

A RESOLUTION **2008 - 01 - 31 - 0009R**

**GRANTING CONSENT FOR THE RESIDENTS OF THE VON ORMY AREA TO INITIATE MUNICIPAL INCORPORATION PROCEEDINGS WITHIN THE CITY'S EXTRATERRITORIAL JURISDICTION WHICH CONSISTS OF APPROXIMATELY 1.88 SQUARE MILES ALONG THE INTERSECTION OF INTERSTATE HIGHWAY 35, SOUTH OF THE MEDINA RIVER AND ALONG SOUTHWEST LOOP 1604.**

\* \* \* \* \*

**WHEREAS**, a petition was submitted on August 17, 2007 requesting that the City grant its consent to initiate municipal incorporation proceedings within its extraterritorial jurisdiction; and

**WHEREAS**, the petitioners are seeking to incorporate as a general-law municipality to provide municipal services and address the public needs of their community; and

**WHEREAS**, if the consent to initiate municipal incorporation proceedings is obtained, it must be initiated within six months after the date of the consent and completed within eighteen months after the date of the consent and failure to comply with either time requirements shall terminate the consent; and

**WHEREAS**, the Planning Commission held a public hearing on January 23, 2008 on the request for consent to initiate municipal incorporation proceedings within the San Antonio extraterritorial jurisdiction; **NOW THEREFORE**,

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

**SECTION 1.** The consent for the residents of the Von Ormy area to initiate municipal incorporation proceedings within the extraterritorial jurisdiction of San Antonio of the approximately 1.88 square mile tract pursuant to Texas Local Government Code Sec. 42.041 is hereby granted. The petition and map are attached hereto as **Exhibit A** and **Exhibit B** and incorporated herein by reference for all purposes.

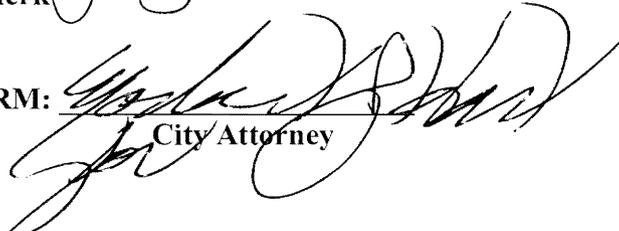
**SECTION 2.** This Resolution will become effective on the tenth day after passage.

**PASSED AND APPROVED** on this 31st day of January, 2008.

  
M A Y O R

**PHIL HARDBERGER**

ATTEST:   
City Clerk

APPROVED AS TO FORM:   
City Attorney

<b>Agenda Item:</b>	32						
<b>Date:</b>	01/31/2008						
<b>Time:</b>	03:06:17 PM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	A Resolution granting consent for the residents of the Von Ormy area to initiate municipal incorporation proceedings within the City's Extraterritorial Jurisdiction which consists of approximately 1.88 square miles along the intersection of Interstate Highway 35, south of the Medina River and along Southwest Loop 1604. [T.C. Broadnax, Assistant City Manager / Interim Director, Planning and Community Development]						
<b>Result:</b>	Passed						
<b>Voter</b>	<b>Group</b>	<b>Not Present</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
Phil Hardberger	Mayor		x				
Mary Alice P. Cisneros	District 1	x					
Sheila D. McNeil	District 2		x				
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x				
Lourdes Galvan	District 5		x				
Delicia Herrera	District 6	x					
Justin Rodriguez	District 7		x				
Diane G. Cibrian	District 8		x			x	
Louis E. Rowe	District 9		x				
John G. Clamp	District 10		x				x

## Exhibit A

### COMMITTEE TO INCORPORATE VON ORMY

P.O. BOX 377, VON ORMY, TEXAS, 78073

www.vonormytx.com | 210-857-6848

August 17, 2007

Dear Mayor Hardberger and City Council of the City of San Antonio,

Please accept this amendment to our petition dated October 11, 2006 concerning a resolution to allow an election on the incorporation of Von Ormy into a municipality within the extra-territorial jurisdiction of the City of San Antonio. Over the past ten months the Committee to Incorporate Von Ormy (CIVO) has been working with your staff in the City of San Antonio Planning Department, in particular Jesus Garza. As a result of these lengthy discussions we have developed a proposal that we believe is mutually agreeable to the interests of both San Antonio and Von Ormy. Furthermore, it will allow for the underserved community of Von Ormy access to resources and opportunities that are currently unavailable to it.

Over the past ten months we have received the public endorsement of our State and County officials, including State Rep. David Leibowitz, State Sen. Carlos Uresti, County Commissioner Chico Rodriguez, and County Judge Nelson Wolff. We have included their letters of support with this amended petition for your consideration.

Sincerely,



Art Martinez de Vara

Chair - Committee to Incorporate Von Ormy

210-857-6848

[martinezdevara@yahoo.com](mailto:martinezdevara@yahoo.com)

07 AUG 17 PM 3:42  
CITY OF SAN ANTONIO  
CIVIL SERVICE



H32  
01/21/08 agenda

VON ORMY

TEXAS

## **Incorporation of Von Ormy Timeline**

Spring/Summer 2006 –discussion about incorporation of Von Ormy into a City is common at the Jarret Volunteer Fire Department. Firefighters believe that it will benefit the residents by giving them the political instrument to provide better public services to the community.

6/1/06 – 6/10/06 – Art Martinez de Vara and Sally Martinez distribute flyers announcing public meeting about the future of Von Ormy and possible incorporation.

6/11/06 – First “Dear Neighbor” letter to Von Ormy distributed to all of Von Ormy by Art Martinez de Vara at public meeting to discuss the possible incorporation of Von Ormy. .

6/14/06 – Blockwalking of Von Ormy Heights, Benton City Road and other Von Ormy areas. Walkers met at Benjamin’s Kitchen on Fischer Rd.

6/16/06 – Article appears in Lytle Leader News regarding public meeting.

6/19/06 – CIVO calls and faxes the following officials and candidates to inform them of Von Ormy’s incorporation effort: Mayor Phil Hardberger, Councilman Kevin Wolff, County Judge Nelson Wolff, Councilman Roger Flores, Councilman Sheila McNeil, Councilman Roland Gutierrez, Councilman Richard Perez, Councilman Herrera, Councilman Elena Guajardo, Councilman Art Hall, Councilman Chip Hass, County Commissioner Chico Rodriguez.

6/20/06 – State Rep. David Leibowitz sends letters to all of Von Ormy about his support of Von Ormy incorporation.

6/29/06 – Committee to Incorporate Von Ormy (CIVO) organizes as a Non-Profit Association and gets FED EIN number: 56-2594382

7/06 – Met with County Judge Nelson Wolff and County Commissioner Chico Rodriguez and received their endorsement of incorporation effort.

7/8/06 – CIVO sends Letter to Bexar County Engineer Rene Green officially requesting assistance in surveying the proposed city limits.

7/9/06 – CIVO sends second “Dear Neighbor” letter to all of Von Ormy, with update and announcing public meeting on July 19, 2006.

7/12/06 – San Antonio Current runs article “Von Ormy, Inc.” about incorporation effort in Von Ormy.

7/19/06 – CIVO public meeting held at Sacred Heart Catholic Church Parish Hall.

7/25/06 – CIVO Public meeting is reported in the Lytle Leader News.

7/28/06 – CIVO organizes meeting with City of San Antonio Councilman (District 4) Richard Perez to discuss incorporation

8/5/06 – Bucket Drive, CIVO members held signs at intersection of I-35 and 1604, sold hotdogs, had information booth, passed out flyers and collected money from public.

8/8/06 – CIVO Meeting, donations from business residents United Rental, Valero, Bates, Love's Truck stop, Uniform Company, 84 Lumber, Turnkey, Mr. W Fireworks.

8/12/06 – CIVO fundraiser sold hotdogs on side of road and passed out flyers to the public.

8/16/06 – CIVO Meeting, retained attorney

8/28/06 – CIVO meets with Philips Properties, LTD about land donation for Fire Station and future City Hall for Von Ormy.

8/30/06 – CIVO Meeting, received contributions from business residents, Exxon Station, Burger King etc..

9/6/06 – CIVO Meeting, committee reduced proposed city limits to 5 square miles and will resubmit to San Antonio.

10/5/06 – CIVO Meeting - Organized sending of postcards to all landowners in proposed city limits about upcoming public meeting. First proposal of Von Ormy Day to celebrate 120<sup>th</sup> anniversary of Von Ormy and inform the public of effort to incorporate. Discussed land donation for fire station and city hall.

10/11/06 – CIVO files petition with COSA City Clerk to release ETJ for the purpose of holding an election on incorporation. 99 registered voters signed petition. Press Release is issued to all San Antonio area media.

10/11/06 – CIVO petition is reported by WOAI and Univision.

10/17/06 – CIVO meets with COSA Councilman Richard Perez.

10/19/06 – Lytle Leader News publishes article about CIVO petition.

10/26/06 – Southside Reporter publishes article about CIVO petition and incorporation effort.

10/30/06 CIVO meeting, organized first Von Ormy Parade, bought postage for mailer to Von Ormy residents regarding filing of petition. CIVO adopts Von Ormy Flag.

10/30/06 CIVO sends letter to Constable Ruben Tejeda, CIVO receives his support and agrees to provide traffic control for Von Ormy parade.

11/1/06 Express-News publishes article "City Seeks to Retain its History" about Von Ormy Incorporation. They report "most residents favor incorporation".

11/10/06 – CIVO Meeting, Von Ormy Day Parade/Festival/Incorporation Update

11/10/06 – Press Release regarding Von Ormy Day Parade.

Early 11/06 – (WEEK AFTER SUBMITTING ORIG PET) CIVO (Art Martinez de Vara, Jacqueline Silva, Charlie Brown, John Ortega, Jr.) meeting with COSA Planning Dept. Jesus Garza and his assistant. Christine COSA disputed population stats, refused to accept any population growth since 2000 census.

Late 11/06 CIVO met with COSA Jesus Garza. COSA refused to accept any other basis for calculating population other than 2000 census. COSA suggested we would have a more favorable application if we stayed south of the Medina River, reduced our city limits to 4 square miles, cleaned up our boundaries to follow property lines and eliminated a few irregularities in our proposed city limits caused by our use of the Medina River as a northern boundary line. Garza also indicated that the Planning department would be willing to release ETJ north of Rife Lane and Neighborhood Road after incorporation in order to preserve Von Ormy's traditional boundaries. We agreed to do these things and re-submit our petition.

11/06 – CIVO submitted an amended proposed city limits to the COSA planning department, but Christine was transferred to another department and this petition was lost.

11/30/06 – Lytle Leader News reports about upcoming Von Ormy Parade on Front Page.

12/2/06 – CIVO holds Von Ormy Day Parade and Festival. Congressman "Ciro" Rodriguez and County Commissioner "Chico" Rodriguez are co-Grand Marshalls.

12/06 – Jesus Garza acknowledged that our proposal had been lost and asked us to resubmit, but informed us that he would not be able to revisit Von Ormy incorporation until Jan 15, 2007.

12/3/06 – Express-News publishes article "Von Ormy fetes Heritage" about incorporation effort and CIVO festival.

12/7/06 – Lytle Leader News publishes article and photos of Von Ormy Day Parade and Festival.

12/7/06 – Commemorative Von Ormy Postage goes on sale.

12/7/06 – AJ's Convenience Store in Von Ormy begins selling "I Love VO" t-shirts at their store in support of incorporation.

12/14/06 – Lytle Leader News publishes article "Von Ormy Celebrates 120 Years" about CIVO's Von Ormy Day Parade and Festival.

12/14/06 – Southside Reporter publishes article "Von Ormy Celebrates 120<sup>th</sup> Anniversary" about CIVO's Von Ormy Day Parade and Festival.

1/28/07 – CIVO lobbies in Austin for incorporation during legislative session with Rep. David Leibowitz, Rep. Mendez, Sen. Uresti, Rep. Farias.

2/1/07 – Lytle Leader News publishes article "Von Ormy Forms Chamber of Commerce"

2/2/2007 – CIVO meeting with Jesus Garza regarding revised petition.

2/8/07 – CIVO organizes the Von Ormy Chamber of Commerce and first meeting is held at Alamo River RV Resort Clubhouse.

2/8/07 – CIVO meets with the Atascosa Rural Water Supply Company about the possibility of them applying for a CCN to provide sewer to Von Ormy

3/7/07 - State Rep. David Leibowitz introduces bill to allow Von Ormy to incorporate, despite the COSA's policy to always reject petitions to incorporate within their ETJ.

4/4/07 – Sally Martinez (CIVO) and Jesus Garza (COSA) testify before the Land and Resource Management Committee of the Texas House in Austin, regarding a bill to allow Von Ormy to Incorporate.

5/18/07 CIVO meets with Jesus Garza of the COSA Planning and Infrastructure about proposed amended petition.

5/21/07 – CIVO meets with County Commissioner Chico Rodriguez and Atascosa Rural Water Supply Company about plan to bring sewer to Von Ormy.

5/22/07 - Von Ormy receives the written endorsement and support of State Rep. David McQuade Leibowitz, District 117.

5/24/07 - Von Ormy receives the written endorsement and support of County Commissioner Sergio "Chico" Rodriguez, Precinct 1.

8/2/07 – CIVO Meeting regarding interfacing with the COSA City Council about upcoming vote on petition.

8/15/07 – CIVO files amended petition with COSA reflecting negotiations with COSA Planning Department over proposed city limits. City is reduced to 1.88 square miles.

8/17/07 - Von Ormy receives the written endorsement and support of County Judge Nelson Wolff.

8/27/07 – Von Ormy receives the written endorsement and support of State Senator Carlos Uresti, District 19.

10/7/07 – CIVO (Art Martinez de Vara, Israel Rocha, Joe Kierstead) met with Councilman Phil Cortez and staff regarding incorporation. He agreed to support our petition.

11/7/07 – Von Ormy receives the written endorsement and support of COSA Councilman Philip A. Cortez, District 4.

11/16/07 – CIVO Meeting to organize parade and other matters.

11/28/07 – CIVO Meeting to organize parade and other matters. County Commissioner Chico Rodriguez addresses CIVO.

