

ORDER GRANTING PETITION FOR CREATION OF A PUBLIC IMPROVEMENT DISTRICT TO BE NAMED CLEARWATER CREEK SPECIAL IMPROVEMENT DISTRICT, FOR APPOINTMENT OF DIRECTORS, AND IMPOSITION OF AN AD VALOREM 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 11 day of February, 2020, 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 to consider adoption of the Order set out below, whereupon roll was called of the members of the Commissioners Court, to wit:

Nelson W. Wolff  
Sergio "Chico" Rodriguez  
Justin Rodriguez  
Kevin Wolff  
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 Tommy Calvert introduced the Order set out below and moved its adoption, which was seconded by Commissioner Kevin Wolff, and after a full discussion and the question being before the Court, said motion carried by the following vote:

AYE 5 / NO Ø

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

On October 11, 2019, a petition (the "Petition") was filed with the Bexar County Clerk for the Creation of a Public Improvement District to be named Clearwater Creek Special Improvement District (the "District"), appointment of directors, and for imposition of an ad valorem 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.

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. On October 11, 2019, a 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 an ad valorem tax at a specified

rate within the boundaries of the District; and for authorization to use such tax revenues to finance 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 10:00 a.m. at the Bexar County Courthouse, San Antonio, Bexar County, Texas and public notice of the hearing was given in accordance with the requirements of the Code.

2. This Commissioner 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 Texas Local Government Code; (c) appoint its board of directors; and, (d) authorize the board of directors of the District to impose an ad valorem tax within the District, each at a specified rate to be used to finance 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, grant 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, 380, 381 and 383 of the Texas Local Government 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, 380, 381, and 383 of the Code, including imposition of ad valorem, sales and use, and hotel occupancy 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 Bexar 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 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 at a rate specified in this Order is beneficial and advisable to Bexar County and in Bexar County's best interest in order to finance 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 "Clearwater Creek Special Improvement District", to be authorized by and to operate pursuant to the provisions of Chapter 382 of the Texas Local Government 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 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 finance 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 Texas Local Government Code §382. In addition, Bexar 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 Bexar County if it desires to increase the tax rate authorized in this Order. The District may not enter into, and 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 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 Commissioners Court. In addition, the District may not issue bonds, and Commissioners Court does not give the District authority to issue bonds, without first obtaining 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, 380, 381 and 383 of the Texas Local Government 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 finance improvements, as defined in Chapter 372, 382, 380, 381 and 383 in the Texas Local Government 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 May 2, 2020, or on another uniform election date. The District's qualified voters shall cast their ballots for or against the District and its proposed taxes, economic development agreement authority, and bonds 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-year terms as set forth in Chapter 382 of the Code. The directors listed below are hereby appointed:

1. Sloan Thomas
2. Rusty Belden
3. Landon Kane
4. Matt Baillio
5. Craig Scott
6. Johnny Johnston
7. Nick Prater

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 Texas Local Government 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:

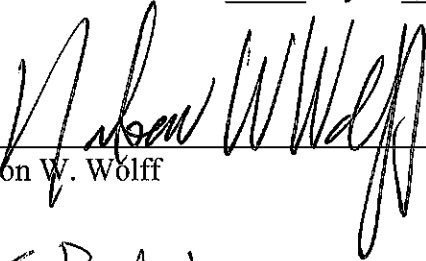
\_\_\_\_\_ Ad Valorem Tax: at a rate not to exceed the lesser of the tax rate set by the City of San Antonio, Texas, or a rate of \$1.00 per \$100 valuation.

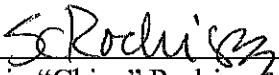
Section 9. The District's boundaries are described in a legal description described in metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes.

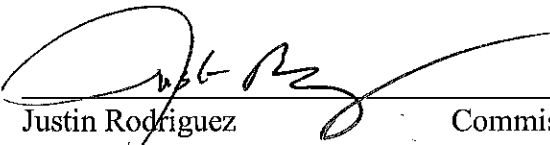
A certified copy of this Order shall be filed with the County Clerk of Bexar County, Texas, and recorded in a book kept for that purpose, and a certified copy shall be provided to the District. In addition, a certified copy of this Order shall be filed in the Real Property Records of Bexar County.

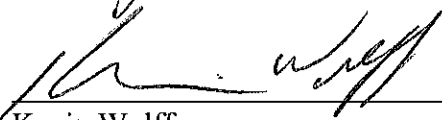
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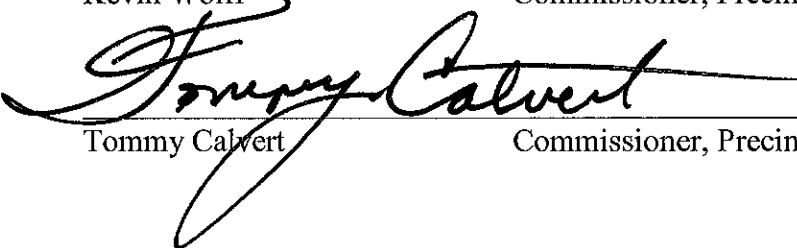
PASSED, ADOPTED, ORDERED AND EFFECTIVE this 11 day of February, 2020.

