

A RESOLUTION

2020-01-30-0005R

PROVIDING THE CITY OF SAN ANTONIO (CITY) CONSENT TO THE CREATION BY BEXAR COUNTY OF A PUBLIC IMPROVEMENT DISTRICT (PID), TO LATER BE NAMED THE CLEARWATER CREEK SPECIAL IMPROVEMENT DISTRICT, GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF BEYER PATH AND FM 2538 IN THE EXTRATERRITORIAL JURISDICTION (“ETJ”) OF THE CITY SAN ANTONIO, BEXAR COUNTY, TEXAS; AND ESTABLISHING CONDITIONS WITH RESPECT THEREO.

* * * * *

WHEREAS, on October 11, 2019, Fair Oaks Mosaic TBY, LLC and SA Kosta Browne Ltd., the (Owners) and SA Love and Trust, LLC (Developer), petitioned Bexar County to create a PID, to later be named the Clearwater Creek Special Improvement District (also referred to as the Clearwater Creek PID) on approximately 226.544 acres of land, generally located southwest of the intersection of Beyer Path and FM 2538 in the extraterritorial jurisdiction (ETJ) of the City San Antonio, Bexar County, Texas, 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 has requested that the County establish the District within the City’s extraterritorial jurisdiction (“ETJ”); that the County delegate 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 Local Government Code; and the power to provide water, wastewater, and drainage facilities in accordance with Section 382.101 of the Local Government Code; and

WHEREAS, the City recognizes that the construction of road, water, waste water, drainage and other infrastructure to serve the planned residential development has the potential of impacting 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/or expanded into the City’s ETJ pursuant to the City’s current and future long-term capital improvement planning; and

WHEREAS on November 19, 2019, the Bexar County Commissioners Court approved a resolution stating their intent to create a PID on the Clearwater Creek Properties and would authorize the PID to impose an ad valorem tax on future property owners within the PID boundaries; and

WHEREAS, on December 11, 2019 the Planning Commission of the City of San Antonio recommended that the City Council consent to the Clearwater Creek PID creation by Bexar County subject to the execution of a development agreement with Owner providing terms and conditions designed to protect the aforementioned interests of the City; and

JYW
01/30/2020
Item No. 36A

WHEREAS, in order for the Owners to petition the County to create the PID to provide the services set forth above, the City must provide its written consent by ordinance or resolution; and


WHEREAS, in order to protect the City's infrastructural interests 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 Owners' execution of a development agreement containing mutually agreeable terms and conditions relating to the development of the property, voluntary annexation at the end of the term of the development agreement, and the services to be provided to the area by the City in the event of annexation, pursuant to Chapters 43 and 212 of the Texas Local Government Code which shall be executed prior to but no later than thirty (30) days of the date the County approves the PID; **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 Clearwater Creek PID as described and depicted in **Exhibits "A" and "B"** enclosed in **Attachment "A"**, as well as to the construction of certain public infrastructure as further described and depicted in **Exhibit "C"** enclosed in **Attachment "A"**; (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 Local Government Code; and (3) the power to construct 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 and exclusion of property from the District.


SECTION 2. The City Council of the City of San Antonio resolves that its consent to the County's creation of the PID shall remain in effect so long as the Owner executes the above-described development agreement prior to but no later than the effective date of the County's creation of the PID and continues to comply with said development agreement.


PASSED AND APPROVED on this 30th day of January 2020.


