

ORDER GRANTING PETITION FOR CREATION OF A PUBLIC IMPROVEMENT DISTRICT TO BE NAMED BOERNE STAGE ROAD 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 2 day of May, 2023, 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	County Judge
Rebeca Clay-Flores	Commissioner, Precinct 1
Justin Rodriguez	Commissioner, Precinct 2
Grant Moody	Commissioner, Precinct 3
Tommy Calvert	Commissioner, Precinct 4

All Commissioners were present, except Tommy Calvert; and

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

AYE 4 / 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 October 11, 2022, 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 Boerne Stage Road 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 November 29, 2022, 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 Boerne Stage Road Special Improvement District And To Include Certain Property In Said District attached as Exhibit "C". Documents submitted as being 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 is attached as Exhibit “D”.

On April 20, 2023, the City of San Antonio City Council considered providing its consent to the creation of the District. Consideration of the item attached as Exhibit “E” was approved and consent to creation was given.

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. On October 11, 2022, 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 “Boerne Stage Road 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 the County in order to facilitate the orderly conduct of the District's confirmation, tax and bond election, which may be held November 7, 2023, 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 (2) year terms as set forth in Chapter 382 of the Code. The directors listed below are hereby appointed:

1. Bart Swider
2. Carson Trainer
3. Vincent Sanchez
4. Austin Hagauer
5. Ron Hagauer
6. Ken Glass
7. Jim Welch

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:	\$0.541610 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

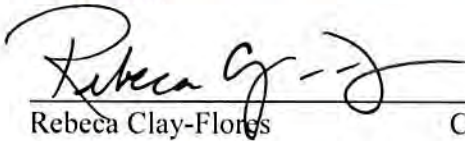
Section 9. The District's boundaries are described in a legal description described in metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes.

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.

PASSED, ADOPTED, ORDERED AND EFFECTIVE this 2 day of May, 2023.



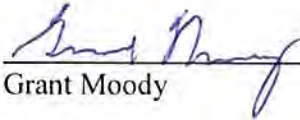
Peter Sakai County Judge



Rebeca Clay-Flores Commissioner, Precinct 1



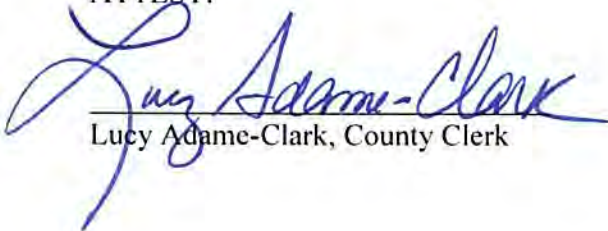
Justin Rodriguez Commissioner, Precinct 2



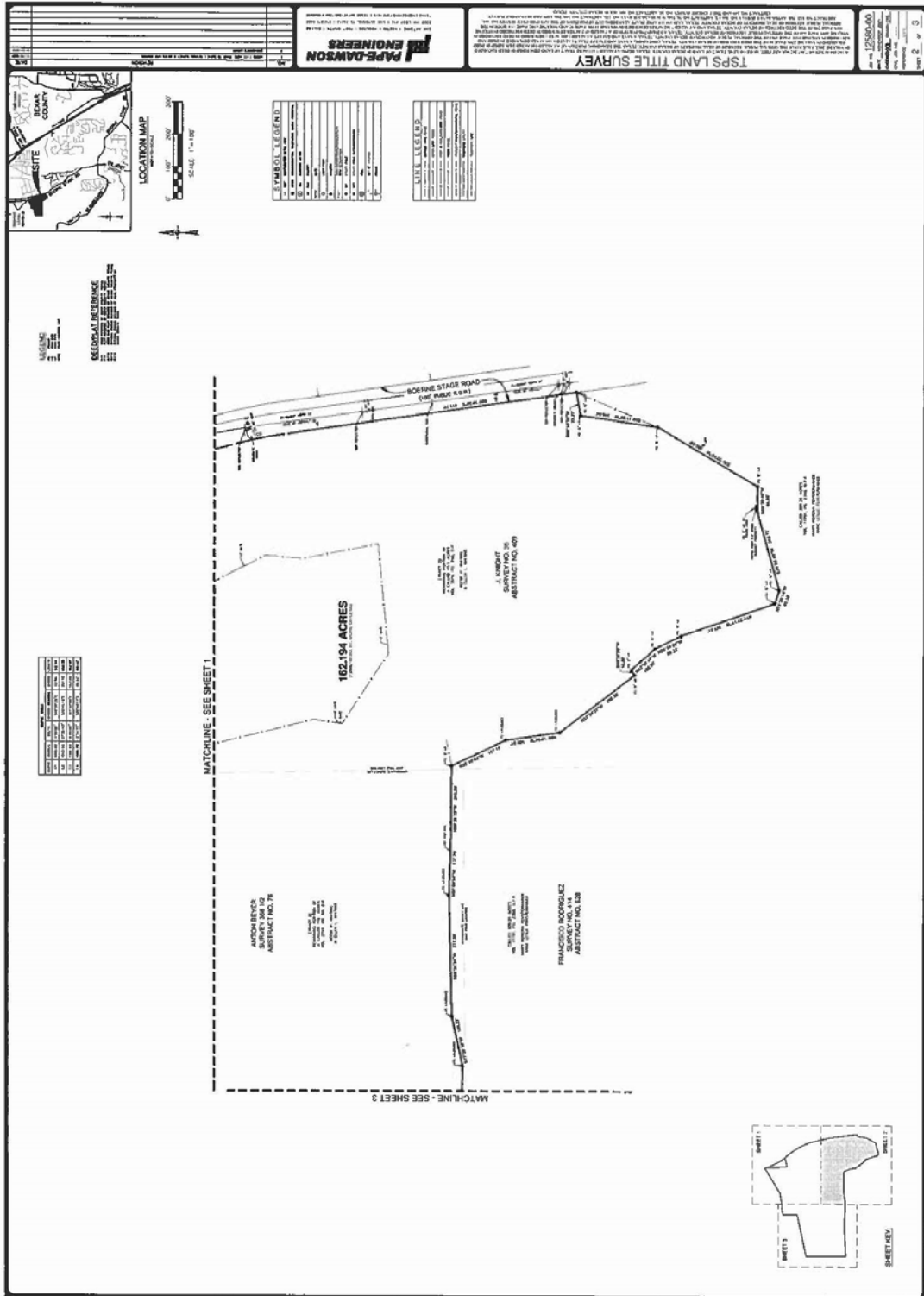
Grant Moody Commissioner, Precinct 3

Tommy Calvert Commissioner, Precinct 4

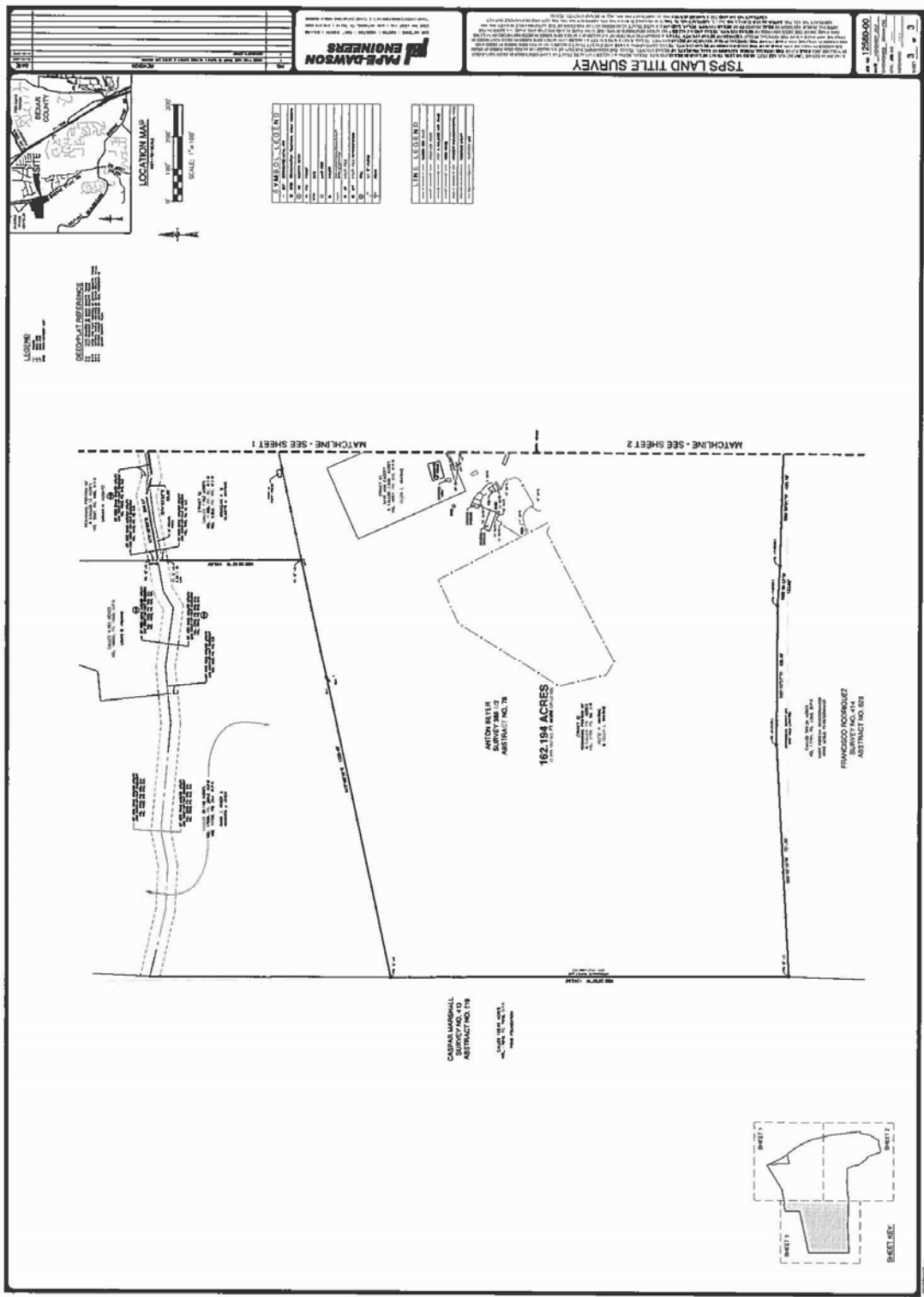
ATTEST:



Lucy Adame-Clark, County Clerk



PROJECT NAME: BOERNE STAGE ROAD



**METES AND BOUNDS DESCRIPTION
FOR**

A 162.194 acres or 7,065,162 square feet, more or less, tract of land in Bexar County, Texas, being a called 9.633 acre tract of land described in Deed recorded in Volume 2013, Page 515 of the Official Public Records of Real Property of Bexar County, Texas, the remaining portion of a called 110 acres described in Deed recorded in Volume 2799, Page 66 of the Deed Records of Bexar County, Texas, containing a save and except tract called 1.341 acres described in Deed and recorded in Volume 5131, Page 1783 of the Official Public Records of Real Property of Bexar County, Texas, a save and except tract called 2.038 acres described in Deed recorded in Volume 4097, Page 610 of the Official Public Records of Real Property of Bexar County, Texas, a remaining portion of a called 45.5 acres described in Deed recorded in Volume 3519, Page 290 of the Deed Records of Bexar County, Texas and a called 7.162 acres described in Volume 11399, Page 92 and Volume 6392, Page 114, both in the Official Public Records of Real Property of Bexar County, Texas, said 162.194 acre tract also being out of portions of the Antonio Cruz Survey No. 409, Abstract No. 123, the Anton Beyer Survey No. 366 1/2, Abstract No. 76, W.H. Hughes Survey No. 173, Abstract No. 340, the Edward Hernandez Survey, Abstract No. 349 and the J. Knight Survey No. 35, Abstract No. 409, all in Bexar County, Texas. Said 162.194 acre tract being more fully described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00:

BEGINNING: At a found 1/2" iron rod on the westerly right-of-way line of Boerne Stage Road, a 100' public right-of-way, at the common corner of said remaining portion of said called 110 acres and a called 1.841 acres described in Deed recorded in Volume 5928, Page 1058 of the Official Public Record of Real Property, Bexar County, Texas, for a northeasterly corner of this tract;

THENCE: Along and with the common line, being said westerly right-of-way line of Boerne Stage Road and the easterly lines of said remaining portion of said called 110 acres and said remaining portion of said called 45.5 acres, the following bearings and distances:

Southeasterly, along a non-tangent curve to the left, said curve having a radius of 1600.00 feet, a central angle of 01°55'02", a chord bearing and distance of S 40°30'25" E, 53.54 feet, for an arc length of 53.54 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

Southeasterly, along a non-tangent curve to the right, said curve having a radius of 1993.96 feet, a central angle of 27°35'43", a chord bearing and distance of S 28°46'12" E, 951.10 feet, for an arc length of 960.35 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

S 14°55'38" E, a distance of 317.51 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

Southeasterly, along a non-tangent curve to the right, said curve having a radius of 1382.69 feet, a central angle of 06°45'02", a chord bearing and distance of S 11°33'09" E,

Transportation | Water Resources | Land Development | Surveying | Environmental

telephone: 210-375-9000 address: 2000 NW LOOP 410 SAN ANTONIO, TX 78213 website: PAPE-DAWSON.COM
San Antonio | Austin | Houston | Fort Worth | Dallas | New Braunfels | Texas Engineering Firm #470 | Texas Surveying Firm #10028800

162.82 feet, for an arc length of 162.91 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

S 08°10'38" E, a distance of 911.77 feet to a found 1/2" iron rod at the common corner of said remaining portion of said called 45.5 acres and a called 309.26 acres described in Deed recorded in Volume 17791, Page 2368 of the Official Public Records of Bexar County, Texas, for the southeasterly corner of this tract;

THENCE: Departing said westerly right-of-way line of Boerne Stage Road, along and with the common line, being the southerly lines of said remaining portion of said called 45.5 acres and said remaining portion of said called 110 acres and the northerly line of said called 309.26 acres, the following bearings and distances:

S 80°18'52" W, a distance of 72.27 feet to a found 1/2" iron rod;

S 08°11'20" W, a distance of 245.04 feet to a found 1/2" iron rod;

