

RESOLUTION **2019-08-15-0053R**

PROVIDING THE CITY OF SAN ANTONIO'S (CITY'S) 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 U.S. 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 THERETO.

* * * * *

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 U.S. Highway 87 and to the east of Real Drive and to the 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 sales and use tax and hotel occupancy tax within the district 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:

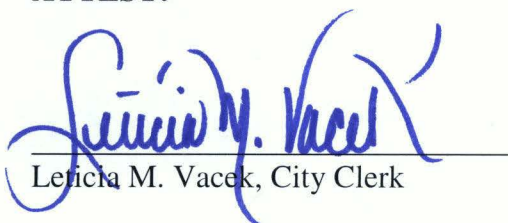
SECTION 1. The City Council of San Antonio hereby consents (1) to the creation by Bexar County of a Public Improvement Districts (PID) to be later named the Gates PID which is to consist of approximately 258.375 acres of land, generally located along U.S. Highway 87 and to the east of Real Drive and to the 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, wastewater, and drainage 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.

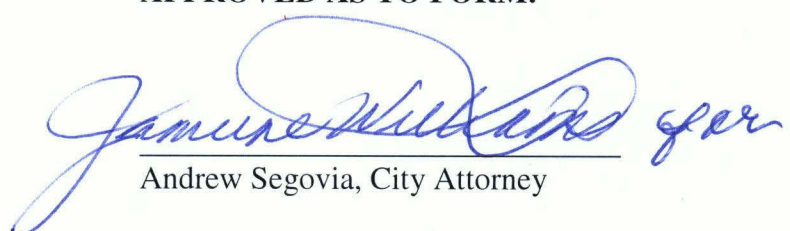
PASSED AND APPROVED on this 15th day of August 2019.


M A Y O R
Ron Nirenberg

ATTEST:


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:


Andrew Segovia, City Attorney

Agenda Item:	22A (in consent vote: 5, 6, 7, 9, 10, 12A, 12B, 14, 15, 16, 17, 18, 19, 20, 21, 22A, 22B)						
Date:	08/15/2019						
Time:	12:00:00 AM						
Vote Type:	Motion to Approve						
Description:	Resolution granting the City of San Antonio's consent to the creation by Bexar County of a Public Improvement District to later be named the Gates Special Improvement District						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x				x
Jada Andrews-Sullivan	District 2		x				
Rebecca Viagran	District 3		x				
Dr. Adriana Rocha Garcia	District 4		x				
Shirley Gonzales	District 5		x				
Melissa Cabello Havrda	District 6		x				
Ana E. Sandoval	District 7		x				
Manny Pelaez	District 8		x				
John Courage	District 9		x			x	
Clayton H. Perry	District 10		x				

JYW
08/15/2019
Item No. 22A

ATTACHMENT "A"

**PETITION FOR THE CREATION OF A PUBLIC IMPROVEMENT DISTRICT
TO BE NAMED THE GATES SPECIAL IMPROVEMENT DISTRICT**

**PETITION FOR THE CREATION OF A PUBLIC IMPROVEMENT DISTRICT TO BE NAMED
THE GATES SPECIAL IMPROVEMENT DISTRICT**

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

SCANNED

TO: THE HONORABLE COMMISSIONERS COURT OF BEXAR COUNTY, TEXAS

The undersigned petitioner ("Petitioner"), acting pursuant to the provisions of Chapter 382 of the Texas Local Government Code, as amended (the "Code"), submit this petition ("Petition") to the Commissioners Court of Bexar County, Texas, to request the creation of a public improvement district, within the extraterritorial jurisdiction ("ETJ") of the City of San Antonio ("City"), Bexar County, Texas ("County"). Specifically, the Petitioner requests that the County create a public improvement district and include the property described in **Exhibit "A"** and **Exhibit "B"** attached hereto ("Subject Property") within such public improvement district. In support of this Petition, the Petitioner presents the following:

Section 1. Petitioner. In compliance with the requirements of the Code, and as determined by the current tax roll of the Bexar County Appraisal District, the Petitioner constitutes: the owner representing more than 50% of the appraised value of taxable real property proposed to be included within the public improvement district proposed in this Petition.

Attached to this Petition is a sworn statement of the Petitioner, affirming the Petitioner is the holder of fee simple title to more than fifty-percent (50%) of the appraised value of taxable real property proposed to be included within the District (as defined below) and is the owner representing more than fifty-percent (50%) of all record owners of property within the proposed District or owns taxable real property that constitutes more than fifty-percent (50%) of the area of all taxable real property within the proposed District. The Petitioner requests for, and consents to, the creation of the District, as set forth in this Petition. The sworn statement of the Petitioner is attached hereto as **Exhibit "C"** and incorporated herein for all purposes.

Section 2. Name. A public improvement district is being requested, which shall be named the "Gates Special Improvement District" (referred to herein as the "District").

Section 3. Boundaries. The proposed boundaries of the District shall include the Subject Property, which is more particularly described in **Exhibit "A"** and **Exhibit "B"** attached hereto and incorporated herein for all purposes. The total acreage of the District is approximately 260 acres total. None of the land to be included in the District is within the corporate boundaries of any municipality and all of the land proposed to be included in the District is in the extraterritorial jurisdiction of the City and in the County.