M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:


Leticia M. Vacek, City Clerk


Andrew Segovia, City Attorney



City of San Antonio

City Council

January 30, 2020

Item: 36A

File Number: 20-1491

Enactment Number:

2020-01-30-0005R

Resolution granting the City of San Antonio's consent to the creation by Bexar County of a Public Improvement District to be named the Clearwater Creek Special Improvement District (Clearwater Creek PID), generally located southwest of the intersection of Beyer Path and FM 2538 in the City's extraterritorial jurisdiction.

passed

Aye: 11 Nirenberg, Treviño, Andrews-Sullivan, Viagran, Rocha Garcia, Gonzales, Cabello Havrda, Sandoval, Pelaez, Courage and Perry

JYW
01/30/2020
Item No. 36A

ATTACHMENT "A"
Petition for Creation of a Public Improvement District

KENNETH W BROWN, AICP
DANIEL ORTIZ
JAMES B. GRIFFIN



JAMES MCKNIGHT
NINA PRADO
CAROLINE McDONALD
KEVIN DEANDA

PAUL M. JUAREZ
OF COUNSEL

112 E. PECAN STREET
SUITE 1360
SAN ANTONIO, TEXAS 78205
TELEPHONE 210.299.3704
BROWNOTRIZ.LAW

October 17, 2019

Manuel Leal
Manager of Governmental Affairs
Bexar County Governmental Affairs Office
101 W. Nueva, Suite 901
San Antonio, Texas, 78205

VIA Hand Delivery

RE: Petition for Creation of a Public Improvement District, in accordance with Chapter 382 of the Texas Local Government Code, for Property Generally Located Southwest of the Intersection of Beyer Path and FM 2538 (approximately 226.544 acres), in the Extra-Territorial Jurisdiction (“ETJ”) of the City of San Antonio, Bexar County, Texas (“Subject Property”); *Our File No. 9538.024.*

Dear Mr. Leal:

On behalf of the Petitioners, Fair Oaks Mosaic TBY, LLC and SA Kosta Browne Ltd., (through its General Partner SA Kosta Browne GP, LLC) (Applicants and Property Owners) and SA Love and Trust, LLC (Applicant and Developer) we are respectfully submitting the enclosed Petition and Application to the Commissioners Court of Bexar County, requesting the creation of a public improvement district, to be named the “Clearwater Creek Special Improvement District,” and the inclusion of the Subject Property therein, all as further described in the Petition and Application. Please find enclosed a full summary of attached documents in the “Table of Contents” and Proposed Timeline for Creation.

Please do not hesitate to contact our office should you have any questions or need any additional information in connection with this matter.

Thank you,

BROWN & ORTIZ, P.C.

BY: _____
Caroline McDonald

Enclosures: As Stated

CC: The Honorable County Judge and Commissioners Court of Bexar County, Texas

Office of the City Clerk of the City of San Antonio, Texas

City Council of the City of San Antonio, Texas

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KENNETH W BROWN, AICP
 DANIEL ORTIZ
 JAMES B. GRIFFIN



JAMES MCKNIGHT
 NINA PRADO
 CAROLINE McDONALD
 KEVIN DEANDA

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 OF COUNSEL

112 E. PECAN STREET
 SUITE 1360
 SAN ANTONIO, TEXAS 78205
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 BROWNORTIZ.LAW

CLEARWATER CREEK PID DRAFT TIMELINE	
Meet with County Commissioner and with City of San Antonio Staff	August 1st – October 4th
Submit Petition for PID to County	October 11th
Negotiate Development Agreements w/ City	October 12th – November 8th
County Meeting to Approve Resolution of Intent <i>(hold a hearing to consider and accept the petition and adopt a resolution of intent to establish the PID)</i>	November 19th <i>(County's internal deadline is November 6th)</i>
Planning Commission Meeting <i>(consideration of a formal recommendation for a City resolution granting consent to the establishment of the PID and a City ordinance approving the development agreement)</i>	December 11th <i>(City's internal deadline is November 26th)</i>
City Council Meeting <i>(adopt a resolution granting consent to the establishment of the PID and an ordinance approving a development agreement)</i>	December 12th <i>(City's internal deadline is November 27th)</i>
County Meeting to Create PID and Appoint Board of Directors <i>(the County must approve an order establishing the PID and appointing the PID Board)</i>	January 7th <i>(County's internal deadline is December 23rd)</i>
Board of Directors Organizational Meeting to Call Election *Other items are required by Board post-election (e.g. approval of finance agreement)	January 8th – January 31st
Last Day for Board to Call and Election	February 14, 2020
Election to Confirm PID and Approve Taxes and Bonds & Voters Affidavits Signed <i>(note that there are numerous election requirements, which are not included herein)</i>	May 2, 2020
Board Meeting to Canvass Election Results	May 6, 2020

