

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

WHEREAS, on the 19 day of April, 2022, 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:

Nelson W. Wolff	County Judge
Rebeca Clay-Flores	Commissioner, Precinct 1
Justin Rodriguez	Commissioner, Precinct 2
Marialyn Barnard	Commissioner, Precinct 3
Tommy Calvert	Commissioner, Precinct 4

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

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

AYE 5 / NO 0

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

On June 11, 2021, a petition (the "Petition") was filed with the Bexar County Clerk for the Creation of a Public Improvement District to be named Sapphire Grove Special Improvement District (the "District"), appointment of directors, and for imposition of an ad valorem tax at a specified rate, within the boundaries of the District, for the authority to enter into economic development agreements, grants and loans, signed by the owners of taxable real property representing more than 50 percent (50%) of the appraised value of taxable real property within the boundaries of the District, praying for the Commissioners Court to grant the Petition.

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

1. On June 11, 2021, a Petition, duly signed, praying for the creation of the District, to be operated under Chapter 382, of the Texas Local Government Code (the "Code"),

appointment of directors and imposition of ad valorem 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 within the District, 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, sales and use, and hotel occupancy taxes, at rates specified by such county, within the boundaries of the public improvement district (collectively the "Laws") if such taxes are approved by the qualified voters in the District at an election called for that purpose.
5. The Commissioners Court relies upon the authority granted in Chapter 271 of the Texas Election Code authorizing political subdivisions, such as the District, to conduct a joint election, and the request of the Petitioner that 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 authorized by this Order.

6. The Commissioners Court recognizes the prayer in the Petition that the District be created and authorized under Chapter 382 of the Code, and that the District impose taxes in lieu of assessments, and finds that the District is not required to submit a feasibility report or assessment plan pursuant to the requirements of such statute.
7. After full consideration by the Commissioners Court, including presentation of testimony and evidence at a public hearing as required by Chapter 382 of the Code, the Commissioners Court affirmatively finds that:
  - (a) the Petition conforms to the requirements of the Laws and that creation of the District under Chapter 382 of the Code;
  - (b) appointment of directors, and imposition of an ad valorem tax at a rate specified in this Order is beneficial and advisable to 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 "Sapphire Grove 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 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 §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 8, 2022, 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. Clifton Karam
2. Jose Martinez
3. Norman Dugas
4. Vincent Sullivan
5. John Lohr
6. Richard Mott
7. Thomas Wensinger

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:

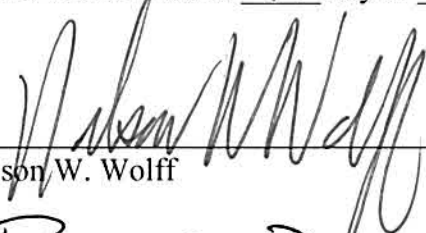
Ad Valorem Tax:                 \$0.558270 per \$100 valuation, subject to applicable state and local ad valorem tax requirements


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

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

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

PASSED, ADOPTED, ORDERED AND EFFECTIVE this 19 day of April, 2022.

