

AN ORDINANCE **2016-10-06-0770**

AUTHORIZING A MUNICIPAL BOUNDARY AGREEMENT WITH THE CITY OF KIRBY TO RELEASE THREE TRACTS OF REAL PROPERTY (APPROXIMATELY 92.7 ACRES) FROM THE CITY OF SAN ANTONIO TO THE CITY OF KIRBY CONSISTING OF 36.4 ACRES ALONG SPRINGFIELD ROAD AND BUZZ ALDRIN ROAD; 31.6 ACRES BORDERED BY GIBBS SPRAWL ROAD TO THE NORTH AND SEGUIN ROAD TO SOUTH; AND 24.7 ACRES GENERALLY LOCATED ALONG BINZ ENGLEMAN ROAD EAST OF ACKERMAN ROAD IN BEXAR COUNTY, TEXAS.

* * * * *

WHEREAS, the City of Kirby requested the release of three tracts of land, approximately 92.7 acres from the City of San Antonio and in exchange, has agreed to contribute revenue from the City of Kirby's ad valorem and sales taxes and franchise fees to the City of San Antonio; and

WHEREAS, if subject area is released into the City of San Antonio, it would provide more logical planning boundaries; and provide uniform regulations and service delivery for the entire subdivision and tracts; and

WHEREAS, the Texas Local Government Code Section 43.031 authorizes adjacent cities to make mutually agreeable adjustment that are less than 1,000 feet in width; and

WHEREAS, the release of the subject area by the City of San Antonio is consistent with the City of San Antonio's Annexation Policy, adopted on February 14, 2013; and

WHEREAS, the City of San Antonio recognizes the need for its regional partner cities to remain economically viable in support of the overall economic health of the region; and

WHEREAS, the City of San Antonio Annexation Policy recommends an equal exchange of land or equivalent value and the proposed revenue sharing by the City of Kirby's property taxes, sales and use taxes, and franchise fees of the release area to the City of San Antonio to be paid annually over the next 15 years; and

WHEREAS, a public hearing was held on September 28, 2016 by the City of San Antonio's Planning Commission allowing all interested citizens to be heard and the Commission approved the proposed boundary adjustment; and

WHEREAS, the City Council has considered the effect of this boundary adjustment and finds that it is in the best interest of the City of San Antonio and its citizens; **NOW THEREFORE**,

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

SECTION 1. The property containing three tracts of land, approximately 92.7 acres, more particularly described by metes and bounds in **ATTACHMENT I**, and depicted on the map in **ATTACHMENT II**, and the associated Municipal Boundary Agreement with the City of Kirby attached in **ATTACHMENT III** and incorporated herein for all purposes is hereby released by the City of San Antonio to the City of Kirby upon fulfillment of the conditions stated in this Ordinance.

SECTION 2. The City Manager or designee is hereby authorized to enter into and execute a Municipal Boundary Agreement with the City of Kirby for the release of three tracts of real property, approximately 92.7 acres from the City of San Antonio to the City of Kirby. The Municipal Boundary Agreement is attached hereto and incorporated as **ATTACHMENT III**.

SECTION 3. The proposed Municipal Boundary Agreement shall include a 50 percent revenue sharing provision for the City of Kirby's ad valorem and sales taxes and franchise fees beginning the date of the agreement and continuing for a period of fifteen (15) years; and the City of Kirby will assume ownership and maintenance of road segments of Binz-Engleman Road, Seguin Road (F.M. 78) and Summerfest Street located to the south of Tract 2.

SECTION 4. Fund 11001000 and Internal Order 250-022 are hereby designated for use in the accounting for the fiscal transaction in authorization of this agreement.

SECTION 5. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary for the purpose of this Ordinance.

SECTION 6. This Ordinance shall be effective immediately upon its final passage.

PASSED AND APPROVED on this 6th day of October, 2016.

M A Y O R
Ivy Taylor

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

for City Attorney

Agenda Item:	12 (in consent vote: 4, 5, 6, 7, 8, 10, 12)						
Date:	10/06/2016						
Time:	09:13:53 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing a municipal boundary agreement to release three tracts of real property from the City of San Antonio to the City of Kirby (approximately 93.1 acres or 0.145 square miles) with certain conditions accepting 15 years of revenue sharing. The subject property consist of 36.4 acres along Springfield Road and Buzz Aldrin Road; 32.6 acres bordered by Gibbs Sprawl Road to the North and Seguin Road to South; and 24.1 acres along Binz Engleman Road east of Ackerman Road in east Bexar County, Texas; accepting 15 years of revenue sharing. [Peter Zanoni, Deputy City Manager; Bridgett White, Director, Planning & Community Development]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Treviño	District 1		x			x	
Alan Warrick	District 2		x				
Rebecca Viagran	District 3		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				x

ATTACHMENT

I



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Date: December 14, 2015
Project No: 1027.00

**City of Kirby
Proposed Annexation
Tract 1 – 36.4 Acres**

A 36.4 acre lying within the city limits of San Antonio and being more particularly described as follows:

BEGINNING: a point for the Southeastern corner of Lot 8, Block 2 – Sofia Estates Subdivision, N.C.B. 14896, recorded in Volume 9563, Page 126, Deed and Plat Records, Bexar County, Texas on the Northern line of Springfield Mobile Home Park, Unit 2 recorded in Volume 9503, Page 112, Deed and Plat Records, Bexar County, Texas, the same being a common corner of the City of San Antonio and the City of Kirby City Limits;