Section 4. General Nature of the Proposed Public Improvements. The Petitioner requests that the County create a public improvement district and authorize it to engage in economic development projects and grant to the District the powers requested in this Petition. The District proposes to enter into development agreements as are deemed advisable to promote state and local economic development and to stimulate residential and commercial activity in the District. The general nature of the work proposed to be done may include, but is not limited to, onsite roads (including, but not limited to a collector road) and associated utility improvements (water, sewer, and drainage), offsite sewer extension (and if needed, offsite roads, water, and drainage), onsite public improvements for residential lots (sewer, water, streets, and drainage), the improvement and construction of water, sanitary sewer, drainage, dry utilities (gas and electric), detention ponds, storm sewer, impact fees for capacity, road, landscaping in public rights of way,

or sidewalks, right of way acquisition costs, easement acquisition costs, appraisal costs, geotechnical engineering costs, environmental inspection/testing/ and remediation costs, well plugging costs, demolition costs, water and sewer impact fees, floodplain reclamation costs, tree mitigation costs, park/entry/amenity improvement costs, including any cost or expense of purchasing, constructing maintaining, acquiring, owning, operating, repairing, leasing, improving, extending, or paying for inside (i.e. onsite) and outside (i.e. offsite) the district boundaries; flood plain and wetlands regulation and endangered species permits, stormwater permits, including mitigation; and all works, improvements, facilities, plants, equipment, appliances, interest in property, and contract rights needed thereof, and administrative facilities needed in connection therewith, related surveying, engineering, and legal fees, costs and expenses, and all rights of way and other interests in land necessary or convenient in connection therewith, as well as reasonable contingencies, associated with the costs of public improvements. Further, the public improvements financed by the District may include any public improvements in compliance with Chapter 382 and in accordance with the governing laws.

Section 5. Estimated Cost of the Proposed Construction of the Public Improvements. The total estimated capital cost is approximately \$57,200,000. Such costs can be partially offset with the imposition of taxes and the issuance of bonds by the District, as further described herein.

Section 6. Nature of the District & Authority. The District is expressly requested pursuant to Chapter 382 of the Code. The District shall be created for the purposes of a district created and organized under Section 52, Article III, and Section 59, Article XVI of the Texas Constitution, Chapters 380, 381, 382, and 383 of the Code, and for the purposes of creating a program for economic development as provided in Section 52, Article III of the Texas Constitution, and for any other lawful purpose authorized by the governing laws.

The Petitioner specifically requests:

- (1) that the County authorize the District to exercise the powers granted under Chapter 382 of the Code;
- (2) that the County delegate to the District all powers that the County is granted pursuant to Chapter 382; and
- (3) that the County authorize the District to engage in economic development projects, as the District may enter into development agreements which are deemed advisable to promote state and local economic development and to stimulate business and commercial activity in the District.

Section 7. Road Improvements. The Petitioner requests that the County designate and approve the proposed onsite and offsite road improvements as a "Road Improvement Project" and designate and approve such Road Improvement Project as a targeted economic development project, which is of an economic benefit to the District, to the Subject Property within the District, and to the County.

Section 8. Advisory Board. As authorized by the Code, an advisory board may be established by the County to develop and recommend an improvement plan. However, an improvement plan is not necessary or applicable, as the Petitioner does not propose that the District be granted with the power to impose assessments.

Section 9. Management of the District & Board of Directors. The Petitioner specifically requests that the County appoint a seven (7) member Board of Directors to govern the District and approve their respective terms in accordance with Section 382.051 of the Code, as the population of the District is less than 1,000 persons. The Petitioner also requests that the County delegate to the District's Board of Directors

the County's powers and duties provided by Chapter 382 of the Code, in order for the Board of Directors to oversee, manage, and govern the District to the fullest extent authorized by the Code.

Section 10. Taxes and Bonds. The Petitioner requests that County authorize the District to accomplish its purposes and the costs of services and improvements by imposing: (1) an ad valorem tax; (2) a sales and use tax; and (3) a hotel occupancy tax. The District shall also have the authority to issue bonds, negotiate promissory notes, and other District obligations, as further described herein.

The Petitioner specifically requests:

- (1) that the District's proposed improvements be financed and paid for with taxes authorized by Chapter 382 of the Code instead of assessments;
- (2) that the County grant the District authority to impose an ad valorem tax, hotel occupancy tax, and sales and use tax to accomplish the economic development purposes prescribed by Section 52a, Article III, of the Texas Constitution;
- (3) that the County grant the District the authority to impose a hotel occupancy tax in accordance with Section 382.155 of the Code and use the revenue from the tax for any purpose authorized by Chapter 382 of the Code if the owner of the hotel agrees to the imposition of the tax;
- (4) that the County grant the District authority, in accordance with Section 382.152 of the Code, to issue bonds, negotiable promissory notes and other District obligations, which may be secured by District revenue or any type of District taxes, or any combination of taxes and revenue pledged to the payment of bonds; and
- (5) that the County grant the District authority as provided in Sections 382.158 and 382.159 of the Code, regarding borrowing and repayment of costs, respectively.

In regard to the proposed tax rates, the Petitioner specifically requests that the County authorize the District to:

- (1) impose an ad valorem tax not to exceed the City's tax rate;
- (2) impose a sales and use tax with a rate not to exceed two-percent (2%); and
- (3) impose a hotel occupancy tax with a rate of the greater of nine-percent (9%) or the rate imposed by the City.

Section 11. Method of Assessment. The Petitioner does not propose that the District be granted the power to impose assessments, and accordingly, the Petitioner is not required to present a Service Plan, an Assessment Plan (including a method of assessment), or to prepare an Assessment Roll. As stated above, the Petitioner requests that the District's proposed improvement be financed and paid for with taxes authorized by Chapter 382 of the Code instead of assessments.

Section 12. Method of Assessment. Approval and creation of the District will not obligate the County to provide any funds to finance the proposed public improvements. All costs of the District shall be paid by and apportioned to the District, and not to the County, as a whole.

Section 13. Advisability and Feasibility of the District & Best Interests of the County. The District and its proposed improvements and economic development projects appear feasible and are necessary and advisable for the economy of the District and the County. Additionally, the County may create a public improvement district if the County determines it is in the best interest of the County. The area comprising the District is not presently developed, and therefore, the proposed District is necessary to pay for or finance public improvements and economic development within the District. Furthermore, the District will serve the public purpose of promoting and encouraging new residential development in the District and the County, which will encourage employment and economic activity within the District and the County. As

such, the County's creation of the District is in the best interest of the County, as the District and the proposed improvements confer a special benefit on the District, the Subject Property within the District, and the County.

