

RESOLUTION NO. ____

RECOMMENDING THE APPROVAL OF THE THIRD AMENDMENT TO A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE WESTSIDE 211 PID EXTENSION OWNERS, LADERAL I, LLC. THIS AMENDMENT REVISES THE BOUNDARIES OF THE PID PROPERTY BY INCLUDING APPROXIMATELY 136.759 ACRES, GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF STATE HIGHWAY 211 AND POTRANCO ROAD, IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY SAN ANTONIO, BEXAR COUNTY, TEXAS; AND APPLIES THE TERMS AND CONDITIONS OF THE AMENDED AGREEMENT TO THE ENTIRE 136.759 ACRE PID EXTENSION PROPERTY..

WHEREAS, on September 20, 2007, the City Council authorized an agreement with Cumberland Potranco Joint Venture, Cumberland 211, LTD., Navigators Stevens Ranch L.P., KD CIRI I, L.L.C., CIRI Land Development Company And Cumberland 90, LTD (the "Property Owners") for an "Agreement for Services in Lieu of Annexation" ("Agreement") (Ord. 2007-09-20-1026); and

WHEREAS, on August 30, 2007, the Bexar County Commissioners Court created the Westside 211 Special Improvement District ("District") encompassing the area subject to the Agreement for the purpose of financing critical public infrastructure; and

WHEREAS, on December 5, 2013 the City Council authorized the First Amendment to the Agreement (Ord. 2013-12-05-0877); which extended the term of the agreement by five years to December 30, 2042, and amended the Property Owners, by removing Navigators Stevens Ranch L.P.; and

WHEREAS, on March 1, 2018 the City Council authorized the second amendment to the Agreement (Ord. 2018-03-01-0163); extend the term of the agreement by ten years until December 30, 2052 and

WHEREAS, the Owner, Lateral I, LLC., owns approximately 136.759 acres of land, referred to as the Bengel Tract, generally located southwest of the intersection of State Highway 211 and Potranco Road, within the far west ETJ of the City of San Antonio ("City"), more particularly described and depicted in **Exhibit "D"** attached hereto and incorporated herein for all purpose; and

WHEREAS, the Owner and the Westside 211 Special Improvement District Board, proposes to develop the Bengel Tract as a residential subdivision development with 550 single-family residential units; and plan to construct public improvements and infrastructure as depicted in the PID Summary in **Exhibit "A"**; and

WHEREAS, on September 29, 2020, the Owners petitioned Bexar County to add the PID Extension into the existing Westside 211 Special Improvement District ("District"), which will now consist of approximately 3,807 acres; and requested the delegation of the road district powers including the powers to construct water, wastewater and drainage facilities in the extension; and

WHEREAS on September 29, 2020, the Owner submitted a petition attached as **Exhibit "B"** requesting the City to consent to the creation of a PID Extension located on the Bengel Tract within the City's ETJ;

WHEREAS on November 10, 2020, the County Commissioners Court approved a resolution stating their intent to create a PID Extension and the Third Amendment to the Agreement for the Westside 211 Special Improvement District on the Bengel Tract; and

WHEREAS, the City and the Owners ("Parties") now desire to amend the Agreement so that all of the conditions of the City's consent and the terms and provisions of the Amended Agreement, attached as **Attachment "1,"** apply to the entire PID property, as depicted in **Attachment "2";** and

WHEREAS, the San Antonio Planning Commission held a public hearing on November 18, 2020 and considered the effect of the City's consent to the Westside 211 District extension creation by Bexar County and found 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 to City Council the approval of the third amendment to the Development Agreement, attached as **Attachment "1"** between the City and Lateral I, LLC, Owner of the Bengel Tract. The agreement includes provisions for the addition of the PID extension and voluntary annexation of the District property upon expiration of the term of the Agreement and that establishes services and terms for future annexation of the District Property and that is in substantial conformance with the above recitals and is attached hereto and incorporated herein for all purposes, as **Attachment "1"**. This Third Amendment revises the boundaries of 3,670 acre PID property, as described and depicted in **Exhibit "C"** by including an approximately 136.759 acres, and applies all of the conditions of the City's consent and the provisions and terms of the Amended Agreement to the entire 136.759 PID extension property as depicted in **Exhibit "D"**.

PASSED AND APPROVED ON THIS 18TH DAY OF NOVEMBER 2020.

Attest:

Approved:

Executive Secretary
San Antonio Planning Commission

Christopher Garcia, Chair
San Antonio Planning Commission