

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 SAPPHIRE GROVE SPECIAL IMPROVEMENT DISTRICT, LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD.

* * * *

WHEREAS, on April 14, 2022 the City entered into a development agreement (“original agreement”), which is filed in the real property records of Bexar County under document number 20220129516 and attached hereto as **Exhibit “A”**, establishing terms and conditions to the City’s consent to the Bexar County’s creation of the Sapphire Grove Special Improvement District, a public improvement district (“PID”) originally consisting of 173.27 acres of land, as more particularly identified and described in **Exhibits “B” and “C”** attached hereto, with Lennar Homes of Texas Land and Construction, LTD, the Owner of the taxable real property contained within the original 173.27 acre parcel (the “original District Property”); and

WHEREAS, after the PID was officially created by the County, and after entering into the original agreement, the Owner acquired 38.56 acres outside the original PID boundaries; and

WHEREAS, Lennar Homes of Texas Land and Construction, LTD. have requested that the PID Board of Directors seek the consent of the City to annex the additional 38.56 owned by Lennar Homes of Texas Land and Construction, LTD., which are more particularly described and depicted in the attached **Exhibits “D” and “E”**, thereby increasing the total area within the District Property to approximately 211.83 acres; and

WHEREAS, the Owners desire to amend the original agreement to expand the boundaries of the PID to include the additional 38.56 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 additional 38.56 acres being annexed by the PID. A copy of the amended agreement, titled First Amended Development Agreement (“Amended Agreement”), is attached hereto as **Exhibit “F”**; 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 “F”** and that all provisions of the original agreement shall now apply to the entire 211.83 acres of land to be included in the District Property; and

WHEREAS, in addition to the Owner’s execution of the Amended Agreement, Owner agrees 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 Owner estimate to be approximately \$32,375.00; 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 Owner of the land located within the Sapphire Grove Special Improvement District (“District”), a copy of said Agreement being attached hereto as **Exhibit “F”**.

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 \$32,375.00; and the reimbursement by Owner 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 38.56 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 2230000000260 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. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager’s designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary for the purpose of this Ordinance.

SECTION 8. This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

JW/ml
11/21/2024
Item No. ##

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

M A Y O R
Ron Nirenberg

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney

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11/21/2024
Item No. ##

EXHIBIT “A”
Original Development Agreement

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EXHIBIT “B”
Field Notes and Map

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EXHIBIT “C”
Original Boundary

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EXHIBIT “D”
Survey and Field Notes of Expansion Property

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11/21/2024
Item No. ##

EXHIBIT “E”
Depiction of Expansion Property

JW/ml
11/21/2024
Item No. ##

EXHIBIT “F”
First Amended Development Agreement