

AN ORDINANCE 2018-04-19-0301

**AUTHORIZING A BOUNDARY ADJUSTMENT AGREEMENT TO RELEASE A TRACT OF REAL PROPERTY FROM THE CITY OF TERRELL HILLS TO THE CITY OF SAN ANTONIO, THE SUBJECT PROPERTY CONSISTING OF 2.520 ACRES LOCATED NORTH OF AUSTIN HIGHWAY AND EAST OF NORTH NEW BRAUNFELS.**

\* \* \* \* \*

**WHEREAS**, the City of Terrell Hills and the City of San Antonio are home rule municipalities which share common boundaries; and

**WHEREAS**, the McNay Museum owns property that is divided by this common boundary and the McNay has requested the Cities to adjust their boundaries for traffic safety and aesthetic enhancement purposes; and

**WHEREAS**, municipalities in Texas are authorized and empowered, pursuant to Chapter 43 of the Texas Local Government Code, to exchange areas with other municipalities; and

**WHEREAS**, Section 45.015 of the Texas Local Government Code specifically authorizes adjacent municipalities to make mutually agreeable changes in their boundaries of areas that are less than 1,000 feet in width; and

**WHEREAS**, Terrell Hills desires to adjust its municipal boundary lines, whereby Terrell Hills will release land from its corporate limits and become part of the corporate limits of San Antonio, and San Antonio will accept this land from Terrell Hills to become part of the corporate limits of San Antonio; and

**WHEREAS**, the Terrell Hills City Council accordingly believes that it is appropriate for the 2.520 Acre Parcel (see metes and bounds attached as **ATTACHMENT "I"** and map as **ATTACHMENT "II"**) to be within the city limits of the City of San Antonio and not within the city limits of the City of Terrell Hills; and

**WHEREAS**, on March 12, 2018 the City Council of Terrell Hills convened and passed a Resolution directing its City Manager or designee to negotiate and enter into a Boundary Adjustment Agreement with San Antonio for the subject land; and

**WHEREAS**, a public hearing was held on April 11, 2018 by the City of San Antonio's Planning Commission allowing all interested citizens to be heard; and

**WHEREAS**, on April 11, 2018 the San Antonio Planning Commission passed a Resolution recommending City Council approval of the proposed Boundary Adjustment Agreement; **NOW THEREFORE**,

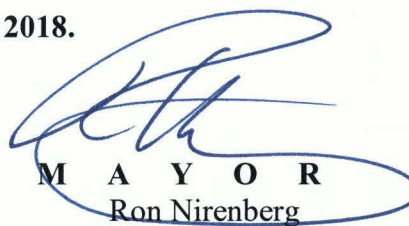
**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The subject property of the Municipal Boundary Agreement containing approximately 2.520 acres, more particularly described by metes and bounds in **ATTACHMENT I**, and depicted on the map in **ATTACHMENT II**, is incorporated herein for all purposes.

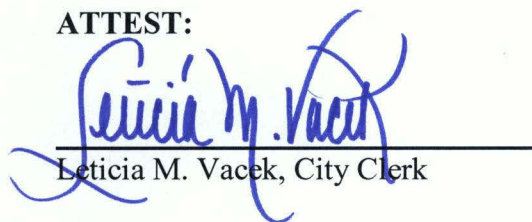
**SECTION 2.** The City Manager or designee is hereby authorized to enter into and execute a Municipal Boundary Agreement with the City of San Antonio for the release of, approximately 2.520 acres of real property from the City of Terrell Hills to the City of San Antonio. The Municipal Boundary Agreement is attached hereto and incorporated as **ATTACHMENT III**.

**SECTION 3.** This Ordinance shall be effective immediately upon its final passage.

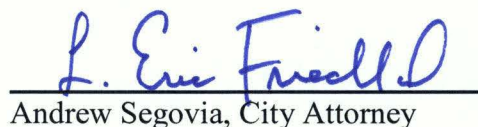
**PASSED AND APPROVED on this 19<sup>th</sup> day of April, 2018.**

  
M A Y O R  
Ron Nirenberg

**ATTEST:**

  
\_\_\_\_\_  
Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Andrew Segovia, City Attorney



<b>Agenda Item:</b>	26 ( in consent vote: 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25A, 25B, 26, Z-1, 27 )						
<b>Date:</b>	04/19/2018						
<b>Time:</b>	10:05:39 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	Ordinance approving a municipal boundary adjustment with the City of Terrell Hills for the transfer of 2.520 acres of land located south of Austin Highway and east of North New Braunfels Avenue from the city limits of Terrell Hills to San Antonio. [Peter Zanoni, Deputy City Manager; Bridgett White, Director, Planning]						
<b>Result:</b>	Passed						
<b>Voter</b>	<b>Group</b>	<b>Not Present</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x			x	
William Cruz Shaw	District 2		x				x
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Greg Brockhouse	District 6		x				
Ana E. Sandoval	District 7		x				
Manny Pelaez	District 8		x				
John Courage	District 9		x				
Clayton H. Perry	District 10		x				

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# **ATTACHMENT “I”**



METES AND BOUNDS DESCRIPTION  
FOR  
ANNEXATION

A 2.520 acre, more or less, tract of land located in the City of Terrell Hills, County Block 5742, Bexar County, Texas. Said 2.520 acres 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 TxDOT Type II right-of-way monument at the intersection of the north right-of-way line of Morningside Drive, a 50-foot right-of-way, the east right-of-way line of N. New Braunfels, a variable width right-of-way (40-foot minimum), and the southeast right-of-way line of Austin Highway (U.S. Highway 81/Loop 368), a variable width right-of-way (100-foot minimum), as widened by deed recorded in Volume 2163, Page 118 of the Deed Records of Bexar County, Texas, at the southwest corner of Lot 1A, Block 20, County Block 5742, Terrell Hills – Auburn Addition Subdivision recorded in Volume 9300, Page 183 of the Deed and Plat Records of Bexar County, Texas, on the City Limit line between the City of Terrell Hills and the City of Alamo Heights;

**THENCE:** North 00°24'45" West, along and with the City Limit line between the City of Terrell Hills and the City of Alamo Heights, a distance of 497.41 feet to a point for the northwest corner of the herein described 2.520 acres, the northwest corner of the City Limit Line of Terrell Hills on the south City Limit Line of the City of San Antonio, the northwest corner of Lot 17-A, Block 20, County Block 5742 of Exxon Subdivision Unit 10 recorded in Volume 9514, Page 1 of the Deed and Plat Records of Bexar County, Texas, from which a found iron rod with Gibbons cap bears North 14°13'26" East, a distance of 0.77 feet;

**THENCE:** North 89°08'05" East, along and with the north line of said Lot 17-A, the City Limit Line between the City of Terrell Hills and the City of San Antonio, a distance of 788.42 feet to a point in the Austin Highway right-of-way for the northeast corner of the herein described 2.520 acres;

**THENCE:** South 00°59'21" East, departing the City Limit Line between the City of Terrell Hills and the City of San Antonio, a distance of 39.88 feet to a point on the southeast right-of-way line of said Austin Highway, on the north line of said Terrell Hills – Auburn Addition Subdivision;

**THENCE:** Along and with the southeast right-of-way line of said Austin Highway, the north line of said Terrell Hills – Auburn Addition Subdivision the following courses and distances:

2.520 Acres  
Job No. 5937-20

South 89°00'39" West, a distance of 53.57 feet to a point;

Southwesterly along a non-tangent curve to the left, said curve having a radial bearing of South 00°49'05" East, a radius of 1096.28 feet, a central angle of 22°08'21", a chord bearing and distance of South 78°06'45" West, 420.97 feet, for an arc length of 423.60 feet to a point;

South 56°37'29" West, a distance of 150.80 feet to a point;

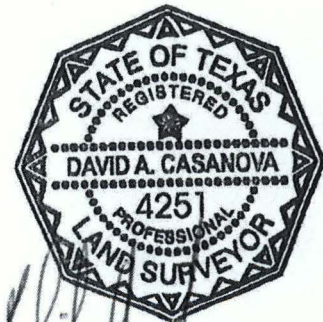
South 47°40'15" West, a distance of 111.80 feet to a point;

South 39°14'15" West, a distance of 130.00 feet to a found "+" etched in concrete;

South 13°19'58" West, a distance of 126.26 feet to the POINT OF BEGINNING, and containing 2.520 acres in the City of Terrell Hills, Bexar County, Texas.

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

PREPARED BY: Pape-Dawson Engineers, Inc.  
DATE: March 9, 2018  
JOB NO. 5937-20  
DOC. ID. N:\CIVIL\5937-20\Word\FN-5937-20\_2.520 AC.docx



*[Handwritten signature]*

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# **ATTACHMENT “II”**









**CoSA and Terrell Hills Municipal Boundary Adjustment**  
 prepared by City of San Antonio - Planning Department



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# **ATTACHMENT “III”**



# Attachment III

## AGREEMENT FOR BOUNDARY ADJUSTMENT BETWEEN THE CITY OF SAN ANTONIO AND THE CITY OF TERRELL HILLS RELEASING AND ACCEPTING CORPORATE LIMITS

**THIS AGREEMENT FOR BOUNDARY ADJUSTMENT** is made and entered into by and between the **CITY OF SAN ANTONIO, TEXAS**, hereinafter referred to as (“San Antonio”), and the **CITY OF TERRELL HILLS, TEXAS**, hereinafter referred to as (“Terrell Hills”).

