

## A RESOLUTION 2008-06-12-0030R

**EXTENDING THE CITY'S DEADLINE FOR ITS CONDITIONAL CONSENT TO THE CREATION BY BEXAR COUNTY OF UP TO THREE PUBLIC IMPROVEMENT DISTRICTS FOR THE ESPADA PROJECT LOCATED IN THE FORMER LIMITED PURPOSE AREA OF CITY COUNCIL DISTRICT 3, FROM JUNE 13, 2008 TO SEPTEMBER 30, 2008.**

\* \* \* \* \*

**WHEREAS**, on October 2, 2007, the owners of the property described above, ESA Residential Development, Inc., a Texas corporation, E-TM Land Investment, LTD., a Texas limited partnership, Terramark Communities, Ltd., a Texas limited partnership, collectively referred to as the Owners, submitted a petition to the City and County requesting the creation of up to three County Public Improvement Districts, to be named the Espada Special Improvement District 1, 2 and 3; the creation of a County Tax Increment Reinvestment Zone and a Road District; and

**WHEREAS**, on December 13, 2007, City Council granted conditional consent for PID creation by June 13, 2008 in deference to the County's stated six-month review period, and to provide flexibility to the City in the event the PIDs are not created. The consent required that the County impose upon each PID the requirement to maintain paved roads at the City's minimum rating on the Pavement Condition Index (PCI), currently set at 62, to promptly adjust that rating accordingly with any changes to the PCI by the City, provide for the establishment of a maintenance fund to ensure the maintenance. The City did not consent to disannex or to negotiate agreements for services in lieu of annexation and to impose upon each PID the requirement for compliance with the Government Accounting Standard Board (GASB) for reporting values for general infrastructure assets; and

**WHEREAS**, in March of 2008, the majority of the Espada property was disannexed from limited purpose status, in accordance with the terms of the City South Interlocal agreement. City South Management Authority has adopted the City's zoning regulations which are currently in effect for the property.

**WHEREAS**, on May 27, 2008, the County Commissioner Court approved a Resolution of Intent to create up to three Espada PIDs which expires on September 1, 2008, conditioned upon the following:

- 1) Developer must submit to the County all revised project documents, including but not limited to, financial projections, plans, plats, metes and bounds descriptions, and any additional information or documents considered reasonably necessary and appropriate for staff review; and
- 2) The City must have disannexed the 55 acres of land currently in full-purpose limits; and

3) Developer must commit to construct an east-west primary arterial in phases in compliance with the requirements contained in the letter from Bexar County Infrastructure Services Department - Public Works Division dated 4/28/2008; and

**WHEREAS**, the applicant has requested more time to continue discussions with staff and to coordinate with Bexar County's adoption of the resolution; and

**WHEREAS**, this extension of the City's consent does not commit the City to disannex the 55 acres or to enter into an agreement for services in lieu of annexation; **NOW THEREFORE:**

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

**SECTION 1.** The deadline of June 13, 2008 for County creation of up to three Public Improvement Districts for the Espada Project, contained in Section 2 of Resolution No. 2007-12-13-0026R, is extended to September 30, 2008.

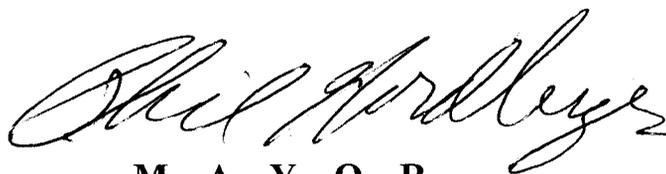
**SECTION 2.** All other provisions of Resolution No. 2007-12-13-0026R remain unchanged by this Resolution.

**SECTION 3.** The statements set forth in the recitals of this Resolution are true and correct, and are incorporated as a part of this Resolution.

**SECTION 4.** If any provision of this Resolution or the application of any provision of this Resolution to any circumstance shall be held to be invalid, the remainder of this Resolution and the application of the remainder of this Resolution to other circumstances shall nevertheless be valid, as if such invalid provision had never appeared in this Resolution, and this Resolution would have been enacted without such invalid provision.