S 30°33'58" W, a distance of 356.90 feet to a found 1/2" iron rod;

S 88°39'46" W, a distance of 86.56 feet to a point;

S 74°03'48" W, a distance of 243.73 feet to a found 1/2" iron rod;

N 71°36'14" W, a distance of 42.18 feet to a found 1/2" iron rod;

N 19°23'17" W, a distance of 307.81 feet to a found 1/2" iron rod;

N 25°54'02" W, a distance of 89.33 feet to a found 1/2" iron rod;

N 42°52'47" W, a distance of 102.06 feet to a found 1/2" iron rod;

S 58°38'20" W, a distance of 18.88 feet to a found 1/2" iron rod;

N 37°24'37" W, a distance of 292.36 feet to a found 1/2" iron rod with a "Cude" cap;

N 08°18'28" W, a distance of 169.01 feet to a found 1/2" iron rod with a "Cude" cap;

N 25°10'44" W, a distance of 187.19 feet to a found 1/2" iron rod, for an interior corner of this tract;

N 89°28'23" W, a distance of 262.69 feet to a found 60d nail;

N 88°09'34" W, a distance of 137.70 feet to a found 1/2" iron rod with a "Cude" cap;

S 88°34'34" W, a distance of 377.38 feet to a found 1/2" iron rod with a "Cude" cap;



S 77°38'32" W, a distance of 156.22 feet to a found 1/2" iron rod with a "Cude" cap;

N 88°29'01" W, a distance of 425.16 feet to a found 1/2" iron rod with a "Cude" cap;

N 86°49'42" W, a distance of 123.95 feet to a found 1/2" iron rod with a "Cude" cap;

N 89°44'57" W, a distance of 435.19 feet to a found 1/2" iron rod with a "Cude" cap;

S 86°49'10" W, a distance of 721.40 feet to a found 1/2" iron rod on the east line of a called 122.65 acres described in Deed recorded in Volume 17018, Page 1918 of the Official Public Records of Bexar County, Texas, for the common corner of said remaining portion of said called 110 acres and said called 309.26 acres, the southwesterly corner of this tract;

THENCE: N 00°25'07" W, along and with the common line, being the west line of said remaining portion of said called 110 acres and said east line of said called 122.65 acres, a distance of 1245.68 feet to a 1/2" rebar found at the common corner of said remaining portion of said called 110 acres and a called 26.148 acres described in Deed recorded in Volume 17996, Page 2042 of the Official Public Records of Bexar County, Texas and Volume 11156, Page 244 of the Official Public Records of Real Property of Bexar County, Texas, the northwesterly corner of this tract;

THENCE: N 77°49'39" E, along and with the common line, being the northerly line of said remaining portion of said called 110 acres and southerly line of said called 26.148 acres, a distance of 1329.45 feet to a found 1/2" iron rod at the common corner of said called 26.148 acres and said called 7.162 acres, for an interior corner of this tract;

THENCE: N 00°28'52" W, along and with the common line, being the east line of said called 26.148 acres and the west line of said called 7.162 acres, passing a found 1/2" iron rod at a distance of 419.16 feet, 0.33 feet east of said line, and continuing a total distance of 449.58 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson" in the centerline of a 60' wide Road and/or Utility Line Right-of-Way Easement described in Volume 7365, Page 643, Volume 7365, Page 646 and Volume 7135, Page 18, all recorded in the Deed Records of Bexar County, Texas, said point also being the common corner of said called 26.148 acres, said called 7.162 acres, a remaining portion of a called 12 acres described in Deed recorded in Volume 5801, Page 448 of the Official Public Records of Real Property of Bexar County, Texas and a called 4.453 acres described in Deed recorded in Volume 18855, Page 1685 of the Official Public Records of Bexar County, Texas, for a northwest corner of this tract;

THENCE: Along and with the common line, being said centerline of the 60' wide Road and/or Utility Line Right-of-Way, said line also being the northerly line of said called 7.162 acres and the southerly line of said called remaining portion of said called 12 acres, the following bearings and distances:



N 79°42'08" E, a distance of 205.57 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

S 74°03'52" E, a distance of 62.26 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

N 79°55'08" E, a distance of 418.66 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson", for the common corner of said called remaining portion of said called 12 acres and a called 4.02 acres described in Deed recorded in Volume 6203, Page 172 of the Official Public Records of Real Property of Bexar County, Texas;

THENCE: N 58°16'08" E, along and with the common line, continuing with said centerline of the 60' wide Road and/or Utility Line Right-of-Way, said line also being the northerly line of said called 7.162 acres and the southerly lines of said called 4.02 acres and a called 1.800 acres described in Deed recorded in Volume 2013, Page 515 of the Official Public Records of Real Property, Bexar County, Texas, a distance of 838.38 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

THENCE: N 39°38'08" E, along and with the common line, continuing with said centerline of the 60' wide Road and/or Utility Line Right-of-Way, said line also being the northerly line of said called 7.162 acres and the southerly line of said called 1.800 acres, a distance of 58.01 feet to a 1/2" iron rod found on the aforementioned westerly right-of-way line of Boerne Stage Road, for a common corner of said called 7.162 acres and said called 1.800 acres and the northeasterly corner of this tract;

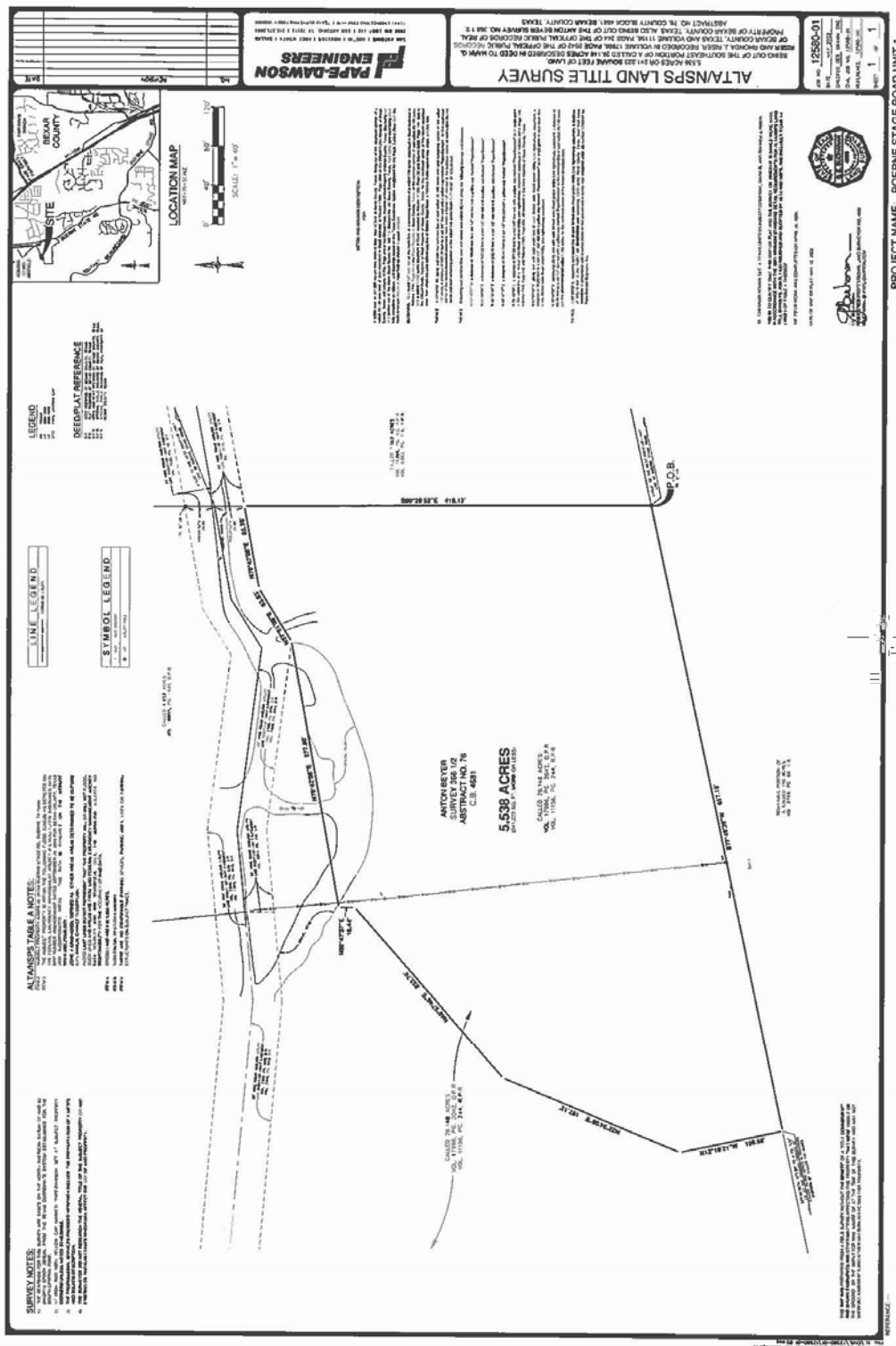
THENCE: Southeasterly, along and with said westerly right-of-way line of said Boerne Stage Road and a non-tangent curve to the right, said curve having a radius of 1484.78 feet, a central angle of 02°34'15", a chord bearing and distance of S 25°49'17" E, 66.62 feet, for an arc length of 66.62 feet to a found 1/2" iron rod at the common corner of said called 9.633 acres and said called 1.841 acres;

THENCE: S 02°20'29" E, departing said westerly right-of-way line of Boerne Stage Road, along and with the common line of said called 9.633 acres and said called 1.841 acres, a distance of 646.78 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson" on the northerly line of said remaining portion of said called 110 acres, for an interior corner of this tract;

THENCE: N 77°24'08" E, along and with the common line, being the south line of said called 1.841 acres and north line of said remaining portion of said called 110 acres, a distance of 295.41 feet to the POINT OF BEGINNING and containing 162.194 acres Bexar County, Texas. Said tract being described in conjunction with a survey made on the ground and a survey map prepared under job number 12580-00 by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.
REVISED: May 12, 2022, November 19, 2021
DATE: November 17, 2021
JOB NO. 12580-00
DOC. ID. N:\Civil\12580-00\Word\12580-00_FN-162.194 AC.doc





**METES AND BOUNDS DESCRIPTION
FOR**

A 5.538 acre or 241,223 square feet, more or less, tract of land in Bexar County, Texas, being out of the southeast portion of a called 26.148 acre tract of land described in Deed recorded in Volume 17996, Page 2042 of the Official Public Records of Bexar County, Texas, and Volume 11156, Page 244 of the Official Public Records of Real Property of Bexar County, Texas, also being out of a portion out of the Anton Beyer Survey No. 366 1/2, Abstract No. 76, Bexar County, Texas. Said 5.538 acre tract being more fully described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00

BEGINNING: At a found 1/2" iron rod on the north line of a remaining portion of a called 110 acres described in Deed recorded in Volume 2799, Page 66 of the Deed Records of Bexar County, Texas, at the common corner of said called 26.148 acres and a called 7.162 acres described in Deed recorded in Volume 11399, Page 92 and Volume 6392, Page 114, both in the Official Public Records of Real Property of Bexar County, Texas, for the southeast corner of the herein described tract, from which the west right-of-way line of Boerne Stage Road, a 100-foot Public right-of-way, bears +/-1,806 feet;

THENCE: S 77°49'39" W, along and with the common line of said called 26.148 acres and said remaining portion of the called 110 acres, a distance of 657.16 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson", for the southwest corner of the herein described easement, from which a found 1/2" iron rod at the common corner of said called 26.148 acres and said remaining portion of the called 110 acres bears S 77°49'39" W, 672.29 feet;

THENCE: Departing said common line, over and across said called 26.148 acres, the following bearings and distances:

N 12°10'21" W, a distance of 108.66 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

N 22°24'06" E, a distance of 197.12 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

N 48°37'46" E, a distance of 232.74 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

N 00°47'37" E, a distance of 16.44 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

N 79°42'08" E, a distance of 277.80 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson" at an angle point in the south line of a 30-foot wide Road and/or Utility Line right-of-way easement described in Volume 8313, Page 118, Volume 7365, Page 643 and Volume 7365, Page 636, all recorded in the Deed Records of Bexar County, Texas;

Transportation | Water Resources | Land Development | Surveying | Environmental

telephone: 210-375-9000 address: 2000 NW LOOP 410 SAN ANTONIO, TX 78213 website: PAPE-DAWSON.COM
San Antonio | Austin | Houston | Fort Worth | Dallas | New Braunfels Texas Engineering Firm #470 Texas Surveying Firm #10028000

N 57°51'08" E, along and with said south line of said 30-foot wide Road and/or Utility Line right-of-way easement, a distance of 63.83 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson" at an angle point in said south line of the 30-foot wide Road and/or Utility Line right-of-way easement;

N 79°42'08" E, continuing along and with said 30-foot wide Road and/or Utility Line right-of-way easement, a distance of 85.78 feet to a point in the common line of said called 26.148 acres and the aforementioned called 7.162 acres, for the northeast corner of the herein described tract, from which a found 1/2" iron rod bears N 83°42'08" E, a distance of 0.33 feet;

THENCE: S 00°28'52" E, departing said south line of said 30-foot wide Road and/or Utility Line right-of-way easement, a distance of 419.13 feet to the POINT OF BEGINNING and containing 5.538 acres Bexar County, Texas. Said tract being described in conjunction with a survey made on the ground and a survey map prepared under job number 12580-01 by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: May 12, 2022
JOB NO. 12580-01
DOC. ID. N:\CIVIL\12580-01\Word\12580-01 MB-5.538 AC.docx



EXHIBIT B

PETITION

SCANNED

**PETITION FOR THE CREATION OF A PUBLIC IMPROVEMENT DISTRICT TO BE NAMED
THE BOERNE STAGE ROAD SPECIAL IMPROVEMENT DISTRICT**

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

TO: THE HONORABLE COMMISSIONERS COURT OF BEXAR COUNTY, TEXAS

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

I. NAME

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

II. PETITIONER

In compliance with the requirements of the Code, and as determined by the current tax roll of the Bexar County Appraisal District, the Petitioner constitutes: the owner 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 Petitioner is 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 is the owner representing more than fifty-percent (50%) of all record owners of property within the proposed District. The Petitioner requests, and consents to, the creation of the District, as set forth in this Petition. The sworn statement of the Petitioner 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 167.732 acres total. 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 ETJ of the City and in the County.

