

DRAFT TO BE REPLACED BY FINAL RESOLUTION

A RESOLUTION

PROVIDING THE CITY OF SAN ANTONIO’S CONSENT TO THE CREATION OF A 625.348-ACRE FRESH WATER SUPPLY DISTRICT (FWSD) BY MEDINA COUNTY, TEXAS, GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF TAMARON VALLEY AND LEGEND FALLS WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF SAN ANTONIO; THE SUBSEQUENT CONVERSION FROM THE FWSD TO A WATER CONTROL IMPROVEMENT DISTRICT (WCID); AND THE ANNEXATION OF LAND BY THE WCID TO EXPAND THE SIZE OF THE DISTRICT PROPERTY

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WHEREAS, Gallagher Concourse, LP, Ltd., D-W 381 Partners, LLC, and Goldfinch Farms, LLC, (the Owners) own approximately 625.348 acres of land in Medina County and approximately 42.442 acres of land in Bexar County, totaling approximately 667.79 acres of land, which are referred to as the “Gallagher Tracts,” generally located southwest of the intersection of Tamaron Valley and Legend Falls, in the extraterritorial jurisdiction (ETJ) of the City of San Antonio (City); and

WHEREAS, on October 27, 2020, the Owners filed a petition with Medina County to create a Fresh Water Supply District (FWSD) consisting of the 625.348 acres located within Medina County to be named the Medina County FWSD No. 4; and for the County to delegate the powers of a road district and the power to construct roads, water, sewer and drainage facilities to the FWSD; and

WHEREAS, because the FWSD is to be located in the City’s ETJ, in order for the County to delegate the powers requested by the Owners to the FWSD, the City must provide written consent by ordinance or resolution in accordance with section 42.042 (a) of the Texas Local Government Code; and

WHEREAS, on November 9, 2020, the Owners submitted a petition to the City requesting its consent to the creation of the FWSD by Medina County and the delegation of the powers of a road district as well as to construct certain public infrastructure by Medina County, as described in **Attachment “A”**; and

WHEREAS, the Owners and Daphne Development, LLC., (the Developer) intend to develop a residential subdivision and the public infrastructure on the “Gallagher Tracts” which is further described in the Summary of Estimated Project Costs and the preliminary Master Development Plan (MDP) enclosed as exhibits to the Owners’ Petition to the City; and

WHEREAS, the Owners further intend that once the FWSD is created by Medina County, the FWSD board will convert the FWSD to a Water Control Improvement District (WCID) and will expand the boundaries of the WCID by annexing an additional 42.442 acres located in Bexar County. The 625.348 acres to be included in the FWSD and the 42.442 acres to be annexed by the WCID after conversion are attached as **Attachments “B” and “C”**. The boundary of the entire district once the 42.442 acres is annexed by the WCID is shown in the diagram attached as **Attachment “D”** and

WHEREAS, the City recognizes that the construction of road, water, sewer, drainage and other infrastructure to serve the planned development has the potential of impacting the City’s existing and future public infrastructure serving other properties within the City’s ETJ and the City in the future, and, therefore the City has an interest in ensuring that the proposed FWSD and WCID (collectively referred to as “the District”) do not unduly burden the City’s infrastructure in the event of future annexation of the District area by the City based on the City’s long-term capital improvement planning; and

WHEREAS, the City of San Antonio Planning Commission held a public hearing on March 10, 2021, on the city’s consent to the creation of a FWSD by Medina County, the subsequent conversion to a WCID and its expansion and recommends that the City Council provide its consent on the condition that the Owners execute a Development Agreement with the City providing terms and conditions designed to protect the aforementioned

interests of the City; and

WHEREAS, in order to protect the City’s planning goals in the ETJ, the City Council finds that it is prudent to condition the City’s consent to the creation of the FWSD, subsequent conversion to a WCID and the annexation of additional land by the WCID, on the Owners’ execution of the Development Agreement, attached as **Attachment “E,”** containing mutually agreeable terms relating to the development of the property within the District, future annexation of the District, and the services to be provided to the District by the City in the event of annexation. The Owners also agree that once created, the WCID will enter into a Strategic Partnership Agreement providing terms relating to limited and full purpose annexation as well as revenue sharing between the City and the WCID of sales and use taxes generated by commercial development within the district area; and

WHEREAS, as additional consideration for the City’s consent provided in this resolution, Owners have or will remit payment to the City a Special District Application Fee in the amount of \$7,500 and a Special District Operations Assessment in an amount calculated based on the number of units erected within the WCID area, as verified by staff; as well as reimbursement of all costs paid by the City for recording of the development agreement in the Medina and Bexar Counties property records. **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 to the creation of the Medina County FWSD No.4 by Medina County, Texas, as requested in the Owners’ petition attached hereto as **Attachment “A”**, and the delegation by Medina County of the powers and duties of a road district and the power to construct certain public infrastructure as described in the exhibits to **Attachment “A”**.

SECTION 2. The City Council of the City of San Antonio (City) further consents to the conversion of the Medina County FWSD No. 4 to a Water Control Improvement District (hereafter referred to as “the District”). The City’s consent does not include the powers to exercise eminent domain or to the annexation or exclusion of property by the District except as expressly provided in this resolution.

SECTION 3. The City further consents to the one time expansion of the boundaries of the District through annexation by the District of the 42.442 acres of land located in Bexar County, bringing the total area within the District after the expansion to approximately 667.79 acres, as described and depicted in the field notes, attached as **Attachments “B”, “C, and “D”**.

SECTION 3. The City Council of the City of San Antonio resolves that its consent to the County’s creation of the Medina County FWSD No.4, the subsequent conversion to a WCID and the one time annexation by the WCID of additional land in Bexar County as reflected in this resolution shall remain in effect so long as the Owners and Developer agree to and execute the above-described Development Agreement attached as **Attachment “D”** prior to the County’s creation of the FWSD and remits payment to the City as set forth in this resolution.

PASSED AND APPROVED on this 18th day of March 2021.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FOR

Tina Flores, City Clerk

Andrew Segovia, City Attorney