

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

ORDINANCE

**AUTHORIZING AN AMENDMENT TO THE DEVELOPMENT
AGREEMENT BETWEEN THE CITY AND THE LANDOWNERS OF
THE CLEARWATER CREEK SPECIAL IMPROVEMENT DISTRICT,
FAIR OAKS MOSAIC TBY, LLC, SA KOSTA BROWNE LTD, SA GIVEN
TO FLY, LP, SA DO THE EVOLUTION, LLC, AND SA EISELE, LLC.**

* * * * *

WHEREAS, in January 30, 2020, the City of the San Antonio (City) entered into a development agreement (“original agreement”), which is filed in the real property records of Bexar County under document number 20200033301 and attached hereto as **Exhibit “A”**, establishing terms and conditions to the City’s consent to the Bexar County’s creation of the Clearwater Creek Special Improvement District (“District”), a public improvement district (“PID”) originally consisting of 226.544 acres of land, as more particularly identified and described attached hereto in **Exhibit “B”** and **Exhibit “C”** attached hereto, with Fair Oaks Mosaic TBY, LLC and SA Kosta Browne Ltd, the Owners of the taxable real property contained within the original 226.544 acre parcel (the “original District Property”); 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, Fair Oaks Mosaic TBY, LLC and SA Kosta Browne Ltd. have requested that the PID seek the consent of the City to the annex the additional 146.153 acres now owned by SA Given To Fly, LP, SA Do the Evolution, LLC, SA Eisele, LLC, which are more particularly described and depicted in **Exhibit “D”** attached hereto, thereby increasing the total area within the District Property to approximately 372.697 acres; and

WHEREAS, the Owners desire 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 to the 146.153 acers being annexed by the PID. A copy of the amended agreement, titled First Amended Development Agreement (“Amended Agreement”), is attached hereto as **Exhibit “E”**; and

WHEREAS, it is the Parties intent that the only amendments to be made to the original agreement are those contained in the Amended Agreement attached as **Exhibit “E”** and that all provisions of the original agreement shall now apply to the entire 372.697 acres of land to be included in the District Property; 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 District, 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 First Amended Agreement and related documents in the Bexar County property records; **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 First Amended Development Agreement between the City of San Antonio and the Owners of the land located within the Clearwater Creek Improvement District ("District"), a copy of said First Amended Development Agreement being attached hereto as **Attachment "E"**.

SECTION 2. The City Council authorizes the assessment and collection of a PID application fee in the amount of \$7,500.00; a Special District Operations Assessment in the amount of \$175 per residential lot which shall be paid annually based on the number of units erected within the area annexed by the District, as verified by staff; which is estimated to be approximately \$120,750.00; and the reimbursement by Owners of all costs paid by the City for the recording of the First Amended Development Agreement in the property records of Bexar County.

SECTION 3. The First Amended Development Agreement shall become effective upon approval of the annexation of the 146.153 acres of land by the District. If the annexation by the District is not completed, the original Development Agreement shall remain in full force and effect.

SECTION 4. Funds received for this ordinance for annexation and reimburse the legal recordings will be deposited in Fund 11001000, Internal Order 250000000000 and General Ledger 6301130.

SECTION 5. Funds received for this ordinance for Special District Operations Assessment fees will be deposited in Fund 11001000, Internal Order 223000000260 and General Ledger 4401844.

SECTION 6. The financial allocations in this Ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 7. 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 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

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EXHIBIT “A”
Original Agreement

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EXHIBIT “B”
Survey and Field Notes

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EXHIBIT “C”
Boundary Map of Original PID

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EXHIBIT “D”

Annexation Area Field Notes (146.153 acres)

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EXHIBIT “E”
Amended Development Agreement

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