IV. GENERAL NATURE OF THE PROPOSED PUBLIC IMPROVEMENTS

The Petitioner requests that the County create a public improvement district and authorize it to engage in economic development projects and grant to 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 (including, but not limited to, extension of a water line); onsite public improvements for residential lots (septic system, water, streets, and drainage); the improvement and construction of water, septic system, dry utilities (gas and electric) detention ponds, storm sewer (if applicable), 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 (if applicable) 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 \$10,315,208. 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, and 382 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 Petitioner specifically requests that:

- (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 Petitioner requests 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 Petitioner does not propose that the District be granted with the power to impose assessments.

IX. MANAGEMENT OF THE DISTRICT AND BOARD OF DIRECTORS

The Petitioner specifically requests 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 Petitioner also requests 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 Petitioner requests that the County authorize the District to accomplish its purposes and the costs of services and improvements by imposing an ad valorem tax and a sales and use 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 and sales and use 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 Petitioner specifically requests that the County authorize the District to:

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

XI. METHOD OF ASSESSMENT

The Petitioner does not propose that the District be granted the power to impose assessments, and accordingly, the Petitioner is not required to present a Service Plan, an Assessment Plan (including method of assessment), or to prepare an Assessment Roll. As stated above, the Petitioner requests 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 AND THE DISTRICT

Approval and creation of the 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

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 Petitioner prays 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.

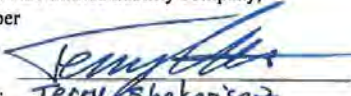
Signature(s) on the Following Page(s)

Page | 5

PETITIONER:

CHESMAR HOMES, LLC,
a Texas limited liability company

By: Chesmar Holdings, LLC,
a Delaware limited liability company,
Member

By: 
Name: Terry Shakanisat
Title: CFO

ACKNOWLEDGEMENT

STATE OF Texas §
 §
COUNTY OF Montgomery §

On the 20th day of September, 20 22, before me, the undersigned, personally appeared Terry Shakanisat, of CHESMAR HOMES, LLC, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the foregoing instrument and acknowledged to me they executed the same in the capacity and that by their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.




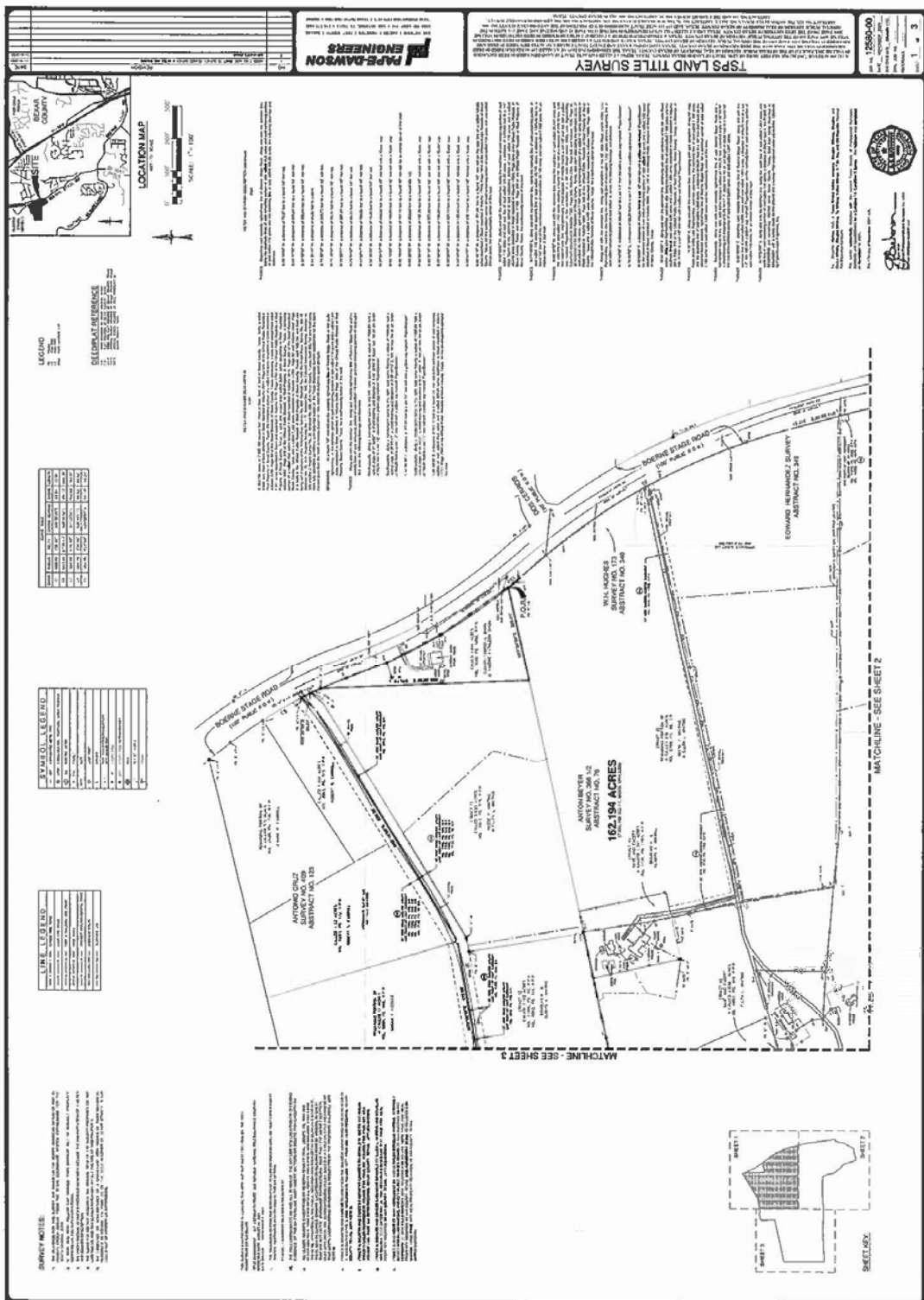
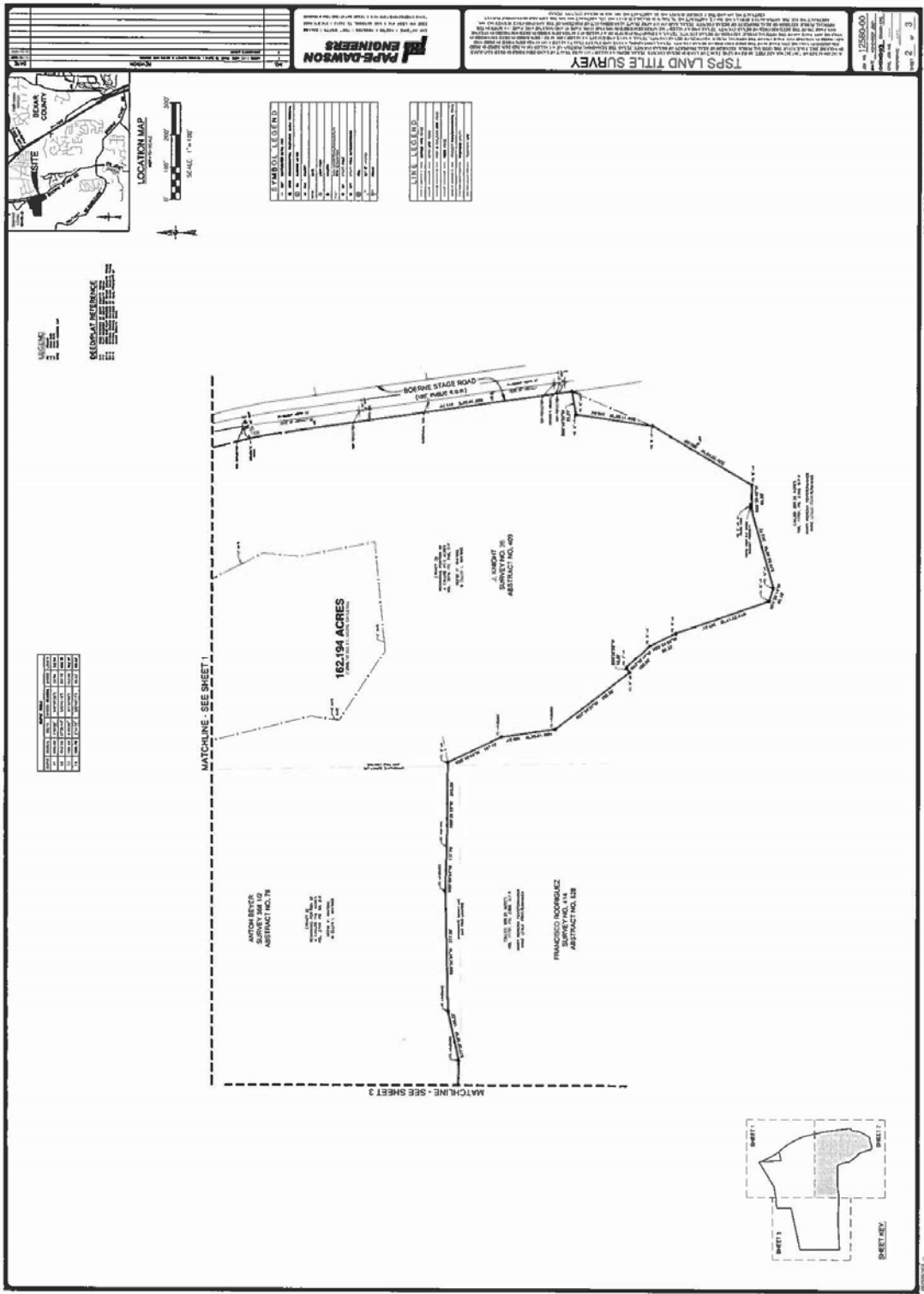
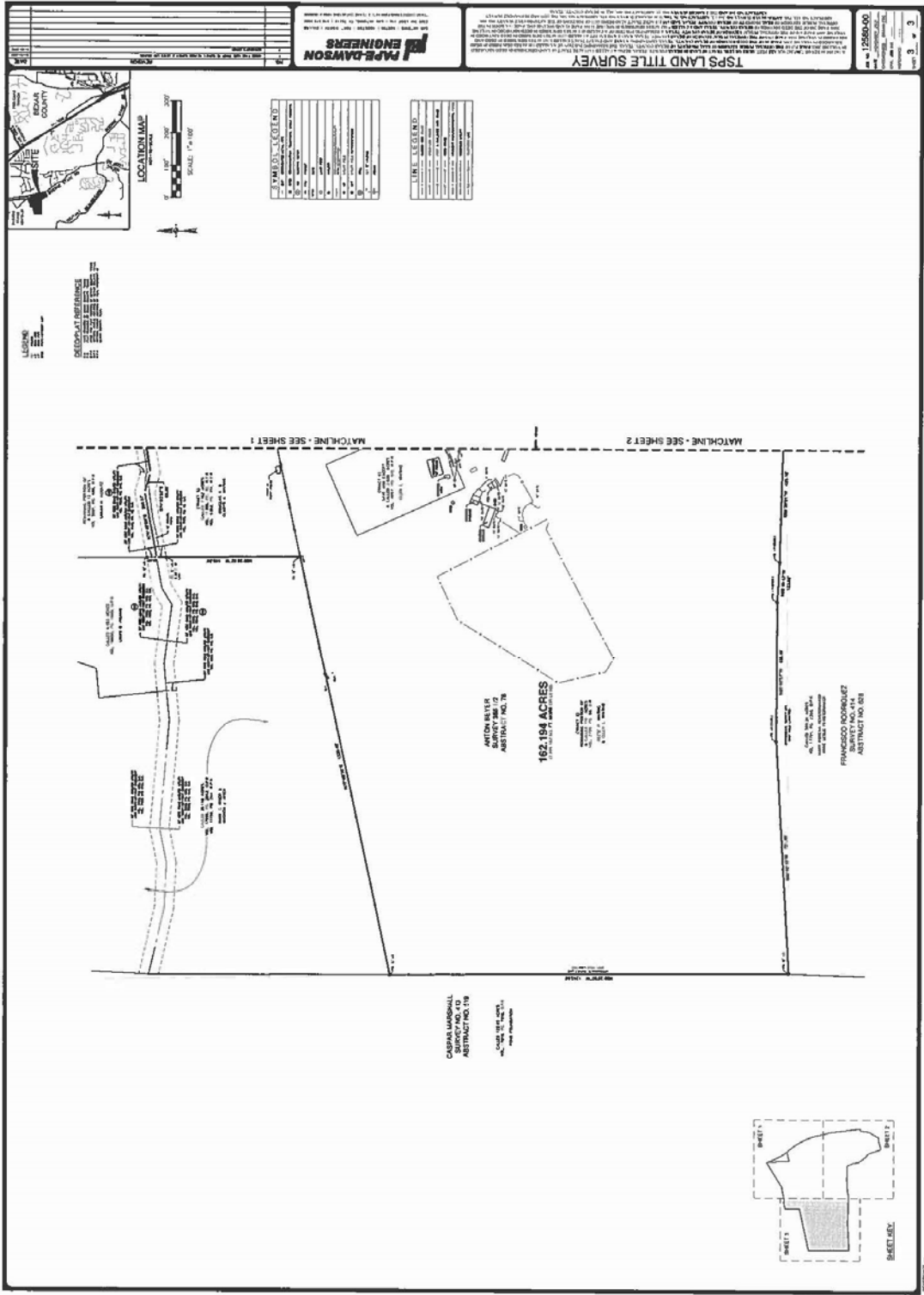

