

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

AN ORDINANCE

**TERMINATING TAX INCREMENT REINVESTMENT ZONE NUMBER
TWENTY TWO, CITY OF SAN ANTONIO, TEXAS KNOWN AS THE
RIDGE STONE LOCATED IN CITY COUNCIL DISTRICT 4,
DISSOLVING THE BOARD OF DIRECTORS AND THE TAX
INCREMENT FUND FOR THE ZONE AND OTHER RELATED
ACTIONS; APPROPRIATING AND TRANSFERRING RELATED FUNDS
AS NECESSARY.**

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WHEREAS, Tax Increment Financing is an economic development tool authorized by the Tax Increment Financing Act, Texas Tax Code, Chapter 311 (“the Act”), used by municipalities to finance needed public improvements and enhance infrastructure within certain areas of the municipality by leveraging private investment for certain types of development activities; and

WHEREAS, on December 16, 2004, City Council approved Ordinance No. 100188, which designated the Ridge Stone Tax Increment Reinvestment Zone No. 22 (“TIRZ”), located in City Council District 4, created a Board of Directors for the Zone and provided a termination date of September 30, 2024 for the Zone, and established a tax increment fund; and

WHEREAS, the same Ordinance states that “Council further acknowledges and declares that this Zone may be dissolved at any time by City should no other tax entity participate in Zone; should all other taxing entities withdraw participation; should there be no development agreement reached with the applicant or entities in order to leverage private assets to City’s benefit; or should any development agreements fail for whatever reason”; and

WHEREAS, on March 1, 2007, City Council through Ordinance No. 2007-03-01-0239, approved the Final Project and Financing Plans for the TIRZ; and

WHEREAS, on August 30, 2007, City Council through Ordinance 2007-08-30-0921, approved a Development Agreement for the TIRZ and entered into by the City of San Antonio a Texas municipal corporation in Bexar County, Texas (“the City”), Bigfish On Five, L.P., a Texas limited partnership (“the Developer”), the TIRZ Board of Directors, and Bexar County, a political subdivision of the State of Texas (“the County”); and

WHEREAS, on July 14, 2011, a Notice of Default was sent by the City to the Developer citing breach for failure to perform obligations set out in the Development Agreement and pursuant to the TIRZ Project and Financing Plans; and

WHEREAS, on August 17, 2011, the City received a letter from the Developer stating, “City Bank Texas foreclosed on the collateral for the indebtedness on Big Fish on Five, L.P. which

included the Development Agreement,” and that the City should recognize a subsidiary of City Bank Texas as the Developer; and

WHEREAS, on March 8, 2016, the City provided written notice to the Developer and the County stating its intent to terminate the TIRZ, for breach of the Development Agreement and having received no response, it is the desire of the City Council to terminate this TIRZ; **NOW THEREFORE**:

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

SECTION 1. Tax Increment Reinvestment Zone Number Twenty-Two, San Antonio, Texas known as Ridge Stone, the associated Board of Directors, and the associated Tax Increment Reinvestment Fund are terminated as of June 16, 2016.

SECTION 2. The final Close-Out Finance Plan, attached in substantially final form as **Exhibit I**, is hereby approved.

SECTION 3. City Funds generated by this Ordinance will be deposited into Fund 32000000 and Fund 11001000 in accordance with the final Close-Out Finance Plan. The remaining funds generated by this Ordinance will be reimbursed to Bexar County.

SECTION 4. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager’s designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers and SAP GL Account Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 5. This Ordinance shall be effective immediate upon passage by eight affirmative votes; otherwise it shall be effective on the tenth day after passage.

PASSED AND APPROVED this 16th day of June, 2016.

M A Y O R
Ivy R. Taylor

ATTEST:

Leticia M. Vacek
City Clerk

APPROVED AS TO FORM:

Martha G. Sepeda
Acting City Attorney