11/30/07 – CIVO meets with Congressman Ciro Rodriguez, the EDA and the Atascosa Rural Water Supply Company about a possible planning grant for a Von Ormy sewer system.

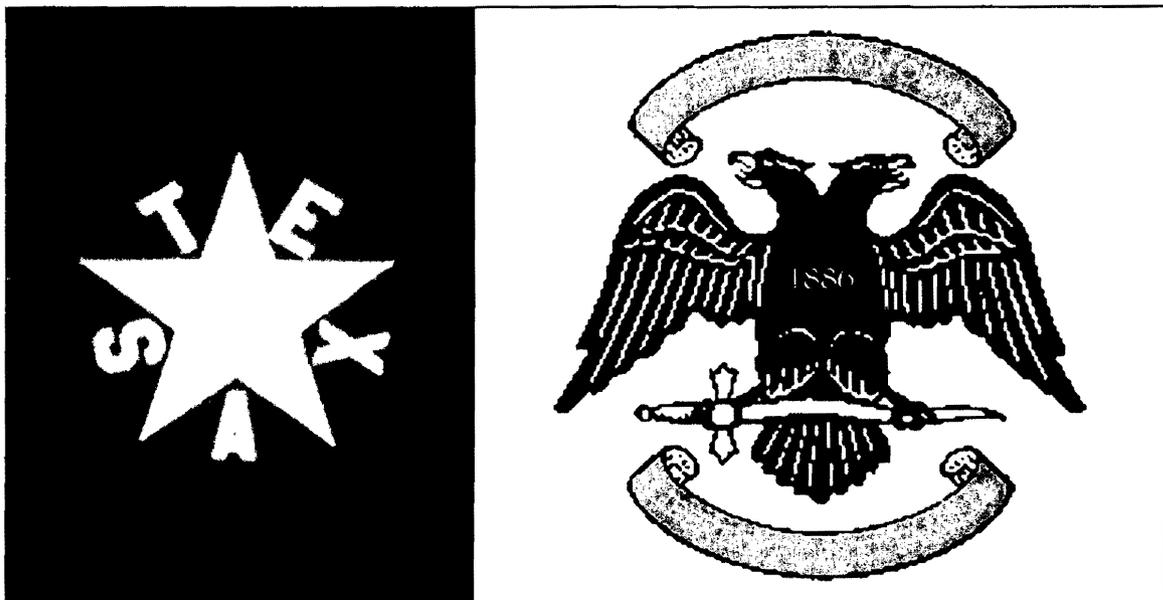
12/1/07 CIVO holds Von Ormy Day Parade and Festival. Grand Marshall: State Rep. David Leibowitz. CIVO has booth on incorporation issues.

12/6/07 – Lytle Leader News reports about CIVO's Von Ormy Day Parade and Festival.

1/24/08 – COSA Planning Commission gives its endorsement of CIVO's petition to allow for an election on incorporation.

1/31/08 COSA City Council votes on CIVO's petition to allow an election on the incorporation of Von Ormy

An informational guide to the  
municipal incorporation of  
**VON ORMY, TEXAS**



Prepared By

**COMMITTEE TO INCORPORATE VON ORMY**

P.O. BOX 377, VON ORMY, TEXAS, 78073

[www.vonormytexas.com](http://www.vonormytexas.com) | 210-857-6848

# Table of Contents

1. Overview
2. History of Von Ormy
3. Pictures of Historic Von Ormy
4. Petition to the City of San Antonio
5. Map of Proposed City Limits
6. Applicable Laws
7. Letters of Support
  - Bexar County Judge Nelson Wolff
  - Bexar County Commissioner "Chico" Rodriguez
  - State Rep. David McQuade Leibowitz
  - State Sen. Carlos Uresti
  - San Antonio City Councilman Phil Cortez
8. About the Committee to Incorporate Von Ormy



# 1. Overview

# Overview of Project

The proposed City of Von Ormy lies in southwest Bexar County along I-35 between the Medina River and Loop 1604, a mere 20 minute drive from the Bexar County Courthouse. It lies within the extra-territorial jurisdiction (ETJ) of the City of San Antonio. The proposed City of Von Ormy is two square miles in area. Using 2000 census data, the community has 1,270 residents of which 83.9% are Hispanic, 14.6% are Anglo, 1.5% are African-American and 0.6% "other." Our estimated population for 2007 is 1,500 – 17,000 residents.

The community of Von Ormy has over 150 years of history and recognition as an independent entity. Both the United States Postal Service and the United States Census Bureau each identify Von Ormy as an independent community with its own zip code and group of census tracts.

Von Ormy currently lacks access to a public sewer system, an adequate potable water supply, public safety organizations, and other public services. The City of San Antonio does not have any intent to bring these services to the Von Ormy area within the next two years.

By remaining in the ETJ of the City of San Antonio, the citizens of Von Ormy are prevented from applying for grants by their own accord from the US Department of Agriculture, the Texas Department of Agriculture, the US Department of Housing and Urban Development, the Texas Department of Housing and Community Affairs, the Texas Office of Rural and Community Affairs, the North American Development Bank, and other similar organizations to remedy these needs.

Section 42.023 of the Texas Local Government Code authorizes cities to adjust their ETJ boundaries, and Section 8.001 of the Texas Local Government Code allows for the incorporation of an unincorporated city, town or village into a Type-B General Law municipality, if it contains 201 – 4,999 inhabitants and does not have more than two square miles of surface area, all of which criteria the proposed City of Von Ormy meets.

The citizens of Von Ormy have petitioned the City of San Antonio to give its written consent by ordinance or resolution to allow an election on the incorporation of the proposed City of Von Ormy within its ETJ. Doing so will be in the public interest and to the benefit of the citizens of this community.

The municipal incorporation of Von Ormy has been endorsed by County Judge Nelson Wolff, County Commissioner "Chico" Rodriguez, State Rep. David McQuade Leibowitz, State Senator Carlos Uresti, Congressman "Ciro" Rodriguez and San Antonio City Councilman Phil Cortez.

## 2. History of Von Ormy

From Wikipedia, [http://en.wikipedia.org/wiki/Von\\_Ormy,\\_Texas](http://en.wikipedia.org/wiki/Von_Ormy,_Texas)

**Von Ormy** is a village located in southwest Bexar County.. It has been known as Von Ormy since the late 1880s. Prior to 1880, the community was known as Mann's Crossing, Garza's Crossing, Medina Crossing, and Paso de las Garzas. Von Ormy lies along the Medina River at the crossing point of the historic Spanish Camino Real.

#### Early history

Archeological digs by the University of Texas at San Antonio have revealed a pre-European settlement of Coahuiltecan Indians within the boundaries of present day Von Ormy. This ancient village was located along the bank of the Medina River between modern Garza's Crossing (Somerset Road) and Mann's Crossing (I-35).

European settlers, initially comprised of Franciscan missionaries and Spanish and mestizo soldiers, arrived in the region in the early 18th century, intent on subduing and proselytizing the natives. Canary Islanders arrived soon after to settle the nearby town of Bejar (modern day San Antonio). They began to raise cattle along the Medina River and were involved in the cattle trade between Spanish Louisiana and South Texas. Notable among these were the Ruiz and Casillas families. Early records of Von Ormians can be found in the baptismal, burial and marriage records of Mission San Jose and Mission Espada; they are usually listed as living "on the Medina" or simply "Medina."

By the early 19th century, Von Ormy was an established community, serving as the crossing point of the Medina along the Camino Real. During the Mexican War for Independence, the "Battle of the Medina" was fought nearby. Antonio López de Santa Anna served as a lieutenant and became familiar with the area during this campaign.

After Mexican Independence, the newly formed Republic of Mexico instituted the *empresario* system to encourage population growth in Texas. Enoch Jones, settled in Von Ormy after receiving *empresario* rights to populate the area. He built a fortified home in the 1820, known by locals as the "Von Ormy castle". It has been home to Enoch Jones, Estrus "Deaf" Smith, Count Norbert Von Ormy and other famous residents.

#### The Texas Revolution

During the War for Texas Independence, General Santa Anna (now the Mexican President and General-in-Chief) camped in Von Ormy prior to making his final march on the Alamo. The spot is marked by the Santa Anna Oak, a large live oak under which the general encamped. Blas Herrera, the "Paul Revere" of the Texas Revolution, rode his horse from Von Ormy to San Antonio to warn the town of Santa Anna's approach. After the war, the doors to the Alamo were taken to the Herrera ranch, where they stayed until the Daughters of the Republic of Texas brought them back to the Texas shrine during their restoration of the Alamo. Other Von Ormians who participated in the Texas Revolution include, Horace Arlington Alsbury, Juan Casillas, Juan Martinez, Sam McCullough, Sam McCulloch, Jr., Estrus "Deaf" Smith, and William Samuel.

The Ruiz-Herrera family cemetery located in Von Ormy is the burial place of Blas Herrera, as well as Jose Antonio Ruiz, who was alcalde, or mayor, of San Antonio during the siege of the Alamo.

#### Republic of Texas and Statehood

Following the revolution, many Tejano families came to Von Ormy leaving Anglo aggression and discrimination in San Antonio. The community remained mostly devoted to cattle raising until after the Civil War, when a Cotton Gin and rail depot spurred growth. In the late 1800s, the "castle" was sold to Count Norbert Von Ormay, a Prussian count, for whom the city was named. Count Von Ormay arrived with his wife and servants from Prussia in the early 1880's. He registered a cattle brand at the Bexar County Courthouse, was often cited in the San Antonio Evening Light's gossip page, but little else is known about him and he disappeared soon afterwards. Many years later his son emerged in Brazil. The castle remained abandoned until the 1990s, but has since been restored.

The first Catholic Church in Von Ormy had been established by Marianist missionaries in 1836 on the Herrera Ranch. It soon became known as Santisima Trinidad Mission and was located at Garza's Crossing on the Medina River. Ruins of the church can be seen today and the historic cemetery is being eroded by the river. Santisima Trinidad burned in the late 1890s and a new church was built by Franciscan missionaries in the 1910s about a mile upstream along the new Laredo Highway's crossing of the Medina River. Against much local protesting, this old stone church was destroyed when the Laredo Highway was widened to create Interstate 35 during the 1930s. The current church was built in the 1960s and renamed Sacred Heart of Jesus.

During the 1920s, a tuberculosis sanitarium was built in the city. Subsequently 20 percent of the population died after being infected from working in the facility or being in contact with infected workers.

The Von Ormy school operated from the early 1900s until 1956 when it closed after the creation of the Southwest Independent School District.

The town's post office opened as "Garza's Crossing" on January 16, 1872, under postmaster William G. M. Samuel. It was closed May 7, 1874, but was reestablished June 10, 1875, under new postmaster Robert J. Sibert. It was again discontinued August 16, 1875. On January 14, 1879, a new post office was reopened using the name "Mann's Crossing," with postmaster Anton F. Krause. This too was closed (November 9, 1880). It was again reestablished under postmaster Branson Bywater on September 13, 1886. On December 4, 1886, the post office changed its name to "Von Ormy," which has since remained the town's designation.

In January 1906, the first bridge over the Medina River at Von Ormy was built by the International-Great Northern Railroad.

## Recent History

In 1914, the town had two grocers, a general store, a cotton gin, and a population of 350. In 1946 the population was still 350. After World War II, the community declined; in 1965 nine businesses and 100 residents were reported. Since that time the population has grown slowly, and in 2000 Von Ormy had 1,264 residents and twenty businesses. Currently, there is a strong movement, led by the Committee to Incorporate Von Ormy (CIVO), to incorporate Von Ormy into a municipality.

Beginning in 2006, Von Ormy has held an annual parade and festival termed "Von Ormy Day." It is held on the second Saturday after Thanksgiving. Upcoming Von Ormy Day's will be December 1, 2007; December 6, 2008; and December 5, 2009. Von Ormy Day was established to commemorate the 120th anniversary of the town name being changed to Von Ormy by its postmaster. When it was created the community had not held a large-scale parade since the bicentennial celebration in 1976.

On Von Ormy day the Von Ormy Historical Society crowns a Count and Countess. This honor is given annually to persons who have contributed greatly to the historical preservation of the area or who have provided exceptional community service in the area. Recent Counts and Countesses include:

- \* Count and Countess Von Ormy I, Peter and Amelia Torres (2006)
- \* Count and Countess Von Ormy II, Joe and Mary Louise Castro (2007)

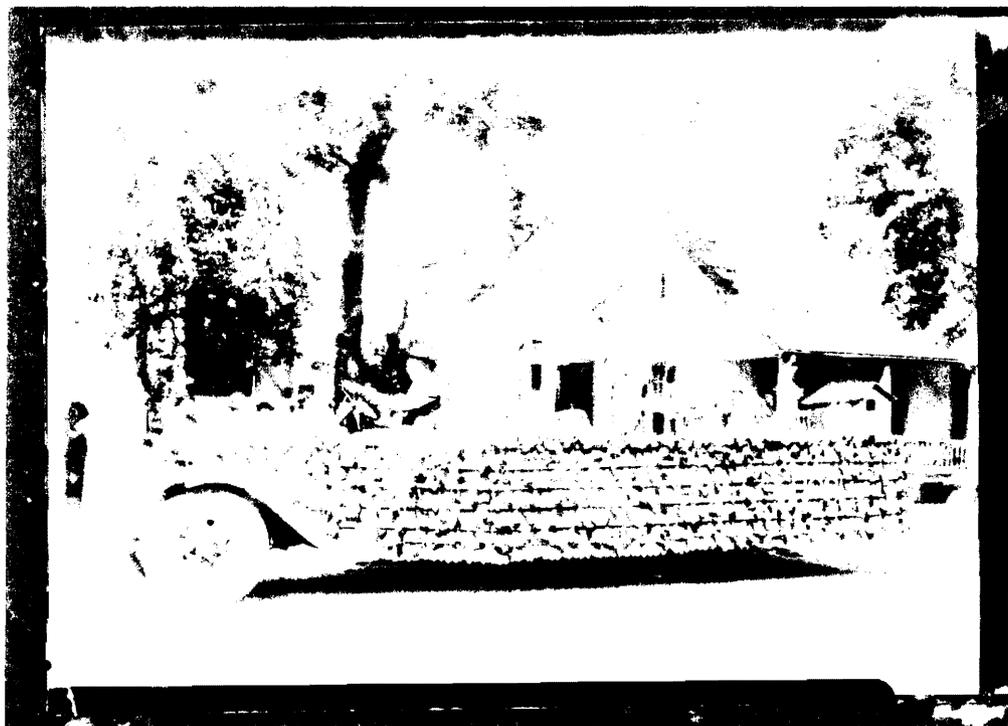
In 2006, the Von Ormy Chamber of Commerce was formed. In 2007, Union Pacific began construction of a new rail yard in Von Ormy and plans were announced for a new ACCD regional fire training facility in Von Ormy.

