

DRAFT RESOLUTION NO. ____

RECOMMENDING THE CITY OF SAN ANTONIO'S CONSENT TO THE CREATION BY BEXAR COUNTY OF A PUBLIC IMPROVEMENT DISTRICT, TO BE LATER NAMED THE BRIGGS RANCH SPECIAL IMPROVEMENT DISTRICT, CONSISTING OF APPROXIMATELY 866.977 ACRE, GENERALLY LOCATED NORTH OF HIGHWAY 90 WEST, EAST OF GROSENBACHER ROAD AND WEST OF STATE HIGHWAY 211, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY SAN ANTONIO, BEXAR COUNTY, TEXAS AND AN ASSOCIATED DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND CONVERGENCE BRASS, LLC.

* * * * *

WHEREAS, the Texas Local Government Code Chapters 382 allows a county to create a Public Improvement Districts (PID) created under Section 52, Article III, and Section 59, Article XVI of the Texas Constitution and for the purposes of creating a program for economic development as provided in Section 52-a, Article III of the Texas Constitution 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 a proposed PID is located within a municipality's extraterritorial jurisdiction (ETJ), the municipality has the option to object or consent to the formation of the PIDs pursuant to state law; and

WHEREAS, Convergence Brass, LLC, (Owners) own approximately 866.977 acres of land, referred to as the Briggs Ranch Property, generally located north of Highway 90 West, east of Grosenbacher Road and west of State Highway 211 in the far west ETJ of the City of San Antonio (City), more particularly described and depicted in the PID petition attached as **Exhibit "A"**; and

WHEREAS, the Owner proposes to develop 2,444 single-family residential units, 2,110 multi-family residential units and 13.3 acres of commercial use, as well as the construction of certain public infrastructure on the Briggs Ranch Property as particularly described in the PID Summary attached as **Exhibit "B,"** further depicted in the Master Development Plan (MDP) attached as **Exhibit "C"**; and

WHEREAS, on December 3, 2019, the Owners petitioned Bexar County (County) to create a PID, on the Briggs Ranch Property, to authorize the PID to impose an ad valorem tax on future property owners within the PID boundaries; to delegate to the PID the powers of a road district and the powers and duties of a road district or the power to construct water, wastewater and drainage facilities granted by Section 52, Article III of the Texas Constitution; and

WHEREAS, in order for the County to create the PID with powers to provide the services set forth above in the City's ETJ, the City of San Antonio (City) must provide written consent by resolution in accordance with Section 382.101; and on December 16, 2019, the Owner submitted a petition attached as **Exhibit "A"** requesting the City to consent to the creation of the PID within the City's ETJ; and

WHEREAS on January 7, 2020, the County Commissioners Court approved a resolution stating their intent to create a PID, to be named the Briggs Ranch Special Improvement District (also referred to as the Briggs Ranch PID) and would authorize the PID to impose an ad valorem tax on future property owners within the PID boundaries; and

WHEREAS, the City will provide its written consent by resolution for the County to delegate to the Briggs Ranch PID the following powers, which consist of the road district powers along with the powers to construct water, wastewater and drainage facilities; however, no power to exercise of eminent domain; and no power to annex, expand, divide or exclude land into the PID's boundaries; and

WHEREAS, in order to protect the City's planning goals in the ETJ, the City Council finds it is prudent to condition the City's agreement to consent to the creation of the Briggs Ranch PID on the Owner's execution of a development agreement containing mutually agreeable terms relating to the development of the property, voluntary annexation at the end of the Development Agreement; the municipal services to be provided to the PID property, in the event of annexation,; and the framework of a proposed Strategic Partnership Agreement (SPA) for limited purpose annexation and revenue sharing by City from annexed commercial properties in the PID boundaries, pursuant to Chapters 43 and 212 of the Texas Local Government Code; and

WHEREAS, the San Antonio Planning Commission held a public hearing on November 18, 2020 and considered the effect of the City's consent to the Briggs Ranch PID creation by the County subject to the execution of a development agreement with Owner providing terms and conditions designed to protect the aforementioned interests of the City.

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

SECTION 1. The San Antonio Planning Commission recommends to City Council to grant their consent to the creation by the County of the Briggs Ranch PID, as described and depicted in the Owner's petition attached as **Exhibit "A"** located in the City's ETJ," as well to the construction of certain public infrastructure, as more particularly described in **Exhibit "B,"** and furthered depicted in the MDP attached hereto as **Exhibit "C,"** and the County's delegation to the PID the powers and duties granted by Section 52, Article III of the Texas Constitution or the power or to construct water and wastewater facilities in accordance with Section 382.101 of the Local Government Code, however, the City's consent does not include the powers to exercise eminent domain, annexation, expansion, division by the PID and exclusion of land in the PID's boundaries.

SECTION 2. The San Antonio Planning Commission recommends to City Council to execute a Development Agreement, in accordance with the terms and conditions of Section 212.172 of the Local Government Code between the City of San Antonio and Convergence Brass, LLC. The Development Agreement includes provisions for the voluntary annexation of the PID property upon expiration of the term of the Agreement that establishes services and terms for future annexation of the PID Property, the framework for a proposed SPA for limited purpose annexation and revenue sharing by City of commercial properties in the PID boundaries and that is in substantial conformance with the above recitals and is attached hereto and incorporated herein for all purposes, as **Attachment "A"**.

PASSED AND APPROVED ON THIS 18TH DAY OF NOVEMBER 2020.

Attest:

Approved:

Executive Secretary
San Antonio Planning Commission

Christopher Garcia, Chair
San Antonio Planning Commission