

ORDINANCE 2020-12-10-0911

**PROVIDING FOR THE EXTENSION OF THE CITY LIMITS OF SAN ANTONIO BY THE FULL PURPOSE ANNEXATION OF APPROXIMATELY 392.3 ACRES OF LAND, AS CONSENTED TO BY THE PROPERTY OWNERS, WHICH ARE CONTIGUOUS TO THE CITY LIMITS AND LOCATED WITHIN THE CITY OF SAN ANTONIO'S EXTRATERRITORIAL JURISDICTION IN SOUTH BEXAR COUNTY, AND ESTABLISHING AN EFFECTIVE DATE OF DECEMBER 31, 2020.**

\* \* \* \* \*

**WHEREAS**, Chapter 212 of the Texas Local Government Code provides that a city may make a written contract with an owner of land that is located in the city's extraterritorial jurisdiction to provide for annexation of the land as a whole or in parts and to provide for the terms of annexation, if annexation is agreed to by the parties; and

**WHEREAS**, the owners of the Properties previously entered into Agricultural Development Agreements ("Agreements") with the City of San Antonio providing that upon violation of the terms of said Agreements, the City may initiate the annexation process and the annexation of the Property will be with the consent of the owner; and

**WHEREAS**, the Properties have violated the terms of their respective Agreements in various ways such as; no longer having an agricultural appraisal for ad valorem tax purposes by BCAD, subdividing and selling portions of the property, submitting building permits with Bexar County, or allowing fireworks sales on the property; and

**WHEREAS**, pursuant to the terms of these Agreements, upon violating their respective Agreements, the owners of the properties have consented to the annexation of their respective Properties ("Annexation Areas"); and

**WHEREAS**, on November 10, 2020, proper notice of the public hearing was published in the San Antonio Express-News, being a newspaper of general circulation in the municipality and in the territory proposed for annexation and posted on the internet website maintained by the City of San Antonio in accordance of the Texas Local Government Code; and

**WHEREAS**, on December 10, 2020, the San Antonio City Council held a public hearing on the proposed annexations, and the public hearing gave all interested persons the right to appear and be heard on the proposed annexations; and

**WHEREAS**, the population of the City of San Antonio, Texas, is in excess of 1,469,845 inhabitants, and the territory to be annexed lie within the ETJ of the City of San Antonio, Texas, and lie adjacent to and adjoin the City of San Antonio, Texas; and

**WHEREAS**, the San Antonio Planning Commission recommends approval of the full purpose annexation of approximately 392.3 acres, which are contiguous to the city limits and located within the City of San Antonio's Extraterritorial Jurisdiction in South Bexar County, as consented to by the property owners, and legally described and depicted in "EXHIBIT A", pursuant to the provisions of Chapter 212 of the Texas Local Government Code; **NOW THEREFORE**,

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

**SECTION 1.** The unincorporated territory lying outside of, but adjacent to and adjoining the City of San Antonio, more particularly described and depicted in **EXHIBIT "A"**, is hereby added and annexed to the City of San Antonio, Texas, and said territory shall hereafter be included within the boundary limits of San Antonio, and the present corporate limits of San Antonio, at the various points contiguous to the territory described and depicted in **EXHIBIT "A"**, is altered and amended so as to include said newly annexed territory within the corporate limits of the City of San Antonio, Texas.

**SECTION 2.** The newly annexed territory so added shall bear its share of the taxes levied by the City of San Antonio, Texas. The owners and inhabitants thereof shall be entitled to all of the rights and the privileges as citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the City of San Antonio, Texas.

**SECTION 3.** A Plan for Municipal Services outlining the provisions of municipal service to the territory described and depicted in **EXHIBIT "A"**, and is hereby approved and the implementation of said Plan for Municipal Services is hereby authorized. Said Plan is attached hereto and incorporated herein as if set out verbatim for all purposes as **EXHIBIT "B."**

**SECTION 4.** In accordance with Section 35-307(a) of the City Code of San Antonio, Unified Development Code, these properties shall be zoned by separate ordinance and the assigned zoning district will be effective upon annexation.

**SECTION 5.** The land and territory annexed by this ordinance shall be represented by and be a part of City Council Districts 3 and 4.

**SECTION 6.** The statements set forth in the recitals of this ordinance are true and correct, and are incorporated as a part of this ordinance.

**SECTION 7.** Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

**SECTION 8.** This ordinance shall be effective on December 31, 2020.

**PASSED AND APPROVED** on this 10<sup>th</sup> day of December, 2020.

  
**M A Y O R**  
Ron Nirenberg

**ATTEST:**

  
\_\_\_\_\_  
Tina J. Flores, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
for Andrew Segovia, City Attorney



# City of San Antonio

## City Council

December 10, 2020

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**Item: 36**

**File Number: 20-6924**

**Enactment Number:**

**2020-12-10-0911**

Ordinance extending the City limits by full purpose annexation of approximately 392.3 acres of land, as consented to by the property owners, which are contiguous to the city limits and located within the City of San Antonio's Extraterritorial Jurisdiction in south Bexar County, and establishing an effective date of December 31, 2020, near City Council Districts 3 and 4. [Roderick Sanchez, Assistant City Manager; Bridgett White, Director, Planning]

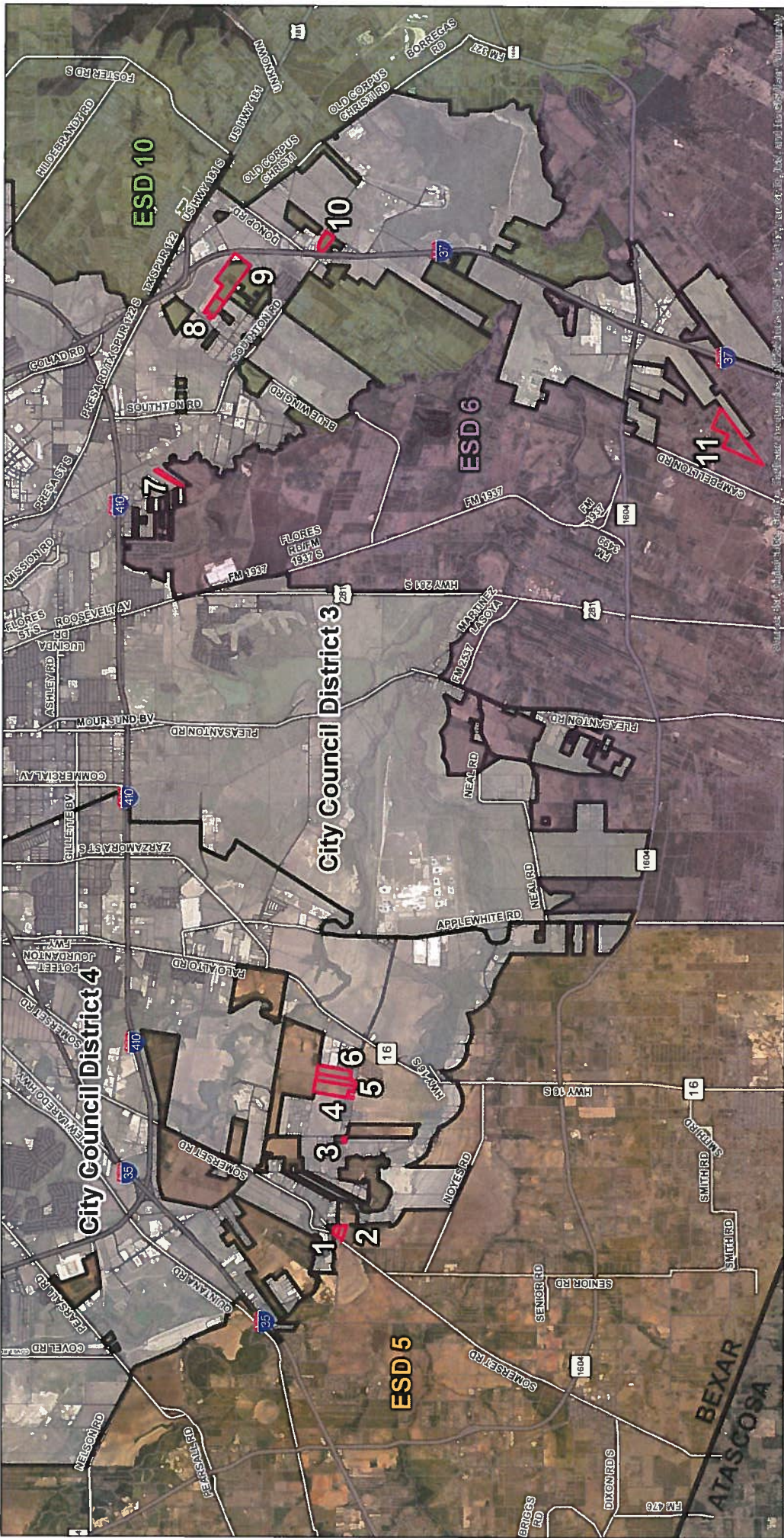
Councilmember Adriana Rocha Garcia made a motion to approve. Councilmember Rebecca Viagran seconded the motion. The motion passed by the following vote:

