

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

AN ORDINANCE

**AUTHORIZING THE CREATION AND DESIGNATION OF THE
MARMAXX INDUSTRIAL DISTRICT; AUTHORIZING A FIFTEEN
(15) YEAR INDUSTRIAL DISTRICT NON-ANNEXATION
AGREEMENT AND ASSOCIATED FIRE SERVICE AGREEMENT
WITH MARMAXX OPERATING CORP.**

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WHEREAS, Texas Local Government Code §42.044 (the “Statute”) provides for a governing body of a municipality to designate any part of its extraterritorial jurisdiction as an industrial district and allows the governing body to treat the designated area in a manner considered by the governing body to be in the best interests of the municipality; and

WHEREAS, the Statute also provides for the governing body to make written contracts with the owners of land in the industrial district to guarantee the continuation of the extraterritorial status of the district for a period not to exceed fifteen (15) years; and

WHEREAS, Marmaxx Operating Corp. (“Marmaxx”) shall be the fee-simple owner of land in the City of San Antonio’s extraterritorial jurisdiction generally described as 200 acres out of the Espada Tract in Southeast Bexar County, bounded by Loop 410 on the North, the San Antonio River on the East, Goeth Road on the South, and FM 1937 and U.S. Highway 281 South on the West, and is more particularly described in Exhibit A (the “Property”); and

WHEREAS, upon purchasing the Property, Marmaxx shall engage in the construction and operation of a distribution center that will result in the investment of \$150 million and the creation of approximately 1000 full-time jobs on the Property (the “Project”); and

WHEREAS, Marmaxx has petitioned the City to designate the Property as an Industrial District in accordance with the Statute and has requested a fifteen (15) year non-annexation agreement and associated fire services agreement; and

WHEREAS, the City Council finds that it is in the best interest of the municipality to designate the Property as an Industrial District and to enter into an Industrial District Non-Annexation Agreement; **NOW THEREFORE:**

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

SECTION 1. The City Council designates the Property which is generally described as 200 acres out of the Espada Tract in Southeast Bexar County generally bounded by Loop 410 on the North, the San Antonio River on the East, Goeth Road on the South, and FM 1937 and U.S. Highway 281 South on the West, and as more particularly described in Exhibit A, as the Marmaxx Industrial District in accordance with Texas Local Government Code §42.044.

SECTION 2. The City Council authorizes the City Manager or her designee, in concurrence with the City Attorney's Office, to negotiate final terms of an Industrial District Non-Annexation Agreement in substantially the form of Exhibit B and a Basic Fire Service Agreement in substantially the form of Exhibit C. Upon finalizing the Industrial District Non-Annexation Agreement and Basic Fire Service Agreement, to the satisfaction of the City Manager or her designee, in concurrence with the City Attorney's Office, the City Manager or her designee may execute the Industrial District Non-Annexation Agreement and Basic Fire Service Agreement.

SECTION 3. Application fee generated by this ordinance will be deposited into Fund 11001000, Internal Order 216000000000 and General Ledger 4401815.

SECTION 4. Annual Funds generated by this ordinance will be deposited into Fund 11001000, Internal Order 220000000011 and General Ledger 4404141.

SECTION 5. 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 Cost Centers, WBS Elements, Internal Orders, General Ledger Accounts, and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 6. This Ordinance shall be effective on and after the tenth (10th) day after passage hereof.

PASSED AND APPROVED this ____ day of _____ 2017.

M A Y O R
Ivy R. Taylor

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Andrew Segovia, City Attorney