Notary Public
My Commission Expires: 08-09-2025

EXHIBIT "A"
FIELD NOTES AND SURVEY OF THE SUBJECT PROPERTY







**METES AND BOUNDS DESCRIPTION
FOR**

A 162.194 acres or 7,065,162 square feet, more or less, tract of land in Bexar County, Texas, being a called 9.633 acre tract of land described in Deed recorded in Volume 2013, Page 515 of the Official Public Records of Real Property of Bexar County, Texas, the remaining portion of a called 110 acres described in Deed recorded in Volume 2799, Page 66 of the Deed Records of Bexar County, Texas, containing a save and except tract called 1.341 acres described in Deed and recorded in Volume 5131, Page 1783 of the Official Public Records of Real Property of Bexar County, Texas, a save and except tract called 2.038 acres described in Deed recorded in Volume 4097, Page 610 of the Official Public Records of Real Property of Bexar County, Texas, a remaining portion of a called 45.5 acres described in Deed recorded in Volume 3519, Page 290 of the Deed Records of Bexar County, Texas and a called 7.162 acres described in Volume 11399, Page 92 and Volume 6392, Page 114, both in the Official Public Records of Real Property of Bexar County, Texas, said 162.194 acre tract also being out of portions of the Antonio Cruz Survey No. 409, Abstract No. 123, the Anton Beyer Survey No. 366 1/2, Abstract No. 76, W.H. Hughes Survey No. 173, Abstract No. 340, the Edward Hernandez Survey, Abstract No. 349 and the J. Knight Survey No. 35, Abstract No. 409, all in Bexar County, Texas. Said 162.194 acre tract being more fully described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00:

BEGINNING: At a found 1/2" iron rod on the westerly right-of-way line of Boerne Stage Road, a 100' public right-of-way, at the common corner of said remaining portion of said called 110 acres and a called 1.841 acres described in Deed recorded in Volume 5928, Page 1058 of the Official Public Record of Real Property, Bexar County, Texas, for a northeasterly corner of this tract;

THENCE: Along and with the common line, being said westerly right-of-way line of Boerne Stage Road and the easterly lines of said remaining portion of said called 110 acres and said remaining portion of said called 45.5 acres, the following bearings and distances:

Southeasterly, along a non-tangent curve to the left, said curve having a radius of 1600.00 feet, a central angle of 01°55'02", a chord bearing and distance of S 40°30'25" E, 53.54 feet, for an arc length of 53.54 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

Southeasterly, along a non-tangent curve to the right, said curve having a radius of 1993.96 feet, a central angle of 27°35'43", a chord bearing and distance of S 28°46'12" E, 951.10 feet, for an arc length of 960.35 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

S 14°55'38" E, a distance of 317.51 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

Southeasterly, along a non-tangent curve to the right, said curve having a radius of 1382.69 feet, a central angle of 06°45'02", a chord bearing and distance of S 11°33'09" E,

Transportation | Water Resources | Land Development | Surveying | Environmental

telephone: 210-375-9000 address: 2000 NW LOOP 410 SAN ANTONIO, TX 78213 website: PAPE-DAWSON.COM
San Antonio | Austin | Houston | Fort Worth | Dallas | New Braunfels | Texas Engineering Firm #470 | Texas Surveying Firm #10028800

162.82 feet, for an arc length of 162.91 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

S 08°10'38" E, a distance of 911.77 feet to a found 1/2" iron rod at the common corner of said remaining portion of said called 45.5 acres and a called 309.26 acres described in Deed recorded in Volume 17791, Page 2368 of the Official Public Records of Bexar County, Texas, for the southeasterly corner of this tract;

THENCE: Departing said westerly right-of-way line of Boerne Stage Road, along and with the common line, being the southerly lines of said remaining portion of said called 45.5 acres and said remaining portion of said called 110 acres and the northerly line of said called 309.26 acres, the following bearings and distances:

S 80°18'52" W, a distance of 72.27 feet to a found 1/2" iron rod;

S 08°11'20" W, a distance of 245.04 feet to a found 1/2" iron rod;

S 30°33'58" W, a distance of 356.90 feet to a found 1/2" iron rod;

S 88°39'46" W, a distance of 86.56 feet to a point;

S 74°03'48" W, a distance of 243.73 feet to a found 1/2" iron rod;

N 71°36'14" W, a distance of 42.18 feet to a found 1/2" iron rod;

N 19°23'17" W, a distance of 307.81 feet to a found 1/2" iron rod;

N 25°54'02" W, a distance of 89.33 feet to a found 1/2" iron rod;

N 42°52'47" W, a distance of 102.06 feet to a found 1/2" iron rod;

S 58°38'20" W, a distance of 18.88 feet to a found 1/2" iron rod;

N 37°24'37" W, a distance of 292.36 feet to a found 1/2" iron rod with a "Cude" cap;

N 08°18'28" W, a distance of 169.01 feet to a found 1/2" iron rod with a "Cude" cap;

N 25°10'44" W, a distance of 187.19 feet to a found 1/2" iron rod, for an interior corner of this tract;

N 89°28'23" W, a distance of 262.69 feet to a found 60d nail;

N 88°09'34" W, a distance of 137.70 feet to a found 1/2" iron rod with a "Cude" cap;

S 88°34'34" W, a distance of 377.38 feet to a found 1/2" iron rod with a "Cude" cap;



S 77°38'32" W, a distance of 156.22 feet to a found 1/2" iron rod with a "Cude" cap;

N 88°29'01" W, a distance of 425.16 feet to a found 1/2" iron rod with a "Cude" cap;

N 86°49'42" W, a distance of 123.95 feet to a found 1/2" iron rod with a "Cude" cap;

N 89°44'57" W, a distance of 435.19 feet to a found 1/2" iron rod with a "Cude" cap;

S 86°49'10" W, a distance of 721.40 feet to a found 1/2" iron rod on the east line of a called 122.65 acres described in Deed recorded in Volume 17018, Page 1918 of the Official Public Records of Bexar County, Texas, for the common corner of said remaining portion of said called 110 acres and said called 309.26 acres, the southwesterly corner of this tract;

THENCE: N 00°25'07" W, along and with the common line, being the west line of said remaining portion of said called 110 acres and said east line of said called 122.65 acres, a distance of 1245.68 feet to a 1/2" rebar found at the common corner of said remaining portion of said called 110 acres and a called 26.148 acres described in Deed recorded in Volume 17996, Page 2042 of the Official Public Records of Bexar County, Texas and Volume 11156, Page 244 of the Official Public Records of Real Property of Bexar County, Texas, the northwesterly corner of this tract;

THENCE: N 77°49'39" E, along and with the common line, being the northerly line of said remaining portion of said called 110 acres and southerly line of said called 26.148 acres, a distance of 1329.45 feet to a found 1/2" iron rod at the common corner of said called 26.148 acres and said called 7.162 acres, for an interior corner of this tract;

THENCE: N 00°28'52" W, along and with the common line, being the east line of said called 26.148 acres and the west line of said called 7.162 acres, passing a found 1/2" iron rod at a distance of 419.16 feet, 0.33 feet east of said line, and continuing a total distance of 449.58 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson" in the centerline of a 60' wide Road and/or Utility Line Right-of-Way Easement described in Volume 7365, Page 643, Volume 7365, Page 646 and Volume 7135, Page 18, all recorded in the Deed Records of Bexar County, Texas, said point also being the common corner of said called 26.148 acres, said called 7.162 acres, a remaining portion of a called 12 acres described in Deed recorded in Volume 5801, Page 448 of the Official Public Records of Real Property of Bexar County, Texas and a called 4.453 acres described in Deed recorded in Volume 18855, Page 1685 of the Official Public Records of Bexar County, Texas, for a northwest corner of this tract;

THENCE: Along and with the common line, being said centerline of the 60' wide Road and/or Utility Line Right-of-Way, said line also being the northerly line of said called 7.162 acres and the southerly line of said called remaining portion of said called 12 acres, the following bearings and distances:



N 79°42'08" E, a distance of 205.57 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

S 74°03'52" E, a distance of 62.26 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

N 79°55'08" E, a distance of 418.66 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson", for the common corner of said called remaining portion of said called 12 acres and a called 4.02 acres described in Deed recorded in Volume 6203, Page 172 of the Official Public Records of Real Property of Bexar County, Texas;

THENCE: N 58°16'08" E, along and with the common line, continuing with said centerline of the 60' wide Road and/or Utility Line Right-of-Way, said line also being the northerly line of said called 7.162 acres and the southerly lines of said called 4.02 acres and a called 1.800 acres described in Deed recorded in Volume 2013, Page 515 of the Official Public Records of Real Property, Bexar County, Texas, a distance of 838.38 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

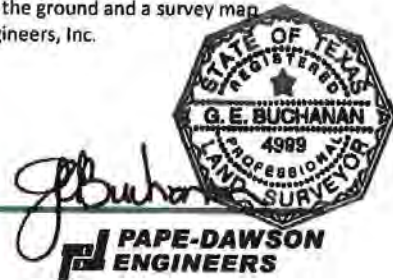
THENCE: N 39°38'08" E, along and with the common line, continuing with said centerline of the 60' wide Road and/or Utility Line Right-of-Way, said line also being the northerly line of said called 7.162 acres and the southerly line of said called 1.800 acres, a distance of 58.01 feet to a 1/2" iron rod found on the aforementioned westerly right-of-way line of Boerne Stage Road, for a common corner of said called 7.162 acres and said called 1.800 acres and the northeasterly corner of this tract;

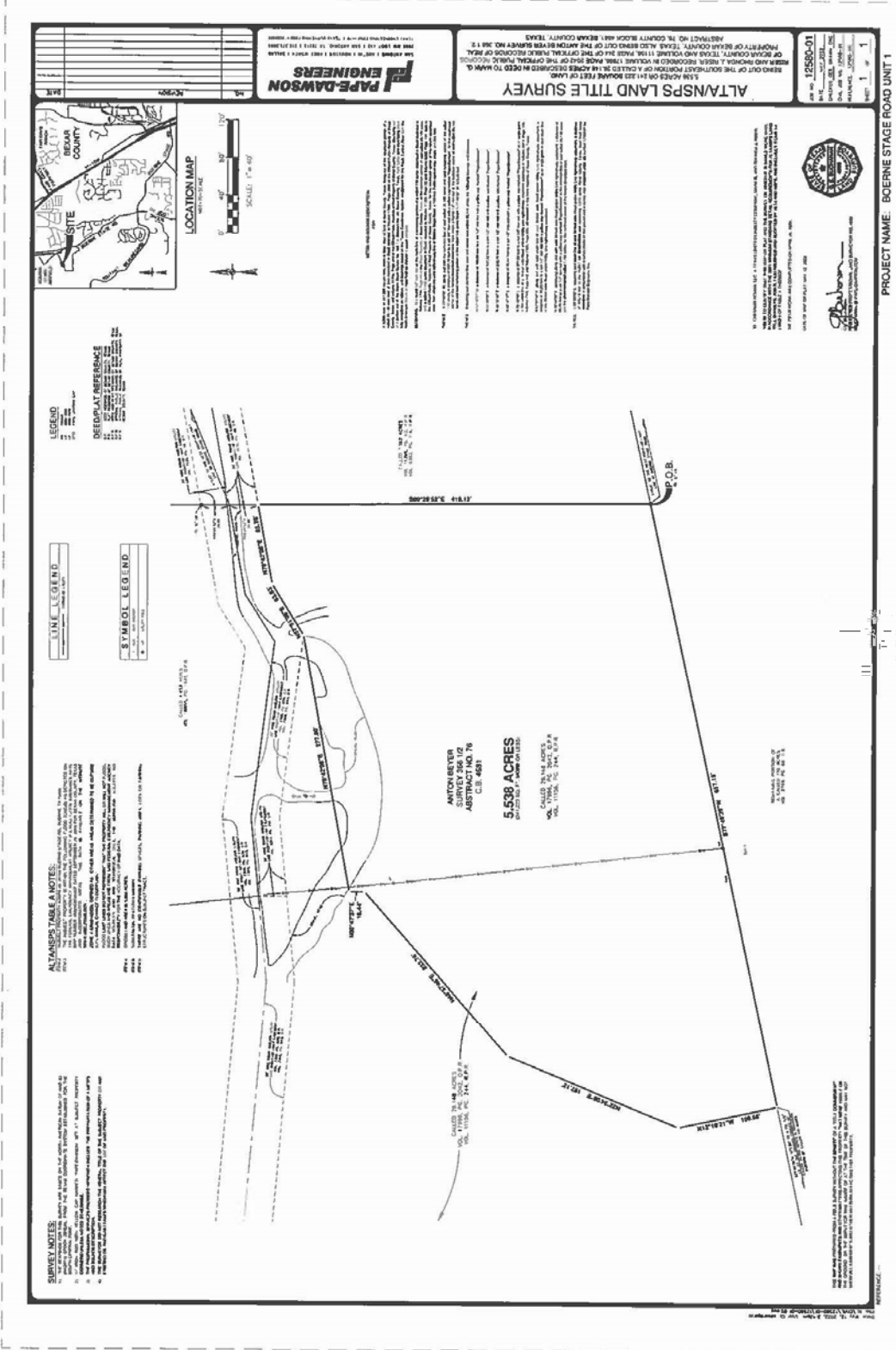
THENCE: Southeasterly, along and with said westerly right-of-way line of said Boerne Stage Road and a non-tangent curve to the right, said curve having a radius of 1484.78 feet, a central angle of 02°34'15", a chord bearing and distance of S 25°49'17" E, 66.62 feet, for an arc length of 66.62 feet to a found 1/2" iron rod at the common corner of said called 9.633 acres and said called 1.841 acres;

THENCE: S 02°20'29" E, departing said westerly right-of-way line of Boerne Stage Road, along and with the common line of said called 9.633 acres and said called 1.841 acres, a distance of 646.78 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson" on the northerly line of said remaining portion of said called 110 acres, for an interior corner of this tract;

THENCE: N 77°24'08" E, along and with the common line, being the south line of said called 1.841 acres and north line of said remaining portion of said called 110 acres, a distance of 295.41 feet to the POINT OF BEGINNING and containing 162.194 acres Bexar County, Texas. Said tract being described in conjunction with a survey made on the ground and a survey map prepared under job number 12580-00 by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.
REVISED: May 12, 2022, November 19, 2021
DATE: November 17, 2021
JOB NO. 12580-00
DOC. ID. N:\Civil\12580-00\Word\12580-00_FN-162.194 AC.doc





**METES AND BOUNDS DESCRIPTION
FOR**

A 5.538 acre or 241,223 square feet, more or less, tract of land in Bexar County, Texas, being out of the southeast portion of a called 26.148 acre tract of land described in Deed recorded in Volume 17996, Page 2042 of the Official Public Records of Bexar County, Texas, and Volume 11156, Page 244 of the Official Public Records of Real Property of Bexar County, Texas, also being out of a portion out of the Anton Beyer Survey No. 366 1/2, Abstract No. 76, Bexar County, Texas. Said 5.538 acre tract being more fully described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00