**Aye:** 11 Nirenberg, Treviño, Andrews-Sullivan, Viagran, Rocha Garcia, Gonzales, Cabello Havrda, Sandoval, Pelaez, Courage and Perry

JW/ml  
12/10/2020  
Item No. #36

**EXHIBIT A "TABLE  
AND MAP"**

Attachment A - Development Agreement Violation Map



**Legend**

- Ag Dev Agree Violations
- Streets
- Major Highways
- Minor Highways
- BCAD Parcels
- CoSA Boundary



**Please See Map Key for  
Numbered Property Descriptions**

Attachment A  
Development Agreement Violation Property List

Map ID	Owner Name 1	PropID	Account	Site Address	Owner Name 2	Lgl Desc	Lgl Acres	Acres	Notes
1	DE LOS SANTOS OSCAR	1245174	04204-000-0230	SOMERSET RD, TX	CB 4204 P-29		6.00	6.00	No longer ag property
2	DE LOS SANTOS OSCAR	1297715	04204-000-0243	SOMERSET RD, TX	CB 4204 P-29C		10.00	10.00	No longer ag property
3	FRIESEHANN DAVID & LINDA	189458	04298-000-0085	13886 WATSON RD, VON ORMY, TX 78073	CB 4298 P-8C ABS 421		2.07	2.00	No longer ag property
4	FRIESEHANN NORBERT W ET AL	189430	04298-000-0050	14850 WATSON RD, VON ORMY, TX 78073	CB 4298 P-5 (31.57) & P-5C (4) ABS 421		60.60	60.00	Future Subdivision
5	ELITE GRD INVESTMENTS INC	189436	04298-000-0057	14970 WATSON RD, VON ORMY, TX 78073	CB 4298 P-5G ABS 421		31.52	32.00	Future Subdivision
6	FRIESEHANN NORBERT & GARZA DELIA	189318	04298-000-0092	14970 WATSON RD, VON ORMY, TX 78073	CB 4298 P-9 ABS 374 (12.59) CB 4298 P-5E (19.21) ABS 421		31.80	32.00	Future Subdivision
7	BLUE WING TRAILS LTD	157648	04007-006-3287	11418 BLUE WING RD, SAN ANTONIO, TX 78223	CB 4007 P-328 ABS 11		8.42	8.00	No longer ag property
8	BLUE WING TRAILS LTD	624452	16623-000-3270	S IH 37, SAN ANTONIO, TX 78223	NCB 16623 LOT P-327		23.21	23.00	Future Subdivision
9	MILLER FAMILY TRUST	157421	04007-005-2321	S IH 37, ELMENDORF, TX 78112	CB 4007 P-232 ABS 11		96.92	97.00	Future Subdivision
10	BRIGHT LAKES REAL ESTATE LLC	181237	04167-101-0110	22190 MATHIS RD, ELMENDORF, TX 78112	% GEORGE MILLEN/GEORGIA JORDAN		17.41	18.00	Alamo Fireworks Stand
11					CB 4167/A BUK 1 LOT 11 NO LABEL# OR SERIAL#		104.35	104.00	No longer ag property

JW/ml  
12/10/2020  
Item No. #36

**EXHIBIT B**  
**“PLAN FOR MUNICIPAL SERVICES”**

**City of San Antonio**  
**Plan for Municipal Services to be Provided to Areas Annexed Pursuant to**  
**Development Agreements**

**INTRODUCTION**

The City ("City") of San Antonio, Texas, is providing this plan of municipal services ("Plan") to inform residents within areas annexed pursuant to a development agreement ("Annexation Area"), of services the City intends to provide once the annexation process is completed. This plan is not to be construed as an Agreement Regarding Services or a Service Plan under Chapter 43 of the Texas Local Government Code and is not binding on the City.

The City reserves the right to amend this list of services if the City Council determines that changed conditions, subsequent occurrences or any other circumstances exist to make the provision of these services unworkable, obsolete or unlawful.

**ARTICLE 1. GENERAL SERVICES**

In general, this plan includes three service components: *(1) Annexation Services, (2) Additional Services and (3) a Capital Improvement Program*. As used in this plan, providing services includes having services provided by any method or means by which the City extends municipal services to any other area of the City. This may include causing or allowing private utilities, governmental entities and other public and private non-profit service organizations to provide such services by contract in whole or in part. It may also include separate agreements with associations or similar entities. Services are provided and fees are assessed in accordance with City of San Antonio Municipal Code, as may be amended.

**1. Annexation Services** – The following services will be provided in the Annexation Area commencing on the effective date of the annexation for full purposes, unless otherwise noted.

**A. Police Protection** – The San Antonio Police Department (SAPD) will provide protection and law enforcement services in the newly annexed area upon the effective date of annexation. These services include:

- Routine patrols and responses;
- Handling of complaints and incident reports;
- Special units, such as traffic enforcement, criminal investigations, covert operations, K-9 Unit, Family Assistance Crisis Teams, Bomb Squad, and Special Weapons and Tactics Team (SWAT); and
- Any other services or programs provided to the citizens of San Antonio at the time of annexation.

The City currently has six Police Substations which are under the command of Police Captains. Each Substation is responsible for a Patrol "Service Area," which are divided into Patrol Sections. Police Sergeants have supervisory responsibilities over the Patrol Sections, which are subdivided into "Patrol Districts."



Patrol districts are staffed with at least one officer, 24 hours a day, seven (7) days a week. Generally, there is no specific number of officers that can be assigned to a patrol district. Many times multiple officers are assigned to single districts. The "Patrol Districts" are geographically defined areas established for several reasons, including but not limited to:

- Serving as a manpower distribution tool based on call volume, population, area size, and geographic variables;
- Providing a means of establishing primary responsibility to individual officers, during their tour of duty, for various activities within a specific geographic area; and
- Providing an efficient and effective means of assigning, identifying, and locating officers, within a generalized area, using currently available technology.

The factors mentioned above will also determine the need for hiring additional patrol officers, ensure all patrol districts are adequately and continually staffed, and maintain an average response time comparable to other areas of the city.

Police services are initiated by on-sight officer activity, citizen requests, and any other means available. The most common means by which officers receive their assignments is through direct supervisory command and radio/computer transmissions by police dispatchers. SAPD San Antonio Fear Free Environment Unit (SAFFE) officers will be available to meet as requested to discuss police issues.

**B. Fire Protection and Emergency Medical Service (EMS)** – The San Antonio Fire Department (SAFD) will provide fire protection services and EMS to the Annexation Area consistent with the provision of services in like areas of San Antonio. Service will be provided through the use of fire engines, ladder trucks, full-time and peak period EMS ambulances, Medical Officers and Chief Officers.

**C. Solid Waste Collection and Environmental Service Fees** – The City's Solid Waste Management Department will provide solid waste collection services to single-family residences accessible from a public road at a level equivalent to those property owners within the current City limits beginning two years after the date of annexation. Services are provided and fees are assessed in accordance with Chapter 14 of the City Municipal Code, as may be amended. Fees for services are assessed monthly on CPS Energy Utility bills.

