

RESOLUTION NO.____

A RESOLUTION RECOMMENDING THE CITY OF SAN ANTONIO'S CONDITIONAL CONSENT TO THE CREATION OF A 232.31 ACRE PUBLIC IMPROVEMENT DISTRICT (PID), THE PROPOSED TALLEY ROAD SPECIAL IMPROVEMENT DISTRICT, BY BEXAR COUNTY; AND APPROVING A TRANSFERABLE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND WAYNE LEE BENKE, OWNER OF THE APPROXIMATELY 232.314 ACRE PID PROPERTY, GENERALLY LOCATED WEST OF LOOP 1604 WEST AND EAST OF THE INTERSECTION OF CARTWRIGHT TRAIL AND TALLEY 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) for the purposes of a district 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 ETJ, the municipality has the option to object to the formation of the PIDs pursuant to state law; and

WHEREAS, the property owner, Wayne Lee Benke, owns approximately 222.6 acres, referred to as the Benke Properties generally located west of Loop 1604 West and east of the intersection of Cartwright Trail and Talley Road, within the extraterritorial jurisdiction (ETJ) of the City of San Antonio, more particularly described **Exhibit "A"** and depicted in **Exhibit "B"** attached hereto and incorporated herein for all purpose; and

WHEREAS, on October 1, 2018, the Property Owner petitioned the Bexar County to create a PID, to be named the Talley Road Special Improvement District (also referred to as the Talley Road PID) for land consisting of the 222.6 acre Benke Tract and two segments of Talley Road (approximately 2.444 acres and approximately 7.270 acres), totaling approximately 232.31 acres; and

WHEREAS, the Talley Extension Revitalization Initiative, LLC, (Developer) proposes to purchase the Benke Tract upon the County's creation of the District; and develop it as a single-family residential development; and

WHEREAS, the Developer plans to construct public improvements and infrastructure as depicted in Master Development Plan ("MDP") attached as **Exhibit "C"**s; and

WHEREAS, the Development Agreement shall provide for the voluntary annexation of the Talley Road PID Properties upon expiration of the term of the Agreement and shall establish terms for the future annexation of the Talley Road Properties; and

WHEREAS, the City does not consent to the exercise of eminent domain powers by the Talley Road PID, to the power to annex land into its boundaries or for the PID to be a retail provider of water, wastewater and drainage services; 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, provide for enforcement of environmental regulations, and to provide for land use regulations on the Talley Road Properties; and

WHEREAS on October 23, 2018, the Bexar County Commissioners Court approved a resolution stating their intent to create a PID on the Talley Road 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 November 14, 2017 and considered the effect of the City's consent to the Talley Road 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 approval of a resolution expressing the City's conditional consent to the creation of the Talley Road PID by Bexar County described in **Exhibits "A"** and depicted in Exhibits **"B,"** located in the City's ETJ as well to the construction of certain public infrastructure as further described and depicted in the MDP attached hereto as **Exhibit "C"**, 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 Agreements in accordance with the terms and conditions of Section 212.172 of the Texas Local Government Cod between the City and Wayne Lee Benke that 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 Talley Road PID Properties 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 14TH DAY OF NOVEMBER 2018.

Attest:

Approved:

Executive Secretary
San Antonio Planning Commission
Commission

George W. Peck, Chair
San Antonio Planning