

AN ORDINANCE 2008-09-18-0837

**DISANNEXING THREE TRACTS OF LAND CONTAINING
A TOTAL OF APPROXIMATELY 62 ACRES KNOWN AS
THE ESPADA COMMERCIAL TRACTS, LOCATED IN
COUNCIL DISTRICT 3 GENERALLY SOUTH OF LOOP
410 SOUTH AND EAST OF HIGHWAY 281.**

* * * * *

WHEREAS, the City of San Antonio annexed Tract 1 area known as the Espada Commercial Tract by Ordinance No. 68293 on December 31st, 1988; and

WHEREAS, the City of San Antonio annexed Tracts 2 and 3 areas known as the Espada Commercial Tracts by Ordinance No. 18115 on September 25th, 1952; and

WHEREAS, the Espada Commercial Tracts were effective as of the 10th day after being passed and approved; and

WHEREAS, after publishing notice in a newspaper of general circulation, the Planning Commission of the City of San Antonio has conducted a public hearing; and

WHEREAS, this proposed ordinance has been published in a newspaper of general circulation at least thirty days prior to its final adoption; and

WHEREAS, the City Council finds that the best interest of the City of San Antonio would be served by disannexing the area known as the Espada Commercial Tracts and that all prerequisites to the adoption of this ordinance have been satisfied; **NOW THEREFORE**,

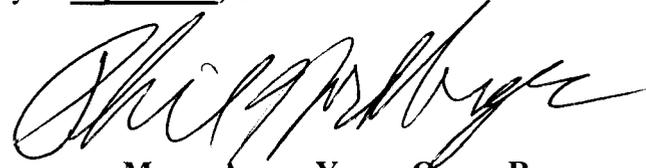
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Council finds that all of the recitals set forth above are true and correct.

SECTION 2. The land and property known as Espada Commercial Tracts, which consists of approximately 45 acres in Tract 1, 11.4 acres in Tract 2, and 5.308 acres in Tract 3, are hereby disannexed and discontinued from annexation status. The affected properties are more particularly described in **Exhibit A** attached hereto and incorporated herein.

SECTION 3. This Ordinance shall become effective on the tenth day after passage.

PASSED and APPROVED on the 18th day of September, 2008.