THENCE: S 89°27'47" W – approximately 454.90 feet along a common line of the City of San Antonio and the City of Kirby City Limits, the Southern line of the said Sofia Estates, the Southern line of the Sasha Estates, Block 2, N.C.B. 14896, recorded in Volume 9563, Page 127, Deed and Plat Records, Bexar County, Texas, to a point on the Eastern line of Springfield Road;

THENCE: N 09°50'13" E – approximately 118.55 feet along the Eastern line of said Springfield Road to a point at the Southwestern intersection of Swann Lane and Springfield Road;

THENCE: N 09°45'31" E – approximately 99.99 feet continuing along the Eastern line of said Springfield Road to a point at the Northwestern intersection of Swann Lane and Springfield Road;

THENCE: N 09°47'52" E – approximately 1500.06 feet continuing along the Eastern line of said Springfield Road, the Western line of Springfield Manor Townhouses Subdivision recorded in Volume 9100, Page 154, Deed and Plat Records, Bexar County, Texas to a point for the Northwestern corner of said Springfield Manor Townhouses Subdivision on the Southern line of 1.241 acre tract in Volume 6259, Page 1898, Official Records, Bexar County, Texas;

THENCE: N 80°15'11" W – approximately 5.24 feet along Southern line of the said 1.241 acre tract to a point for the Southwestern corner of the said 1.241 acre tract on the Eastern line of said Springfield Road;



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THENCE: N 09°44'49" E – approximately 94.99 feet continuing along the Eastern line of said Springfield Road to a point at the Southwestern intersection of Binz-Englemann Road and Springfield Road;

THENCE: N 10°05'55" E – approximately 110.06 feet continuing along the Eastern line of said Springfield Road to a point for the Northwestern intersection of Binz-Englemann Road and Springfield Road;

THENCE: N 09°44'49" E – approximately 899.62 feet continuing along the Eastern line of said Springfield Road, the Western line of 15.217 acre tract in Volume 17125, Page 113, Official Records, Bexar County Texas to a point for corner;

THENCE: N 00°37'37" W – approximately 357.23 feet continuing along the Eastern line of said Springfield Road, the Western line of the said 15.217 acre tract to a point for the Northwestern corner of the said 15.217 acre tract;

THENCE: N 62°19'35" E – approximately 2.44 feet along the Northern line of the said 15.217 acre tract to a point for the Southwestern corner of Lot 11, Springfield Commercial, Unit 1 recorded in Volume 9539, Page 106, Deed and Plat Records, Bexar County, Texas;

THENCE: N 25°45'33" E – approximately 179.20 feet along the Western line of said Springfield Commercial, Unit 1, the Eastern line of said Springfield Road to a point on the Southeastern line of Farm Market Road No. 78 (Old Seguin Road), the Northwestern corner of said Lot 11;

THENCE: N 52°08'34" E – approximately 276.02 feet along the Southeastern line of said Farm Market Road No. 78 (Old Seguin Road) to a point for a corner of said Farm Market Road 78, a corner of the remainder of Lot 5, Springfield Commercial, Unit 1 recorded in Volume 6400, Page 107, Deed and Plat Records, Bexar County, Texas;

THENCE: Along the Southeastern line of said Farm Market Road No. 78 (Old Seguin Road) as follows;

N 62°44'59" E – approximately 128.87 feet;

N 62°44'59" E – approximately 91.13 feet to a point as the intersection of Buzz Aldrin Drive and the Southeastern line of said Farm Market Road No. 78 (Old Seguin Road) for a common corner of the City of San Antonio and the City of Kirby City Limits;

THENCE: S 27°15'01" E – approximately 180.00 feet along the Western line of said Buzz Aldrin Drive, a common line of the City of San Antonio and the City of Kirby City Limits to a point for the Southeastern corner of the remainder of said Lot 5, Springfield Commercial, Unit 1 in Volume 6400, Page 107, a common corner of the said City of San Antonio and the City of Kirby City Limits, the Northeastern corner of Lot 24, Springfield Manor, Unit 4 in Volume 6700, Pages 228-229, Deed and Plat Records, Bexar County, Texas;



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THENCE: S 64°49'20" W – approximately 119.97 feet along a common line of the City of San Antonio and the City of Kirby City Limits, to a point for the Northeastern corner of said Lot 24, Springfield Manor, Unit 4, the Northeastern corner of the said 15.217 acre tract;

THENCE: S 25°18'26" E – approximately 87.90 feet along a common line of the City of San Antonio and the City of Kirby City Limits, the Western line of Springfield Manor, Unit 4 to a point for corner;

THENCE: S 04°50'51" W – approximately 498.03 feet continuing along a common line of the City of San Antonio and the City of Kirby City Limits, the Western line of Springfield Manor, Unit 4 to a point for corner;

THENCE: S 09°44'49" W - approximately 1005.36 feet continuing along a common line of the City of San Antonio and the City of Kirby City Limits, the Western line of said Springfield Manor, Unit, 4, the Western line of Springfield Manor, Unit 2 in Volume 6500, Page 176, Deed and Plat Records, Bexar County, Texas to a point on the Northern Right of Way of Binz-Englemann Road;

THENCE: S 09°45'48" W – continuing along a common line of the City of San Antonio and the City of Kirby City Limits, at 60 feet pass the Southern line of Binz-Englemann Road, at approximately 616.47 feet pass the Northern Right of Way for Blue Spruce Drive, **an approximate distance in all of 668.51 feet** to a point on the Southern Right of Way for Blue Spruce Drive, for a corner of the said City of San Antonio and the City of Kirby City Limits.