  
\_\_\_\_\_  
Nelson W. Wolff County Judge

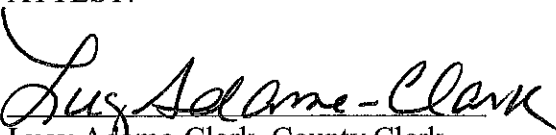
  
\_\_\_\_\_  
Sergio "Chico" Rodriguez Commissioner, Precinct 1

  
\_\_\_\_\_  
Justin Rodriguez Commissioner, Precinct 2

  
\_\_\_\_\_  
Kevin Wolff Commissioner, Precinct 3

  
\_\_\_\_\_  
Tommy Calvert Commissioner, Precinct 4

ATTEST:

  
\_\_\_\_\_  
Lucy Adame-Clark, County Clerk

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

# Westwood

POLITICAL DESCRIPTION of a 226.544 acre tract of land situated in the E. Gortari Survey No. 2, Abstract 5 and the M.J. Rodriguez Survey No. 3, Abstract 17, Bexar County, Texas and out of a 242.562 acre tract conveyed unto SA Kosta Browne, Ltd., and Fair Oaks Mosaic TBY, LLC by warranty deed recorded in Doc. No. 20180253543, Bexar County Official Public Records; in all, said 226.544 acre tract being more particularly described as follows:

BEGINNING at a ¼" iron rod found on the southwest right-of-way line of FM 2538 (an 80' wide state highway) coincident with the common east corner of a 1.147 acre tract of land conveyed unto L. Prentiss Cammack by warranty deed recorded in Volume 17914, Page 1034, said Real Property Records and a north corner of said 242.562 acre tract for a north corner and POINT OF BEGINNING of the herein described tract of land;

THENCE, along the southwest line of said FM 2538, South 70° 29' 32" East, 1,654.77 feet to a calculated point for the common north corner of a 57.736 acre tract as shown by court order to Pamela Suzanne Luensmann Griffin recorded in Volume 16626, Page 2397, said Real Property Records and the east corner of said 242.562 acre tract for the easternmost corner of the herein described tract of land from whence a TXDOT Type I concrete monument bears South 70° 29' 32" East, 57.01 feet;

THENCE, along the northwest line of said 57.736 acre tract, South 60° 00' 34" West, at 1,523.03 feet pass a 1" iron pipe found, at approximately 2,176 feet pass the north corner of an 88.176 acre tract conveyed unto Alvin H. and Josephine Koepp by warranty deed recorded in Volume 6200, Page 1851, said Real Property Records, in all, a total distance of 3,845.07 feet to a ½" iron rod found for an angle point in the southeast line of the herein described tract of land;

THENCE, continuing along said southeast line, South 59° 55' 18" West, 2,281.99 feet to a fence corner post found on the northeast line of a 59.76 acre tract of land conveyed unto Michael William Elliot, et al by warranty deed recorded in Volume 15176, Page 673, said Real Property Records coincident with the southernmost corner of the herein described tract of land;

THENCE, along the northeast line of said 59.76 acre tract, North 29° 54' 52" West, at 240.89 feet pass a ¼" iron rod found at the east corner of a 10 acre tract conveyed unto Paula L. Maples by affidavit of heirship recorded in Volume 13007, Page 833, said Real Property Records, in all, a total distance of 528.89 feet to a ½" iron rod found for a reentrant corner of the herein described tract of land;

THENCE, along the northwest line of said 10 acre tract, South 60° 07' 12" West, 640.96 feet to a calculated angle point of the herein described tract of land from whence a 1" iron pipe (leaning) found at the east corner of a 37.265 acre tract conveyed unto Geraldine Zunker Scheel by warranty deed recorded in Volume 13328, Page 1296, said Real Property Records bears South 60° 07' 12" West, 581.47 feet;

THENCE, across said 242.562 acre tract, the following courses:

North 29° 58' 16" West, 793.41 feet to a calculated point,  
North 31° 53' 27" West, 172.28 feet to a calculated point,

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Main 210.265.8300 • westwoodps.com  
TBPE Firm No. F-11756 • TBPLS Firm No. 10104064



# Westwood

North 35° 37' 30" West, 174.06 feet to a calculated point, and

North 39° 22' 30" West, 70.94 feet to a calculated point on the southeast line of the remaining portion of a 126.2 acre tract conveyed unto Vernon E. Winkelmann described in deed recorded in Volume 1927, Page 33, said Real Property Records for the west corner of the herein described tract of land from whence a 1" iron pipe found on the southeast line of said remaining portion of a 126.2 acre tract common with north corner of said 37.265 acre tract bears South 60° 11' 28" West, 546.52 feet;

THENCE, along the south east line of said 126.2 acre tract, North 60° 11' 28" East, 676.67 feet to an iron pipe and South 29° 54' 52" East, 20.47 feet to a calculated point on the southeast line of a private road for a reentrant corner of the herein described tract of land;

THENCE, along the southeast line of a private road, North 60° 10' 02" East, 2303.28 feet to a 1" pipe found for an angle point in the northwest line of the herein described tract of land;

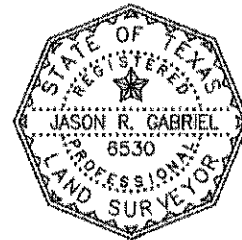
THENCE, continuing along the southeast line of said private road, North 60° 22' 23" East, 2295.64 feet, to a ½" iron rod found for the west corner of a 1.50 acre tract conveyed unto Eugene H. Bielke, et al by warranty deed recorded in Volume 3154, Page 1641, said Real Property Records for a north corner of said 242.562 acre tract and the herein described tract of land;

THENCE, South 29° 27' 35" East, at 306.23 feet pass a ½" iron rod found at the west corner of said 1.147 acre tract, in all a total distance of 430.60 feet to a ½" iron rod found for a reentrant corner of the herein described tract of land;

THENCE, North 60° 23' 42" East, 455.19 feet to the POINT OF BEGINNING.

Containing in all, 9,868,244 square feet or 226,544 acres, more or less.  
Bearings are referenced to NAD83, 2011 adjustment for Texas State Plane Coordinates, South Central Zone 4204.

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



A handwritten signature in black ink, appearing to read "Jason R. Gabriel".

Jason R. Gabriel, RPLS  
Texas No. 6530

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