# AN ORDINANCE 2015-06-18-0579

AUTHORIZING THE CITY MANAGER TO EXECUTE AN EXTRATERRITORIAL JURISDICTION (ETJ) AGREEMENT WITH THE CITY OF GARDEN RIDGE FOR THE RELEASE OF APPROXIMATELY 13 ACRES OF EXTRATERRITORIAL JURISDICTION (ETJ) FROM THE CITY OF SAN ANTONIO TO THE CITY OF GARDEN RIDGE WITH THE SUBJECT PROPERTY GENERALLY LOCATED NORTHEAST OF SAN ANTONIO IN COMAL COUNTY, NORTH OF BINDSEIL ROAD, SOUTH OF PARK LANE DRIVE, AND WEST OF BAT CAVE ROAD.

\* \* \* \*

WHEREAS, the City of Garden Ridge has requested the release of approximately 13 acres from the extraterritorial jurisdiction (ETJ) of the City of San Antonio; and

WHEREAS, it is the desire of Garden Ridge to gain this area of ETJ and annex the subject property; 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 San Antonio and the City Garden Ridge have entered into an Extraterritorial Jurisdiction Agreement (See Attachment 2), and

WHEREAS, if subject area is annexed by the City of Garden Ridge, the City of Garden Ridge would provide future municipal services; and

WHEREAS, the City of San Antonio and the City of Garden Ridge 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 Garden Ridge to release approximately 13 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 13 acres, as depicted in **Attachment 1**, more particularly described by metes and bound in **Attachment 2**, and described in the associated ETJ agreement with the City of Garden Ridge attached hereto and incorporated herein for all purposes as **Attachment 3**, 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 herby authorized to enter into and execute an Extraterritorial Jurisdiction Agreement with the City of Garden Ridge for the release of 13 acres to the City of Garden Ridge. The Extraterritorial Jurisdiction Agreement is attached hereto and incorporated as **Attachment 3**.

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

PASSED AND APPROVED on this 18th day of June, 2015.

Ivy R. Taylor

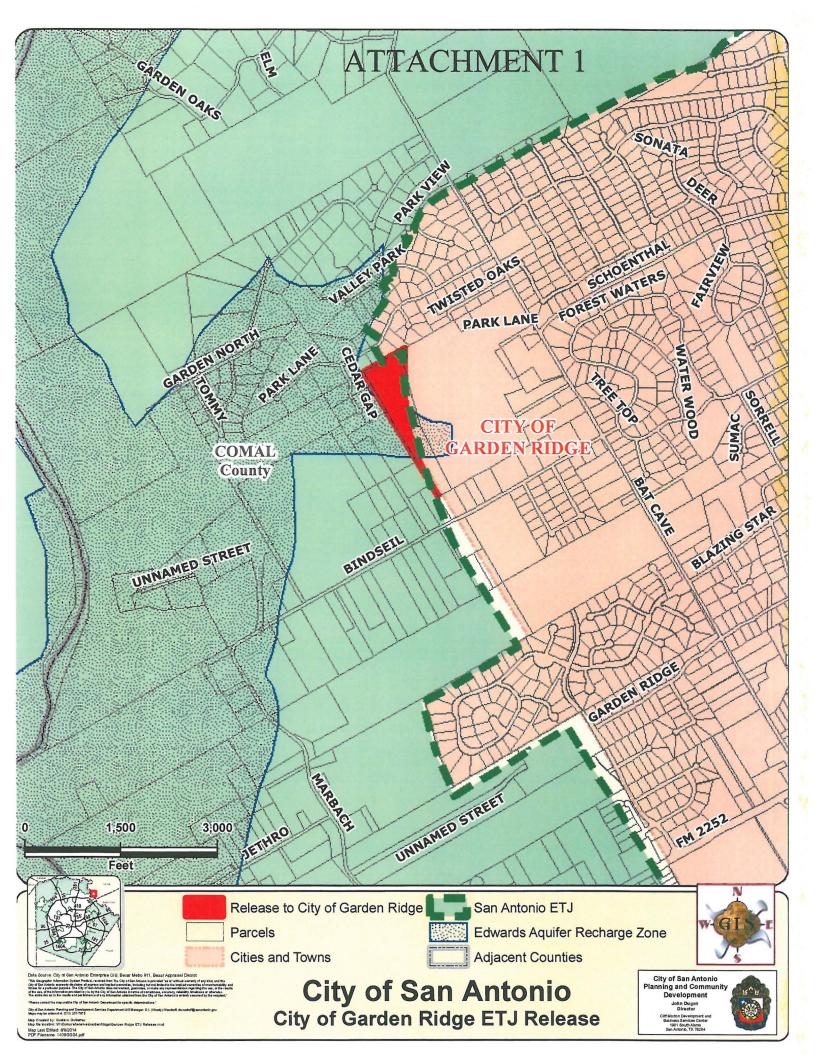
ATTEST:

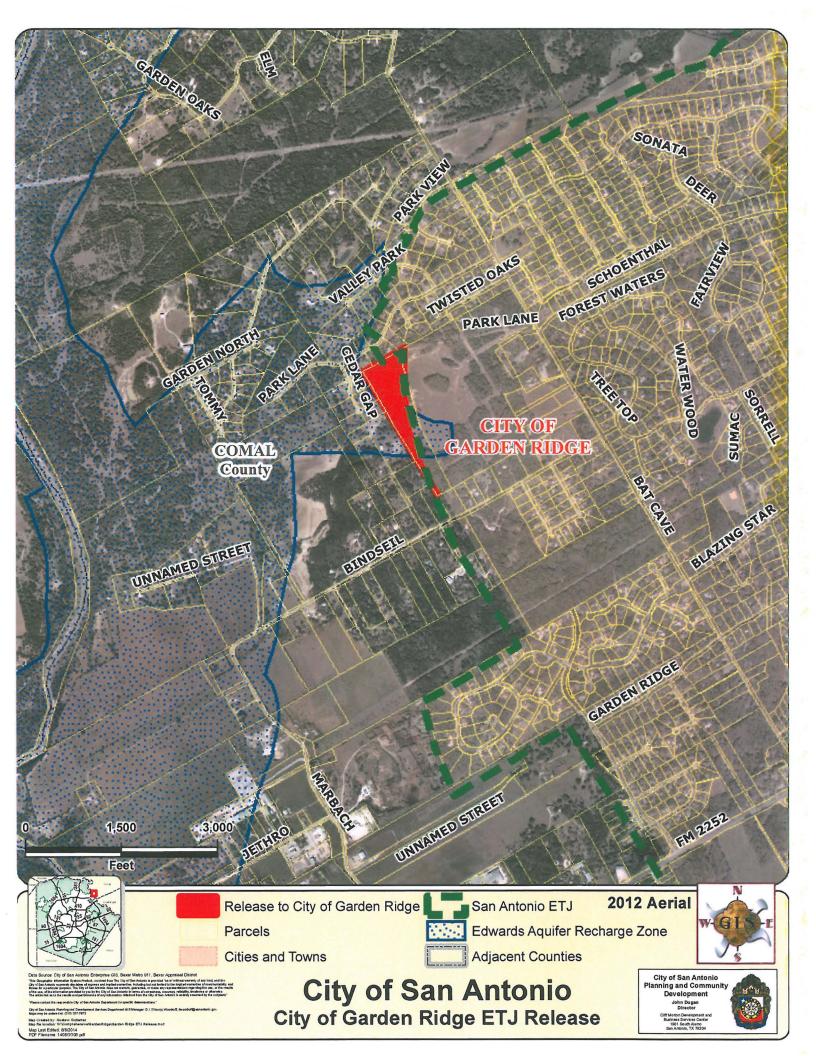
APPROVED AS TO FORM:

4

Martha G. Sepeda, Acting City Attorney

Agenda Item:	53 (in consent vote: 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 24, 25A, 25B, 25C, 25D, 25E, 25F, 25G, 25H, 26, 28, 29, 30, 31, 32, 33, 34, 35A, 35B, 36, 37, 38, 39, 41, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64A, 64B, 65A, 65B, 66A, 66B, 66C, 67A, 67B, 67C, 68A, 68B, 68C, 69A, 69B, 69C, 69D, 70A, 70B, 70C, 70D, 70E)						
Date:	06/18/2015						
Time:	10:00:14 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance approving an Extraterritorial Jurisdiction Agreement with the City of Garden Ridge releasing approximately 13 acres of Extraterritorial Jurisdiction in Comal County that is not recommended to be annexed into the City of San Antonio limits. [Peter Zanoni, Deputy City Manager; John Dugan, Director, Department of Planning & Community Development]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		х				
Roberto C. Trevino	District 1		х				
Alan Warrick	District 2		х				х
Rebecca Viagran	District 3	Х					
Rey Saldaña	District 4		х				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x			x	
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				