BEGINNING: At a found 1/2" iron rod on the north line of a remaining portion of a called 110 acres described in Deed recorded in Volume 2799, Page 66 of the Deed Records of Bexar County, Texas, at the common corner of said called 26.148 acres and a called 7.162 acres described in Deed recorded in Volume 11399, Page 92 and Volume 6392, Page 114, both in the Official Public Records of Real Property of Bexar County, Texas, for the southeast corner of the herein described tract, from which the west right-of-way line of Boerne Stage Road, a 100-foot Public right-of-way, bears +/-1,806 feet;

THENCE: S 77°49'39" W, along and with the common line of said called 26.148 acres and said remaining portion of the called 110 acres, a distance of 657.16 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson", for the southwest corner of the herein described easement, from which a found 1/2" iron rod at the common corner of said called 26.148 acres and said remaining portion of the called 110 acres bears S 77°49'39" W, 672.29 feet;

THENCE: Departing said common line, over and across said called 26.148 acres, the following bearings and distances:

N 12°10'21" W, a distance of 108.66 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

N 22°24'06" E, a distance of 197.12 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

N 48°37'46" E, a distance of 232.74 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

N 00°47'37" E, a distance of 16.44 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

N 79°42'08" E, a distance of 277.80 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson" at an angle point in the south line of a 30-foot wide Road and/or Utility Line right-of-way easement described in Volume 8313, Page 118, Volume 7365, Page 643 and Volume 7365, Page 636, all recorded in the Deed Records of Bexar County, Texas;

Transportation | Water Resources | Land Development | Surveying | Environmental

telephone: 210-375-9000 address: 2000 NW LOOP 410 SAN ANTONIO, TX 78213 website: PAPE-DAWSON.COM

San Antonio | Austin | Houston | Fort Worth | Dallas | New Braunfels Texas Engineering Firm #470 Texas Surveying Firm #10028000

N 57°51'08" E, along and with said south line of said 30-foot wide Road and/or Utility Line right-of-way easement, a distance of 63.83 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson" at an angle point in said south line of the 30-foot wide Road and/or Utility Line right-of-way easement;

N 79°42'08" E, continuing along and with said 30-foot wide Road and/or Utility Line right-of-way easement, a distance of 85.78 feet to a point in the common line of said called 26.148 acres and the aforementioned called 7.162 acres, for the northeast corner of the herein described tract, from which a found 1/2" iron rod bears N 83°42'08" E, a distance of 0.33 feet;

THENCE: S 00°28'52" E, departing said south line of said 30-foot wide Road and/or Utility Line right-of-way easement, a distance of 419.13 feet to the POINT OF BEGINNING and containing 5.538 acres Bexar County, Texas. Said tract being described in conjunction with a survey made on the ground and a survey map prepared under job number 12580-01 by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: May 12, 2022
JOB NO. 12580-01
DOC. ID. N:\CIVIL\12580-01\Word\12580-01 MB-5.538 AC.docx



EXHIBIT "B"
PETITIONER'S SWORN STATEMENT

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

Chesmar Homes, LLC (hereinafter "Owner") hereby affirms that they are the fee simple owner of real property located in Bexar County. Owner requests the creation of the Boerne Stage Road Special Improvement District (the "District") and consents to the inclusion of said real property within its boundaries. The description of the real property owned by Owner, and which Owner wishes to include within the proposed District is attached as **Exhibit "A"** to the Petition for the creation of the Boerne Stage Road Special Improvement District.


By the signatures below, Owner verifies, for purposes of Chapter 382 of the Texas Local Government Code that they are the owner of taxable real property, described in **Exhibit "A"** below, 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)-

OWNER:

CHESMAR HOMES, LLC,
a Texas limited liability company

By: Chesmar Holdings, LLC,
a Delaware limited liability company,
Member

By: 
Name: Terry Shakarisae
Title: CFO

ACKNOWLEDGEMENT

STATE OF Texas §
§
COUNTY OF Montgomery §
§

On the 20th day of September, 2020, before me, the undersigned, personally appeared Terry Shakarisae, of CHESMAR HOMES, LLC, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the foregoing instrument and acknowledged to me they executed the same in the capacity and that by their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.




Notary Public
My Commission Expires: 08/09/2025



VG-76-2022-20220243726

File Information

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

Document Number:	20220243726
Recorded Date:	October 11, 2022
Recorded Time:	1:42 PM
Total Pages:	21
Total Fees:	\$102.00

**** 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:
10/11/2022 1:42 PM



Lucy Adame-Clark
Lucy Adame-Clark
Bexar County Clerk

EXHIBIT C

NOVEMBER 29, 2022 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 BOERNE STAGE ROAD 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 October 11, 2022, to create a public improvement district to be named the Boerne Stage Road 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 was filed by the petitioner who constitutes the owner 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 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 167.732 acres of property therein (the "District Property"), the boundaries of which are as more particularly described in **Exhibit "A"** and **Exhibit "B"** attached hereto and incorporated herein for all purposes; and

WHEREAS, the District and District Property specifically consists of approximately 167.732 acres, as more particularly described in **Exhibit "A"** and **Exhibit "B"**; 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 "C" 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 167.732 acres within the City's extraterritorial jurisdiction and within the County, generally located west of I-10; west of Boerne Stage Road at Boerne Air Field, as more particularly described in Exhibit "A" and Exhibit "B."

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 Boerne Stage Road 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 "C," 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 29 day of November, 2022.



Nelson W. Wolff 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"

Aerial Map of Special Improvement District

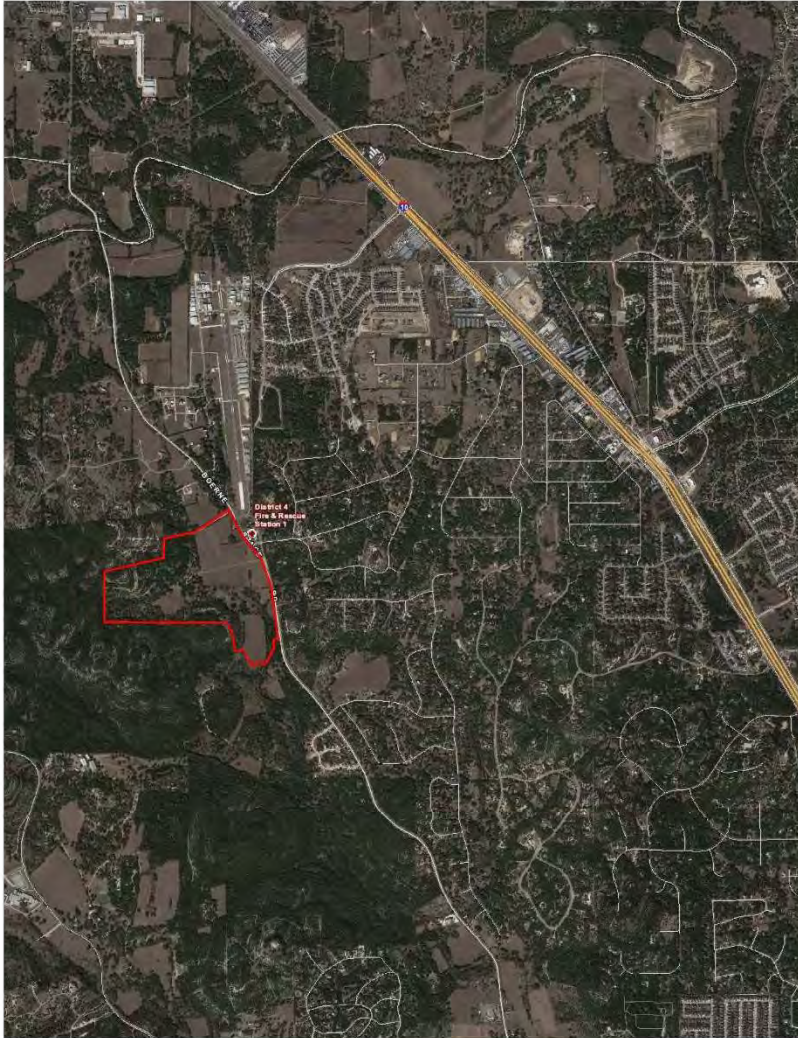
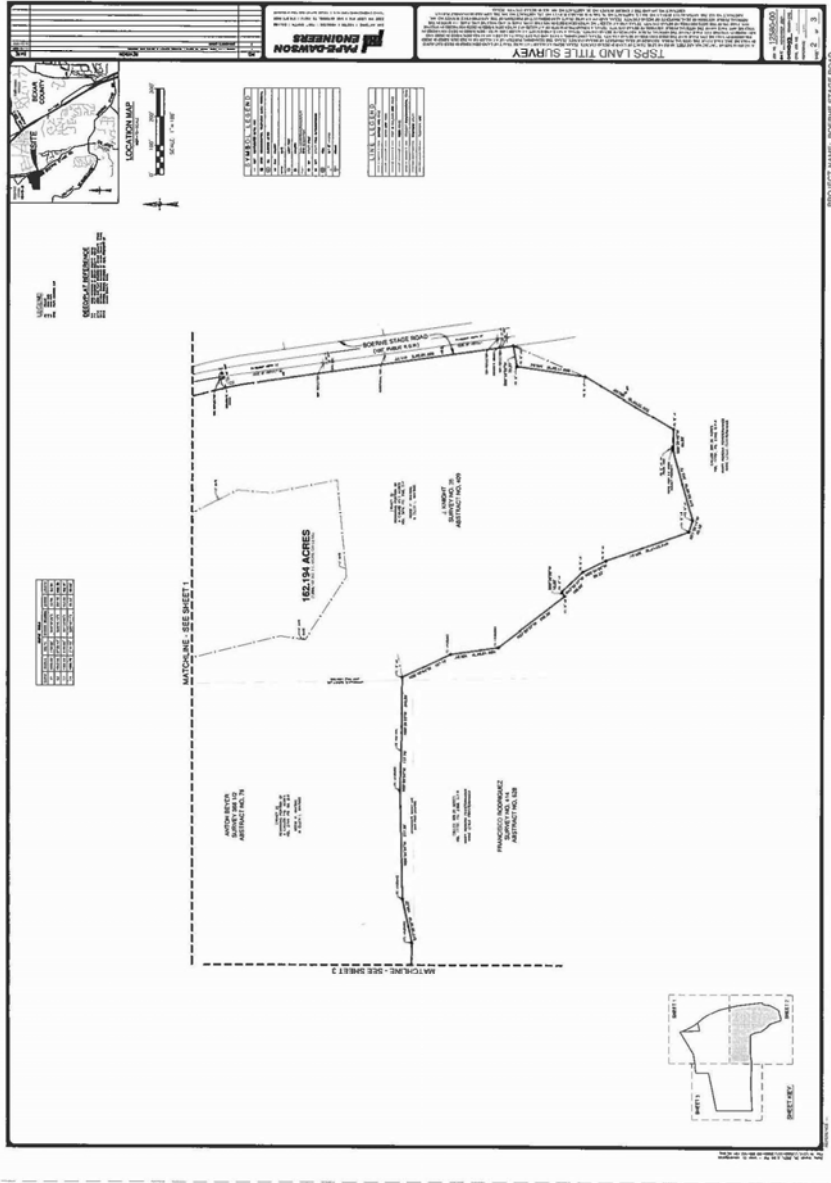
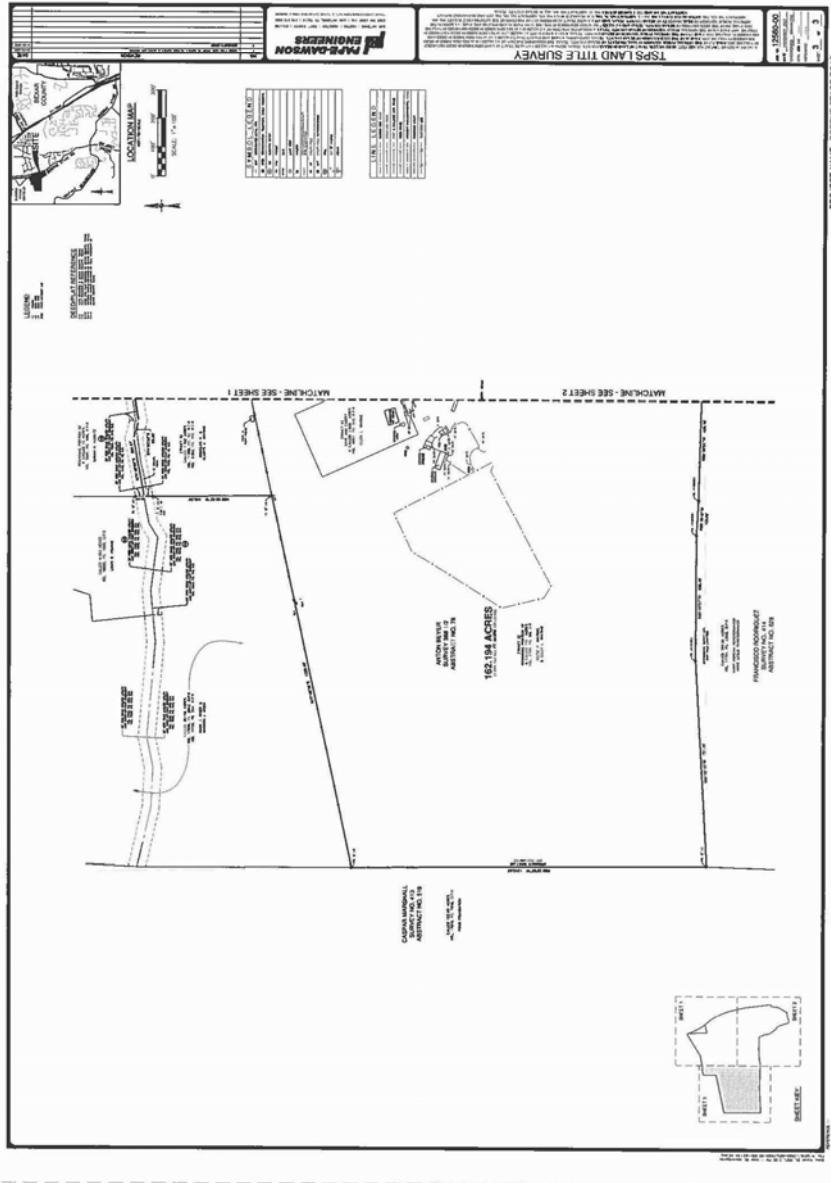


