

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.

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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.

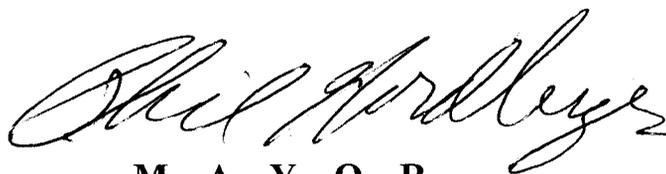
SECTION 2. All other provisions of Resolution No. 2007-12-13-0026R remain unchanged by this Resolution.

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