

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, SPH CULEBRA LTD., A TEXAS LIMITED PARTNERSHIP, VISE OAKS I, LTD., A TEXAS LIMITED PARTNERSHIP, CAMPBELTON ROAD, LTD., A TEXAS LIMITED PARTNERSHIP, BECKER RANCH, LTD., A TEXAS LIMITED PARTNERSHIP, VISE SPH, LTD., A TEXAS LIMITED PARTNERSHIP AND PEOPLES VERDES RANCH HOLDINGS CO., LTD. A TEXAS LIMITED PARTNERSHIP (COLLECTIVELY, HEREINAFTER REFERRED TO AS "OWNERS"), OWNERS OF APPROXIMATELY 2,382.9 ACRES OF LAND LOCATED IN WEST BEXAR COUNTY TO BE NAMED THE WESTPOINTE SPECIAL IMPROVEMENT DISTRICT AND PROVIDING FOR AGREED LAND USE RESTRICTIONS ON APPROXIMATELY 359.282 ACRES OF PROPERTY ALSO OWNED BY THE OWNERS KNOWN AS THE WESTLAKES PROPERTIES.

WHEREAS, Owners collectively own approximately 2,382.9 acres of land (the "Property"), generally located 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 petitioned for the creation of a 2,832.9 acre Public Improvement District to be named the Westpointe Special Improvement District (the "District") and as required by Chapter 43 of the Texas Local Government Code, Owners sought the City's consent to the creation of the District attached as **Exhibit "A"**; and

WHEREAS, the Owners also own three (3) nearby tracts of land containing approximately 359.282 acres of land known as the Westlake Properties that are generally located along Loop 1604 South that are not part of the proposed District and will not be developed as part of the overall project that forms the basis of the 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 13th, 2018, the City Council of the City of San Antonio passed a resolution containing certain findings, which is attached hereto as **Exhibit "B"** and incorporated fully herein, supporting and granting the City's consent to Bexar County's creation of the District conditioned upon the Owners' execution of a Development Agreement providing certain

terms and conditions designed to protect the City's interests relating to development of land within the City's extraterritorial jurisdiction as well as to protect the Military Protection Area which the City Council finds to be in the City of San Antonio's best interest; **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 the Owners, attached as **Exhibit "C"**, containing terms and conditions governing the development of the Property within the proposed District and the Westlakes Properties; preserving the extraterritorial status of the District and Westlakes Properties during the term of the Development Agreement subject to the terms therein, and establishing the Development Agreement as a voluntary petition for annexation of both the District and Westlakes Properties providing the City with the option of annexing the District and/or Westlakes Properties in the event of default of the Development Agreement by any of the Owners, a subsequent owner, or end-buyers of properties developed within the District and/or Westlakes Properties in the future or upon the termination date of the agreement.

SECTION 2. The City Council of the City of San Antonio ordains that its consent to the County's creation of the District shall remain in effect so long as the Owners agree to and comply with the above-described Development Agreement.

SECTION 3. This Ordinance 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 13th day of December 2018.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek, City Clerk

Andrew Segovia, City Attorney