EF/ml
9/8/2016
Item No. 4C

A RESOLUTION 2016-09-08-0027R

**DIRECTING THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT TO PREPARE A SERVICE PLAN REGARDING THE VOLUNTARY ANNEXATION OF APPROXIMATELY 421.6 ACRES GENERALLY LOCATED NORTH OF PRIEST ROAD, SOUTH OF LOOP 410, EAST OF I-35, AND WEST OF I-37 IN THE SOUTHERN PORTION OF SAN ANTONIO'S EXTRATERRITORIAL JURISDICTION.**

* * * * *

**WHEREAS,** the City of San Antonio approved development agreements for tracts of land appraised for ad valorem tax purposes as agricultural, wildlife management or timber use, and an agreement for services in lieu of annexation which were executed in the January 2014 Limited Purpose Annexation of South San Antonio; and

**WHEREAS**, the development agreements guaranteed the continued extraterritorial status of properties and authorize the enforcement of City regulations and planning authority that do not interfere with agriculture, wildlife management, or timber use, up to 10 years pursuant to Section 43.035 of the Texas Local Government Code; and

**WHEREAS,** the development agreements automatically terminate and the property owner agrees to consensual annexation if the Owner:

- Fails to continue to use the Property solely for agricultural, wildlife management or timber use;
- Subdivides or develops the Property in any manner that would require a plat of the subdivision or a related development document to be filed with any government entity having jurisdiction over the Property with the filing of a subdivision plat or related development document;
- Adds new residential to the property that is not the addition of living space to an existing legal residence, the addition of accessory residential structures such as garages and carports where the total combined floor area of all accessory structures does not exceed 2,500 feet, and an accessory dwelling (either attached or detached) that does not exceed 1,200 square feet in living area; and,

**WHEREAS**, the agreement for services in lieu of annexation with the City of San Antonio and the Southwest Independent School District (SWISD), where SWISD consented to voluntary annexation of the multi-school campus by the City of San Antonio on or after November 30, 2016; and

**WHEREAS,** the purpose of the annexation is to bring the 12 tracts of land consisting of 421.6 acres into the City of San Antonio limits, and provide equivalent level of City services to the properties; and

**WHEREAS,** this request for annexation is consistent with the City of San Antonio's Annexation Policy adopted February 14, 2013; and

**WHEREAS,** City Council must direct its Department of Planning and Community Development to prepare a service plan prior to the publication of the notice of the first required public hearing, in accordance with Chapter 43 of the Texas Local Government Code; **NOW THEREFORE:**

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

**SECTION 1.** The City Council hereby directs its Planning Department to prepare a Service Plan for the voluntary annexation of 12 tracts consisting of approximately 421.6 acres generally north of Priest Road, south of Loop 410, east of I-35, and west of I-37 in the southern portion of San Antonio's Extraterritorial Jurisdiction as described in Exhibit I.

**SECTION 2.** This resolution shall be effective on September 18th, 2016.

**PASSED AND APPROVED this 8th day of September, 2016.**

Ivy R. Taylor

**M A Y O R**
**Ivy R. Taylor**

**ATTEST:**

Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**

City Attorney

| | |
|---|---|
| **Agenda Item:** | **4C ( in consent vote: 4A, 4B, 4C )** |
| **Date:** | 09/08/2016 |
| **Time:** | 01:21:39 PM |
| **Vote Type:** | Motion to Approve |
| **Description:** | A Resolution directing the Department of Planning and Community Development to prepare a Service Plan regarding the voluntary annexations of approximately 421.6 acres within 12 tracts generally located north of Priest Road, south of Loop 410, east of I-35, and west of I-37 in the southern portion of San Antonio's Extraterritorial Jurisdiction. |
| **Result:** | Passed |

| Voter | Group | Not Present | Yea | Nay | Abstain | Motion | Second |
|---|---|---|---|---|---|---|---|
| Ivy R. Taylor | Mayor | | x | | | | |
| Roberto C. Treviño | District 1 | | x | | | | |
| Alan Warrick | District 2 | | x | | | | |
| Rebecca Viagran | District 3 | | x | | | | 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 | |

