

**THIS IS A PROPOSED DRAFT AND WILL BE REPLACED BY THE FINAL,  
SIGNED ORDINANCE ADOPTED BY THE CITY COUNCIL**

**A ORDINANCE**

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**AUTHORIZING THE CITY MANAGER TO EXECUTE AN EXTRATERRITORIAL JURISDICTION (ETJ) AGREEMENT WITH THE CITY OF ELMENDORF FOR THE RELEASE OF APPROXIMATELY 7.93 ACRES FROM THE CITY OF SAN ANTONIO TO ELMENDORF WITH CERTAIN CONDITIONS.**

**WHEREAS**, the City of Elmendorf has requested the release of approximately 7.93 acres from the extraterritorial jurisdiction (ETJ) of the City of San Antonio; and

**WHEREAS**, it is the desire of Elmendorf to gain this area of ETJ; 7.93 acres along State Highway 181, Kilowatt Road and Atkins Elmendorf Road, as more particularly described in the field notes and shown on Exhibits A, B, and C found in Attachment I – “City of San Antonio – City of Elmendorf Memorandum of Agreement”; and

**WHEREAS**, annexation by the City of San Antonio is not a viable option in the near future based on the location of subject area and the difficulty to provide municipal services; and

**WHEREAS**, the City of Elmendorf has requested the City of San Antonio enter into an Extraterritorial Jurisdiction Agreement with conditions set therein (see Attachment I) and the City of Somerset will extend its Off Premise Signs Ordinance and subdivision regulations to the subject area; and

**WHEREAS**, if subject area is placed in Elmendorf’s ETJ, the City of Elmendorf would provide a voluntary annexation option as well as future municipal services to the area incorporated into the City of Elmendorf; and

**WHEREAS**, the proposed ETJ agreement includes a 25 percent revenue sharing provision of Elmendorf’s property and sales taxes, beginning the date of the annexation and continuing for a period of five (5) years; and

**WHEREAS**, the City of San Antonio and the City of Elmendorf each have all requisite municipal corporate power and authority to enter into an Agreement for performance of all of their relative obligations under such Agreement; and

**WHEREAS**, the Planning Commission of the City of San Antonio has considered the proposed release of the property from the San Antonio ETJ and has recommended approval; and

**WHEREAS**, the San Antonio City Council has considered the request from the City of Elmendorf to release approximately 7.93 acres from the San Antonio ETJ; **NOW THEREFORE**;

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

**SECTION 1.** The property containing approximately 7.93 acres, as more particularly in Attachment A (field notes) and depicted on Attachment B and C (exhibits), and the associated ETJ agreement (Attachment I) with the City of Elmendorf attached hereto and incorporated herein for all purposes, is hereby released from the Extraterritorial Jurisdiction of the City of San Antonio upon fulfillment of the conditions stated in this Ordinance.

**SECTION 2.** The City Manager or designee is hereby authorized to enter into and execute an Extraterritorial Jurisdiction Agreement with the City of Elmendorf for the release of 7.93 acres to the City of Elmendorf. The Extraterritorial Jurisdiction Agreement is attached hereto and incorporated as Attachment I.

**SECTION 3.** The proposed ETJ agreement shall include a 25 percent revenue sharing provision for Elmendorf's ad valorem and sales taxes beginning the date of the annexation and continuing for a period of five (5) years.

**SECTION 4.** This Ordinance shall be effective immediately upon its final passage.

**PASSED AND APPROVED on this 3<sup>th</sup> day of April 2014.**

**M A Y O R**  
Julián Castro

**ATTEST:**

**APPROVED AS TO FORM:**

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Leticia M. Vacek, City Clerk

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Robert F. Greenblum, City Attorney