**WHEREAS**, the City of San Antonio is a home-rule city situated within the County of Bexar, Texas; and

**WHEREAS**, the City of Terrell Hills is a home-rule city situated within the County of Bexar, Texas; and

**WHEREAS**, San Antonio and Terrell Hills share common boundaries; and

**WHEREAS**, the McNay museum owned property is divided by this common boundary and has requested the Agreement for Boundary Adjustment for traffic safety and aesthetic enhancement purposes; and

**WHEREAS**, municipalities in Texas are authorized and empowered, pursuant to Chapter 43 of the Texas Local Government Code, to exchange area with other municipalities; and

**WHEREAS**, Section 43.015 of the Texas Local Government Code specifically authorizes adjacent municipalities to make mutually agreeable changes in their boundaries of areas that are less than 1,000 feet in width; and

**WHEREAS**, the tract of land subject to this Agreement shown on the map attached as **Exhibit “A”** and fully described in **Exhibit “B”** is less than 1,000 feet in width; and

**WHEREAS**, Terrell Hills desires to adjust its municipal boundary lines, whereby Terrell Hills will release land from its corporate limits to be relinquished to and become part of the corporate limits of San Antonio, and San Antonio will accept the land from Terrell Hills to become part of the corporate limits of San Antonio; and

**WHEREAS**, representatives of San Antonio and Terrell Hills have met and agreed on a mutually acceptable boundary which is in the best interest of the citizens of each City.

**NOW, THEREFORE**, for and in consideration of the mutual covenants, conditions, and promises expressed herein, San Antonio and Terrell Hills agree as follows:

### **SECTION 1. Statement of Intent**

Pursuant to Section 43.015 of the Texas Local Government Code, the City of San Antonio and City of Terrell Hills hereby agree that the boundaries between the cities will be adjusted as depicted in the map as **Exhibit “A”**, which is attached hereto and incorporated herein for all purposes.

**SECTION 2.**  
**Relinquishment of Territory**

In accordance with the terms of this Agreement for Boundary Adjustment, Terrell Hills hereby relinquishes property South of Rittiman Road near the intersection of Austin Highway and N. New Braunfels made up of approximately 2.520 acres as depicted in the map as **Exhibit "A"**, and described by metes and bounds in **Exhibit "B"** to San Antonio. Such property will be released as part of Terrell Hills. San Antonio accepts the land depicted on **Exhibit "A"** into its corporate limits. The tract of land subject to this Boundary Agreement depicted in **Exhibit "A"** is less than 1,000 feet in width

**SECTION 3.**

The City of San Antonio and the City of Terrell Hills do hereby covenant and agree to protect, preserve, and defend the herein depicted boundary adjustment.

**SECTION 4.**

The City of San Antonio and the City of Terrell Hills agree and ordain that the adoption by both cities of this Agreement for Boundary Adjustment, and the boundary changes resulting there from do not mitigate, diminish or lessen any way the rights that either party may have, at law or in equity, to challenge or contest any other annexations, attempted annexations, or extraterritorial jurisdiction claims made by the other party.

**SECTION 5.**

It is understood and agreed that the Boundary Agreement, and the attachments hereto which are incorporated by reference as if set forth fully herein, contain the entire agreement between the parties hereto. The Agreement for Boundary Adjustment shall become effective and shall become a binding agreement upon the City of San Antonio and the City of Terrell Hills by the adoption of same in regular open city council meetings of the City of San Antonio and the City of Terrell Hills.

**SECTION 6.**

This Agreement for Boundary Adjustment, upon adoption by both cities, shall be executed in duplicate originals by the authorized representatives of each city.

**SECTION 7.**  
**Severability**

It is hereby declared to be the intention of the City Councils of San Antonio and Terrell Hills that the phrases, clauses, sentences, paragraphs, and sections of this Agreement for Boundary Adjustment are severable, and if any phrase, clause, sentence, paragraph, or section of this Boundary Agreement shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections, since the same would have been enacted without incorporation in this Boundary Agreement of any such unconstitutional phrase, clause, sentence, paragraph, or section.



**PASSED AND APPROVED** this \_\_\_\_ day of April, 2018.

**CITY OF SAN ANTONIO**

\_\_\_\_\_  
Sheryl Sculley  
City Manager

ATTEST:

\_\_\_\_\_  
Leticia Vacek  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Andy Segovia  
City Attorney

**PASSED AND APPROVED** this \_\_\_\_ day of April, 2018.

**CITY OF TERRELL HILLS**

\_\_\_\_\_  
Mayor Anne Ballantyne

ATTEST:

\_\_\_\_\_  
Greg Whitlock  
Secretary-Manager

APPROVED AS TO FORM:

\_\_\_\_\_  
Frank J. Garza  
City Attorney