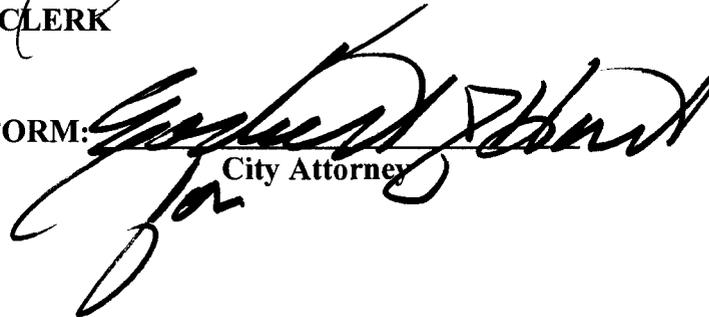
M A Y O R

PHIL HARDBERGER

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


City Attorney



Request for
**COUNCIL
ACTION**

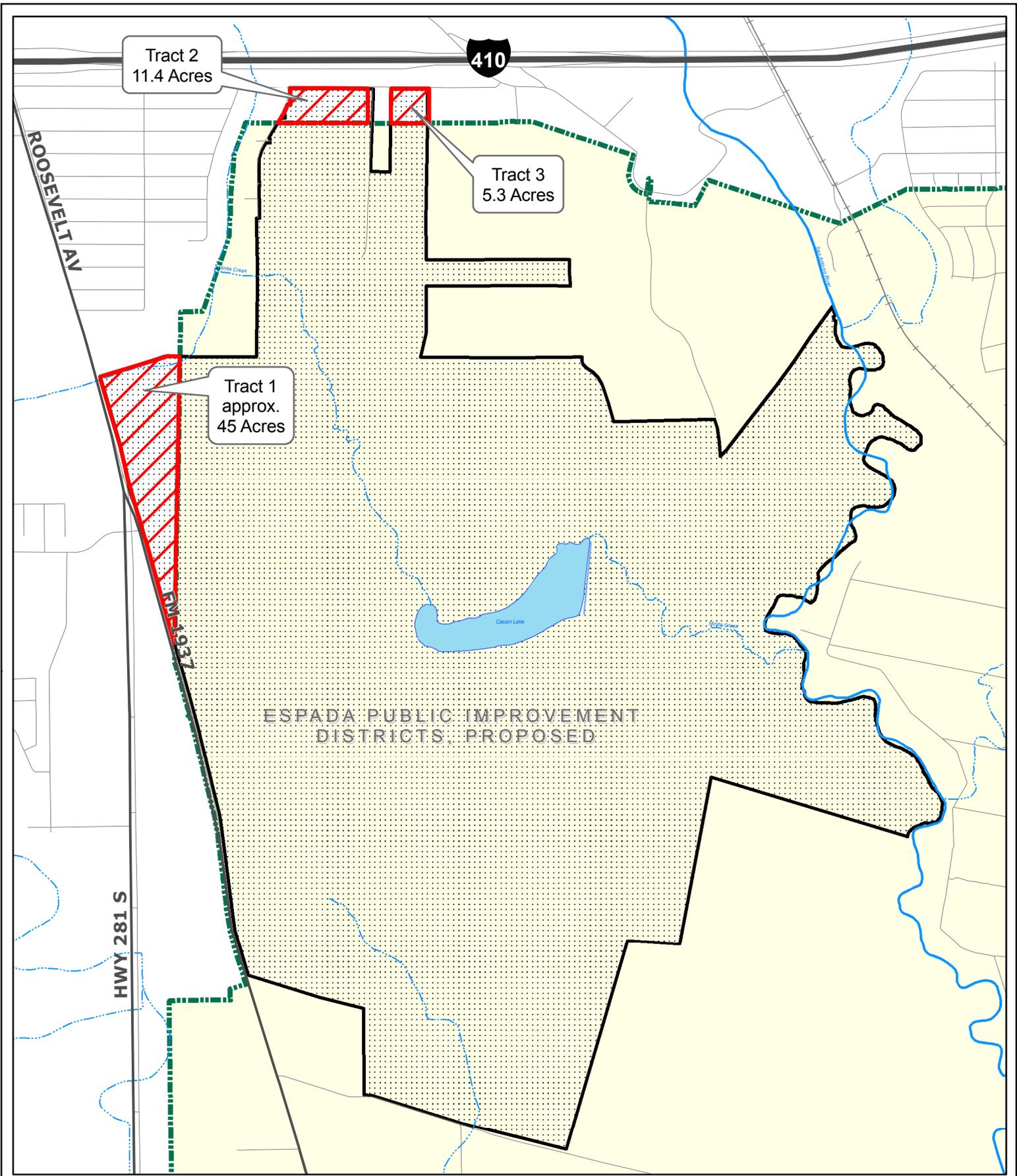
City of San Antonio



Agenda Voting Results - 44

Name:	5, 6, 7, 8, 10, 12, 13, 14, 20, 23, 24, 25, 26, 27, 28, 29, 31A, 31B, 32, 33, 34A, 34B, 36A, 36B, 38, 43, 44, 45A, 45B, 45C, 45D, 45E, 45F, 45G
Date:	09/18/2008
Time:	09:23:29 AM
Vote Type:	Motion to Approve
Description:	An Ordinance disannexing three tracts of land containing a total of approximately 62 acres known as the Espada Commercial Tracts, located in Council District 3 generally south of Loop 410 South and east of Highway 281. [T.C. Broadnax, Assistant City Manager / Interim Director, Planning and Community Development]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Phil Hardberger	Mayor		x				
Mary Alice P. Cisneros	District 1		x				
Sheila D. McNeil	District 2		x				
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x				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			x	
John G. Clamp	District 10		x				