**SECTION 5.** This Resolution shall take effect immediately upon the receipt of eight (8) affirmative votes. In the event eight (8) affirmative votes are not received, this Resolution shall take effect ten (10) days after passage.

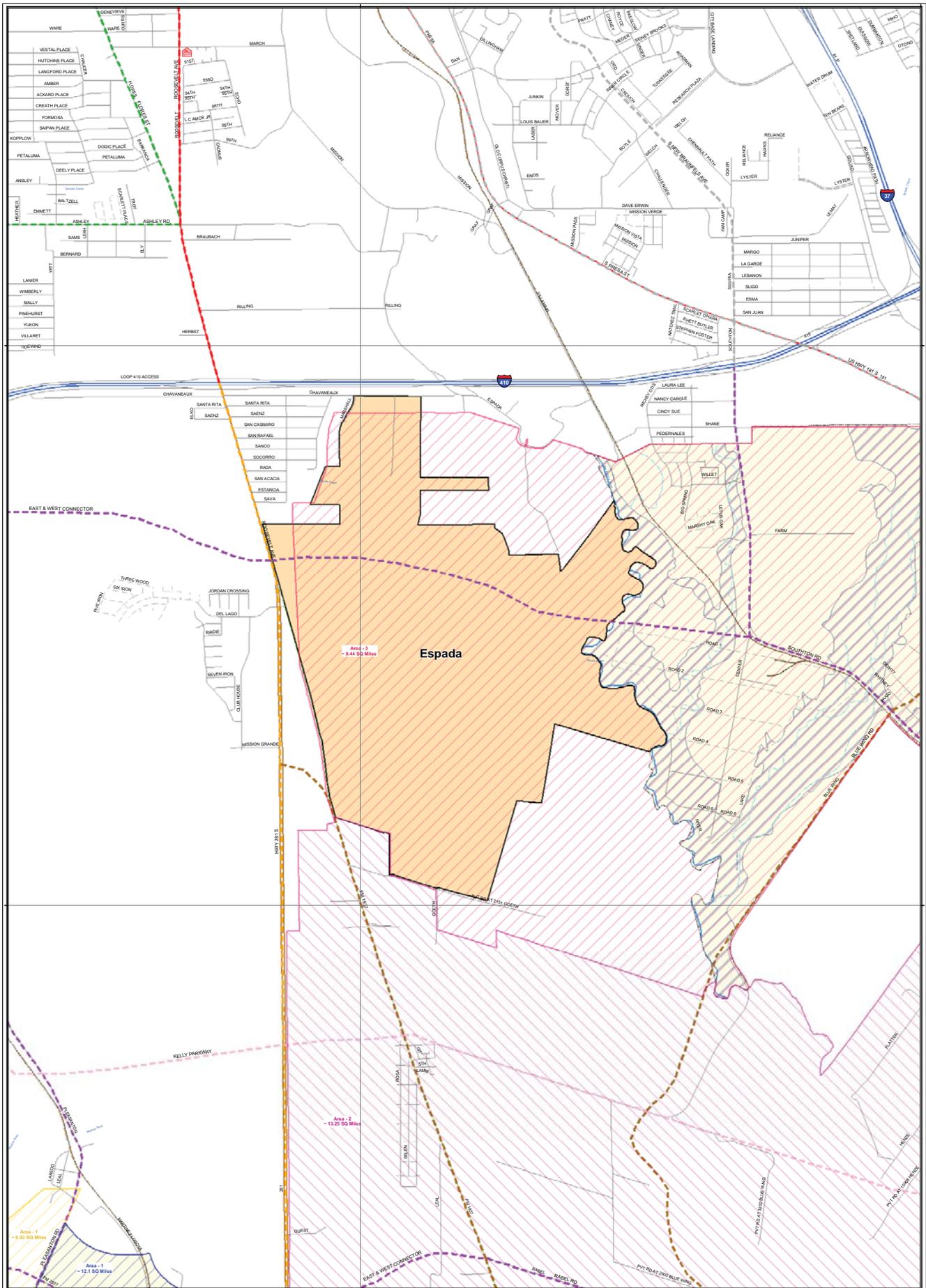
**PASSED AND APPROVED** this 12th day of June 2008.



