

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

**AN ORDINANCE**

**AUTHORIZING THE EXECUTION OF A SECOND AMENDMENT TO THE “AGREEMENT FOR SERVICES IN LIEU OF ANNEXATION BETWEEN THE CITY OF SAN ANTONIO AND CUMBERLAND POTRANCO JOINT VENTURE, CUMBERLAND 211, LTD., NAVIGATORS STEVENS RANCH L.P., KD CIRI I, L.L.C., CIRI LAND DEVELOPMENT COMPANY AND CUMBERLAND 90, LTD.,” FOR THE WESTSIDE 211 SPECIAL IMPROVEMENT DISTRICT LOCATED IN THE CITY’S EXTRATERRITORIAL JURISDICTION.**

\* \* \* \* \*

**WHEREAS**, on September 20, 2007, the City Council authorized an agreement with Cumberland Potranco Joint Venture, Cumberland 211, LTD., Navigators Stevens Ranch L.P., KD CIRI I, L.L.C., CIRI Land Development Company And Cumberland 90, LTD (the “Property Owners”) for an “Agreement for Services in Lieu of Annexation” (“Agreement”) (Ord. 2007-09-20-1026); and

**WHEREAS**, on August 30, 2007, the Bexar County Commissioners Court created the Westside 211 Special Improvement District (“District”) encompassing the area subject to the Agreement for the purpose of financing critical public infrastructure; and

**WHEREAS**, on December 5, 2013 the City Council authorized an amendment to the Agreement (Ord. 2013-12-05-0877); and

**WHEREAS**, unanticipated circumstances, including but not limited to, additional Texas Department of Transportation (TXDOT) requirements, compliance with Endangered Species Act requirements and unavoidable construction delays, have necessitated a request to extend the non-annexation period in accordance with the Agreement; and

**WHEREAS**, the term of the non-annexation period directly impacts the power of the District to issue debt to finance improvements to Potranco Road and Highway 211; and

**WHEREAS**, the proposed Amendment complies with the applicable provisions of the Texas Local Government Code; and

**WHEREAS**, the District and the Property Owners now request to amend the “First Amended Agreement for Services in Lieu of Annexation” by extending the term of the agreement by ten (10) years to December 30, 2052; **NOW THEREFORE**,

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

**SECTION 1.** City Council authorizes the City Manager or her designee to execute the Second Amendment to the Agreement. The Agreement in substantially final form is set out in “Attachment I”.

**SECTION 2.** This Ordinance shall be effective immediately upon passage by eight or more affirmative votes; otherwise, it shall be effective on the tenth day after passage.

**PASSED AND APPROVED this xx day of March, 2018.**

**M A Y O R  
Ron Nirenberg**

**ATTEST:**

**APPROVED AS TO FORM:**

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Leticia M. Vacek, City Clerk

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Andrew Segovia, City Attorney

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