

AN ORDINANCE 2006-06-29-0742

APPROVING AN AGREEMENT WITH FERMIN RAJUNOV OF PRESTO TIERRA LTD., AND CROSSWINDS AT SOUTH LAKE, L.P., EXTENDING THE LIMITED PURPOSE ANNEXATION OF THE SOUTH LAKE DEVELOPMENT PROJECT AREA THAT CONSISTS OF APPROXIMATELY 532.59 ACRES AND POSTPONING THE DATE FOR FULL-PURPOSE ANNEXATION UNTIL DECEMBER 31, 2035.

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WHEREAS, on January 5, 2006, the City Council approved Ordinance 2006-01-05-3 which authorized the execution of a development agreement with Fermin Rajunov of Presto Tierra Ltd., Crosswinds at Southlake, L.P. and Presto Commercial #2, LLC, which provides for the development of a 532.59 acre mixed-use project in City South, located at the southwest intersection of State Highway 16 and Watson Road and provides the City the ability to extend and enforce land use and development regulations, provide for infrastructure, authorize enforcement of environmental regulations, and consider the terms for future annexation; and

WHEREAS, on May 15, 2006 a petition for creation of a public improvement district to be named Crosswinds at South Lake Special Improvement District was submitted to the Commissioners Court of Bexar County, Texas; and

WHEREAS, information provided to the City shows that the development includes the construction of approximately 1,200 single family homes, approximately 360 apartment units, and public improvements to be made in phases aggregating to an estimated \$32,698,211; and

WHEREAS, it is estimated that the City will receive \$215,980 for platting fees, \$542,820 in drainage fees, \$1,897,200 in sewer impact fees, \$1,426,300 in water impact fees and payments to gas and electric of \$908,064. Developer plans are that construction would commence in 2007 with single family home and apartment build-out completed in 2013; and

WHEREAS, in consideration for the City's consent to the creation of the PID by the County, and the agreement to continue the limited purpose annexation status of the area until December 31, 2035, the City requires the County to create an escrow fund to be named the "Municipal Service Infrastructure Fund" (the "Fund") into which shall be deposited at least annually an amount of money, acceptable to all parties, that shall accumulate over the life of the non-annexation agreement to be utilized solely for the payment, in whole or in part, for the construction of public facilities which shall be approved by the City; and

WHEREAS, the City may, at its discretion, accept an alternate option to the creation of the Fund; and

WHEREAS, the owners of the property have requested that the City of San Antonio extend the annexation of the property for limited purposes and that the date for full purpose annexation of the property be postponed until December 31, 2035; and

WHEREAS, this approval of the extension of annexation of the area for limited purposes, postponement of the date for full purpose annexation, and the corresponding consent to the formation of the PID by the County are withdrawn, and the City objects to the creation of the PID by the County if the agreement for the creation of the Fund cannot be finalized and executed within thirty (30) days from today's City Council action; **NOW THEREFORE:**

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

SECTION 1. Subject to the fulfillment of the terms and conditions of Section 2, below, the continuance of the limited purpose annexation of approximately 532.59 acres of real property ("the Property") and the postponement of full purpose annexation until December 31, 2035 is approved. The Property is a 532.59 acre, or 23,199,987 square foot more or less, tract of land being all of that 314.189 acre tract recorded in Volume 9950, Pages 1763-1766 of the Official Public Records of Real Property, Bexar County, Texas, all of a 50.457 acre tract recorded in Volume 10384, Pages 107-109 of the Official Public Record of Real Property, Bexar County, Texas, all of a 99.0 acre tract recorded in Volume 10571, Pages 1809-1810 of the Official Public Records of Real Property, Bexar County Texas, all of an 84.129 acre tract recorded in the Deed Records of Bexar County, Texas, and a portion of a 40 acre tract recorded in Volume 7233, Pages 705-707 of the Deed Records of Bexar County, Texas. Said 532.59 acre tract being more fully described as by metes and bounds at **Exhibit A**, which is attached hereto and incorporated herein for all purpose. The City Manager or her designee is authorized to negotiate and execute an Agreement to Extend Limited Purpose Annexation and to Fix the Date for Full Purpose Annexation between the City of San Antonio ("City"), Fermin Rajunov of Presto Tierra Ltd., Crosswinds at Southlake, L.P. and Presto Commercial #2, LLC, for the continuation of limited purpose annexation of the area and postponing the date for full purpose annexation under the terms and conditions of this Ordinance. The agreement must be executed by the owners of the real property in question and must comply with Section 43.127, Texas Local Government Code. The owners must submit evidence of ownership of the real property to the City Attorney for review prior to the execution of the agreement.

SECTION 2. This Ordinance is void if, within thirty (30) days from the passage of this Ordinance, Bexar County fails to include in the formation of the Crosswinds at South Lake Special Improvement District a requirement for the creation of an escrow fund to be named the "Municipal Service Infrastructure Fund" (the "Fund") into which shall be deposited at least annually an amount of money agreeable to the County and the City, that shall accumulate over the life of the non-annexation agreement to be utilized solely for the payment, in whole or in part, for the construction of public facilities which shall be approved by the City.

