

AN ORDINANCE **40806**

RESCINDING AND REPEALING ORDINANCE NO. 40625
PASSED AND APPROVED FOR PUBLICATION ON APRIL 20,
1972, AND PASSED AND APPROVED ON MAY 25, 1972,
PURPORTING TO EXTEND THE BOUNDARY LINES OF THE
CITY OF SAN ANTONIO, TEXAS AND ANNEX SOME
40,565.01 ACRES OF LAND; AND DECLARING AN
EMERGENCY.

* * * *

WHEREAS, Ordinance No. 40625 was passed and approved for publication on April 20, 1972, and was finally passed and approved on May 25, 1972, which said ordinance purported to extend the boundaries of the City and annex some 40,565.01 acres of land, effective as of the date of final passage thereof; and

WHEREAS, by Cause No. F-249,126, Ray Ellison, et al vs. City of San Antonio, et al, in the District Court for the 131st Judicial District of Texas, a lawsuit has been brought alleging inter alia that said annexation ordinance is wholly void in that the area annexed thereby constitutes thirty-two (32%) per cent of the City's total area as of January 1, 1972, in violation of the Municipal Annexation Act of 1963, Art. 970a, Section 7C; and

WHEREAS, the limitation of thirty (30%) per cent of the total area of the City contained in said Section 7C of Art. 970a does not include territory annexed on the voluntary petition of the owners thereof within the City's extraterritorial jurisdiction, and it was the understanding and belief of the City Council in passing said Ordinance No. 40625, that territory included therein equal to more than two (2%) per cent of the total area of the City was included on the voluntary petition of the owners thereof, leaving only territory equivalent in area to slightly less than thirty (30%) per cent of the total area of the City being involuntarily annexed thereby; and

WHEREAS, subsequent investigation has disclosed that a portion of the land included in said ordinance on said petitions was not in fact all owned by said petitioners, and that as a result of this said annexation ordinance included an area involuntarily annexed in an amount in excess of thirty (30%) per cent of the total corporate area of the City as of the first day of this calendar year which is an indisputable, if unintended, violation of said statutory limitation; and

WHEREAS, as a result of the above, the Council, in passing said Ordinance No. 40625, has passed a wholly void ordinance, the validity of which cannot be successfully defended, and because of which said lawsuit cannot be successfully defended; and

WHEREAS, the further attempted defense of said suit would entail the useless expenditure of the City's resources, and serve only to further postpone and complicate the permanent solution of the urgent long range problems of City growth and planning which it had been hoped said annexation ordinance would materially solve; and

WHEREAS, the best interests of the citizens of San Antonio, as well as the owners and inhabitants of the land within the purportedly

annexed area, therefore would be served by the immediate rescission and repeal of Ordinance No. 40625, because such rescission and repeal will eliminate any uncertainty and confusion as to such matters as San Antonio's taxation of the purportedly annexed land and as to San Antonio's rendition of governmental services such as fire and police protection, street maintenance, garbage collection and the like within such area; NOW, THEREFORE,

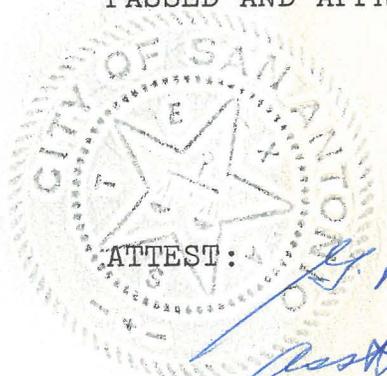
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Ordinance No. 40625, passed and approved for publication on April 20, 1972, and passed and approved May 25, 1972, is hereby in all things rescinded and repealed as of the date of its original final passage.

SECTION 2. The City Attorney is hereby instructed and directed to enter into an agreed judgment with the Plaintiffs in said Cause No. F-249,126 declaring said Ordinance No. 40625 to be wholly void ab initio for the legal reason set out above and to take such other legal actions consistent herewith as necessity may dictate.

SECTION 3. This ordinance is passed as an emergency measure and is to take effect immediately upon its passage and approval. As long as the legal controversy involved in this annexation continues, in view of the invalid nature of the annexation ordinance in question, as set out above, the City is exposed to needless expenses and liabilities which manifestly make it urgent to effect an immediate termination thereof for the preservation of the public peace, property, health and safety.

PASSED AND APPROVED this 15th day of June, 1972.



ATTEST:

[Signature]
City Clerk

[Signature]
M A Y O R

APPROVED AS TO FORM: *[Signature]*
City Attorney

ADD ON

DISTRIBUTION

ALCOHOL SAFETY ACTION	
AVIATION DIRECTOR	
CITY WATER BOARD	
CONVENTION BUREAU	
CONVENTION CENTER	
CORPORATION COURT	
FINANCE DIRECTOR	
ASSESSOR	1
BUDGET	
CONTROLLER	
TREASURY DIVISION	
FINANCE-MODEL CITIES	
INTERNAL AUDIT	
PROPERTY RECORDS	
FIRE CHIEF	
HEALTH DIRECTOR	
HOUSING & INSPECTIONS DIRECTOR	1
HUMAN RESOURCES	
LAND DIVISION	
LEGAL	
BACK TAX ATTORNEY	
LIBRARY DIRECTOR	
MANAGEMENT ANALYSIS	
MODEL CITIES	
MUNICIPAL FACILITIES	
PARKS & RECREATION DIRECTOR	
PERSONNEL DIRECTOR	
PLANNING DIRECTOR	1
POLICE CHIEF	
PRESS ROOM	
PUBLIC INFORMATION	
PUBLIC WORKS DIRECTOR	
ENGINEERING DIVISION	
PUBLIC SAFETY-ASSOC. MGR.	
PURCHASING	
TRAFFIC & TRANSPORTATION	
CITY PUBLIC SERVICE BOARD	
AACOG	
S.A. TRANSIT SYSTEM	
URBAN RENEWAL AGENCY	

ITEM NO. _____

JUN 15 1972

MEETING OF THE CITY COUNCIL DATE: _____

MOTION BY: Hill SECONDED BY: Mendoza

ORD. NO. 40806 ZONING CASE _____

RESOL. _____ PETITION _____

COUNCIL MEMBER	ROLL CALL	AYE	NAY
CAROL R. HABERMAN PLACE NO. 1		✓	
ED H. HILL PLACE NO. 2		✓	
CHARLES L. BECKER PLACE NO. 3		✓	
DR. ROBERT L.M. HILLIARD PLACE NO. 4		✓	
LEO MENDOZA, JR. PLACE NO. 5		✓	
GILBERT GARZA PLACE NO. 6 MAYOR PRO TEM		✓	
PLEAS C. NAYLOR, JR. PLACE NO. 7		abs	
ALVIN G. PADILLA, JR. PLACE NO. 8		abs	
JOHN GATTI PLACE NO. 9 MAYOR		✓	

Repeal Ordinance

March 21, 1972

FIELD NOTES FOR THE ANNEXATION OF APPROXIMATELY
2767 ACRES OF LAND ADJACENT TO THE CITY LIMITS
OF THE CITY OF SAN ANTONIO TO THE NORTH

Beginning at a point on the present City Limits line of the City of San Antonio, said point being the intersection of the northwest right-of-way line of U. S. Highway 281 North and the northwesterly extension of the southwest line of the James M. Boazman 10.01 acre tract out of the H. C. McKay Survey No. 333, Abstract No. 513;

THENCE: In a northeasterly direction along the northwest right-of-way line of U.S. Highway 281 North to an intersection with the north City Limits line of the Town of Hollywood Park;

THENCE: In a northwesterly direction along the north City Limits line of the Town of Hollywood Park to an intersection with the south right-of-way line of F.M. Road 1604;

