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RESOLUTION NO.___

RECOMMENDING THAT THE CITY OF SAN ANTONIO (CITY) CONSENT TO THE CREATION OF A PROPOSED PUBLIC IMPROVEMENT DISTRICT (PID), TO LATER BE NAMED THE GATES SPECIAL IMPROVEMENT DISTRICT, BY BEXAR COUNTY; AND THE APPROVAL OF A 30-YEAR DEVELOPMENT AGREEMENT BETWEEN THE CITY AND THE MEH HOLDING COMPANY, LTD., OWNER OF THE APPROXIMATELY 258.375 ACRES OF LAND, GENERALLY LOCATED ALONG US HIGHWAY 87, TO THE EAST OF REAL DRIVE AND TO THE WEST OF BECK ROAD IN THE EXTRATERRITORIAL JURISDICTION ("ETJ") 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) 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 ETJ, the municipality has the option to object to the formation of the PIDs pursuant to state law; and

WHEREAS, on March 15, 2019 the Property Owner MEH Holding Company, Ltd., petitioned Bexar County to create a PID, to later be named the Gates Special Improvement District (also referred to as the Gates PID) on approximately 258.375 acres of land, generally located along US Highway 87 and to the east of Real Drive and to west of Beck Road, within the ETJ of the City of San Antonio, more particularly described and depicted in **Exhibits "A and B"** enclosed in **Attachment "A"** which is attached hereto and incorporated herein for all purpose; and

WHEREAS, the Owner plans to construct public improvements and infrastructure as described the and depicted in **Exhibit "C"** included in **Attachment "A"**; and

WHEREAS, the Development Agreement attached as **Attachment "A"** shall provide for the voluntary annexation of the Gates PID Properties upon expiration of the term of the Agreement and shall establish terms for the future annexation of the Gates Properties; and

WHEREAS, the Development Agreement attached as **Attachment "A"** shall provide that in exchange for Owner's agreement to be bound by the terms of this Agreement, City will consent to (1) the establishment of the District within the City's extraterritorial jurisdiction ("ETJ") and the inclusion of the District Property therein, (2) to the County's delegation to the District the powers granted by Section 52, Article III of the Texas Constitution and the powers and duties of a road district in accordance with Section 382.101 of the Code, and (3) the power to construct water and wastewater facilities in accordance with Section 382.101; but the City's consent will not include the powers to exercise eminent domain, annexation and exclusion of property from the District; and

WHEREAS, the Development Agreement shall provide the City the ability to extend and

enforce development regulations, to require compliance with certain municipal ordinances in lieu of annexation, and to provide for land use regulations on the Gates Properties; and

WHEREAS on July 9, 2019, the Bexar County Commissioners Court approved a resolution stating their intent to create a PID on the Gates Properties and would authorize the PID to impose an ad valorem tax on future property owners within the PID boundaries; and

WHEREAS, the San Antonio Planning Commission held a public hearing on July 24, 2018 and considered the effect of the City's consent to the Gates PID creation by Bexar County and this agreement to be consistent with City policies, plans and regulations; and

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

SECTION 1. The San Antonio Planning Commission recommends the City Council of San Antonio consent to the creation by Bexar County of the Gates PID as described and depicted in **Exhibits "A and B"** enclosed in **Attachment "A",** as well to the construction of certain public infrastructure as further described and depicted in **Exhibit "C"** enclosed in **Attachment "A"**, pursuant to the provisions of Chapter 382, Texas Local Government Code.

SECTION 2. The San Antonio Planning Commission recommends to City Council the approval of a Development Agreement between the City of San Antonio and MEH Holding Company, Ltd., which includes provisions for the voluntary annexation of the property upon the expiration of the term of the Agreement and which establishes city services and terms for future annexation of the Gates PID Property 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 24TH DAY OFJULY 2019.

Attest:

Executive Secretary
San Antonio Planning Commission

Approved:

Christopher Garcia, Chair
San Antonio Planning Commission