EXHIBIT "B"

Metes & Bounds of Special Improvement District





METES AND BOUNDS DESCRIPTION
FOR

A 162.194 acres or 7,065,162 square feet, more or less, tract of land in Bexar County, Texas, being a called 9.633 acre tract of land described in Deed recorded in Volume 2013, Page 515 of the Official Public Records of Real Property of Bexar County, Texas, the remaining portion of a called 110 acres described in Deed recorded in Volume 2799, Page 66 of the Deed Records of Bexar County, Texas, containing a save and except tract called 1.341 acres described in Deed and recorded in Volume 5131, Page 1783 of the Official Public Records of Real Property of Bexar County, Texas, a save and except tract called 2.038 acres described in Deed recorded in Volume 4097, Page 610 of the Official Public Records of Real Property of Bexar County, Texas, a remaining portion of a called 45.5 acres described in Deed recorded in Volume 3519, Page 290 of the Deed Records of Bexar County, Texas and a called 7.162 acres described in Volume 11399, Page 92 and Volume 6392, Page 114, both in the Official Public Records of Real Property of Bexar County, Texas, said 162.194 acre tract also being out of portions of the Antonio Cruz Survey No. 409, Abstract No. 123, the Anton Beyer Survey No. 366 1/2, Abstract No. 76, W.H. Hughes Survey No. 173, Abstract No. 340, the Edward Hernandez Survey, Abstract No. 349 and the J. Knight Survey No. 35, Abstract No. 409, all in Bexar County, Texas. Said 162.194 acre tract being more fully described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00:

BEGINNING: At a found 1/2" iron rod on the westerly right-of-way line of Boerne Stage Road, a 100' public right-of-way, at the common corner of said remaining portion of said called 110 acres and a called 1.841 acres described in Deed recorded in Volume 5928, Page 1058 of the Official Public Record of Real Property, Bexar County, Texas, for a northeasterly corner of this tract;

THENCE: Along and with the common line, being said westerly right-of-way line of Boerne Stage Road and the easterly lines of said remaining portion of said called 110 acres and said remaining portion of said called 45.5 acres, the following bearings and distances:

Southeasterly, along a non-tangent curve to the left, said curve having a radius of 1600.00 feet, a central angle of 01°55'02", a chord bearing and distance of S 40°30'25" E, 53.54 feet, for an arc length of 53.54 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

Southeasterly, along a non-tangent curve to the right, said curve having a radius of 1993.96 feet, a central angle of 27°35'43", a chord bearing and distance of S 28°46'12" E, 951.10 feet, for an arc length of 960.35 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

S 14°55'38" E, a distance of 317.51 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

Southeasterly, along a non-tangent curve to the right, said curve having a radius of 1382.69 feet, a central angle of 06°45'02", a chord bearing and distance of S 11°33'09" E,

Transportation | Water Resources | Land Development | Surveying | Environmental

Telephone: 210-375-9000 address: 2000 NW LOOP 410 SAN ANTONIO, TX 78213 website: PAPE-DAWSON.COM
San Antonio | Austin | Houston | Fort Worth | Dallas | New Braunfels Texas Engineering Firm #470 Texas Surveying Firm #10028800

162.82 feet, for an arc length of 162.91 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

S 08°10'38" E, a distance of 911.77 feet to a found 1/2" iron rod at the common corner of said remaining portion of said called 45.5 acres and a called 309.26 acres described in Deed recorded in Volume 17791, Page 2368 of the Official Public Records of Bexar County, Texas, for the southeasterly corner of this tract;

THENCE: Departing said westerly right-of-way line of Boerne Stage Road, along and with the common line, being the southerly lines of said remaining portion of said called 45.5 acres and said remaining portion of said called 110 acres and the northerly line of said called 309.26 acres, the following bearings and distances:

S 80°18'52" W, a distance of 72.27 feet to a found 1/2" iron rod;

S 08°11'20" W, a distance of 245.04 feet to a found 1/2" iron rod;

S 30°33'58" W, a distance of 356.90 feet to a found 1/2" iron rod;

S 88°39'46" W, a distance of 86.56 feet to a point;

S 74°03'48" W, a distance of 243.73 feet to a found 1/2" iron rod;

N 71°36'14" W, a distance of 42.18 feet to a found 1/2" iron rod;

N 19°23'17" W, a distance of 307.81 feet to a found 1/2" iron rod;

N 25°54'02" W, a distance of 89.33 feet to a found 1/2" iron rod;

N 42°52'47" W, a distance of 102.06 feet to a found 1/2" iron rod;

S 58°38'20" W, a distance of 18.88 feet to a found 1/2" iron rod;

N 37°24'37" W, a distance of 292.36 feet to a found 1/2" iron rod with a "Cude" cap;

N 08°18'28" W, a distance of 169.01 feet to a found 1/2" iron rod with a "Cude" cap;

N 25°10'44" W, a distance of 187.19 feet to a found 1/2" iron rod, for an interior corner of this tract;

N 89°28'23" W, a distance of 262.69 feet to a found 60d nail;

N 88°09'34" W, a distance of 137.70 feet to a found 1/2" iron rod with a "Cude" cap;

S 88°34'34" W, a distance of 377.38 feet to a found 1/2" iron rod with a "Cude" cap;



S 77°38'32" W, a distance of 156.22 feet to a found 1/2" iron rod with a "Cude" cap;

N 88°29'01" W, a distance of 425.16 feet to a found 1/2" iron rod with a "Cude" cap;

N 86°49'42" W, a distance of 123.95 feet to a found 1/2" iron rod with a "Cude" cap;

N 89°44'57" W, a distance of 435.19 feet to a found 1/2" iron rod with a "Cude" cap;

S 86°49'10" W, a distance of 721.40 feet to a found 1/2" iron rod on the east line of a called 122.65 acres described in Deed recorded in Volume 17018, Page 1918 of the Official Public Records of Bexar County, Texas, for the common corner of said remaining portion of said called 110 acres and said called 309.26 acres, the southwesterly corner of this tract;

THENCE: N 00°25'07" W, along and with the common line, being the west line of said remaining portion of said called 110 acres and said east line of said called 122.65 acres, a distance of 1245.68 feet to a 1/2" rebar found at the common corner of said remaining portion of said called 110 acres and a called 26.148 acres described in Deed recorded in Volume 17996, Page 2042 of the Official Public Records of Bexar County, Texas and Volume 11156, Page 244 of the Official Public Records of Real Property of Bexar County, Texas, the northwesterly corner of this tract;

THENCE: N 77°49'39" E, along and with the common line, being the northerly line of said remaining portion of said called 110 acres and southerly line of said called 26.148 acres, a distance of 1329.45 feet to a found 1/2" iron rod at the common corner of said called 26.148 acres and said called 7.162 acres, for an interior corner of this tract;

THENCE: N 00°28'52" W, along and with the common line, being the east line of said called 26.148 acres and the west line of said called 7.162 acres, passing a found 1/2" iron rod at a distance of 419.16 feet, 0.33 feet east of said line, and continuing a total distance of 449.58 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson" in the centerline of a 60' wide Road and/or Utility Line Right-of-Way Easement described in Volume 7365, Page 643, Volume 7365, Page 646 and Volume 7135, Page 18, all recorded in the Deed Records of Bexar County, Texas, said point also being the common corner of said called 26.148 acres, said called 7.162 acres, a remaining portion of a called 12 acres described in Deed recorded in Volume 5801, Page 448 of the Official Public Records of Real Property of Bexar County, Texas and a called 4.453 acres described in Deed recorded in Volume 18855, Page 1685 of the Official Public Records of Bexar County, Texas, for a northwest corner of this tract;

THENCE: Along and with the common line, being said centerline of the 60' wide Road and/or Utility Line Right-of-Way, said line also being the northerly line of said called 7.162 acres and the southerly line of said called remaining portion of said called 12 acres, the following bearings and distances:



N 79°42'08" E, a distance of 205.57 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

S 74°03'52" E, a distance of 62.26 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

N 79°55'08" E, a distance of 418.66 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson", for the common corner of said called remaining portion of said called 12 acres and a called 4.02 acres described in Deed recorded in Volume 6203, Page 172 of the Official Public Records of Real Property of Bexar County, Texas;

THENCE: N 58°16'08" E, along and with the common line, continuing with said centerline of the 60' wide Road and/or Utility Line Right-of-Way, said line also being the northerly line of said called 7.162 acres and the southerly lines of said called 4.02 acres and a called 1.800 acres described in Deed recorded in Volume 2013, Page 515 of the Official Public Records of Real Property, Bexar County, Texas, a distance of 838.38 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

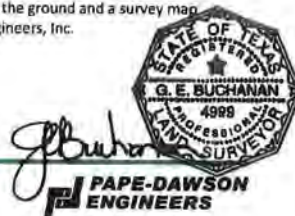
THENCE: N 39°38'08" E, along and with the common line, continuing with said centerline of the 60' wide Road and/or Utility Line Right-of-Way, said line also being the northerly line of said called 7.162 acres and the southerly line of said called 1.800 acres, a distance of 58.01 feet to a 1/2" iron rod found on the aforementioned westerly right-of-way line of Boerne Stage Road, for a common corner of said called 7.162 acres and said called 1.800 acres and the northeasterly corner of this tract;

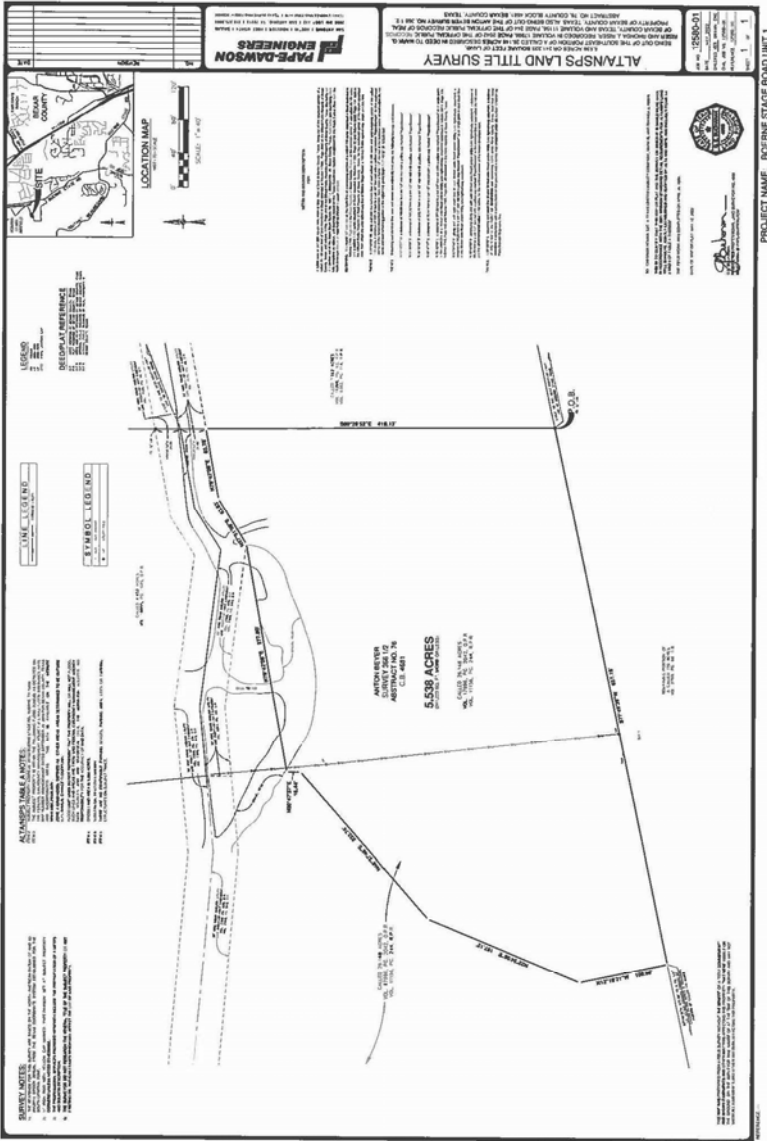
THENCE: Southeasterly, along and with said westerly right-of-way line of said Boerne Stage Road and a non-tangent curve to the right, said curve having a radius of 1484.78 feet, a central angle of 02°34'15", a chord bearing and distance of S 25°49'17" E, 66.62 feet, for an arc length of 66.62 feet to a found 1/2" iron rod at the common corner of said called 9.633 acres and said called 1.841 acres;

THENCE: S 02°20'29" E, departing said westerly right-of-way line of Boerne Stage Road, along and with the common line of said called 9.633 acres and said called 1.841 acres, a distance of 646.78 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson" on the northerly line of said remaining portion of said called 110 acres, for an interior corner of this tract;

THENCE: N 77°24'08" E, along and with the common line, being the south line of said called 1.841 acres and north line of said remaining portion of said called 110 acres, a distance of 295.41 feet to the POINT OF BEGINNING and containing 162.194 acres Bexar County, Texas. Said tract being described in conjunction with a survey made on the ground and a survey map prepared under job number 12580-00 by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.
REVISED: May 12, 2022, November 19, 2021
DATE: November 17, 2021
JOB NO. 12580-00
DOC. ID. N:\Civil\12580-00\Word\12580-00_FN-162.194 AC.doc





METES AND BOUNDS DESCRIPTION
FOR

A 5.538 acre or 241,223 square feet, more or less, tract of land in Bexar County, Texas, being out of the southeast portion of a called 26.148 acre tract of land described in Deed recorded in Volume 17996, Page 2042 of the Official Public Records of Bexar County, Texas, and Volume 11156, Page 244 of the Official Public Records of Real Property of Bexar County, Texas, also being out of a portion out of the Anton Beyer Survey No. 366 1/2, Abstract No. 76, Bexar County, Texas. Said 5.538 acre tract being more fully described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00