### 3. Pictures of Historic Von Ormy

Provided by the Von Ormy Historical Society  
[www.vonormytexas.com](http://www.vonormytexas.com)



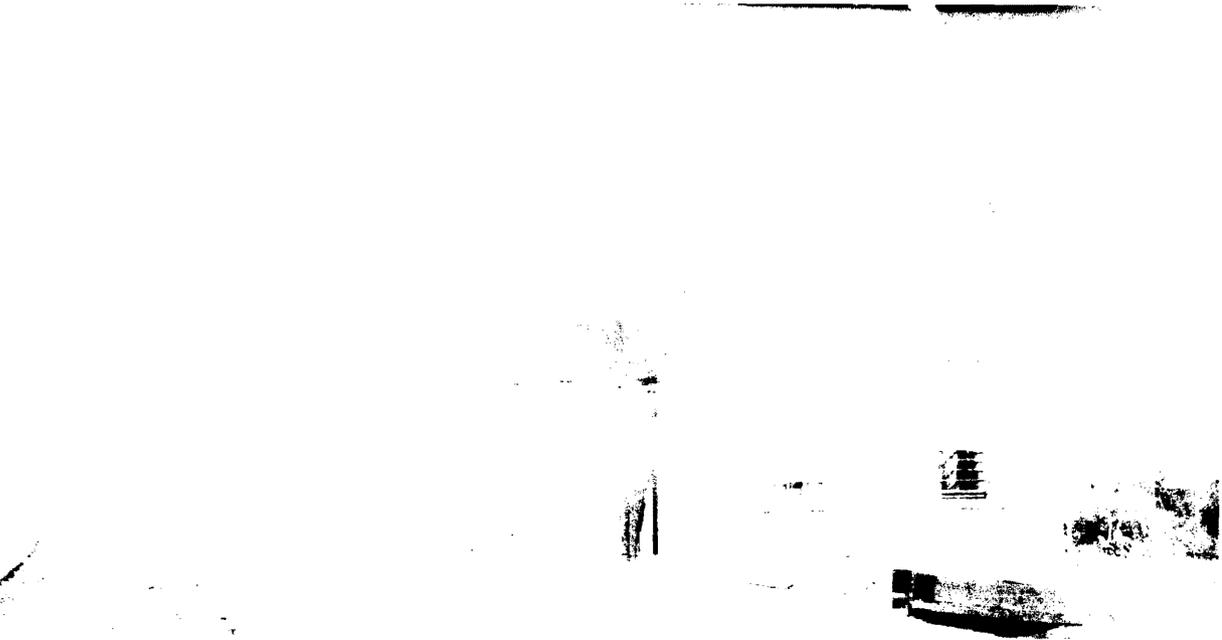
Vara Family Homestead, Von Ormy, Texas ,1910's  
(The location of this picture is currently the roadway of I-35 at Benton City Rd)



Von Ormy School Battle of Flowers Parade Float. 1920's



Von Ormy School., 1930's



Von Ormy Train Depot, early 1940's

# 4. Petition to the City of San Antonio

Originally filed October 11, 2006; amended August 15, 2007

# COMMITTEE TO INCORPORATE VON ORMY

P.O. BOX 377, VON ORMY, TEXAS, 78073

www.vonormytexas.com | 210-857-6848

August 17, 2007

Dear Mayor Hardberger and City Council of the City of San Antonio,

Please accept this amendment to our petition dated October 11, 2006 concerning a resolution to allow an election on the incorporation of Von Ormy into a municipality within the extra-territorial jurisdiction of the City of San Antonio. Over the past ten months the Committee to Incorporate Von Ormy (CIVO) has been working with your staff in the City of San Antonio Planning Department, in particular Jesus Garza. As a result of these lengthy discussions we have developed a proposal that we believe is mutually agreeable to the interests of both San Antonio and Von Ormy. Furthermore, it will allow for the underserved community of Von Ormy access to resources and opportunities that are currently unavailable to it.

Over the past ten months we have received the public endorsement of our State and County officials, including State Rep. David Leibowitz, State Sen. Carlos Uresti, County Commissioner Chico Rodriguez, and County Judge Nelson Wolff. We have included their letters of support with this amended petition for your consideration.

Sincerely,

Art Martinez de Vara  
Chair – Committee to Incorporate Von Ormy  
210-857-6848  
martinezdevara@yahoo.com

**RESOLUTION BY THE CITIZENS OF VON ORMY, TEXAS  
FORMALLY REQUESTING THE CITY OF SAN ANTONIO TO GIVE ITS WRITTEN  
CONSENT BY ORDINANCE OR RESOLUTION TO ALLOW THE INCORPORATION  
OF THE PROPOSED CITY OF VON ORMY**

RECEIVED  
CITY OF SAN ANTONIO  
CITY CLERK  
07 AUG 15 PM 12:24

WHEREAS, all political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit, and;

WHEREAS, the community of Von Ormy has been recognized as a distinct community since the War for Texas Independence, and;

WHEREAS, this community has over 150 years of history and recognition as an independent entity; and

WHEREAS, the citizens of Von Ormy seek to create a duly recognized political subdivision of the State of Texas operating as a general-law municipality pursuant to the laws of the State of Texas and its City Charter in the name of the City of Von Ormy; and

WHEREAS, the United States Postal System and the United State Census Bureau each identify the Von Ormy region as an independent community with its own zip code and group of census tracts; and

WHEREAS, the proposed region for incorporation has a population of over 1,200 residents that is diverse in nature and who's citizenry is 14.6 % Anglo, 1.5% African American, 83.9% Hispanic, and 0.6% other; and

WHEREAS, the current Von Ormy region currently lacks access to a public sewer system, an adequate potable water supply, public safety organizations, and other public services; and

WHEREAS, the City of San Antonio does not have hold any intent to bring these services to the Von Ormy region within the next two years; and

WHEREAS, by remaining in the Extraterritorial Jurisdiction of the City of San Antonio citizens of the Von Ormy region are prevented from applying for grants by their own accord from the U.S. Department of Agriculture, the Texas Department of Agriculture, the U.S. Department of Housing and Urban Development, the Texas Department of Housing and Community Affairs, the Texas Office of Rural and Community Affairs, the North American Development Bank, and other similar government organizations to remedy these needs; and

WHEREAS, in evaluation of the situation, options available for remedy, and pressing and dire community needs the citizens of the Von Ormy area have found that becoming a new and incorporated municipality is the only venue in which to adequately address the public needs of their community; and

WHEREAS, Section 42.023 of the Texas Local Government Code authorizes cities to adjust their ETJ boundaries; and