THENCE: Continuing along a common line of the City of San Antonio and the City of Kirby City Limits, the Western line of Buzz Aldrin Drive, a non-tangent curve to the right having a Delta angle of 04°06'15", a Radius of 30.00 feet, an Arc length of 54.51 feet and a Chord bearing of S 22°13'03" E – 47.31 feet to a point for corner;

THENCE: Continuing along a common line of the City of San Antonio and the City of Kirby City Limits, the Western line of said Buzz Aldrin Drive, a curve to the left having a Delta angle of 20°02'17", a Radius of 414.35 feet, an Arc length of 144.91 feet and a Chord bearing of S 19°48'58" W – 144.16 feet to a point for corner;

THENCE: S 09°47'52" W – approximately 608.66 feet continuing along a common line of the City of San Antonio and the City of Kirby City Limits, the Western line of said Buzz Aldrin Drive to a point for corner;

THENCE: Continuing along a common line of the City of San Antonio and the City of Kirby City Limits, a curve to the left having a Delta angle of 10°20'03", a Radius of 1025.00 feet, an Arc length of 184.87 feet and a Chord bearing of S 04°37'39" W – 184.62 feet to a point for corner;



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THENCE: Continuing along a common line of the City of San Antonio and the City of Kirby City Limits, a curve to the right having a Delta angle of $90^{\circ}00'00''$, a Radius of 15.00 feet, an Arc length of 23.56 feet and a Chord bearing of $S\ 44^{\circ}26'40''\ W$ – 21.21 feet to a corner of Springfield Manor Unit 10-A in Volume 9500, Page 108, Deed and Plat Records, Bexar County, Texas, on the Northern line of Swann Lane;

THENCE: $S\ 89^{\circ}25'40''\ W$ – approximately 4.64 feet continuing along a common line of the City of San Antonio and the City of Kirby City limits, the Northern line of Swann Lane to a point for corner;

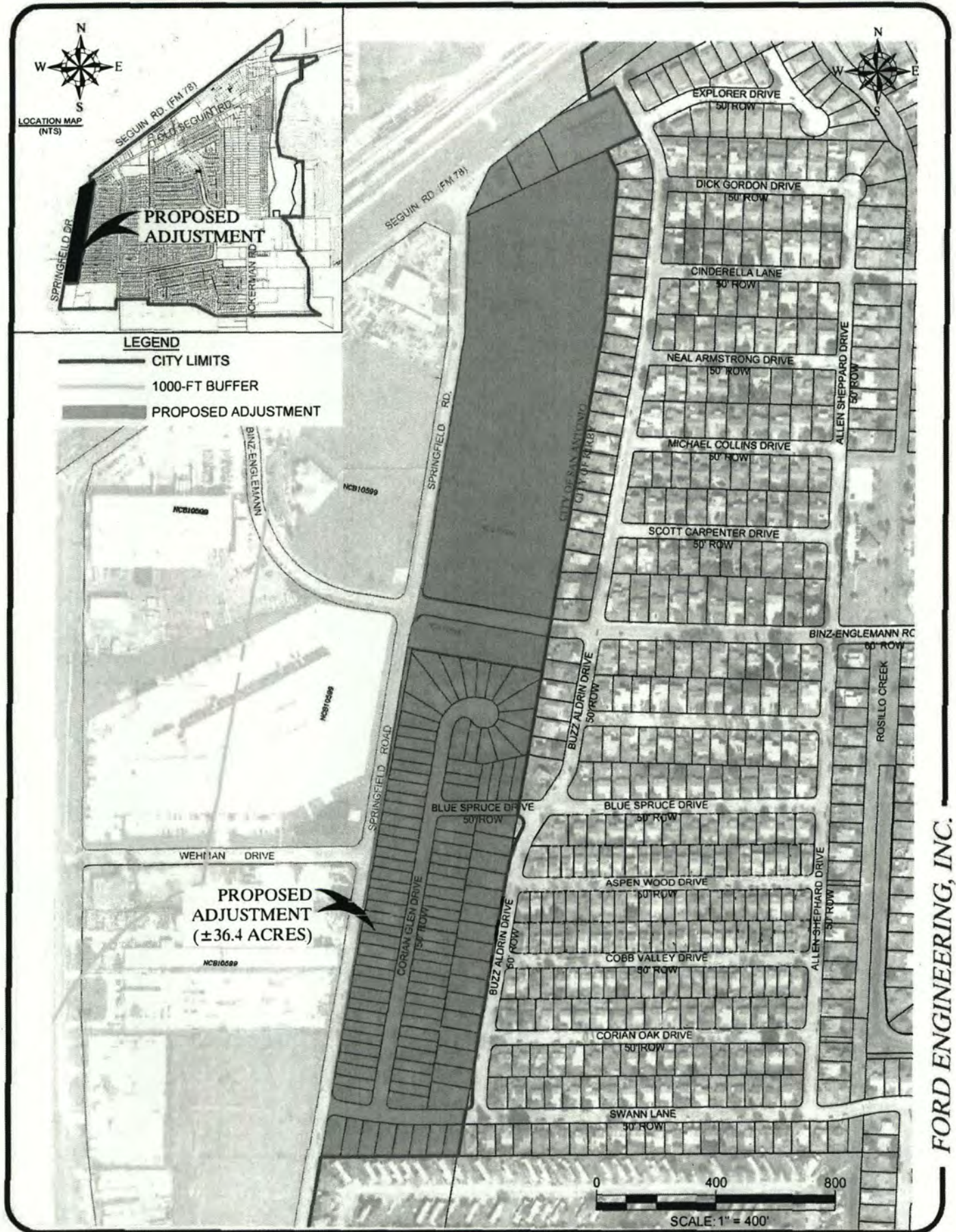
THENCE: $S\ 09^{\circ}47'48''\ W$ – continuing along the common line of the City of San Antonio and the City of Kirby City Limits at approximately 50.83 feet pass the Southern line of Swann Lane an approximate distance in all of 156.03 feet to the **POINT OF BEGINNING** and containing 36.4 acres.