#### PROPERTY DESCRIPTION OF A PORTION OF 107.14 ACRES

Being all of that approximately 13 acre portion of the west side of a 107.14 acre tract of land lying outside the City Limits of the City of Garden Ridge, Texas and being out of the Charles P. Hanlon Survey No. 72, Abstract No. 253, Comal County, Texas and being a portion of the 107.14 acre tract of land conveyed to Daphne Development, LLC of record in Document No. 201206013370 of the Official Public Records of Comal County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a found 1/2" iron rod for the northwest corner of said 107.14 acres and the tract described herein, also being the northeast corner of Lot 1 of the Friesnhahn Hill Subdivision of record in Volume 9 Page 94, Deed and Plat Records of Comal County, Texas and on the south line of Lot 63 of the Park Lane Estates Subdivision Unit 4 of record in Volume 5 Page 358, Deed and Plat Records of Comal County, Texas;

THENCE: N 59° 53' 14" E (bearings based on NAD83 Texas State Plane Coordinate System South Central Zone) along and with the southeast line of said Park Lane Estates Subdivision Unit 4 and northwest line of said 107.14 acres and the tract described herein to the point of intersection with the City Limits line of the City of Garden Ridge, Texas for the northeast corner of this tract,

THENCE: S 00° 39' 34" E, a distance of 753.42 feet (course and distance taken from the map titled City of Garden Ridge City Limits January 2007 prepared by Bill W. Callernder, R.P.L.S. of record in the Administrators Office of the City of Garden Ridge) over and across said 107.14 acres along and with the City Limits Line of the City of Garden Ridge, Texas, to a point of curvature;

THENCE: Continuing over and across said 107.14 acres along and with the City Limits Line of the City of Garden Ridge, Texas, with a curve to the left (courses and distances taken from the map titled City of Garden Ridge City Limits January 2007 prepared by Bill W. Callernder, R.P.L.S. of record in the Administrators Office of the City of Garden Ridge) said curve having an arc length of 1391.37 feet, a delta angle of 30° 11' 49", a radius of 2640.00 feet and a chord bearing and distance of S 15° 45' 04" E 1375.33 feet, to a point of tangency;

THENCE: S 30° 51' 23" E (course taken from the map titled City of Garden Ridge City Limits January 2007 prepared by Bill W. Callernder, R.P.L.S. of record in the Administrators Office of the City of Garden Ridge) over and across said 107.14 acres along and with the City Limits Line of the City of Garden Ridge, Texas, to the point of intersection with the southeast line of said 107.14 acres and being on the northwest line of a called 3.047 acre tract conveyed to Imam Hussain of record in Document No. 200406039929 of the Official Public Records of Comal County, Texas, for the southeast corner of the tract described herein:

THENCE: S 60° 32' 19" W (this course and the following courses and distances based on NAD83 Texas State Plane Coordinate System South Central Zone) along and with the northwest line of the 3.047 acre tract and a southeast line of the 107.14 acre tract, to a found 1/2" iron rod with "Carter & Burgess" Cap for the west corner of the 3.047 acre tract and in the northeast line of a 4.433 acre tract of land conveyed to C. L. Montanio et ux of record in Volume 247 Page 370, Deed Records of Comal County, Texas and the most southwest corner of the 107.14 acre tract and the tract described herein;

THENCE: N 30° 55' 21" W, a distance of 1541.76 feet, along and with the northeast line of the 4.433 acre tract and a northeast line of a 16.338 acre tract of land conveyed to Horacio M. Ayala et ux of record in Volume 962 Page 46, Official Public Records of Comal County, Texas and with a southwest line of the 107.14 acre tract, to a found 1/2" iron rod with "Carter & Burgess" Cap for the north corner of the 16.338 acre tract of land and a southeast corner of Lot 3 of the Friesnhahn Hill Subdivision of record in Volume 9

#### Page 2 of 2

Page 94, Deed and Plat Records of Comal County, Texas and an angle point of the 107.14 acre tract and the tract described herein;

THENCE: N 30° 58' 36" W, a distance of 720.01 feet, along and with the northeast line of said Friesnhahn Hill Subdivision and a southwest line of the 107.14 acre tract, to the POINT OF BEGINNING and containing all of that portion of said 107.14 acres outside of the City Limits line of the City of Garden Ridge, Comal County, Texas.

"This document was prepared under 22TAC663.21, 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."

