

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

ORDINANCE

AUTHORIZING THE CITY OF SAN ANTONIO'S EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND DAVIS-MCCRARY PROPERTY TRUST AND LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION LTD., OWNER OF APPROXIMATELY 423.15 ACRES OF LAND GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF OLD CORPUS CHRISTI ROAD AND RICHTER ROAD IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY SAN ANTONIO, BEXAR COUNTY, TEXAS.

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WHEREAS, Davis-McCrary Property Trust & Lennar Homes of Texas Land and Construction, Ltd. ("Owners"), owns approximately 423.15 acres of land, referred to as the Stone Garden Special Improvement District, generally located northeast of Old Corpus Christi Road and Richter Road in the extraterritorial jurisdiction ("ETJ") of the City of San Antonio ("City"), more particularly described and depicted in **Exhibit "A"** enclosed in **Attachment "A"** attached hereto and incorporated herein for all purpose; and

WHEREAS, on October 26, 2022, the Owner filed a petition with Bexar County ("County") to create a Public Improvement District ("PID") to be named the Stone Garden Special Improvement District ("District") under Chapter 382 of the Local Government Code and requested the City's consent to the creation of the District, and the County's delegation of certain powers and duties with respect thereto, which the City granted by resolution on July 12, 2023; and

WHEREAS, in order to protect the City's planning goals and infrastructural interests in the ETJ, as a condition of the City's consent to the County's creation of the PID, the City Council determined that it is prudent to require the Owner to enter into a Development Agreement ("Agreement") containing mutually agreeable terms relating to the development of the District property, assessment of taxes within the District, voluntary annexation at the end of the term of the Agreement; municipal services to be provided by the City within the District in the event of annexation; and a Strategic Partnership Agreement ("SPA") for limited and full purpose annexation and revenue sharing by City of sales and use taxes imposed within commercial areas of the District pursuant to Chapters 43 and 212 of the Local Government Code; and

WHEREAS, in addition to compliance with the terms of the Agreement referenced herein, Owner is required to pay a Special District Application Fee of \$7,500.00; a Special District Operations Assessment in the amount of \$175.00 per residential lot and/or multifamily unit platted and constructed as specified in the Agreement which Owner estimates to be approximately Three Hundred Eighty-Five Thousand, Three Hundred Fifty and No/100 (\$385,350.00); and reimburse all costs paid by the City for the recording of the Development Agreement in the property records of Bexar County; **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 Development Agreement (“Agreement”) between the City of San Antonio and Davis-McCrary Property Trust & Lennar Homes of Texas Land and Construction, Ltd. containing the terms and conditions governing the development of the Stone Garden Special Improvement District (“District” or “PID”) property, preserving the extraterritorial status of the District 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 District property in the event of default of the Agreement by the Owner, a subsequent owner or end-buyers of properties developed within the District or upon the termination date of the Agreement; agreeing to the assessment of taxes within the District, providing for municipal services to be provided to the District property in the event of annexation; and providing for a Strategic Partnership Agreement for limited purpose annexation and revenue sharing by City of sales and use taxes imposed within commercial areas of the District, which will be attached in substantial form to the Agreement; 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 “A”**.

SECTION 2. The City Council of the City of San Antonio ordains that its consent to Bexar County’s creation of the Stone Garden PID will remain in effect so long as the Owner comply with the terms of the Agreement.

SECTION 3. The City Council approves the assessment and collection of a Special District Application Fee in the amount of \$7,500.00; a Special District Operations Assessment in the amount of \$175.00 per residential lot and/or multifamily unit platted and constructed as more fully set forth in this Ordinance and the Agreement; and the reimbursement by the Owner of costs to be paid by the City for the recording of the Development Agreement in the property records of Bexar County be deposited as specified in this Ordinance.

SECTION 4. Funds received for this ordinance for Special District application fee will be deposited in Fund 11001000, Internal Order _____ and General Ledger _____.

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

SECTION 6. Section 3: Funds received for reimbursement of costs for legal recordings fees will be deposited in Fund 11001000, Internal Order _____ and General Ledger _____.

SECTION 7. 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 8. This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

JW
08/31/2023
Item No.

PASSED AND APPROVED on this 31st day of August, 2023.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, Acting City Clerk

Andrew Segovia, City Attorney

JW
04/14/2022
Item No.

ATTACHMENT “A”
Stone Garden Special Improvement District
Development Agreement

DRAFT