

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 SPH CULEBRA, LTD., A TEXAS LIMITED PARTNERSHIP, VISE OAKS I LTD., A TEXAS LIMITED PARTNERSHIP, CAMPBELTON ROAD, LTD., A LIMITED PARTNERSHIP, BECKER RANCH, LTD., VISE SPH, LTD., A TEXAS LIMITED PARTNERSHIP, AND PEOPLES VERDES RANCH HOLDINGS CO., LTD. A TEXAS LIMITED PARTNERSHIP ("OWNERS"), OWNERS OF APPROXIMATELY 2,382.9 ACRES OF LAND LOCATED IN WEST BEXAR COUNTY, EAST OF LOOP 1604 SOUTH AND SOUTH OF U.S. HIGHWAY 90 WEST TO BE NAMED THE WESTPOINTE SPECIAL IMPROVEMENT DISTRICT ("DISTRICT") AND ESTABLISHING CONDITIONS WITH RESPECT THERETO.**

**WHEREAS**, the OWNERS collectively own approximately 2,382.9 acres generally located in West Bexar County, east of Loop 1604 South and south of U.S. Highway 90 West, within the extraterritorial jurisdiction (ETJ) of the City San Antonio, Bexar County, Texas, and

**WHEREAS**, the Owners submitted a petition to create a 2,382.9 acre Public Improvement District to be named the Westpointe Special Improvement District (the "District") which specifically consists of two (2) proposed tracts: the Westpointe East tract and the Westpointe West tract (collectively known as the "Westpointe Properties" as well as certain existing portions of Talley Road used to connect the Westpointe Properties, as more particularly described in the Owner's Petition attached hereto as **Exhibit "A"** which was submitted to Bexar County, Texas (the "County"), on December 17, 2017 pursuant to Section 52, Article III and Section 59, Article XVI of the Texas Constitution and Chapter 382 of the Texas Local Government Code; and

**WHEREAS**, the Owners have requested that the County delegate the powers and duties of a road district; the authority to construct, acquire, improve, maintain, or operate macadamized, 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 Owners' 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"**; 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**, the Owners also own three (3) nearby tracts of land containing approximately 359.282 acres of land known as the Westlakes Properties that are generally located along Loop 1604 South, and are more particularly described and depicted in the attached **Exhibit "C"**, which are not part of the proposed District and will not be developed as part of the overall development project that forms the basis of the District; and

**WHEREAS**, although the Westlakes Properties are not a part of the proposed District, the Owners intend to develop the Westlakes Properties and in exchange for the City's consent to the creation of the District, have agreed to comply with certain land use restrictions imposed by the City in order to protect the areas surrounding the United States Military installation ("Military Protection Area") from the effects of the proposed development; and

**WHEREAS**, on December 28, 2018, the Planning Commission of the City of San Antonio recommended that the City Council consent to the creation of the District, subject to the execution of a Development Agreement with the Owners of the Westpointe District and the Westlakes Properties providing certain terms and conditions designed to protect the aforementioned interests of the City and the Military Protection Area; and

**WHEREAS**, the City Council finds that it is prudent that said Development Agreement shall as the Owners' voluntary petition for annexation for both the Westpointe Properties and Westlakes Properties based on the terms and conditions set forth in the Development Agreement and shall include an agreement regarding services to be provided to the areas by the City in the event of annexation with the City pursuant to Chapters 43 and 212 of the Texas Local Government Code

**NOW THEREFORE:**

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

**SECTION 1.** The City of San Antonio hereby consents (1) to the creation of a Public Improvement District ("District") within the City's extraterritorial jurisdiction by Bexar County to be named the Westpointe Special Improvement District ("District") which is to consist of approximately 2,382.9 acres generally located in West Bexar County, east of West Loop 1604 South and south of U.S. Highway 90 West, as more particularly described in the Owners' Petition and supplemental documents attached hereto as **Exhibit "A"**; and (2) to the County's delegation to the District of (i) powers granted by Section 52, Article III of the Texas Constitution and the powers and duties of a road district in accordance with Section 382.101 of the Texas Local Government Code, save and except the powers to exercise eminent domain and to annex or exclude property from the District; and (ii) the power to provide water, wastewater or drainage facilities in accordance with Section 382.101 of the Texas Local Government Code, save and except the power to provide retail water, wastewater and drainage services or to obtain

a Certificate of Convenience and Necessity for either water or wastewater services to customers within the District.

**SECTION 2.** The City's consent to the creation of the District is conditioned upon the Owners' execution of a Development Agreement setting forth terms and conditions to the City's consent, including, but not limited to, Owners' agreement to comply with land use restrictions as set forth in the Development Agreement as more particularly provided in the Agreement attached hereto as **Exhibit "B"** as well as that said Development Agreement shall serve as voluntary petitions for annexation of the Westpointe Properties and/or the Westlakes Properties depending on the nature and location of any violation of the Development Agreement.

**SECTION 3.** The City Council of the City of San Antonio resolves that its consent to the County's creation of the District shall remain in effect so long as the Owner agrees to and complies with the above-described Development Agreement.

**SECTION 4.** This Resolution shall take effect at the time indicated herein, but not less than ten (10) days from the date it is passed by the City Council unless it is declared to be an emergency by the City Council in accordance with Article II, Section 15 of the City's Charter.

**PASSED AND APPROVED** this 13<sup>TH</sup> day of December 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