Tract 2
11.4 Acres

410

Tract 3
5.3 Acres

Tract 1
approx.
45 Acres

ROOSEVELT AV

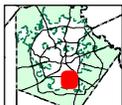
HWY 281 S

FM 1937

ESPADA PUBLIC IMPROVEMENT
DISTRICTS, PROPOSED

Casin Lake

State Creek



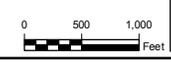
- City of San Antonio
- Subject Properties
- Espada Public Improvement Districts
- Medium Flowing Rivers
- Flowing Streams & Small Rivers
- Intermittent Streams
- Lakes
- Expressways
- Major Roads
- Railroads



Data Source: City of San Antonio Enterprise GIS, Bexar Metro 911, Bexar Appraisal District
"This Geographic Information System Product, received from the City of San Antonio is provided "as is" without warranty of any kind, and the City of San Antonio expressly disclaims all express and implied warranties, including but not limited to the implied warranties of merchantability and fitness for a particular purpose. The City of San Antonio does not warrant, guarantee, or make any representation regarding the use, or the results of the use, of the information provided to you by the City of San Antonio in terms of completeness, accuracy, reliability, timeliness or otherwise. The entire risk as to the results and performance of any information obtained from the City of San Antonio is entirely assumed by the recipient."
 Please contact the responsible City of San Antonio Department for specific determinations.

City of San Antonio Planning Department GIS Manager: D.L. (Woody) Woodruff, dwoodruff@sanantonio.gov. Maps may be ordered at: (210) 207-7873
 Map Created by: Brian L. Garcia
 Map file location: \\sacomm\GIS\Plan\plan_jh\ComprehensiveAnnexation\EspadaPID\Disannex\ProposedDisannexation\EspadaPID_BW.mxd
 Map Last Edited: August 12th 2008
 PDF Filename: 0808GL03.pdf

City of San Antonio Proposed Disannexation and Espada Public Improvement Districts



City of San Antonio
Planning and Development
Services Department
 Roderick J. Sanchez, AICP, CBO
 Director
 Cliff Morton Development and
 Business Services Center
 1901 S. Alamo
 San Antonio, TX 78204

Meets and Bounds
Description
Tract I

Approximately 45 acres out of a 439.85 acre tract conveyed unto Terramark Communities, LTD in Volume 11626, Page 390 of the Official Public Records of Real Property of Bexar County, Texas (O.P.R.R.P.B.C.T.) and being out of the Juan M. Uriegas Survey No. 32, Abstract 769, County Block 4283, New City Block (N.C.B.) 15647 of the City of San Antonio, Bexar County, Texas, and being more particularly described as follows;

BEGINNING at a point on the east right-of-way line of U.S. Highway 281 (a variable width right-of-way) same being the west line of a portion of an 1115.024 acre tract conveyed unto Donald R. Vestal, C/O Royal D. Adams in Volume 5716, Page 396 of the O.P.R.R.P.B.C.T., from which a found 1/2-inch iron rod bears South 33°10' East, 0.4 feet;

Thence North 72°56' 55" East, 888.03 feet departing the east right-of-way line of said U.S. Highway 281 and the west line of said 1115.024 acre tract and crossing said 1115.024 acre tract to a point on the south line of a 35.80 acre tract recorded in Volume 5079, Page 222 of the O.P.R.R.P.B.C.T. and the north line of said 1115.024 acre tract;

Thence Southeast, continuing along the north line of said 1115.024 acre tract and the south line of said 35.80 acre tract to a point on the existing City Limits line as described by Ordinance Number 68293 dated December 15, 1988 and further located by City of San Antonio GIS Map;

Thence Southwest, departing the north line of said 1115.024 acre tract and the south line of said 35.80 acre tract and crossing said 1115.024 acre tract and with the existing City Limits line to a point on the east right-of-way line of South Flores Street (F.M. 1937), an 80 foot right-of-way, and the west line of said 1115.024 acre tract;

Thence North 15° 38' 10" West, 1421.89 feet continuing along the east right-of-way line of said South Flores Street and the west line of said 1115.024 acre tract to a point on the east right-of-way line of said U.S. Highway 281;

Thence continuing along the east right-of-way line of said U.S. Highway 281 and the west line of said 1115.024 acre tract the following three (3) courses and distances;

North 24° 25' 18" West, 50.60 feet to a point;

North 15° 49' 53" West, passing a found 1/2-inch iron rod with a yellow plastic cap stamped "Pape-Dawson" at the southernmost corner of a 36.66 acre tract being a portion of said 439.85 acre tract at 399.93 feet and continuing a total of 778.48 feet to a point from which a found Tx DOT Type I monument bears South 13°03' West, 20.2 feet;

North 13° 07' 40" West, 464.93 feet to a point from which a found Texas Department of Transportation (TxDOT) Type I monument bears South 73°46' West, 1.2 feet;

Thence North 16° 13' 14" West, 905.80 feet to the **POINT OF BEGINNING** and containing a 45 acres more or less.

