

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

ORDINANCE

**AUTHORIZING AN AMENDMENT TO THE DEVELOPMENT
AGREEMENT BETWEEN THE CITY AND THE BRIGGS RANCH
SPECIAL IMPROVEMENT DISTRICT**

* * * * *

WHEREAS, on January 21, 2021 the City entered into a development agreement (“original agreement”), which is filed in the real property records of Bexar County under document number 20210016779 and attached hereto as **Exhibit “A”**, establishing terms and conditions to the City’s consent to the Bexar County’s creation of the Briggs Ranch Special Improvement District, a public improvement district (“PID”) originally consisting of 866.977 acres of land, as more particularly identified and described in **Exhibits “B” and “C”** attached hereto, with Convergence Brass, LLC, (“Convergence”) the owner of the taxable real property contained within the original 866.977 acre parcel (the “original District Property”); and

WHEREAS, after entering into the original agreement, Convergence conveyed 62.4 acres of the original District Property to C-W Briggs and Obichi IV, Ltd. by deed number 20210244146; and

WHEREAS, thereafter, C-W Briggs and Obichi IV, Ltd. acquired 56.65 acres of land outside of the original District Property which they then conveyed, along with the 62.4 acres within the original District Property, to Pulte Homes of Texas, L.P.; and

WHEREAS, Convergence and Pulte Homes of Texas, L.P. desire to expand the original District Property to include the additional 56.65 acres now owned by Pulte Homes of Texas, L.P., 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 923.627 acres; and

WHEREAS, the Parties further desire to amend the original agreement to expand the boundaries of the PID to include the additional 56.65 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 56.65 acres. 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 923.627 acres of land to be included in the District Property

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 \$44,450.00; 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 Briggs Ranch Special Improvement District (“District”), a copy of said Agreement being attached hereto as **Attachment “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 \$44,450.00; 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 56.65 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. Fund _____ and Internal Order _____ and General Ledger # _____ are designated for the Application Fee in the accounting for the fiscal transaction in authorization of this agreement.

SECTION 5. Fund _____ and Internal Order _____ and General Ledger # _____ are designated for the Special District Operations Assessment in the accounting for the fiscal transaction in authorization of this agreement.

SECTION 6. 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 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 20th day of October, 2022.

M A Y O R

JYW/ml
10/20/2022
Item No. ##

Ron Nirenberg

ATTEST:

APPROVED AS TO FORM

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney