

AN ORDINANCE 2014 - 04 - 10 - 0238

AUTHORIZING THE CITY MANAGER TO EXECUTE AN EXTRATERRITORIAL JURISDICTION (ETJ) AGREEMENT WITH THE CITY OF SOMERSET FOR THE RELEASE OF APPROXIMATELY 1.8 SQUARE MILES (1,163 ACRES) FROM THE CITY OF SAN ANTONIO TO THE CITY OF SOMERSET WITH THE SUBJECT PROPERTY GENERALLY LOCATED TO THE NORTH OF THE CITY OF SOMERSET AND BISECTED BY LOOP 1604 AND SOMERSET ROAD; TO THE NORTHEAST OF THE INTERSECTION OF BRIGGS ROAD AND BENTON CITY ROAD; TO THE WEST OF THE INTERSECTION OF SENIOR ROAD AND LOOP 1604; AND ONE-HALF MILE NORTH OF THE SOMERSET CITY LIMITS.

* * * * *

WHEREAS, the City of Somerset has requested the release of approximately 1,163 acres from the extraterritorial jurisdiction (ETJ) of the City of San Antonio; and

WHEREAS, it is the desire of Somerset to gain this area of ETJ and establish a one-half mile perimeter around Somerset's city limits to the north; 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 Somerset has requested the City of San Antonio enter into an Extraterritorial Jurisdiction Agreement (See Attachment 2) and will extend its subdivision regulations to the subject area, and

WHEREAS, if subject area is placed in Somerset's ETJ, the City of Somerset would provide future municipal services to residents whom incorporate into the City of Somerset; and

WHEREAS, the City of San Antonio and the City of Somerset 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 Somerset to release approximately 1,163 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 being approximately 1,163 acres (approximately 1.8 square miles), as described in **Attachment 1**, and the associated ETJ agreement (**Attachment 2**) with the City of Somerset 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.

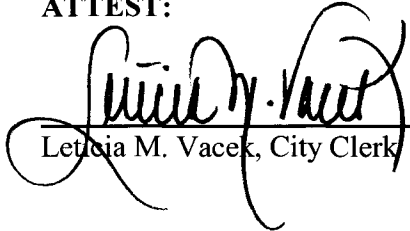
SECTION 2. The City Manager or designee is hereby authorized to enter into and execute an Extraterritorial Jurisdiction Agreement with the City of Somerset for the release of 1,163 acres to the City of Somerset. The Extraterritorial Jurisdiction Agreement is attached hereto and incorporated as Attachment 2.

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

PASSED AND APPROVED on this 10th day of April, 2014.



M A Y O R
for Julián Castro

ATTEST:



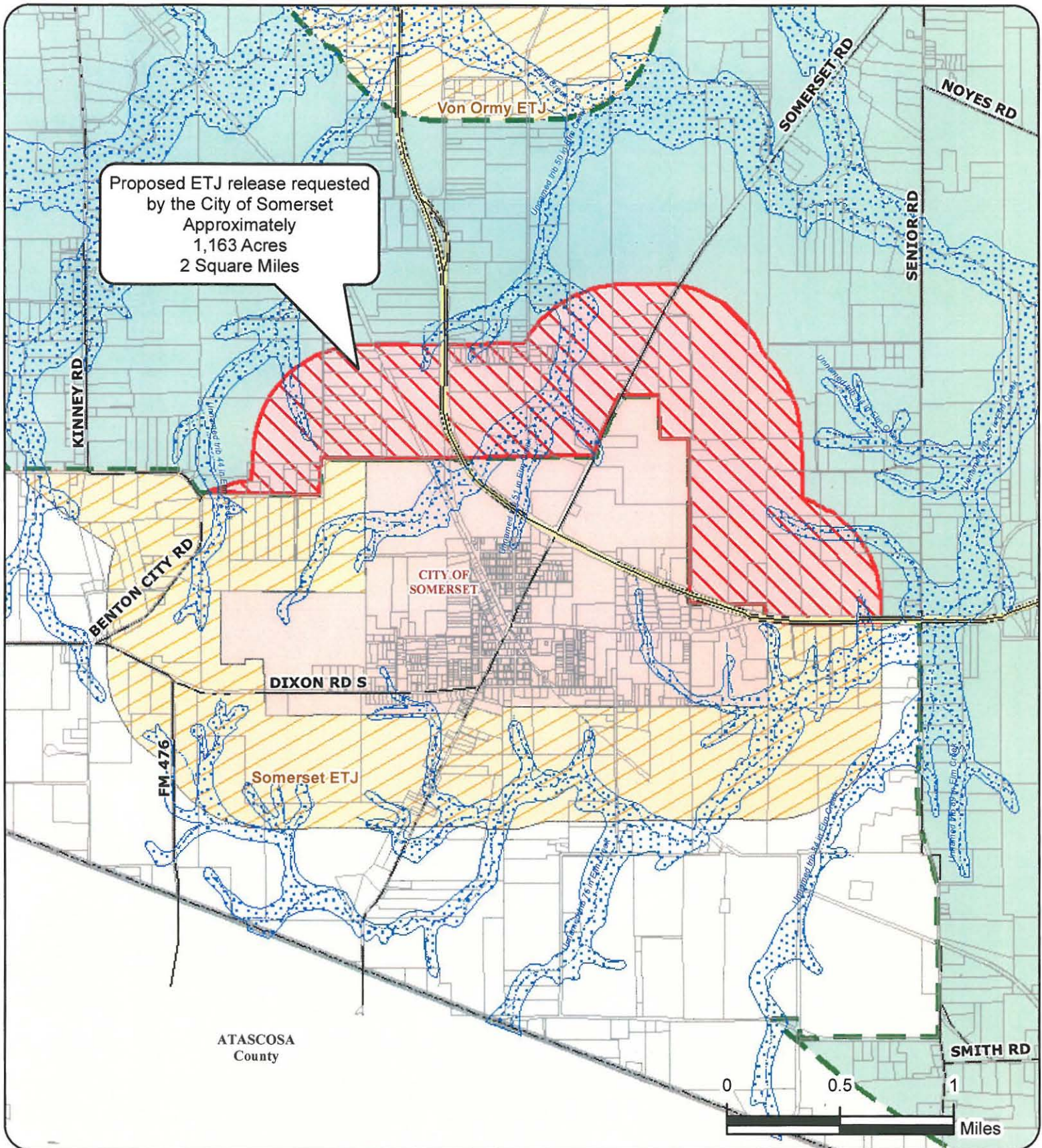
Letitia M. Vacek, City Clerk

APPROVED AS TO FORM:



for Robert F. Greenblum, City Attorney

Agenda Item:	27 (in consent vote: 4, 5, 6, 7, 8, 9, 12, 15, 16, 18, 19, 20, 21, 22, 23, 24, 26, 27)						
Date:	04/10/2014						
Time:	09:31:12 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance approving an Extraterritorial Jurisdiction Agreement with the City of Somerset for the release of approximately 1.8 square miles (1,163 acres) of land from the City of San Antonio's extraterritorial jurisdiction to the City of Somerset with certain conditions. [Peter Zanoni, Deputy City Manager; John Dugan, Director, Planning & Community Development]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor	x					
Diego Bernal	District 1		x			x	
Ivy R. Taylor	District 2		x				
Rebecca Viagran	District 3		x				x
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				



- Proposed ETJ Release
- Extraterritorial Jurisdiction Line
- Creeks
- Cities and Towns
- Adjacent Counties
- Major Roads
- Cities and Towns ETJ
- Flood Plain FEMA 100
- Expressways