BEGINNING: At a found 1/2" iron rod on the north line of a remaining portion of a called 110 acres described in Deed recorded in Volume 2799, Page 66 of the Deed Records of Bexar County, Texas, at the common corner of said called 26.148 acres and a called 7.162 acres described in Deed recorded in Volume 11399, Page 92 and Volume 6392, Page 114, both in the Official Public Records of Real Property of Bexar County, Texas, for the southeast corner of the herein described tract, from which the west right-of-way line of Boerne Stage Road, a 100-foot Public right-of-way, bears +/-1,806 feet;

THENCE: S 77°49'39" W, along and with the common line of said called 26.148 acres and said remaining portion of the called 110 acres, a distance of 657.16 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson", for the southwest corner of the herein described easement, from which a found 1/2" iron rod at the common corner of said called 26.148 acres and said remaining portion of the called 110 acres bears S 77°49'39" W, 672.29 feet;

THENCE: Departing said common line, over and across said called 26.148 acres, the following bearings and distances:

N 12°10'21" W, a distance of 108.66 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

N 22°24'06" E, a distance of 197.12 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

N 48°37'46" E, a distance of 232.74 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

N 00°47'37" E, a distance of 16.44 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson";

N 79°42'08" E, a distance of 277.80 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson" at an angle point in the south line of a 30-foot wide Road and/or Utility Line right-of-way easement described in Volume 8313, Page 118, Volume 7365, Page 643 and Volume 7365, Page 636, all recorded in the Deed Records of Bexar County, Texas;

Transportation | Water Resources | Land Development | Surveying | Environmental

telephone: 210-375-9000 address: 2000 HW LOOP 410 SAN ANTONIO, TX 78213 website: PAPE-DAWSON.COM
San Antonio | Austin | Houston | Fort Worth | Dallas | New Braunfels Texas Engineering Firm #470 Texas Surveying Firm #1002800

5.538 acres
Job No.: 12580-01
Page 2 of 2

N 57°51'08" E, along and with said south line of said 30-foot wide Road and/or Utility Line right-of-way easement, a distance of 63.83 feet to a set 1/2" iron rod with a yellow cap marked "Pape-Dawson" at an angle point in said south line of the 30-foot wide Road and/or Utility Line right-of-way easement;

N 79°42'08" E, continuing along and with said 30-foot wide Road and/or Utility Line right-of-way easement, a distance of 85.78 feet to a point in the common line of said called 26.148 acres and the aforementioned called 7.162 acres, for the northeast corner of the herein described tract, from which a found 1/2" iron rod bears N 83°42'08" E, a distance of 0.33 feet;

THENCE: S 00°28'52" E, departing said south line of said 30-foot wide Road and/or Utility Line right-of-way easement, a distance of 419.13 feet to the POINT OF BEGINNING and containing 5.538 acres Bexar County, Texas. Said tract being described in conjunction with a survey made on the ground and a survey map prepared under job number 12580-01 by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: May 12, 2022
JOB NO. 12580-01
DOC. ID. N:\CIVIL\12580-01\Word\12580-01 MB-5.538 AC.docx



EXHIBIT “C”

Proposed Public Improvements of Special Improvement District

(subject to change)

1. Onsite; Development infrastructure to include streets, sidewalks, water, drainage, and trails for 131 single family units and a to be determined amount of commercial acreage
2. Offsite; Turn lane, deceleration lane, and water improvements

EXHIBIT D

DOCUMENTS CONSIDERED NECESSARY AND APPROPRIATE



**BOERNE STAGE ROAD PUBLIC IMPROVEMENT DISTRICT
FINANCIAL ANALYSIS**

Projected PID Revenues Analysis

Year No.	Year on Tax Rolls	Cumulative Housing Units on Ground	Taxable Basis Per Unit	Total Taxable Basis ¹	Ad Valorem Tax/(100*0.55827) ²	Cumulative
1	2023	0	\$ 800,000.00	\$ -	\$ -	\$ -
2	2024	28	\$ 800,000.00	\$ 22,400,000.00	\$ 115,254.61	\$ 115,254.61
3	2025	80	\$ 800,000.00	\$ 64,000,000.00	\$ 329,298.88	\$ 444,553.49
4	2026	120	\$ 800,000.00	\$ 96,000,000.00	\$ 493,948.32	\$ 938,501.81
5	2027	131	\$ 800,000.00	\$ 104,800,000.00	\$ 539,226.92	\$ 1,477,728.72
6	2028	131	\$ 800,000.00	\$ 104,800,000.00	\$ 539,226.92	\$ 2,016,955.64
7	2029	131	\$ 800,000.00	\$ 104,800,000.00	\$ 539,226.92	\$ 2,556,182.56
8	2030	131	\$ 800,000.00	\$ 104,800,000.00	\$ 539,226.92	\$ 3,095,409.47
9	2031	131	\$ 800,000.00	\$ 104,800,000.00	\$ 539,226.92	\$ 3,634,636.39
10	2032	131	\$ 800,000.00	\$ 104,800,000.00	\$ 539,226.92	\$ 4,173,863.30
11	2033	131	\$ 800,000.00	\$ 104,800,000.00	\$ 539,226.92	\$ 4,713,090.22
12	2034	131	\$ 800,000.00	\$ 104,800,000.00	\$ 539,226.92	\$ 5,252,317.14
13	2035	131	\$ 800,000.00	\$ 104,800,000.00	\$ 539,226.92	\$ 5,791,544.05
14	2036	131	\$ 800,000.00	\$ 104,800,000.00	\$ 539,226.92	\$ 6,330,770.97
15	2037	131	\$ 800,000.00	\$ 104,800,000.00	\$ 539,226.92	\$ 6,869,997.88
16	2038	131	\$ 800,000.00	\$ 104,800,000.00	\$ 539,226.92	\$ 7,409,224.80
17	2039	131	\$ 800,000.00	\$ 104,800,000.00	\$ 539,226.92	\$ 7,948,451.72
18	2040	131	\$ 800,000.00	\$ 104,800,000.00	\$ 539,226.92	\$ 8,487,678.63
19	2041	131	\$ 800,000.00	\$ 104,800,000.00	\$ 539,226.92	\$ 9,026,905.55
20	2042	131	\$ 800,000.00	\$ 104,800,000.00	\$ 539,226.92	\$ 9,566,132.46
21	2043	131	\$ 800,000.00	\$ 104,800,000.00	\$ 539,226.92	\$ 10,105,359.38
22	2044	131	\$ 800,000.00	\$ 104,800,000.00	\$ 539,226.92	\$ 10,644,586.30
23	2045	131	\$ 800,000.00	\$ 104,800,000.00	\$ 539,226.92	\$ 11,183,813.21
24	2046	131	\$ 800,000.00	\$ 104,800,000.00	\$ 539,226.92	\$ 11,723,040.13
25	2047	131	\$ 800,000.00	\$ 104,800,000.00	\$ 539,226.92	\$ 12,262,267.04
26	2048	131	\$ 800,000.00	\$ 104,800,000.00	\$ 539,226.92	\$ 12,801,493.96
27	2049	131	\$ 800,000.00	\$ 104,800,000.00	\$ 539,226.92	\$ 13,340,720.88
28	2050	131	\$ 800,000.00	\$ 104,800,000.00	\$ 539,226.92	\$ 13,879,947.79
29	2051	131	\$ 800,000.00	\$ 104,800,000.00	\$ 539,226.92	\$ 14,419,174.71
30	2052	131	\$ 800,000.00	\$ 104,800,000.00	\$ 539,226.92	\$ 14,958,401.62
TOTALS					\$ 14,958,401.62	\$ 14,958,401.62

¹Assumes 0.0% annual inflation

²Assumes a Collection Ratio of 95%

**BOERNE STAGE ROAD PUBLIC IMPROVEMENT DISTRICT
FINANCIAL ANALYSIS**

Projected Ad Valorem Tax Revenues

Year on Tax Rolls	Bexar County		Bexar County Road & Flood		SA River Authority		Alamo Community College		University Health System		Bexar County ESD #4		Boerne ISD	
	Annual	Cumulative	Annual	Cumulative	Annual	Cumulative	Annual	Cumulative	Annual	Cumulative	Annual	Cumulative	Annual	Cumulative
2023	\$ 0.27(0.33)	\$ -	\$ -	\$ -	\$ 0.01(8.66)	\$ -	\$ -	\$ 0.14(91.50)	\$ -	\$ 0.27(2.13)	\$ -	\$ -	\$ 0.51(9.93)	\$ 1,178(600)
2024	\$ 61,898.14	\$ 61,898.14	\$ 5,301.63	\$ 5,301.63	\$ 4,112.64	\$ 4,112.64	\$ 33,409.60	\$ 33,409.60	\$ 61,876.64	\$ 61,876.64	\$ 115,572.80	\$ 115,572.80	\$ 264,006.40	\$ 264,006.40
2025	\$ 176,851.84	\$ 238,749.98	\$ 15,147.52	\$ 20,449.15	\$ 11,750.40	\$ 15,863.04	\$ 95,456.00	\$ 128,865.60	\$ 176,790.40	\$ 238,667.04	\$ 330,208.00	\$ 445,780.80	\$ 754,304.00	\$ 1,018,310.40
2026	\$ 265,277.76	\$ 504,027.74	\$ 22,731.28	\$ 43,170.43	\$ 17,625.60	\$ 33,488.64	\$ 143,184.00	\$ 272,049.60	\$ 265,185.60	\$ 500,852.64	\$ 495,312.00	\$ 941,092.80	\$ 1,131,456.00	\$ 2,149,766.40
2027	\$ 289,594.89	\$ 793,622.63	\$ 24,804.06	\$ 67,974.50	\$ 19,241.28	\$ 52,729.92	\$ 156,309.20	\$ 428,358.80	\$ 289,494.28	\$ 793,346.92	\$ 540,715.60	\$ 1,481,808.40	\$ 1,235,172.80	\$ 3,384,939.20
2028	\$ 289,594.89	\$ 1,083,217.52	\$ 24,804.06	\$ 92,778.56	\$ 19,241.28	\$ 71,971.20	\$ 156,309.20	\$ 584,668.00	\$ 289,494.28	\$ 1,082,841.20	\$ 540,715.60	\$ 2,023,524.00	\$ 1,235,172.80	\$ 4,620,112.00
2029	\$ 289,594.89	\$ 1,372,812.41	\$ 24,804.06	\$ 117,582.62	\$ 19,241.28	\$ 91,212.48	\$ 156,309.20	\$ 740,977.20	\$ 289,494.28	\$ 1,371,335.48	\$ 540,715.60	\$ 2,563,239.60	\$ 1,235,172.80	\$ 5,855,284.80
2030	\$ 289,594.89	\$ 1,662,407.30	\$ 24,804.06	\$ 142,386.69	\$ 19,241.28	\$ 110,453.76	\$ 156,309.20	\$ 897,286.40	\$ 289,494.28	\$ 1,661,829.76	\$ 540,715.60	\$ 3,103,955.20	\$ 1,235,172.80	\$ 7,090,457.60
2031	\$ 289,594.89	\$ 1,952,002.18	\$ 24,804.06	\$ 167,190.75	\$ 19,241.28	\$ 129,695.04	\$ 156,309.20	\$ 1,053,595.60	\$ 289,494.28	\$ 1,951,324.04	\$ 540,715.60	\$ 3,644,670.80	\$ 1,235,172.80	\$ 8,325,630.40
2032	\$ 289,594.89	\$ 2,241,597.07	\$ 24,804.06	\$ 191,994.82	\$ 19,241.28	\$ 148,936.32	\$ 156,309.20	\$ 1,209,904.80	\$ 289,494.28	\$ 2,240,818.32	\$ 540,715.60	\$ 4,185,386.40	\$ 1,235,172.80	\$ 9,560,803.20
2033	\$ 289,594.89	\$ 2,531,191.96	\$ 24,804.06	\$ 216,798.88	\$ 19,241.28	\$ 168,177.60	\$ 156,309.20	\$ 1,366,214.00	\$ 289,494.28	\$ 2,530,312.60	\$ 540,715.60	\$ 4,726,102.00	\$ 1,235,172.80	\$ 10,795,976.00
2034	\$ 289,594.89	\$ 2,820,786.85	\$ 24,804.06	\$ 241,602.94	\$ 19,241.28	\$ 187,418.88	\$ 156,309.20	\$ 1,522,523.20	\$ 289,494.28	\$ 2,819,806.88	\$ 540,715.60	\$ 5,266,817.60	\$ 1,235,172.80	\$ 12,031,148.80
2035	\$ 289,594.89	\$ 3,110,381.74	\$ 24,804.06	\$ 266,407.01	\$ 19,241.28	\$ 206,660.16	\$ 156,309.20	\$ 1,678,832.40	\$ 289,494.28	\$ 3,109,301.16	\$ 540,715.60	\$ 5,807,533.20	\$ 1,235,172.80	\$ 13,266,321.60
2036	\$ 289,594.89	\$ 3,399,976.62	\$ 24,804.06	\$ 291,211.07	\$ 19,241.28	\$ 225,901.44	\$ 156,309.20	\$ 1,835,141.60	\$ 289,494.28	\$ 3,398,795.44	\$ 540,715.60	\$ 6,346,248.80	\$ 1,235,172.80	\$ 14,501,494.40
2037	\$ 289,594.89	\$ 3,689,571.51	\$ 24,804.06	\$ 316,015.14	\$ 19,241.28	\$ 245,142.72	\$ 156,309.20	\$ 1,991,450.80	\$ 289,494.28	\$ 3,688,289.72	\$ 540,715.60	\$ 6,888,964.40	\$ 1,235,172.80	\$ 15,736,667.20
2038	\$ 289,594.89	\$ 3,979,166.40	\$ 24,804.06	\$ 340,819.20	\$ 19,241.28	\$ 264,384.00	\$ 156,309.20	\$ 2,147,760.00	\$ 289,494.28	\$ 3,977,784.00	\$ 540,715.60	\$ 7,429,680.00	\$ 1,235,172.80	\$ 16,971,840.00
2039	\$ 289,594.89	\$ 4,268,761.29	\$ 24,804.06	\$ 365,623.26	\$ 19,241.28	\$ 283,625.28	\$ 156,309.20	\$ 2,306,069.20	\$ 289,494.28	\$ 4,267,278.28	\$ 540,715.60	\$ 7,970,395.60	\$ 1,235,172.80	\$ 18,207,012.80
2040	\$ 289,594.89	\$ 4,558,356.18	\$ 24,804.06	\$ 390,427.33	\$ 19,241.28	\$ 302,866.56	\$ 156,309.20	\$ 2,460,378.40	\$ 289,494.28	\$ 4,556,772.56	\$ 540,715.60	\$ 8,511,112.00	\$ 1,235,172.80	\$ 19,442,185.60
2041	\$ 289,594.89	\$ 4,847,951.06	\$ 24,804.06	\$ 415,231.39	\$ 19,241.28	\$ 322,107.84	\$ 156,309.20	\$ 2,616,687.60	\$ 289,494.28	\$ 4,846,266.84	\$ 540,715.60	\$ 9,051,826.80	\$ 1,235,172.80	\$ 20,677,358.40
2042	\$ 289,594.89	\$ 5,137,545.95	\$ 24,804.06	\$ 440,035.46	\$ 19,241.28	\$ 341,349.12	\$ 156,309.20	\$ 2,772,996.80	\$ 289,494.28	\$ 5,135,761.12	\$ 540,715.60	\$ 9,592,542.40	\$ 1,235,172.80	\$ 21,912,531.20
2043	\$ 289,594.89	\$ 5,427,140.84	\$ 24,804.06	\$ 464,839.52	\$ 19,241.28	\$ 360,590.40	\$ 156,309.20	\$ 2,929,306.00	\$ 289,494.28	\$ 5,425,255.40	\$ 540,715.60	\$ 10,133,238.00	\$ 1,235,172.80	\$ 23,147,704.00
2044	\$ 289,594.89	\$ 5,716,735.73	\$ 24,804.06	\$ 489,643.48	\$ 19,241.28	\$ 379,831.68	\$ 156,309.20	\$ 3,085,615.20	\$ 289,494.28	\$ 5,714,749.68	\$ 540,715.60	\$ 10,673,973.60	\$ 1,235,172.80	\$ 24,382,876.80
2045	\$ 289,594.89	\$ 6,006,330.62	\$ 24,804.06	\$ 514,447.65	\$ 19,241.28	\$ 399,072.96	\$ 156,309.20	\$ 3,241,924.40	\$ 289,494.28	\$ 6,004,243.96	\$ 540,715.60	\$ 11,214,689.20	\$ 1,235,172.80	\$ 25,618,049.60
2046	\$ 289,594.89	\$ 6,295,925.50	\$ 24,804.06	\$ 539,251.71	\$ 19,241.28	\$ 418,314.24	\$ 156,309.20	\$ 3,398,233.60	\$ 289,494.28	\$ 6,293,738.24	\$ 540,715.60	\$ 11,755,404.80	\$ 1,235,172.80	\$ 26,853,222.40
2047	\$ 289,594.89	\$ 6,585,520.39	\$ 24,804.06	\$ 564,055.78	\$ 19,241.28	\$ 437,555.52	\$ 156,309.20	\$ 3,554,542.80	\$ 289,494.28	\$ 6,583,232.32	\$ 540,715.60	\$ 12,296,120.40	\$ 1,235,172.80	\$ 28,088,395.20
2048	\$ 289,594.89	\$ 6,875,115.28	\$ 24,804.06	\$ 588,859.84	\$ 19,241.28	\$ 456,796.80	\$ 156,309.20	\$ 3,710,852.00	\$ 289,494.28	\$ 6,872,726.80	\$ 540,715.60	\$ 12,836,836.00	\$ 1,235,172.80	\$ 29,323,568.00
2049	\$ 289,594.89	\$ 7,164,710.17	\$ 24,804.06	\$ 613,663.90	\$ 19,241.28	\$ 476,038.08	\$ 156,309.20	\$ 3,867,161.20	\$ 289,494.28	\$ 7,162,221.08	\$ 540,715.60	\$ 13,377,551.60	\$ 1,235,172.80	\$ 30,558,740.80
2050	\$ 289,594.89	\$ 7,454,305.06	\$ 24,804.06	\$ 638,467.97	\$ 19,241.28	\$ 495,279.36	\$ 156,309.20	\$ 4,023,470.40	\$ 289,494.28	\$ 7,451,751.36	\$ 540,715.60	\$ 13,918,267.20	\$ 1,235,172.80	\$ 31,793,913.60
2051	\$ 289,594.89	\$ 7,743,899.94	\$ 24,804.06	\$ 663,272.03	\$ 19,241.28	\$ 514,520.64	\$ 156,309.20	\$ 4,179,779.60	\$ 289,494.28	\$ 7,741,209.64	\$ 540,715.60	\$ 14,458,982.80	\$ 1,235,172.80	\$ 33,029,086.40
2052	\$ 289,594.89	\$ 8,033,494.83	\$ 24,804.06	\$ 688,076.10	\$ 19,241.28	\$ 533,761.92	\$ 156,309.20	\$ 4,336,088.80	\$ 289,494.28	\$ 8,030,703.92	\$ 540,715.60	\$ 14,999,698.40	\$ 1,235,172.80	\$ 34,264,259.20
Total	\$ 8,033,494.83	\$ 688,076.10	\$ 688,076.10	\$ 533,761.92	\$ 533,761.92	\$ 4,336,088.80	\$ 4,336,088.80	\$ 14,999,698.40	\$ 8,030,703.92	\$ 14,999,698.40	\$ 34,264,259.20	\$ 34,264,259.20	\$ 34,264,259.20	\$ 34,264,259.20