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.



Rex L. Hackett
Registered Professional Land Surveyor
License Number 5573

ATTACHMENT I



FORD ENGINEERING, INC.

CORRECTED



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Date: July 22, 2016
Revised October 20, 2016
Project No: 1027.09

**City of Kirby
Proposed Adjustment
32.3 Acres**

A 32.3 acre lying within the city limits of San Antonio and being more particularly described as follows:

BEGINNING: a point on the Southeastern Right of Way of the Southern Pacific Railroad, the Northernmost corner of the City of Kirby City Limits, being a common corner of the City of San Antonio and the City of Kirby City Limits, the westernmost Northwestern corner of Lot 10, Block 1, N.C.B. 17729 – Tacco Industrial Park, Unit 3, recorded in Volume 9692, Pages 118-119, Deed and Plat Records, Bexar County, Texas;

THENCE: N 52°03'50" E – approximately 1029.90 feet along the Southeastern line of the Southern Pacific Railroad, the Northwestern line of said Lot 10 to a point for corner;

THENCE: Along a curve to the right having a Delta angle of 11°04'13", a Radius of 1000.00 feet, an Arc length of 193.21 feet and a Chord bearing of S 34°57'10" E – 192.91 feet to a point on the Eastern line of said Lot 10, Block 1, N.C.B. 17729;

THENCE: S 00°10'41" E – approximately 806.97 feet along the Eastern line of said Lot 10, to a point for the Southwestern corner of Lot 4, Block 1, N.C.B. 17729 – Tacco Industrial Park, Unit 3, Recorded in Volume 9514, Page 204, Deed and Plat Records, Bexar County, Texas, the Northwestern corner of Lot 11, Block 1 of the Tacco Industrial Park, Unit 3 in Volume 9692, Pages 118-119, Deed and Plat Records, Bexar County, Texas;

THENCE: N 89°49'19" E – approximately 195.60 feet along a common line of said Lots 4 and Lot 11 to a point for the Southeastern corner of said Lot 4, the Northeastern corner of said Lot 11 on the Western Right of Way line of Tacco Drive;

THENCE: S 00°26'21" E – approximately 575.17 feet along the Western line of said Tacco Drive to a point on the Southern line of Farm Market Road No. 78, a common line of the City of Kirby and the City of San Antonio City Limits;

THENCE: Along the southern line of Farm Market Road No. 78, a common line of the City of Kirby and the City of San Antonio City limits, a non-tangent curve to the right, having a Delta angle of 02°58'55", a Radius of 5789.65 feet, an Arc length of 301.32 feet and a Chord



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bearing of S 82°53'09" W – 301.28 feet to a common corner of the City of Kirby and the City of San Antonio City limits;

THENCE: Continuing along a common line of the City of Kirby and the City of San Antonio, a line of Tract 4 – 0.450 acres recorded in Volume 6501, Page 881, Official Records of Bexar County, Texas, a non-tangent curve to left having a Delta angle of 82°48'12", a Radius of 15.00 feet, an Arc length of 21.68 feet and a Chord bearing of S 43°36'08" W – 19.84 feet to a common corner of the City of Kirby and the City of San Antonio City limits;

THENCE: S 00°37'27" W – approximately 199.04 feet continuing along a common line of the City of Kirby and the City of San Antonio City limits, a line of Tract 4 – 0.450 acres to a point for a common corner of the City of Kirby and the City of San Antonio City limits;

THENCE: Continuing along a common line of the City of Kirby and the City of San Antonio City limits, a line of Tract 4 – 0.450 acres, a non-tangent curve to the left having a Delta angle of 116°49'43", a Radius of 35.00 feet, an Arc length of 71.37 feet and a Chord bearing of S 57°53'00" E – 59.63 feet to a point on the Northwestern line of Old Seguin Road, a common corner of the City of Kirby and the City of San Antonio City limits;

THENCE: S 69°18'34" W – an approximate distance of 124.85 feet along a common line of the City of Kirby and the City of San Antonio City limits to a point for a corner of 8.598 acre tract recorded in Volume 16505, Page 214, Official Records of Bexar County, Texas;

THENCE: N 02°55'17" W – an approximate distance of 262.58 feet continuing along a common line of the City of Kirby and the City of San Antonio City limits, a line of the 8.598 acre tract, a line of Tract 4 – 0.45 acres to a point for a common corner of the City of Kirby and the City of San Antonio City limits;