Multiple private providers are available to provide commercial and industrial solid waste services. City solid waste service fees are not assessed if private providers are utilized.

Fees are set annually by City Council:

- **Environmental Services Fees** – Environmental Services Fees are effective upon annexation. All residential and non-residential properties shall be assessed a monthly Environmental Service Fee. These fees are intended to defray municipal expenses necessary to cleaning up illegally dumped waste, collecting and disposing of dead animals, performing regulatory maintenance on closed landfills, providing environmental services to the City's park system, and equitably sharing costs for neighborhood clean-

ups benefiting residents and businesses that do not pay a monthly solid waste processing fee.

- **Solid Waste Fee** – A monthly solid waste fee will be assessed to single-family residences receiving City solid waste collection service. Garbage containers are provided in three sizes. The monthly fee is in accordance with the size of garbage container selected by the resident.

**D. Operation and Maintenance of Water and Wastewater Facilities** – San Antonio Water System (SAWS) will maintain and operate the public water and wastewater facilities that are within its certified service area. Routine standard maintenance of the facilities is performed on a scheduled basis. Emergency maintenance and repairs receive immediate attention, and are available 24 hours a day, 7 days a week. The facilities will be maintained and operated in accordance with standard SAWS policies and procedures, and under the provisions of the SAWS Utility Service Regulations for the extension of facilities.

*SAWS Monthly Rates* – The SAWS rate structure is designed to provide balance between residential and business rates and to encourage conservation with rates that increase at higher levels of consumption. The current rates were approved by City Council. SAWS customers, after annexation, will pay the lower Inside City Limit rate as opposed to the Outside City Limit rate.

*SAWS Water Conservation Programs & Rebates* – SAWS water conservation education programs and rebates are available to SAWS residential and commercial customers. Educational resources regarding drought-tolerant plants are available at: [www.GardenStyleSA.com](http://www.GardenStyleSA.com).

With commercial customers accounting for 5.7% of the customer base and 38.1% of SAWS' annual water sales, there is great potential for water savings through commercial conservation programs. Commercial customers also have access to water conservation education and incentives. There are programs to make irrigation systems more efficient and customer rebates for big projects that address operational efficiencies. Detailed information on these and other programs can be found on the SAWS website at: [www.saws.org](http://www.saws.org).

**E. Operation and Maintenance of Roads and Streets, including Street Lighting** – The Public Works Department (PWD) is responsible for the maintenance and repair of the City streets, City bridges, pavement markings, traffic signals, natural creeks and/or service alley infrastructure within its jurisdiction. Curbs, sidewalks, driveways approaches, curb ramps and other street infrastructures are constructed in accordance with the City and the Americans with Disability Act (ADA) standards. Service requests or community concerns for PWD's response, such as potholes, street base and pavement repairs are initiated by contacting the City's 311 call center or online services. These services include:

- Emergency Pavement Repair
- Street Base and Pavement Repair
- Preventative Street Maintenance
- Guard Post and Guard Rail Maintenance
- De-icing and Snow Removal Services

- Emergency Street Closure Services
- Street Pavement Marking Services

*Infrastructure Management Program (IMP)* is a five-year rolling program which focuses on the maintenance of City infrastructure. Services needs are identified city-wide and are scheduled for street maintenance, service alley maintenance, drainage maintenance, sidewalks gap-fill, traffic signals, pavement marking and Advance Transportation District (ATD) projects. The IMP provides a structured maintenance City program schedule, and improved coordination with work being done by the utility companies. During the City's annual budget process, the IMP is presented to City Council for approval. Amendments may occur throughout the year due to coordination with utilities or unforeseen conditions, such as inclement weather. The goal of the IMP is to provide the best possible maintenance for the City.

*Transportation Systems Management & Operations* will provide regulatory signage services in the Annexation Area. Traffic signal, stop and all other regulatory studies are conducted in conjunction with growth of traffic volumes. Traffic signs, signals, and markings are installed in conformance with the Texas Manual on Uniform Traffic Control Devices. Faded, vandalized, or missing signs are replaced as needed. "Call back" service is provided 24 hours a day, 365 days a year for emergency repair of critical regulatory signs. Requests for signage should be called into the 311 call center.

*Storm Water Engineering and Operations* is housed within the Public Works Department. The Storm Water team is responsible for drainage services as well as the installation, operation, and maintenance of drainage infrastructure throughout San Antonio.

*The Storm Water Utility Fee* is intended to cover maintenance expenses associated with the Municipal Separate Storm Sewer System (MS4) Permit as required by Federal regulations. More information about the storm water rate plan is available at the PW department website at: <https://www.sanantonio.gov/PW/Projects/Storm-Water-Fee>.

The storm water utility fee is billed by SAWS on behalf of the City. Services are currently provided by SAWS, in accordance with SAWS's approved business plan and as limited by applicable codes, laws, ordinances and special agreements. The fee will be assessed for the Annexation Area as the storm water will drain into the existing City facilities.

*Street lighting* – The planning of public streetlights is coordinated by the City's Development Services Department (DSD). CPS Energy will maintain public street lighting in accordance with the City's policies. The City assumes the cost of electricity for public streetlights.

**F. Operation and Maintenance of Parks, Playgrounds and Swimming Pools** – Maintenance responsibilities for municipally owned parks in the Annexation Area are the responsibility of the City. Any proposed or existing privately owned parks, playgrounds, swimming pools, recreational facilities and common spaces in the Annexation Area are the responsibility of the property owner(s).

**G. Operation and Maintenance of Any Other Publicly Owned Facility, Building, or Service** – Should the City acquire any other facilities, buildings, or services necessary for municipal services located within the Annexation Area, an appropriate City department will provide maintenance services for them.

**2. ADDITIONAL SERVICES** – Certain services, in addition to the above services, will be provided within the Annexation Area. They are as follows:

**A. Code Compliance** – The Code Compliance Division of DSD enforces City codes and regulations to protect the health, safety and general welfare of the community. Current enforcement is provided to the following and is not limited to:

- Vacant dangerous premises and structures,
- Junked vehicles,
- Weeded vacant lots,
- Zoning (Unified Development Code),
- Property maintenance,
- Minimum housing, including unsanitary premises,
- Front yard parking,
- Alley and right-of-way violations,
- Monthly inspections of salvage/junk yards,
- Monitoring and enforcing materials received at salvage/junk yards, and
- Enforcement of garage sale permits
- The Code and ordinances enforced by DSD are subject to changes by the City Council

**B. Zoning** – City Staff has initiated the zoning process for a permanent zoning classification. The Zoning Commission will conduct at least one public hearing and make a recommendation to the City Council regarding the proposed zoning. The City Council will consider the proposed zoning district concurrently with the annexation of the area at a public hearing. Zoning will be effective upon the effective date of annexation.

**C. Building Permits** – Incomplete construction may require building permits and/or inspections from the DSD in accordance with City codes and the tables below:

Vacant Lot Only; Construction not yet begun	Complete set of plans required
Foundation Only, up to 25%	Complete set of plans required; Engineer’s letter required on foundation
Foundation and Partial Framing over 25% but not over 50% complete	Complete set of plans required minus foundation plans; Engineer’s letter required on foundation
Foundation and Partial Framing over 50% complete	No plans required; fill out application only and declare percentage completed

Foundation, framing, sheetrock, mechanical, electric, plumbing, etc. Approximately 75% to 99% completed. Needs textone, flatwork, fence, finals only, etc.	No plans required; fill out application only for meter and CPS release
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	No slab poured	Slab poured	Frame, no sheetrock	Sheetrocked
<b>Building</b>	100%	75%	50% Frame Inspection Required	25% Frame Inspection Required
<b>Plumbing</b>	100%	66% Rough-in required 100% gas permit	66% Rough-in required 100% gas permit	33% Plumbing final and 50% gas permit
<b>Electrical</b>	100%	100%	100% Rough-in required	50% Final Inspection
<b>Mechanical</b>	100%	100%	100% Rough-in required	Equipment only. Permit for air handler, cooling coil and condenser required
<b>Plans</b>	Yes 100%	Yes 100%	No (0%) (Steel frame – engineer’s sealed plans on site)	No (0%) (Steel frame – engineer’s sealed plans on site)

For demolition initiated after annexation of the area, a demolition permit for all applicable codes shall be obtained. This includes review by the Office of Historic Preservation, City Arborist, and CPS.