EXHIBIT 1

KENNETH W BROWN, AICP
DANIEL ORTIZ
JAMES B. GRIFFIN

PAUL M. JUAREZ
OF COUNSEL



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BROWNORTIZ.LAW

JAMES MCKNIGHT
NINA PRADO
CAROLINE McDONALD
KEVIN DEANDA

RECEIVED

OCT 11 2019

BEXAR COUNTY CLERK

VIA Hand Delivery *[Signature]*

October 11, 2019

Lucy Adame-Clark
Bexar County Clerk
Office of the Bexar County Clerk
100 Dolorosa, Suite 104
San Antonio, Texas, 78205

RE: Petition for Creation of a Public Improvement District, in accordance with Chapter 382 of the Texas Local Government Code, for Property Generally Located Southwest of the Intersection of Beyer Path and FM 2538 (approximately 226.544 acres), in the Extra-Territorial Jurisdiction ("ETJ") of the City of San Antonio, Bexar County, Texas ("Subject Property"); *Our File No. 9583.024.*

Dear Ms. Adame-Clark:

On behalf of the Petitioners, Fair Oaks Mosaic TBY, LLC, and SA Kosta Browne, Ltd (through its General Partner – SA Kosta Browne GP, LLC) we are respectfully submitting the enclosed Petition to the Commissioners Court of Bexar County, requesting the creation of a public improvement district to be named the "Clearwater Creek Special Improvement District," and the inclusion of the Subject Property therein, all as further described in the Petition. Please find enclosed:

1. A signed Petition;
2. A signed and sealed boundary description in the form of Metes and Bounds (**Exhibit "A"**);
3. A signed a sealed Survey Map (**Exhibit "B"**); and
4. A signed affidavit by the Petitioners (**Exhibit "C"**).

Please do not hesitate to contact our office should you have any questions or need any additional information in connection with this Petition.

Thank you,

BROWN & ORTIZ, P.C.

BY: _____
Caroline McDonald

Enclosures: As Stated

CC: The Honorable County Judge and Commissioners Court of Bexar County, Texas

Office of the City Clerk of the City of San Antonio, Texas

City Council of the City of San Antonio, Texas

SCANNED

**PETITION FOR THE CREATION OF A PUBLIC IMPROVEMENT DISTRICT TO BE NAMED
THE CLEARWATER CREEK SPECIAL IMPROVEMENT DISTRICT**

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

TO: THE HONORABLE COMMISSIONERS COURT OF BEXAR COUNTY, TEXAS

The undersigned petitioners (“Petitioners”), acting pursuant to the provisions of Chapter 382 of the Texas Local Government Code, as amended (the “Code”), submit this petition (“Petition”) to the Commissioners Court of Bexar County, Texas, to request the creation of a public improvement district, within the extraterritorial jurisdiction (“ETJ”) of the City of San Antonio (“City”), Bexar County, Texas (“County”). Specifically, the Petitioners request that the County create a public improvement district and include the property described in **Exhibit “A”** and **Exhibit “B”** attached hereto (“Subject Property”) within such public improvement district. In support of this Petition, the Petitioners present the following:

Section 1. Petitioner. In compliance with the requirements of the Code, and as determined by the current tax roll of the Bexar County Appraisal District, the Petitioners constitute: the owners representing more than 50% of the appraised value of taxable real property proposed to be included within the public improvement district proposed in this Petition.