Job No.:

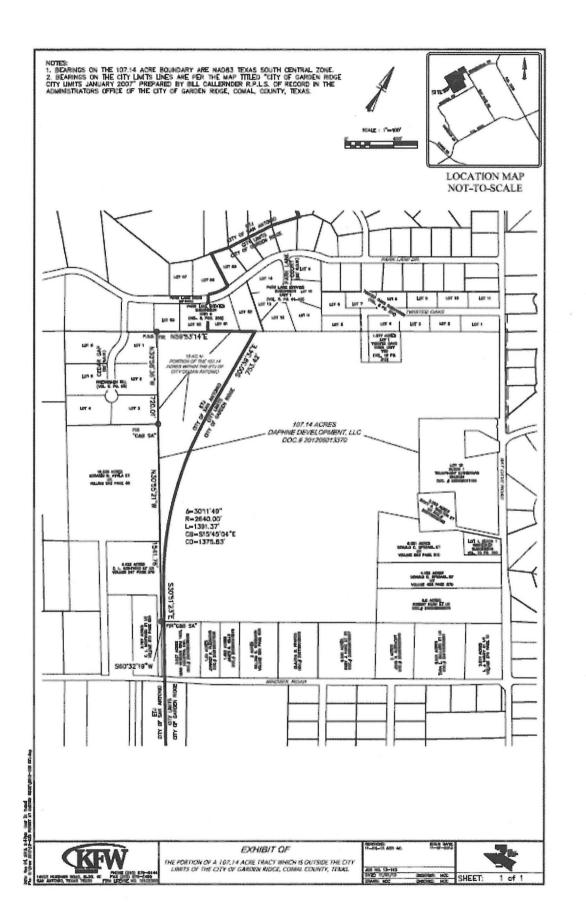
12-038

Prepared by: Date: KFW Surveying November 1, 2013

Revised:

File:

11-4-2013 S:\Draw 2012\12-038 Forest At Garden Ridge\ FN FOR ETJ.doc



#### CITY OF SAN ANTONIO -- CITY OF GARDEN RIDGE

#### 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 Garden Ridge, a Texas Municipal Corporation, acting by and through its Mayor pursuant to Resolution No.314-122013, Witnesseth:

WHEREAS, the City of Garden Ridge has requested that San Antonio release from its extraterritorial jurisdiction an area of approximately 13 acres so that it may incorporate the area into the City of Garden Ridge; and

WHEREAS, incorporation of this area would allow the City of Garden Ridge 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 13 acres generally located northeast of San Antonio in Comal County, north of Bindseil road, South of Park Lane Drive, and West of Bat Cave Road from the City of San Antonio ETJ as petitioned by the City of Garden Ridge and more particularly described by map attached hereto as Exhibit A and Metes and Bounds attached as Exhibit B, and incorporated herein for all purposes.
- B. City of Garden Ridge agrees to incorporate into its city limits the area described in Section A above.
- C. The Subject Property shall revert back to San Antonio's extraterritorial jurisdiction automatically, if the City of Garden Ridge fails to take action to annex the subject area through the adoption of an ordinance within 180 days of the effective date of this Agreement.
- D. 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.

**ATTACHMENT 3** 

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.

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IF TO THE CITY OF GARDEN RIDGE:

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

City of Garden Ridge 9400 Municipal Parkway Garden Ridge, Texas 78266 Attn:

City Secretary

### **ACKNOWLEDGEMENTS**

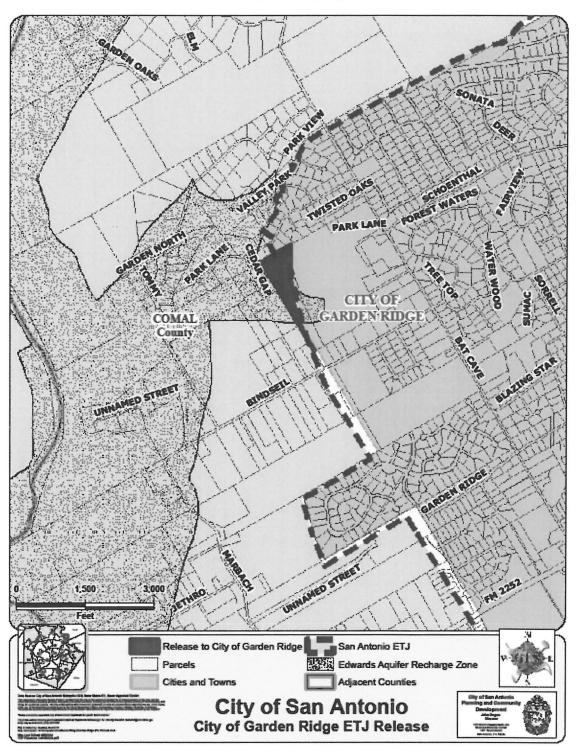
In witness of which this agreement has been executed in duplicate.