Section 14. Filing with County Clerk. This Petition will be filed with the County Clerk in support of the creation of the District, as described herein.

Section 15. Prayer. This Petition requests that the County create the District, include the Subject Property therein, and grant to the District the powers requested in the Petition. The Petitioner pray that this Petition be heard and the Commissioners Court sets a hearing date, publishes notice of, conducts a hearing, makes certain findings, and enters an Order creating the District in a manner authorized under Chapter 382 of the Code and as described herein.

Signature on the Following Page

Wherefore, this Petition satisfies all of the requirements of the Code for the creation of the District, and the Petitioner respectfully request the County create the District and include the Subject Property within such District, as described herein.

Respectfully submitted, this 14 day of May, 2019.

PETITIONER:

MEH Holding Company, LTD.,
a Texas Limited Partnership

BY: Its General Partner
Morco Enterprises, Inc.
a Texas Corporation

BY: 
Gordon V. Hartman, President

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

This instrument was acknowledgment before me on this 14 day of May, 2019, by Gordon Hartman, President of Morco Enterprises, Inc., a Texas corporation, general partner of MEH Holding Company, LTD., a Texas Limited Partnership, on behalf of said limited partnership.

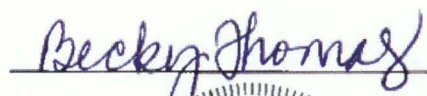


Notary Public, State of TEXAS
Printed Name of Notary: _____
Commission Expiration: _____


Exhibit A

LEGAL DESCRIPTION

**METES AND BOUNDS DESCRIPTION
1.045-ACRE TRACT OUT OF THE
FRANCISCO LONGUVILLE SURVEY NO. 4, ABSTRACT NO. 423,
COUNTY BLOCK 5137, BEXAR COUNTY, TEXAS**

Being a 1.045-acre (45,525) tract of land out of the Francisco Longuville Survey No. 4, Abstract 423, County Block 5137, said 1.045-acre tract being out of the remainder of a called 2-acre tract conveyed from W.W. Stanteen and Goldie J. Stanteen to Willie Mae Gates and Maxwell Gates by Deed executed February 20, 1958, recorded in Volume 4129, Page 335, Deed Records (D.R.) of Bexar County, Texas (all instruments cited herein are recorded in Bexar County, Texas), said 1.045-acre tract being the remainder of a tract of land more particularly described as P-17, conveyed from the Estate of Maxell F. Gates, c/o Willie Mae Gates, Independent Executrix, Willie Mae Gates and the Gates Living Trust c/o Will Mae Gates, Trustee to Willie Mae Gates by Executor's Special Warranty Deed, dated August 11, 2011 and recorded in Volume 15095, Page 1308, Official Public Records of Real Property (O.P.R.), said 1.045-acre tract being more particularly described as follows, with all bearings being referenced to North American Datum of 1983, Texas Coordinate System, (2011 Adjustment, Epoch 2010.00) South Central Zone:

BEGINNING at a found iron rod with orange cap stamped "RPLS 4020" in the existing south right-of-way line of US Highway 87 (variable-width right-of-way), as recorded in Volume 6523, Page 333 and Volume 7325, Page 223, D.R., for the northeast corner of a called 17.708-acre tract of land conveyed to G-4 Enterprises, LTD by Warranty Deed with Vendor's Lien, executed October 31, 2003 and recorded in Volume 10407, Page 895, O.P.R., and the northwest corner of the herein described tract;

THENCE South 71°45'50" East, along said existing south right-of-way line of US Highway 87, into and across said 2-acre tract, a distance of 144.99 feet to a set 1/2" iron rod with red cap stamped "VICKREY PROP. COR." in the east line of said 2-acre tract, for the northeast corner of the herein described tract, from which a found 1/2" iron rod bears South 71°45'50" East, a distance of 241.83 feet, for the northwest corner of a called 2.910-acre tract of land conveyed to William G. Gates by Warranty Deed, dated June 13, 2013 and recorded in Volume 16177, Page 2399, O.P.R.;

THENCE South 13°41'46" West, departing said existing south right-of-way line of US Highway 87 and along the east line of said 2-acre tract, a distance of 277.31 feet to a set 1/2" iron rod with red cap stamped "VICKREY PROP. COR.", for the southeast corner of said 2-acre tract and the herein described tract;

THENCE North 71°50'14" West, along the south line of said 2-acre tract, a distance of 184.23 feet to a set 1/2" iron rod with red cap stamped "VICKREY PROP. COR." in the east line of said 17.708-acre tract and for the southwest corner of the herein described tract, from which a found 1/2" iron rod bears South 21°48'48" West, a distance of 899.08 feet for the south corner of said 17.708-acre tract;



THENCE North 21°48'48" East, along the east line of said 17.708-acre tract, into and across said 2-acre tract, a distance of 277.22 feet to the **POINT OF BEGINNING** and containing 1.045 acres (45,525 square feet) of land.

A survey map of even date was prepared in conjunction with this property description.

Job No. 2874-001

March 20, 2019

Certified on this 20th day of March, 2019

Michael J. Vanderstappen

3/20/2019

Date

Michael J. Vanderstappen
Registered Professional Land Surveyor
Texas Registration No. 6594
Vickrey & Associates, Inc.
12940 Country Parkway
San Antonio, Texas 78216
210-349-3271
TBPLS Firm No. 10004100



**METES AND BOUNDS DESCRIPTION
257.33-ACRE TRACT OUT OF THE
FRANCISCO LONGUVILLE SURVEY NO. 4, ABSTRACT NO. 423 &
THE L. SMITHERS SURVEY NO. 1, ABSTRACT 663,
COUNTY BLOCK 5134 AND 5137, BEXAR COUNTY, TEXAS**