Attached to this Petition is a sworn statement of the Petitioners, affirming the Petitioners are collectively the holders of fee simple title to more than fifty-percent (50%) of the appraised value of taxable real property proposed to be included within the District (as defined below) and are collectively the owners representing more than fifty-percent (50%) of all record owners of property within the proposed District or own taxable real property that constitutes more than fifty-percent (50%) of the area of all taxable real property within the proposed District. The Petitioners request for, and consent to, the creation of the District, as set forth in this Petition. The sworn statements of the Petitioners are attached hereto as **Exhibit “C”** and incorporated herein for all purposes.

Section 2. Name. A public improvement district is being requested, which shall be named the “Clearwater Creek Special Improvement District” (referred to herein as the “District”).

Section 3. Boundaries. The proposed boundaries of the District shall include the Subject Property, which is more particularly described in **Exhibit “A”** and **Exhibit “B”** attached hereto and incorporated herein for all purposes. The total acreage of the District is approximately 226.544 acres total. None of the land to be included in the District is within the corporate boundaries of any municipality and all of the land proposed to be included in the District is in the extraterritorial jurisdiction of the City and in the County.

Section 4. General Nature of the Proposed Public Improvements. The Petitioners request that the County create a public improvement district and authorize it to engage in economic development projects and grant to the District the powers requested in this Petition. The District proposes to enter into development agreements as are deemed advisable to promote state and local economic development and to stimulate residential and commercial activity in the District. The general nature of the work proposed to be done may include, but is not limited to, onsite roads (including, but not limited to a collector road) and associated utility improvements (water, sewer, and drainage), offsite sewer extension (and if needed, offsite roads, water, and drainage), onsite public improvements for residential lots (sewer, water, streets, and drainage – including an onsite package plant), the improvement and construction of water, sanitary sewer,

drainage, dry utilities (gas and electric), detention ponds, storm sewer, impact fees for capacity, road, landscaping in public rights of way, or sidewalks, right of way acquisition costs, easement acquisition costs, appraisal costs, geotechnical engineering costs, environmental inspection/testing/ and remediation costs, well plugging costs, demolition costs, water and sewer impact fees, floodplain reclamation costs, tree mitigation costs, park/entry/amenity improvement costs, including any cost or expense of purchasing, constructing maintaining, acquiring, owning, operating, repairing, leasing, improving, extending, or paying for inside (i.e. onsite) and outside (i.e. offsite) the district boundaries; flood plain and wetlands regulation and endangered species permits, stormwater permits, including mitigation; and all works, improvements, facilities, plants, equipment, appliances, interest in property, and contract rights needed thereof, and administrative facilities needed in connection therewith, related surveying, engineering, and legal fees, costs and expenses, and all rights of way and other interests in land necessary or convenient in connection therewith, as well as reasonable contingencies, associated with the costs of public improvements. Further, the public improvements financed by the District may include any public improvements in compliance with Chapter 382 and in accordance with the governing laws.

Section 5. Estimated Cost of the Proposed Construction of the Public Improvements. The total estimated capital cost is approximately \$49,486,792. Such costs can be partially offset with the imposition of taxes and the issuance of bonds by the District, as further described herein.

Section 6. Nature of the District & Authority. The District is expressly requested pursuant to Chapter 382 of the Code. The District shall be created for the purposes of a district created and organized under Section 52, Article III, and Section 59, Article XVI of the Texas Constitution, Chapters 380, 381, 382, and 383 of the Code, and for the purposes of creating a program for economic development as provided in Section 52, Article III of the Texas Constitution, and for any other lawful purpose authorized by the governing laws.

The Petitioners specifically request:

- (1) that the County authorize the District to exercise the powers granted under Chapter 382 of the Code;
- (2) that the County delegate to the District all powers that the County is granted pursuant to Chapter 382; and
- (3) that the County authorize the District to engage in economic development projects, as the District may enter into development agreements which are deemed advisable to promote state and local economic development and to stimulate business and commercial activity in the District.

