EF/msb
11/06/2014
Item No. 22

AN ORDINANCE 2014-11-06-0864

PROVIDING FOR THE EXTENSION OF THE CITY OF SAN ANTONIO LIMITS BY THE FULL PURPOSE VOLUNTARY ANNEXATION OF 9.19 ACRES OF LAND, LOCATED AT 3610 VALLEY ROAD CONTIGUOUS TO THE CITY LIMIT AND WITHIN THE CITY OF SAN ANTONIO'S EXTRATERRITORIAL JURISDICTION (ETJ), AS REQUESTED BY THE SAN ANTONIO WATER SYSTEM (SAWS), AND APPROVING A SERVICE PLAN FOR SUCH AREA.

• • • • •

WHEREAS, the Board of Trustees of the San Antonio Water System (SAWS) at its meeting on February 10, 2014, requested by resolution the annexation of 9.19 acres located at 3610 Valley Road, known as the SAWS PROPERTY, as described in **EXHIBIT "A"** and depicted in Exhibit "B" by the City of San Antonio; and

WHEREAS, the City Council of the City of San Antonio at its meeting on June 19, 2014, directed the Department of Planning and Community Development to prepare a Municipal Service Plan for the SAWS PROPERTY prior to the publication of the notice of the first required public hearing, in accordance with Chapter 43 of the Texas Local Government Code; and

WHEREAS, on the 1st day of October 2014 and the 2nd day of October 2014, the City Council of the City of San Antonio held public hearings on the proposed annexation of the SAWS PROPERTY, 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-mentioned public hearings was published in the Daily Commercial Recorder on September 16 and 17, 2014, a newspaper having general circulation in the City of San Antonio, Texas, and within the territory to be annexed, and posted on the internet web site maintained by the City of San Antonio in accordance with laws; and

WHEREAS, the above-mentioned 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 1,409,019 inhabitants, and the area to be annexed is located within the extraterritorial jurisdiction of the City of San Antonio, Texas, and is 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 petition requesting the annexation of the property known as the SAWS PROPERTY that was submitted by the persons having an interest in the property is hereby granted. The property is more particularly described in **EXHIBIT "A"** and depicted in **EXHIBIT "B"**. EXHIBITS "A" and "B" are attached to this Ordinance and are incorporated herein for all purposes.

SECTION 2. The land and territory lying outside of, but adjacent to and adjoining the City of San Antonio, known as the SAWS PROPERTY, more particularly described and depicted in EXHIBITS "A" and "B," 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 and depicted in EXHIBITS "A" and "B," are altered and amended so as to include said area within the corporate limits of the City of San Antonio, Texas.

SECTION 3. The land and territory known as the SAWS PROPERTY, so described and so amended, shall be a 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. The 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 4. A service plan outlining the provisions of necessary municipal service to the property described and depicted in EXHIBITS "A" and "B," and is hereby approved and the implementation of said plan is hereby authorized. Such plan is attached hereto and incorporated herein as if set out verbatim for all purposes as **EXHIBIT "C"**.

SECTION 5. In accordance with Section 35-307(a) of the City of San Antonio Unified Development Code, this property shall be zoned by separate ordinance and the assigned zoning classification will be effective upon annexation.

SECTION 6. The land and territory annexed by this ordinance shall be represented by and be a part of City Council District 3.

SECTION 7. The statements set forth in the recitals of this ordinance are true and correct, and are incorporated as a part of this ordinance.

SECTION 8. This ordinance shall be effective from and after December 6, 2014.

PASSED AND APPROVED this 6th day of November, 2014.

M A Y O R
Ivy Taylor

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

for Robert F. Greenblum, City Attorney

Agenda Item:	**22 (in consent vote: 21, P-1, Z-1, 22, Z-2, 24, P-3, Z-5, Z-6, Z-7, P-4, Z-8, P-5, Z-9, P-6, Z-10, Z-12, Z-13, Z-14, Z-15, Z-16, Z-20, Z-21, Z-23)**
Date:	11/06/2014
Time:	02:13:28 PM
Vote Type:	Motion to Approve
Description:	An Ordinance approving the extension of the City limits by Full Purpose Annexation of 9.19 acres of land, located at 3610 Valley Road, as requested by the San Antonio Water System (SAWS) and adoption of the Municipal Service Plan. [Peter Zanoni, Deputy City Manager; John Dugan, Director, Department of Planning and Community Development]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Diego Bernal	District 1	x					
Keith Toney	District 2		x				x
Rebecca Viagran	District 3		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 A: Field Notes Description

FORD ENGINEERING, INC.

Date: March 12, 2013
Project No: 1800.3246

FIELD NOTES DESCRIPTION

A 5.583 acre tract situated in the Jose Antonio De La Garza Grant, Abstract No. 3, Bexar County Block No. 4006 being a portion of that certain 93.503 acre tract of land conveyed to San Antonio Water System recorded in Volume 7263, Page 876 of the Official Public Records of Real Property of Bexar County, Texas; being more particularly described as follows:

BEGINNING: at a ½ inch iron rod (N = 13,636,635.064, E = 2,151,264.061) with cap marked "Vickrey" found for the Northeastern corner of Lot 1, Block 3 of the SAWS Environmental Laboratory Services Subdivision as shown on a plat recorded in Volume 9565, Page 78 of the Deed and Plat Records of Bexar County, Texas on the Southern line of Lot 1, Block 1, N.C.B. 16629, Dos Rios WWTP Subdivision as shown on a plat recorded in Volume 9529, Pages 53-67 of the Deed and Plat Records of Bexar County, Texas, for the Northwestern corner of this tract;

THENCE: S 73°40'51" E – along the Southern line of the said Dios Rios WWTP Subdivision at 474.62 feet pass a ½ inch iron rod with cap marked "Pape Dawson" found for a corner of a 98.740 acre Lease Agreement conveyed to SunE CPS2, LLC in Volume 15257, Page 2020 of the Official Public Records of Real Property of Bexar County, Texas, **a distance in all of 486.77 feet** to a ½ inch iron rod with yellow plastic cap marked "Ford Eng Inc" set for a corner of Lot 2, Block 3 – SAWS South Subdivision as shown on a plat recorded in Volume 9636, Pages 70-72 of the Deed and Plat Records of Bexar County, Texas, for the Northeastern corner of this tract from which a ½ inch iron rod with cap marked "Pape Dawson found for the Northeastern corner of said SAWS South Subdivision, an interior corner of said Dos Rios Subdivision bears S 73°40'51" E – 757.30 feet;

THENCE: S 16°19'21" W – 500.00 feet along a line of the said SAWS South Subdivision to a ½ inch iron rod (N = 13,636,018.440, E = 2,151,589.700) with yellow plastic cap marked "Ford Eng Inc" set for an interior corner of the said SAWS South subdivision, for the Southeastern corner of this tract, from which a ½ inch iron rod found for a corner of the said 98.740 acre lease agreement bears N 69°00'08" W – 7.54 feet;

THENCE: N 73°40'39" W – 486.00 feet along a line of said SAWS South Subdivision to a ½ inch iron rod with cap marked "Vickrey" found for the Southeastern corner of the said SAWS Environmental Laboratory Services Subdivision, a corner of said SAWS South Subdivision, for the Southwestern corner of this tract from which a ½ inch iron rod

10927 WYE DRIVE, SUITE 104, SAN ANTONIO, TEXAS 78217 (210) 590-4777 FAX: 590-4940
1-800-332-3109 Web Site: www.fordengineering.com TBPE No. F-1162

with cap marked "Pape Dawson" found for the Southwestern corner of said SAWS Environmental Laboratory Services Subdivision, a corner of said SAWS South subdivision bears N 73°38'20" W – 313.99 feet;

THENCE: N 16°14'02" E – 499.97 feet along the Eastern line of the said SAWS Environmental Laboratory Services Subdivision to the **POINT OF BEGINNING** and containing 5.583 acres of land, *according to a survey made on the ground under my supervision*

Corresponding plat prepared.
1800.3246.docx

BEARINGS AND COORDINATES ARE BASED ON LAMBERT GRID, TEXAS STATE PLANE COORDINATES, SOUTH CENTRAL ZONE NAD 83/93; COORDINATES SHOWN HEREON HAVE AN APPLIED SURFACE SCALE FACTOR OF 1.00017.

STATE OF TEXAS
REGISTERED
REX L. HACKETT
5573
PROFESSIONAL
LAND SURVEYOR

Rex L. Hackett
Registered Professional Land Surveyor
License Number 5573

EXHIBIT A: Corresponding Plat for 5.583 Acres

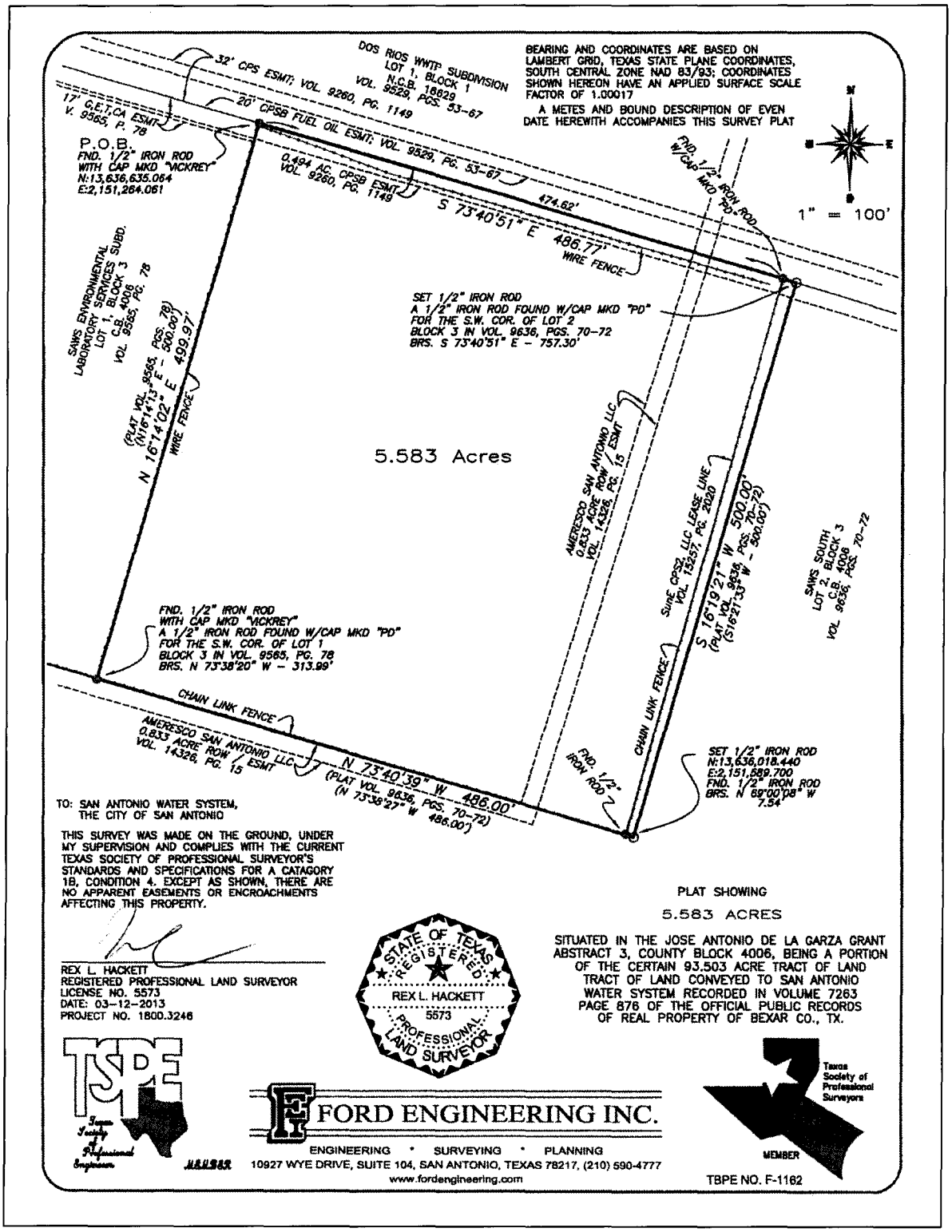


EXHIBIT A: Corresponding Plat for 3.607 Acres

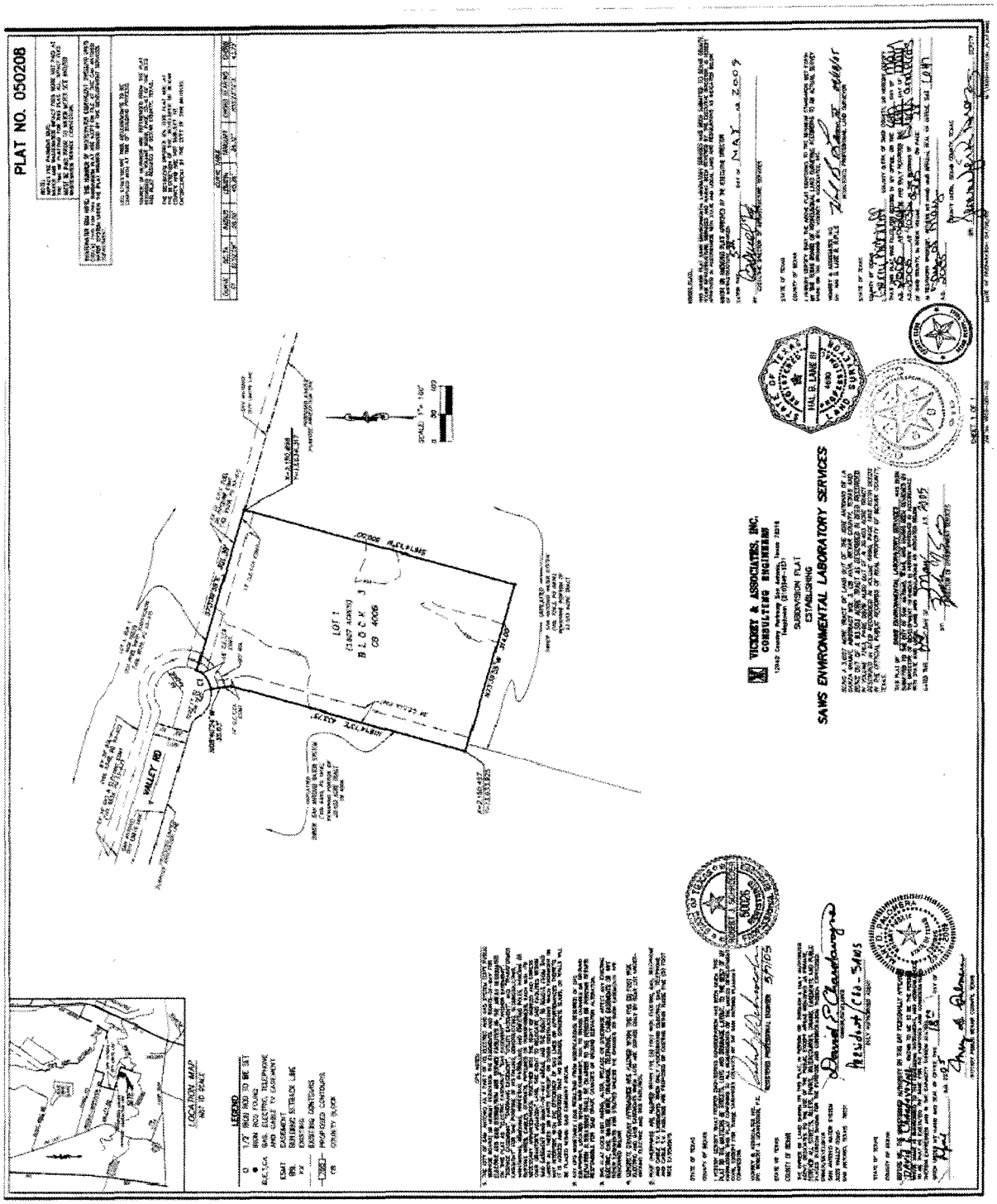


Exhibit B

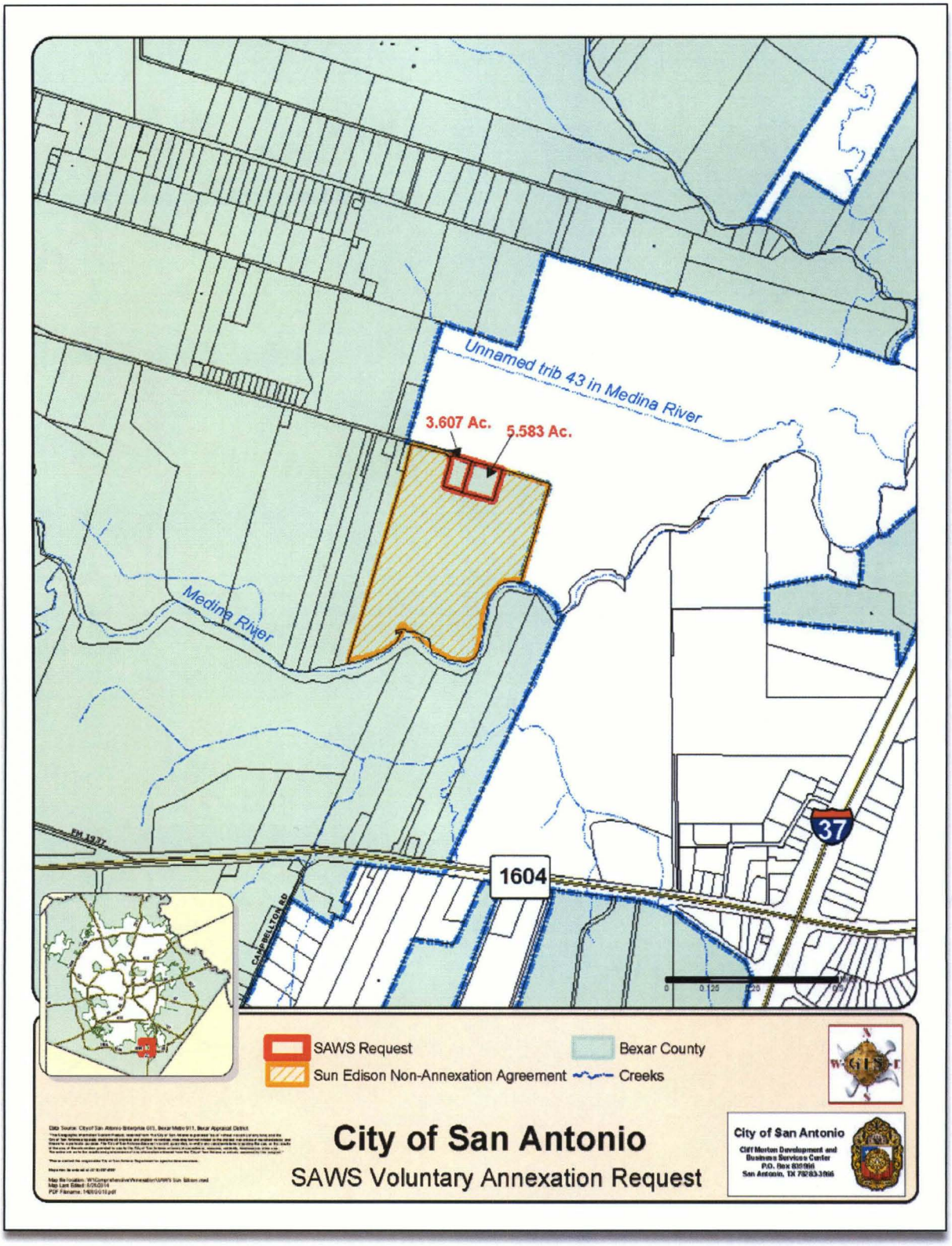

Unnamed trib 43 in Medina River
3.607 Ac.
5.583 Ac.
Medina River
FM 1937
1604
CAMPBELLTON RD
37
SAWS Request
Sun Edison Non-Annexation Agreement
Bexar County
Creeks
City of San Antonio
SAWS Voluntary Annexation Request
City of San Antonio
Cliff Morton Development and Business Services Center
P.O. Box 839966
San Antonio, TX 78283-3966

Exhibit C

CITY OF SAN ANTONIO MUNICIPAL SERVICE PLAN FOR THE SAN ANTONIO WATER SYSTEM (SAWS) PROPERTY

Prepared by

The Department of Planning and Community Development

September 5, 2014

INTRODUCTION

The City (City) of San Antonio, Texas, is making this Municipal Service Plan (Plan) available pursuant to Chapter 43 of the Texas Local Government Code. This Plan relates to the annexation by the City of two tracts of land, totaling approximately 9.19 acres, as requested by San Antonio Water System (SAWS). (See Map 1 for an exhibit.) The SAWS property also referred to as annexation area is located at 3610 Valley Road, within San Antonio's extraterritorial jurisdiction (ETJ) and Bexar County. The annexation area is contiguous to the City of San Antonio Limits.

Area Description - The annexation area consists of the SAWS environmental laboratory. Currently, there are no residents located within the annexation area. The purpose of the SAWS petition for annexation is to bring the annexation area into the City of San Antonio limits, and provide an equivalent level of City services for it. The environmental laboratory has a vital role in preserving the drinking water quality of the City of San Antonio and surrounding area. At the environmental laboratory, SAWS staff performs in-house testing of drinking water and wastewater, quality control and other environmental and safety testing. In 2013, it achieved accredited status by the National Environmental Laboratory Accreditation Program.

Surrounding Jurisdictions - At the present time, SAWS has beneficial use and control of all of the properties surrounding the annexation area. Located to the north of the annexation areas is the SAWS Dos Rios Water Recycling Center, which has been within San Antonio limits since 1987. SAWS leased the land which bounds the annexation area on the other three sides to the Sun Edison solar farm complex which currently has a non-annexation agreement with San Antonio, effective until December 31, 2026.

EFFECTIVE TERM

This Plan shall be in effect for a ten-year period commencing on the effective date of the annexation, unless otherwise stated in this Plan.[1] Renewal of the Plan shall be at the option of the City. Such option may be exercised by the adoption of an ordinance by the City Council, which refers to this Plan and specifically renews this Plan for a stated period of time. The property owners of the annexation area may request extension of the service plan, and the plan may be extended upon the mutual agreement of the City and the property owner.

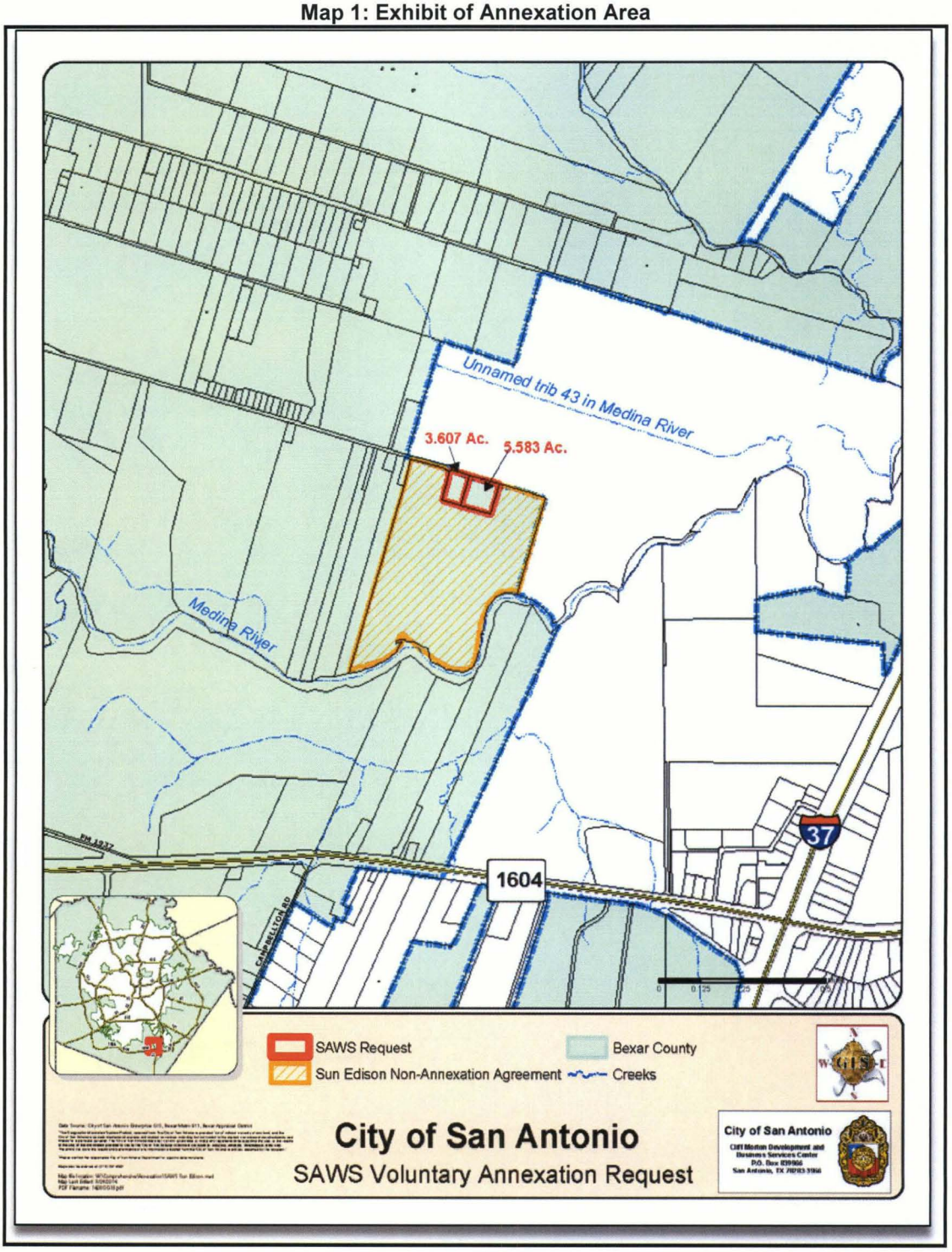
INTENT

It is the intent of the City that services under this Plan shall provide full municipal services as required and defined by the Texas Local Government Code. City of San Antonio services shall be provided at a level of services equal to current services available in the City, or equal to the level of services available in other parts of the City with topography, land use and population density similar to those contemplated or projected in the annexed area, whichever is applicable.

[1] Texas Local Government Code, Subsection 43.056 (l).

The City reserves the right guaranteed to it by the Texas Local Government Code, to amend this Plan if the City Council determines that changed conditions or subsequent occurrence or any other legally sufficient circumstances exist under the Local Government Code, or other Texas laws to make this Plan unworkable or obsolete or unlawful.

Map 1: Exhibit of Annexation Area



SERVICE PLAN COMPONENTS

This Plan includes three service components:

1) Program for services to be provided on the effective date of annexation,
2) Additional services, and
3) A Capital Improvement Program.

1. PROGRAM FOR SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION

As referred to in this Plan, providing services includes the provision of services 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.

a. **Police Protection** – The San Antonio Police Department (SAPD) will provide protection and law enforcement services in the annexation area upon the effective date of annexation. These services are provided on a city-wide basis. The Annexation Areas will be served by the South Patrol Substation, located at 711 W. Mayfield. These services include normal patrols and responses to call for services, handling of complaints and incident reports, special units, including traffic enforcement, criminal investigations, narcotics, gang suppression, and special weapon and tactics teams, as required.