THENCE: Continuing along a common line of the City of Kirby and the City of San Antonio City limits, a curve to the left having a Delta angle of 90°04'58", a Radius of 15.00 feet, an Arc length of 23.58 feet and a Chord bearing of N 48°25'38" W – 21.23 feet to a common corner of the city of Kirby and the City of San Antonio City limits on the Southern line of Farm Market Road No. 78,

THENCE: S 86°31'48" W – an approximate distance of 27.74 feet continuing along the Southern line of Farm Market Road No. 78, a common line of the City of Kirby and the City of San Antonio City limits;

THENCE: S 82°48'32" W – an approximate distance of 714.60 feet continuing along the Southern line of Farm Market Road No. 78, a common line of the City of Kirby and the City of San Antonio City limits;



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THENCE: S 86°01'22" W – an approximate distance of 261.63 feet continuing along the Southern line of Farm Market Road No. 78, to a point for a common corner of the City of Kirby and the City of San Antonio City limits;

THENCE: Along the common line of the City of San Antonio and the City of Kirby City Limits as follows:

N 03°25'41" W – approximately 124.53 feet;
N 47°27'22" E – approximately 46.28 feet;
N 40°58'12" E – approximately 168.67 feet;
N 53°25'34" E – approximately 20.00 feet;
N 50°24'18" E – approximately 19.97 feet;
N 47°13'24" E – approximately 20.03 feet;
N 44°09'03" E – approximately 20.00 feet;
N 40°25'45" E – approximately 29.95 feet;
N 35°43'02" E – approximately 30.00 feet;
N 31°07'12" E – approximately 29.98 feet;
N 26°29'45" E – approximately 30.00 feet;
N 21°52'23" E – approximately 30.00 feet;
N 17°42'06" E – approximately 24.36 feet;
N 34°37'01" E – approximately 29.98 feet;
N 31°39'56" E – approximately 20.01 feet;
N 29°23'02" E – approximately 19.97 feet;
N 26°20'01" E – approximately 30.03 feet;
N 22°54'45" E – approximately 29.96 feet;
N 19°52'51" E – approximately 20.02 feet;
N 16°24'29" E – approximately 39.97 feet;
N 12°15'53" E – approximately 30.01 feet;
N 09°21'25" E – approximately 19.96 feet;
N 06°23'51" E – approximately 30.01 feet;
N 02°53'44" E – approximately 29.98 feet;
N 00°55'14" W – approximately 34.82 feet;
N 02°17'41" E – approximately 30.03 feet;
N 00°50'16" W – approximately 30.00 feet;
N 03°56'59" W – approximately 29.94 feet;
N 07°35'47" W – approximately 40.02 feet;
N 11°15'45" W – approximately 30.00 feet;
N 14°55'30" W – approximately 39.95 feet;
N 18°36'17" W – approximately 28.84 feet;
N 21°40'57" W – approximately 26.12 feet;
S 52°20'34" W – approximately 74.12 feet;



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THENCE: N 07°06'14" E – approximately 62.50 feet continuing along the common line of the City of San Antonio and the City of Kirby City Limits to the **POINT OF BEGINNING** and containing 32.6 acres.

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.



Rex L. Hackett
Registered Professional Land Surveyor
License Number 5573



LEGEND

- CITY LIMITS
- 1000-FT BUFFER
- PROPOSED ADJUSTMENT





FORD ENGINEERING, INC

Date: September 1, 2016

Project No: 1027.09

**City of Kirby
Proposed Adjustment
24.1 Acres**

A 24.1 acre lying within the city limits of San Antonio and being more particularly described as follows:

BEGINNING: a point for the Southwestern corner of Candlewood Park, Unit 8, recorded in Volume 9511, Pages 214-215, Deed and Plat Records, Bexar County, Texas, for a corner of the City of San Antonio City Limits;

THENCE: S 89°40'37" W – approximately 799.97 feet along the southern line of the remainder of a 35.252 acre tract, recorded in Volume 13440, Page 1237, Official Public Records of Bexar County, Texas to a point on a common line of the City of Kirby and the City of San Antonio City Limits;

THENCE: Along the common line of the City of Kirby and the City of San Antonio City limits as follows;

N 28°13'09" W an approximate distance of 382.89 feet
N 48°25'43" W an approximate distance of 40.38 feet
N 45°24'19" W an approximate distance of 34.80 feet
N 53°41'49" W an approximate distance of 32.19 feet
N 45°21'26" W an approximate distance of 55.18 feet
N 31°47'40" W an approximate distance of 57.93 feet
N 15°11'55" W an approximate distance of 30.94 feet
N 07°19'48" W an approximate distance of 32.25 feet
N 07°01'18" E an approximate distance of 9.26 feet
N 48°55'45" E an approximate distance of 6.68 feet
S 87°59'40" E an approximate distance of 6.65 feet
S 77°35'52" E an approximate distance of 32.78 feet
S 86°56'17" E an approximate distance of 18.95 feet
N 84°19'31" E an approximate distance of 9.09 feet
N 75°54'05" E an approximate distance of 10.11 feet
N 71°30'22" E an approximate distance of 18.67 feet
N 66°32'51" E an approximate distance of 11.53 feet
N 42°03'16" E an approximate distance of 7.93 feet
N 12°11'25" E an approximate distance of 9.21 feet
N 19°33'26" W an approximate distance of 7.29 feet
N 35°13'35" W an approximate distance of 15.96 feet