Section 7. Road Improvements. The Petitioners request that the County designate and approve the proposed onsite and offsite road improvements as a "Road Improvement Project" and designate and approve such Road Improvement Project as a targeted economic development project, which is of an economic benefit to the District, to the Subject Property within the District, and to the County.

Section 8. Advisory Board. As authorized by the Code, an advisory board may be established by the County to develop and recommend an improvement plan. However, an improvement plan is not necessary or applicable, as the Petitioners do not propose that the District be granted with the power to impose assessments.

Section 9. Management of the District & Board of Directors. The Petitioners specifically request that the County appoint a seven (7) member Board of Directors to govern the District and approve their respective terms in accordance with Section 382.051 of the Code, as the population of the District is less than 1,000 persons. The Petitioners also request that the County delegate to the District's Board of Directors

the County's powers and duties provided by Chapter 382 of the Code, in order for the Board of Directors to oversee, manage, and govern the District to the fullest extent authorized by the Code.

Section 10. Taxes and Bonds. The Petitioners request that County authorize the District to accomplish its purposes and the costs of services and improvements by imposing an ad valorem tax. The District shall also have the authority to issue bonds, negotiate promissory notes, and other District obligations, as further described herein.

The Petitioners specifically request:

- (1) that the District's proposed improvements be financed and paid for with taxes authorized by Chapter 382 of the Code instead of assessments;
- (2) that the County grant the District authority to impose an ad valorem tax to accomplish the economic development purposes prescribed by Section 52a, Article III, of the Texas Constitution;
- (3) that the County grant the District authority, in accordance with Section 382.152 of the Code, to issue bonds, negotiable promissory notes and other District obligations, which may be secured by District revenue or any type of District taxes, or any combination of taxes and revenue pledged to the payment of bonds; and
- (4) that the County grant the District authority as provided in Sections 382.158 and 382.159 of the Code, regarding borrowing and repayment of costs, respectively.

In regard to the proposed tax rates, the Petitioners specifically request that the County authorize the District to impose an ad valorem tax not to exceed the City's tax rate.

Section 11. Method of Assessment. The Petitioners do not propose that the District be granted the power to impose assessments, and accordingly, the Petitioners are not required to present a Service Plan, an Assessment Plan (including a method of assessment), or to prepare an Assessment Roll. As stated above, the Petitioners request that the District's proposed improvement be financed and paid for with taxes authorized by Chapter 382 of the Code instead of assessments.

Section 12. Method of Assessment. Approval and creation of the District will not obligate the County to provide any funds to finance the proposed public improvements. All costs of the District shall be paid by and apportioned to the District, and not to the County, as a whole.

Section 13. Advisability and Feasibility of the District & Best Interests of the County. The District and its proposed improvements and economic development projects appear feasible and are necessary and advisable for the economy of the District and the County. Additionally, the County may create a public improvement district if the County determines it is in the best interest of the County. The area comprising the District is not presently developed, and therefore, the proposed District is necessary to pay for or finance public improvements and economic development within the District. Furthermore, the District will serve the public purpose of promoting and encouraging new residential development in the District and the County, which will encourage employment and economic activity within the District and the County. As such, the County's creation of the District is in the best interest of the County, as the District and the proposed improvements confer a special benefit on the District, the Subject Property within the District, and the County.

Section 14. Filing with County Clerk. This Petition will be filed with the County Clerk in support of the creation of the District, as described herein.

Section 15. Prayer. This Petition requests that the County create the District, include the Subject Property therein, and grant to the District the powers requested in the Petition. The Petitioners pray that this Petition

be heard and the Commissioners Court sets a hearing date, publishes notice of, conducts a hearing, makes certain findings, and enters an Order creating the District in a manner authorized under Chapter 382 of the Code and as described herein.

Signatures on the Following Pages

Wherefore, this Petition satisfies all of the requirements of the Code for the creation of the District, and the Petitioner respectfully request the County create the District and include the Subject Property within such District, as described herein.

Respectfully submitted, this 30th day of September, 2019.