WHEREAS, Section 8.001 of the Texas Local Government Code allows for the incorporation of a unincorporated city, town or village into a General Law municipality, if it contains 201 to 4,999 inhabitants and does not have more than two square-miles of surface area; all of which criteria the proposed city of Von Ormy meets, and;

WHEREAS, the citizens of Von Ormy have submitted a request that meets these standards and follows the laws of the State of Texas and was signed by 25 residents of the Von Ormy Community, who are citizens of the State of Texas and at least 18 years of age; and

WHEREAS, the Citizens of Von Ormy are requesting the release of approximately two square miles located near or about the intersection of US Interstate Highway 35 and US Loop 1604, better known as the Anderson Loop; and

WHEREAS, the creation of the new City of Von Ormy would aid and act on behalf of the citizenry of this municipality to accomplish the governmental purposes of the proposed City, to wit: create access to a public sewer system, increase access to a potable water system, provide public safety and public based services, promote economic development, and stimulate business and commercial activity in the City; and

WHEREAS, it is hereby found and determined that the formation of the proposed City of Von Ormy is wise, expedient, necessary or advisable and that it is in the public interest and to the benefit of the citizens of this community that this municipality be created in accordance with the laws of the State of Texas; and

WHEREAS, this release would allow the citizens of this community to forge a brighter future for their respective area and allow for increased access to funds to remedy the problems outlined above; NOW THEREFORE

WHEREAS, the effort to incorporate Von Ormy into a municipality has gained the recognition and endorsement of our County Judge Nelson Wolff, County Commissioner "Chico" Rodriguez, State Representative David McQuade Leibowitz, and State Senator Carlos Uresti and Congressman "Ciro" Rodriguez, and;

BE IT RESOLVED THAT WE THE CITIZENS OF THE FUTURE CITY OF VON ORMY DO HEREBY FORMALLY REQUEST THE CITY OF SAN ANTONIO TO GIVE ITS WRITTEN CONSENT BY ORDINANCE OR RESOLUTION TO ALLOW THE INCORPORATION OF THE PROPOSED CITY OF VON ORMY.

So Signed Below On \_\_\_\_\_ day of \_\_\_\_\_, 2007.

NAME

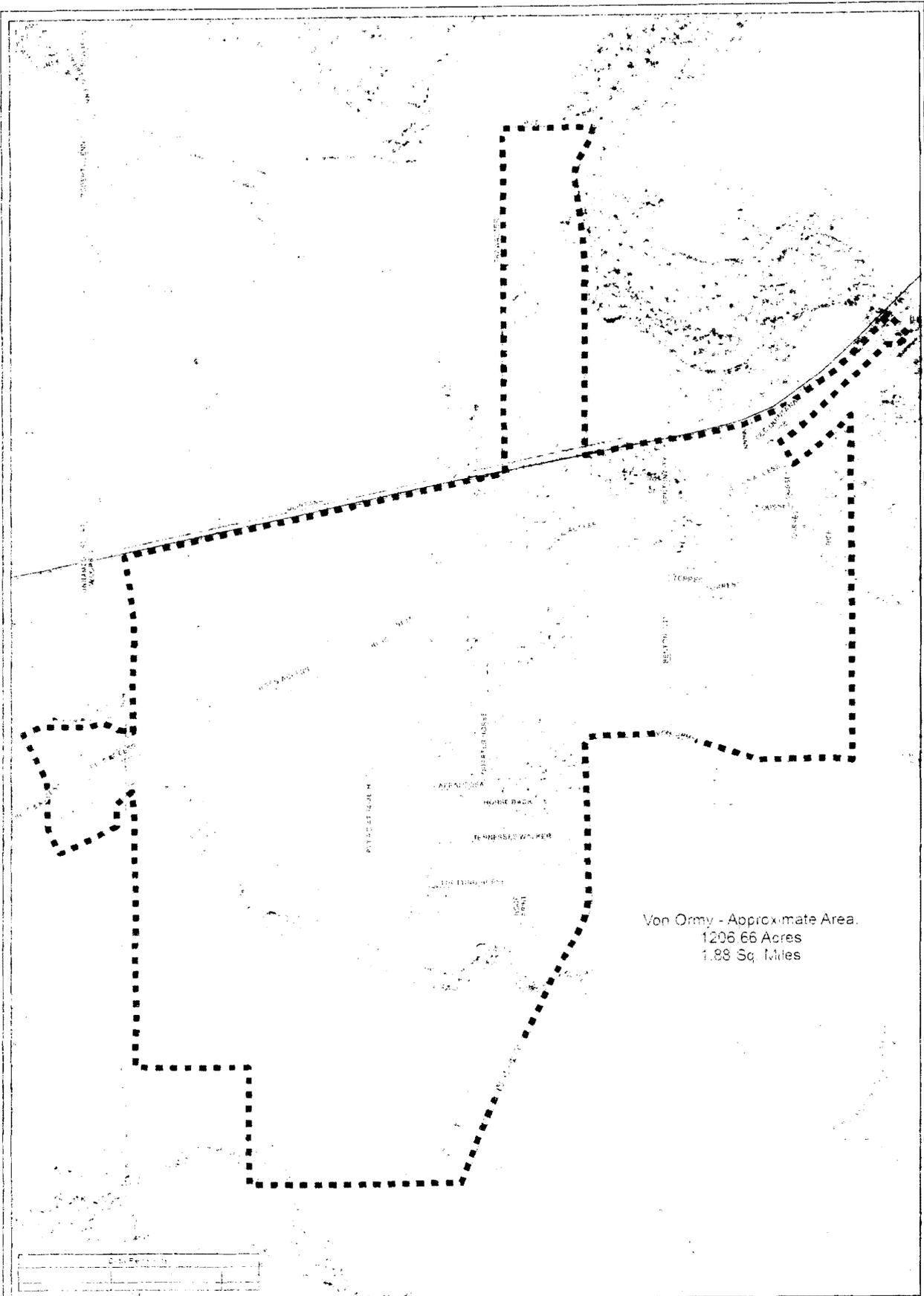
ADDRESS

VOTER REG. #

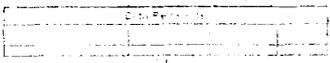
NAME	ADDRESS	VOTER REG. #
Tracy Martinez	13940 Benton City Rd.	
Joshua Flores	14131 Quarter Horse Rd.	
Juan Flores	14131 Quarter Horse Rd.	
Alex Quintanilla	13880 Benton City Rd #6	
David Flores	13880 Benton City Rd #7	
Arnel Quintanilla	13880 Benton City Rd #6	
ANDREW FLORES III	14131 QUARTER HORSE RD.	
MARYLON COPE	14314 QUARTER HORSE RD.	
DANIEL L COPE	14314 QUARTER HORSE RD.	
DAVID S. GARCIA	13585 F1435 SOUTHW.	
MARIA RODRIGUEZ	7624 Joplin Rd	
Helen Perez	13980 Benton City #1	
Nancy Perez	" "	" "
Cassandra Perez	" "	" "
RAYMOND VANA, SR	13940 Benton City Rd.	
Flavia Vana	13940 Benton City Rd.	
Jimmy Vana	13940 Benton City Rd.	
Michael Vana	13940 Benton City Rd.	
Wendy Vana	13940 Benton City Rd.	
Charles S. Ramirez	13880 Benton City Rd.	
Isabella P. Ramirez	13880 Benton City Rd.	Voter Reg. TX
Isabella L. Ramirez	13880 Benton City Rd.	Voter Reg. TX
Paul Rodriguez	13940 Benton City Rd.	Voter Reg. TX
Octavio Martinez de Vana	13940 Benton City Rd.	
Jerome Martinez	13909 RITE LN.	

## 5. Map of Proposed City Limits

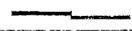
This map is courtesy of the City of San Antonio Planning Department



Von Ormy - Approximate Area.  
 1206.66 Acres  
 1.88 Sq. Miles



Legend  
 Von Ormy BCAD Parcels Streets and Railroads  
 City of San Antonio  
 Von Ormy



## 6. Applicable Laws

All statutes are from the Texas Local Government Code  
Available at the Texas Legislative Council website:  
<http://tlo2.tlc.state.tx.us/statutes/lg.toc.htm>

§ 42.023. REDUCTION OF EXTRATERRITORIAL JURISDICTION. The extraterritorial jurisdiction of a municipality may not be reduced unless the governing body of the municipality gives its written consent by ordinance or resolution, except in cases of judicial apportionment of overlapping extraterritorial jurisdictions under Section 42.901.

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§ 42.041. MUNICIPAL INCORPORATION IN EXTRATERRITORIAL JURISDICTION GENERALLY. (a) A municipality may not be incorporated in the extraterritorial jurisdiction of an existing municipality unless the governing body of the existing municipality gives its written consent by ordinance or resolution.

(b) If the governing body of the existing municipality refuses to give its consent, a majority of the qualified voters of the area of the proposed municipality and the owners of at least 50 percent of the land in the proposed municipality may petition the governing body to annex the area. If the governing body fails or refuses to annex the area within six months after the date it receives the petition, that failure or refusal constitutes the governing body's consent to the incorporation of the proposed municipality.

(c) The consent to the incorporation of the proposed municipality is only an authorization to initiate incorporation proceedings as provided by law.

(d) If the consent to initiate incorporation proceedings is obtained, the incorporation must be initiated within six months after the date of the consent and must be finally completed within 18 months after the date of the consent. Failure to comply with either time requirement terminates the consent.

(e) This section applies only to the proposed municipality's area located in the extraterritorial jurisdiction of the existing municipality.

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§ 5.901. TERRITORIAL REQUIREMENTS FOR INCORPORATION AS GENERAL-LAW MUNICIPALITY. A community may not incorporate as a general-law municipality unless it meets the following territorial requirements:

(1) a community with fewer than 2,000 inhabitants must have not more than two square miles of surface area;

(2) a community with 2,001 to 4,999 inhabitants must have not more than four square miles of surface area; and

(3) a community with 5,001 to 9,999 inhabitants must have not more than nine square miles of surface area.

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§ 7.001. AUTHORITY TO INCORPORATE AS TYPE B GENERAL-LAW

MUNICIPALITY. A community may incorporate under this chapter as a Type B general-law municipality if it:

(1) constitutes an unincorporated town or village;

(2) contains 201 to 9,999 inhabitants; and

(3) meets the territorial requirements prescribed by Section 5.901.

§ 7.002. APPLICATION TO INCORPORATE. (a) The residents of a community may initiate an attempt to incorporate the community under this chapter by filing with the county judge of the county in which the community is located an application to incorporate signed by at least 50 qualified voters who are residents of the community.

(b) The application must state the proposed boundaries and name of the municipality, and it must be accompanied by a plat of the proposed municipality that contains only the territory to be used strictly for municipal purposes.

(c) If a community is located in two counties, the application to incorporate may be filed with the county judge of either county.

§ 7.003. ELECTION ORDER. If satisfactory proof is made that a community that has filed an application to incorporate under this chapter contains the requisite number of inhabitants, the county judge shall order an incorporation election to be held on a specified date and at a designated place in the community.

§ 7.004. ELECTION OFFICERS. The county judge shall appoint an officer to preside at an incorporation election under this chapter. The presiding officer shall appoint two election judges and two election clerks to assist in conducting the election.

§ 7.005. NOTICE OF ELECTION. An incorporation election under this chapter may not be held until notice of the election has been posted at three public places in the community for the 10 days preceding the date of the election.

§ 7.006. QUALIFIED VOTERS. Each qualified voter who resides within the boundaries of the proposed municipality may vote at the election.

§ 7.007. ORDER OF INCORPORATION. (a) Within 20 days after the date the county judge receives the returns of an incorporation election, the judge shall, if a majority of the votes cast are for incorporation, make an entry in the records of the commissioners court that the community is incorporated. The judge shall include the boundaries of the municipality in the entry. The incorporation of the community as a municipality is effective on the date the entry is made.

(b) A certified copy of the entry and a plat of the municipality shall be recorded in the deed records of the county in which the municipality is located.

## 7. Letters of Support

Bexar County Judge Nelson Wolff

Bexar County Commissioner "Chico" Rodriguez

State Rep. David McQuade Leibowitz

State Sen. Carlos Uresti

San Antonio City Councilman Phil Cortez



**NELSON W. WOLFF**  
**COUNTY JUDGE**  
BEXAR COUNTY COURTHOUSE  
SAN ANTONIO, TX 78205-3042  
(210) 335-2626 OFFICE • (210) 335-2926 FAX

August 17, 2007

Mr. Art Martinez De Vara  
13940 Benton City Road  
Von Ormy, TX 78073

Dear Mr. Martinez De Vara:

I am writing this letter to voice my enthusiastic support for the incorporation of Von Ormy as a municipality. I think this action is long overdue.

The small community of Von Ormy has been in existence for over 100 years. Von Ormy is not a subdivision created a few years ago that decided it wanted to be its own city. It is located in Southwestern Bexar County and was originally settled in 1879 and named Medina Crossing and then Mann's Crossing. A post office was established in 1879 and the community was named Von Ormy in 1886.

Von Ormy has grown and matured to the point that incorporation of Von Ormy as a municipality is a necessity. Incorporation will allow Von Ormy to pursue funds to improve its infrastructure and provide better services to its residents. I urge the City of San Antonio to allow Von Ormy to incorporate as quickly as possible.

I am committed to helping Von Ormy achieve its goal and stand ready to provide any assistance necessary to get this done.

Sincerely,

A handwritten signature in black ink that reads "Nelson W. Wolff".

Nelson W. Wolff



**SERGIO "CHICO" RODRIGUEZ**

COMMISSIONER, PRECINCT 1  
BEXAR COUNTY COURTHOUSE  
100 DOLOROSA, SUITE 1.20  
SAN ANTONIO, TEXAS 78205  
(210) 335-2611 Telephone  
(210) 335-2215 Facsimile  
chico@bexar.org Email

May 24, 2007

Mr. Art Martinez De Vara  
13940 Benton City Road  
Von Ormy, TX 78073

Dear Mr. Martinez De Vara:

I am writing this letter in support for the incorporation of Von Ormy as a municipality. Von Ormy is located within the precinct I represent in Southwestern Bexar County. Originally settled in 1879, Von Ormy continues to experience growth with new businesses and families. As this area develops, the need for new infrastructure and services is essential to the quality of life for these residents.