b. **Fire Protection** – The San Antonio Fire Department (SAFD) will provide emergency and fire prevention services and other services as needed, on the effective date of annexation. SAFD services are provided on a citywide basis. All San Antonio firefighters are certified by the Texas Commission on Fire Protection. The annexation area will be served by the fire station(s) No. 22 located at 1100 March Avenue. Above average response times are expected. These services are provided based upon the available water, road and street conditions, and the distance from the existing fire station. These services include fire suppression and rescue, hazardous material mitigation and regulations, and rescue unit, emergency prevention and management, aircraft/rescue/ firefighting, dive rescue, technical rescue, public education effort, fire protection plan review and inspection.

c. **Emergency Medical Service (EMS)** – San Antonio EMS will provide emergency medical first response services to all patients in life threatening situation. All of SAFD personnel are certified as Emergency Medical Technician (EMT) level or higher and assist EMS personnel providing patient care. These services include emergency dispatch, pre-arrival first aid instructions, coordination of other public safety support agencies, emergency advanced life support ambulance response, and medical rescue services.

d. **Solid Waste Services** – Upon annexation, solid waste services will be provided in accordance with the requirements and standards outlined in the Solid Waste Code, Chapter 14 of the City Code of Ordinances, to include applicable fees, including a monthly environmental fee. (There are no residential services in the annexation area.) Commercial solid waste customers including businesses, offices, retail stores, multi-family dwelling units, and planned unit developments, within the annexed area may continue to contract directly with private solid waste service providers. In addition, private solid waste providers must have an active Waste Hauler Permit issued by the City to provide services within City limits.

e. **Maintenance of Water and Wastewater Facilities** – SAWS will maintain and operate the public water and wastewater facilities that are within its certificated 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 (*See Attachment I for a summary of the SAWS Utility Service Regulations*).

   ***Rates* - A**fter annexation, SAWS rate customers will pay the lower "Inside City Limit" rate as opposed to the Outside City Limit rate. This will amount to an approximate 30% reduction in the average water bill and approximate 20% reduction in the average sewer bill. The rates are set by City Council and can be amended in the future.

f. **Maintenance of Roads and Streets** – The Street Maintenance Division of the Transportation & Capital Improvements Department will maintain public streets over which the City has jurisdiction.

g. **Street lighting** - CPS Energy will maintain public street lighting in accordance with Sec. 43.056 (b) (6) of the Texas Local Government Code and the City's policies. Upon annexation, the City will assume the cost of electricity for public streetlights.

h. **Maintenance of Parks, Playgrounds, and Swimming Pools** – Maintenance responsibilities for publicly owned parks in annexed areas 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).

i. **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:

a. **Development Services** – Upon annexation, development services will be provided in accordance of Unified Development Code (UDC), Chapter 35 of the City Code of Ordinances and other applicable codes and standards. Included below are some of the services provided by the Development Services Department. Additional information regarding these services can be referenced by visiting www.sanantonio.gov/dsd. Please note that in some cases Building Permits and Certificates of Occupancy can be applied for on line at the above referenced web page.

- *Zoning* – City staff will initiate 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.

  The proposed zoning for the annexation area is "L" light industrial district. The light industrial district provides for a mix of light manufacturing uses, office park, flex-space with limited retail and service uses that serve the industrial development in the zone. Examples of permitted uses: auto sales & repair, wrecker services, cabinet/carpenter shop, can recycle collection station (no shredding), lumber yard and building materials, mobile vending base operations, machine shop, equipment & event rentals, tree service, moving company.

- *Code Compliance* – The Code Compliance Division 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, noise, illegal dumping, minimum housing, including unsanitary premises, front yard parking, water and sewer, livestock, alley and right-of-way violations, water leaks or discharges of wastewater on private or public property, monthly inspections of salvage/junk yards, monitoring and enforcing materials received at salvage/junk yards, and enforcement of garage sale permits.

- *Building Permits* – Building permits are required for any construction or development activity. Incomplete construction must obtain building permits from the Development Services Department in accordance with City codes. Incomplete construction implies that final inspections have not been conducted and approved. For new commercial construction, incomplete construction indicates, that one has not obtained approved final inspections for building, mechanical, plumbing, electric, fire, traffic, drainage, sidewalks, irrigation, tree, and landscape field inspections. Other field inspections may be applicable for new commercial construction depending on the specific use and/or location of the project.