### CITY OF GARDEN RIDGE

Ву:	Attest:
Title: Mayor	Title:
Date:	
STATE OF TEXAS	
COUNTY OF BEXAR	
This instrument was acknowledged before Mayor of the City of behalf of said corporation.	me on by Garden Ridge, a Texas Municipal Corporation, on
	Notary Public, State of Texas
	My Commission expires:
CITY OF SA	AN ANTONIO
Ву:	Attest:
Title:	Title:
Date:	
STATE OF TEXAS	
COUNTY OF BEXAR	
This instrument was acknowledged before , City Manager of the Ci	me on by ty of San Antonio, a Texas Municipal Corporation, on
behalf of said corporation.	
	Notary Public, State of Texas
	My Commission expires:

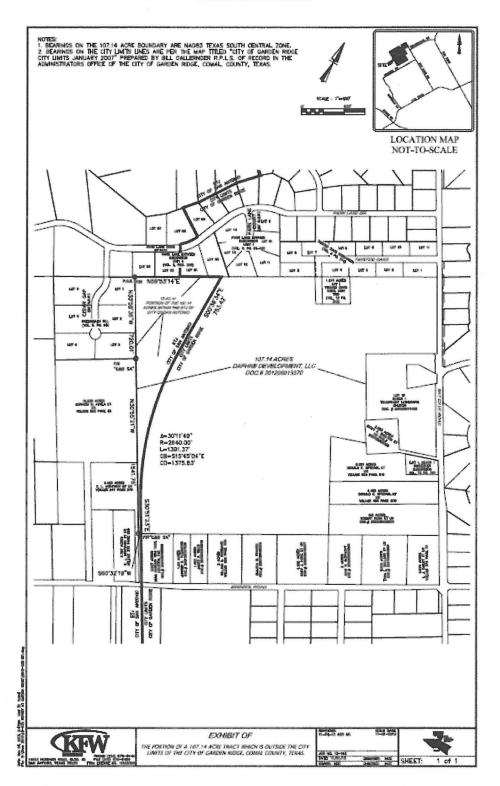
# EXHIBIT A

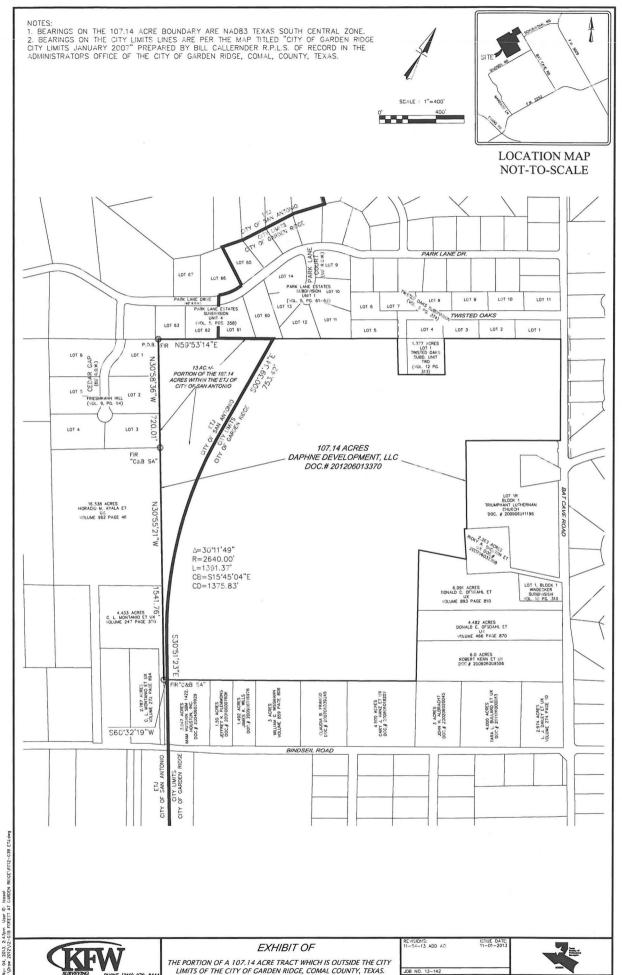
# **Subject Property**



### **EXHIBIT B**

#### Metes and Bounds





of

Dote: File:



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