

RESOLUTION NO. 22 09 11

RECOMMENDING THE CITY OF SAN ANTONIO GRANT ITS CONSENT TO THE CREATION OF A PUBLIC IMPROVEMENT DISTRICT TO BE CALLED "NORTHLAKE SPECIAL IMPROVEMENT DISTRICT" BY BEXAR COUNTY; AND TO APPROVE A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND NORTHLAKE SA, LLC, OWNERS OF THE APPROXIMATELY 447.92 ACRE PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF BURSHARD ROAD AND GARDNER ROAD IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY SAN ANTONIO, BEXAR COUNTY, TEXAS.

WHEREAS, the Texas Local Government Code Chapters 382 allows a county to create a Public Improvement Districts (PID) pursuant to Section 52, Article III, and Section 59, Article XVI of the Texas Constitution and for the purposes of creating a program to engage in economic development projects as provided in Section 52-a, Article III, Texas Constitution; and

WHEREAS, the Texas Local Government Code Chapter 382 provides that if one purpose of a political subdivision, which includes a PID, is to supply fresh water for domestic or commercial use or to furnishing sanitary sewer services, roadways, or drainage, a municipality in whose extraterritorial jurisdiction (ETJ) the subdivision is located must give its written consent by ordinance or resolution in order for the subdivision to be created; and

WHEREAS, Northlake SA, LLC. (Owners) own approximately 447.92 acres of land generally located southwest of the intersection of Burshard Road and Gardner Road within the City of San Antonio's ETJ (the "Property"), more particularly described and depicted in the PID Petition attached as **ATTACHMENT "A,"**; and

WHEREAS, the Owners propose to develop the Property to consist of approximately 2,067 single family units, while reserving approximately 3.26 acres for a future fire department site. The project will also have on-site improvements, including individual lot improvements, streets, utilities, drainage, grading, and SAWS water/sewer extension improvements. Said improvements are depicted in the PID Summary and Master Development Plan (MDP) included in **ATTACHMENT "A"**. Costs for the improvements specified herein are to be paid for through reimbursements by the PID once it has been created; and

WHEREAS, on March 30, 2022, the Owners filed a petition with Bexar County (County) requesting that the County create the Northlake Special Improvement District under Chapter 382 of the Local Government Code, authorize the PID to impose certain taxes within the PID, and delegate the powers of a road district and the powers to construct water, wastewater and drainage facilities to the PID; and

WHEREAS, on May 2, 2022 Owner submitted a petition to the City and on July 11, 2022, Owner submitted a revised petition requesting the City's consent to the creation of the PID by the County in accordance with Section 382.101 of the Local Government Code; and

WHEREAS, on September 6, 2022, the County Commissioners Court approved a resolution stating their intent to create the PID; and

WHEREAS, in consideration of the City's consent to the creation of the PID by the County, 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 District Property upon expiration of the term of the Agreement; and

WHEREAS, the Development Agreement will also include a Strategic Partnership Agreement (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 PID and revenue sharing of the of sales and use taxes collected within the PID; and

WHEREAS, the Owners will pay 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 and multifamily unit, which in the Owners' estimation amounts to approximately three hundred sixty-one thousand, seven hundred twenty-five and No/100 (\$361,725) U.S. dollars, and which shall be paid annually based on the number of units built within the PID 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 Bexar County property records; and

WHEREAS, the San Antonio Planning Commission held a public hearing on September 14, 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 PID; and

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 by Bexar County of the Northlake Special Improvement District ("PID") as detailed in the Owner's petition attached as **ATTACHMENT "A"** facilities in accordance with Section 382.101 of the Local Government Code and to the County's delegation to the District the powers granted by Section 52, Article III of the Texas Constitution, the powers and duties of a road district and the power or to construct water, wastewater and drainage. The Planning Commission does not recommend that the City's consent include the powers to exercise eminent domain, annexation, expansion, division, or exclusion of property from the District.

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 Northlake SA, LLC, Owners of the PID 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 PID property.

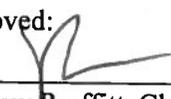
PASSED AND APPROVED ON THIS 14TH DAY OF SEPTEMBER 2022.

Attest:



Executive Secretary
San Antonio Planning Commission

Approved:



Matthew Proffitt, Chair
San Antonio Planning Commission