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N 43°36'19" W an approximate distance of 57.77 feet
N 46°27'08" W an approximate distance of 81.69 feet
N 52°59'25" W an approximate distance of 28.35 feet
N 36°27'51" W an approximate distance of 18.07 feet
N 28°48'50" W an approximate distance of 52.28 feet
N 26°06'27" W an approximate distance of 22.38 feet
N 20°59'37" W an approximate distance of 27.75 feet
N 27°54'47" W an approximate distance of 22.74 feet
N 23°54'09" W an approximate distance of 19.94 feet
N 20°29'46" W an approximate distance of 13.93 feet
N 23°19'50" W an approximate distance of 38.82 feet
N 19°05'18" W an approximate distance of 19.16 feet
N 26°18'35" W an approximate distance of 43.45 feet
N 24°39'43" W an approximate distance of 30.43 feet
N 20°05'51" W an approximate distance of 8.98 feet
N 26°19'45" W an approximate distance of 47.64 feet
N 34°55'05" W an approximate distance of 36.14 feet
N 28°18'59" W an approximate distance of 14.53 feet
N 17°56'44" W an approximate distance of 9.71 feet
N 10°11'13" W an approximate distance of 10.22 feet
N 05°44'42" E an approximate distance of 20.23 feet
N 01°24'32" E an approximate distance of 11.50 feet
N 02°21'50" W an approximate distance of 18.20 feet
N 01°21'02" E an approximate distance of 14.32 feet
N 04°59'52" W an approximate distance of 32.37 feet
N 10°15'34" W an approximate distance of 68.18 feet
N 15°57'44" W an approximate distance of 68.99 feet
N 17°44'41" W an approximate distance of 41.05 feet
N 20°48'28" W an approximate distance of 12.22 feet
N 13°44'36" W an approximate distance of 13.76 feet
N 20°33'20" W an approximate distance of 35.94 feet
N 29°06'49" W an approximate distance of 8.36 feet
N 36°03'36" W an approximate distance of 17.90 feet
N 43°19'33" W an approximate distance of 69.08 feet
N 45°23'53" W an approximate distance of 51.05 feet
N 44°09'15" W an approximate distance of 141.11 feet
N 38°07'49" W an approximate distance of 36.79 feet
N 40°30'14" W an approximate distance of 83.97 feet to a point on the Northern line of
Binz Engleman Road, for a common corner of the City of Kirby and the City of San
Antonio City Limits;

THENCE: N 89°23'38" E – along the Northern line of Binz Engleman Road a common
line of the City of Kirby and the City of San Antonio City limits, an approximate distance of



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736.90 feet to a point for the Southeastern corner of the City of Kirby Park in Volume 6440, Page 116 of the Official Records of Bexar County, Texas;

THENCE: S 19°21'49" E – across said Binz Engleman Road, an approximate distance of 64.89 feet to a point on the Southern line of Binz Engleman Road, for the Northeastern corner of a 3.204 acre tract in Volume 9450, Page 1836, Official Records, Bexar County, Texas;

THENCE: S 00°27'19" E – along the Eastern line of the said 3.204 acre tract, an approximate distance of 1114.56 feet to a point for the Southeastern corner of the said 3.204 acre tract on the Northern line of the remainder of a 35.252 acre tract in Volume 13440, Page 1237, Official Records, Bexar County, Texas;

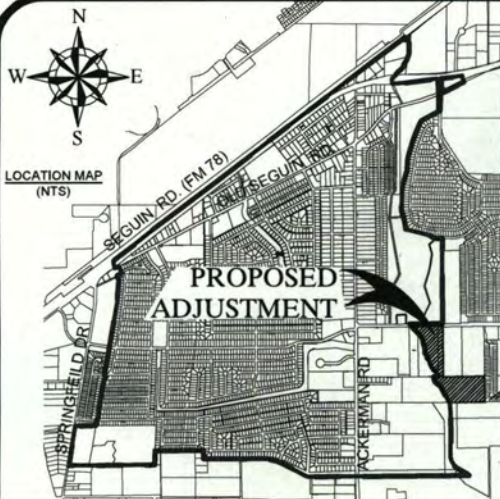
THENCE: N 89°28'08" E – along the Northern line of the remainder of the said 35.252 acre tract, an approximate distance of 912.47 feet to a point on the Western line of Candlewood Park Unit 8, a line of the City of San Antonio City Limits for the Northeastern corner of the said 35.252 acre tract;

THENCE: S 00°45'18" E – continuing along a line of the City of San Antonio and the Western line of Candlewood Park, Unit 8 an approximate distance in all of 582.89 feet to the **POINT OF BEGINNING** and containing 24.1 acres.