Being a 257.33-acre (11,209,507 square feet) tract of land out of the Francisco Longuville Survey No. 4, Abstract 423 and L. Smithers Survey No. 1, Abstract 663, County Block 5135 and County Block 5137, Bexar County, Texas and said 257.33-acre being out of a called 428.473-acre tract of land conveyed from Willie Mae Gates and Maxell F. Gates to Gates Heritage Properties, Ltd by Warranty Deed, dated November 18, 1988, recorded in Volume 4724, Page 1831, Official Public Records of Real Property (O.P.R.), Bexar County, Texas (all instruments cited herein are recorded in Bexar County, Texas), said 257.33-acre tract being more particularly described as follows, with all bearings being referenced to North American Datum of 1983, Texas Coordinate System, (2011 Adjustment, Epoch 2010.00) South Central Zone:

COMMENCING at a found iron rod with orange cap stamped "RPLS 4020" in the existing south right-of-way line of US Highway 87 (variable-width right-of-way), as recorded in Volume 6523, Page 333 and Volume 7325, Page 223, Deed Records (D.R.), for the northeast corner of a called 17.708-acre tract of land conveyed to G-4 Enterprises, LTD by Warranty Deed with Vendor's Lien, executed October 31, 2003 and recorded in Volume 10407, Page 895, O.P.R.;

THENCE South 21°48'48" West, along the east line of said 17.708-acre tract, a distance of 277.22 feet to a set 1/2" iron rod with red cap stamped "VICKREY PROP. COR." in the south line of the of a called 2-acre tract conveyed to Willie Mae Gates and Maxwell Gates by Deed executed February 20, 1958 and recorded in Volume 4129, Page 335, D.R., for the **POINT OF BEGINNING** and an interior corner of the herein described tract;

THENCE South 71°50'14" East, along the south line of said 2-acre tract, a distance of 184.23 feet to a set 1/2" iron rod with red cap stamped "VICKREY PROP. COR.", for the southeast corner of said 2-acre tract and an interior corner of the herein described tract;

THENCE North 13°41'46" East, along the east line of said 2-acre tract, a distance of 277.31 feet to a set 1/2" iron rod with red cap stamped "VICKREY PROP. COR." in said existing south right-of-way line of US Highway 87, for the north corner of the herein described tract;

THENCE South 71°45'50" East, along said existing south right-of-way line of US Highway 87, a distance of 241.83 feet to a found 1/2" iron rod, for the north corner of a called 2.910-acre tract of land conveyed to William G. Gates by Warranty Deed, dated June 13, 2013 and recorded in Volume 16177, Page 2399, O.P.R. and an interior corner of the herein described tract;

THENCE departing said existing south right-of-way line of US Highway 87 and along the west, south and east lines of said 2.910-acre tract, the following six (6) calls:



1. South 17°44'27" West, a distance of 385.29 feet to a found 1/2" iron rod, for an interior corner of said 2.910-acre tract and the herein described tract,
2. North 74°48'54" West, a distance of 104.52 feet to a set 1/2" iron rod with red cap stamped "VICKREY PROP. COR.", for an interior corner of said 2.910-acre tract and the herein described tract,
3. North 76°56'23" West, a distance of 99.36 feet to a found iron rod with orange cap stamped "RPLS 4020", for an interior corner of said 2.910-acre tract and the herein described tract,
4. South 14°57'52" West, a distance of 254.77 feet to a found 1/2" iron rod, for the west corner of said 2.910-acre tract and an interior corner of the herein described tract,
5. South 72°01'52" East, a distance of 305.84 feet to a found 1/2" iron rod, for the south corner of said 2.910-acre tract and an interior corner of the herein described tract, and
6. North 17°45'54" East, a distance of 652.76 feet to a found iron rod with orange cap stamped "RPLS 4020", in said existing south right-of-way line of US Highway 87, for the east corner of said 2.910-acre tract and an interior corner of the herein described tract;

THENCE along said existing south right-of-way line of US Highway 87 the following two (2) calls:

1. South 71°45'50" East, a distance of 105.70 feet to a found TxDOT Type II right-of-way monument, for an angle point of the herein described tract, and
2. South 71°45'29" East, a distance of 450.49 feet to a point for the north corner of Lot 1 of Corrilla Country Estates Unit II, recorded in Volume 9516, Page 138, Deed and Plat Records (D.P.R) from which a found 1/2" iron rod bears South 71°42'18" East, a distance of 2.11 feet, for a corner of the herein described tract;

THENCE South 18°22'11" West, departing said existing south right-of-way line of US Highway 87 and along the west line of said Lot 1, a distance of 245.15 feet to a point for the west corner of said Lot 1, the north corner of Lot 2 of said Corrilla Country Estates Unit II, an interior corner of a called 10.021-acre tract of land conveyed to Ruben Martinez by Warranty Deed with Vendor's Lien, dated June 6, 2003 and recorded in Volume 10083, Page 1453, O.P.R. and an interior corner of the herein described tract from which a found 1/2" iron rod bears South 28°53'01" East, a distance of 0.57 feet;

THENCE North 72°23'00" West, along the north line of said 10.021-acre tract, a distance of 91.71 feet to a found iron rod with orange cap stamped "RPLS 4020", for the north corner of said 10.021-acre tract and an interior corner of the herein described tract;

THENCE South 07°09'22" East, along the west line of said 10.021-acre tract and continuing along the west line of a called 7.664-acre tract of land conveyed to Carlos J. Moran, Jr. by Warranty Deed with Vendor's Lien, dated June 6, 2003 and recorded in Volume 10096, Page 2352, O.P.R., a distance of 3,840.21 feet to a found 1/2" iron rod with orange cap, for the west corner of said 7.664-acre tract and an interior corner of the herein described tract;



THENCE South $76^{\circ}17'17''$ East, along the south line of said 7.664-acre tract, a distance of 140.57 feet to a found $1/2''$ iron rod bent, for the south corner of said 7.664-acre tract, the west corner of a called 1.57-acre tract of land conveyed to Arthur Boston and Evelyn Stevenson by Warranty Deed, executed March 5, 2008, recorded in Volume 13449, Page 1529, O.P.R. and an interior corner of the herein described tract;