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

  
\_\_\_\_\_  
Rebeea Clay-Flores Commissioner, Precinct 1

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

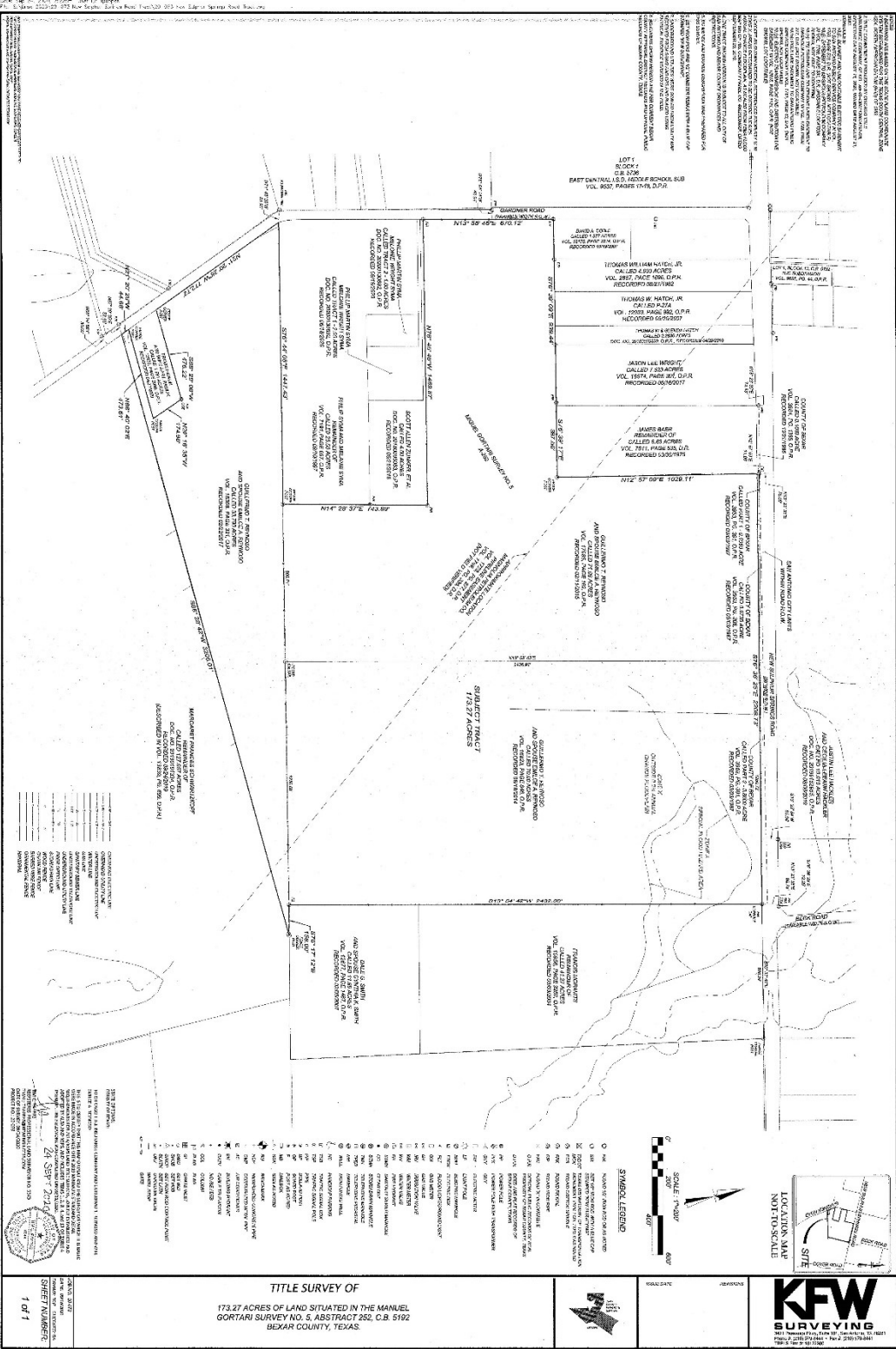
  
\_\_\_\_\_  
Marialyn Barnard Commissioner, Precinct 3

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

ATTEST:

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

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



**TITLE SURVEY OF**  
**173.27 ACRES OF LAND SITUATED IN THE MANUEL**  
**GORTARI SURVEY NO. 5, ABSTRACT 262, C.B. 5192**  
**BEXAR COUNTY, TEXAS.**

DATE: 2015  
 SHEET NUMBER:  
**1 of 1**

**KFW**  
**SURVEYING**  
1001 W. Northrup Ave. Suite 100, San Antonio, TX 78216  
 Tel: 210.381.1111 Fax: 210.381.1112





**DESCRIPTION FOR  
A 173.27 ACRE TRACT**

A **173.27 acre** tract of land situated in the Miguel Gortari Survey No. 5, Abstract 252, Bexar County, Texas, and being all of that called 70.00 acre tract of land as conveyed to Guillermo T. Reynoso and spouse Emilce A. Reynoso and recorded August 18, 2014 in Volume 16823, Page 846 in the Official Public Records of Bexar County, Texas (O.P.R.), all of that called 71.08 acre tract of land as conveyed to Guillermo T. Reynoso and spouse Emilce A. Reynoso and recorded February 11, 2015 in Volume 17085, Page 162 in the O.P.R., and all of that called 33.790 acre tract of land as conveyed to Guillermo T. Reynoso and spouse Emilce A. Reynoso and recorded February 22, 2017 in Volume 18368, Page 321 in the O.P.R., said 173.27 acre tract being more particularly described by metes and bounds as follows:

**BEGINNING** at a ½" iron rod with illegible cap found in the southerly right-of-way of New Sulphur Springs Road, (a 86' R.O.W. at this point) for the northeast corner of said 70.00 acre tract and the tract described herein, and for the northwest corner of the remainder of that called 41.27 acre tract of land as conveyed to Francis Moravits and recorded September 3, 2004 in Volume 10956, Page 2252 in the O.P.R., and from which point a ½" iron rod with cap stamped BLS 2024 found for the southwesterly end of a cutback line at the intersection of the northerly right-of-way of New Sulphur Springs Road with the westerly right-of-way of Beck Road bears N 13°23'35" E, a distance of 85.78 feet, and thence S 76°36'25" E, a distance of 12.25 feet;

**THENCE: S 13°54'42" W**, along and with the easterly line of said 70.00 acre tract and the westerly line of said 41.27 acre tract, passing at an approximate distance of 1765.38 feet the northwest corner of that called 11.89 acre tract of land as conveyed to Dale G. Smith and spouse Cynthia K. Smith and recorded February 5, 2007 in Volume 12677, Page 1467 in the O.P.R., and continuing for a total distance of **2432.00 feet** to a ½" iron rod found in the northerly line of said 33.790 acre tract for the southwest corner of said 11.89 acre tract and for the southeast corner of said 70.00 acre tract;

**THENCE: S 76°17'12" E**, along and with the northerly line of said 33.790 acre tract and the southerly line of said 11.89 acre tract, a distance of **158.00 feet** to a fence corner post found for the easterly corner of said 33.790 acre tract and for an exterior angle point in the northerly line of the remainder of that called 127.057 acre tract of land as conveyed to Margaret Frances Schwartzkopf and recorded September 24, 2019 in Document Number 20190191334 in the O.P.R. (description is recorded in Volume 13839, Page 699 in the O.P.R.) for the most easterly corner of the tract described herein;

**THENCE: S 88°28'42" W**, along and with the northerly line of said 127.057 acre tract and the southerly line of said 33.790 acre tract, a distance of **3205.01 feet** to a ½" iron rod with plastic cap stamped KFW SURVEYING (hereinafter referred to as SET KFW) set in the easterly right-of-way of Gardner Road (apparent 50' wide R.O.W.) for the northwest corner of said 127.057 acre tract and the southwest corner of said 33.790 acre tract and the tract described herein, and from which point a ½" iron rod found in the westerly right-of-way of Gardner Road bears S 87°30'35" W, a distance of 52.66 feet;

**THENCE: N 21°20'28" W**, along and with the easterly right-of-way of Gardner Road, a distance of **44.68 feet** to a fence corner post found for the southwest corner of that called 1.781 acre tract of land a conveyed to Travis Pawlik and wife April Pawlik and recorded April 27, 2009 in Volume 13953, Page 2090 in the O.P.R.;

**THENCE:** along and with the common lines of said 1.781 acre tract and said 33.790 acre tract, the following three (3) courses:

1. **N 88°46'02" E**, a distance of **473.61 feet** to a fence corner post found for the southeast corner of said 1.781 acre tract;
2. **N 20°16'35" W**, a distance of **174.98 feet** to a ½" iron rod with cap stamped GCE found for the northeast corner of said 1.781 acre tract;
3. **S 88°29'08" W**, a distance of **476.22 feet** to a fence corner post found in the easterly right-of-way of Gardner Road for the northwest corner of said 1.781 acre tract;

**THENCE: N 21°20'28" W**, along and with the easterly right-of-way of Gardner Road, a distance of **772.72 feet** to a SET KFW for the northwest corner of said 33.790 acre tract and for the southwest corner of the remainder of that called 25.00 acre tract of land as conveyed to Philip Syma and Melanie Syma and recorded September 10, 1997 in Volume 7191, Page 667 in the O.P.R., and from which point a ½" iron rod with cap stamped KJ BROWN 4966 found at an angle point in the westerly right-of-way of Gardner Road bears N 71°45'25" W, a distance of 64.90 feet;

**THENCE: S 76°44'08" E**, along and with the southerly line of said 25.00 acre tract and the northerly line of said 33.790 acre tract, a distance of **1447.43 feet** to a fence corner post found for the southeast corner of said 25.00 acre tract and for the southwest corner of said 71.08 acre tract;