Tract II

11.400 acres being all of a 0.989-acre tract, called 1.0 acres as conveyed unto W.J. Emick in Volume 5957, Page 1565 of the Official Public Records of Real Property of Bexar County, Texas (O.P.R.R.P.B.C.T.), a portion of a 21.274 acre tract as conveyed unto ESA Residential Development, Inc. as recorded in Volume 11643, Page 1552 of the O.P.R.R.P.B.C.T. also being a portion of Lot 2, Block 1, N.C.B. 11039 of Marshall Way Subdivision, Plat # 050111, a portion of a 22.30 acre tract conveyed unto Terramark Communities, LTD in Volume 11619, Page 782 of the O.P.R.R.P.B.C.T., a portion of a 9.987 acre tract as conveyed unto Terramark Communities, LTD. in Volume 11786, Page 1427 of the O.P.R.R.P.B.C.T., a portion of a 7.042 acre tract and a 5.632 acre tract conveyed unto ESA Residential Development, Inc. in Volume 11786, Page 1586 of the O.P.R.R.P.B.C.T. and being more particularly described as follows;

BEGINNING at a set 1/2-inch iron rod stamped "Survcon" on the south line of Chavaneaux Road (a 40 foot right-of-way) at the northwest corner of said 0.989 acre tract and being on the east line of proposed Marshall Way (Variable Width Right-Of-Way) of said Marshall Way Subdivision from which a 10" x 10" stone pillar bears South 35° 15' East, a distance of 1.2 feet;

Thence South 89°52' 09" East, departing the east line of said Marshall Way and continuing along the south line of said Chavaneaux Road and along the north line of said 0.989 acre tract 204.96 feet, departing said 0.989 acre tract and crossing said 22.30 acre tract and passing a found 1/2-inch iron rod at the northeast corner of said 22.30 acre tract at 530.37 feet, crossing said 9.987 acre tract and said 7.042 acre tract and passing a found 1/2-inch iron rod with yellow plastic cap stamped "Pape-Dawson" at 782.15 feet and passing another found 1/2-inch iron rod with yellow plastic cap stamped "Pape-Dawson" at 833.41 feet continuing across said 5.632 acre tract for a total of 1032.49 feet to a point for the northeast corner;

Thence South 00° 29' 54" West, 460.01 feet departing the south line of said Chavaneaux Road and with the east line of said 5.632 acre tract and the west line of a 6.0 acre tract conveyed unto Nathan C. Saucedo in Volume 8298, Page 1014 of the O.P.R.R.P.B.C.T. to a point for the southeast corner;

August 5, 2008
Job number 60025828
Release Tracts

Thence North 89° 52' 09" West, 1188.06 feet departing the west line of said 6.0 acre tract and crossing said 5.632 acre tract, said 9.987 acre tract, said 7.042 acre tract, said 22.30 acre tract and said 21.274 acre tract to a point on the east right-of-way line of said proposed Marshall Way;

Thence departing the south line of said 5.632 acre tract, said 9.987 acre tract, said 7.042 acre tract, said 22.30 acre tract, said 21.274 acre tract and continuing along the east line of said proposed Marshall Way the following three (3) courses and distances;

North 30° 19' 49" East, 136.28 feet to a point at the beginning of a curve to the right;

146.49 feet along said curve to the right having a radius of 629.00, a central angle of 13° 20' 37", and a chord bearing and distance of North 23° 39' 31" East, 146.16 feet to a point;

South 89° 49' 01" East, 31.95 feet to a found 1/2-inch iron rod at the southwest corner of said 0.989 acre tract;

Thence North 00° 02' 26" East, 208.24 feet continuing along the east line of said proposed Marshall Way and the west line of said 0.989 acre tract to a point on the south line of said Chavaneaux Road for the **POINT OF BEGINNING** and containing a computed area of 11.400 acres.