I wholeheartedly encourage the City of San Antonio to allow for the incorporation of Von Ormy as a municipality. If you would like to discuss my support please feel free to contact me at (210) 335-2611.

Respectfully,

A handwritten signature in cursive script that reads "S. Rodriguez".

Sergio "Chico" Rodriguez  
County Commissioner, Precinct 1

# DAVID McQUADE LEIBOWITZ



CAPITOL OFFICE:  
ROOM EXT: E2.712  
P.O. Box 2910  
AUSTIN, TEXAS 78768-2910  
TELEPHONE: (512) 463-0269  
FAX: (512) 320-0555  
DAVID.LEIBOWITZ@HOUSE.STATE.TX.US

DISTRICT OFFICE:  
P.O. Box 1701  
HELOTES, TEXAS 78023  
TELEPHONE: (210) 372-0759  
FAX: (210) 372-1405

## The State of Texas House of Representatives District 117

May 22, 2007

Mr. Art Martinez De Vara  
13940 Benton City Road  
Von Ormy, TX 78073

Dear Mr. Martinez De Vara:

I am writing this letter to voice my enthusiastic support for the incorporation of Von Ormy as a municipality. I think this action is long overdue.

The small community of Von Ormy has been in existence for over 100 years. Von Ormy is not a subdivision created a few years ago that decided it wanted to be its own city. It is located in Southwestern Bexar County and was originally settled in 1879 and named Medina Crossing and then Mann's Crossing. A post office was established in 1879 and the community was named Von Ormy in 1886.

Von Ormy has grown and matured to the point that incorporation of Von Ormy as a municipality is a necessity. Incorporation will allow Von Ormy to pursue funds to improve its infrastructure and provide better services to its residents. I urge the City of San Antonio to allow Von Ormy to incorporate as quickly as possible.

I am committed to helping Von Ormy achieve its goal and stand ready to provide any assistance necessary to get this done.

Sincerely,

A handwritten signature in black ink, appearing to read "David McQuade Leibowitz".

Representative David McQuade Leibowitz

The Senate of The State of Texas

CAPITOL OFFICE:

P.O. Box 12068  
ROOM E1.810  
AUSTIN, TEXAS 78711  
(512) 463-0119  
FAX: (512) 463-1017  
DIAL 711 FOR RELAY CALLS



DISTRICT OFFICE:

2530 SW MILITARY DR.  
SUITE 103  
SAN ANTONIO, TEXAS 78224-1020  
(210) 932-2568  
FAX: (210) 932-2572  
DIAL TOLL FREE: 1-800-459-0119

Senator Carlos Uresti  
District 19

September 27, 2007

The Honorable Phil Hardberger  
Mayor  
City of San Antonio  
100 Military Plaza  
San Antonio, Texas 78205-2425

Dear Mayor Hardberger:

I write this letter in strong support of the municipal incorporation of Von Ormy. It has been an underserved area that now seeks to improve services for their own community.

By allowing this small community to incorporate, the City of San Antonio will be giving these residents the opportunity to address their growing needs. Von Ormy residents will be able to pursue funding for the area's aging infrastructure and provide new services to the community. Most importantly, the residents of Von Ormy will be able to redress the growing needs they identify in their community.

Again, I strongly support the municipal incorporation of Von Ormy and I ask for the City of San Antonio's favorable action on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Carlos Uresti".

CARLOS I. URESTI

CIU/dja

CITY OF SAN ANTONIO

PHILIP A. CORTEZ  
COUNCILMAN  
DISTRICT 4

November 7, 2007

Mr. Art Martinez De Vara  
13940 Benton City Road  
Von Ormy, TX 78073

Dear Mr. Martinez De Vara:

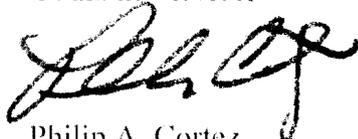
I was recently visited by a number of Von Ormy residents who were very intent in asking for my support of the incorporation of Von Ormy into its own municipality. I believe this status is long overdue and the residents of the area deserve it.

The small community of Von Ormy has been in existence for over 100 years. It was settled in 1879 and named Medina Crossing and then Mann's Crossing before finally taking on the name of Von Ormy when a US Post Office was built there.

Von Ormy has grown and matured to the point that incorporation of the area as a municipality is a necessity. Incorporation will allow Von Ormy to pursue funds to improve its infrastructure and provide better services to its residents. I urge the City of San Antonio to allow Von Ormy to incorporate as quickly as possible.

My office is committed to working with the residents of Von Ormy and I stand ready to provide any assistance in my capacity to get this done.

Yours in Service,



Philip A. Cortez  
Councilman, District 4

PAC/ts

7. About the Committee to Incorporate Von  
Ormy (CIVO)

In the spring of 2005, a group of Von Ormy residents organized a series of public meetings in Von Ormy concerning the future of the community, the lack of basic public services and possible solutions to these problems. Overwhelming support for the creation of a City of Von Ormy was expressed by attendees at these three meetings. In order to pursue this community desire, the Committee to Incorporate Von Ormy, a Texas non-profit association, was organized. In addition to residential members, CIVO also includes over 20 commercial members representing nearly all local businesses.

Following its organization, CIVO spent nearly six months investigating the impact of municipal incorporation on Von Ormy and other nearby public and private entities, the associated legal issues and the plans of the City of San Antonio and Bexar County for the Von Ormy area. We met with County Commissioner Chico Rodriguez, Congressman Ciro Rodriguez, County Judge Nelson Wolff, State Rep. David Leibowitz, City of San Antonio Planning Department, SAWS, City Attorney of the City of San Antonio, Bexar County District Attorney Office, County Engineer of Bexar County, Bexar County Infrastructure Services, Texas Legislative Council, Atascosa Rural Water Supply Company, Jarret Volunteer Fire Department, City of Somerset, City of Lytle, Bexar County Sheriff's Department, Constable Ruben Tejeda, Von Ormy postmaster, Von Ormy Chamber of Commerce, Lytle Chamber of Commerce, Von Ormy Historical Society, congressional and legislative staffers, municipal consultants, local developers and others.

After conforming that it was in the best interest of Von Ormy to incorporate CIVO filed the necessary petition to the City of San Antonio to allow an election for incorporation within its extra-territorial jurisdiction. Following a series of negotiations with the City of San Antonio planning department, the petition was amended on August 15, 2007 to reflect an agreed upon City Limits.

The current CIVO officers are:

Chair	Art Martinez de Vara, Attorney
Asst. Chair	Charlie Brown, Pilot/Owner Alamo River RV Resort
Asst. Chair	Mike Suarez, Executive Chef
Secretary	Mary Louise Castro, Teacher
Treasurer	Raymond Vara, Jr., Bookkeeper
Asst. Treas.	Sally Martinez, Retired
Parade Chair:	Alex Quintanilla, Deputy Constable

CIVO Contact Information:

COMMITTEE TO INCORPORATE VON ORMY  
P.O. BOX 377  
VON ORMY, TEXAS, 78073  
[www.vonormytexas.com](http://www.vonormytexas.com)  
Ph: 210-857-6848 Fax: 210-622-4021