

ORDER GRANTING PETITION FOR CREATION OF A PUBLIC IMPROVEMENT DISTRICT TO BE NAMED FISCHER GARDENS SPECIAL IMPROVEMENT DISTRICT, FOR APPOINTMENT OF DIRECTORS, AND IMPOSITION OF AD VALOREM AND SALES AND USE TAXES, EACH TAX AT A SPECIFIED RATE, WITHIN THE BOUNDARIES OF THE DISTRICT, AND FOR AUTHORITY TO ENTER INTO ECONOMIC DEVELOPMENT AGREEMENTS, GRANTS AND LOANS

WHEREAS, on the 9 day of July, 2024, Bexar County Commissioners Court ("Commissioners Court") met in regular session, open to the public, at the Bexar County Courthouse at 100 Dolorosa Street, Suite 2.01, San Antonio, Texas, 78205 to consider adoption of the Order set out below, whereupon roll was called of the members of the Commissioners Court, to wit:

Peter Sakai  
Rebeca Clay-Flores  
Justin Rodriguez  
Grant Moody  
Tommy Calvert

County Judge  
Commissioner, Precinct 1  
Commissioner, Precinct 2  
Commissioner, Precinct 3  
Commissioner, Precinct 4

All Commissioners were present, except \_\_\_\_\_; and

WHEREAS, among other business conducted by the Commissioners Court, Commissioner Calvert introduced the Order set out below and moved its adoption, which was seconded by Commissioner Rodriguez, and after a full discussion and the question being before the Court, said motion carried by the following vote:

AYE 5 / NO 0

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED BY THE COMMISSIONERS COURT OF BEXAR COUNTY, TEXAS, THAT THE ORDER SHALL BE ADOPTED AS FOLLOWS:**

On March 28, 2024, a petition (the "Petition") attached hereto as Exhibit B was filed with the Bexar County Clerk for the Creation of a Public Improvement District to be named Fischer Gardens Special Improvement District (the "District"), appointment of directors, and for imposition of an ad valorem tax and a sales and use tax at a specified rate, within the boundaries of the District, for the authority to enter into economic development agreements, grants and loans, signed by the owners of taxable real property representing more than 50 percent (50%) of the appraised value of taxable real property within the boundaries of the District, praying for the Commissioners Court to grant the Petition.

On May 7, 2024, Commissioners Court reviewed the Petition and entered the Resolution Of Bexar County Commissioners Court Expressing Its Intent, Subject To The Conditions Specified Herein, To Consider The Future Creation Of A Public Improvement District To Be Named The Fischer Gardens Special Improvement District And To Include Certain Property In Said District attached as Exhibit "C".

On this date, the Commissioners Court conducted a public hearing to consider the Petition and heard the evidence, both oral and documentary, of all persons who appeared and offered evidence with reference thereto, and find the following:

1. The Petition, duly signed, praying for the creation of the District, to be operated under Chapter 382, of the Texas Local Government Code (the "Code"), appointment of directors and imposition of ad valorem and sales and use taxes, each tax at a specified rate, within the boundaries of the District; and for authorization to use such tax revenues to fund the District's economic development program through issuance of economic development agreements, grants and loans, and planned improvements instead of assessments was considered by the Commissioners Court. Said Petition fully met the requirements of law relating thereto and upon due consideration of said Petition, the same was set down upon the agenda for consideration by this Court on this date. Court proceedings began at 9:00 a.m. at the Bexar County Courthouse, San Antonio, Bexar County (the "County"), Texas and public notice of the hearing was given in accordance with the requirements of the Code.
2. This Commissioners Court is authorized to (a) consider the Petition; (b) enter an Order creating the District, designating that its operation shall be pursuant to the provisions of Chapter 382 of the Code; (c) appoint its board of directors; and, (d) authorize the board of directors of the District to impose an ad valorem tax and a sales and use tax within the District, each at a specified rate to be used to fund the District's planned improvements and any economic development program (including to the extent authorized by Article III Section 52 of the Texas Constitution, road improvement projects) to induce and incentivize economic development projects through the use of economic development agreements, grants and loans. Upon creation, the District will become endowed with the powers granted by Article XVI, Section 59, Article III, Section 52, and Article III, Section 52a of the Constitution of the State of Texas; Chapters 382, 381 and 380 of the Code. The powers granted by Article III, Section 52 cannot be exercised by the District until the City of San Antonio, Texas (the "City") consents by resolution for the District to exercise these powers.
3. The proposed District lies outside the full purpose city limits of any incorporated area and within Bexar County. The area proposed to be included within the District lies entirely within the extra territorial jurisdiction of the City. At the present time, there are fewer than 1,000 inhabitants residing in the proposed District.
4. The Commissioners Court for its authority to undertake action herein, relies upon the law as specifically found in Chapter 382 of the Code, wherein it is provided that a commissioners court of certain counties with a population of more than 1.5 million may create a public improvement district, and authorize such a district to take such actions as are authorized under Chapters 382, 381 and 380 of the Code, including imposition of ad valorem and sales and use taxes, at rates specified by such county, within the boundaries of the public improvement district (collectively the "Laws") if such taxes are approved by the qualified voters in the District at an election called for that purpose.

5. The Commissioners Court relies upon the authority granted in Chapter 271 of the Texas Election Code authorizing political subdivisions, such as the District, to conduct a joint election, and the request of the Petitioner that the County agree to conduct a joint election with the District upon its creation in order to facilitate the orderly conduct of the election required to approve the ad valorem tax and a sales and use tax authorized by this Order.
6. The Commissioners Court recognizes the prayer in the Petition that the District be created and authorized under Chapter 382 of the Code, and that the District impose taxes in lieu of assessments, and finds that the District is not required to submit a feasibility report or assessment plan pursuant to the requirements of such statute.
7. After full consideration by the Commissioners Court, including presentation of testimony and evidence at a public hearing as required by Chapter 382 of the Code, the Commissioners Court affirmatively finds that:
  - (a) the Petition conforms to the requirements of the Laws and that creation of the District under Chapter 382 of the Code;
  - (b) appointment of directors, and imposition of an ad valorem tax and a sales and use tax at a rate specified in this Order is beneficial and advisable to the County and in the County's best interest in order to fund public improvements and economic development programs and induce and incentivize economic development projects through the use of economic development agreements, grants and loans proposed for the District in lieu of assessments, through the issuance of bonds or other financing methods; and
  - (c) creation of the District will provide for the improvement and construction of transportation infrastructure, creation of single-family housing as well as stimulate business and commercial activity and lead to job creation, and would serve the public purpose of economic development and, specifically, providing new jobs, expanding commercial development, construction of residential housing and improvement of roadways.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED BY THE COMMISSIONERS COURT OF BEXAR COUNTY, TEXAS, THAT:**

Section 1. The Petition for creation of a public improvement district is in all respects granted, and a public improvement district is hereby created. The District shall be known as the "Fischer Gardens Special Improvement District," to be authorized by and to operate pursuant to the provisions of Chapter 382 of the Code; directors are hereby appointed and are named in this Order; and, subject to the approval of the qualified voters in the District, an ad valorem tax and a sales and use tax is hereby authorized to be imposed within the boundaries of the District, at the rate set forth in this Order, as prayed for in the Petition to fund the District's planned public improvements and economic development grants, by the issuance of bonds or other methods. Assessments may not be levied or imposed by the District's board of directors. Except as may be

provided for herein, the Commissioners Court hereby delegates to the District, all of the powers granted to the County under Chapter 382 of the Code. In addition, the County hereby grants to the District the powers and duties of a road district and the power to construct and provide water, wastewater and drainage facilities contingent upon consent from the City for such a grant of power. The District, upon approval from the Commissioners Court, is authorized to issue bonds for any District purpose secured by any District revenue.

Section 2. The District is required to obtain the approval of the County if it desires to increase the tax rate authorized in this Order. The District may not enter into, and the Commissioners Court does not give the District authority to execute, an Economic Development Agreement without first obtaining the approval of the Commissioners Court. The District may not enter into, and the Commissioners Court does not give the District authority to execute, any agreements to make a loan or grant of District proceeds without first obtaining the approval of the Commissioners Court. In addition, the District may not issue bonds, and the Commissioners Court does not give the District authority to issue bonds, without first obtaining the Commissioners Court approval.

Section 3. The District is created and organized under the terms and provisions of Article XVI, Section 59, Article III, Section 52; and Article III, Section 52a of the Constitution of the State of Texas, and Chapter 382, 381 and 380 of the Code, as amended. The District may not exercise the powers granted by Article III, Section 52 unless the City grants approval for the District to exercise these powers.

Section 4. The District is expressly authorized to impose the taxes listed in this Order and except as conditioned herein, to use tax revenues if, as, and when collected to fund improvements, as defined in Chapter 372, 382, 381 and 380 in the Code, in lieu of assessments and for the payment or repayment of the District's costs, by use of bond issuances or other means, to manage economic development projects, and to make grants and loans of public money to promote state and local economic development and to stimulate investment of private capital, business and commercial activity in the District, and job creation in the District and Bexar County, subject to the approval of the voters within the District.

Section 5. Upon calling for an election by the District, the District will be permitted to negotiate and enter into an agreement to conduct a joint election with Bexar County in order to facilitate the orderly conduct of the District's confirmation, tax and bond election, which may be held November 5, 2024. The District's qualified voters shall cast their ballots for or against the District's proposed taxes at a regular Bexar County polling place because no public building will exist within the District at the time of such election. Bexar County agrees to enter into an agreement to conduct a joint election pursuant to Chapter 271 of the Texas Election Code, and will negotiate the terms of such election with the District's Board of Directors.

Section 6. As a condition of the Commissioners Court to create the District, the Commissioners Court may require the District to prepare an annual report to be presented to the Commissioners Court on the status of District improvements and services, including the compliance with negotiated terms and conditions in any economic development agreement. In addition, on the request of the Commissioners Court, quarterly reports shall be made to the



County's SMWBE Advisory Committee and Program Office regarding all District expenditures to specifically include the efforts made in regards to outreach, solicitation and awards to certified small, minority and women-owned businesses on contracted work opportunities within the District.

Section 7. The Directors nominated in the Petition are hereby appointed, and shall serve staggered two (2) year terms as set forth in Chapter 382 of the Code. The directors listed below are hereby appointed:

1. Cassidy Patterson
2. Leo Martinez
3. Carlos Rodriguez
4. Jonah Guajardo
5. Michelle Hoang
6. Luis Bayona
7. David Brodbeck

The aforementioned Directors shall qualify for office by providing the bond and taking the oath of office provided by law. Thereafter, the Board of Directors shall organize as soon as reasonably possible. The District shall provide for any compensation required under Chapter 382 of the Code to the Board of Directors from the District's proceeds.

Section 8. Subject to the approval of the qualified voters in the District, the taxes that are hereby authorized to be levied and imposed within the District and the rates at which they are authorized to be imposed are as follows:

Ad Valorem Tax:	\$0.54159 per \$100 valuation, subject to applicable state and local ad valorem tax requirements
Sales and Use Tax:	2% per taxable sale, subject to the state and local sales and use tax rates in the District

Section 9. The District's boundaries are described in a legal description described in metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes.

A certified copy of this Order shall be filed with the County Clerk of Bexar County, Texas, and recorded in a book kept for that purpose, and a certified copy shall be provided to the District. In addition, a certified copy of this Order shall be filed in the Real Property Records of Bexar County.

***(Remainder of page intentionally left blank - signatures on next page)***

PASSED, ADOPTED, ORDERED AND EFFECTIVE this 9 day of July, 2024.



Peter Sakai

County Judge



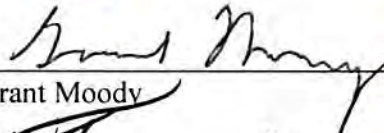
Rebeca Clay-Flores

Commissioner, Precinct 1



Justin Rodriguez

Commissioner, Precinct 2



Grant Moody

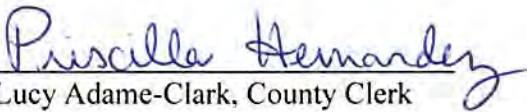
Commissioner, Precinct 3



Tommy Calvert

Commissioner, Precinct 4

ATTEST:



FOR: Lucy Adame-Clark, County Clerk

**EXHIBIT A**  
**LEGAL DESCRIPTION**

**ZONING DESCRIPTION FOR  
A 165.86 ACRE TACT**

A **165.86 acre** tract of land out of the John Isham Survey No. 27, Abstract No. 365, Bexar County, Texas, County Block. 5108, and being all of a called "Tract 1" being the remaining portion of a called 67.22 acre tract of land as conveyed to S.A. Given To Fly, L.P. and recorded in Document Number 20210178223 of the Official Public Records of Bexar County, Texas (OPR), and being all of a called 28.03 acre tract of land, "Tract 2," as conveyed to S.A. Given To Fly, L.P. and recorded in Document Number 20210201250 of the O.P.R., and being a portion of a called 153.26 acre tract of land as described in Document Number 20210240677 of the O.P.R. and being a portion of a called 55.472 acre tract of land as conveyed to Lennar Homes of Texas Land and Construction, LRD and recorded in Document Number 20220197012 of the O.P.R., and a portion of a called 50.364 acre tract of land as conveyed to AG EHC II (LEN) Multi State 2, LLC and recorded in Document Number 20220197012 of the O.P.R., said 165.86 acres being more particularly described by metes and bounds as follows:

**BEGINNING** at a point for the most southerly corner of said 153.26 acre tract and the tract described herein;

**THENCE:** along and with the southerly line of said 153.26 acre tract the following three (3) courses:

1. **N 60°52'41" W**, a distance of **536.32 feet**;
2. **N 60°36'19" W**, a distance of **1872.13 feet**;
3. **N 60°34'03" W**, a distance of **58.70 feet**;

**THENCE:** **N 29°03'00" E**, along and with the westerly line of said 153.26 acre tract, a distance of **405.38 feet** for the most southerly corner of said "Tract 1";

**THENCE:** along and with the southerly lines of said "Tract 1" the following three (3) courses:

1. **N 60°31'15" W**, a distance of **953.39 feet**;
2. **N 29°28'44" E**, a distance of **275.00 feet**;
3. **N 60°31'16" W**, a distance of **314.43 feet** for a point in a non-tangent curve for the most westerly corner of said "Tract 1" and the tract described herein;

**THENCE:** along and with the westerly line of said "Tract 1" the following two (2) courses:

1. With said non-tangent curve to the **left** having an arc of **108.81 feet**, a radius of **1046.12 feet**, a delta of **05°57'34"**, and a chord bears **N 32°20'46" E**, a chord distance of **108.76 feet**;
2. **N 29°21'53" E**, a distance of **1910.38 feet** for the most northerly corner of said "Tract 1" and the tract described herein;

**THENCE: S 60°31'16" E**, along and with the westerly line of said "Tract 1" and "Tract 2", passing a common corner of said tracts, at a distance of a distance of **218.02 feet**, thence continuing along the said line for a total distance of **1251.95 feet** for the most easterly corner of said "Tract 2";

**THENCE:** along and with the easterly line of said "Tract 2" the following two (2) courses:

1. **S 29°12'06" W**, a distance of **1100.31 feet**;
2. **S 29°03'59" W**, a distance of **83.42 feet** for the common corner of said "Tract 1" and "Tract 2

**THENCE: S 29°03'01" W**, along and with the easterly line of said "Tract 1" a distance of **36.28 feet**;

**THENCE:** over and across said 153.26 acre tract, said 50.364 acre tract, and said 55.472 acre tract the following seventeen (17) courses:

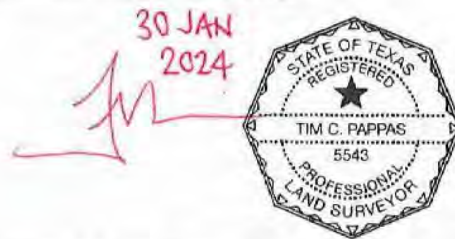
1. **S 60°40'10" E**, a distance of **797.26 feet**;
2. **S 29°19'50" W**, a distance of **105.00 feet** for the beginning of a curve;
3. With said curve to the **right** having an arc of **23.56 feet**, a radius of **15.00 feet**, a delta of **90°00'00"**, and a chord bears **S 74°19'50" W**, a chord distance of **21.21 feet**;
4. **S 29°19'50" W**, a distance of **60.00 feet**;
5. **S 60°40'10" E**, a distance of **296.00 feet**;
6. **N 29°19'50" E**, a distance of **60.00 feet** for the beginning of a curve;
7. With said curve to the **right** having an arc of **24.57 feet**, a radius of **15.05 feet**, a delta of **93°32'03"**, and a chord bears **N 17°31'01" W**, a chord distance of **21.93 feet**;
8. **N 29°19'50" E**, a distance of **210.00 feet** for the beginning of a curve;
9. With said curve to the **right** having an arc of **23.56 feet**, a radius of **15.00 feet**, a delta of **90°00'00"**, and a chord bears **N 74°19'50" E**, a chord distance of **21.21 feet**;
10. **N 29°19'50" E**, a distance of **50.00 feet** for the beginning of a curve;
11. With said curve to the **right** having an arc of **23.56 feet**, a radius of **15.00 feet**, a delta of **90°00'00"**, and a chord bears **N 15°40'10" W**, a chord distance of **21.21 feet**;
12. **N 29°19'50" E**, a distance of **415.00 feet**;



13. **S 60°40'10" E**, a distance of **120.00 feet**;
14. **S 29°19'50" W**, a distance of **20.00 feet**;
15. **S 60°40'10" E**, a distance of **1090.51 feet**;
16. **N 29°19'50" E**, a distance of **5.00 feet**;
17. **S 60°40'10" E**, a distance of **200.16 feet** for a point in the easterly line of said 153.26 acre tract and for the easterly corner of the tract described herein;

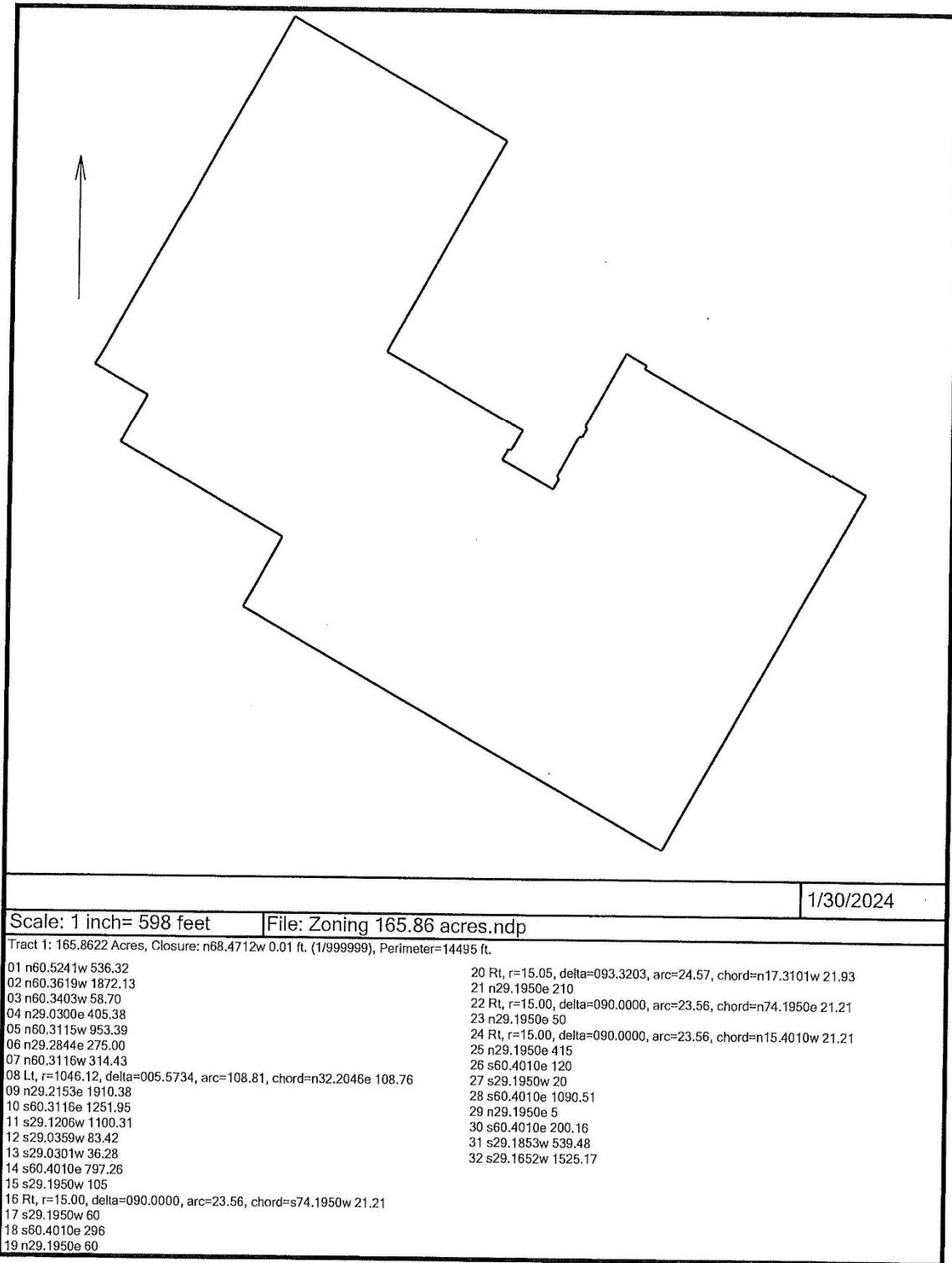
**THENCE:** along and with the easterly line of said 153.26 acre tract the following two (2) courses:

1. **S 29°18'53" W**, a distance of **539.48 feet**;
2. **S 29°16'52" W**, a distance of **1525.17 feet** to the **POINT OF BEGINNING** and containing **165.86 acres** of land more or less, in Bexar County, Texas. This description is prepared in accordance with a survey prepared by Colliers Engineering and Design. Bearings are based on NAD83 Texas State Plane South Central Zone.



NOTE: This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey performed by Colliers Engineering and Design, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Job No.: 21-050  
Prepared by: Colliers Engineering & Design  
Date: January 30, 2024  
File: S:\Draw 2021\21-050 2651 N Graytown Rd\DOCS\21-050 Zoning Description 166.44 AC MSN 1-30-24.docx



**EXHIBIT B**

**PETITION**



**AMENDED AND RESTATED PETITION FOR THE CREATION OF A PUBLIC  
IMPROVEMENT DISTRICT TO BE NAMED THE FISCHER GARDENS SPECIAL  
IMPROVEMENT DISTRICT**

SCANNED

STATE OF TEXAS       §  
                                  §  
COUNTY OF BEXAR   §

**TO: THE HONORABLE COMMISSIONERS COURT OF BEXAR COUNTY, TEXAS**

The undersigned petitioners ("Petitioners") acting pursuant to the provisions of Chapter 382 of the Texas Local Government Code, as amended (the "Code"), submit this amended and restated petition ("Petition") to the Commissioners Court of Bexar County, Texas, to request the creation of a public improvement district, within the extraterritorial jurisdiction ("ETJ") of the City of San Antonio ("City"), Bexar County, Texas ("County"). Specifically, the Petitioners request that the County create a public improvement district and include the property described in **Exhibit "A"** attached hereto ("Subject Property") within such public improvement district. In support of this Petition, the Petitioners present the following:

**I. NAME**

A public improvement district is being requested, which will be named the "Fischer Gardens Special Improvement District" (referred to herein as the "District").

**II. PETITIONERS**

In compliance with the requirements of the Code, and as determined by the current tax roll of the Bexar County Appraisal District, the Petitioners constitute: the owners representing more than fifty-percent (50%) of the appraised value of taxable real property proposed to be included within the public improvement district proposed in this Petition.

Attached to this Petition is a sworn statement, affirming the Petitioners are the holder of fee simple title to more than fifty-percent (50%) of the appraised value of taxable real property proposed to be included within the District (as defined below) and are the owners representing more than fifty-percent (50%) of all record owners of property within the proposed District. Petitioners request, and consent to, the creation of the District, as set forth in this Petition. The sworn statement of the Petitioners is attached hereto as **Exhibit "B"** and incorporated herein for all purposes.

**III. BOUNDARIES**

The proposed boundaries of the District shall include the Subject Property, more particularly described in **Exhibit "A"** attached hereto and incorporated herein for all purposes. The total acreage of the District is approximately 165.86 acres total. None of the land to be included in the District is within the

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corporate boundaries of any municipality and all of the land proposed to be included in the District is in the extraterritorial jurisdiction of the City and in the County.

#### **IV. GENERAL NATURE OF THE PROPOSED PUBLIC IMPROVEMENTS**

The Petitioners request that the County create a public improvement district and authorize it to engage in economic development projects and grant the District the powers requested in this Petition. The District proposes to enter into development agreements as are deemed advisable to promote state and local economic development and to stimulate residential and commercial activity in the District. The general nature of the work proposed to be done may include, but is not limited to: onsite roads (including, but not limited to, a collector road); offsite roads; offsite utility extension; onsite public improvements for residential lots (sewer, water, streets, and drainage); the improvement and construction of water, sanitary sewer, dry utilities (gas and electric) detention ponds, storm sewer, impact fees for capacity, road, landscaping in public right of ways, or sidewalks; right of way acquisition costs; easement acquisition costs; appraisal costs; geotechnical engineering costs; environmental inspection/testing and remediation costs; well plugging costs; demolition costs; water and sewer impact fees; floodplain reclamation costs; tree mitigation costs; park/entry/amenity improvement costs; including any cost or expense of purchasing, constructing, maintaining, acquiring, owning, operating, repairing, leasing, improving, extending, or paying for inside (i.e. onsite) and outside (i.e. offsite) the district boundaries flood plains and wetlands regulation and endangered species permits, stormwater permits, including mitigation; and all works, improvements, facilities, plants, equipment, appliances, interest in property, and contract rights needed thereof, and administrative facilities needed in connection therewith, related surveying, engineering, and legal fees, costs and expenses, and all rights of way and other interests in land necessary or convenient in connection therewith, as well as reasonable contingencies, associated with the costs of public improvements. Further, the public improvements financed by the District may include any public improvements in compliance with Chapter 382 of the Code, as amended, and in accordance with the governing laws.

#### **V. ESTIMATED COSTS OF THE PROPOSED CONSTRUCTION OF THE PUBLIC IMPROVEMENTS**

The total estimated capital cost for the District's public improvements is approximately \$37,621,250.00. Such costs can be partially offset with the imposition of taxes and the issuance of bonds by the District, as further described herein.

#### **VI. NATURE OF THE DISTRICT AND AUTHORITY**

The District is expressly requested pursuant to Chapter 382 of the Code. The District shall be created for the purposes of a district created and organized under Section 52, Article III, and Section 59, Article XVI of the Texas Constitution, Chapters 380, 381, 382, and 383 of the Code, and for the purpose of creating a program for economic development as provided in Section 52, Article III of the Texas Constitution, and for any other lawful purpose authorized by the governing laws.

The Petitioners specifically request that:

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- (1) the County authorize the District to exercise the powers granted under Chapter 382 of the Code;
- (2) the County delegate to the District all powers that the County is granted pursuant to Chapter 382; and
- (3) the County authorize the District to engage in economic development projects, as the District may enter into development agreements which are deemed advisable to promote state and local economic development and to stimulate business and commercial activity in the District.

#### **VII. ROAD IMPROVEMENTS**

The Petitioners request that pursuant to Section 382.109 of the Code the County designate and approve the proposed onsite and offsite road improvements as a “Road Improvement Project” and designate and approve such Road Improvement Project as a targeted economic development project, which is of an economic benefit to the District, to the Subject Property within the District, and to the County.

#### **VIII. ADVISORY BOARD**

As authorized by the Code, an advisory body may be established by the County to develop and recommend an improvement plan. However, an improvement plan is not necessary or applicable, as the Petitioners do not propose that the District be granted with the power to impose assessments.

#### **IX. MANAGEMENT OF THE DISTRICT AND BOARD OF DIRECTORS**

The Petitioners specifically request the County appoint a seven (7) member Board of Directors to govern the District and approve their respective terms in accordance with Section 382.051 of the Code, as the population of the District is less than 1,000 persons. The Petitioners also request that the County delegate to the District’s Board of Directors the County’s powers and duties provided by Chapter 382 of the Code, in order for the Board of Directors to oversee, manage, and govern the District to the fullest extent authorized by the Code.

#### **X. TAXES AND BONDS**

The Petitioners request that the County authorize the District to accomplish its purposes and the costs of services and improvements by imposing an ad valorem tax, a sales and use tax, and a hotel occupancy tax. The District shall also have the authority to issue bonds, negotiate promissory notes, and other District obligations, as further described herein.

The Petitioners specifically request that:

- (1) the District’s proposed improvements be financed and paid for with taxes authorized by Chapter 382 of the Code instead of assessments;
- (2) the County grant the District authority to impose an ad valorem tax, a sales and use tax, and a hotel occupancy tax to accomplish the economic development purposes prescribed by Section 52a, Article III, of the Texas Constitution;
- (3) the County grant the District authority, in accordance with Section 382.152 of the Code, to issue bonds, negotiable promissory notes and other District obligations, which may be secured

- by District revenue or any type of District taxes, or any combination of taxes and revenue pledged to the payment of bonds; and
- (4) the County grant the District authority as provided in Sections 382.158 and 382.159 of the Code, regarding borrowing and repayment of costs, respectively.

In regards to the proposed tax rates, the Petitioners specifically request that the County authorize the District to:

- (1) impose an ad valorem tax; and
- (2) impose a sales and use tax with a rate not to exceed two-percent (2%).

#### **XI. METHOD OF ASSESSMENT**

The Petitioners do not propose that the District be granted the power to impose assessments, and accordingly, the Petitioners are not required to present a Service Plan, an Assessment Plan (including method of assessment), or to prepare an Assessment Roll. As stated above, the Petitioners request that the District's proposed improvements be financed and paid for with taxes authorized by Chapter 382 of the Code instead of assessments.

#### **XII. APPORTIONMENT OF COST BETWEEN COUNTY, CITY AND THE DISTRICT**

Approval and creation of District will not obligate the County to provide any funds to finance the proposed public improvements. All costs of the District shall be paid by and apportioned to the District, and not to the County, as a whole.

#### **XIII. ADVISABILITY AND FEASIBILITY OF THE DISTRICT AND BEST INTERESTS OF THE COUNTY**

The District and its proposed improvements and economic development projects appear feasible and are necessary and advisable for the economy of the District and the County. Additionally, the County may create a public improvement district if the County determines it is in the best interest of the County. The area comprising the District is not presently developed, and therefore, the proposed District is necessary to pay for or finance public improvements and economic development within the District. Furthermore, the District will serve the public purpose of promoting and encouraging new residential development in the District and the County, which will encourage employment and economic activity within the District and the County. As such, the County's creation of the District is in the best interest of the County, as the District and the proposed improvements confer a special benefit on the District, the Subject Property within the District, and the County.

#### **XIV. FILING WITH THE COUNTY CLERK**

This Petition will be filed with the County Clerk in support of the creation of the District, as described herein.

#### **XV. PRAYER**

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This Petition requests that the County create the District, include the Subject Property therein, and grant to the District the powers requested in the Petition. The Petitioners pray that this Petition be heard and the Commissioners Court set a hearing date, publish notice of, conduct a hearing, make certain findings, and enter an Order creating the District in a manner authorized under Chapter 382 of the Code and as described herein.

Respectfully submitted, this 12th day of March 2024.

*Signature(s) on the Following Page(s)*

**PETITIONERS:**

**SA GIVEN TO FLY LP,**  
a Texas limited partnership

By: \_\_\_\_\_

Thomas Blake Yantis  
Member

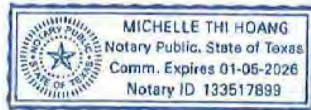
**ACKNOWLEDGEMENT**

STATE OF TEXAS       §

§

COUNTY OF BEXAR     §

The foregoing instrument was acknowledged before me on the 25 day of January, 2024, by Thomas Blake Yantis, as Manager of SA GIVEN TO FLY LP, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes therein expressed, on behalf of said company, in the capacity therein stated.



\_\_\_\_\_  
Notary Public State of Texas

Printed Name of Notary: Michelle Hoang

Commission Expiration: 1/5/2026

Petition for City of San Antonio Consent to Creation  
Fischer Gardens PID

LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD.  
a Texas limited partnership

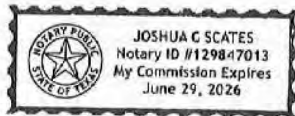
By: Lennar Texas Holding Company,  
its General Partner

By: [Signature]  
Name: Clifton Karam  
Title: Authorized Agent

#### ACKNOWLEDGEMENT

STATE OF TEXAS                   §  
   §  
COUNTY OF Bexar           §

The foregoing instrument was acknowledged before me on the 31 day of January, 2024, by Clifton Karam, on behalf of the LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes therein expressed, in the capacity therein stated.



Notary Public State of Texas  
Printed Name of Notary: Joshua C. Scates  
Commission Expiration: 6-29-26

Petition for City of San Antonio Consent to Creation  
Fischer Gardens PID

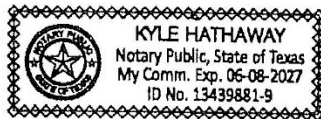
GRAYTOWN RD HOLDINGS LLC  
a Texas limited liability company

By: [Signature]  
Name: Brandon Krueger  
Title: Co-owner

ACKNOWLEDGEMENT

STATE OF Texas §  
§  
COUNTY OF Bexar §

The foregoing instrument was acknowledged before me on the 20<sup>th</sup> day of February, 2024, by Brandon Krueger, on behalf of the GRAYTOWN RD HOLDINGS LLC, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes therein expressed, in the capacity therein stated.



[Signature]  
Notary Public State of Texas  
Printed Name of Notary: Kyle Hathaway  
Commission Expiration: June 8 2027

Petition for Bexar County Creation  
Fischer Gardens PID



**EXHIBIT "A"**  
**SUBJECT PROPERTY**

RECORDER'S MEMORANDUM  
AT THE TIME OF RECORDATION, THIS  
INSTRUMENT WAS FOUND TO BE INADEQUATE  
FOR THE BEST PHOTOGRAPHIC REPRODUCTION  
BECAUSE OF ILLEGIBILITY, CARBON OR PHOTO  
COPY, DISCOLORED PAPER ETC.

Petition for Bexar County Creation  
Fischer Gardens PID

**ZONING DESCRIPTION FOR  
A 165.86 ACRE TACT**

A **165.86 acre** tract of land out of the John Isham Survey No. 27, Abstract No. 365, Bexar County, Texas, County Block. 5108, and being all of a called "Tract 1" being the remaining portion of a called 67.22 acre tract of land as conveyed to S.A. Given To Fly, L.P. and recorded in Document Number 20210178223 of the Official Public Records of Bexar County, Texas (OPR), and being all of a called 28.03 acre tract of land, "Tract 2," as conveyed to S.A. Given To Fly, L.P. and recorded in Document Number 20210201250 of the O.P.R., and being a portion of a called 153.26 acre tract of land as described in Document Number 20210240677 of the O.P.R. and being a portion of a called 55.472 acre tract of land as conveyed to Lennar Homes of Texas Land and Construction, LRD and recorded in Document Number 20220197012 of the O.P.R., and a portion of a called 50.364 acre tract of land as conveyed to AG EHC II (LEN) Multi State 2, LLC and recorded in Document Number 20220197012 of the O.P.R., said 165.86 acres being more particularly described by metes and bounds as follows:

**BEGINNING** at a point for the most southerly corner of said 153.26 acre tract and the tract described herein;

**THENCE:** along and with the southerly line of said 153.26 acre tract the following three (3) courses:

1. **N 60°52'41" W**, a distance of **536.32 feet**;
2. **N 60°36'19" W**, a distance of **1872.13 feet**;
3. **N 60°34'03" W**, a distance of **58.70 feet**;

**THENCE:** **N 29°03'00" E**, along and with the westerly line of said 153.26 acre tract, a distance of **405.38 feet** for the most southerly corner of said "Tract 1";

**THENCE:** along and with the southerly lines of said "Tract 1" the following three (3) courses:

1. **N 60°31'15" W**, a distance of **953.39 feet**;
2. **N 29°28'44" E**, a distance of **275.00 feet**;
3. **N 60°31'16" W**, a distance of **314.43 feet** for a point in a non-tangent curve for the most westerly corner of said "Tract 1" and the tract described herein;

**THENCE:** along and with the westerly line of said "Tract 1" the following two (2) courses:



Engineering  
& Design

1. With said non-tangent curve to the **left** having an arc of **108.81 feet**, a radius of **1046.12 feet**, a delta of **05°57'34"**, and a chord bears **N 32°20'46" E**, a chord distance of **108.76 feet**,
2. **N 29°21'53" E**, a distance of **1910.38 feet** for the most northerly corner of said "Tract 1" and the tract described herein;

**THENCE: S 60°31'16" E**, along and with the westerly line of said "Tract 1" and "Tract 2", passing a common corner of said tracts, at a distance of a distance of 218.02 feet, thence continuing along the said line for a total distance of **1251.95 feet** for the most easterly corner of said "Tract 2";

**THENCE:** along and with the easterly line of said "Tract 2" the following two (2) courses:

1. **S 29°12'06" W**, a distance of **1100.31 feet**;
2. **S 29°03'59" W**, a distance of **83.42 feet** for the common corner of said "Tract 1" and "Tract 2

**THENCE: S 29°03'01" W**, along and with the easterly line of said "Tract 1" a distance of **36.28 feet**;

**THENCE:** over and across said 153.26 acre tract, said 50.364 acre tract, and said 55.472 acre tract the following seventeen (17) courses:

1. **S 60°40'10" E**, a distance of **797.26 feet**;
2. **S 29°19'50" W**, a distance of **105.00 feet** for the beginning of a curve;
3. With said curve to the **right** having an arc of **23.56 feet**, a radius of **15.00 feet**, a delta of **90°00'00"**, and a chord bears **S 74°19'50" W**, a chord distance of **21.21 feet**;
4. **S 29°19'50" W**, a distance of **60.00 feet**;
5. **S 60°40'10" E**, a distance of **296.00 feet**;
6. **N 29°19'50" E**, a distance of **60.00 feet** for the beginning of a curve;
7. With said curve to the **right** having an arc of **24.57 feet**, a radius of **15.05 feet**, a delta of **93°32'03"**, and a chord bears **N 17°31'01" W**, a chord distance of **21.93 feet**;
8. **N 29°19'50" E**, a distance of **210.00 feet** for the beginning of a curve;
9. With said curve to the **right** having an arc of **23.56 feet**, a radius of **15.00 feet**, a delta of **90°00'00"**, and a chord bears **N 74°19'50" E**, a chord distance of **21.21 feet**;
10. **N 29°19'50" E**, a distance of **50.00 feet** for the beginning of a curve;
11. With said curve to the **right** having an arc of **23.56 feet**, a radius of **15.00 feet**, a delta of **90°00'00"**, and a chord bears **N 15°40'10" W**, a chord distance of **21.21 feet**;
12. **N 29°19'50" E**, a distance of **415.00 feet**;

13. **S 60°40'10" E**, a distance of **120.00 feet**;
14. **S 29°19'50" W**, a distance of **20.00 feet**;
15. **S 60°40'10" E**, a distance of **1090.51 feet**;
16. **N 29°19'50" E**, a distance of **5.00 feet**;
17. **S 60°40'10" E**, a distance of **200.16 feet** for a point in the easterly line of said 153.26 acre tract and for the easterly corner of the tract described herein;

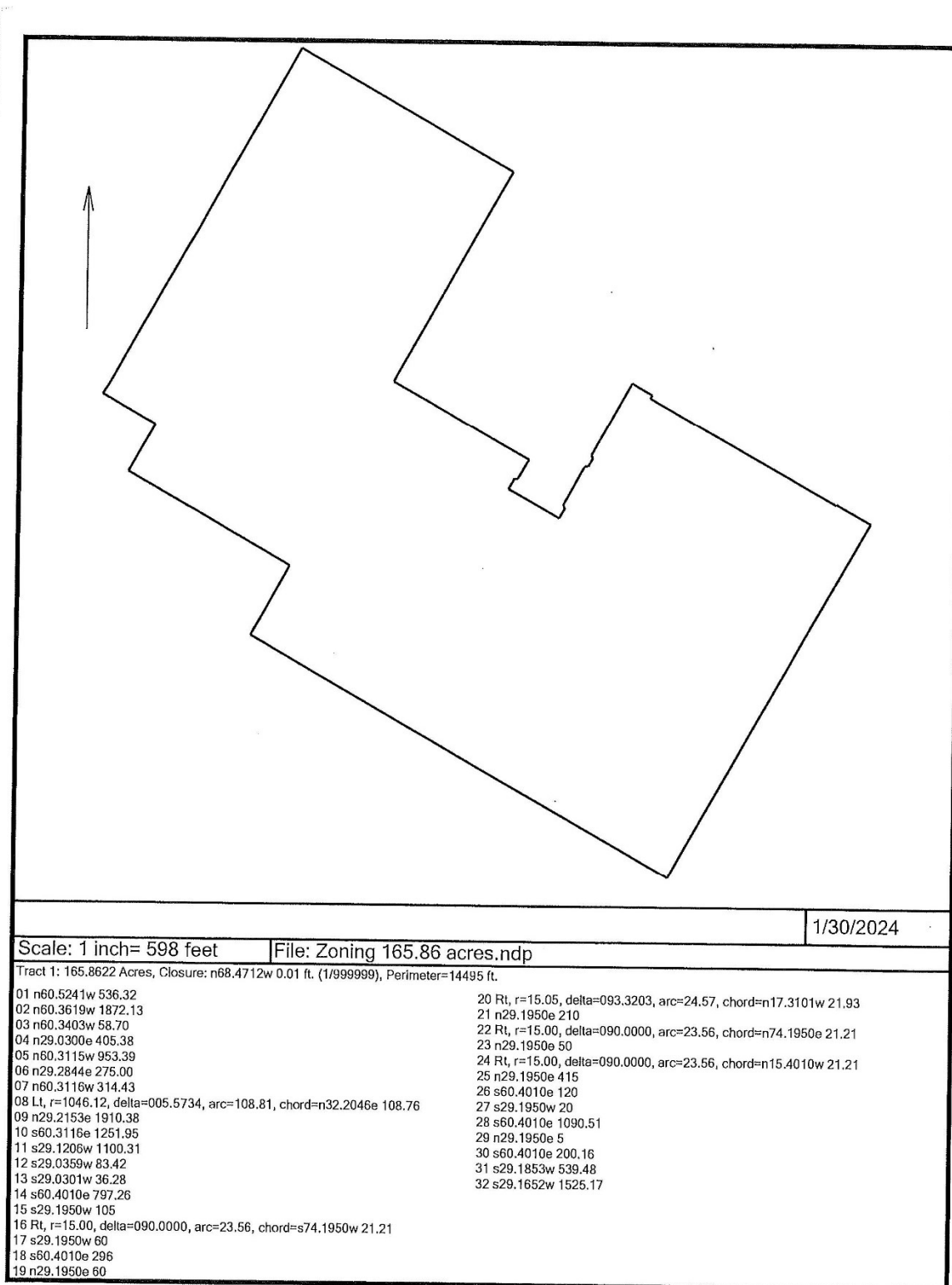
**THENCE:** along and with the easterly line of said 153.26 acre tract the following two (2) courses:

1. **S 29°18'53" W**, a distance of **539.48 feet**;
2. **S 29°16'52" W**, a distance of **1525.17 feet** to the **POINT OF BEGINNING** and containing **165.86 acres** of land more or less, in Bexar County, Texas. This description is prepared in accordance with a survey prepared by Colliers Engineering and Design. Bearings are based on NAD83 Texas State Plane South Central Zone.



NOTE: This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey performed by Colliers Engineering and Design, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Job No.: 21-050  
Prepared by: Colliers Engineering & Design  
Date: January 30, 2024  
File: S:\Draw 2021\21-050 2651 N Graytown Rd\DOCS\21-050 Zoning Description 166.44 AC MSN 1-30-24.docx





**EXHIBIT "B"**  
**PETITIONERS SWORN STATEMENT**

RECORDER'S MEMORANDUM  
AT THE TIME OF RECORDATION, THIS  
INSTRUMENT WAS FOUND TO BE INADEQUATE  
FOR THE BEST PHOTOGRAPHIC REPRODUCTION  
BECAUSE OF ILLEGIBILITY, CARBON OR PHOTO  
COPY, DISCOLORED PAPER ETC.

Petition for Bexar County Creation  
Fischer Gardens PID

**SWORN AFFIDAVIT OF FEE SIMPLE OWNER OF REAL PROPERTY REQUESTING  
CREATION OF, AND CONSENTING TO INCLUSION IN, THE FISCHER GARDENS  
SPECIAL IMPROVEMENT DISTRICT**

SA Given To Fly, LP, Lennar Homes of Texas Land and Construction, Ltd., Aand Graytown Rd. Holdings LLC (hereinafter "Owners") hereby affirm that they are the fee simple owners of real property located in Bexar County. Owners request the creation of the Fischer Gardens Special Improvement District (the "District") and consent to the inclusion of said real property within its boundaries. The description of the real property owned by Owners, and which Owners wish to include within the proposed District is attached as **Exhibit "A"** to the Petition for the creation of the Fischer Gardens Special Improvement District.

By the signatures below, Owners verify, for purposes of Chapter 382 of the Texas Local Government Code that they are the owners of taxable real property described in **Exhibit "A"**, representing more than fifty-percent (50%) of the appraised value of taxable real property within the proposed District, and that they constitute more than fifty-percent (50%) of all record owners of property within the proposed District or that they own taxable real property that constitutes more than fifty-percent (50%) of the area of all taxable real property within the proposed District.

*-Signature(s) on the Following Page(s)-*

Sworn Statement  
Fischer Gardens PID

1

OWNERS:

SA GIVEN TO FLY, LP,  
a Texas limited partnership

By:

Thomas Blake Yantis  
Member

ACKNOWLEDGEMENT

STATE OF TEXAS

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§  
§

COUNTY OF BEXAR

The foregoing instrument was acknowledged before me on the 25 day of January, 2024, by Thomas Blake Yantis, as Manager of SA GIVEN TO FLY, LP a Texas limited partnership, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes therein expressed, on behalf of said company, in the capacity therein stated.



Notary Public State of Texas

Printed Name of Notary: Michelle Hoang

Commission Expiration: 1/5/2026

Sworn Statement  
Fischer Gardens PID



**LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD.**  
a Texas limited partnership

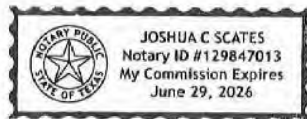
By: Lennar Texas Holding Company,  
its General Partner

By: [Signature]  
Name: Clifton Karam  
Title: Authorized Agent

**ACKNOWLEDGEMENT**

STATE OF TEXAS           §  
                                     §  
COUNTY OF Bexar       §

The foregoing instrument was acknowledged before me on the 31 day of January, 2024, by Clifton Karam, on behalf of the LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes therein expressed, in the capacity therein stated.



Notary Public State of Texas  
Printed Name of Notary: Joshua C. Scates  
Commission Expiration: 6-29-26

Sworn Statement  
Fischer Gardens PID

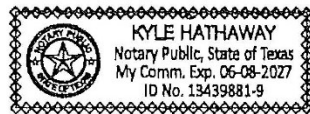
GRAYTOWN RD HOLDINGS LLC  
a Texas limited liability company

By: [Signature]  
Name: Brandon Knupper  
Title: Co-owner

ACKNOWLEDGEMENT

STATE OF Texas §  
COUNTY OF Bexar §

The foregoing instrument was acknowledged before me on the 20<sup>th</sup> day of February, 2024, by Brandon Knupper on behalf of the GRAYTOWN RD HOLDINGS LLC, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes therein expressed, in the capacity therein stated.



[Signature]  
Notary Public State of Texas  
Printed Name of Notary: Kyle Hathaway  
Commission Expiration: June 8 2027



\*VG-76-2024-20240054699\*

**File Information**

**FILED IN THE OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY  
LUCY ADAME-CLARK, BEXAR COUNTY CLERK**

**Document Number:** 20240054699  
**Recorded Date:** March 28, 2024  
**Recorded Time:** 8:42 AM  
**Total Pages:** 16  
**Total Fees:** \$81.00

**\*\* THIS PAGE IS PART OF THE DOCUMENT \*\***

**\*\* Do Not Remove \*\***

Any provision herein which restricts the sale or use of the described real property because of race is invalid and unenforceable under Federal law

STATE OF TEXAS, COUNTY OF BEXAR

I hereby Certify that this instrument was FILED in File Number Sequence on this date and at the time stamped hereon by me and was duly RECORDED in the Official Public Record of Bexar County, Texas on:  
3/28/2024 8:42 AM



*Lucy Adame-Clark*  
Lucy Adame-Clark  
Bexar County Clerk

**EXHIBIT C**

**MAY 7, 2024 RESOLUTION**



**RESOLUTION OF BEXAR COUNTY COMMISSIONERS COURT EXPRESSING ITS INTENT, SUBJECT TO THE CONDITIONS SPECIFIED HEREIN, TO CONSIDER THE FUTURE CREATION OF A PUBLIC IMPROVEMENT DISTRICT TO BE NAMED THE FISCHER GARDENS SPECIAL IMPROVEMENT DISTRICT AND TO INCLUDE CERTAIN PROPERTY IN SAID DISTRICT.**

**WHEREAS**, a petition ("Petition") was filed with, and an application was submitted to, Bexar County, Texas (the "County"), on March 28, 2024, to create a public improvement district to be named the Fischer Gardens Special Improvement District (the "District"), pursuant to Chapter 382 of the Texas Local Government Code, as amended (the "Code"); and

**WHEREAS**, in compliance with the requirements of Chapter 382 of the Code, and as determined by the current tax roll of the Bexar County Appraisal District, the Petition, attached as Exhibit "A" was filed by the petitioners who constitutes the owners representing more than 50% of the appraised value of taxable real property proposed to be included within the District; and

**WHEREAS**, the Petition prays for, but is not limited to the following, the creation of the District, the inclusion of certain property within the District, the appointment of board of directors, the imposition of ad valorem and sales and use taxes, instead of assessments, within the boundary of the District; authorization to issue bonds; and the authorization to use such tax revenues to fund the District's economic development programs, all as further described in the Petition; and

**WHEREAS**, the District may be created for the purposes of a district created and organized under Section 52, Article III, and Section 59, Article XVI of the Texas Constitution, Chapters 380, 381, and 382 of the Code, and for the purposes of creating a program for economic development as provided in Section 52-a, Article III of the Texas Constitution, and for any other lawful purpose authorized by the governing laws; and

**WHEREAS**, pursuant to the provisions of Chapter 382 of the Code, and pursuant to the County's finding that the District is in the best interest of the County, the County may create the District and approve the inclusion of that certain approximate 165.86 acres of property therein (the "District Property"), the boundaries of which are as more particularly described in **Exhibit "B"** (Aerial Map of Special Improvement District) and **Exhibit "C"** (Metes & Bounds of Special Improvement District), attached hereto and incorporated herein for all purposes; and

**WHEREAS**, the District and District Property specifically consists of approximately 165.86 acres, as more particularly described in **Exhibit "B"** and **Exhibit "C"**; and

WHEREAS, none of the land to be included in the District is within the corporate boundaries of any municipality and all of the land proposed to be included in the District is in the extraterritorial jurisdiction of the City of San Antonio, Texas ("City") and in the County; and

WHEREAS, upon the County's creation of the District, a developer intends to help develop certain proposed onsite public improvements for a single-family residential and commercial development; and

WHEREAS, those certain proposed onsite public improvements are further described in a preliminary summary, which may be subject to revisions and amendments, attached hereto as Exhibit "D" and incorporated herein for all purposes; and

WHEREAS, the District Property is mostly undeveloped and, as such, the District is necessary to pay for and fund public improvements and economic development within (and that benefit) the District and the County; and

WHEREAS, the Commissioners Court has considered this matter and deems it in the public interest to authorize this resolution.

NOW, THEREFORE BE IT RESOLVED BY THE COMMISSIONERS COURT OF BEXAR COUNTY:

#### SECTION I

The proposed District, and the proposed District Property to be included therein, include approximately 165.86 acres within the City's extraterritorial jurisdiction and within the County, generally located south of Freudentburg Road and Graytown Road, as more particularly described in Exhibit "B" and Exhibit "C".

#### SECTION II

Upon an affirmative finding that the proposed District is in the best interest of the County and is beneficial and advisable, Commissioners Court hereby expresses its intent, subject to Section III of this resolution, to consider creating the Fischer Gardens Special Improvement District at a future date and include that certain District Property therein, on terms and conditions Commissioners Court, in its sole discretion, deem advisable.

#### SECTION III

Consideration for the future creation of the District, and the inclusion of the District Property therein, by Commissioners Court will be subject to the following:

- A. Submission of documents and information for the District, including, but not limited to, financial projections, exhibits, and any additional information or documents considered necessary and appropriate in order for County staff to make a recommendation to Commissioners Court that creation of the proposed District is in the best interest of the County, as required by the Code.
- B. Submission of documents and information for the proposed public improvements described in Exhibit "D", including, but not limited to, public improvement descriptions, infrastructure costs,

- and any additional information or documents considered necessary and appropriate in order for County staff to make a recommendation to Commissioners Court that creation of the proposed District is in the best interest of the County, as required by the Code.
- C. Consent of the City of San Antonio, by resolution or ordinance, authorizing the County's creation of the District.

#### SECTION IV

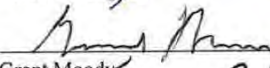
This Resolution of Intent shall be effective immediately upon its passage and adoption.

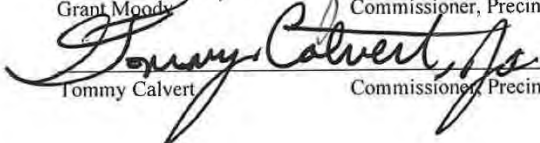
Passed and Approved this 7 day of May, 2024.

  
Peter Sakai County Judge

  
Rebeca Clay-Flores Commissioner, Precinct 1

  
Justin Rodriguez Commissioner, Precinct 2

  
Grant Moody Commissioner, Precinct 3

  
Tommy Calvert Commissioner, Precinct 4

**EXHIBIT “A”**

**Petition For The Creation Of A Public Improvement District To Be Named  
Fischer Gardens Special Improvement District  
Filed March 28, 2024**



**AMENDED AND RESTATED PETITION FOR THE CREATION OF A PUBLIC  
IMPROVEMENT DISTRICT TO BE NAMED THE FISCHER GARDENS SPECIAL  
IMPROVEMENT DISTRICT**

SCANNED

STATE OF TEXAS           §  
  §  
COUNTY OF BEXAR       §

**TO: THE HONORABLE COMMISSIONERS COURT OF BEXAR COUNTY, TEXAS**

The undersigned petitioners ("Petitioners") acting pursuant to the provisions of Chapter 382 of the Texas Local Government Code, as amended (the "Code"), submit this amended and restated petition ("Petition") to the Commissioners Court of Bexar County, Texas, to request the creation of a public improvement district, within the extraterritorial jurisdiction ("ETJ") of the City of San Antonio ("City"), Bexar County, Texas ("County"). Specifically, the Petitioners request that the County create a public improvement district and include the property described in **Exhibit "A"** attached hereto ("Subject Property") within such public improvement district. In support of this Petition, the Petitioners present the following:

**I. NAME**

A public improvement district is being requested, which will be named the "Fischer Gardens Special Improvement District" (referred to herein as the "District").

**II. PETITIONERS**

In compliance with the requirements of the Code, and as determined by the current tax roll of the Bexar County Appraisal District, the Petitioners constitute: the owners representing more than fifty-percent (50%) of the appraised value of taxable real property proposed to be included within the public improvement district proposed in this Petition.

Attached to this Petition is a sworn statement, affirming the Petitioners are the holder of fee simple title to more than fifty-percent (50%) of the appraised value of taxable real property proposed to be included within the District (as defined below) and are the owners representing more than fifty-percent (50%) of all record owners of property within the proposed District. Petitioners request, and consent to, the creation of the District, as set forth in this Petition. The sworn statement of the Petitioners is attached hereto as **Exhibit "B"** and incorporated herein for all purposes.

**III. BOUNDARIES**

The proposed boundaries of the District shall include the Subject Property, more particularly described in **Exhibit "A"** attached hereto and incorporated herein for all purposes. The total acreage of the District is approximately 165.86 acres total. None of the land to be included in the District is within the

Petition for Bexar County Creation  
Fischer Gardens PID

Page | 1

corporate boundaries of any municipality and all of the land proposed to be included in the District is in the extraterritorial jurisdiction of the City and in the County.

#### **IV. GENERAL NATURE OF THE PROPOSED PUBLIC IMPROVEMENTS**

The Petitioners request that the County create a public improvement district and authorize it to engage in economic development projects and grant the District the powers requested in this Petition. The District proposes to enter into development agreements as are deemed advisable to promote state and local economic development and to stimulate residential and commercial activity in the District. The general nature of the work proposed to be done may include, but is not limited to: onsite roads (including, but not limited to, a collector road); offsite roads; offsite utility extension; onsite public improvements for residential lots (sewer, water, streets, and drainage); the improvement and construction of water, sanitary sewer, dry utilities (gas and electric) detention ponds, storm sewer, impact fees for capacity, road, landscaping in public right of ways, or sidewalks; right of way acquisition costs; easement acquisition costs; appraisal costs; geotechnical engineering costs; environmental inspection/testing and remediation costs; well plugging costs; demolition costs; water and sewer impact fees; floodplain reclamation costs; tree mitigation costs; park/entry/amenity improvement costs; including any cost or expense of purchasing, constructing, maintaining, acquiring, owning, operating, repairing, leasing, improving, extending, or paying for inside (i.e. onsite) and outside (i.e. offsite) the district boundaries flood plains and wetlands regulation and endangered species permits, stormwater permits, including mitigation; and all works, improvements, facilities, plants, equipment, appliances, interest in property, and contract rights needed thereof, and administrative facilities needed in connection therewith, related surveying, engineering, and legal fees, costs and expenses, and all rights of way and other interests in land necessary or convenient in connection therewith, as well as reasonable contingencies, associated with the costs of public improvements. Further, the public improvements financed by the District may include any public improvements in compliance with Chapter 382 of the Code, as amended, and in accordance with the governing laws.

#### **V. ESTIMATED COSTS OF THE PROPOSED CONSTRUCTION OF THE PUBLIC IMPROVEMENTS**

The total estimated capital cost for the District's public improvements is approximately \$37,621,250.00. Such costs can be partially offset with the imposition of taxes and the issuance of bonds by the District, as further described herein.

#### **VI. NATURE OF THE DISTRICT AND AUTHORITY**

The District is expressly requested pursuant to Chapter 382 of the Code. The District shall be created for the purposes of a district created and organized under Section 52, Article III, and Section 59, Article XVI of the Texas Constitution, Chapters 380, 381, 382, and 383 of the Code, and for the purpose of creating a program for economic development as provided in Section 52, Article III of the Texas Constitution, and for any other lawful purpose authorized by the governing laws.

The Petitioners specifically request that:

Petition for Bexar County Creation  
Fischer Gardens PID

Page | 2

- (1) the County authorize the District to exercise the powers granted under Chapter 382 of the Code;
- (2) the County delegate to the District all powers that the County is granted pursuant to Chapter 382; and
- (3) the County authorize the District to engage in economic development projects, as the District may enter into development agreements which are deemed advisable to promote state and local economic development and to stimulate business and commercial activity in the District.

#### **VII. ROAD IMPROVEMENTS**

The Petitioners request that pursuant to Section 382.109 of the Code the County designate and approve the proposed onsite and offsite road improvements as a "Road Improvement Project" and designate and approve such Road Improvement Project as a targeted economic development project, which is of an economic benefit to the District, to the Subject Property within the District, and to the County.

#### **VIII. ADVISORY BOARD**

As authorized by the Code, an advisory body may be established by the County to develop and recommend an improvement plan. However, an improvement plan is not necessary or applicable, as the Petitioners do not propose that the District be granted with the power to impose assessments.

#### **IX. MANAGEMENT OF THE DISTRICT AND BOARD OF DIRECTORS**

The Petitioners specifically request the County appoint a seven (7) member Board of Directors to govern the District and approve their respective terms in accordance with Section 382.051 of the Code, as the population of the District is less than 1,000 persons. The Petitioners also request that the County delegate to the District's Board of Directors the County's powers and duties provided by Chapter 382 of the Code, in order for the Board of Directors to oversee, manage, and govern the District to the fullest extent authorized by the Code.

#### **X. TAXES AND BONDS**

The Petitioners request that the County authorize the District to accomplish its purposes and the costs of services and improvements by imposing an ad valorem tax, a sales and use tax, and a hotel occupancy tax. The District shall also have the authority to issue bonds, negotiate promissory notes, and other District obligations, as further described herein.

The Petitioners specifically request that:

- (1) the District's proposed improvements be financed and paid for with taxes authorized by Chapter 382 of the Code instead of assessments;
- (2) the County grant the District authority to impose an ad valorem tax, a sales and use tax, and a hotel occupancy tax to accomplish the economic development purposes prescribed by Section 52a, Article III, of the Texas Constitution;
- (3) the County grant the District authority, in accordance with Section 382.152 of the Code, to issue bonds, negotiable promissory notes and other District obligations, which may be secured

- by District revenue or any type of District taxes, or any combination of taxes and revenue pledged to the payment of bonds; and
- (4) the County grant the District authority as provided in Sections 382.158 and 382.159 of the Code, regarding borrowing and repayment of costs, respectively.

In regards to the proposed tax rates, the Petitioners specifically request that the County authorize the District to:

- (1) impose an ad valorem tax; and
- (2) impose a sales and use tax with a rate not to exceed two-percent (2%).

#### **XI. METHOD OF ASSESSMENT**

The Petitioners do not propose that the District be granted the power to impose assessments, and accordingly, the Petitioners are not required to present a Service Plan, an Assessment Plan (including method of assessment), or to prepare an Assessment Roll. As stated above, the Petitioners request that the District's proposed improvements be financed and paid for with taxes authorized by Chapter 382 of the Code instead of assessments.

#### **XII. APPORTIONMENT OF COST BETWEEN COUNTY, CITY AND THE DISTRICT**

Approval and creation of District will not obligate the County to provide any funds to finance the proposed public improvements. All costs of the District shall be paid by and apportioned to the District, and not to the County, as a whole.

#### **XIII. ADVISABILITY AND FEASIBILITY OF THE DISTRICT AND BEST INTERESTS OF THE COUNTY**

The District and its proposed improvements and economic development projects appear feasible and are necessary and advisable for the economy of the District and the County. Additionally, the County may create a public improvement district if the County determines it is in the best interest of the County. The area comprising the District is not presently developed, and therefore, the proposed District is necessary to pay for or finance public improvements and economic development within the District. Furthermore, the District will serve the public purpose of promoting and encouraging new residential development in the District and the County, which will encourage employment and economic activity within the District and the County. As such, the County's creation of the District is in the best interest of the County, as the District and the proposed improvements confer a special benefit on the District, the Subject Property within the District, and the County.

#### **XIV. FILING WITH THE COUNTY CLERK**

This Petition will be filed with the County Clerk in support of the creation of the District, as described herein.

#### **XV. PRAYER**

Petition for Bexar County Creation  
Fischer Gardens PID

Page | 4

This Petition requests that the County create the District, include the Subject Property therein, and grant to the District the powers requested in the Petition. The Petitioners pray that this Petition be heard and the Commissioners Court set a hearing date, publish notice of, conduct a hearing, make certain findings, and enter an Order creating the District in a manner authorized under Chapter 382 of the Code and as described herein.

Respectfully submitted, this 12th day of March 2024.

*Signature(s) on the Following Page(s)*

Petition for Bexar County Creation  
Fischer Gardens PID

Page | 5

**PETITIONERS:**

**SA GIVEN TO FLY LP,**  
a Texas limited partnership

By: \_\_\_\_\_  
Thomas Blake Yantis  
Member

**ACKNOWLEDGEMENT**

STATE OF TEXAS     §  
                                  §  
COUNTY OF BEXAR   §

The foregoing instrument was acknowledged before me on the 25 day of January, 2024, by Thomas Blake Yantis, as Manager of SA GIVEN TO FLY LP, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes therein expressed, on behalf of said company, in the capacity therein stated.



\_\_\_\_\_  
Notary Public State of Texas  
Printed Name of Notary: Michelle Hoang  
Commission Expiration: 1/5/2026

Petition for City of San Antonio Consent to Creation  
Fischer Gardens PID

LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD.  
a Texas limited partnership

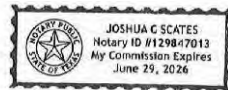
By: Lennar Texas Holding Company,  
its General Partner

By: [Signature]  
Name: Clifton Karam  
Title: Authorized Agent

#### ACKNOWLEDGEMENT

STATE OF TEXAS §  
COUNTY OF Bexar §

The foregoing instrument was acknowledged before me on the 31 day of January, 2024, by Clifton Karam, on behalf of the LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD., known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes therein expressed, in the capacity therein stated.



Notary Public State of Texas  
Printed Name of Notary: Joshua C. Scates  
Commission Expiration: 6-29-26

Petition for City of San Antonio Consent to Creation  
Fischer Gardens PID



GRAYTOWN RD HOLDINGS LLC  
a Texas limited liability company

By: [Signature]  
Name: Brandon Knupper  
Title: Co-Chair

ACKNOWLEDGEMENT

STATE OF Texas §  
COUNTY OF Bexar §

The foregoing instrument was acknowledged before me on the 20<sup>th</sup> day of February, 2024, by Brandon Knupper, on behalf of the GRAYTOWN RD HOLDINGS LLC, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes therein expressed, in the capacity therein stated.



[Signature]  
Notary Public State of Texas  
Printed Name of Notary: Kyle Hathaway  
Commission Expiration: June 8 2027

Petition for Bexar County Creation  
Fischer Gardens PID

**EXHIBIT "A"**  
**SUBJECT PROPERTY**

RECORDER'S MEMORANDUM  
AT THE TIME OF RECORDATION, THIS  
INSTRUMENT WAS FOUND TO BE INADEQUATE  
FOR THE BEST PHOTOGRAPHIC REPRODUCTION  
BECAUSE OF ILLEGIBILITY, CARBON OR PHOTO  
COPY, DISCOLORED PAPER ETC.

Petition for Bexar County Creation  
Fischer Gardens PID



Engineering  
& Design

**ZONING DESCRIPTION FOR  
A 165.86 ACRE TACT**

A **165.86 acre** tract of land out of the John Isham Survey No. 27, Abstract No. 365, Bexar County, Texas, County Block. 5108, and being all of a called "Tract 1" being the remaining portion of a called 67.22 acre tract of land as conveyed to S.A. Given To Fly, L.P. and recorded in Document Number 20210178223 of the Official Public Records of Bexar County, Texas (OPR), and being all of a called 28.03 acre tract of land, "Tract 2," as conveyed to S.A. Given To Fly, L.P. and recorded in Document Number 20210201250 of the O.P.R., and being a portion of a called 153.26 acre tract of land as described in Document Number 20210240677 of the O.P.R. and being a portion of a called 55.472 acre tract of land as conveyed to Lennar Homes of Texas Land and Construction, LRD and recorded in Document Number 20220197012 of the O.P.R., and a portion of a called 50.364 acre tract of land as conveyed to AG EHC II (LEN) Multi State 2, LLC and recorded in Document Number 20220197012 of the O.P.R., said 165.86 acres being more particularly described by metes and bounds as follows:

**BEGINNING** at a point for the most southerly corner of said 153.26 acre tract and the tract described herein;

**THENCE:** along and with the southerly line of said 153.26 acre tract the following three (3) courses:

1. **N 60°52'41" W**, a distance of **536.32 feet**;
2. **N 60°36'19" W**, a distance of **1872.13 feet**;
3. **N 60°34'03" W**, a distance of **58.70 feet**;

**THENCE:** **N 29°03'00" E**, along and with the westerly line of said 153.26 acre tract, a distance of **405.38 feet** for the most southerly corner of said "Tract 1";

**THENCE:** along and with the southerly lines of said "Tract1" the following three (3) courses:

1. **N 60°31'15" W**, a distance of **953.39 feet**;
2. **N 29°28'44" E**, a distance of **275.00 feet**;
3. **N 60°31'16" W**, a distance of **314.43 feet** for a point in a non-tangent curve for the most westerly corner of said "Tract 1" and the tract described herein;

**THENCE:** along and with the westerly line of said "Tract1" the following two (2) courses:

1. With said non-tangent curve to the **left** having an arc of **108.81 feet**, a radius of **1046.12 feet**, a delta of **05°57'34"**, and a chord bears **N 32°20'46" E**, a chord distance of **108.76 feet**,
2. **N 29°21'53" E**, a distance of **1910.38 feet** for the most northerly corner of said "Tract 1" and the tract described herein;

**THENCE: S 60°31'16" E**, along and with the westerly line of said "Tract 1" and "Tract 2", passing a common corner of said tracts, at a distance of a distance of 218.02 feet, thence continuing along the said line for a total distance of **1251.95 feet** for the most easterly corner of said "Tract 2";

**THENCE:** along and with the easterly line of said "Tract 2" the following two (2) courses:

1. **S 29°12'06" W**, a distance of **1100.31 feet**;
2. **S 29°03'59" W**, a distance of **83.42 feet** for the common corner of said "Tract 1" and "Tract 2

**THENCE: S 29°03'01" W**, along and with the easterly line of said "Tract 1" a distance of **36.28 feet**;

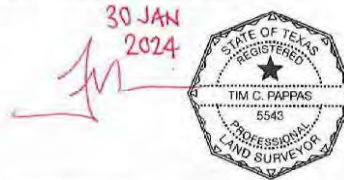
**THENCE:** over and across said 153.26 acre tract, said 50.364 acre tract, and said 55.472 acre tract the following seventeen (17) courses:

1. **S 60°40'10" E**, a distance of **797.26 feet**;
2. **S 29°19'50" W**, a distance of **105.00 feet** for the beginning of a curve;
3. With said curve to the **right** having an arc of **23.56 feet**, a radius of **15.00 feet**, a delta of **90°00'00"**, and a chord bears **S 74°19'50" W**, a chord distance of **21.21 feet**;
4. **S 29°19'50" W**, a distance of **60.00 feet**;
5. **S 60°40'10" E**, a distance of **296.00 feet**;
6. **N 29°19'50" E**, a distance of **60.00 feet** for the beginning of a curve;
7. With said curve to the **right** having an arc of **24.57 feet**, a radius of **15.05 feet**, a delta of **93°32'03"**, and a chord bears **N 17°31'01" W**, a chord distance of **21.93 feet**;
8. **N 29°19'50" E**, a distance of **210.00 feet** for the beginning of a curve;
9. With said curve to the **right** having an arc of **23.56 feet**, a radius of **15.00 feet**, a delta of **90°00'00"**, and a chord bears **N 74°19'50" E**, a chord distance of **21.21 feet**;
10. **N 29°19'50" E**, a distance of **50.00 feet** for the beginning of a curve;
11. With said curve to the **right** having an arc of **23.56 feet**, a radius of **15.00 feet**, a delta of **90°00'00"**, and a chord bears **N 15°40'10" W**, a chord distance of **21.21 feet**;
12. **N 29°19'50" E**, a distance of **415.00 feet**;

13. **S 60°40'10" E**, a distance of **120.00 feet**;
14. **S 29°19'50" W**, a distance of **20.00 feet**;
15. **S 60°40'10" E**, a distance of **1090.51 feet**;
16. **N 29°19'50" E**, a distance of **5.00 feet**;
17. **S 60°40'10" E**, a distance of **200.16 feet** for a point in the easterly line of said 153.26 acre tract and for the easterly corner of the tract described herein;

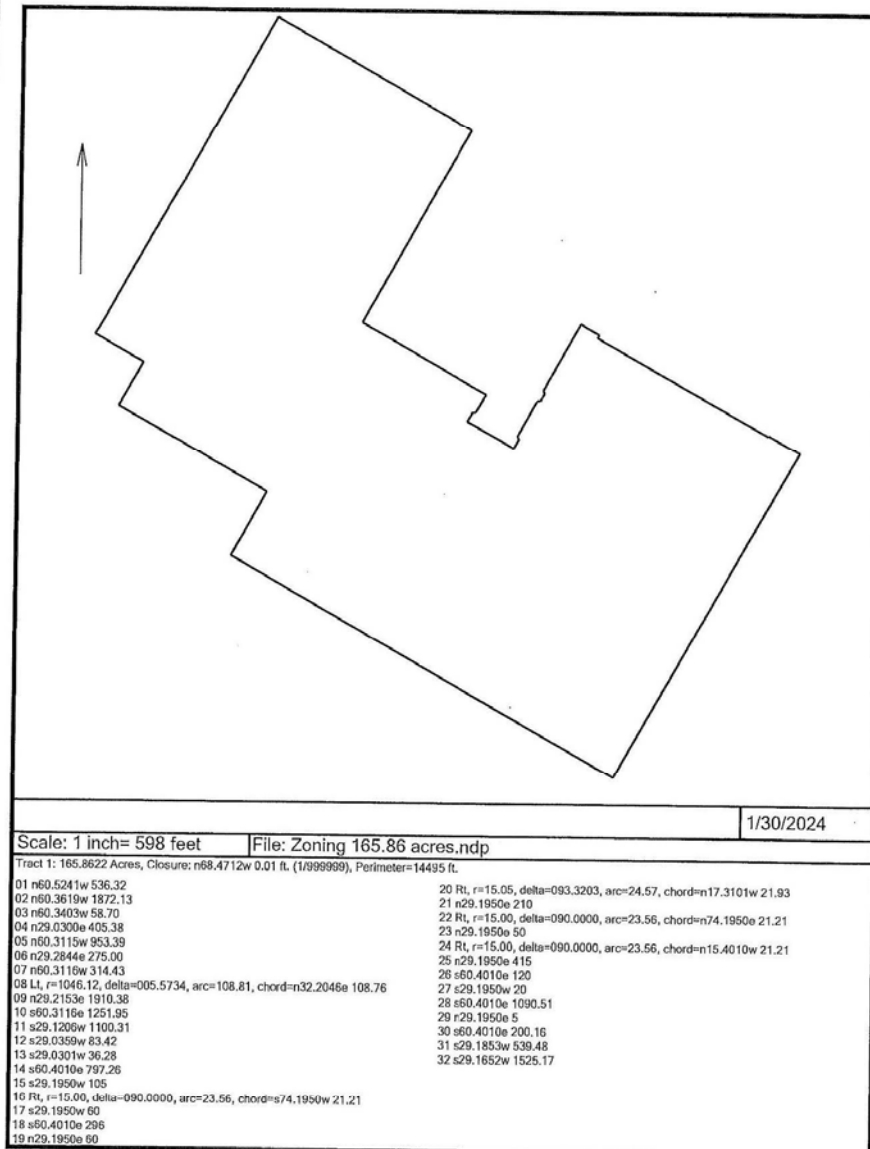
**THENCE:** along and with the easterly line of said 153.26 acre tract the following two (2) courses:

1. **S 29°18'53" W**, a distance of **539.48 feet**;
2. **S 29°16'52" W**, a distance of **1525.17 feet** to the **POINT OF BEGINNING** and containing **165.86 acres** of land more or less, in Bexar County, Texas. This description is prepared in accordance with a survey prepared by Colliers Engineering and Design. Bearings are based on NAD83 Texas State Plane South Central Zone.



NOTE: This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey performed by Colliers Engineering and Design, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Job No.: 21-050  
Prepared by: Colliers Engineering & Design  
Date: January 30, 2024  
File: S:\Draw 2021\21-050 2651 N Graytown Rd\DOCS\21-050 Zoning Description 165.44 AC MSN 1-30-24.docx



**EXHIBIT "B"**  
**PETITIONERS SWORN STATEMENT**

RECORDER'S MEMORANDUM  
AT THE TIME OF RECORDATION, THIS  
INSTRUMENT WAS FOUND TO BE INADEQUATE  
FOR THE BEST PHOTOGRAPHIC REPRODUCTION  
BECAUSE OF ILLEGIBILITY, CARBON OR PHOTO  
COPY, DISCOLORED PAPER ETC.

Petition for Bexar County Creation  
Fischer Gardens PID



**SWORN AFFIDAVIT OF FEE SIMPLE OWNER OF REAL PROPERTY REQUESTING  
CREATION OF, AND CONSENTING TO INCLUSION IN, THE FISCHER GARDENS  
SPECIAL IMPROVEMENT DISTRICT**

SA Given To Fly, LP, Lennar Homes of Texas Land and Construction, Ltd., Aand Graytown Rd. Holdings LLC (hereinafter "Owners") hereby affirm that they are the fee simple owners of real property located in Bexar County. Owners request the creation of the Fischer Gardens Special Improvement District (the "District") and consent to the inclusion of said real property within its boundaries. The description of the real property owned by Owners, and which Owners wish to include within the proposed District is attached as **Exhibit "A"** to the Petition for the creation of the Fischer Gardens Special Improvement District.

By the signatures below, Owners verify, for purposes of Chapter 382 of the Texas Local Government Code that they are the owners of taxable real property described in **Exhibit "A"**, representing more than fifty-percent (50%) of the appraised value of taxable real property within the proposed District, and that they constitute more than fifty-percent (50%) of all record owners of property within the proposed District or that they own taxable real property that constitutes more than fifty-percent (50%) of the area of all taxable real property within the proposed District.


*-Signature(s) on the Following Page(s)-*

Sworn Statement  
Fischer Gardens PID

1

**OWNERS:**

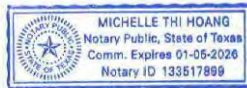
**SA GIVEN TO FLY, LP,**  
a Texas limited partnership

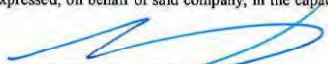
By:   
Thomas Blake Yantis  
Member

**ACKNOWLEDGEMENT**

**STATE OF TEXAS** §  
§  
**COUNTY OF BEXAR** §

The foregoing instrument was acknowledged before me on the 25 day of January, 2024, by Thomas Blake Yantis, as Manager of SA GIVEN TO FLY, LP a Texas limited partnership, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes therein expressed, on behalf of said company, in the capacity therein stated.



  
Notary Public State of Texas  
Printed Name of Notary: Michelle Hoang  
Commission Expiration: 1/5/2026

Sworn Statement  
Fischer Gardens PID

LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD.  
a Texas limited partnership

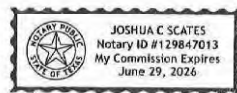
By: Lennar Texas Holding Company,  
its General Partner

By: [Signature]  
Name: Clinton Karam  
Title: Authorized Agent

ACKNOWLEDGEMENT

STATE OF TEXAS §  
§  
COUNTY OF Bexar §

The foregoing instrument was acknowledged before me on the 31 day of January, 2024,  
by Clinton Karam, on behalf of the LENNAR HOMES OF TEXAS LAND AND  
CONSTRUCTION, LTD., known to me to be the person whose name is subscribed to the foregoing  
instrument and acknowledged to me that he executed the same for the purposes therein expressed, in  
the capacity therein stated.



Notary Public State of Texas  
Printed Name of Notary: Joshua C. Scates  
Commission Expiration: 6-29-26

Sworn Statement  
Fischer Gardens PID

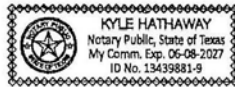
GRAYTOWN RD HOLDINGS LLC  
a Texas limited liability company

By: [Signature]  
Name: Brandon Krueger  
Title: Co-owner

ACKNOWLEDGEMENT

STATE OF Texas §  
COUNTY OF Bexar §

The foregoing instrument was acknowledged before me on the 20<sup>th</sup> day of February, 2024, by Brandon Krueger on behalf of the GRAYTOWN RD HOLDINGS LLC, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes therein expressed, in the capacity therein stated.



[Signature]  
Notary Public State of Texas  
Printed Name of Notary: Kyle Hathaway  
Commission Expiration: June 8 2027

EXHIBIT "B"

Aerial Map of Special Improvement District



**EXHIBIT “C”**

**Metes & Bounds of Special Improvement District**



Engineering  
& Design

**ZONING DESCRIPTION FOR  
A 165.86 ACRE TRACT**

A **165.86 acre** tract of land out of the John Isham Survey No. 27, Abstract No. 365, Bexar County, Texas, County Block. 5108, and being all of a called "Tract 1" being the remaining portion of a called 67.22 acre tract of land as conveyed to S.A. Given To Fly, L.P. and recorded in Document Number 20210178223 of the Official Public Records of Bexar County, Texas (OPR), and being all of a called 28.03 acre tract of land, "Tract 2," as conveyed to S.A. Given To Fly, L.P. and recorded in Document Number 20210201250 of the O.P.R., and being a portion of a called 153.26 acre tract of land as described in Document Number 20210240677 of the O.P.R. and being a portion of a called 55.472 acre tract of land as conveyed to Lennar Homes of Texas Land and Construction, LRD and recorded in Document Number 20220197012 of the O.P.R., and a portion of a called 50.364 acre tract of land as conveyed to AG EHC II (LEN) Multi State 2, LLC and recorded in Document Number 20220197012 of the O.P.R., said 165.86 acres being more particularly described by metes and bounds as follows:

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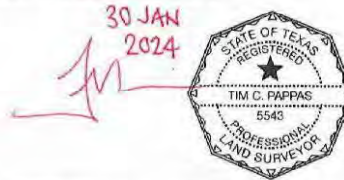
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2. **S 29°19'50" W**, a distance of **105.00 feet** for the beginning of a curve;
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4. **S 29°19'50" W**, a distance of **60.00 feet**;
5. **S 60°40'10" E**, a distance of **296.00 feet**;
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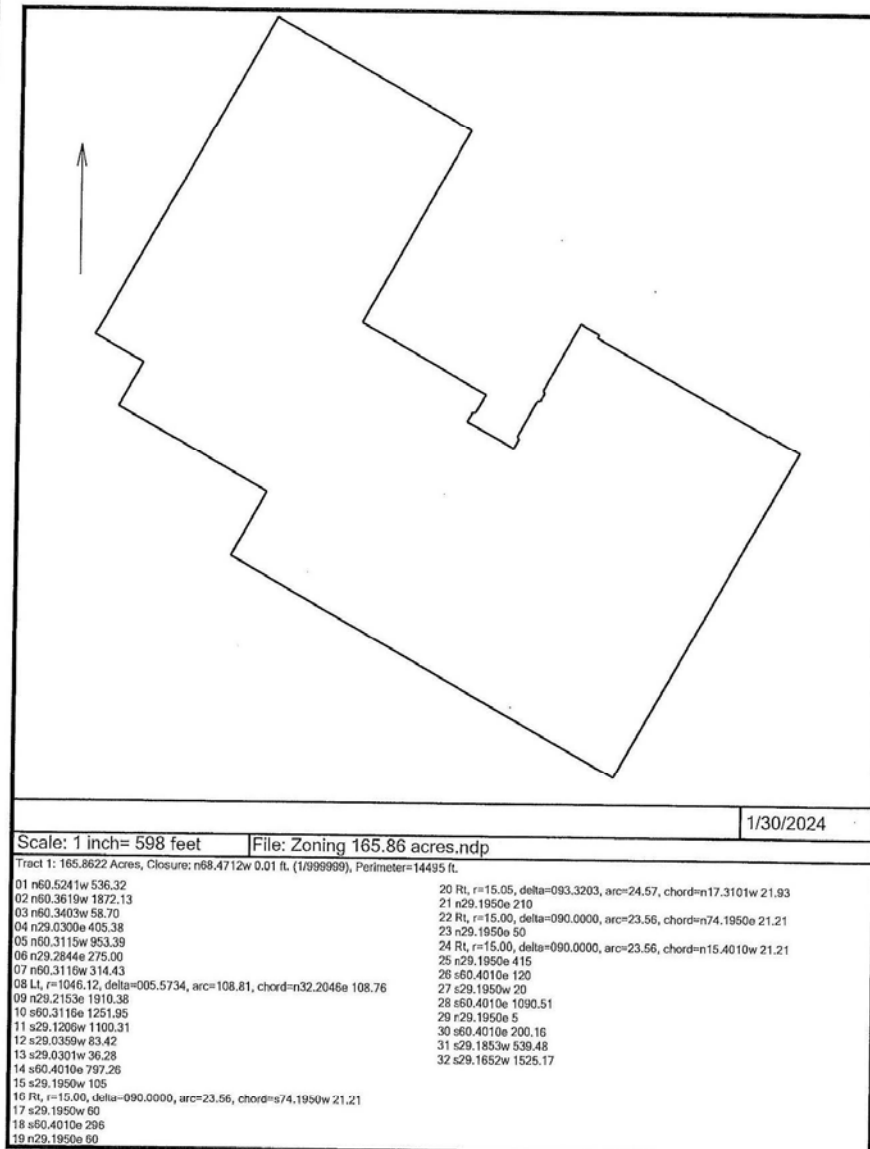
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NOTE: This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey performed by Colliers Engineering and Design, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Job No.: 21-050  
Prepared by: Colliers Engineering & Design  
Date: January 30, 2024  
File: S:\Draw 2021\21-050 2651 N Graytown Rd\DOCS\21-050 Zoning Description 165.44 AC MSN 1-30-24.docx



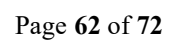
**EXHIBIT “D”**

**Proposed Public Improvements of Special Improvement District**

**(subject to change)**

1. Onsite; Development infrastructure to include streets, sidewalks, water, drainage, and sewer 900 single family units and a to be determined amount of commercial acreage
2. Offsite; Development infrastructure to include water and turn/deceleration lane