Tract III

5.308 acres out of an 11.88 acre tract conveyed unto Terramark Communities, LTD. In Volume 11750, Page 1964 Official Public Records of Real Property of Bexar County, Texas (O.P.R.R.P.B.C.T.) and a called 21.31 acre tract conveyed unto ESA Residential Development, Inc. in Volume 11643, Page 1552 O.P.R.R.P.B.C.T. and being more particularly described as follows;

BEGINNING at a found 1/2-inch iron rod with yellow plastic cap stamped "Pape-Dawson" on the south line of Chavaneaux Road (a 40 foot right-of-way) at the northwest corner of said 11.88 acre tract;

Thence South 89° 49' 45" East, continuing along the south line of said Chavaneaux Road passing a 2 inch pipe at 270.16 feet at the northeast corner of said 11.88 acre tract, same being a corner of said 21.31 acre tract and continuing for a total distance of 500.40 feet to a point from which a fence post bears South 49° 04' West, 6.2 feet;

Thence South 00° 08' 32" East, 459.49 feet departing the south line of said Chavaneaux Road and with the east line of said 21.31 acre tract to a point;

August 5, 2008
Job number 60025828
Release Tracts

Thence North $89^{\circ} 52' 09''$ West, 505.54 feet departing the east line of said 21.31 acre tract and crossing said 21.31 acre tract and said 11.88 acre tract to a point on the west line of said 11.88 acre tract, same being the east line of a 6.0 acre tract; conveyed unto Nathan C. Saucedo in Volume 8298, Page 1014 of the O.P.R.R.P.B.C.T.

Thence North $00^{\circ} 29' 54''$ East, 351.40 feet with the west line of said 11.88 acre tract for the **POINT OF BEGINNING** and containing a computed area of 5.308 acres.

Bearings Based on Texas State Plane Coordinate system, South Central Zone, US Foot.



