

## **A RESOLUTION**

**PROVIDING THE CITY OF SAN ANTONIO (CITY) CONSENT TO THE CREATION BY BEXAR COUNTY OF A 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 ESTABLISHING CONDITIONS WITH RESPECT THEREO.**

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**WHEREAS**, MEH Holding Company, Ltd. (Owner) filed a petition with Bexar County (“the County”) to create a Public Improvement District (PID), to later be named the Gates Special Improvement District (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, as more particularly described and depicted in **Exhibits “A and B”** enclosed in **Attachment “A”** on March 15, 2019, 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 Owner has requested that the County establish the District within the City’s extraterritorial jurisdiction (“ETJ”); that the County delegate to the District the 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 Local Government Code; and the power to construct water and wastewater facilities in accordance with Section 382.101 of the Local Government Code; and

**WHEREAS**, the City recognizes that the construction of road, water, waste water, drainage 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 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**, on July 24, 2019 the Planning Commission of the City of San Antonio recommended that the City Council consent to the PID’s creation by Bexar County subject to the execution of a development agreement with Owner providing terms and conditions designed to protect the aforementioned interests of the City; and

**WHEREAS**, in order for the Owner to petition the County to create the PID to provide the services set forth above, the City must provide its written consent by ordinance or resolution; 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 consent to the creation of the PID on the Owner's submission of a voluntary petition for the annexation of the PID property through the aforementioned 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, pursuant to Chapters 43 and 212 of the Texas Local Government Code which shall be executed no later than thirty (30) days of the date the County approves the PID; **NOW, THEREFORE**,

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

**SECTION 1.** The City Council of San Antonio hereby consents (1) to the creation by Bexar County of a Public Improvement Districts (PID) to be later named the Gates PID which is to consist of 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, as more particularly described and depicted in **Exhibits "A and B"** enclosed in **Attachment "A"**; (2) to the County's delegation to the District the 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 Local Government Code, and (3) the power to construct water and wastewater facilities in accordance with Section 382.101 of the Local Government Code; but the City's consent does not include the powers to exercise eminent domain, annexation and exclusion of property from the District.

**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 execute the above-described development agreement.

**PASSED AND APPROVED on this 15<sup>TH</sup> day of August 2019.**

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

**ATTEST:**  
**FOR**

**APPROVED AS TO**

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Leticia M. Vacek, City Clerk

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Andrew Segovia, City Attorney