For new construction initiated after annexation of the area, permits, plan reviews, and inspections for all applicable codes shall be obtained and successfully passed. Other field inspections may be applicable for new commercial construction depending on the specific use and/or location of the project.

Permits may be applied for at the Cliff Morton Development and Business Services Center located at 1901 South Alamo Street, San Antonio, TX. In addition, as part of the permitting process, the applicant will be required to adhere to the City’s Tree and Landscape requirements. A one-stop development service counter has been created to assist the public with any development questions that relate to building, plan review, street and sidewalk construction and storm water related issues.

**D. Certificate of Occupancy** – The Property Owner acknowledges that any new construction on the property completed after the effective date of annexation will require a Certificate of Occupancy from the City. In accordance with the adopted International Building Code, no person may occupy a building or a space without first obtaining a Certificate of Occupancy. Certificates of Occupancy may be applied for at the Cliff Morton Development and Business Services Center.

**E. Library Services** – The San Antonio Public Library locations provide the following services:

- Library materials for adults, young adults and children including books, periodicals, compact disks, DVD, videos, audio books, and electronic books;
- Programming for adults, young adults and children such as regularly scheduled story time;
- Book discussion groups and other topics of interest to the community; and
- Access to the website, databases and other computer programs, is available seven days a week through the San Antonio Public Library web address: [www.mysapl.org/digital](http://www.mysapl.org/digital).

Professional staff is available to assist library customers with reference and reader's advisory questions and public meeting room space are available. More information is available at the San Antonio Public Library Website: [www.mysapl.org](http://www.mysapl.org).

**F. Health Department Services** – The San Antonio Metropolitan Health District (Metro Health) currently provides certain public health services to include communicable disease control, emergency preparedness and response, and health education to individuals residing in the Annexation Area through an interlocal agreement with Bexar County-University Health Systems. Upon full purpose annexation the following additional services will become available:

- Investigation of public health related complaints including food borne illness, recreational water quality, and public swimming pools and spas, and investigation of toxic exposures;
- Permitting and routine sanitation inspections of food establishments, schools, day cares, swimming pools and mobile living parks;
- Enforcement of the City's smoking ordinance in public places;
- Access to community health clinics; and
- Referrals to medical assistance program benefits

Metro Health would provide additional services for oversight of day care centers, semi-public swimming pools, air pollution education and source registration. For more information, visit the Metro Health website at: [www.sanantonio.gov/health](http://www.sanantonio.gov/health).

**G. Animal Care Services** – The newly annexed area will receive the same level of service as within the current San Antonio City Limits. These services include, but may not be limited to, animal enforcement and control, educational and public outreach, low cost animal related resources as microchips and spay/neuter services, and community cat program services.

**H. Other Services** – City Departments with jurisdiction in the Annexation Area will provide services according to City policy and procedure.

**3. CAPITAL IMPROVEMENTS PROGRAM** – The City will initiate the planning, design, and construction of capital improvements as may be necessary for providing municipal services to the Annexation Area.

**A. Police Protection** – No capital improvements are necessary at this time to provide police services.

**B. Fire Protection** – No capital improvements are necessary to provide fire services.

**C. Emergency Medical Service** – No capital improvements are necessary at this time to provide EMS services.

**D. Solid Waste Collection** – No capital improvements are necessary at this time to provide solid waste collection services.

**E. Roads and Streets** – No newly constructed road or street related capital improvements are necessary at this time to provide services. The City will assume maintenance responsibilities for all public streets.

**F. Parks, Playgrounds and Swimming Pools** – No capital improvements are necessary at this time to provide parks and recreation services.