PETITIONER:

SA Kosta Browne, Ltd.,
a Texas Limited Partnership

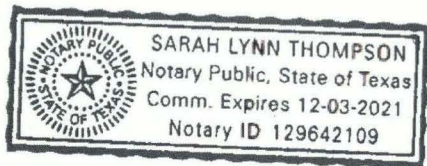
BY: Its General Partner
SA Kosta Browne GP, LLC
A Texas Limited Liability Company

BY: _____
Thomas B. Yantis, Member

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

This instrument was acknowledgment before me on this 30th day of September, 2019, by Thomas B. Yantis, Member of SA Kosta Browne GP, LLC., a Texas Limited Liability Company, general partner of SA Kosta Browne Ltd., a Texas Limited Partnership, on behalf of said limited partnership.



Sarah Thompson
Notary Public, State of Texas
Printed Name of Notary: Sarah Thompson
Commission Expiration: 12/3/21

Wherefore, this Petition satisfies all of the requirements of the Code for the creation of the District, and the Petitioner respectfully request the County create the District and include the Subject Property within such District, as described herein.

Respectfully submitted, this 30th day of September, 2019.

PETITIONER:

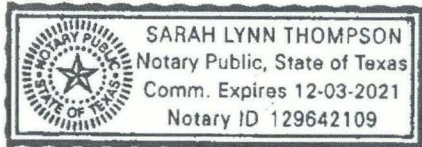
Fair Oaks Mosaic TBY, LLC,
a Texas Limited Liability Company

BY: [Signature]
Thomas B. Yantis, Manager

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

This instrument was acknowledgment before me on this 30th day of September, 2019, by Thomas B. Yantis, Manager of Fair Oaks Mosaic TBY, LLC, a Texas Limited Liability Company, on behalf of such company.



[Signature]
Notary Public, State of Texas
Printed Name of Notary: Sarah Thompson
Commission Expiration: 12/3/21



VG-76-2019-20190205910

File Information

**FILED IN THE OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY
LUCY ADAME-CLARK, BEXAR COUNTY CLERK**

Document Number: 20190205910
Recorded Date: October 11, 2019
Recorded Time: 3:28 PM
Total Pages: 13
Total Fees: \$70.00

**** THIS PAGE IS PART OF THE DOCUMENT ****

**** Do Not Remove ****

Any provision herein which restricts the sale or use of the described real property because of race is invalid and unenforceable under Federal law

STATE OF TEXAS, COUNTY OF BEXAR

I hereby Certify that this instrument was FILED in File Number Sequence on this date and at the time stamped hereon by me and was duly RECORDED in the Official Public Record of Bexar County, Texas on:
10/11/2019 3:28 PM



Lucy Adame-Clark
Lucy Adame-Clark
Bexar County Clerk

EXHIBIT A

POLITICAL DESCRIPTION of a 226.544 acre tract of land situated in the E. Gortari Survey No. 2, Abstract 5 and the M.J. Rodriguez Survey No. 3, Abstract 17, Bexar County, Texas and out of a 242.562 acre tract conveyed unto SA Kosta Browne, Ltd., and Fair Oaks Mosaic TBY, LLC by warranty deed recorded in Doc. No. 20180253543, Bexar County Official Public Records; in all, said 226.544 acre tract being more particularly described as follows:

BEGINNING at a ½" iron rod found on the southwest right-of-way line of FM 2538 (an 80' wide state highway) coincident with the common east corner of a 1.147 acre tract of land conveyed unto L. Prentiss Cammack by warranty deed recorded in Volume 17914, Page 1034, said Real Property Records and a north corner of said 242.562 acre tract for a north corner and POINT OF BEGINNING of the herein described tract of land;