THENCE: In a northerly direction and perpendicular to the south right-of-way line of F.M. Road 1604 to an intersection with the north right-of-way line of said F.M. Road 1604;

THENCE: In a northerly direction and perpendicular to the north right-of-way line of F.M. Road 1604 to an intersection with a line 500 feet north of and parallel to the north right-of-way line of F.M. Road 1604;

THENCE: In an easterly direction along a line 500 feet north of and parallel to the north right-of-way line of F.M. Road 1604 to an intersection with the northeast right-of-way line of Redland Road;

THENCE: In a southeasterly direction along the northeast right-of-way line of Redland Road to an intersection with the southeast right-of-way line of Jones-Maltsberger Road;

THENCE: In a southwesterly direction along the southeast right-of-way line of Jones-Maltsberger Road to a point on the present City Limits line of the City of San Antonio, said point being the intersection of the southeast right-of-way line of Jones-Maltsberger Road with a line 500 feet northeast of and parallel to the northeast right-of-way line of Lockhill-Selma Road;

THENCE: In a southwesterly direction, initially, and continuing along the present City Limits line of the City of San Antonio to the place of beginning, and containing approximately 2767 acres of land.

SR:emf

Exhibit A
Ordinance No. 40625
April 20, 1972

March 20, 1972

FIELD NOTES FOR THE ANNEXATION OF APPROXIMATELY
4937 ACRES OF LAND ADJACENT TO THE CITY LIMITS
OF THE CITY OF SAN ANTONIO ON THE NORTH

Beginning at a point on the present City Limits line of the City of San Antonio, said point being the intersection of the northeast property line of a 98.871 acre tract, conveyed by Myrtle Floyd Buch, et al to the City of San Antonio and recorded in Volume 5053 Page 315 of the Deed Records of Bexar County, Texas, and a line 500 feet northwest of and parallel to the northwest right-of-way line of the Missouri-Pacific Railroad;

THENCE: In a northeasterly direction along a line 500 feet northwest of and parallel to the northwest right-of-way line at the Missouri-Pacific Railroad to its intersection with the northeast right-of-way line of O'Connor Road;

THENCE: In a southeasterly direction along the northeast right-of-way line of O'Connor Road to an intersection with the northwest right-of-way line of Nacogdoches Road (F. M. 2252);

THENCE: In a northeasterly direction along the northwest right-of-way line of Nacogdoches Road (F.M. Road 2252) to an intersection with the northwesterly extension of the northeast right-of-way line of Judson Road;

THENCE: In a southeasterly direction along said extension and across Nacogdoches Road (F.M. Road 2252) to the intersection of the southeast right-of-way line of Nacogdoches Road (F.M. Road 2252) and the northeast right-of-way line of Judson Road;

THENCE: In a southeasterly direction along the northeast right-of-way line of Judson Road to an intersection with the northwest right-of-way line of Interstate Highway 35 North;

THENCE: In a southwesterly direction along the northwest right-of-way line of Interstate Highway 35 North to a point on the present City Limits Line of the City of San Antonio, said point being the intersection of the northwest right-of-way line of Interstate Highway 35 North and a line 2640 feet southwest of and parallel to the northeast right-of-way line of Toepperwein Road, said right-of-way line also being the southwest City Limits line of the City of Live Oak;

THENCE: In a southwesterly direction, initially, and continuing along the present City Limits line of the City Limits of the City of San Antonio and all its courses to the place of beginning; and containing 4937 acres of land, more or less.

SR:emf

Exhibit A
Ordinance No. 40625
April 20, 1972

March 21, 1972

FIELD NOTES FOR THE ANNEXATION OF APPROXIMATELY
4449 ACRES OF LAND ADJACENT TO THE CITY LIMITS
OF THE CITY OF SAN ANTONIO TO THE EAST

Beginning a point in the present City Limits line of the City of San Antonio, said point being the intersection of the northerly extension of the east right-of-way line of Ray Bon Drive (Fratt Road) to its intersection with the north right-of-way line of Walzem Road (F.M. Road 1976) said right-of-way line of Walzem Road also being the present City Limits line of the City of Windcrest;

THENCE: In an easterly direction, initially, and continuing along the City Limits line of the City of Windcrest and all its courses to an intersection with the north right-of-way line of Crestway Road;

THENCE: In an easterly direction along the north right-of-way line of Crestway Road and its easterly extension to an intersection with the southeast right-of-way line of Miller Road;

THENCE: In a southwesterly, southeasterly and southwesterly directions along the southeast, northeast and southeast right-of-way lines of Miller Road to an intersection with the northwest right-of-way line of Gibbs-Sprawls Road;

THENCE: Continuing in a southwesterly direction along the southwesterly extension of the southeast right-of-way line of Miller Road to an intersection with the southeast right-of-way line of the Southern Pacific Railroad;

THENCE: In a southwesterly direction along the southeast right-of-way line of the Southern Pacific to an intersection with the present City Limits line of the City of San Antonio;

THENCE: In a northerly direction, initially, and continuing along the present City Limits line of the City of San Antonio and all its courses to the place of beginning; and containing approximately 4449 acres of land.

SR:emf

Exhibit A
Ordinance No. 40625
April 20, 1972

March 21, 1972

FIELD NOTES FOR THE ANNEXATION OF APPROXIMATELY
69.11 ACRES OF LAND INCLUDING PART OF HOLLY HILLS
ESTATES, AND GREEN ACRES SUBDIVISION OUT OF THE
N. MONTOYA SURVEY NO. 21 ABSTRACT NO. 468, C.B. 5132

Beginning at a point on the present City Limits line of the City of San Antonio, said point being 20 feet east of the southwest corner of Lot 20, Block 14 in Holly Hills Estates as shown on plat recorded in Volume 3025, Page 41 of the Plat Records of Bexar County, Texas, said point also being on the south boundary line of said Holly Hills Estates;

THENCE: In an easterly direction along the south boundary line of Holly Hills Estates and continuing along the south boundary line of Green Acres, a subdivision recorded in Volume 3025, Page 55 of the Plat Records of Bexar County, Texas, to a point in the center line of Rosillo Creek, the center line of Rosillo Creek also being the east boundary line of Green Acres Subdivision;

THENCE: In a northerly direction along the center line of Rosillo Creek and east boundary line of Green Acres Subdivision to an intersection with the south right-of-way line of Rigsby Avenue (U.S. Highway 87 - Gonzales Road);

THENCE: In a northerly direction and perpendicular to said south right-of-way line across Rigsby Avenue to an intersection with the north right-of-way line of Rigsby Avenue;

THENCE: In a westerly direction along the north right-of-way line of Rigsby Avenue to an intersection with the present City Limits line of the City of San Antonio;

THENCE: In a southerly direction, initially, and continuing along the City Limits line of the City of San Antonio and all its courses, to the place of beginning, and containing 69.11 acres of land, more or less.

SR:emf

Exhibit A

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April 20, 1972

March 20, 1972

FIELD NOTES FOR THE ANNEXATION OF 144.90 ACRES
OF LAND, INCLUDING PART OF VILLA CORONADO A
SUBDIVISION OUT OF THE J. M. URRIEGAS SURVEY
NO. 32, BEXAR COUNTY, TEXAS.

Beginning at a point on the present City Limits Line of the City of San Antonio, said point being the intersection of the south boundary line of Villa Coronado, a subdivision recorded in Volume 2805, Page 42 of the Plat Records of Bexar County, Texas and the northeast right-of-way line of U.S. Highway 281 South (Roosevelt Avenue);

THENCE: In an easterly direction along the south boundary line of said Villa Coronado and its easterly extension to an intersection with the southeast line of a 100 foot sanitary sewer easement;

THENCE: In a northeasterly direction along the southeast line of said 100 foot sewer easement to a point on the present City Limits line of the City of San Antonio, said point being the intersection of the southeast line of said 100 foot sewer easement and a line 500 feet south of and parallel to the north right-of-way line of Chavaneaux Road;

THENCE: Along the City Limits Line of the City of San Antonio as follows:

Along a line 500 feet south of and parallel to the north right-of-way line of Chavaneaux Road to an intersection with the northeast right of way line of U. S. Highway 281 South (Roosevelt Avenue);

Southeasterly along the northeast right-of-way line of U.S. Highway 281 South (Roosevelt Avenue) to the place of beginning; and containing 144.90 acres of land, more or less.

