

RESOLUTION

PROVIDING THE CITY OF SAN ANTONIO’S CONSENT TO THE CREATION OF A PUBLIC IMPROVEMENT DISTRICT, TO BE NAMED THE “LUCERO SPECIAL IMPROVEMENT DISTRICT” BY BEXAR COUNTY, GENERALLY LOCATED SOUTHEAST OF HIGHWAY 90 BETWEEN WEST MONTGOMERY ROAD AND STRAUSS MEDINA ROAD IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS; AND ESTABLISHING CONDITIONS WITH RESPECT THEREO.

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WHEREAS, LOI Homes-Texas, LLC, (Owner) owns approximately 111.274 acres of land generally located southeast of Highway 90 between West Montgomery Road and Strauss Medina Road within the City of San Antonio's ETJ (the "Property"), more particularly described and depicted in the Petition (“City’s Petition”) attached as **ATTACHMENT "A,"**; and

WHEREAS, on February 8, 2024, the Owner filed a petition with Bexar County (“County”) requesting that the County create the Lucero Special Improvement District (“PID”) under Chapter 382 of the Local Government Code, 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 Owner in its petition to the County, the City must provide its written consent by resolution in accordance with Section 382.101 and on February 24, 2024, the Owner submitted the City’s Petition requesting the City’s consent to the creation of the PID and the delegation of the powers by the County to the PID 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 PID has the potential to impact 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, Owner and Petitioner propose to develop the Property to consist of approximately 583 single-family residential units. The project will also have proposed individual lot improvements, water/sewer improvements, drainage, utilities, streets, landscaping, and park/open space construction. Said improvements are depicted in the PID

6/20/2024
Item No.

Summary and Master Development Plan (MDP) included in the City Petition. Costs for the improvements specified herein are to be paid for through reimbursements by the PID once it has been created; and

WHEREAS, on March 26, 2024, the County approved a resolution stating their intent to create the PID and to authorize the PID to impose certain taxes on future property owners within the PID boundaries; 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 Owner’s execution of a Development Agreement containing mutually agreeable terms relating to the development of property within the PID, assessment of taxes within the PID, voluntary annexation at the end of the term of the Agreement; municipal services to be provided by the City within the PID 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 PID, if applicable.

WHEREAS, the Owners will pay an application fee in the amount of \$7,500.00 and will pay an Operations Assessment Fee in the amount of \$175.00 per residential lot and multi-family unit, which in the Landowners' estimation amounts to approximately One Hundred and Two Thousand, Twenty- Five and No/100 (\$102,025) U.S. dollars, and which shall be paid annually based on the number of units built within the PID reflected in an annual report provided by the Owners and as verified by staff; and shall reimburse the City for all costs paid by City for the recording of this Agreement and related documents in the Bexar County property records.

WHEREAS, the San Antonio Planning Commission held a public hearing on May 22, 2024, and at the conclusion thereof, determined that, subject to the conditions set forth herein, the City should grant its consent to the creation of the PID.

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 of the Lucero Special Improvement District by Bexar County (“PID”) as described and depicted in the petition attached as **Attachment “A”**, as well to the construction of certain public infrastructure as further described and depicted therein; 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 the City of San Antonio resolves that its consent to the County’s creation of the PID is conditioned upon the Owner’s execution of a 30-year

6/20/2024

Item No.

Development Agreement setting forth terms and conditions to the City's consent, including the Owner's consent to future annexation of property within the PID.

PASSED AND APPROVED on this 20th day of June, 2024.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FOR

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney