

AN ORDINANCE **68296**

PROVIDING FOR THE EXTENSION OF THE SAN ANTONIO CITY LIMITS BY THE ANNEXATION OF APPROXIMATELY 2,110 ACRES OF LAND KNOWN AS THE GREAT NORTHWEST PROPERTY AND APPROVING A SERVICE PLAN FOR SUCH AREA.

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WHEREAS, on the 13th day of October, 1988, and on the 20th day of October, 1988, the City Council of the City of San Antonio held public hearings on the proposed annexation of approximately 2110 acres of land known as the Great Northwest property situated immediately adjacent to the current corporate limits; and such public hearings gave all interested persons the right to appear and be heard on the proposed annexation of such land; and

WHEREAS, notice of the above referenced public hearings was published in the San Antonio Express/News on October 2, 1988, a newspaper having general circulation in the City of San Antonio, Texas, and within the territory to be annexed, in accordance with law, and

WHEREAS, both of the aforementioned public hearings were conducted not more than forty (40) days nor less than twenty (20) days prior to the institution of annexation proceedings; and

WHEREAS, the population of the City of San Antonio, Texas is in excess of 900,000 inhabitants, and the area to be annexed lies within the extraterritorial jurisdiction of the City of San Antonio, Texas, and lies adjacent to and adjoins the City of San Antonio, Texas, NOW THEREFORE:

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

SECTION 1. The land and territory lying adjacent to and adjoining the City of San Antonio known as the Great Northwest property more particularly described in Exhibit A, attached hereto and incorporated herein by reference, is hereby added and annexed to the City of San Antonio, Texas, and said territory as described shall hereafter be included within the boundary limits of said City, and the present boundary limits of said City, at the various points contiguous to the area described in Exhibit A are altered and amended so as to include said area within the corporate limits of the City of San Antonio, Texas.

SECTION 2. The land and territory known as the Great Northwest property so described and so annexed shall be part of the City of San Antonio, Texas, and the property so added shall bear its share of the taxes levied by the City of San Antonio, Texas, and the inhabitants thereof shall be entitled to all of the rights and the privileges of all the citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the City of San Antonio, Texas.

SECTION 3. A service plan outlining the provision of necessary municipal services to the property described in Exhibit A is hereby approved and the implementation of said plan is hereby authorized. Such plan is attached hereto and incorporated herein as Exhibit B.

SECTION 4. In accordance with Section 35-3011 of the City of San Antonio Unified Development Code, this property shall be classified as Temporary R-1 for land use purposes. As soon as practicable after the passage hereof, the City will institute proceedings to classify this property on a non-temporary basis.

SECTION 5. This ordinance shall be effective from and after December 31, 1989.

PASSED AND APPROVED this 10<sup>th</sup> day of November, 1988.  
(First Reading)

*Henry Cisneros*  
MAYOR

ATTEST:

*[Signature]*  
City Clerk

PASSED AND APPROVED this 15<sup>th</sup> day of December, 1988.  
(Second Reading)

*Henry Cisneros*  
MAYOR

ATTEST:

*James S. Rodriguez*  
City Clerk

APPROVED AS TO FORM: \_\_\_\_\_

*[Signature]*  
City Attorney

88-54



# EXHIBIT A

A BOUNDARY DESCRIPTION FOR AN ANNEXATION AREA  
CONTAINING APPROXIMATELY 2110 ACRES OF LAND AND  
BEING ADJACENT TO THE CITY LIMITS LINE OF THE  
CITY OF SAN ANTONIO TO THE NORTHWEST AND BEING  
MORE PARTICULARLY DESCRIBED AS FOLLOWS.

Beginning of the point of intersection of the northeast boundary line of a drain easement, as recorded in the Misty Oaks Too Subdivision Unit 11 and the northwest right-of-way line of F.M. 471 (Grissom Road).

- THENCE: in a southwesterly then northwesterly direction along the northwest then northeast right-of-way line of F.M. 471 (Grissom Road) to point where F.M. 471 (Grissom Road) becomes F.M. 471 (Culebra Road).
- THENCE: in a northwesterly then southwesterly direction along the northeast then northwest right-of-way line of F.M. 471 (Culebra Road) and the city limits line of the City of San Antonio to its point of intersection with the centerline of Helotes Creek.
- THENCE: in a northwesterly direction along the centerline of Helotes Creek and the city limits line of the City of San Antonio to a point.
- THENCE: leaving the centerline of Helotes Creek along a line perpendicular to the northwest right-of-way line of N.W. Loop 1604 in a northwesterly direction along the city limits line of the City of San Antonio crossing the R.O.W. of N.W. Loop 1604 to a point 1000 feet northwest of and perpendicular to the northwest right-of-way line of N.W. Loop 1604.
- THENCE: along a line 1000 feet northwest of and parallel to the northwest right-of-way line of N.W. Loop 1604 to a point of intersection with a line perpendicular to the southeast right-of-way line at a point of intersection with an extension of the north boundary line of the Hidden Meadows Subdivision Unit 39.
- THENCE: in a southeasterly direction along said line perpendicular to the southeast right-of-way line of N.W. Loop 1604 to its point of intersection with the southeast right-of-way line of N.W. Loop 1604 at its point of intersection with an extension of the north boundary line of the Hidden Meadows Subdivision Unit 39.
- THENCE: in a easterly direction along the extension of the north boundary line of the Hidden Meadows Subdivision Unit 39 and along the north boundary line of Hidden Meadows Unit 39, Great Northwest Subdivision Unit 38, Great Northwest Subdivision Unit 57 to a point on the west right-of-way line of an existing 95 foot drain R.O.W.
- THENCE: in a southerly direction along the east boundary line of Great Northwest Subdivision Unit 57 and the east boundary line of Great Northwest Subdivision Unit 56 to an angle point said line also being the west right-of-way line of the existing 95 foot drain R.O.W.

- THENCE: in a southeasterly direction along the northeast boundary line of Great Northwest Subdivision Unit 56 and the northeast boundary line of Great Northwest Subdivision Unit 19 to a point of intersection with the north boundary line of Village Northwest Subdivision Unit 2.
- THENCE: in a easterly direction along the north boundary line of Village Northwest Subdivision Unit 1 and Unit 2 and the north boundary line of Great Northwest Subdivision Unit 27 and Unit 29 and an extension of this line across the R.O.W. of Tezel Road to a point on the east right-of-way line of Tezel Road .
- THENCE: in a southerly direction along the east right-of-way line of Tezel Road to a point of intersection with the north boundary line of the Northminister Subdivision.
- THENCE: in a easterly direction along the north boundary line of Northminister Subdivision, Great Northwest Subdivision Unit 43-C and Great Northwest Subdivision Unit 26 to a point for the Northeast corner of Great Northwest Subdivision Unit 26.
- THENCE: in a southwesterly direction along the southeast boundary line of Great Northwest Subdivision Unit 26 and Great Northwest Subdivision Unit 8 to a point for the southeast boundary line of Great Northwest Subdivision Unit 8.
- THENCE: in a southwesterly direction along the southeast boundary line of Great Northwest Subdivision Unit 8 to a point on the northeast boundary line of Great Northwest Subdivision Unit 6.
- THENCE: in a southeasterly direction along the northeast boundary line of Great Northwest Subdivision Unit 6 and Great Northwest Subdivision Unit 25 to the point of curvature of a curve to the right.
- THENCE: curve right along the arc of said curve from the northeast boundary line of Great Northwest Unit 25 to a point on the northwest right-of-way line of a 60 foot drain easement as recorded in Great Northwest Subdivision Unit 25.
- THENCE: in a southwesterly direction along the northwest right-of-way line of said 60 foot drain easement to a point on the northwest right-of-way line of a drain easement as recorded in Misty Oaks Subdivision Unit 4-A.
- THENCE: in a southwesterly direction along the northwest right-of-way line of said drain easement in Misty Oaks Subdivision Unit 4-A to a point of intersection with an extension of the northeast right-of-way line of a drain easement as recorded in Misty Oaks Too Subdivision Unit 11.
- THENCE: in a southeasterly direction along the extension of the northeast right-of-way line of said drain easement to a point on the northwest right-of-way line of F.M. 471 (Grissom Road) and the point of beginning for this annexation area containing approximately 2110 acres of land.

# EXHIBIT B

CITY OF SAN ANTONIO  
ANNEXATION SERVICE PLAN FOR  
GREAT NORTHWEST AREA

1. This service plan shall be valid for ten (10) years. Renewal of the service plan shall be at the discretion of the City of San Antonio.
2. This service plan is a contractual obligation that is not subject to amendment or repeal except that if the City Council determines at public hearings required by Section 43.056, Texas Local Government Code, that changed conditions or subsequent occurrences make this service plan unworkable or obsolete, the City Council may amend the service plan to conform to the changed conditions or subsequent occurrences.

An amended service plan shall provide for services that are comparable to or better than those established in the service plan before amendment. Before any amendment is adopted, the City Council shall provide an opportunity for interested persons to be heard at public hearings called and held in the manner provided by Section 43.052, Texas Local Government Code.

SIXTY DAY ANNEXATION SERVICE PLAN FOR GREAT NORTHWEST

Effective Date: December 31, 1989

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SERVICE	SERVICE TO BE EXTENDED UPON ANNEXATION
Police protection	The San Antonio Police Department will respond to calls for assistance, enforcement, and protection and provide other services offered by the Department on the effective date of annexation. The City of San Antonio will provide in the 1989-90 budget for 32 permanent police officers for the Great Northwest, Misty Oaks, Timber Creek, and Twin Creek annexation areas.
Fire protection	The San Antonio Fire Department will respond to calls for assistance upon the effective date of annexation. The primary responding station shall be Station #41 located at 9146 Dover Ridge. Backup protection will be provide by Station #35, 7038 Culebra Road.  Emergency medical service (EMS) shall be provided by Station #35.
Solid waste collection	The Environmental Management Department shall provide for collection of solid waste to residences twice weekly on a regular route. A fee will be assessed. This fee may be changed by the City Council.  Commercial service shall be made available upon request. If service is not desired, private service is permissible.  Brush pick-up shall be done approximately three time annually in accordance with City-wide schedule.
Water Service	Water service will be provided by the City Water Board at the appropriate rate applicable to all citizens of the City.
Wastewater service	Wastewater service will be provided by the City of San Antonio at the appropriate rate applicable to all citizens of the City.

SIXTY DAY ANNEXATION SERVICE PLAN FOR GREAT NORTHWEST

SERVICE	SERVICES TO BE EXTENDED UPON ANNEXATION
Maintenance of water facilities	Public water facilities will be maintained by City Water Board.
Maintenance of wastewater facilities	Public wastewater facilities will be maintained by the City of San Antonio in accordance with Chapter 35 of the City Code (Unified Development Code).
Maintenance of roads, streets and drainage improvements	Roads, street and drainage improvements which have been properly platted, duly dedicated, and accepted by the City of San Antonio and/or Bexar County shall be properly maintained by the Department of Public Works.
Street lights, street name signs and traffic control devices	Public street lights will be maintained by City Public Service. Immediately upon annexation, the City will initiate an evaluation of the need for street lights in the annexed area.
Maintenance of parks, play-grounds and swimming pools	Municipally owned parks, play-grounds or swimming pools will be maintained by the City of San Antonio.
Maintenance of other publicly owned facilities buildings or services	Municipally owned facilities and buildings will be maintained by the City of San Antonio.
Zoning	<p>Effective December 31, 1989, all property will be zoned Temporary "R-1", Single Family Residential. The San Antonio Zoning Commission will initiate permanent zoning within 60 days of annexation. The Zoning Commission will work closely with the neighborhood association when conducting the rezoning effort.</p> <p>All requests for rezoning may be made through the City's Department of Planning in accordance with Chapter 35 of the City Code (Unified Development Code).</p> <p>The Department of Planning will notify an individual designated by the neighborhood association of any zoning requests within the association's boundaries.</p>
Building permits	Effective December 31, 1989, all proposed or incomplete construction must obtain a building permit from the Department of Building Inspections in accordance with Chapter 6 of the City Code.

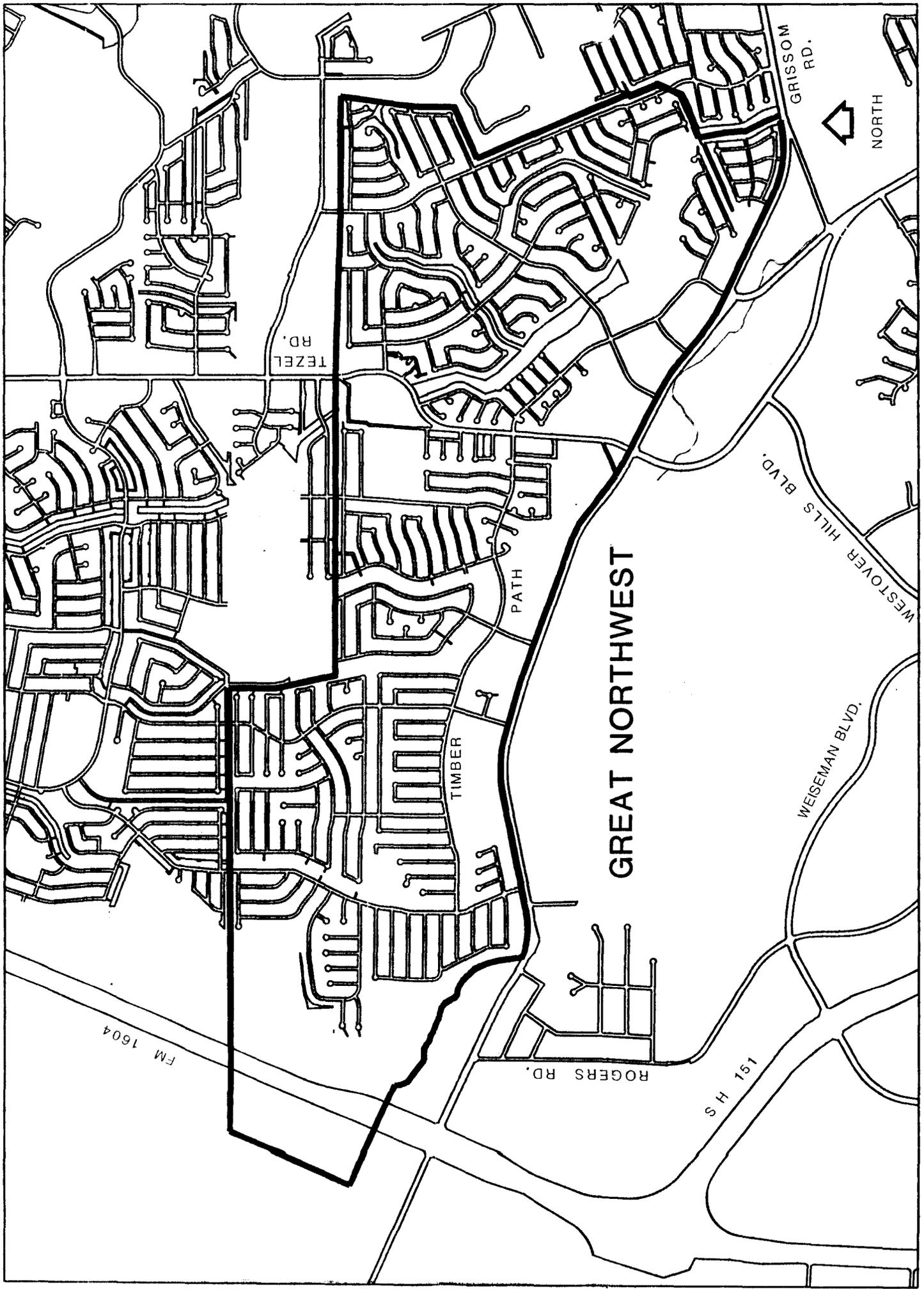
SIXTY DAY ANNEXATION SERVICE PLAN FOR GREAT NORTHWEST

SERVICE	SERVICES TO BE EXTENDED UPON ANNEXATION
Certificates of occupancy and related licenses	Effective December 31, 1989, new and existing businesses must obtain a Certificate of Occupancy and related licenses required by the City Code from the Department of Building Inspections, Health Department, and/or City Tax Office.
Nonconforming rights	To establish nonconforming rights for zoning, existing uses must register by December 31, 1990 with the Department of Building Inspections. A Certificate of Occupancy will be issued certifying the use including any home occupations which are located in a dwelling unit.  A building permit must be obtained for incomplete construction. The permit must be applied for by February 28, 1990, through the Department of Building Inspections.
Code enforcement	Nonconforming rights to allow proposed construction or for a development master plan must be filed by February 28, 1990 with the Department of Planning in accordance with Chapter 35 of the City Code (Unified Development Code).  The Code Compliance Unit will respond to requests for inspection of suspected City Code violations including, but not limited to, zoning, building code, sign ordinance, and junk car ordinance.
Other municipal services	All other services available to residents of the City of San Antonio including, but not limited to health, animal control, library, and human resources shall be provided to this area in the same manner as to other areas of the City.
Signs and Billboards	All signs and billboards must comply with the City Sign and Billboard Ordinance (Chapter 28 of the City Code). Upon adoption of a Scenic Corridor Ordinance by the City Council, the City will consider the designation of FM 471 from Grissom to the City limits and Tezel Road from Culebra to Guilbeau as scenic routes.

FOUR AND ONE-HALF YEAR ANNEXATION SERVICE PLAN FOR GREAT NORTHWEST

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Water	Water service to the area will be provided in accordance with the City Water Board's <u>Regulations for Water Service</u> as may be amended in the future.
Gas and electricity	Gas and electricity service is available from City Public in accordance with existing policies and capacities, and dependent upon developer schedules and requirements.
Wastewater	Wastewater service is available to property owners/ developers from the City of San Antonio in accordance with Chapter 35 of the City Code (Unified Development Code).
Street lights	New street lights will be installed at the intersections of residential streets and at other locations as determined by the Department of Public Works.
Traffic control devices	New traffic control devices will be installed as determined by the Department of Public Works and approved by the City Council. Requests from the annexed area will be accepted and every effort made to accommodate such requests.
Public parks and recreation facilities	Public parks and recreation facilities may be acquired and developed as recommended by the Department of Parks and Recreation and approved by the City Council. Since the City has no park within the vicinity of the Great Northwest, Misty Oaks, Timber Creek, or Twin Creek areas, it will provide funding for a park in any "Quality of Life" bond issue which includes a "park package". If bond funds are not available, the City shall pursue using trust funds or other funds which become available from the sale of City properties for the development of a park.
Library services	In accordance with the <u>Master Plan for the San Antonio Public Library and Information Center for 1988-1993</u> , the City shall include funding for a new Northwest Branch Library in any "Quality of Life" bond package. In the event such bond funding is not available, the City shall pursue the opening of a branch library in leased space by 1992.



TEZEL RD.

GRISSOM RD.