THENCE South $76^{\circ}24'39''$ East, along the south line of said 1.57-acre tract, a distance of 222.42 feet to a found iron rod with red cap stamped "RPLS 4724" in the existing west right-of-way line of Beck Road (variable-width right-of-way), as recorded in Volume 1315, Page 498 D.R. for the south corner of said 1.57-acre tract and the east corner of the herein described tract from which a found iron rod with red cap stamped "RPLS 4724" bears North $13^{\circ}39'53''$ East, a distance of 149.97 feet for the east corner of said 1.57-acre tract;

THENCE South $13^{\circ}39'53''$ West, along said existing west right-of-way line of Beck Road, a distance of 104.21 feet to a point in the north line of Quail Run Subdivision, recorded in Volume 9553, Page 210, D.P.R., for a south corner of the herein described tract and from which a found iron rod with yellow cap stamped "HALLEN ENG" bears South $76^{\circ}24'39''$ East, a distance of 6.06 feet;

THENCE North $76^{\circ}24'39''$ West, departing said existing west right-of-way line of Beck Road and along the north line of said Quail Run Subdivision, a distance of 2,757.82 feet to a found iron rod with yellow cap stamped "HALLEN ENG", for the north corner of Lot 17, Block 6 of said Quail Run Subdivision and an interior corner of the herein described tract;

THENCE South $11^{\circ}49'40''$ West, along the west line of said Quail Run Subdivision, a distance of 440.99 feet to a set $1/2''$ iron rod with red cap stamped "VICKREY PROP. COR.", for the southwest corner of Lot 18, Block 6 of said Quail Run Subdivision and the northwest corner of Lot 1, Block 12 of Quail Run Subdivision – Unit 2, recorded in Volume 9561, Page 218, D.P.R. and for an interior corner of the herein described tract;

THENCE South $13^{\circ}35'54''$ West, along the west line of said Lot 1, a distance of 5.00 feet to a found iron rod with yellow cap, for the northeast corner of Lot 2, Block 12 of said Quail Run Subdivision - Unit 2, and an interior corner of said Lot 1 and the south corner of the herein described tract;

THENCE North $76^{\circ}30'23''$ West, along the north line of said Quail Run Subdivision – Unit 2, a distance of 1,173.96 feet to a found iron rod with yellow cap in the east line of a called 206.786-acre tract of land conveyed to Koe Kreek Properties, LLC by Warranty Deed with Vendor's Lien, dated April 18, 2013 and recorded in Volume 16060, Page 633, O.P.R., for the northwest corner of Lot 7, Block 12 of said Quail Run Subdivision – Unit 2 and the southwest corner of the herein described tract;

THENCE North $13^{\circ}55'37''$ East, along the east line of said 206.786-acre tract, a distance of 591.17 feet to a found 1" iron pipe, for the northeast corner of said 206.786-acre tract and an interior corner of the herein described tract;

THENCE North $76^{\circ}00'18''$ West, along the north line of said 206.786-acre tract, a distance of 148.20 feet to a found 2" iron pipe, for the southeast corner of a called 27.9-acre tract of land conveyed to Peter Dunn and Kermit Reneau by General Warranty Deed with Vendor's Lien, executed July 26, 1968, and recorded in Volume 6001, Page 109, D.R. and the west corner of the herein described tract;



THENCE North 13°37'17" East, along the east line of said 27.9-acre tract, a distance of 3,280.44 feet to a found iron rod with orange cap stamped "RPLS 4020", for the southwest corner of a called 1.3327-acre tract of land conveyed to Ruben Martinez by Warranty Deed, dated May 18, 2004, and recorded in Volume 10758, Page 2088, O.P.R., and a north corner of the herein described tract;

THENCE South 68°22'56" East, along the north line of said 1.3327-acre tract, a distance of 340.13 feet to a found 1/2" iron rod, for the northeast corner of said 1.3327-acre tract and an interior corner of said 17.708-acre tract and the herein described tract;

THENCE along the south and east line of said 17.708-acre tract the following six (6) calls:

1. South 13°42'54" West, a distance of 54.26 feet to a found iron rod with orange cap stamped "RPLS 4020", for an interior corner of said 17.708-acre tract and the herein described tract,
2. North 87°55'00" East, a distance of 87.20 feet to a found iron rod with orange cap stamped "RPLS 4020", for an interior corner of said 17.708-acre tract and the herein described tract,
3. South 49°53'15" East, a distance of 208.63 feet to a point (unable to set, in water) for an interior corner of said 17.708-acre tract and the herein described tract,
4. South 16°43'25" East, a distance of 202.56 feet to a found iron rod with orange cap stamped "RPLS 4020", for an interior corner of said 17.708-acre tract and the herein described tract,
5. South 53°03'07" East, a distance of 563.74 feet to a found 1/2" iron rod, for an interior corner of said 17.708-acre tract and the herein described tract, and
6. North 21°48'48" East, a distance of 899.08 feet to the **POINT OF BEGINNING** and containing 257.3349 acres (11,209,507 square feet) of land.

Job No. 2874-001
March 20, 2019

Certified on this 20th day of March, 2019



3/20/2019

Michael J. Vanderstappen
Registered Professional Land Surveyor
Texas Registration No. 6594
Vickrey & Associates, Inc.
12940 Country Parkway
San Antonio, Texas 78216
210-349-3271
TBPLS Firm No. 10004100

Date



Exhibit B

SURVEY MAP

RECORDER'S MEMORANDUM
AT THE TIME OF RECORDATION, THIS
INSTRUMENT WAS FOUND TO BE INADEQUATE
FOR THE BEST PHOTOGRAPHIC REPRODUCTION
BECAUSE OF ILLEGIBILITY, CARBON OR PHOTO
COPY, DISCOLORED PAPER ETC.

