

**RESOLUTION NO. \_\_\_\_\_**

**RECOMMENDING THE CITY OF SAN ANTONIO GRANT ITS CONSENT TO THE CREATION OF THE MEDINA COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 4; AND TO APPROVE A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND KAIL FAMILY PARTNERS, LP; FMF DEVELOPMENT, LLC; CV FAMILY PARTNERSHIP, LLP; AND CHRIS SCHUCHART, OWNERS OF THE APPROXIMATELY 386.666 ACRE PROPERTY GENERALLY LOCATED SOUTH OF FARM-TO-MARKET ROAD 1283 AND WEST OF FARM-TO-MARKET ROAD 471 IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY SAN ANTONIO, IN MEDINA COUNTY, TEXAS.**

**WHEREAS**, During the 87<sup>th</sup> Regular Session of the Texas Legislature, the passage of House Bill (H. B.) 4668, effective June 14, 2021, created the Medina County Water Control and Improvement District (WCID) No. 4; and

**WHEREAS**, the WCID was created pursuant to the powers granted by the Legislature by Article XVI, Section 59 and Article II, Section 52 of the Constitution of Texas, pursuant to the inherent power of the Legislature to create a a political subdivision of the State of Texas, and will be operating under Chapters 49 and 51 of the Texas Water Code; and

**WHEREAS**, Kail Family Partners, LP; FMF Development, LLC; CV Family Partnership, LLP; and Chris Schuchart, LLC (Owners) own the WCID property consisting of approximately 386.666 acres of land (the "Property") generally located south of Farm-to-Market Road (F.M.) 1283 and west of F.M.471 within the City of San Antonio's extraterritorial jurisdiction (ETJ) in Medina County, more particularly described and depicted in the WCID Petition attached as **ATTACHMENT "A"**; and

**WHEREAS**, the Owner submitted a petition to the City to grant its consent to the creation of the WCID, as requested by the majority of owner of the Property; and

**WHEREAS**, following the City's consent, the Owners propose to develop the Property as a residential subdivision consisting of at least 1,264 single-family residential units, with 25 acres for a future school site and 19 acres for a park or open space with an amenity center. The project will also include proposed improvements consisting of roadways, traffic signals, parkland, landscaping, erosion control, water, sanitary sewer, storm water, the F.M. 471 and F.M. 1283 intersection and a water production facility; and

**WHEREAS**, in consideration of the City's consent to the creation of the WCID, the Owners have agreed to enter into a 30-year Development Agreement, enclosed in substantially final form as **ATTACHMENT "B,"** which will set forth the conditions of the City's consent, including the City's authority to enforce development regulations and city ordinances applicable to other land within the City's ETJ, and will provide terms for the voluntary annexation of the Property upon expiration of the term of the Agreement; and

**WHEREAS**, the Development Agreement will also include a Strategic Partnership Agreement

(SPA), attached in substantial form as an exhibit to the Development Agreement attached hereto as **ATTACHMENT “B”**), which sets out the terms for limited purpose annexation by City of commercial property in the WCID and revenue sharing of the of sales and use taxes collected within the WCID; and

**WHEREAS**, the Owners have paid 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, which in the Owners’ estimation amounts to approximately two hundred-twenty-one thousand and two hundred and No/100 (\$221,200) U.S. dollars, and which shall be paid annually based on the number of units built within the WCID 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 Medina County property records.

**WHEREAS**, the San Antonio Planning Commission held a public hearing on January 26, 2022 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 WCID.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The San Antonio Planning Commission recommends that the City of San Antonio grant its consent to the creation of the Medina County Water Control and Improvement District (“WCID”) No.4, as detailed in the Owner’s petition attached as **ATTACHMENT “A”** and to the powers granted by the Legislature by Article XVI, Section 59 and Article II, Section 52 of the Constitution of Texas, and to the powers to undertake road projects, limited power of eminent domain, the authority to issue bonds, and the authority to impose assessments, fees, and taxes. The Planning Commission does not recommend that the City’s consent include the powers to exercise annexation, expansion, division, or exclusion of property from the WCID.

**SECTION 2.** The San Antonio Planning Commission further recommends that the City Council approve a 30-year Development Agreement, attached in substantially final form as **ATTACHMENT “B”** between the City and Kail Family Partners, LP; FMF Development, LLC; CV Family Partnership, LLP; and Chris Schuchart, Owners of the WCID property, which includes provisions for the voluntary annexation of the property upon expiration of the term of the Agreement and that establishes services and terms for future annexation of the WCID property.

**PASSED AND APPROVED ON THIS 26<sup>th</sup> DAY OF JANUARY 2022.**

Attest:

Approved:

\_\_\_\_\_  
Executive Secretary  
San Antonio Planning Commission

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Connie Gonzalez, Madam Chair  
San Antonio Planning Commission