NORTH

WESTOVER HILLS BLVD.

GREAT NORTHWEST

WEISEMAN BLVD.

PATH

TIMBER

FM 1604

ROGERS RD.

151 H S

# CITY OF SAN ANTONIO

## Interdepartment Correspondence Sheet

TO: Lloyd Garza, City Attorney

FROM: Tom Finlay, Assistant City Attorney

COPIES TO: \_\_\_\_\_

SUBJECT: Effective date of annexations

Date November 9, 1988

During the hearing process on the proposed annexation of the Great Northwest and other residential subdivisions, talks were held with various citizen groups opposing annexation. These groups complained of the need for time to adjust budgets to be able to pay the additional taxes and for the City to make preparations to bring full City services to these areas. City officials present agreed to the request for a delay.

Since the City had already completed a good deal of work on these annexations (preparation of service plans, meetings with citizen groups, public hearings, etc.) it did not seem feasible to abandon the process and start over at a later date. However, a preliminary agreement with the citizen groups was reached to go ahead with the annexation process but have the effective date of the annexation ordinance be fixed at one year from date of final passage.

There is no problem with this so far as local law is concerned. Our Charter says all ordinances shall take effect "at the time indicated therein" but not less than ten days from date of passage unless an emergency exists. Various ordinances have been approved to be effective at some fairly distant time, and we have no reason to question the validity of these.

The only problem with annexation ordinances is the requirement of state law that an "annexation of an area must be completed within 90 days after the date the governing body institutes the annexation proceedings or those proceedings are void".

No case law exists to interpret this requirement. One view would be that the effective date is not important -- that so long as all proceedings are completed, and the effective date set, all that is required is the passage of time -- no more action on the part of the City is required. However, it is possible that courts could decide that to be complete, an annexation ordinance must be effective.

We have checked with officials from the Texas Municipal League who were familiar with the history of this section. It was adopted to prevent an abuse which had been practiced by certain cities, particularly Houston. An annexation proceeding would be commenced and first readings held, but the final reading would be held in abeyance and not passed until years later (if ever). This gave the City preliminary jurisdiction over the area and prevented other cities from annexing it or the citizens of the area from incorporating as a separate city, yet the City could take its time and not actually annex it (and start providing services) until years afterward. If it decided not to annex, it could just never pass the annexation ordinance at final reading.

We believe there are strong arguments that our situation would not fall under the prohibition.

1. The wording of the statute itself seems to draw a distinction between "annexation" and the "effective date of the annexation." For example, services as set out in the service plan must be provided within a certain number of days from the effective date of the annexation. Other sections of the statute simply speak of annexation. The fact that the two terms are used indicates the legislative intent that they mean different things. Thus, completing the "annexation" would not mean the same as the "effective date of annexation."

A second view hinging on wording is based on the construction of the section at hand: if the annexation is not completed within 90 days from when initiated, those proceedings are void. In other words, proceedings is the subject matter. This evidences an understanding of the legislature that both initiating and completing annexation is done by proceedings. In our case, all proceedings will have been completed, with only the passage of time left until the ordinance is effective.

A third argument is based on the legislative history of this section. Certainly there is no hidden intent on the part of the Council, and this action would not be taken to expand the City's power by taking advantage of a statute. This action would be for the benefit of the citizens of the area and at their request. The effective date would be set and final, and the area would not be left in a breach.

Since the action is being taken at the request of the citizen groups, it may be our action would not be challenged. If it were, we have the above arguments to sustain our position. In addition, at many legislative sessions a validation act is passed to validate annexations made prior to the date of passage of the act. We have discussed with the

T.M.L. the possibility of having special wording included in such an act at the upcoming session so it would cover annexations "whether or not yet effective."

It should also be noted that even if we are not successful in any of the above, the worst thing that could happen is that we would have to go through the annexation process again.

  
TOM FINLAY  
Assistant City Attorney

TF:amt