SCHEDULE B EXCEPTIONS

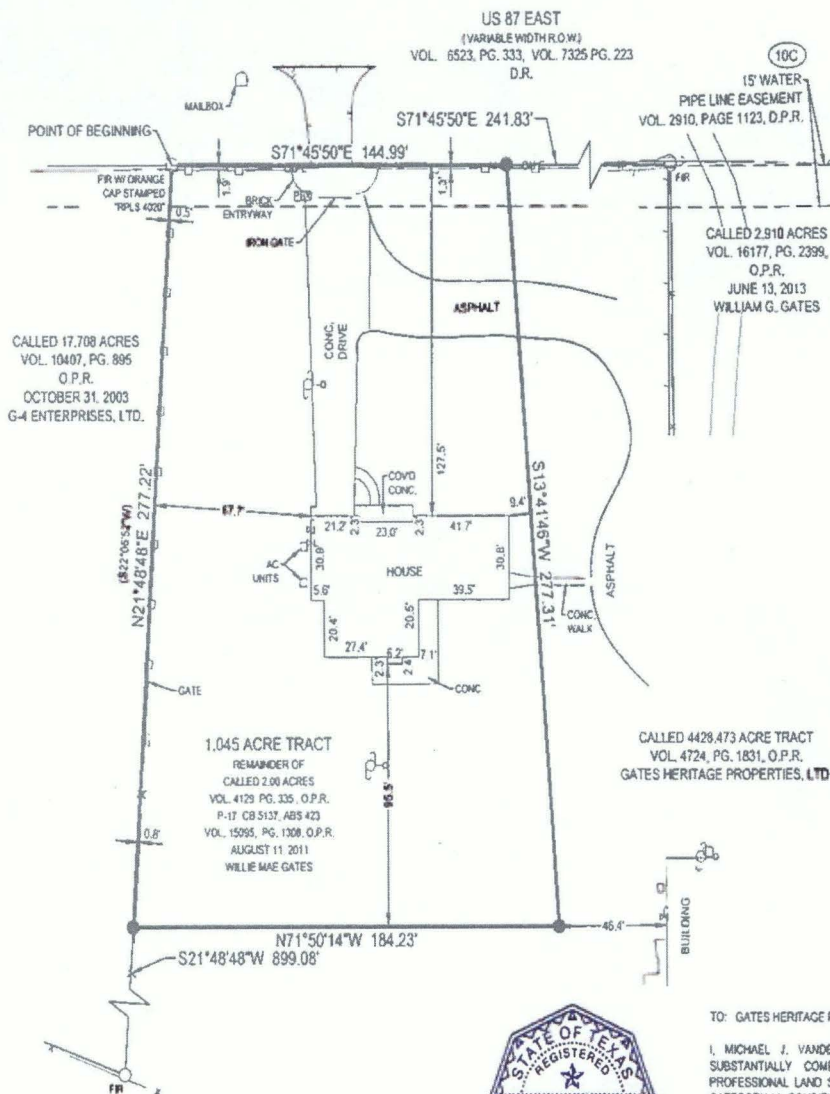
THIS SURVEY WAS PERFORMED WITH THE BENEFIT OF A TITLE COMMITMENT PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY WITH GF # 1-183765 HAVING AN EFFECTIVE DATE OF JUNE 13, 2018 AND ISSUE DATE OF JUNE 26, 2018. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR AND THE INFORMATION REGARDING EASEMENTS, RIGHT-OF-WAY AND OTHER RESTRICTIONS TO THE SUBJECT PROPERTY WERE PROVIDED BY SAID TITLE COMMITMENT.

THE FOLLOWING SURVEY-RELATED ITEMS ARE LISTED ON SCHEDULE B OF SAID TITLE COMMITMENT:

- (10A) INGRESS/EGRESS EASEMENT RESERVED IN WARRANTY DEED TO EAST CENTRAL WATER SUPPLY, RECORDED IN VOLUME 1178, PAGE 685, REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS. (DOES NOT LIE ON SUBJECT TRACT)
- (10B) INGRESS/EGRESS EASEMENT RESERVED IN AMENDED WARRANTY DEED TO EAST CENTRAL WATER SUPPLY, RECORDED IN VOLUME 1624, PAGE 792, REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS. (DOES NOT LIE ON SUBJECT TRACT)
- (10C) WATER PIPE LINE EASEMENT TO EAST CENTRAL WATER SUPPLY CORPORATION, RECORDED IN VOLUME 2910, PAGE 1123, REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS. (AS SHOWN HEREON)
- (10D) ACCESS AND UTILITY EASEMENT SET OUT IN DEED TO WILLIAM G. GATES, RECORDED IN VOLUME 3647, PAGE 1140, REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS. (DOES NOT LIE ON SUBJECT TRACT)
- (10E) RIGHT OF WAY GRANT TO KOCH REFINING COMPANY, RECORDED IN VOLUME 4440, PAGE 1, REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS. (DOES NOT LIE ON SUBJECT TRACT)
- (10F) TERMS, CONDITIONS AND STIPULATIONS CONTAINED IN OIL, GAS AND MINERAL LEASE DATED APRIL 30, 1983, BETWEEN MAXWELL F. GATES AND WIFE, WILLIE MAE GATES AND BIG-TEX ENERGY, RECORDED IN VOLUME 2846, PAGE 2268, OF THE REAL PROPERTY RECORDS OF BEXAR COUNTY, TEXAS. (AFFECTS - NOT PLOTTABLE)