The City Manager or her designee is authorized to consent to an alternate option to the creation of the Fund.

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

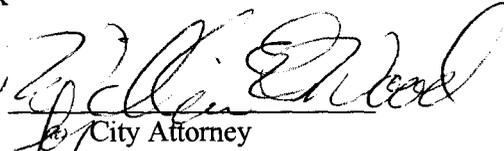
SECTION 4. This Ordinance shall take effect upon satisfaction of the terms and conditions of Section 2 above. Compliance with the terms and conditions of Section 2 shall be evidenced by the written acceptance and approval of the terms ("Acceptance") by the City Manager or the City Manager's designee of a written notice from the County Judge of Bexar County, Texas, that Bexar County, acting by and through its Commissioners Court ("Notice) has approved an agreement with Fermin Rajunov of Presto Tierra Ltd., Crosswinds at South Lake, L.P. and Presto Commercial #2 containing the required provisions and further that the Commissioners Court has directed that such required provisions be included in appropriate documents establishing the Crosswinds at South Lake Special Improvement

District and subsequent agreement(s) with the Crosswinds at South Lake Special Improvement District. The Notice from the County Judge shall include copies of applicable agreement(s). The City Manager or her designee shall not issue the Acceptance if either the Notice or the agreement(s) submitted with the Notice fail to comply with the terms of this Ordinance. Otherwise this Ordinance shall be void if the parties fail to agree within the time period allowed. The City Clerk shall file a true and correct copy of the Acceptance, Notice and agreement(s) with this Ordinance.

PASSED AND APPROVED this 29th day of June 2006.


M A Y O R

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
City Attorney

FIELD NOTES

FOR

A 532.59 acre, or 23,199,987 square foot more or less, tract of land being all of that 314.189 acre tract recorded in Volume 9950, Pages 1763-1766 of the Official Public Records of Real Property, Bexar County, Texas, all of a 50.457 acre tract recorded in Volume Page of the Official Public Record of Real Property, Bexar County, Texas, all of a 99.0 acre tract recorded in Volume 10571, Pages 1809-1810 of the Official Public Records of Real Property, Bexar County Texas, all of an 84.129 acre tract recorded in the Deed Records of Bexar County, Texas, and a portion of a 40 acre tract recorded in Volume 7233, Pages 705-707 of the Deed Records of Bexar County, Texas. Said 532.59 acre tract being more fully described as follows:

BEGINNING At a point in the west right of way line of State Highway 16, a variable width right of way, a south corner of a 2.649 acre tract recorded in Volume 10297, Page 2015 of the Official Public Record of Real Property, Bexar County, Texas and a northeast corner of said 532.59 acre tract

THENCE: S 34°07'24"W, a distance of 2010.55 feet to a point;

THENCE: S 45°26'28"W, a distance of 204.18 feet to a point;

THENCE: S 34°08'43"W, a distance of 476.60 feet to a point;

THENCE: Southwesterly, along the arc of a curve to the left, said curve having a radial bearing of S 55°51'17" E, a radius of 5829.65 feet, a central angle of 10°25'00", a chord bearing and distance of S 28°56'13" W, 1058.40 feet, for an arc length of 1059.86 feet to a point;

THENCE: S 23°43'43"W, a distance of 617.83 feet to a point;

THENCE: Along and with the Medina river the following calls and distances:

N 73°11'21"W, a distance of 171.65 feet to a point;

N 51°45'27"W, a distance of 278.86 feet to a point;

N 61°51'16"W, a distance of 224.56 feet to a point;



S 59°13'17"W, a distance of 179.38 feet to a point;
S 33°54'40"W, a distance of 471.18 feet to a point;
S 09°10'33"E, a distance of 463.33 feet to a point;
S 08°58'13"E, a distance of 96.30 feet to a point;
S 17°04'03"W, a distance of 236.28 feet to a point;
S 78°19'36"W, a distance of 193.07 feet to a point;
S 24°31'46"W, a distance of 98.32 feet to a point;
S 12°49'50"E, a distance of 176.04 feet to a point;
S 77°14'35"W, a distance of 322.91 feet to a point;
N 42°54'30"W, a distance of 121.89 feet to a point;
S 75°05'24"W, a distance of 286.76 feet to a point;
S 22°48'36"W, a distance of 191.20 feet to a point;
S 32°35'09"E, a distance of 211.08 feet to a point;
S 88°13'05"E, a distance of 110.58 feet to a point;
S 40°25'27"E, a distance of 88.10 feet to a point;
S 01°52'27"W, a distance of 126.07 feet to a point;
S 68°16'28"W, a distance of 327.78 feet to a point;
N 47°47'17"W, a distance of 425.54 feet to a point;
N 32°23'56"W, a distance of 310.34 feet to a point;
N 20°29'02"W, a distance of 425.00 feet to a point;