THENCE, along the southwest line of said FM 2538, South 70° 29' 32" East, 1,654.77 feet to a calculated point for the common north corner of a 57.736 acre tract as shown by court order to Pamela Suzanne Luensmann Griffin recorded in Volume 16626, Page 2397, said Real Property Records and the east corner of said 242.562 acre tract for the easternmost corner of the herein described tract of land from whence a TXDOT Type I concrete monument bears South 70° 29' 32" East, 57.01 feet;

THENCE, along the northwest line of said 57.736 acre tract, South 60° 00' 34" West, at 1,523.03 feet pass a 1" iron pipe found, at approximately 2,176 feet pass the north corner of an 88.176 acre tract conveyed unto Alvin H. and Josephine Koepp by warranty deed recorded in Volume 6200, Page 1851, said Real Property Records, in all, a total distance of 3,845.07 feet to a ½" iron rod found for an angle point in the southeast line of the herein described tract of land;

THENCE, continuing along said southeast line, South 59° 55' 18" West, 2,281.99 feet to a fence corner post found on the northeast line of a 59.76 acre tract of land conveyed unto Michael William Elliot, et al by warranty deed recorded in Volume 15176, Page 673, said Real Property Records coincident with the southernmost corner of the herein described tract of land;

THENCE, along the northeast line of said 59.76 acre tract, North 29° 54' 52" West, at 240.89 feet pass a ¼" iron rod found at the east corner of a 10 acre tract conveyed unto Paula L. Maples by affidavit of heirship recorded in Volume 13007, Page 833, said Real Property Records, in all, a total distance of 528.89 feet to a ½" iron rod found for a reentrant corner of the herein described tract of land;

THENCE, along the northwest line of said 10 acre tract, South 60° 07' 12" West, 640.96 feet to a calculated angle point of the herein described tract of land from whence a 1" iron pipe (leaning) found at the east corner of a 37.265 acre tract conveyed unto Geraldine Zunker Scheel by warranty deed recorded in Volume 13328, Page 1296, said Real Property Records bears South 60° 07' 12" West, 581.47 feet;

THENCE, across said 242.562 acre tract, the following courses:

North 29° 58' 16" West, 793.41 feet to a calculated point,
North 31° 53' 27" West, 172.28 feet to a calculated point,

Westwood

North 35° 37' 30" West, 174.06 feet to a calculated point, and

North 39° 22' 30" West, 70.94 feet to a calculated point on the southeast line of the remaining portion of a 126.2 acre tract conveyed unto Vernon E. Winkelmann described in deed recorded in Volume 1927, Page 33, said Real Property Records for the west corner of the herein described tract of land from whence a 1" iron pipe found on the southeast line of said remaining portion of a 126.2 acre tract common with north corner of said 37.265 acre tract bears South 60° 11' 28" West, 546.52 feet;

THENCE, along the south east line of said 126.2 acre tract, North 60° 11' 28" East, 676.67 feet to an iron pipe and South 29° 54' 52" East, 20.47 feet to a calculated point on the southeast line of a private road for a reentrant corner of the herein described tract of land;

THENCE, along the southeast line of a private road, North 60° 10' 02" East, 2303.28 feet to a 1" pipe found for an angle point in the northwest line of the herein described tract of land;

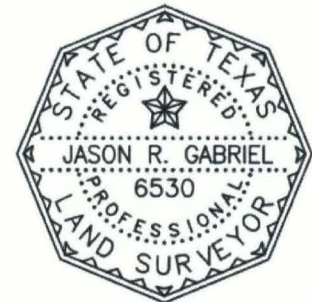
THENCE, continuing along the southeast line of said private road, North 60° 22' 23" East, 2295.64 feet, to a ½" iron rod found for the west corner of a 1.50 acre tract conveyed unto Eugene H. Bielke, et al by warranty deed recorded in Volume 3154, Page 1641, said Real Property Records for a north corner of said 242.562 acre tract and the herein described tract of land;

THENCE, South 29° 27' 35" East, at 306.23 feet pass a ½" iron rod found at the west corner of said 1.147 acre tract, in all a total distance of 430.60 feet to a ½" iron rod found for a reentrant corner of the herein described tract of land;

THENCE, North 60° 23' 42" East, 455.19 feet to the POINT OF BEGINNING.

