



# City of San Antonio

## Legislation Details (With Text)

<b>File #:</b>	16-4990		
<b>Type:</b>	Staff Briefing - Without Ordinance		
		<b>In control:</b>	Planning Commission
<b>On agenda:</b>	9/28/2016		
<b>Title:</b>	A public hearing and resolution recommending approval of the request from the City of Kirby for the City of San Antonio to adjust its municipal boundary by releasing approximately 93.1 acres to the City of Kirby. (Bridgett White, (210) 207-5487, Bridgett.White@sanantonio.gov, Department of Planning & Community Development)		
<b>Sponsors:</b>	Planning Department		
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. PC Resolution Kirby MBA 09 20 2016		

Date	Ver.	Action By	Action	Result
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**DEPARTMENT:** Planning & Community Development

**DEPARTMENT HEAD:** Bridgett White, AICP, Director

**COUNCIL DISTRICTS IMPACTED:** 2

### SUBJECT:

A Municipal Boundary Agreement with the City of Kirby.

### SUMMARY:

A public hearing and resolution recommending approval a request from the City of Kirby for the City of San Antonio to adjust its municipal boundary by releasing three tracts of land, approximately 0.145 square miles or 93.1 acres, to the City of Kirby.

### BACKGROUND INFORMATION:

On July 28, 2016, the City Council of the City of Kirby approved a resolution requesting a municipal boundary

release from the City of San Antonio. The requested area consists of 36.4 acres along Springfield Road; 32.6 acres of industrial property between Gibbs Sprawl and Seguin Road; and 24.1 acres along Binz Engleman Road east of Ackerman Road as described in Attachment I and depicted in Attachment II. These tracts are currently located within the corporate area of the City of San Antonio and are adjacent to the City limits of Kirby. State law authorizes adjacent municipalities to make mutually agreeable changes in municipal boundaries as long as the areas are less than 1,000 feet in width [Sec.43.031 of the Texas Local Government Code].

Tract 1 (approximately 36.4 acres) consists of five vacant lots and 107 residential lots located between Springfield Road and Buzz Aldrin Drive to the south of Binz-Engleman Road. The residential properties are part of a larger subdivision, which mostly falls within the City limits of Kirby. The City of Kirby desires to include the residential lots inside their corporate area and hence ensure uniform municipal services throughout the entire subdivision. Although most of the properties have single-family homes, the largest parcel is vacant and has become a nuisance property that requires regular mowing and clean-up. The ad valorem value for Tract 1 is \$6,982,540.00 based on 2016 Bexar County Appraisal District (BCAD) parcel data and the annual property tax revenue for San Antonio is approximately \$38,981.43.

Tract 2 consists of four lots totaling approximately 32.6 acres of industrial property located between Gibbs Sprawl Road, Seguin Road and Tacco Drive. The industrial lots have been vacant since early 2012. Three of the properties are partially within the Kirby municipal boundaries. The City of Kirby has indicated that the vacant industrial property has created negative impacts on their city. Kirby would seek to offer incentives to encourage the economic development of this property, such as property tax abatement, thereby enhancing the entrance to the city. The ad valorem value for Tract 2 is \$9,284,150.00 based on 2016 BCAD data and the annual property tax revenue for San Antonio is \$51,830.62.

Tract 3 consists of four vacant lots consisting of approximately 24.1 acres south of Binz Engleman Road, east of Ackerman Road and west of the Candlewood Park subdivision. Two of the lots are bisected by current municipal boundaries. The proposed adjustment would create a more logical municipal boundary in this location. Currently the majority of the parcels have a tax exemption for either an open space or agricultural operation. The ad valorem value for Tract 3 is \$258,690.00 based on 2016 BCAD data and the current annual property tax revenue for San Antonio is \$911.78.

The overall assessed value of the three tracts is currently \$16,525,380.00 and the current annual property tax revenue for San Antonio is estimated to be \$91,723.83 based on 2016 City of San Antonio's tax rate per BCAD data.

## **ISSUE:**

The request was evaluated based on criteria provided in the City of San Antonio's Annexation Policy and on the feedback received from city departments and outside agencies including Fire, Police, Development Services, Transportation and Capital Improvements (TCI), Solid Waste Management, Metro Health, Office of Military Affairs, Office of Historic Preservation, the City Attorney's Office, CPS Energy, SAWS, etc.

On March 10, 2016 the City of Kirby held a public hearing to provide information regarding the proposed boundary adjustment and service changes. Approximately 150 notices were mailed and four people attended the meeting. According to feedback provided by City of Kirby officials, no opposition was received.

The boundary adjustment for Tracts 1 and 3 would provide more logical planning boundaries and provide

uniform regulations and service delivery for the entire subdivision and tracts. The boundary adjustment for Tract 2 would allow three properties that are currently bisected by the city limit line to be wholly within Kirby. It would also include parcels fronting on Tacco Drive which serves as an entrance to the industrial properties. All three tracts are located at key Kirby entry points. The City of Kirby would like to extend its codes and regulations and assist in the development the vacant properties in order to enhance the appearance of the city's gateways.

San Antonio recognizes the need for its regional partner cities to remain economically viable in support of the overall economic health of the region. Kirby continues to be an important regional partner in delivering public safety services in the unincorporated area north of IH 10 East. ESD 11 contracts with Kirby to provide fire service to the unincorporated area. Currently Kirby does not have extraterritorial jurisdiction (ETJ) to annex and is completely bounded by the City limits of San Antonio. The release of Tract 3 would enable Kirby to expand its municipal boundary in the future should San Antonio relinquish its ETJ.

In addition, Annexation Policy recommends an equal exchange of land or equivalent value. The City of Kirby has agreed to a municipal boundary agreement where Kirby contributes of 50 percent of property taxes, sales and use taxes, and franchise fees of the release areas to the City of San Antonio to be paid annually over the next 15 years. Additionally, 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. Although San Antonio would cede tax revenues from several significant industrial properties, a major public benefit for both communities would result from the redevelopment of the property and San Antonio would not maintain the aforementioned roads in the future.

## **ALTERNATIVES:**

The City of San Antonio may release a portion of the requested tracts of land. The City of San Antonio may also negotiate modified terms in the proposed agreement.

## **FISCAL IMPACT:**

Through the proposed revenue sharing agreement, San Antonio could potentially receive \$903,991.17 over 15 years or \$60,266.08 annually of property taxes from the City of Kirby. However, should the City of Kirby approve property tax abatement for the industrial properties, the amount would be reduced to approximately 44%. The revenue from property tax would decrease to \$396,118.45 for the 15 years or \$26,407.90 annually. The City of San Antonio would realize cost savings for road maintenance, fire, police, code compliance, and other City services for the released properties.

## **RECOMMENDATION:**

Staff recommends that the Planning Commission approve the Kirby municipal boundary agreement and forward it for City Council consideration.

This item was reviewed by the Neighborhood and Livability Committee on September 19, 2016.