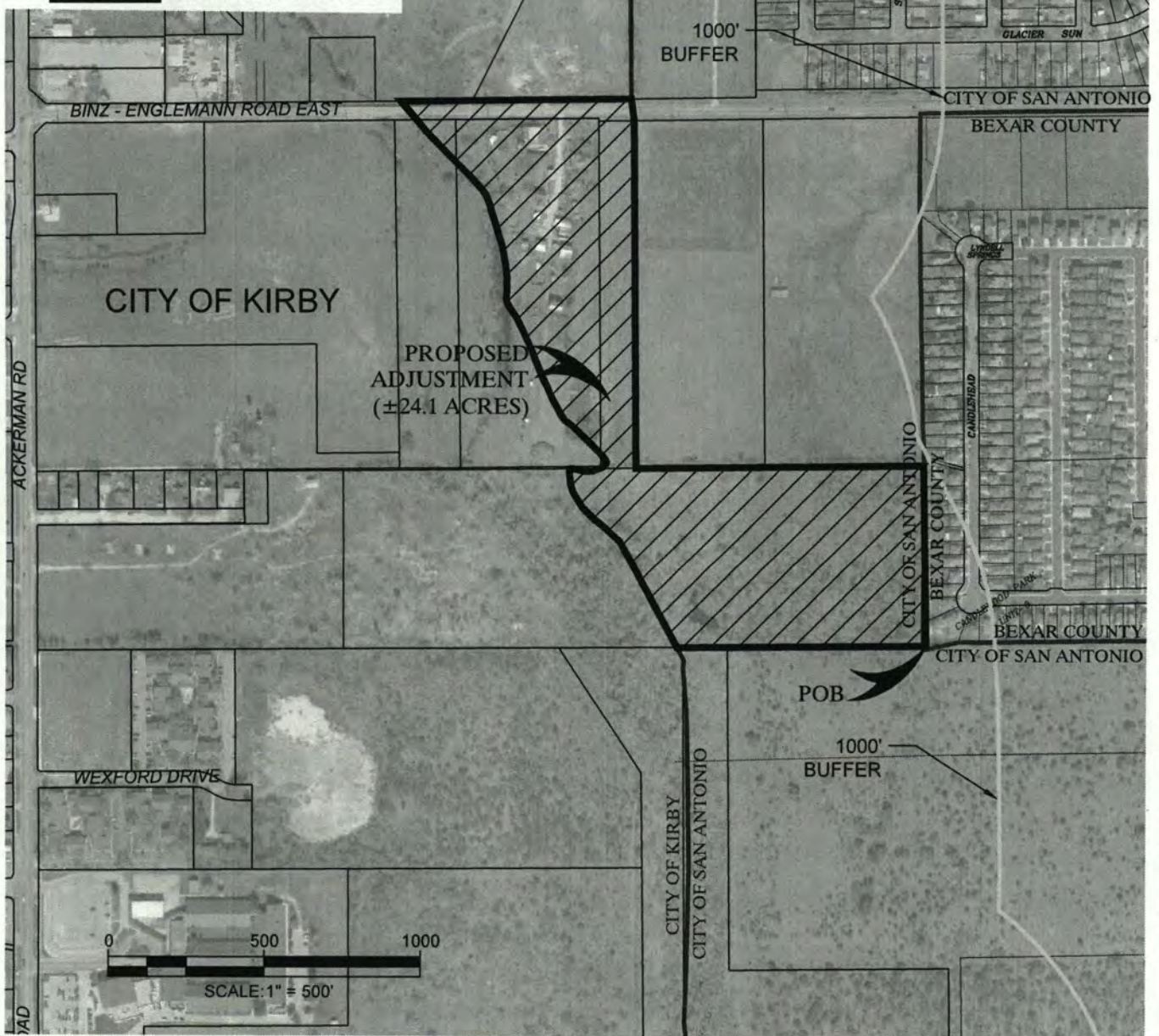
This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political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



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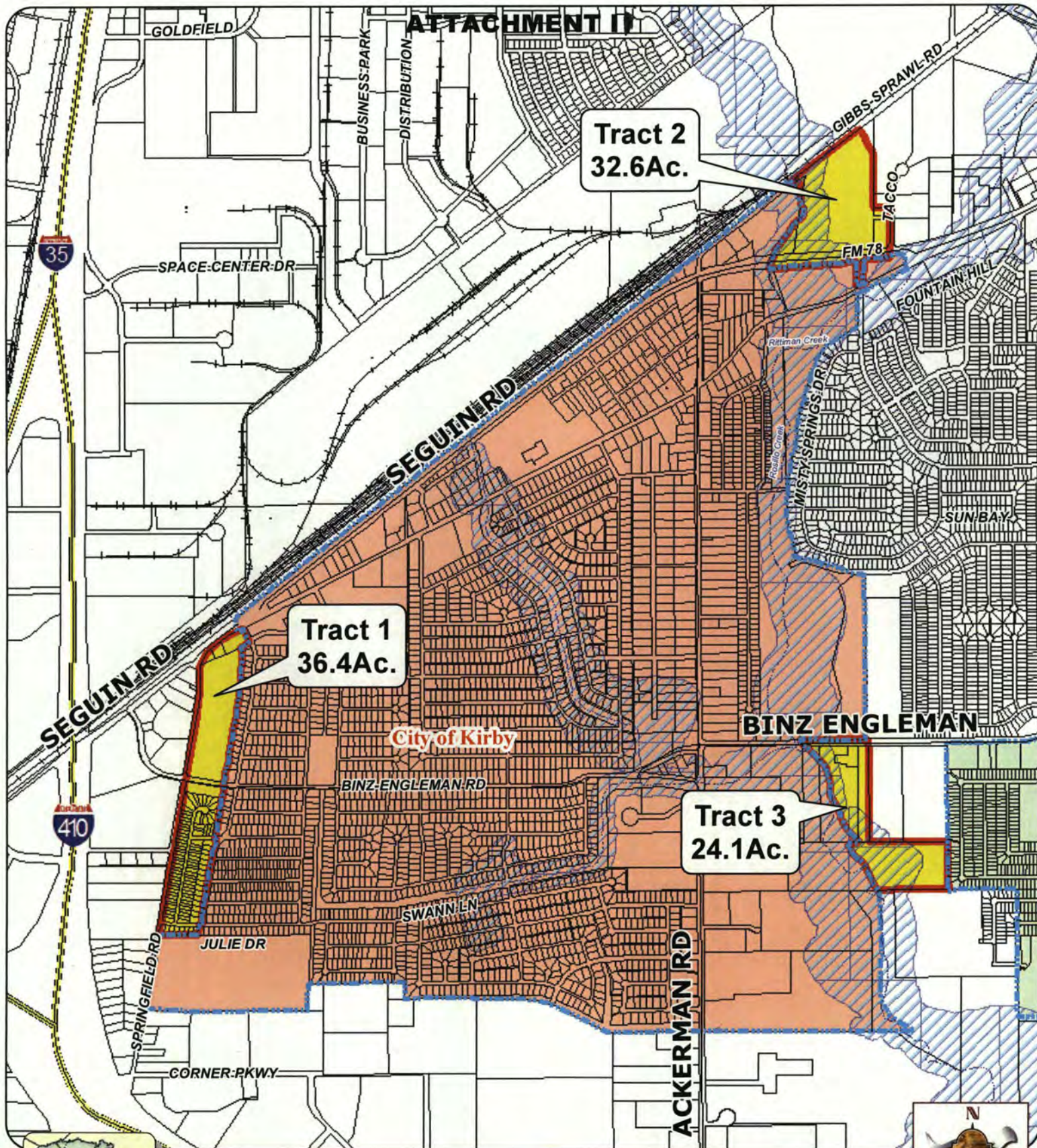
- LEGEND**
- CITY LIMITS
 - 1000-FT BUFFER
 - PROPOSED ADJUSTMENT