Containing in all, 9,868,244 square feet or 226,544 acres, more or less.
Bearings are referenced to NAD83, 2011 adjustment for Texas State Plane Coordinates, South Central Zone 4204.

This document was prepared under 22 TAC §663.21, and does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those right and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.



Jason R. Gabriel, RPLS
Texas No. 6530

EXHIBIT B

EXHIBIT C

**SWORN AFFIDAVIT OF FEE SIMPLE OWNERS OF REAL PROPERTY REQUESTING
CREATION OF, AND CONSENTING TO INCLUSION IN, CLEARWATER CREEK SPECIAL
IMPROVEMENT DISTRICT**

The entities referenced below, hereby affirm that they are the fee simple owner of real property located in Bexar County. By their signatures below they each verify, for purposes of Chapter 382 of the Texas Local Government Code, that they (SA Kosta Browne Ltd., through its general partner SA Kosta Browne GP, LLC, and Fair Oaks Mosaic TBY, LLC – collective the “Property Owners”) are the owners of taxable real property described in **Exhibits “A” and “B”** below, collectively representing more than 50% of the appraised value of taxable real property within the proposed District, and that the Property Owners, collectively constitute more than 50% of all record owners of property within the proposed District or that they own taxable real property that constitutes more than 50% of the area of all taxable real property within the proposed District. Property Owners collectively request the creation of the Clearwater Creek Special Improvement District and consent to the inclusion of said property within its boundaries. The description, by metes and bounds and by survey map, of the real property owned by the Property Owners, and which the Property Owners wish to include within the proposed District is attached as **Exhibit “A” and Exhibit “B”** to the Petition for creation of the Clearwater Creek Special Improvement District.

Signatures on the Following Pages

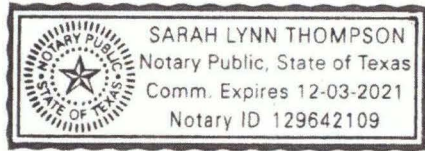
NAME: Fair Oaks Mosaic TBY, LLC
a Texas Limited Liability Company

BY: [Signature]
Thomas Blake Yantis, Manager

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

This instrument was acknowledgment before me on this 30th day of September, 2019, by Thomas B. Yantis, Manager of Fair Oaks Mosaic TBY, LLC, a Texas Limited Liability Company, on behalf of such company.



[Signature]
Notary Public, State of Texas

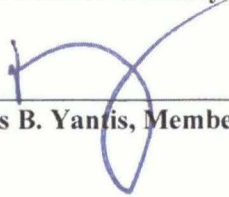
Printed Name of Notary: Sarah Thompson

Commission Expiration: 12/3/21

NAME:

SA Kosta Browne, Ltd.,
a Texas Limited Partnership

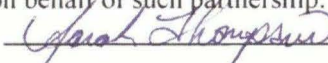
BY: Its General Partner
SA Kosta Browne GP, LLC
A Texas Limited Liability Company

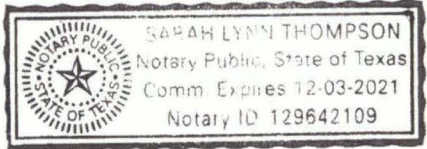
BY: 
Thomas B. Yantis, Member

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

This instrument was acknowledged before me on this 3rd day of September, 2019, by Thomas B. Yantis, Member of SA Kosta Browne GP, LLC, a Texas Limited Liability Company, general partner of SA Kosta Browne Ltd., a Texas Limited Partnership, on behalf of such partnership.





Notary Public, State of Texas

Printed Name of Notary: Sarah Thompson

Commission Expiration: 12/3/21

JYW
01/30/2020
Item No. 36A

ATTACHMENT "B"
Development Agreement