GENERAL NOTES

- (GN1) THIS SURVEY DOES NOT IDENTIFY OR DELINEATE ANY SURFACE OR SUBSURFACE MINERAL RIGHTS, NOR DOES IT IDENTIFY ANY RIGHTS TO THE SURFACE RESULTING FROM SAID MINERAL RIGHTS
- (GN2) BEARINGS ARE BASED ON NORTH AMERICAN DATUM OF 1983 (2011 ADJUSTMENT, EPOCH 2010.00), TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE
- (GN3) THIS SURVEY WAS PERFORMED ON THE GROUND IN MARCH 2019.
- (GN4) ONLY THE IMPROVEMENTS WHICH WERE VISIBLE AT TIME OF SURVEY AND THROUGH A NORMAL SEARCH AND WALK THROUGH OF THE SITE ARE SHOWN ON THE FACE OF THIS PLAT. LAWN SPRINKLER SYSTEMS, IF ANY, ARE NOT SHOWN ON THIS SURVEY.
- (GN5) SURFACE INDICATIONS OF UTILITIES ON THE SURVEYED PARCEL HAVE BEEN SHOWN. UNDERGROUND AND OFFSITE OBSERVATIONS HAVE NOT BEEN MADE TO DETERMINE THE EXTENT OF UTILITIES SERVING OR EXISTING ON THE PROPERTY. PUBLIC AND/OR PRIVATE RECORDS HAVE NOT BEEN SEARCHED TO PROVIDE ADDITIONAL INFORMATION. OVERHEAD WIRES AND POLES (IF ANY) HAVE BEEN SHOWN, HOWEVER THEIR FUNCTION AND DIMENSIONS HAVE NOT BEEN SHOWN.
- (GN6) THIS SURVEY MAY NOT REFLECT ALL UTILITIES OR IMPROVEMENTS, IF SUCH ITEMS ARE HIDDEN BY LANDSCAPING, OR ARE COVERED BY SUCH ITEMS AS DUMPSTERS OR TRAILERS.
- (GN7) OTHER THAN VISIBLE OBSERVATIONS NOTED HEREON, THIS SURVEY MAKES NO STATEMENT REGARDING THE ACTUAL PRESENCE OR ABSENCE OF ANY SERVICE OR UTILITY LINE. CONTROLLED UNDERGROUND EXPLORATORY EFFORT TOGETHER WITH TEXAS 611 MARKINGS IS RECOMMENDED TO DETERMINE THE FULL EXTENT OF UNDERGROUND SERVICE AND UTILITY LINES. CONTACT TEXAS ONE CALL AT 811.
- (GN8) RESTRICTIONS THAT MAY BE FOUND IN LOCAL BUILDINGS AND/OR ZONING CODES HAVE NOT BEEN SHOWN. HEIGHT AND BULK RESTRICTIONS (IF ANY) HAVE NOT BEEN SHOWN. ONLY THOSE SETBACK RESTRICTIONS SHOWN ON THE RECORDED SUBDIVISION PLAT OR IN THE TITLE COMMITMENT HAVE BEEN SHOWN.
- (GN9) FENCES SHOWN HEREON ARE GRAPHIC ONLY, WITH DIMENSIONAL TIES SHOWN AT SPECIFIC LOCATIONS WHERE THEY WERE PHYSICALLY MEASURED. THE FENCE LINE MAY MEANDER BETWEEN SAID MEASURED LOCATIONS. THE DIMENSIONS SHOWING THE DISTANCE BETWEEN THE FENCE AND THE PROPERTY LINE ALSO INDICATES WHICH SIDE OF THE PROPERTY LINE THE FENCE IS ON.
- (GN10) OWNERSHIP INFORMATION SHOWN HEREON IS BASED ON A PUBLIC RECORDS SEARCH BY THE SURVEYOR, PERFORMED MARCH OF 2019.
- (GN11) A METES AND BOUNDS DESCRIPTION OF EVEN DATE ACCOMPANIES THIS SURVEY.



LEGEND

- FR FOUND 1/2\"/>

TO: GATES HERITAGE PROPERTIES

I, MICHAEL J. VANDERSTAPPEN, HEREBY CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL LAND SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A, CONDITION II SURVEY.

Michael J. Vanderstappen DATED 3/20/2019
 MICHAEL J. VANDERSTAPPEN
 REGISTERED PROFESSIONAL LAND SURVEYOR
 TEXAS REGISTRATION NO. 6594
 VICKREY AND ASSOCIATES, INC.
 MVANDERSTAPPEN@VICKREYINC.COM



REVISIONS

NO.	DESCRIPTION	DATE
1		
2		
3		
4		

LAND TITLE SURVEY OF 1.045 ACRE TRACT OF LAND, BEING OUT OF THE FRANCISCO LONGVILLE SURVEY NO. 4, ABSTRACT NO. 423, COUNTY BLOCK 5137 AND BEING THE REMAINDER OF A CALLED 2-ACRE TRACT RECORDED IN VOLUME 4129, PAGE 335, DEED RECORDS, BEXAR COUNTY, TEXAS.



VICKREY & ASSOCIATES, INC.
 CONSULTING ENGINEERS
 CIVIL • ENVIRONMENTAL • SURVEY
 129-13 Country Parkway, San Antonio, TX 78216
 Telephone (210) 341-3271
 "BPLS Firm Registration No. 10004100"

PREPARED FOR

GATES HERITAGE PROPERTIES

DATE 03/20/2019

Vertical Scale 1"=4'0"
 Horizontal Scale 1"=50'
 LAND TITLE SURVEY
 SHEET 1 OF 1
 PROJ NO. 2874-001