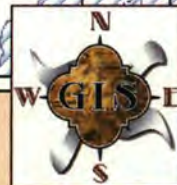
ATTACHMENT

II

ATTACHMENT II



- To Kirby From San Antonio
- City of Kirby
- City of San Antonio
- 100 yr Floodplain
- Expressways
- Creeks



City of San Antonio City of Kirby Request for Boundary Adjustment

City of San Antonio
Information Technology Services Department
GIS Public Services Division
Riverview Towers
111 Soledad St. 9th Floor
San Antonio, TX 78205



Data Source: City of San Antonio Enterprise GIS, Bexar Metro GIS, Bexar Appraisal District
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*Please contact the responsible City of San Antonio Department for specific information.

Map may be altered at (210) 807-7333

Map file location: W:\GIS\Dept\GIS\Office_FY2015_2016\PlanningAndCommunityDevelopment\Kirby\Kirby8.5x11.mxd
Map Last Edited: 8/6/2016
PDF Filename: 16090201.pdf

ATTACHMENT

III

ATTACHMENT III
CITY OF SAN ANTONIO -- CITY OF KIRBY

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 Kirby, a Texas Municipal Corporation, acting by and through its City Administrator pursuant to Ordinance No. 2016-10-06-____, Witnesseth:

WHEREAS, the City of Kirby has requested that San Antonio release of three tracts of land approximately 93.1 acres from its municipal boundary and in exchange, has agreed to contribute revenue from the City of Kirby's ad valorem and sales taxes and franchise fees to the City of San Antonio; and

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

THE PARTIES AGREE AS FOLLOWS:

1. General Terms and Conditions

- A. City of San Antonio agrees to release from its municipal boundary an area containing three tracts of land approximately 93.1 acres, more particularly described by metes and bounds in **ATTACHMENT I**, and depicted on the map in **ATTACHMENT II**, and incorporated herein for all purposes.
- B. City of Kirby agrees to the following:
 - Contribute 50 percent revenue from the City of Kirby's ad valorem and sales taxes and franchise fees of the released area beginning on the date of the agreement and continuing for a period of fifteen (15) years.
 - Assume ownership and maintenance of road segments of Binz-Engleman Road, Seguin Road (F.M. 78) and Summerfest Street located to the south of Tract 2.

This Agreement is void if: the City of Kirby fails to meet the terms and conditions noted in the section above.

- C. This Agreement is effective immediately after the later of the Ordinance of the City of San Antonio and the approving vote of the City of Kirby City Council on October 6, 2016, authorizing this Agreement, in each case as indicated by the date following the signature of the City Administrator or Authorized Representative below.

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: _____
City Clerk

IF TO THE CITY OF KIRBY:

City of Kirby
112 Bauman Street
Kirby, Texas 78219-1004

Attn: _____
City Secretary

ACKNOWLEDGEMENTS

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

CITY OF KIRBY

By: _____

Attest: _____

Title: City Administrator

Title: _____

Date: _____

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

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

Notary Public, State of Texas

My Commission expires: _____

CITY OF SAN ANTONIO

By: _____

Attest: _____

Title: _____

Title: _____

Date: _____

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: _____

EXHIBIT A

Subject Property

Field Notes for the Transfer of ETJ from the City of San Antonio to the City of Kirby in Bexar
County

Exhibit B

Transferred Property: Provide voluntary annexation opportunity to the property owners of the subject property as shown in the map below, after the release of the subject property from the San Antonio ETJ and incorporated into the Kirby ETJ.