

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

## **A RESOLUTION**

**AUTHORIZING THE CITY OF SAN ANTONIO'S CONSENT TO BEXAR COUNTY'S CREATION OF A PUBLIC IMPROVEMENT DISTRICT ("PID") PURSUANT TO THE PETITION OF MR. WAYNE BENKE, OWNER OF APPROXIMATELY 232.214 ACRES OF LAND LOCATED IN WEST BEXAR COUNTY NEAR THE INTERSECTION OF CARTWRIGHT TRAIL AND TALLEY ROAD TO BE NAMED THE TALLEY ROAD SPECIAL IMPROVEMENT DISTRICT AND ESTABLISHING CONDITIONS WITH RESPECT THERETO.**

**WHEREAS**, Wayne Lee Benke ("Owner") owns approximately 222.6 acres (the "Benke Tract"), generally located east of the intersection of Cartwright Trail and Talley Road within the extraterritorial jurisdiction (ETJ) of the City San Antonio, Bexar County, Texas, and

**WHEREAS**, the Owner submitted a petition to create a 232.314 acre Public Improvement District to be named the Talley Road Special Improvement District (the "District") which specifically consists of the "Benke Tract" and two (2) segments of Talley Road (approximately 2.444 acres and approximately 7.270 acres), as more particularly described in the Owner's Petition attached hereto as Exhibit "A" which was submitted to Bexar County, Texas (the "County"), on October 1, 2018, pursuant to Section 52, Article III and Section 59, Article XVI of the Texas Constitution and Chapters 372 and 382 of the Texas Local Government Code; and

**WHEREAS**, the Owner has requested that the County delegate the powers and duties of a road district; the authority to construct, acquire, improve, maintain, or operate graveled, or paved roads or turnpikes, or improvements in aid of those roads or turnpikes; and the power to provide water, wastewater, and drainage facilities. The City is amenable to consent to the County's delegation of these powers and duties subject to the Owner's continual compliance with all City construction standards, regulatory ordinances and subdivision requirements applicable to properties in the City's ETJ and all other conditions set forth in the proposed Development Agreement between the parties attached hereto as Exhibit "B"; however the PID assessment to property owners will not be any greater than the City's ad valorem tax rate; and

**WHEREAS**, the City recognizes that the construction of roads, water, wastewater 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 14, 2018, the Planning Commission of the City of San Antonio recommended approval of the City's consent to create the PID as well as the City's entry into a Development Agreement with the Owner of the Benke Tract; and

**WHEREAS**, in order to protect the City's infrastructural interests in the ETJ, the City Council finds

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that it is prudent to condition the City's agreement to consent to the creation of the PID on the Owner's submission of a voluntary petition for annexation through a Development Agreement containing mutually agreeable terms relating to the development of the property within the proposed PID and the services to be provided to the area by the City in the event of annexation with the City pursuant to Chapters 43 and 212 of the Texas Local Government Code which shall be executed within thirty (30) days of the date the County approves the PID; and

**WHEREAS**, the City has determined that the planning goals of the City are best served by entering into a Development Agreement with the Owner whereby in lieu of annexing the subject property into the City, the Owner shall comply with mutually agreeable land use controls as described in the Development Agreement; **NOW THEREFORE:**

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

**SECTION 1.** The City of San Antonio hereby consents to the creation of a Public Improvement District ("PID") by Bexar County to be named the Talley Road Special Improvement District which is to consist of approximately 232.314 acres generally located east of the intersection of Cartwright Trail and Talley Road, within the City's extraterritorial jurisdiction as more particularly described in the Owner's Petition attached hereto as Exhibit "A".

**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 agrees to and executes the above-described Development Agreement within thirty (30) days of the date that the County approves the PID.

**SECTION 3.** The City Council of the City of San Antonio reserves the right to object to the creation of the PID if it becomes clear that the Owner will not execute the Development Agreement within a reasonable period of time that will allow the City Council to take action to object prior to the expiration of the thirty (30) day deadline set forth in this section.

***PASSED AND APPROVED this 29<sup>th</sup> day of November 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