Juan E. Galvan
08/25/08

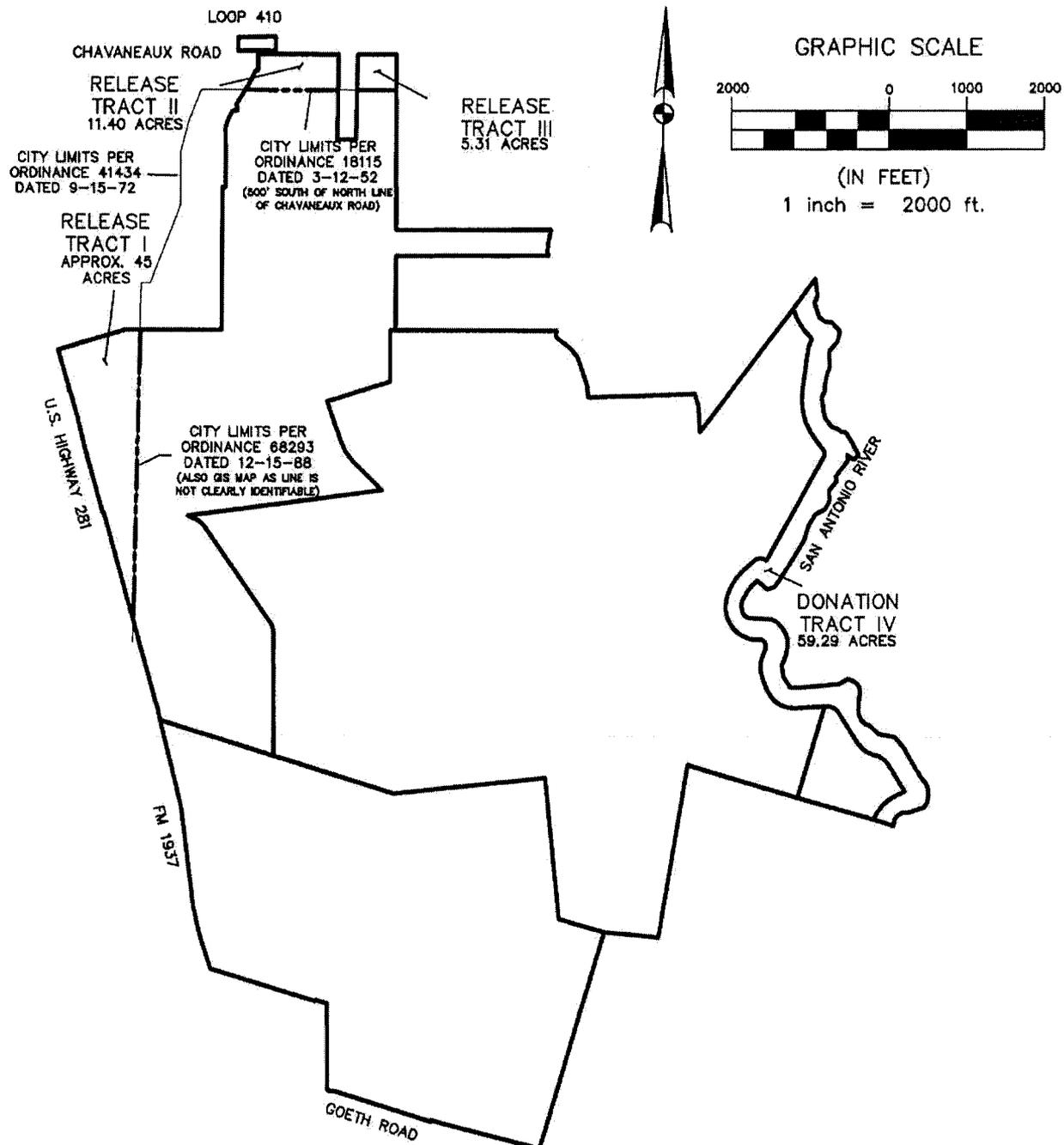


EXHIBIT OF
RELEASE TRACT I (45 +/- ACRES)
RELEASE TRACT II (11.40 ACRES)
RELEASE TRACT III (5.31 ACRES)
DONATION TRACT IV (59.29 ACRES)

NOTES:

1. THERE IS A METES AND BOUNDS DESCRIPTION WITH LIKE JOB NUMBER.
2. BEARING BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, US FOOT.

	SURVCON INC. PROFESSIONAL SURVEYORS SAN ANTONIO, TEXAS 78213 6800 PARK TEN BLVD., SUITE. 180-S (210) 296-2000
	SCALE: 1" = 2000' DATE: 09-25-07 DRAWN BY: PT/TML CHECKED BY: JEG



CITY OF SAN ANTONIO
Request for Council Action

Agenda Item # 44
Council Meeting Date: 9/18/2008
RFCA Tracking No: R-3903

DEPARTMENT: Planning and Community Development

DEPARTMENT HEAD: T.C. Broadnax

COUNCIL DISTRICT(S) IMPACTED:
Council District 3

SUBJECT:
Request to disannex approximately 62 acres in proposed Espada Development

SUMMARY:

The applicant, Terramark Communities, Ltd., has requested the City of San Antonio to disannex approximately 62 acres of land. The property is located within a proposed development, called Espada, which spans approximately 1,800 acres. To assist with the financing of the project, the applicant is seeking the creation of up to three Public Improvement Districts (PID) by Bexar County. However, the County may not create this type of PID for property located within the City limits; therefore, the applicant is requesting the disannexation of the approximately 62 acres. Further, the County, in the Order stating the County's intent to create up to three PIDs for the Espada project, required the disannexation as one condition that must be met before the County would create the PIDs. A Public Hearing regarding the disannexation request was held by City Council on September 4, 2008.

BACKGROUND INFORMATION:

On December 13, 2007, the City Council approved a Resolution granting the City's conditional consent to the creation by Bexar County of up to three Public Improvement Districts. The conditional consent was valid for six months. To allow more time to address outstanding issues, on June 12, 2008, City Council approved a Resolution extending the time frame of the conditional consent to September 30, 2008.