City of San Antonio

City of Somerset



ATTACHMENT 1

ATTACHMENT 2

CITY OF SAN ANTONIO -- CITY OF SOMERSET

MEMORANDUM OF AGREEMENT

This Agreement is entered into by and between the City of San Antonio, a Texas Municipal Corporation, acting by and through its City Manager pursuant to Ordinance No. _____, and the City of Somerset, a Texas Municipal Corporation, acting by and through its Mayor pursuant to Resolution No. 2012-007-R, Witnesseth:

WHEREAS, the City of Somerset has requested that San Antonio release from its extraterritorial jurisdiction an area of approximately 1,163 acres so that it may incorporate the area into the extraterritorial jurisdiction of the City of Somerset; and

WHEREAS, incorporation of this area would allow the City of Somerset to exercise jurisdiction over the tract of land; and

WHEREAS, both municipalities are desirous of entering into an agreement to permit this situation;

THE PARTIES AGREE AS FOLLOWS:

1. General Terms and Conditions

- A. City of San Antonio agrees to release from its extraterritorial jurisdiction and to relinquish control over an area containing approximately 1,163 acres of land generally located to the north of the City of Somerset and bisected by Loop 1604 and Somerset Road; to the northeast of the intersection of Briggs Road and Benton City Road; to the west of the intersection of Senior Road and Loop 1604; and one-half mile north of the Somerset City Limits from the extraterritorial jurisdiction of the City of San Antonio as petitioned by the City of Somerset and more particularly described by map attached hereto as Exhibit A, and incorporated herein for all purposes.
- B. City of Somerset agrees to incorporate into its extraterritorial jurisdiction the area described in Section A above.
- C. City of Somerset agrees to the following:
 - 1. Extend subdivision regulations in accordance with the City of Somerset's Subdivision Rules;
 - D. The Subject Property shall revert back to San Antonio's extraterritorial jurisdiction automatically, if the City of Somerset fails to take action to add the subject area to its extraterritorial jurisdiction through the adoption of an ordinance within sixty days of the effective date of this Agreement.
- E. This Agreement is effective immediately.

2. Severability

If for any reason, any one or more paragraphs of this agreement is held invalid, such judgment shall not affect, impair or invalidate the remaining paragraphs of the agreement but shall be confined in its

operation to the specific sections sentences clauses or parts of this agreement held invalid and invalidity of any section, sentence, clause or parts shall not affect, impair or prejudice in any way the validity of this agreement in any instances.

3. Applicable Law

This agreement shall be construed in accordance with the laws of the State of Texas.

4. Notices

Any notice, request, demand, report, certificate or other instrument which may be required or permitted to be furnished to or served upon the parties shall be deemed sufficiently given or furnished or served if in writing and deposited in the United States mail, registered or certified, return receipt required, addressed to such party at the address set forth below or such other address as may be hereafter designated by either party by written notice to the other party.

IF TO THE CITY OF SAN ANTONIO:

City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283-3966
Attn: Leticia M. Vacek
City Clerk

IF TO THE CITY OF SOMERSET:

City of Somerset
7360 East 6th Street
Somerset, Texas 78069
Attn: _____
City Secretary

ACKNOWLEDGEMENTS

In witness of which this agreement has been executed in duplicate.

CITY OF SOMERSET

By: [Signature]

Title: Mayor

Date: 3-18-14

Attest: [Signature]

Title: City Clerk

STATE OF TEXAS

COUNTY OF BEXAR

This instrument was acknowledged before me on March 18, 2014 by Paul S. Cuellar, Mayor of the City of Somerset, a Texas Municipal Corporation, on behalf of said corporation.



[Signature]
Notary Public, State of Texas

My Commission expires: 9-10-2016

CITY OF SAN ANTONIO

By: _____

Title: _____

Date: _____

Attest: _____

Title: _____

STATE OF TEXAS

COUNTY OF BEXAR

This instrument was acknowledged before me on _____ by _____, City Manager of the City of San Antonio, a Texas Municipal Corporation, on behalf of said corporation.

Notary Public, State of Texas

My Commission expires: _____

Subject Property