SR:emf

Exhibit A
Ordinance No. 40625
April 20, 1972

April 18, 1972

FIELD NOTES FOR THE ANNEXATION OF APPROXIMATELY
11,731 ACRES OF LAND ADJACENT TO THE CITY LIMITS
OF THE CITY OF SAN ANTONIO ON THE WEST

Beginning at a point on the present City Limits line of the City of San Antonio, said point being the intersection of the northwest right-of-way line of the Southern Pacific Railroad and the southwest line of the A. B. C. Rendering Plant Tract as described in Volume 3849 Pages 524-528 of the Deed Records of Bexar County, Texas, said southwest line of said tract also being the center line of Leon Creek;

THENCE: In a southwesterly direction along the northwest right-of-way line of the Southern Pacific Railroad to its intersection with the center line of Indian Creek;

THENCE: In a northwesterly direction along the center line of Indian Creek to its intersection with the south line of a 350.759 acre tract conveyed to Raybon, Inc. and described in a deed recorded in Volume 4387 Page 567 of the Deed Records of Bexar County, Texas;

THENCE: In a westerly direction along the south line of said 350.759 acre tract to its intersection with the northeast right-of-way line of the Southern Pacific Railroad Spur to Lackland Air Force Base;

THENCE: In a northwesterly direction along the northeast right-of-way line of the Southern Pacific Railroad Spur to Lackland Air Force Base to its intersection with the southeast right-of-way line of F.M. Road 2536 (Pearsall Road);

THENCE: In a southwesterly direction along the southeast right-of-way line of F.M. Road 2536 (Pearsall Road) to its intersection with a line 500 feet southwest of and parallel to the southwest right-of-way line of I.H. Loop 410;

THENCE: In a northwesterly direction along a line 500 feet southwest of and parallel to the right-of-way of I.H. Loop 410 to an intersection with the south right-of-way line of Dwyer Road;

THENCE: In a westerly direction along the south right-of-way line of Dwyer Road and continuing along the south right-of-way line of the Old Dwyer Road to an intersection with the southerly extension of the west right-of-way line of the Old Dwyer Road;

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- THENCE: In a northerly direction along the southerly extension of the west right-of-way line of the Old Dwyer Road to the intersection of the west right-of-way line of the Old Dwyer Road and the north right-of-way line of Covell Road, said point also being a corner on the east boundary line of Lackland Annex, a United States Military Reservation;
- THENCE: In a northerly and northwesterly direction along the east and northeast boundary line of said Lackland Annex to an intersection with the southeast right-of-way line of U.S. Highway 90 West;
- THENCE: In a southwesterly direction along the southeast right-of-way line of U.S. Highway 90 West to an intersection with the center line of the channel of Medio Creek;
- THENCE: In a northwesterly direction and continuing along the center-line of the channel of Medio Creek to an intersection with the south line of a 463.992 acre tract conveyed to Raybon, Inc. and described in a deed recorded in Volume 6577 Page 948 of the Deed Records of Bexar County, Texas;
- THENCE: In a westerly direction, initially, and continuing along the southwest and west line of said 463.992 acre tract to an intersection with the south right-of-way line of Marbach Road;
- THENCE: In a northerly direction perpendicular to the south right-of-way line of Marbach Road to a point in the north right-of-way line of Marbach Road;
- THENCE: In an easterly direction along the north right-of-way line of Marbach Road to an intersection with a line 500 feet west of and parallel to the west right-of-way line of I.H. Loop 410;
- THENCE: In a northerly direction along a line 500 feet west of and parallel to the west right-of-way line of I.H. Loop 410 to an intersection with the southwest right-of-way line of Culebra Road, said southwest right-of-way line also being the present City Limits line of the City of San Antonio.
- THENCE: In a southeasterly direction, initially and continuing along the present City Limits line of the City of San Antonio and all its courses to an intersection with the west boundary line of Lackland Air Force Base, a United States Government Military Reservation;

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- THENCE: In a southeasterly direction along the west boundary line of Lackland Air Force Base to its intersection with the north right-of-way line of the Medina Base Road;
- THENCE: In an easterly direction along the north right-of-way line of the Medina Base Road to an intersection with the east right-of-way line of the Southern Pacific Railroad Spur to Lackland Air Force Base;
- THENCE: In a northerly direction along the east right-of-way line of the Southern Pacific Railroad Spur to Lackland Air Force Base to an intersection with a southeast boundary line of Lackland Air Force Base;
- THENCE: In a northeasterly direction along said southeast boundary line of Lackland Air Force Base to an intersection with the southwest right-of-way line of Five Palms Drive;
- THENCE: In a northwesterly direction along the southwest right-of-way line of Five Palms Drive to an intersection with the southwest right-of-way line of Loop 13 (Military Drive West);
- THENCE: In a northwesterly direction and perpendicular to the southwest right-of-way line of Loop 13 (Military Drive West) across said Loop 13 (Military Drive West) to an intersection with the northeast right-of-way line of said Loop 13 (Military Drive West);
- THENCE: In a southwesterly direction along the northeast and north right-of-way line of Loop 13 (Military Drive West) to point on the present City Limits line of the City of San Antonio, said point being the intersection of the north right-of-way line of Loop 13 (Military Drive West) and the northeasterly extension of the Southwest right-of-way line of F.M. Road 2536 (Pearsall Road);
- THENCE: In a southwesterly direction, initially and continuing along the present City Limits line of the City of San Antonio and all its courses to the point of beginning.

SAVE AND EXCEPT the area comprising the territorial limits of Bexar County Water Control and Improvement District Number 20, which is expressly excluded herefrom, said district being more particularly described as follows:

BEGINNING on the north line of Highway 90 at its intersection with the east line of Pinn Road for the southwest corner of this tract;

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- THENCE: Along the east line of Pinn Road N 0° 24' E. a distance of 3336.00 ft. to an iron pin;
- THENCE: East a distance of 2869.20 ft. to an iron pin;
- THENCE: South a distance of 1641.10 ft. to an iron pin; said pin being located on the north line of Highway 90;
- THENCE: With the north line of Highway 90 as follows:
- S 55° 16' W. a distance of 2063.70 ft.;
 - S 57° 20' W. a distance of 210.80 ft.;
 - S 61° 47' W. a distance of 200.00 ft.;
 - S 55° 49' W. a distance of 200.00 ft.;
 - S 69° 50' W. a distance of 200.00 ft.;
 - S 73° 00' W. a distance of 95.40 ft. to a concrete monument;
 - S 33° 35' W. a distance of 40.50 ft. to a concrete monument;
- THENCE: S 74° 10' W. a distance of 348.50 ft.;
- THENCE: N 56° 07' W. a distance of 49.00 ft. to the place of beginning, containing 172 acres, more or less.

Said AREA VI containing 11,731 acres (11,903 acres gross area, less 172 acres in Bexar County Water Control and Improvement District Number 20), more or less.