PLACED IN THE
FLOODING

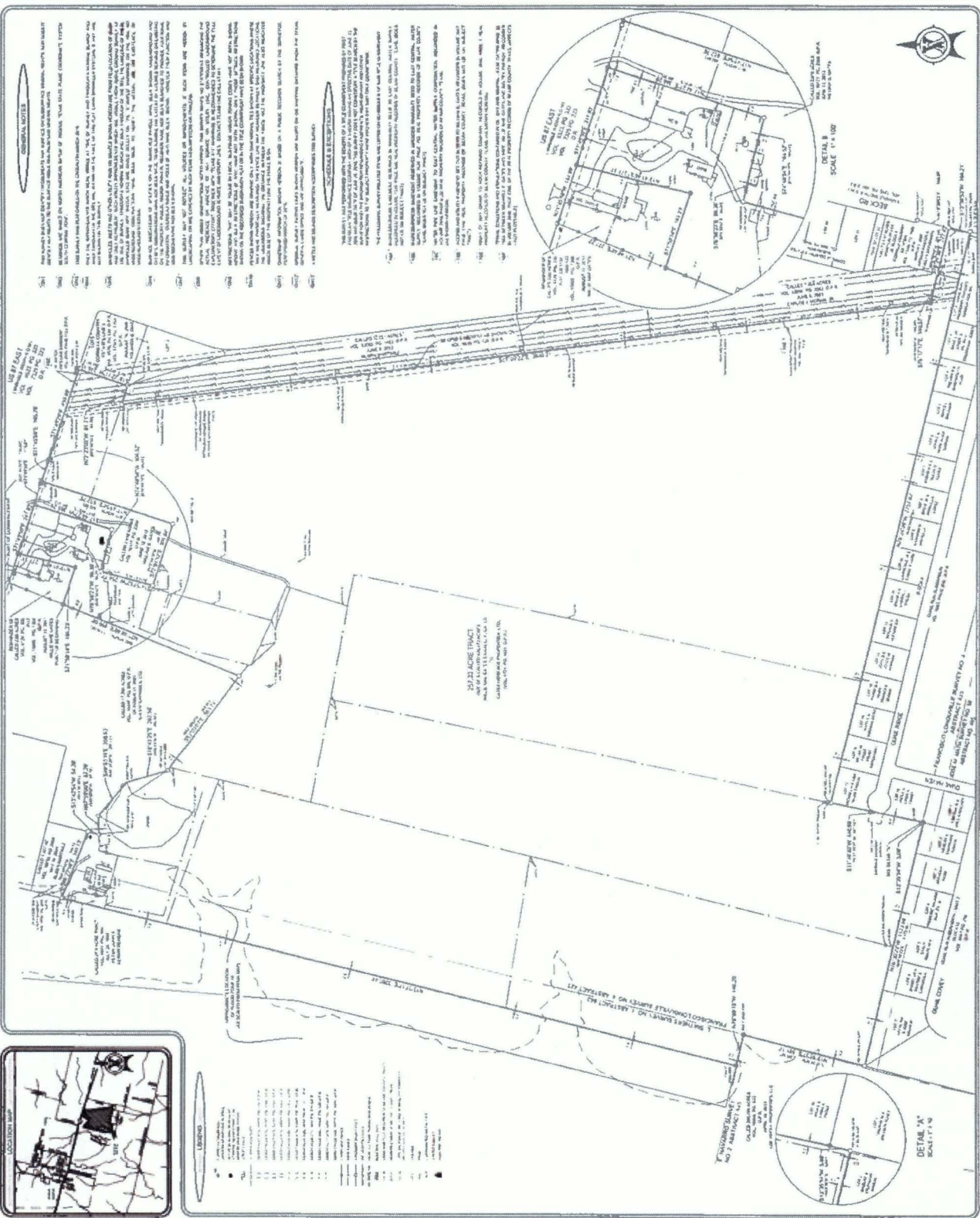
[illegible]

Exhibit C

SWORN AFFIDAVIT OF PETITIONER

**SWORN AFFIDAVIT OF FEE SIMPLE OWNER OF REAL PROPERTY REQUESTING
CREATION OF, AND CONSENTING TO INCLUSION IN, GATES SPECIAL IMPROVEMENT
DISTRICT**

I, the undersigned, hereby affirm that I am the fee simple owner of real property located in Bexar County. I am verifying, for purposes of Chapter 382 of the Texas Local Government Code, that I am the owner of taxable real property representing more than 50% of the appraised value of taxable real property within the proposed District and I am the owner representing more than 50% of all record owners of property within the proposed District or I own taxable real property that constitutes more than 50% of the area of all taxable real property within the proposed District. I request the creation of the Gates Special Improvement District and consent to the inclusion of said property within its boundaries. The description, by metes and bounds and by survey map, of the real property that I own, and wish to include within the proposed District is attached as **Exhibit "A" and Exhibit "B"** to the Petition for creation of the Gates Special Improvement District.

NAME:

MEH Holding Company, LTD.,
a Texas Limited Partnership

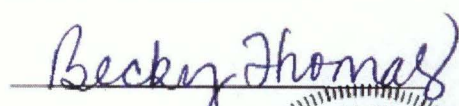

BY: Its General Partner
Morco Enterprises, Inc.
a Texas Corporation

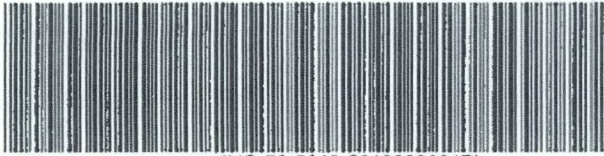
BY: 
Gordon V. Hartman, President

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

This instrument was acknowledged before me on this 14 day of May, 2019, by Gordon Hartman, President of Morco Enterprises, Inc., a Texas corporation, general partner of MEH Holding Company, LTD., a Texas Limited Partnership, on behalf of said limited partnership.


Notary Public, State of _____
Printed Name of Notary: _____
Commission Expiration: _____




VG-76-2019-20190090817

File Information

**FILED IN THE OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY
LUCY ADAME-CLARK, BEXAR COUNTY CLERK**

Document Number: 20190090817
Recorded Date: May 16, 2019
Recorded Time: 10:26 AM
Total Pages: 18
Total Fees: \$90.00

**** THIS PAGE IS PART OF THE DOCUMENT ****

**** Do Not Remove ****

Any provision herein which restricts the sale or use of the described real property because of race is invalid and unenforceable under Federal law

STATE OF TEXAS, COUNTY OF BEXAR

I hereby Certify that this instrument was FILED in File Number Sequence on this date and at the time stamped hereon by me and was duly RECORDED in the Official Public Record of Bexar County, Texas on:
5/16/2019 10:26 AM



Lucy Adame-Clark
Lucy Adame-Clark
Bexar County Clerk