Exhibit 1
South San Antonio Voluntary Annexation

| | Owner | Location | Account Number | Property ID | Legal Description | Acres |
|---|---|---|---|---|---|---|
| 1 | BROWN NIVIA R | 11893 FISCHER RD | 04301-000-0760 | 190333 | CB 4301 P-76 ABS 6 | 9.984 |
| 2 | WRIGHT FREIDA A | 12131 FISHER RD | 04301-000-0491 | 190255 | CB 4301 P-49A ABS 6 | 20.724 |
| 3 | PATRICIA L. CRAWFORD | SOMERSET RD | 04295-000-0323 | 189242 | CB 4295 P-32C ABS 12 | 33.4225 |
| 4 | BOARD OF TRUSTEES OF SOUTHWEST ISD | SOMERSET RD | | | Specifically Described in Attachment 1 | 204.203 |
| 5 | BEXAR COUNTY | 10952 ESPADA RD | 04002-001-0260 | 155817 | CB 4002-1 W IRRG 2240.49 FT OF TR-9 ARB P-26 | 8.333 |
| 6 | BEXAR COUNTY | 10954 ESPADA RD | 04002-001-0170 | 155765 | CB 4002-1 P-17 | 12.728 |
| 7 | JENKINS JESSE F & WILLIAM ETAL | 10891 SOUTHTON RD | 05161-000-0051 | 337196 | CB 5161 P5-A ABS 738 | 20.646 |
| 8 | GOMEZ FRANK T JR & ALICIA R | 11735 BLUE WING RD | 04069-034-0172 | 175451 | CB 4069B BLK 15 LOT 17 | 4.996 |
| 9 | PEREZ DANIEL FERNANDEZ AND JUANITA | 4415 MICKEY RD | 0469-028-0077 | 1232638 | CB 4069B BLK 7 LOT N IRR 535.12 FT OF TR-7 (1.612 AC) & BLK 8 LOT NE 477.25 FT OF TR-8 ARB TR-8A (9.102 AC) | 10.714 |
| 10 | PEREZ DANIEL AND JUANITA | MICKEY RD | 04069-028-0074 | 175392 | CB 4069B BLK 7 LOT W 130 FT OF S 1319.52 OF TR7 & BLK 8 E 266.15 FT OF S 1319.52 FT OF TR-8 | 12 |
| 11 | LONG HUGH E | 3800 S LOOP 1604 | 04167-101-0030 | 181229 | CB 4167A BLK 1 LOT 3 (IVY SUBD) | 43.656 |
| 12 | LONG HUGH E | 3800 S LOOP 1604 | 04167-101-0080 | 181234 | CB 4167A BLK 1 LOT 8 (IVY SUBD) | 40.218 |
| | **Total Acres** | | | | | **421.6245** |

Attachment 1

Job No.: S0169289
December 8, 2010

CIVIL ENGINEERING CONSULTANTS
DON DURDEN, INC.
SAN ANTONIO • LAREDO

## DESCRIPTION OF 204.203 ACRE TRACT

**Being** a 204.203 acre tract being out of a 306.391 acre tract out of the Jose Angel Navarro Survey No. 5, Abstract No. 12, C.B. 4295, San Antonio, Bexar County Texas, as recorded in Volume 14039, Page 146, Official Public Records and out of a 0.4068 acre tract as recorded in Volume 14738, Page 342, Official Public Records and being out of the F. R. Hernandez Survey No. 6, Abstract No. 6, County Block 4301, San Antonio, Bexar County Texas, said 204.203 acre tract being more particularly described as Tract 1 containing 198.981 acres, Tract 2 containing 4.374 acres and Tract 3 containing 0.848 acres and being more particularly described by metes and bounds as follows:

**SURVEYOR NOTE:**

All bearings are based on the Texas State Plane Coordinate System, South Central Zone N.A.D. 83, as referenced by the USGS monument "LOCKHILL 2" having a coordinate value N = 13,750,260.07, E = 2,099,440.89.