**G. Library Services** – No capital improvements are necessary at this time.

**H. Capital Improvements Planning** – The Annexation Area will be included with other territory within the municipality in connection with planning for new or expanded facilities and/or services. All other capital improvements will be considered through the 6-Year Capital Budget that represents the City's long-range physical infrastructure development and improve plan. Major funding sources are General Obligation Bonds, Certificates of Obligation, Storm Water Revenue Bonds, and Community Development Block Grants as applicable. Capital projects are placed in inventory by the City Council representative through input from community plans, existing neighborhood plans, community associations, neighborhood requests and other community processes.

## **ARTICLE 2. AMENDMENT: GOVERNING LAW**

This plan may be amended or repealed by the San Antonio City Council if the City in its discretion finds it necessary to do so except as provided by the Texas Local Government Code or other controlling law. Neither changes in the methods or means of implementing any part of the service programs nor changes in the responsibilities of the various departments of the City shall constitute amendments to this plan, and the City reserves the right to make such changes. This plan is subject to and shall be interpreted in accordance with the Constitution and laws of the United States of America and the State of Texas, the Texas Local Government Code, and the orders, rules and regulations of governmental bodies and officers having jurisdiction.

## **ARTICLE 3. FORCE MAJEURE**

In case of an emergency, such as Force Majeure as that term is defined in this plan, in which the City is forced to temporarily divert its personnel and resources away from the Annexation Area

for humanitarian purposes or protection of the general public, the City obligates itself to take all reasonable measures to restore services to the Annexation Area of the level described in this plan as soon as possible. Force Majeure shall include, but not be limited to, acts of God, acts of the public enemy, war, blockages, insurrection, riots, epidemics, landslides, lightning, earthquakes, fires, storms, floods, washouts, droughts, tornadoes, hurricanes, arrest and restraint of government, explosions, collisions and other inability of the City, whether similar to those enumerated or otherwise, which is not within the control of the City. Unavailability or shortage of funds shall not constitute Force Majeure for purposes of this plan.

#### **ARTICLE 4. SUMMARY OF THE WATER AND WASTEWATER UTILITY SERVICE REGULATIONS**

The following information is a summary of the SAWS Utility Service Regulations, adopted in 2016, for the extension of water and/or wastewater facilities as incorporated by reference in the latest version of the Unified Development Code.

Water and wastewater service is only provided to lots that have been properly subdivided and platted or are a legal lot. For property that is required by subdivision regulations to construct water or wastewater facilities connecting to the SAWS system, funding and construction of those facilities will remain the responsibility of the developer. If the specific undeveloped property does not have SAWS water or wastewater service fronting the property, the owner may make an application for an extension of service to SAWS Director of Development Engineering for review. If the Director determines that adequate capacity is available, or will be and if the project does not include SAWS cost participation or reimbursement, and if the proposed facilities are a logical extension of SAWS water and/or wastewater system and the requested extension meets the requirements of SAWS Utility Service Regulations, the extension size, capacity, and routing may be approved by the Director. Funding and construction of the facilities will be the responsibility of the developer.

Depending on the size of the new facilities and other conditions, with SAWS Board of Trustees approval, SAWS may reimburse the developer for a portion of the cost of constructing certain facilities. With Board approval, SAWS may reimburse costs associated with the oversize capacity of water and wastewater mains. The actual calculation of the cost participation and reimbursement amounts, including limits and the schedules for the payments, are included in SAWS Utility Service Regulations as incorporated by reference in the UDC.

For lots that have water or wastewater lines in the street fronting the lot, the owner may receive water or wastewater service by applying for a tap permit and paying any required fees. The new customers will be required to pay the impact fees and all connection fees.

For property(s) served by a septic system, the property owner(s) remains responsible for the operation and maintenance of the septic system. If the septic system fails, the property owner must repair the system or pay to extend SAWS wastewater facilities to the property, if unavailable. Under certain circumstances the City Health Department and/or applicable regulatory agency for septic tanks may require the property owner to connect to SAWS public



wastewater facilities.

**ARTICLE 5. EFFECTIVE DATE**

This plan shall be in effect and commence on the effective date of the annexation, unless otherwise stated. The plan will not have a term limit, as Annexation into the City of San Antonio provides for municipal services beginning on the effective date with no finality.