N 18°56'18"E, a distance of 301.27 feet to a point;
N 61°57'46"W, a distance of 151.81 feet to a point;
N 39°08'05"W, a distance of 158.28 feet to a point;
N 34°44'11"E, a distance of 145.36 feet to a point;
N 02°32'46"E, a distance of 340.55 feet to a point;
N 17°59'59"W, a distance of 108.46 feet to a point;
S 80°45'29"W, a distance of 133.24 feet to a point;
N 00°18'52"W, a distance of 3.73 feet to a point;
N 85°38'48"W, a distance of 212.95 feet to a point;
S 66°57'10"W, a distance of 582.98 feet to a point;
N 26°13'27"W, a distance of 313.00 feet to a point;

THENCE: N 00°02'32"E, leaving said Medina River a distance of 23.57 feet to a point, the southwest corner of a called 84.29 acre tract recorded in Volume 7215, Pages 86-88 of the Deed Records of Bexar County, Texas and the southeast corner of a 100.098 acre tract recorded in Volume 8463, Pages 817-819 of the Official Public Records of Bexar County, Texas;

THENCE: N 00°02'32"E, along and with the west boundary line of said 84.29 acre tract and the east line of said 100.098 acre tract a distance of 4851.53 feet to a point, a point in the south right of way line of said Watson Road;

THENCE: S 81°03'02"E, along and with the south right of way line of said Watson Road a distance of 109.26 feet to a point;

THENCE: S 72°51'57"E, along and with the south right of way line of said Watson Road a distance of 216.55 feet to a point;

- THENCE: S 00°03'33"E, departing said south right of way line of said Watson Road, along and with the west boundary line of said 84.29 acre tract and the west line of a 2.934 acre tract recorded Volume 9307, Pages 335-337 of the Official Public Records of Real Property of Bexar County, Texas a distance of 474.32 feet to a point, the southwest corner of said 2.934 acre tract;
- THENCE: S 00°07'55"E, along and with the west line of said 84.29 acre tract and the east line of a 15.0 acre tract recorded in Volume 7215, Pages 89-91 of the Deed Records of Bexar County, Texas a distance of 682.69 feet to a point;
- THENCE: S 87°13'51"E, along and with the north line of said 84.29 acre tract and the south line of said 15.0 acre tract a distance of 565.02 feet to a point;
- THENCE: N 00°01'47"E, along and with the east line of said 15.0 acre tract and a 99.00 acre tract recorded in Volume 10571, Pages 1809-1810 of the Official Public Records of Real Property of Bexar County, Texas a distance of 383.32 feet to a point;
- THENCE: S 80°59'59"E, along and with a north line of said 99.00 acre tract and the south line of a 3.0 acre tract recorded in Volume 4552, Page 881 of the Official Public Records of Real Property of Bexar County, Texas a distance of 299.43 feet to a point, a point in the south line of said State Highway 16;
- THENCE: N 00°33'25"E, along and with the south line of said Watson Road and the north line of said 99.00 acre tract a distance of 728.10 feet to a point;
- THENCE: S 81°38'54"E, along and with the south line of said Watson Road and the north line of said 99.00 acre tract a distance of 806.52 feet to a point, a northeast corner of said 99.00 acre tract and the northwest corner of a 40 acre tract recorded in Volume 7233, Pages 705-707 of the Deed Records of Bexar County, Texas;
- THENCE: S 78°47'58"E, along and with the south line of said Watson Road and the north line of said 40 acre tract a distance of 546.69 feet to a point;
- THENCE: S 00°07'31"W, departing said south line of said Watson Road, along and with an east line of said 40.0 acre tract and the west line of a 2.00 acre

tract recorded in Volume 11107, Pages 7-8 recorded in the Official Public Records of Bexar County, Texas a distance of 298.88 feet to a point;

- THENCE: S 80°52'29"E, along and with a north line of said 40.0 acre tract and the south line of said 2.00 acre tract a distance of 295.19 feet to a point;
- THENCE: N 00°07'31"E, along and with a west line of said 40.0 acre tract and the east line of said 2.00 acre tract a distance of 298.88 feet to a point, a point in the south right of way line of said Watson Road;
- THENCE: S 80°50'30"E, along and with the south line of said Watson Road and a north line said 40.0 acre tract of a distance of 279.85 feet to a point;
- THENCE: S 80°48'34"E, along and with the south line of said Watson Road a distance of 1723.87 feet to a point;
- THENCE: S 76°10'33"E, along and with the south line of said Watson Road a distance of 422.33 feet to a point;
- THENCE: S 69°36'27"E, along and with the south line of said Watson Road a distance of 405.06 feet to a point;
- THENCE: S 72°00'39"E, along and with the south line of said Watson Road a distance of 365.51 feet to a point;
- THENCE: S 18°57'11"E, a distance of 120.19 feet to the point of beginning, containing 532.59 acres in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with a survey made on the ground and a survey map prepared by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.

DATE: September 6, 2005

JOB No.: 9198-05

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