One of the outstanding issues was the request by the property owners for the disannexation of land from the City limits. The disannexation of the approximately 62 acres is considered to be an economic contribution to help facilitate the development of the Espada project. The current land value of the property proposed for disannexation is approximately \$80,000.00. The current property tax revenues are approximately \$458.00 annually (with the City tax rate of \$0.5723). The projected land value of the property, according to information submitted by the developer, is approximately \$26 million at build-out in 2022.

In addition to enabling the County to include the 62 acres of land in the PID, the disannexation simplifies the allocation of infrastructure costs for the developer. Because PID revenues cannot be used in non-PID areas, and the placement of roads and other infrastructure in the development are interdependent, including the 62 acres in the PID

makes it easier for the developer to allocate funds without separating costs between PID and non-PID areas.

The other outstanding issue involved the terms of the Agreement for Services in Lieu of Annexation, requested by the applicant. The terms of the Agreement for Services in Lieu of Annexation will be brought forward to City Council under a separate ordinance following the creation of the PIDs by Bexar County. The County Order creating the PIDs must include the three conditions set by the City Council in its December 2007 Resolution, which are:

1. The requirement of each PID to maintain paved roads within the PID boundaries at the City's minimum rating on the Pavement Condition Index (PCI), currently set at 62, to promptly adjust accordingly with any changes to the PCI by the City;
2. Each PID must establish a maintenance fund to ensure the maintenance of the paved roads; and
3. Each PID must comply with the Government Accounting Standard Board (GASB) for reporting values for general infrastructure assets.

Four key components of the Agreement for Services in Lieu of Annexation are:

- Donation of a tract of land of approximately 100 acres along the San Antonio River to the City of San Antonio or a designated entity, to be used for passive recreation and/or a conservation easement.
- The extension of certain City codes, including but not limited to Chapter 35 (Unified Development Code), Chapter 6 (Building Code), Chapter 10 (Electricity Code), and Chapter 24 (Plumbing Code).
- Payment to the City of all development fees associated with application, plan and plat review, filing fees, impact fees, traffic impact analysis, water/wastewater impact fees, general benefit fees, stormwater management fees, and City South Management Authority fees, as applicable.
- Inspections for streets and drainage as if the area were in the City, and inspections for fire flows and hydrant spacing.

ISSUE:

The property is currently undeveloped. In its current state, the property does not yield much cost or revenue for the City of San Antonio. In a developed state, the assessed value of the property is projected to increase substantially. The projected value of the 62 acres is approximately \$26 million at build-out in 2022. Upon the expiration or termination of the Agreement for Services in Lieu of Annexation, the City would have the option of annexing the property and directly benefiting from the increased tax base on the subject property and the entire development.

The purpose of the City's economic contribution to the Espada project is to help spur development on the south side of San Antonio and to help realize the vision of the City South Community Plan.

ALTERNATIVES:

The alternative action is to deny the request and keep the 62 acres in the City of San Antonio limits. However, in order to proceed with the creation of Public Improvement Districts for the Espada project, the applicant would have to remove the estimated 62 acres from the proposed boundary of Public Improvement District No. 1, and request that the County waive its disannexation requirement, revise the PIDs boundary lines, and create the PIDs without the 62 acres.

FISCAL IMPACT:

Disannexation of approximately 62 acres would result in a property tax revenue loss that is currently \$458.00 annually. The extension of City codes into unincorporated parts of the County through the Agreement for Services in Lieu of Annexation is projected to yield approximately \$5 million in revenues through the build-out of each PID, based on the development plan submitted (that shows approximately 5,500 residential units and 77 acres of commercial).

RECOMMENDATION:

Staff recommends approval of disannexation of approximately 62 acres generally located south of Loop 410 South and east of Hwy 281.

ATTACHMENT(S):

File Description	File Name
Espada Disannexation Map	Disannexation_Map_Updated.pdf
Voting Results	
Ordinance/Supplemental Documents	200809180837.pdf

DEPARTMENT HEAD AUTHORIZATIONS:

Jesus Garza Assistant Director Planning and Community Development

APPROVED FOR COUNCIL CONSIDERATION:

T.C. Broadnax Assistant City Manager