



# City of San Antonio

## Agenda Memorandum

**File Number:**14-538

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**Agenda Item Number:** 34.

**Agenda Date:** 8/21/2014

**In Control:** City Council A Session

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**DEPARTMENT:** Department of Planning and Community Development

**DEPARTMENT HEAD:** John M. Dugan

**COUNCIL DISTRICTS IMPACTED:** City Wide

**SUBJECT:**

Extraterritorial Jurisdiction Agreement with the City of Fair Oaks Ranch

**SUMMARY:**

An Ordinance authorizing an extraterritorial jurisdiction agreement with the City of Fair Oaks Ranch for the release of approximately 134.060 acres from the City of San Antonio to the City of Fair Oaks Ranch with certain conditions.

**BACKGROUND INFORMATION:**

The City of Fair Oaks Ranch on behalf of the Woods of Fair Oaks Neighborhood Association has requested that San Antonio release approximately 134.060 acres (0.209 square miles) of Extraterritorial Jurisdiction (ETJ) area, which is less than 1% of San Antonio's total ETJ area. The property is generally located to the southwest of the City of Fair Oaks Ranch, east of IH-10 West, south of Fair Oaks Parkway, and west of Monument Oak Street, in northwest Bexar County.

*Statutory Requirements* - The City of Fair Oaks Ranch has expressed its interest by Council resolution in extending its ETJ to this area. Per state law, the extraterritorial jurisdiction of municipalities may extend between 0.5 to 5.0 miles, based on population size. The San Antonio ETJ is a distance of five (5) miles from the San Antonio city limits boundary. Through written consent of the governing body, a municipality may release part of its ETJ. Upon release, another municipality may extend its ETJ to the property. Fair Oaks Ranch may extend one mile beyond its city limits.

*Municipal Services* - Currently utilities or services to the subject property are provided by:

- San Antonio Water System (SAWS) for water

- CPS Energy and Pedernales Electric Co-op for electric services
- Leon Springs for Fire and Emergency Services
- Bexar County Sheriff for Police Protection

**ISSUE:**

The requested release was evaluated based on the City's Annexation Policy. The City's annexation policy is to preserve the City's range of annexation options; promote the orderly growth and provision of municipal services; enhance the City's fiscal position; preserve the integrity of the City and the ETJ; and maintain a systematic annexation process.

The primary use in the area is currently residential. The Woods of Fair Oaks Ranch, a Master Development Plan (MDP), is 98.5% built out and includes private streets. Developers of the remaining 1.5% of tracts are currently proceeding according to San Antonio's rules for building regulations and/or have had rights recognized (vested rights). Upon release, the City of Fair Oaks Ranch plans to place the area within its ETJ, pursue annexation, and provide municipal services.

*ETJ Agreement* - Of importance to both the City of San Antonio and the City of Fair Oaks Ranch is that the area continues to be covered by a comprehensive land use plan as well as ensuring the health, safety, and welfare of future residents. Fair Oaks Ranch, upon release of the subject area by San Antonio, has agreed to the following:

- Extend subdivision regulations in accordance with the City of Fair Oaks Ranch Subdivision Rules;
- Provide voluntary annexation opportunity to the Subject Property described on Exhibit B;
- Contribute \$100,000 to the City of San Antonio via three payments:
  - \$33,333.34 to be released from the City of Fair Oaks Ranch to the City of San Antonio after the extraterritorial jurisdiction is released from the City of San Antonio.
  - \$33,333.33 to be released from the City of Fair Oaks Ranch to the City of San Antonio when 50% of the City of San Antonio Water Policy Study is completed.
  - \$33,333.33 to be released from the City of Fair Oaks Ranch to the City of San Antonio once the City of San Antonio Water Policy Study has been presented and accepted.
- File for record a copy of this agreement for each tract of land affected by this agreement in the Real Property Records of Bexar County, Texas.
- Approve an ordinance ordering an election on the annexation of the subject area in accordance with Texas Local Government Code Section 43.023 (c) within one year of the effective date of this Agreement.
- This Agreement is void if the City of Fair Oaks Ranch fails to file a petition within one year, initiate annexation of the subject area into its city limits within one year, and complete the annexation process within two years of the Effective date of this Agreement
- This Agreement is effective immediately after the later of the Ordinance of the City of San Antonio and the Resolution of the City of Fair Oaks Ranch authorizing this Agreement, in each case as indicated by the date following the signature of the City Manager or Authorized Representative below.

**ALTERNATIVES:**

City Council may approve, deny, or partially approve the request.

**FISCAL IMPACT:**

In accordance with the City of San Antonio Annexation Policy which promotes revenue sharing the City of Fair Oaks Ranch will contribute \$100,000 to the City of San Antonio via three payments. The funds would be used by the City of San Antonio to conduct the Water Policy Study. The City of San Antonio will present the Water Policy Study consultant contract to City Council for consideration on September 18, 2014.

**RECOMMENDATION:**

Staff recommends approval authorizing the City Manager to execute an extraterritorial jurisdiction agreement with the City of Fair Oaks Ranch for the release of approximately 134.060 acres from the City of San Antonio to the City of Fair Oaks Ranch with certain conditions. Planning Commission recommended approval of the release on February 26, 2014. Infrastructure and Growth Committee recommended approval of the release on March 19, 2014.