- *Tree and Landscape Requirements* – In addition, as part of the permitting process, applicant(s) will be required to adhere to the City's Tree and Landscape requirements.
- *Certificate of Occupancy* – New and existing businesses must obtain a Certificate of Occupancy and related licenses required by City Code from the Development Services Department, San Antonio Metro Health Department, and/or City Tax Office. In accordance with the 2012 International Building Code, no person may occupy a building or a space without first obtaining a Certificate of Occupancy from the Building Official. Certificates of Occupancy may be applied for at the Development and Business Services Center, located at 1901 South Alamo Street.
- *Nonconforming rights* – To establish nonconforming rights for zoning, property owners with existing land uses are encouraged to register within one year of the annexation date with the Development Services Department. Uses that existed legally prior to annexation, generally become nonconforming after annexation because of the new zoning classification placed on the land. Property owners may register for nonconforming rights at the Development and Business Services Center, located at 1901 South Alamo Street. Registration of legal nonconforming uses allows property owners to apply for a Certificate of Occupancy. Upon the issuance of the Certificate of Occupancy, property owners may continue the legal nonconforming uses that existed prior to annexation. A Certificate of Occupancy will be issued certifying only those uses required by applicable City and State codes. Unless exempted by Chapter 43, of the Texas Local Government Code, nonconforming rights to allow future construction of the development of a master plan must be filed within 60 days of annexation, with the Development Services Department in accordance with the Unified Development Code (UDC).

b. ***Storm Water Utility Services*** – The Storm Water Operation of the Transportation & Capital Improvements Department provides storm water management services including routine maintenance for public drainage channels and public storm sewers within dedicated public drainage easements. Storm water services are fee-based. Fees are assessed based on Customer Classification (Residential, Multi-family, Public, and Commercial). Within each Customer Classification are tiers based on the size of the parcel. This fee is collected through the SAWS billing system. Services are currently provided by SAWS, in accordance with the approved SAWS rate structure and as limited by applicable codes, laws, ordinances and special agreements.

c. **Library Services** – The San Antonio Public Library System serves residents living within the City limits of San Antonio and unincorporated Bexar County. (There are no residents living in the annexation area.) More information about library services are available at http://mysapl.org/

d. **Health Department Services** – The San Antonio Metropolitan Health Department (SAMHD) currently provides a wide range of services to this annexation area. Upon annexation, the following additional services will be available, investigation of public

health related complaints, enforcement of the City's smoking in public places ordinance and the minor's access to tobacco ordinance, investigation of reported elevated blood levels in children, access to community health clinics, and Medical assistance program benefits.

SAMHD provides food establishments licenses and environmental health services within unincorporated areas of Bexar County. SAMHD would provide additional services for oversight of day care centers, semi-public swimming pools, air quality permits and livestock issues. Bexar County performs some spraying on a seasonal basis (Vector Control). SAMHD would provide year round services for mosquito spraying, rodent control and disease surveillance for mosquito-acquired diseases.

e. **Animal Care Services** – Animal Care Services (ACS) Department will provide services to the newly annexed area as provided to other areas of the City. Customers who need assistance with animal issues can call 311 and report the specific problem. The call will then be relayed to ACS Field Services for an appropriate response. Calls for services are prioritized according to the type of situation described by the caller, with emergencies receiving an immediate response.

f. **Other City Services** – All other City Departments with jurisdiction in the area will provide services according to City policy and procedure.

3. CAPITAL IMPROVEMENT PROGRAM

The City will initiate the construction of capital improvements as may be necessary for providing municipal services to the annexation area. The timing for the construction of capital projects that may be necessary for the delivery of municipal services will be done in accordance with the requirements of Subchapter C of Chapter 43, Local Government Code.

Each component of the Capital Improvement Program is subject to the City providing the related service directly. In the event that the related service is provided through a contract service provider, the capital improvement may not be constructed or acquired by the City but may be provided by the contract provider. The City may also lease buildings in lieu of construction of any necessary buildings.

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

b. **Fire Protection** – No capital improvements are necessary at this time to provide Fire services.

c. **Emergency Medical Services (EMS)** – No capital improvements are necessary at this time to provide EMS.

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 service.

f. **Street lights** – No capital improvements are necessary at this time to provide services.

g. **Parks, Playgrounds and Swimming Pools** – There are no annexation service requirements.

h. **Library** – No capital improvements are necessary at this time to provide Library services.

i. **Other Publicly-owned Facilities, Buildings or Services** – There are no annexation service requirements. Addition capital improvements are not necessary to provide such City services.

j. **Capital Improvements Planning** – There are no annexation service requirements.

AMENDMENT: GOVERNING LAW

This Plan may not be amended or repealed 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.

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.

Attachment I:
Summary of SAWS Water and Wastewater Utility Service Regulations 2012

Attached is a summary of the SAWS Utility Service Regulations (SAWS USR) for the extension of water and/or wastewater facilities as incorporated by reference in the latest version of the Unified Development Code, and in conformance with the requirement in the Texas Local Government Code that the Plan has a summary of the service extension policy (SAWS USR).

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 of 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 Infrastructure Development Department 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.

If a property is served by a septic system, the property owner(s) remains responsible for the operation and maintenance of their 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 of San Antonio Metropolitan Health Department and/or applicable regulatory agency for septic tanks may require the property owner to connect to SAWS public wastewater facilities. This policy is set by the City Council and can be amended in the future by ordinance.