

RESOLUTION NO.____

RECOMMENDING THAT THE CITY OF SAN ANTONIO (CITY) CONSENT TO THE CREATION BY BEXAR COUNTY OF A PROPOSED PUBLIC IMPROVEMENT DISTRICT (PID), TO LATER BE NAMED THE GATES SPECIAL IMPROVEMENT DISTRICT, GENERALLY LOCATED ALONG US HIGHWAY 87, TO THE EAST OF REAL DRIVE AND TO THE WEST OF BECK ROAD IN THE EXTRATERRITORIAL JURISDICTION (“ETJ”) OF THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS; AND THE APPROVAL OF A 30-YEAR DEVELOPMENT AGREEMENT BETWEEN THE CITY AND THE MEH HOLDING COMPANY, LTD.

WHEREAS, the Texas Local Government Code Chapters 382 allows a county to create a Public Improvement Districts (PID) under Section 52, Article III, and Section 59, Article XVI of the Texas Constitution and for the purposes of creating a program for economic development as provided in Section 52-a, Article III of the Texas Constitution to engage in economic development projects as provided in Section 52-a, Article III, Texas Constitution; and

WHEREAS, the Texas Local Government Code Chapter 382 provides that if a proposed PID is located within a municipality’s ETJ, the municipality has the option to object to the formation of the PIDs pursuant to state law; and

WHEREAS, the Texas Local Government Code Chapter 42 provides that if the purpose of a PID is to supply fresh water for domestic or commercial use or to furnish sanitary sewer services, roadways, or drainage, it may not be created in the ETJ of a municipality unless the municipality gives its written consent by ordinance or resolution; and

WHEREAS, on March 15, 2019 the Property Owner MEH Holding Company, Ltd., petitioned Bexar County to create a PID, to later be named the Gates Special Improvement District (also referred to as the Gates PID) on approximately 258.375 acres of land, generally located along US Highway 87 and to the east of Real Drive and to west of Beck Road, within the ETJ of the City of San Antonio, more particularly described and depicted in **Exhibits “A and B”** enclosed in **Attachment “A”** which is attached hereto and incorporated herein for all purpose; and

WHEREAS, the Owner plans to construct public improvements and infrastructure as described the and depicted in **Exhibit “C”** included in **Attachment “A”**; and

WHEREAS, the Development Agreement attached as **Attachment “A”** shall provide for the voluntary annexation of the Gates PID Properties upon expiration of the term of the Agreement and shall establish terms for the future annexation of the Gates Properties; and

WHEREAS, the City does not consent to the exercise of eminent domain powers by the Gates PID, to the power to annex land into its boundaries or for the PID to be a retail provider of water, wastewater and drainage services or to obtain a Certificate of Convenience and Necessity for either water or waste water service within the District boundaries; and

WHEREAS, the Development Agreement shall provide the City the ability to extend and enforce development regulations, to require compliance with certain municipal ordinances in lieu

of annexation, and to provide for land use regulations on the Gates Properties; and

WHEREAS on July 9, 2019, the Bexar County Commissioners Court approved a resolution stating their intent to create a PID on the Gates Properties and would authorize the PID to impose an ad valorem tax on future property owners within the PID boundaries; and

WHEREAS, the San Antonio Planning Commission held a public hearing on July 24, 2018 and considered the effect of the City's consent to the Gates PID creation by Bexar County and this agreement to be consistent with City policies, plans and regulations; and

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO:

SECTION 1. The San Antonio Planning Commission recommends the City Council of San Antonio consent to the creation by Bexar County of the Gates PID as described and depicted in **Exhibits "A and B"** enclosed in **Attachment "A"**, as well to the construction of certain public infrastructure as further described and depicted in **Exhibit "C"** enclosed in **Attachment "A"**, pursuant to the provisions of Chapter 382, Texas Local Government Code.

SECTION 2. The San Antonio Planning Commission recommends to City Council the approval of a Development Agreement between the City of San Antonio and MEH Holding Company, Ltd., which includes provisions for the voluntary annexation of the property upon the expiration of the term of the Agreement and which establishes city services and terms for future annexation of the Gates PID Property and that is in substantial conformance with the above recitals and is attached hereto and incorporated herein for all purposes, as **Attachment "A"**.

PASSED AND APPROVED ON THIS 24TH DAY OF JULY 2019.

Attest:

Approved:

Executive Secretary
San Antonio Planning Commission

Christopher Garcia, Chair
San Antonio Planning Commission

