

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

**RESOLUTION**

**GRANTING THE CITY OF SAN ANTONIO'S CONSENT TO THE CREATION BY BEXAR COUNTY OF A PUBLIC IMPROVEMENT DISTRICT, TO BE NAMED THE BRIGGS RANCH II SPECIAL IMPROVEMENT DISTRICT, GENERALLY LOCATED SOUTH OF POTRANCO ROAD, NORTH OF HIGHWAY 90 AND EAST OF THE FUTURE HIGHWAY 211 EXPANSION, IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS; AND ESTABLISHING CONDITIONS WITH RESPECT THEREO.**

\* \* \* \* \*

**WHEREAS**, Briggs Ranch Management, LLC., ("Owner") owns approximately 384.353 acres of land, referred to as Briggs Ranch II Project, generally located South of Potranco Road, North of Highway 90 and East of the future Highway 211 expansion, within the Extra-Territorial Jurisdiction ("ETJ") of the City of San Antonio ("City"), more particularly described and depicted in **Exhibit "1"** to **Attachment "A"** attached hereto and incorporated herein for all purpose; and

**WHEREAS**, on May 14, 2021, the Owner filed a petition with Bexar County (the "County") to create a Public Improvement District ("PID" or "District") which would include the Briggs Ranch II Project and requesting that the County delegate to the PID the powers granted by Section 52, Article III of the Texas Constitution; the powers and duties of a road district; and the power to provide water, wastewater and drainage facilities in accordance with Section 382.101 of the Local Government Code; and

**WHEREAS**, in order for the County to delegate to a District the powers requested by the Owner in its petition to the County, the City must provide its written consent by resolution in accordance with Section 382.101 of the Local Government Code; and

**WHEREAS**, on July 19, 2021, the Owner submitted a petition, attached as **Attachment "A"**, requesting the City's consent to the creation of the PID and the delegation of the powers by the County to the District as set forth therein; and

**WHEREAS**, the City recognizes that the construction of road, water, waste water, drainage and other infrastructure to serve the planned residential and commercial development within the District has the potential to impact the City's existing and future public infrastructure serving other properties within the City's ETJ in the future, and, therefore the City has an interest in ensuring that the proposed PID does not unduly burden the City's infrastructure as well as that which will be constructed and may be expanded into the City's ETJ pursuant to the City's current and future long-term capital improvement planning; and

**WHEREAS** the Owner plans to construct public improvements and infrastructure as depicted in the Property Description in **Exhibit “2”** and in the PID Summary and Timeline attached as **Exhibit “4”** enclosed in **Attachment “A”**; and

**WHEREAS**, the City of San Antonio Planning Commission held a public hearing on December 15, 2021, and recommended that the City Council consent to the creation of the Briggs Ranch II Public Improvement District by Bexar County subject to the execution of a development agreement with the Owner providing terms and conditions designed to protect City’s interests as specified herein; and

**WHEREAS**, in order to protect the City’s planning goals in the ETJ, the City Council finds that it is prudent to condition the City’s agreement to consent to the creation of the PID on the Owner’s execution of a Development 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. **NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The City Council of San Antonio hereby consents (1) to the creation by Bexar County of the Briggs Ranch II Special Improvement District (“PID”) as described and depicted in **Exhibit “1”** enclosed in **Attachment “A”**, as well to the construction of certain public infrastructure as further described and depicted in **Exhibits “2” and “3”** enclosed in **Attachment “A”**; and (2) to the County’s delegation to the PID the powers granted by Section 52, Article III of the Texas Constitution; the power and duties of a road district and the power to provide water, wastewater and drainage facilities in accordance with Section 382.101 of the Local Government Code; but the City’s consent does not include the powers to exercise eminent domain, annexation, expansion, division and exclusion of property from the PID.

**SECTION 2.** The City Council of the City of San Antonio resolves that its consent to the County’s creation of the Briggs Ranch II PID shall remain in effect so long as the Owner and Developer agree to and execute the above-described Development Agreement.

**PASSED AND APPROVED on this 13<sup>th</sup> day of January 2022.**

**M A Y O R**  
**Ron Nirenberg**

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Debbie Racca-Sittre, Acting City Clerk

\_\_\_\_\_  
Andrew Segovia, City Attorney

JYW  
01/13/2022  
Item No.

**ATTACHMENT “A”**

Petition to Bexar County for the Creation of a Public Improvement District

DRAFT