*Tax Rates per BCAD 2022 Tax Rate Chart

**BOERNE STAGE ROAD PUBLIC IMPROVEMENT DISTRICT
FINANCIAL ANALYSIS**

Projected PID Qualified Costs

Offsite Improvements		
Soft Costs	Linear Feet	Cost
		\$ -
Subtotal	-	\$ -
Hard Costs		
Linear Feet	Cost	
Water	-	\$ 203,885.00
Streets	-	\$ 150,000.00
Subtotal	-	\$ 353,885.00
Total Offsite Linear Feet and Costs	-	\$ 353,885.00

Onsite Improvements		
Soft Costs	Linear Feet	Cost
Municipal Fees	-	\$ 54,298.00
Engineering	-	\$ 591,725.00
Geotechnical	-	\$ 44,200.00
Development Fee	-	\$ 131,000.00
Legal	-	\$ 75,000.00
LOC Fee / Road Bond	-	\$ 10,000.00
Formation	-	\$ 300,000.00
Subtotal	-	\$ 1,206,223.00
Hard Costs		
Linear Feet	Cost	
Environmental		\$ 280,000.00
Demolition		\$ 25,000.00
Land Clearing		\$ 56,925.00
Grading		\$ 851,916.00
Water		\$ 1,220,809.00
Drainage		\$ 2,044,795.00
Streets/Paving		\$ 2,241,257.00
Construction Testing		\$ 34,500.00
Landscape & Irrigation		\$ 250,000.00
Monuments & Hardscape		\$ 150,000.00
Trail System & Amenity		\$ 150,000.00
Site Maintenance		\$ 40,000.00
Miscellaneous		\$ 10,173.00
Subtotal	-	\$ 7,355,375.00
Total Onsite Linear Feet & Costs	-	\$ 8,561,598.00

Contingency		
Onsite/Offsite	LF	Cost
Contingency (only includes off site and onsite hard costs)		\$ 770,926.00
Subtotal	-	\$ 770,926.00

Total Eligible PID Costs (Total Linear Feet, Offsite Soft and Hard Costs, Onsite Soft and Hard Costs, & Contingency Costs)	-	\$ 9,686,409.00
---	---	-----------------

EXHIBIT E

APRIL 20, 2023 CITY OF SAN ANTONIO CONSENT TO CREATION

RESOLUTION NO. 23 03 13

RECOMMENDING THE CITY OF SAN ANTONIO GRANT ITS CONSENT TO THE CREATION OF A PUBLIC IMPROVEMENT DISTRICT TO BE CALLED "BOERNE STAGE ROAD SPECIAL IMPROVEMENT DISTRICT" BY BEXAR COUNTY; AND TO APPROVE A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND CHESMAR HOMES, LLC, OWNERS OF THE APPROXIMATELY 167.73 ACRE PROPERTY GENERALLY LOCATED SOUTHWEST OF IH-10 AND STATE HIGHWAY 46 WEST OF BOERNE STAGE 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 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, Chesmar Homes, LLC (Owners) own approximately 167.73 acres of land generally located southwest of IH-10 and State Highway 46 and west of Boerne Stage 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 owners propose to develop the Property to consist of approximately 131 single family units. The project will also include proposed improvements consisting of roadways, traffic signals, parkland, landscaping, erosion control, water, sanitary sewer and storm water improvements. 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 October 11, 2022 the Owners filed a petition with Bexar County (County) requesting that the County create the Boerne Stage Road Special Improvement District, authorize the PID to impose certain taxes within the PID, delegate the powers of a road district and the powers to construct water, wastewater and drainage facilities to the PID under Chapter 382 of the Local Government Code; and

WHEREAS, on November 1, 2022 Owner submitted a revised 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 November 11, 2022, 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

Owners 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 have paid 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, which in the Owners' estimation amounts to Twenty-Two Thousand Nine Hundred and Twenty-Five and No/100 (\$22,925.00) 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 March 22, 2023 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 PID to be named Boerne Stage Road Special Improvement District as detailed in the Owner's petition attached as **ATTACHMENT "A"** 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 facilities in accordance with Section 382.101 of the Local Government Code. 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 Chesmar Homes, LLC Owners 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 22nd DAY OF MARCH 2023.

Attest:

Executive Secretary
San Antonio Planning Commission

Approved:

Matthew Proffitt, Chair
San Antonio Planning Commission



City of San Antonio

Agenda Memorandum

File Number:

Agenda Item Number: 28

Agenda Date: April 20, 2023

In Control: City Council A Session

DEPARTMENT: Planning Department

DEPARTMENT HEAD: Bridgett White

COUNCIL DISTRICTS IMPACTED: Citywide, ETJ

SUBJECT:

Resolution granting the City of San Antonio's consent to the creation by Bexar County of the Boerne Stage Road Special Improvement District.

SUMMARY:

A public hearing and consideration of a Resolution granting the City of San Antonio's consent to the creation by Bexar County of a proposed Public Improvement District (PID), to later be named the Boerne Stage Road Special Improvement District, generally located southwest of IH-10 and State Highway 46 and West of Boerne Stage Road in the extraterritorial jurisdiction of the City of San Antonio.

BACKGROUND INFORMATION:

Texas Local Government Code Chapter 382 allows for the creation of Public Improvement Districts (PIDs), by 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 general nature of the proposed public improvement may include, but is not limited to, the improvement and construction of roadways, utilities, water, wastewater, or drainage systems, trails, and park/recreational facilities, which are located within 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 the PID boundaries that benefit from public improvements and/or services.

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 extraterritorial jurisdiction (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 by resolution.

In accordance with Section 212.172 of the Texas Local Government Code, a municipality and a landowner may enter into a written development agreement by which the municipality will extend its planning authority, establish terms for annexation or non-annexation of the land, extend its development regulations and standards, and provision for the infrastructure of 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 municipality that allow the municipality to annex for limited purposes, as well as impose and collect sales taxes in the commercial property in the PID boundaries, in accordance to Chapter 43 of the Texas Local Government Code.

On October 11, 2022, Chesmar Homes, LLC., the (Owners) filed a petition and application to Bexar County (County), to create a PID to be named the Boerne Stage Road Special Improvement District, pursuant to Chapter 382 of the Texas Local Government Code. On November 1, 2022, the Owners also 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 Owners 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. On November 11, 2022, the Bexar 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.

The proposed PID Property consists of the Boerne Stage Road Tracts, totaling 167.73 acres of land generally located southwest of IH-10 and State Highway 46 and West of Boerne Stage Road in the extraterritorial jurisdiction of the City of San Antonio. The PID Property is located within the water Certificate of Convenience and Necessity (CCN) of SAWS; the PID property is not within SAWS Wastewater CCN, on-site septic systems will be used for wastewater conveyance. The PID project will be a single-family home development of 131 units, home prices are approximated at \$800,000 per unit. The proposed improvement costs of roadways, traffic signals, parkland, landscaping, erosion control, water, sanitary sewer, storm water improvements. The proposed improvement costs are estimated at \$10,315,208.00. The proposed PID's revenue is estimated at \$9,686,408.00.

ISSUE:

If approved, this resolution grants the City’s consent to the creation of the Boerne Stage Road PID by the County subject to the execution of a 30-year Development Agreement (Agreement) between the City and the Owners. The written consent of the City by resolution, which includes the delegation of the road district powers along with the powers to construct water, wastewater, and drainage facilities, is required by state law for this PID to exercise those powers. 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 Owners with respect to the development of the PID property:

- The Owners will pay to the City a \$7,500 Special District application fee.
- The Owners will pay to the City an operations fee of \$175 per each built residential unit, totaling \$22,925.00
- 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 Owners 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 Owner, subsequent Owners, and the City under Chapter 43 of the Local Government Code.
- The Owners 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 Owners agree to place public visual art within the District utilizing the Artist Registry from the City’s Department of Arts and Culture.
- The Owners agree to include status and completion of LID elements as described in Section 5.1.7 of the Development Agreement in Project Annual Updates.
- The Owners will reimburse the City for the recordings of the development 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.

<u>Dates</u>	<u>Schedule of Action</u>
November 29, 2022	Bexar County Commissioners Court consideration of a resolution expressing their intent to create the PID
March 22, 2023	San Antonio Planning Commission public hearing and recommendation

April 20, 2023	City Council's consideration and action
May 2, 2023	Bexar County Commissioners Court consideration to create the proposed PID and appoint a board of directors
November 2023	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 Bexar County. This action would require the Owners 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.

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 Chesmar Homes, LLC, Owner of PID property. This Resolution enables the Owners to pay a \$7,500 Special District application fee that will be deposited in the City's General Fund.

RECOMMENDATION:

Staff recommends approval of a Resolution recommending the City's consent to the creation by the County of the Boerne Stage Road Special Improvement District.

On March 22, 2023, the Planning Commission recommended to City Council to grant its consent to the PID creation by the County subject to the execution of a Development Agreement with the Owner.