**DOCUMENTS CONSIDERED NECESSARY AND APPROPRIATE**



**MOSAIC LAND DEVELOPMENT  
FISCHER GARDENS PID**

**Fischer Gardens Project and PID Revenues Analysis**

Year No.	Year on Tax Rolls	Cumulative Housing Units on Ground	Taxable Basis Per Unit	Total Taxable Basis <sup>1</sup>	Ad Valorem Tax/(100*0.54159) <sup>2</sup>	Cumulative
1	2024	0	\$ 257,000.00	\$ -	\$ -	\$ -
2	2025	100	\$ 257,000.00	\$ 25,700,000.00	\$ 132,229.20	\$ 132,229.20
3	2026	200	\$ 257,000.00	\$ 51,400,000.00	\$ 264,458.40	\$ 396,687.60
4	2027	300	\$ 257,000.00	\$ 77,100,000.00	\$ 396,687.60	\$ 793,375.19
5	2028	400	\$ 257,000.00	\$ 102,800,000.00	\$ 528,916.79	\$ 1,322,291.99
6	2029	500	\$ 257,000.00	\$ 128,500,000.00	\$ 661,145.99	\$ 1,983,437.98
7	2030	600	\$ 257,000.00	\$ 154,200,000.00	\$ 793,375.19	\$ 2,776,813.17
8	2031	700	\$ 257,000.00	\$ 179,900,000.00	\$ 925,604.39	\$ 3,702,417.56
9	2032	800	\$ 257,000.00	\$ 205,600,000.00	\$ 1,057,833.59	\$ 4,760,251.15
10	2033	900	\$ 257,000.00	\$ 231,300,000.00	\$ 1,190,062.79	\$ 5,950,313.93
11	2034	900	\$ 257,000.00	\$ 231,300,000.00	\$ 1,190,062.79	\$ 7,140,376.72
12	2035	900	\$ 257,000.00	\$ 231,300,000.00	\$ 1,190,062.79	\$ 8,330,439.51
13	2036	900	\$ 257,000.00	\$ 231,300,000.00	\$ 1,190,062.79	\$ 9,520,502.29
14	2037	900	\$ 257,000.00	\$ 231,300,000.00	\$ 1,190,062.79	\$ 10,710,565.08
15	2038	900	\$ 257,000.00	\$ 231,300,000.00	\$ 1,190,062.79	\$ 11,900,627.87
16	2039	900	\$ 257,000.00	\$ 231,300,000.00	\$ 1,190,062.79	\$ 13,090,690.65
17	2040	900	\$ 257,000.00	\$ 231,300,000.00	\$ 1,190,062.79	\$ 14,280,753.44
18	2041	900	\$ 257,000.00	\$ 231,300,000.00	\$ 1,190,062.79	\$ 15,470,816.22
19	2042	900	\$ 257,000.00	\$ 231,300,000.00	\$ 1,190,062.79	\$ 16,660,879.01
20	2043	900	\$ 257,000.00	\$ 231,300,000.00	\$ 1,190,062.79	\$ 17,850,941.80
21	2044	900	\$ 257,000.00	\$ 231,300,000.00	\$ 1,190,062.79	\$ 19,041,004.58
22	2045	900	\$ 257,000.00	\$ 231,300,000.00	\$ 1,190,062.79	\$ 20,231,067.37
23	2046	900	\$ 257,000.00	\$ 231,300,000.00	\$ 1,190,062.79	\$ 21,421,130.16
24	2047	900	\$ 257,000.00	\$ 231,300,000.00	\$ 1,190,062.79	\$ 22,611,192.94
25	2048	900	\$ 257,000.00	\$ 231,300,000.00	\$ 1,190,062.79	\$ 23,801,255.73
26	2049	900	\$ 257,000.00	\$ 231,300,000.00	\$ 1,190,062.79	\$ 24,991,318.52
27	2050	900	\$ 257,000.00	\$ 231,300,000.00	\$ 1,190,062.79	\$ 26,181,381.30
28	2051	900	\$ 257,000.00	\$ 231,300,000.00	\$ 1,190,062.79	\$ 27,371,444.09
29	2052	900	\$ 257,000.00	\$ 231,300,000.00	\$ 1,190,062.79	\$ 28,561,506.88
30	2053	900	\$ 257,000.00	\$ 231,300,000.00	\$ 1,190,062.79	\$ 29,751,569.66
<b>TOTALS</b>					\$ 29,751,569.66	\$ 29,751,569.66

<sup>1</sup>Assumes 0.0% annual inflation

<sup>2</sup>Assumes a Collection Ratio of 95%

4/15/2024



MUSICAL LAND DEVELOPMENT  
FISCHER GARDENS FID

Fischer Gardens Ad Valorem Tax Revenues

Year on Tax Rolls	Dezoo County Zood and Flood		SA River Authority		Alamo Community College		University Health System		Dezoo County		Tax Central FID		Dezoo County Emergency District #12
	Annual	Cumulative	Annual	Cumulative	Annual	Cumulative	Annual	Cumulative	Annual	Cumulative	Annual	Cumulative	Annual
2022	\$ 0.023663	\$ 6,182.64	\$ 4,628.00	\$ 4,628.00	\$ 30,421.25	\$ 30,421.25	\$ 10,592.40	\$ 10,592.40	\$ 11,017.07	\$ 11,017.07	\$ 221,196.40	\$ 221,196.40	\$ 25,000.00
2023	\$ 6,062.84	\$ 12,245.48	\$ 9,256.00	\$ 13,884.00	\$ 76,663.11	\$ 114,944.35	\$ 14,584.75	\$ 25,177.15	\$ 21,531.23	\$ 32,548.30	\$ 454,992.80	\$ 676,489.20	\$ 51,000.00
2024	\$ 12,155.35	\$ 24,399.83	\$ 18,280.00	\$ 32,164.00	\$ 14,594.65	\$ 25,938.00	\$ 2,257.15	\$ 27,435.30	\$ 42,034.13	\$ 74,569.43	\$ 500,026.93	\$ 746,515.63	\$ 77,000.00
2025	\$ 12,248.35	\$ 36,648.18	\$ 18,500.00	\$ 50,664.00	\$ 14,594.65	\$ 40,532.65	\$ 2,257.15	\$ 29,692.45	\$ 44,001.28	\$ 118,570.71	\$ 544,028.21	\$ 790,585.84	\$ 124,000.00
2026	\$ 24,390.70	\$ 61,038.88	\$ 37,000.00	\$ 87,664.00	\$ 14,594.65	\$ 55,127.30	\$ 2,257.15	\$ 31,949.60	\$ 76,032.33	\$ 194,603.04	\$ 718,631.25	\$ 985,188.88	\$ 151,000.00
2027	\$ 36,413.88	\$ 97,452.76	\$ 55,500.00	\$ 143,164.00	\$ 14,594.65	\$ 70,721.95	\$ 2,257.15	\$ 34,206.75	\$ 110,239.08	\$ 306,832.12	\$ 1,025,463.37	\$ 1,291,650.99	\$ 202,000.00
2028	\$ 36,496.36	\$ 133,949.12	\$ 55,500.00	\$ 198,664.00	\$ 14,594.65	\$ 85,316.60	\$ 2,257.15	\$ 36,463.90	\$ 146,703.00	\$ 453,535.12	\$ 1,479,198.49	\$ 1,732,853.41	\$ 253,000.00
2029	\$ 47,178.73	\$ 181,127.85	\$ 74,000.00	\$ 272,664.00	\$ 14,594.65	\$ 100,911.25	\$ 2,257.15	\$ 38,721.05	\$ 185,424.05	\$ 639,256.17	\$ 2,118,454.66	\$ 2,356,309.06	\$ 325,000.00
2030	\$ 47,178.73	\$ 228,306.58	\$ 74,000.00	\$ 346,664.00	\$ 14,594.65	\$ 115,505.90	\$ 2,257.15	\$ 40,978.20	\$ 226,402.25	\$ 865,731.37	\$ 2,984,186.03	\$ 3,281,490.09	\$ 370,000.00
2031	\$ 47,178.73	\$ 275,485.31	\$ 74,000.00	\$ 420,664.00	\$ 14,594.65	\$ 130,100.55	\$ 2,257.15	\$ 43,235.35	\$ 269,637.60	\$ 1,105,366.72	\$ 3,889,552.75	\$ 4,196,846.84	\$ 413,000.00
2032	\$ 47,178.73	\$ 322,664.04	\$ 74,000.00	\$ 494,664.00	\$ 14,594.65	\$ 144,695.20	\$ 2,257.15	\$ 45,492.50	\$ 315,130.10	\$ 1,390,859.22	\$ 4,780,411.97	\$ 5,171,261.07	\$ 456,000.00
2033	\$ 47,178.73	\$ 369,842.77	\$ 74,000.00	\$ 568,664.00	\$ 14,594.65	\$ 159,289.85	\$ 2,257.15	\$ 47,749.65	\$ 362,879.75	\$ 1,678,358.87	\$ 5,658,770.84	\$ 6,037,610.91	\$ 499,000.00
2034	\$ 47,178.73	\$ 416,991.50	\$ 74,000.00	\$ 642,664.00	\$ 14,594.65	\$ 173,884.50	\$ 2,257.15	\$ 50,006.80	\$ 412,886.55	\$ 1,968,865.67	\$ 6,627,636.49	\$ 7,000,247.40	\$ 542,000.00
2035	\$ 47,178.73	\$ 464,169.23	\$ 74,000.00	\$ 716,664.00	\$ 14,594.65	\$ 188,479.15	\$ 2,257.15	\$ 52,264.00	\$ 465,150.55	\$ 2,254,029.67	\$ 7,881,666.16	\$ 8,221,909.36	\$ 587,000.00
2036	\$ 47,178.73	\$ 511,347.96	\$ 74,000.00	\$ 790,664.00	\$ 14,594.65	\$ 203,073.80	\$ 2,257.15	\$ 54,521.15	\$ 519,671.70	\$ 2,539,550.82	\$ 8,761,217.38	\$ 9,093,126.64	\$ 630,000.00
2037	\$ 47,178.73	\$ 558,526.69	\$ 74,000.00	\$ 864,664.00	\$ 14,594.65	\$ 217,668.45	\$ 2,257.15	\$ 56,778.30	\$ 576,450.00	\$ 2,826,329.12	\$ 9,687,546.90	\$ 10,000,673.54	\$ 673,000.00
2038	\$ 47,178.73	\$ 605,705.42	\$ 74,000.00	\$ 938,664.00	\$ 14,594.65	\$ 232,263.10	\$ 2,257.15	\$ 59,035.45	\$ 635,485.45	\$ 3,116,364.57	\$ 10,803,911.45	\$ 11,111,588.01	\$ 726,000.00
2039	\$ 47,178.73	\$ 652,884.15	\$ 74,000.00	\$ 1,012,664.00	\$ 14,594.65	\$ 246,857.75	\$ 2,257.15	\$ 61,292.60	\$ 696,778.05	\$ 3,405,657.17	\$ 12,209,568.62	\$ 12,517,245.61	\$ 799,000.00
2040	\$ 47,178.73	\$ 700,062.88	\$ 74,000.00	\$ 1,086,664.00	\$ 14,594.65	\$ 261,452.40	\$ 2,257.15	\$ 63,549.75	\$ 760,327.80	\$ 3,694,956.92	\$ 13,604,525.54	\$ 13,919,202.53	\$ 852,000.00
2041	\$ 47,178.73	\$ 747,241.61	\$ 74,000.00	\$ 1,160,664.00	\$ 14,594.65	\$ 276,047.05	\$ 2,257.15	\$ 65,806.90	\$ 825,134.70	\$ 3,984,253.82	\$ 15,008,779.36	\$ 15,323,986.46	\$ 905,000.00
2042	\$ 47,178.73	\$ 794,420.34	\$ 74,000.00	\$ 1,234,664.00	\$ 14,594.65	\$ 290,641.70	\$ 2,257.15	\$ 68,064.05	\$ 893,200.75	\$ 4,273,549.87	\$ 16,402,329.23	\$ 16,721,307.69	\$ 958,000.00
2043	\$ 47,178.73	\$ 841,599.07	\$ 74,000.00	\$ 1,308,664.00	\$ 14,594.65	\$ 305,236.35	\$ 2,257.15	\$ 70,321.20	\$ 963,522.00	\$ 4,562,846.07	\$ 17,805,175.30	\$ 18,126,153.79	\$ 1,001,000.00
2044	\$ 47,178.73	\$ 888,777.80	\$ 74,000.00	\$ 1,382,664.00	\$ 14,594.65	\$ 319,831.00	\$ 2,257.15	\$ 72,578.35	\$ 1,033,800.35	\$ 4,852,142.42	\$ 19,207,317.72	\$ 19,533,301.21	\$ 1,054,000.00
2045	\$ 47,178.73	\$ 935,956.53	\$ 74,000.00	\$ 1,456,664.00	\$ 14,594.65	\$ 334,425.65	\$ 2,257.15	\$ 74,835.50	\$ 1,108,635.85	\$ 5,141,437.92	\$ 20,608,755.64	\$ 20,944,839.13	\$ 1,107,000.00
2046	\$ 47,178.73	\$ 983,135.26	\$ 74,000.00	\$ 1,530,664.00	\$ 14,594.65	\$ 349,020.30	\$ 2,257.15	\$ 77,092.65	\$ 1,183,728.50	\$ 5,430,730.57	\$ 22,019,486.11	\$ 22,346,569.70	\$ 1,160,000.00
2047	\$ 47,178.73	\$ 1,030,313.99	\$ 74,000.00	\$ 1,604,664.00	\$ 14,594.65	\$ 363,614.95	\$ 2,257.15	\$ 79,349.80	\$ 1,258,878.30	\$ 5,720,028.37	\$ 23,429,514.01	\$ 23,766,593.61	\$ 1,213,000.00
2048	\$ 47,178.73	\$ 1,077,492.72	\$ 74,000.00	\$ 1,678,664.00	\$ 14,594.65	\$ 378,209.60	\$ 2,257.15	\$ 81,606.95	\$ 1,334,035.25	\$ 6,009,325.92	\$ 24,848,839.93	\$ 25,195,918.53	\$ 1,266,000.00
2049	\$ 47,178.73	\$ 1,124,671.45	\$ 74,000.00	\$ 1,752,664.00	\$ 14,594.65	\$ 392,804.25	\$ 2,257.15	\$ 83,864.10	\$ 1,409,199.35	\$ 6,298,623.02	\$ 26,268,462.95	\$ 26,537,541.55	\$ 1,319,000.00
2050	\$ 47,178.73	\$ 1,171,850.18	\$ 74,000.00	\$ 1,826,664.00	\$ 14,594.65	\$ 407,398.90	\$ 2,257.15	\$ 86,121.25	\$ 1,484,360.60	\$ 6,587,919.57	\$ 27,688,382.42	\$ 27,966,461.02	\$ 1,372,000.00
2051	\$ 47,178.73	\$ 1,219,028.91	\$ 74,000.00	\$ 1,900,664.00	\$ 14,594.65	\$ 421,993.55	\$ 2,257.15	\$ 88,378.40	\$ 1,559,519.00	\$ 6,877,217.07	\$ 29,107,600.49	\$ 29,403,678.09	\$ 1,425,000.00
2052	\$ 47,178.73	\$ 1,266,207.64	\$ 74,000.00	\$ 1,974,664.00	\$ 14,594.65	\$ 436,588.20	\$ 2,257.15	\$ 90,635.55	\$ 1,634,674.55	\$ 7,166,514.62	\$ 30,527,115.01	\$ 30,823,193.11	\$ 1,478,000.00
2053	\$ 47,178.73	\$ 1,313,386.37	\$ 74,000.00	\$ 2,048,664.00	\$ 14,594.65	\$ 451,182.85	\$ 2,257.15	\$ 92,892.70	\$ 1,709,827.25	\$ 7,455,812.32	\$ 31,946,927.33	\$ 32,243,005.43	\$ 1,531,000.00
Total	\$ 1,305,632.10	\$ 1,940,850.00	\$ 1,940,850.00	\$ 1,940,850.00	\$ 8,624,598.75	\$ 8,624,598.75	\$ 5,973,288.88	\$ 5,973,288.88	\$ 15,978,940.03	\$ 15,978,940.03	\$ 511,956,920.00	\$ 511,956,920.00	\$ 5,732,500.00

\*Tax Rates per DCA 2023 Tax Rate Chart



MOSAIC LAND DEVELOPMENT  
FISCHER GARDENS PID

Fischer Gardens PID  
Projected PID Qualified Costs

Lots                      Acres  
900                      217.46

Cumulative Project Improvements		
Engineering/Platting/Fees	\$ 4,222.22	\$ 3,800,000.00
Geotechnical	\$ 361.11	\$ 325,000.00
Environmental/Cultural	\$ 138.89	\$ 125,000.00
<b>Total Cumulative Project Costs</b>	<b>N/A</b>	<b>\$ 4,250,000.00</b>