**M A Y O R  
PHIL HARBERGER**

ATTEST   
City Clerk

APPROVED AS TO FORM:   
for City Attorney



**DRAFT**

**Annexation Study Areas**

- 1-5 Year
- 5-10 Year
- 10-15 Year
- 15-20 Year
- 20-25 Year

**City of San Antonio**

- City of San Antonio
- Cities Extrajurisdictional Jurisdiction Lines
- FEMA 100 Year Flood Plain

**San Antonio Fire Station**

- San Antonio Fire Station
- Other Fire Station
- Volunteer Fire Station

**Major Thoroughfare Plan**

- Super Arterial Type A
- Super Arterial Type B
- Primary Arterial Type A
- Primary Arterial Type B
- Enhanced Secondary Arterial
- Secondary Arterial Type A
- Secondary Arterial Type B
- Rural Roadway

One Eighth Mile

**City of San Antonio**

City of San Antonio Planning and Community Development Department  
 Eric R. Monrovia, PHD, AIC, CMAA, Director, Planning Department  
 100 N. N. St., San Antonio, TX 78202

**Data Source:** City of San Antonio Enterprise GIS

**Scale:** 15,000' X 15,000' grid

**Area:** 5587 Acres

**Approximate Fire Station Service Area**

**Data Revisions**

Date	By	Reason
January 31, 2006	N/A	10/18/05
January 5, 2006	10/18/05	10/18/05
January 5, 2008	10/18/05	10/18/05

**Scale:** 0 600 1,200 2,400 Feet



Request for  
**COUNCIL  
ACTION**

City of San Antonio



## Agenda Voting Results - 36

<b>Name:</b>	36
<b>Date:</b>	06/12/2008
<b>Time:</b>	11:52:47 AM
<b>Vote Type:</b>	Motion to Approve
<b>Description:</b>	A Resolution extending the City's deadline for its conditional consent to the creation by Bexar County of up to three Public Improvement Districts (PIDs) for the Espada project from June 13, 2008 to September 30, 2008. [T.C. Broadnax, Assistant City Manager/Interim Director, Planning and Community Development]
<b>Result:</b>	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Phil Hardberger	Mayor		x				
Mary Alice P. Cisneros	District 1		x				x
Sheila D. McNeil	District 2		x				
Jennifer V. Ramos	District 3		x			x	
Philip A. Cortez	District 4		x				
Lourdes Galvan	District 5		x				
Delicia Herrera	District 6		x				
Justin Rodriguez	District 7		x				
Diane G. Cibrian	District 8		x				
Louis E. Rowe	District 9		x				
John G. Clamp	District 10		x				



**CITY OF SAN ANTONIO**  
**Request for Council Action**

Agenda Item # 36  
Council Meeting Date: 6/12/2008  
RFCA Tracking No: R-3428

---

**DEPARTMENT:** Planning and Community  
Development

**DEPARTMENT HEAD:** T.C. Broadnax

**COUNCIL DISTRICT(S) IMPACTED:**  
Council District 3

**SUBJECT:**  
Extension of City's conditional consent to Bexar County creation of Espada PIDs

**SUMMARY:**

This item is a resolution extending the City's deadline for its conditional consent to the creation by Bexar County of up to three Public Improvement Districts (PIDs) for the Espada project from June 13, 2008 to September 30, 2008.

The attached resolution extends the City's original six-month conditional consent until September 30, 2008 for the formation of up to three Public Improvement Districts (PIDs) by Bexar County, to be named the Espada Special Improvement Districts 1, 2 and 3 respectively, encompassing approximately 1,839.77 acres situated in far southeastern Bexar County and within the City's ETJ, generally east of State Highway 281, southeast of Loop 410 and west of the San Antonio River.