SR:emf

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April 20, 1972

March 21, 1972

FIELD NOTES FOR THE ANNEXATION OF APPROXIMATELY
125 ACRES OF LAND ADJACENT TO THE CITY OF SAN
ANTONIO TO THE WEST

Beginning at a point on the present City Limits line of the City of San Antonio, said point being the intersection of the southeast right-of-way line of U. S. Highway 90 West and the northeast right-of-way line of Loop 13 (Military Drive West);

THENCE: In a southeasterly direction along the northeast right-of-way line of Loop 13 (Military Drive West) to an intersection with the northeasterly extension of a north boundary line of Lackland Air Force Base;

THENCE: In a southwesterly direction across Loop 13 (Military Drive West) to the intersection of the southwest right-of-way line of Loop 13 (Military Drive West) and the north boundary line of Lackland Air Force Base;

THENCE: In a southwesterly direction, initially, and continuing along the boundary line of Lackland Air Force Base to its intersection with the southeast right-of-way line of U. S. Highway 90 West, said right-of-way line also being the present City Limits line of the City of San Antonio;

THENCE: In a northeasterly direction along the present City Limits line of the City of San Antonio and the place of beginning, and containing approximately 125 acres of land.

SR:emf

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FIELD NOTES FOR THE ANNEXATION OF APPROXIMATELY
782 ACRES OF LAND ADJACENT TO THE CITY LIMITS
OF THE CITY OF SAN ANTONIO TO THE WEST

Beginning at a point on the present City Limits line of the City of San Antonio, said point being the intersection of the northeast right-of-way line of Culebra Road with the northwest right-of-way line of Ingram Road;

THENCE: In a northeasterly direction along the northwest right-of-way line of Ingram Road to a point on the present City Limits line of the City of San Antonio, said point being the intersection of said northwest right-of-way line of Ingram Road and a line 500 feet northwest of and parallel to the northwest right-of-way line of I. H. Loop 410;

THENCE: In an easterly direction, initially, along the present City Limits line of the City of San Antonio and all its courses to the place of beginning, and containing approximately 782 acres of land.

SR:emf

Exhibit A
Ordinance No. 40625
April 20, 1972

March 21, 1972

FIELD NOTES FOR THE ANNEXATION OF 2.396 SQUARE
MILES OF LAND ADJACENT TO THE NORTHWEST CITY LIMITS
LINE OF THE CITY OF SAN ANTONIO, TEXAS.

Beginning at a point on the present City Limits line of the City of San Antonio, said point being on the southwest right-of-way line of Evers Road at a point of tangency of an arc between said southwest right-of-way line of Evers Road and the northwest right-of-way line of Joiner Drive;

THENCE: In a northerly direction along the cut-off line between the northwest right-of-way line of I.H. Loop 410 and the southwest right-of-way line of Evers Road to an intersection with the southwest right-of-way line of Evers Road;

THENCE: In a northwesterly direction along the southwest right-of-way line of Evers Road to an intersection with the City Limits line of the City of Leon Valley, Texas;

THENCE: Along the City Limits line of the City of Leon Valley, Texas as follows:

N 41° 02' 55" E., a distance of 920.00 feet;

S 48° 40' 05" E., a distance of 250.00 feet;

N 40° 51' 05" E.; a distance of 290.00 feet;

N 48° 26' 15" W., a distance of 550.00 feet;

N 41° 01' 45" E., a distance of 1625.69 feet;

N 49° 02' 26" W., a distance of 523.93 feet;

N 49° 42' 25" W., a distance of 326.03 feet;

N 49° 35' 10" W., a distance of 603.57 feet;

N 49° 47' 25" W., a distance of 500.00 feet;

N 49° 22' 40" W., a distance of 519.95 feet;

S 40° 34' 00" W., a distance of approximately 153 feet to a point, said point being the most easterly corner of Parcel 29, County Block 4445;

THENCE: In a northwesterly direction along the division line between Parcel 27 and Parcel 29, County Block 4445 and the northwesterly extension of said line a distance of approximately 3631 feet to a point on the northwest right-of-way line of Huebner Road;