**TRACT 1**

**Being** a 198.981 acre tract out of a 306.391 acre tract as recorded in Volume 14039, Page 146, Official Public Records, and being out of the Jose Angel Navarro Survey No. 5, Abstract No. 12, C.B. 4295, San Antonio, Bexar County Texas, said 198.981 acre tract being more particularly described by metes and bounds as follows:

**BEGINNING** at a found 5/8" iron rod on the north line of Howard Road for the southeast corner of the herein described tract and the southeast corner of a 100 acre tract conveyed from Lane to Waechter in deed recorded in Volume 1221, Page 23, Deed Records;

**THENCE,** along the north line of Howard Road, the south line of said 100 acre tract and the south line of the herein described tract, N. 80°50'30" W., a distance of 2694.82 feet to a ½" iron rod with "CEC" cap set for the southwest corner of the herein described tract;

**THENCE,** along the west line of the herein described tract N. 09°08'30" E., a distance of 1525.10 feet to a ½" iron rod found for the the southeast corner of a 33.422 acre (Tract A) as recorded in Volume 8614, Page 205, Official Public Records, the southwest corner of a 100.77 acre tract conveyed from Waechter to Reeh as described in Volume 1219, Page 591, Deed Records, the northwest corner of a 100 acre tract conveyed from Lane to Waechter as decribed in Volume 1221, Page 23, Deed Records and the southwest corner of a 101.93 acre tract conveyed from Lane to Lindsey as described in Volume 1237, Page 556, Deed Records, for an angle point of the herein described tract;

**THENCE,** continuing along the west line of the herein described tract, the west line of said

101.93 acre tract and the east line of said 100.77 acre tract N. 14°59'00" E., a distance of 1565.69 feet to a ½" iron rod with "CEC" cap set for the northwest corner of the herein described tract, said point being the northwest corner of said 101.93 acre tract and the northeast corner of said 100.77 acre tract, said point being in the south line of a 1269.456 acre tract as described in Volume 3227, Page 1024, Official Public Records;

**THENCE,** along the north line of the herein described tract, the north line of said 101.93 acre tract and the south line of said 1269.456 acre tract S. 80°48'53" E., a distance of 2850.82 feet to a ½" iron rod found for the northeast corner of the herein described tract and the northeast corner of said 101.93 acre tract;

**THENCE,** along the east line of said 101.93 acre tract, the east line of said 100.00 acre tract and the east line of the herein described tract and a west line of said 1269.456 acre tract S. 14°59'07" W., a distance of 3097.38 feet to the **POINT OF BEGINNING** and containing 198.981 acres of land, more or less.

**TRACT 2**

**Being** a 4.374 acre tract out of a 306.391 acre tract as recorded in Volume 14039, Page 146, Official Public Records and being out of the Jose Angel Navarro Survey No. 5, Abstract No. 12, C.B. 4295, and out of a 0.4068 acre tract as recorded in Volume 14738, Page 342, Official Public Records and being out of the F. R. Hernandez Survey No. 6, Abstract No. 6, County Block 4301, San Antonio, Bexar County Texas, said 4.374 acre tract being more particularly described by metes and bounds as follows:

**BEGINNING** at a found ½" iron rod at the northeast corner of the herein described tract, the southeast corner of a 33.422 acre (Tract A) as recorded in Volume 8614, Page 205, Official Public Records, the southwest corner of a 100.77 acre tract conveyed from Waechter to Reeh as described in Volume 1219, Page 591, Deed Records, the northwest corner of a 100 acre tract conveyed from Lane to Waechter as decribed in Volume 1221, Page 23, Deed Records and the southwest corner of a 101.93 acre tract conveyed from Lane to Lindsey as described in Volume 1237, Page 556, Deed Records;

**THENCE,** along the east line of of the herein described tract S. 09°08'30" W., a distance of 60.00 feet to a ½" iron rod with "CEC" cap set for the southeast corner of the herein described tract;

