the Agreement; and

WHEREAS, Owners of nine parcels of land ("Subject Property"), which includes the original 759.83 acres subject to development agreements with the City, now under different ownership, Medina Del Rey QOZB LLC and SS1604 Ranch LLC respectively, and an additional 54.209 acres are now petitioning the City for a new development agreement in anticipation of developing a solar utility project called "El Patrimonio Solar Project"; and

WHEREAS, the subject property is currently undeveloped and a portion of the most northern parcel, adjacent to the Medina River, is currently in the city limits and within the same council district 3 and which the developer ("Developer") intends to build a 145 MW utility scale solar project, after responding to a CPS Energy's FlexPower Request for Proposals (RFP) which provides CPS Energy with a fixed pricing proposal (giving power to CPS for fifteen years); and

WHEREAS, the City of San Antonio and the Owners now desire to enter into a new Development Agreement for the original 759.83 acres and additional 54.209 acres with new terms and conditions that are in the best interest of the City of San Antonio and its citizens; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Manager, or his designee, is authorized to execute a new Development Agreement (“Agreement”) between the City of San Antonio and Medina Del Rey QOZB, LLC and SS1604 Ranch LLC (“Owners”), containing the terms and conditions governing the development of the Subject Property, preserving the extraterritorial status of the Subject Property during the term of the Agreement, establishing the Agreement as a voluntary petition for annexation providing the City with the option of annexing the property in the event of default of the Agreement by Owners, a subsequent owner or end-buyers of properties developed within the property or upon the termination date of the Agreement; and providing for municipal services to be provided to the subject property in the event of annexation; and all other terms and conditions the City Manager finds to be in the City’s best interest. A copy of said Agreement is attached hereto as **Attachment “I”**.

SECTION 2. The City Council authorizes mutual termination of the original Development Agreements for the 759.830 acres.

SECTION 3. This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED on this 20th day of April, 2023.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney

SG/ml
04/20/2023
Item No. ##

ATTACHMENT “I”
El Patrimonio Solar
Development Agreement