

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 CITY OF SAN ANTONIO'S EXECUTION OF A DEVELOPMENT AGREEMENT WITH WAYNE LEE BENKE, OWNER OF APPROXIMATELY 223.430 ACRES OF LAND LOCATED IN WEST BEXAR COUNTY NEAR THE INTERSECTION OF CARTWRIGHT TRAIL AND TALLEY ROAD.**

**WHEREAS**, Wayne Lee Benke ("Owner") owns approximately 223.430 acres (the "PROPERTY"), 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**, Owner petitioned Bexar County for the creation of a Public Improvement District ("PID") and as required by Chapter 43 of the Texas Local Government Code, Owner sought the City's consent to the creation of the PID; and

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

**WHEREAS**, the City has determined that its planning goals 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 ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The City Manager, or her designee, is authorized to execute a Development Agreement between the City of San Antonio and Benke, attached as Exhibit "B", containing terms and conditions governing the development of Property, preserving the extraterritorial status of the Benke Property during the term of the Development Agreement, and establishing the development agreement as a voluntary petition for annexation providing the City with the option of annexing the Benke Property in the event of default of the development agreement by the Owner, a subsequent owner, or end-buyers of properties developed within the PID in the future or upon the termination date of the agreement; and any and all other terms and conditions the City Manager finds to be in the City's best interest.

**SECTION 2.** The City Council of the City of San Antonio ordains that its consent to the County's creation of the PID shall remain in effect so long as the Owner complies with the terms of the Development Agreement.

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Item No.

***PASSED AND APPROVED*** this 29<sup>th</sup> day of November 2018.

**M A Y O R**  
**Ron Nirenberg**

**ATTEST:**

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Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**

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Andrew Segovia, City Attorney

DRAFT