**BACKGROUND INFORMATION:**

On October 2, 2007, the owners of the property described above, ESA Residential Development, Inc., a Texas corporation, E-TM Land Investment, LTD., a Texas limited partnership, Terramark Communities, Ltd., a Texas limited partnership, collectively referred to as the Owners, submitted a petition to the City and County requesting the creation of up to three County PIDs, to be named the Espada Special Improvement District 1, 2 and 3; the creation of a County Tax Increment Reinvestment Zone and a Road District.

On December 13, 2007, City Council granted conditional consent for PID creation by June 13, 2008 in deference to the County's stated six-month review period, and to provide flexibility to the City in the event the PIDs are not created. The consent required that the County impose upon each PID the requirement to maintain paved roads at the City's minimum rating on the Pavement Condition Index (PCI), currently set at 62, to promptly adjust that rating accordingly with any

changes to the PCI by the City, and provide for the establishment of a maintenance fund to ensure the maintenance. The City did not consent to disannex or to negotiate agreements for services in lieu of annexation.

In March of 2008, the majority of the property was disannexed from limited purpose status, in accordance with the terms of the City South Interlocal agreement. City South Management Authority has adopted the City's zoning regulations which are currently in effect for the property.

**ISSUE:**

On May 27, 2008, the County Commissioner Court approved a Resolution of Intent to create up to three Espada PIDs which expires on September 1, 2008, conditioned upon the following:

- 1) Developer must submit to the County all revised project documents, including but not limited to, financial projections, plans, plats, metes and bounds descriptions, and any additional information or documents considered reasonably necessary and appropriate for staff review; and
- 2) The City must have disannexed the 55 acres of land currently in full-purpose limits; and
- 3) Developer must commit to construct an east-west primary arterial in phases in compliance with the requirements contained in the letter from Bexar County Infrastructure Services Department - Public Works Division dated 4/28/2008.

The applicant has requested more time to continue discussions with staff and to coordinate with Bexar County's adoption of the resolution.

**ALTERNATIVES:**

One alternative is to approve the extension requested by the Developer, but not to disannex the fifty-five acre tract from the City's corporate limits. All projects should contribute to the benefit of San Antonio's future growth and development. Disannexation should only occur if it is in the best interest of the City from a fiscal and/or service perspective, and not solely for the benefit of a private developer or prospective benefits to the proposed project.

Another alternative is to not approve the extension of the conditional consent, and let the deadline pass. This would require the Developer to seek a new consent by the City, in order to comply with the Bexar County PID Guidelines.

A third alternative is to extend the consent date, and initiate disannexation procedures. The process involves a public hearing and presentation to the Planning Commission on the feasibility of the disannexation, and presentation to the City Council for formal disannexation, as well as the requirement to seek pre-clearance from the Department of Justice.

**FISCAL IMPACT:**

There is no fiscal impact associated with passage of this resolution.

**RECOMMENDATION:**

Staff recommends approval of this resolution extending the City's conditional consent to the creation by Bexar County of up to three Public Improvement Districts for the Espada project to September 30, 2008.

**ATTACHMENT(S):**

File Description	File Name
<a href="#">Espada Map</a>	Espada PID map.pdf
<a href="#">Resolution City Conditional consent to Bexar County creation of 3 Espada PIDs</a>	R_2685_20071218024351.pdf
<a href="#">Applicant's request to extend timeline</a>	052208 garza ltr.doc.pdf
<a href="#">Voting Results</a>	
<a href="#">Resolution/Supplemental Documents</a>	200806120030R.pdf

**DEPARTMENT HEAD AUTHORIZATIONS:**

Jesus Garza Assistant Director Planning and Community Development

**APPROVED FOR COUNCIL CONSIDERATION:**

T.C. Broadnax Assistant City Manager