**THENCE,** parallel to and 60 foot south of the south line of said 100.77 acre tract and the north line of the herein described tract N. 80°43'52" W., a distance of 2893.91 feet to a ½" iron rod with "CEC" cap set for a corner of the herein described tract said point being on the east line of 0.4068 acre tract conveyed to "TMM Investments Ltd." as described in Volume 14738, Page 342, Official Public Records;

**THENCE,** along the east ine of said 0.4068 acre tract S. 08°54'15" W., a distance of 143.56 feet to a ½" iron rod with "CEC" cap set for the southernmost southwest corner of the herein described tract;

**THENCE,** along the south line of said 0.4068 acre tract N. 46°07'42" W., a distance of 144.11 feet to a ½" iron rod with "CEC" cap set for the southwest corner of the herein described tract, said point being in the east right of way line of Somerset Road;

**THENCE,** along the east right of way line of Somerset Road N. 26°01'01" E., a distance of 127.11 feet to a found 5/8" iron rod for the northwest corner of the herein described tract;

**THENCE,** along the south line of said 33.422 acre tract, the south line of said 100.77 acre tract and the north line of the herein described tract S. 80°43'52" E., a distance of 2974.85 feet to the **POINT OF BEGINNING** and containing 4.374 acres of land, more or less.

**TRACT 3**

**Being** a 0.848 acre tract out of a 306.391 acre tract as recorded in Volume 14039, Page 146, Official Public Records, and being out of the Jose Angel Navarro Survey No. 5, Abstract No. 12, C.B. 4295, San Antonio, Bexar County Texas, said 0.848 acre tract being more particularly described by metes and bounds as follows:

**BEGINNING** at a set ½" iron rod set for the southwest corner of the herein described tract, said point being the point of curvature of a curve in Wastson Road and said tract conveyed to Bexar County as described in a deed recorded in Volume 7729, Page 40, Official Public Records;

**THENCE,** along the north line of of the herein described tract S. 81°29'22" E., a distance of 620.02 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

**THENCE,** continuing along north line of the herein described tract S 80°51'30" E., a distance of 733.76 feet to a ½" iron rod with "CEC" cap set for a cutback of the herein described tract;

**THENCE,** along said cutback N. 54°08'30" E., a distance of 34.57 feet to a ½" iron rod with "CEC" cap set, for a northeast corner of the herein described tract;

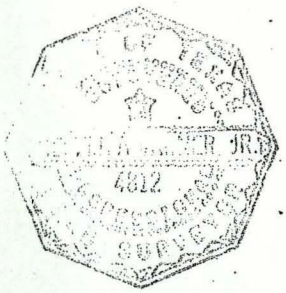
**THENCE,** along the east line of the herein described tract S. 08°34'00" W., a distance of 55.26 feet to a ½" iron rod with "CEC" cap set for the southeast corner of the herein described tract said point being in thee north line of Howard Road;

**THENCE,** along the north line of Howard Road N. 80°50'30" W., a distance of 763.55 feet to a ½" iron rod with "CEC" cap set for an angle point of the herein described tract;

**THENCE,** along the north right of way of Watson Road N. 80°28'53" W., a distance of 444.97 feet to a ½" iron rod with "CEC" cap set on a curve to the left having a central angle of 13°11'52", a radius of 746.21 and a chord bearing and distance of N. 73°52'57" W., 171.51 feet for the southwest corner of the herein described tract;

**THENCE,** along the arc of said curve and the north right of way line of Watson Road a distance of 171.89 feet to the **POINT OF BEGINNING** and containing 0.848 acres of land, more or less.

Said Tract 1, Tract 2 and Tract 3 containing 204.203 acre of land more or less.

This description was prepared from a survey made on the ground by employees of Civil Engineering Consultants. There is a plat of a survey with like job number. Bearings are based on the Texas State Plane, South Central Zone Coordinate System. Surveyed this the 8th day of December, 2010.

Chester A. Varner R.P.L.S.
Chester A. Varner, RPLS # 4812 12/8/2010