**THENCE: N 14°28'37" E**, along and with the easterly line of said 25.00 acre tract and a westerly line of said 71.08 acre tract, passing at a distance of 447.23 feet a ½" iron rod found for the northeast corner of said 25.00 acre tract and for the southeast corner of that called 4.00 acre tract of land as conveyed to Scott Allen Zunker, et al, and recorded May 21, 2018 in Document Number 20180096063 in the O.P.R., and continuing for a total distance of **743.89 feet** to a ½" iron rod found for the northeast corner of said 4.00 acre tract and for an interior angle point for said 71.08 acre tract;

**THENCE: N 76°45'48" W**, along and with the northerly line of said 4.00 acre tract and a southerly line of said 71.08 acre tract, a distance of **1469.87 feet** to a ½" iron rod found in the easterly right-of-way of Gardner Road for an exterior corner of said 71.08 acre tract and for the northwest corner of said 4.00 acre tract;

**THENCE: N 13°55'46" E**, along and with the easterly right-of-way of Gardner Road, a distance of **670.12 feet** to a ½" iron rod found for the most westerly northwest corner of said 71.08 acre tract and for the southwest corner of that called 1.877 acre tract of land as conveyed to David A. Coble and recorded October 19, 2007 in Volume 13175, Page 2214 in the O.P.R.;

**THENCE: S 76°39'09" E**, along and with a northerly line of said 71.08 acre tract and the southerly line of said 1.877 acre tract, passing at a distance of 206.41 feet a ½" iron rod found for the southeast corner of said 1.877 acre tract and for the southwest corner of that called 4.000 acre tract of land as conveyed to Thomas William Hatch, Jr. and recorded August 27, 1982 in Volume 2657, Page 1696 in the O.P.R., and continuing along and with the southerly line of said 4.000 acre tract and also the southerly line of that tract of land called P-27A as conveyed to Thomas W. Hatch, Jr., and recorded

June 20, 2007 in Volume 12939, Page 992 in the O.P.R., and also the southerly line of that called 2.2830 acre tract of land as conveyed to Thomas W. and Glenda Hatch and recorded April 23, 2018 in Document Number 20180075399 in the O.P.R., and passing at a distance of 643.23 feet a ½" iron rod found for the southeast corner of said 2.2830 acre tract and for the southwest corner of that called 7.523 acre tract of land as conveyed to Jason Lee Wright and recorded June 16, 2017 in Volume 18574, Page 301 in the O.P.R., and continuing along and with the southerly line of said 7.523 acre tract for a total distance of **939.44 feet** to a found ½" iron rod;

**THENCE: S 76°39'17" E**, along and with the southerly line of said 7.523 acre tract and a northerly line of said 71.08 acre tract, passing at a distance of 15.84 feet the southeast corner of said 7.523 acre tract and the southwest corner of the remainder of that called 8.63 acre tract of land as conveyed to James Baer and recorded March 30, 1975 in Volume 7611, Page 535 in the Deed Records of Bexar County, and continuing along and with southerly line of said 8.63 acre tract and a northerly line of said 71.08 acre tract for a total distance of **387.56 feet** to a fence corner post found for the southeast corner of said 8.63 acre tract;

**THENCE: N 12°57'09" E**, along and with the easterly line of said 8.63 acre tract and a westerly line of said 71.08 acre tract, a distance of **1029.11 feet** to a SET KFW in the southerly right-of-way of New Sulphur Springs Road for the northeast corner of said 8.63 acre tract and the most northerly northwest corner of said 71.08 acre tract, and from which point a ½" iron rod found bears N12°57'09"E, a distance of 11.00 feet;

**THENCE: S 76°36'25" E**, along and with the southerly right-of-way of New Sulphur Springs Road, a distance of **2208.73 feet** to the **POINT OF BEGINNING** and containing **173.27 acres of land**, more or less, in Bexar County, Texas, and being described in accordance with a survey prepared by KFW Surveying. Bearings are based on NAD83 Texas State Plane South Central Zone.

Job No.: 20-073  
Prepared by: KFW Surveying  
Date: October 20, 2020  
File S:\Draw 2020\20-073 New Sulphur Springs Road Tract\DOCS\20-073 173.27 AC DESC TCP 102020.doc