Offsite Improvements		
Hard Costs	Linear Feet	Cost
Sewer		\$ -
Water	6500 LF	\$ 617,500.00
Drainage		\$ -
Streets (Lump Sum) <sup>1</sup>	1	\$ 620,000.00
Electric		\$ -
Subtotal	N/A	\$ 1,237,500.00
<b>Total Offsite Linear Feet and Costs</b>	<b>N/A</b>	<b>\$ 1,237,500.00</b>

Onsite Improvements		
Hard Costs	Linear Feet	Cost
Land Clearing (per acre) <sup>2</sup>	217.46-acres	\$ 900,000.00
Sewer	27,191 LF	\$ 5,200,000.00
Water	25,861 LF	\$ 3,800,000.00
Drainage	25,861 LF	\$ 5,300,000.00
Streets	25,861 LF	\$ 7,200,000.00
Electric/Dry Utilities per Lot	900 lots	\$ 5,700,000.00
Landscaping/Monumentation		\$ 1,000,000.00
Subtotal	\$ 133,817.71	\$ 29,100,000.00
<b>Total Onsite Costs</b>		<b>\$ 29,100,000.00</b>

Contingency		
Onsite/Offsite	% of Total Cost	Cost
Offsite Contingency	10	\$ 123,750.00
Onsite Contingency	10	\$ 2,910,000.00
<b>Subtotal</b>	<b>10</b>	<b>\$ 3,033,750.00</b>

<b>Total Eligible PID Costs (Total Linear Feet, Offsite Costs, Onsite Costs, &amp; Contingency Costs)</b>	<b>-</b>	<b>\$ 37,621,250.00</b>
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<sup>1</sup> Turn lane, Deceleration lane, contingency. No bid, estimate based on typical cost for improvements consistent with development and preliminary review with Engineer

<sup>2</sup> Land clearing is based on the total acreage

4/16/2024

**EXHIBIT E**

**JUNE 20, 2024 CITY OF SAN ANTONIO CONSENT TO CREATION**



## City of San Antonio

### Agenda Memorandum

**File Number:**

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**Agenda Item Number:** {{item.number}}

**Agenda Date:** June 20, 2024

**In Control:** City Council A Session

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**DEPARTMENT:** Planning Department

**DEPARTMENT HEAD:** Bridgett White

**COUNCIL DISTRICTS IMPACTED:** ETJ, District 2

**SUBJECT:**

City of San Antonio's consent to the creation by Bexar County of the proposed Fischer Gardens Public Improvement District (PID) in the City's Extraterritorial Jurisdiction (ETJ).

**SUMMARY:**

A Resolution granting the City's consent to the creation by Bexar County of a proposed PID, to later be named the Fischer Gardens Special Improvement District, generally located south of the intersection of North Graytown Road and Freudenberg Road, in the ETJ of the City of San Antonio.

**BACKGROUND INFORMATION:**

Texas Local Government Code (LGC) Chapter 382 allows for the creation of PIDs by a municipality or a county. PIDs are economic development tools used to pay or finance public improvements and economic development within (and that benefit) a defined geographical area, which will become the PID. The proposed public improvement may include the improvement and construction of roadways, utilities, water, wastewater, or drainage systems, trail, and park/recreational facilities in the PID boundaries. These PIDs may levy assessments and impose ad valorem, sales and use, or hotel occupancy taxes as sources of funding, and costs are apportioned and paid by landowners within its boundaries.

To create a PID in a county, more than fifty percent (50%) of owners of taxable real property liable for assessment within the proposed PID area must submit a petition to the governing body of the county. The municipality has the option to object to the creation of PIDs in its ETJ pursuant to State law. However, a PID being created with road district powers to supply roadways, fresh water, sanitary sewer, or drainage facilities, may not be created in the ETJ of a municipality unless the municipality gives its written consent.

In accordance with Section 212.172 of the LGC, a municipality and a landowner may enter into a written development agreement by which the municipality may establish terms for annexation or non-annexation of the land and extend its development regulations and standards for the infrastructure on the land. In addition, a PID in the ETJ of a municipality may negotiate and enter into a written strategic partnership agreement (SPA) with the PID board that allows the municipality to annex for limited purposes, and impose and collect sales taxes in the commercial property in the PID boundaries, in accordance to Chapter 43 of the LGC.

On March 28, 2024, Mosaic Land Development (Applicant), SA Given To Fly, LP, Lennar Homes of Texas Land and Construction, Ltd., and Graytown Rd. Holdings LLC (Landowners) filed a petition and application to Bexar County (County), to create a PID to be named the Fischer Gardens Special Improvement District, pursuant to Chapter 382 of the LGC. On May 7, 2024, the County Commissioners Court approved a resolution stating their intent to create the PID with road district powers and authority to impose taxes on future landowners located within the PID's boundaries. On March 12, 2024 (February 21, 2024 - original submittal), the Applicant and Landowners re-petitioned the City to grant its consent to the creation of the PID with road district powers in its ETJ as required by State law. As a condition of the City's consent, the Landowners and the City will enter into a development agreement, which includes development and land use regulations, voluntary annexation for the PID land and the framework of a SPA.

The proposed PID Property consists of 165.86 acres of land generally located south of the intersection of North Graytown Road and Freudenberg Road. The PID Property is located within the East Central Special Utility District water Certificates of Convenience and Necessity (CCN) and the San Antonio River Authority (SARA) sewer CCN. Furthermore, the PID project will be a single-family development with 900 single-family residential units. The proposed individual lot improvements, water/sewer improvements, drainage, utilities, streets, landscaping, and park/open space construction are estimated at \$37.6 million. The proposed PID's revenue is estimated at \$29.8 million.

#### **ISSUE:**

If approved, this Resolution grants the City's consent to the creation of the Fischer Gardens PID by the County, which includes the delegation of the road district powers along with the powers to construct water, wastewater, and drainage facilities subject to the execution of a 30-year Development Agreement (Agreement) between the City and the PID's Landowners. However, the City's consent will not include the following:

- The power to exercise eminent domain by the PID; and
- The power to annex, expand or exclude land into the PID's existing boundaries.

The Agreement sets the conditions of the City's consent, as mentioned above, and includes the following terms and obligations between the City and the Landowners with respect to the development of the PID property:

- The Applicant/Landowners will pay to the City a \$7,500 Special District application fee.
- The Applicant/Landowners will pay to the City an operations fee of \$175 per built residential unit, totaling \$157,500.
- The proposed PID's tax rates shall not exceed the City's tax rates.
- The City will guarantee the continuation of the extraterritorial status of the PID property for a period of 30 years.
- The Landowners agree that the Agreement constitutes a petition consenting to annexation at the City's discretion at the end of the Agreement's term.
- The Agreement includes a Written Services Agreement between the Landowners, subsequent Landowners, and the City under Chapter 43 of the Local Government Code.
- The Landowners agree to comply with all municipal regulations, ordinances, and other laws applicable to all properties located within the City's ETJ during all phases of development and construction of the PID Project and during the term of the Agreement.
- The Applicant/Landowners will reimburse the City for the recordings of the Agreement with Bexar County Real Property Records.

The Agreement includes the proposed framework of a SPA between the City and the PID, which will include the following provisions:

- The PID will pay for costs related to the SPA and limited purpose annexation and will reimburse the City for legal recordings of the SPA with Bexar County Real Property Records.
- Commencing after the effective date of the limited purpose annexation of the commercial property, the City will remit to the PID an amount equal to 25% of the Sales Tax Revenues collected within the annexed commercial property.

The proposed timeline for the establishment of the proposed PID is as follows:

Dates	Schedule of Action
May 7, 2024	Bexar County Commissioners Court consideration of a resolution expressing their intent to create the PID
May 22, 2024	San Antonio Planning Commission public hearing and recommendation
June 20, 2024	City Council's consideration and action
July 9, 2024	Commissioners Court consideration to create the proposed PID and appoint a board of directors
November 2024	PID Election and approval of PID's taxes and bonds

#### ALTERNATIVES:

A denial of the Resolution would result in the PID not being created by the County. This action would require the Owner to seek a different financing mechanism for the development of the property. It may result in the PID development occurring in a traditional method instead of the

manner proposed by the developer.

City Council may require staff to re-negotiate the terms of the Agreement which would delay the activation of PID development.

**FISCAL IMPACT:**

This item is to consider the Resolution granting the City's consent to the creation by the County of a PID located in an unincorporated area of the ETJ of the City, subject to the execution of a Development Agreement between the City and the Landowners, SA Given To Fly, LP, Lennar Homes of Texas Land and Construction, Ltd., and Graytown Rd. Holdings LLC. This Resolution enables the Landowners to pay a \$7,500 Special District application fee, which will be deposited in to the City's General Fund.

**RECOMMENDATION:**

Staff recommends approval of a Resolution granting the City's consent to the creation by Bexar County of the proposed Fischer Gardens PID subject to the execution of a Development Agreement with the Landowners.

On May 22, 2024, the Planning Commission recommended to City Council to grant its consent to the PID creation by Bexar County subject to the execution of a Development Agreement with the Landowners.



RESOLUTION NO. **24-05-13**

**RECOMMENDING THE CITY OF SAN ANTONIO GRANT ITS CONSENT TO THE CREATION OF A PUBLIC IMPROVEMENT DISTRICT TO BE CALLED "FISCHER GARDENS SPECIAL IMPROVEMENT DISTRICT" BY BEXAR COUNTY; AND TO APPROVE A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND SA GIVEN TO FLY, LP, LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD., AND GRAYTOWN RD. HOLDINGS LLC, LANDOWNERS OF THE APPROXIMATELY 165.86 ACRE PROPERTY GENERALLY LOCATED SOUTH OF THE INTERSECTION OF NORTH GRAYTOWN ROAD AND FREUDENBERG ROAD IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY SAN ANTONIO, BEXAR COUNTY, TEXAS.**

**WHEREAS**, the Texas Local Government Code Chapters 382 allows a county to create a Public Improvement Districts (PID) pursuant to Section 52, Article III, and Section 59, Article XVI of the Texas Constitution and for the purposes of creating a program to engage in economic development projects as provided in Section 52-a, Article III, Texas Constitution; and

**WHEREAS**, the Texas Local Government Code Chapter 382 provides that if one purpose of a political subdivision, which includes a PID, is to supply fresh water for domestic or commercial use or to furnishing sanitary sewer services, roadways, or drainage, a municipality in whose extraterritorial jurisdiction (ETJ) the subdivision is located must give its written consent by ordinance or resolution in order for the subdivision to be created; and

**WHEREAS**, SA Given To Fly, LP, Lennar Homes of Texas Land and Construction, Ltd., and Graytown Rd. Holdings LLC (Landowners) own approximately 165.86 acres of land generally located south of the intersection of North Graytown Road and Freudenberg Road within the City of San Antonio's ETJ (the "Property"), more particularly described and depicted in the PID Petition attached as **ATTACHMENT "A"**; and

**WHEREAS**, the Applicant and Landowners propose to develop the Property to consist of approximately 900 single-family residential units. The project will also have proposed individual lot improvements, water/sewer improvements, drainage, utilities, streets, landscaping, and park/open space construction. Said improvements are depicted in the PID Summary and Master Development Plan (MDP) included in **ATTACHMENT "A"**. Costs for the improvements specified herein are to be paid for through reimbursements by the PID once it has been created; and

**WHEREAS**, on March 28, 2024, the Owners filed a petition with Bexar County (County) requesting that the County create the Fischer Gardens Special Improvement District under Chapter 382 of the Local Government Code, authorize the PID to impose certain taxes within the PID, and delegate the powers of a road district and the powers to construct water, wastewater, and drainage facilities to the PID; and

**WHEREAS**, on March 12, 2024 (February 21, 2024 original submittal) the Applicant and Landowners submitted a new petition to the City requesting the City's consent to the creation of the PID by the County in accordance with Section 382.101 of the Local Government Code; and

**WHEREAS**, on May 7, 2024, the County Commissioners Court approved a resolution stating their intent to create the PID; and

**WHEREAS**, in consideration of the City's consent to the creation of the PID by the County, the Landowners have agreed to enter into a 30-year Development Agreement, enclosed in substantially final form as **ATTACHMENT "B,"** which will set forth the conditions of the City's consent, including the City's authority to enforce development regulations and city ordinances applicable to other land within the City's ETJ, and will provide terms for the voluntary annexation of the District Property upon expiration of the term of the Agreement; and

**WHEREAS**, the Development Agreement will also include a Strategic Partnership Agreement (attached in substantial form as an exhibit to the Development Agreement attached hereto as Attachment "B"), which sets out the terms for limited purpose annexation by City of commercial property in the PID and revenue sharing of the of sales and use taxes collected within the PID; and

**WHEREAS**, the Owners will pay an application fee in the amount of \$7,500.00 and will pay an Operations Assessment Fee in the amount of \$175.00 per residential lot and multi-family unit, which in the Landowners' estimation amounts to approximately One Hundred Fifty-Seven Thousand, Five Hundred and No/100 (\$157,500) U.S. dollars, and which shall be paid annually based on the number of units built within the PID reflected in an annual report provided by the Owners and as verified by staff; and shall reimburse the City for all costs paid by City for the recording of this Agreement and related documents in the Bexar County property records.

**WHEREAS**, the San Antonio Planning Commission held a public hearing on May 22, 2024, and at the conclusion thereof, determined that, subject to the conditions set forth herein, the City should grant its consent to the creation of the PID.


**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The San Antonio Planning Commission recommends that the City of San Antonio grant its consent to the creation by Bexar County of the Fischer Gardens Public Improvement District ("PID") as detailed in the Applicant/Landowner's petition attached as **ATTACHMENT "A"** in accordance with Section 382.101 of the Local Government Code and to the County's delegation to the District the powers granted by Section 52, Article III of the Texas Constitution, the powers and duties of a road district and the power or to construct water, wastewater and drainage. The Planning Commission does not recommend that the City's consent include the powers to exercise eminent domain, annexation, expansion, division, or exclusion of property from the District.

**SECTION 2.** The San Antonio Planning Commission further recommends that the City Council approve a 30-year Development Agreement, attached in substantially final form as **ATTACHMENT "B"** between the City and SA Given To Fly, LP, Lennar Homes of Texas Land and Construction, Ltd., and Graytown Rd. Holdings LLC (Landowners) of the PID property, which includes provisions for the voluntary annexation of the property upon expiration of the term of the Agreement and that establishes services and terms for future annexation of the PID property.

**PASSED AND APPROVED ON THIS 22<sup>nd</sup> DAY OF MAY, 2024.**

Attest:

  
Executive Secretary  
San Antonio Planning Commission

Approved:

  
GEORGE BECK  
Matthew Proffitt, Chair  
San Antonio Planning Commission