March 21, 1972

- THENCE: In a northeasterly direction along the northwest right-of-way line of Huebner Road, a distance of approximately 850 feet to a point on the division line between Lot 3 and Lot 4, Block "C", Monte Robles Park Subdivision, as shown on a plat recorded in Volume 2222, Page 180 of the Deed and Plat Records of Bexar County, Texas;
- THENCE: In a northwesterly direction along said division line, a distance of 351.2 feet to a point on the south right-of-way line of Deer Lane;
- THENCE: In a north and northwesterly direction along the south right-of-way line of Deer Lane and the north right-of-way line of Bluebird Drive to a point on the Division line between Lot 8 and Lot 9, Block "C", Monte Robles Park, a distance of 686.1 feet;
- THENCE: In a northeasterly direction along said division line a distance of 351.4 feet to a point on the boundary line of Monte Robles Park Subdivision;
- THENCE: In a northwesterly direction along said boundary line of Monte Robles Park, a distance of approximately 2218.3 feet to a point on the southeast right-of-way line of Eckhert Road, said point being on the present City Limits line of the City of San Antonio;
- THENCE: In a northeasterly direction, initially, and continuing along the present City Limits line of the City of San Antonio and all its courses to the place of beginning and containing approximately 1534 acres of land.

SR:emf

Exhibit A
Ordinance No. 40625
April 20, 1972

March 21, 1972

FIELD NOTES FOR THE ANNEXATION OF APPROXIMATELY
10,497 ACRES OF LAND ADJACENT TO THE CITY LIMITS
OF THE CITY OF SAN ANTONIO TO THE NORTHWEST

Beginning at a point on the present City Limits line of the City of San Antonio, said point being the intersection of the northeast right-of-way line of Bandera Highway with a cut-off line between the northeast right-of-way line of Bandera Highway and the southeast right-of-way line of Eckhert Road;

THENCE: In a southwesterly direction and perpendicular to the northeast right-of-way line of Bandera Highway to an intersection with a line 500 feet southwest of and parallel to the southwest right-of-way line of Bandera Highway;

THENCE: In a northwesterly direction along a line 500 feet southwest of and parallel to the southwest right-of-way line of Bandera Highway to an intersection with a line 1000 feet northwest of and parallel to the northwest right-of-way line of F.M. Road 1604;

THENCE: In a northeasterly direction along a line 1000 feet northwest of and parallel to the northwest right-of-way line of F.M. Road 1604 to an intersection with a line 300 feet south of and parallel to the south right-of-way line of F.M. Road 1560 (Hausman Road) and being a corner on the present City Limit line of the City of San Antonio;

THENCE: In an easterly direction, initially, and continuing along the present City Limits line of the City of San Antonio and all its courses to the place of beginning; and containing approximately 10,497 acres of land.

SR:emf

Exhibit A
Ordinance No. 40625
April 20, 1972

FIELD NOTES FOR THE ANNEXATION OF APPROXIMATELY
2502 ACRES OF LAND ADJACENT TO THE CITY LIMITS
OF THE CITY OF SAN ANTONIO TO THE NORTH

Beginning at a point in the present City Limits line of the City of San Antonio, said point being the intersection of a line 1000 feet northeast of and parallel to the northeast right-of-way line at I.H. 10 North, and the north right-of-way line of F.M. Road 1604;

THENCE: In a northerly direction along the present City Limits line to its intersection with the northeast right-of-way line of the Southern Pacific Railroad;

THENCE: In a southeasterly direction along the northeast right-of-way line of the Southern Pacific Railroad to an intersection with a line 500 feet north of and parallel to the north right-of-way line of F.M. Road 1604;

THENCE: In an easterly direction along a line 500 feet north of and parallel to the north right-of-way line of F.M. Road 1604 to an intersection with the northwesterly extension of a 2.5 acre tract as described in a deed recorded in Volume 4403, Pages 484-486 of the Deed Records of Bexar County, Texas;

THENCE: In a southeasterly direction along said northwesterly extension of the northeast line of a 2.5 acre tract to the northeast corner of said tract, said corner being on the south right-of-way line of Bacon Road;

THENCE: Continuing in a southeasterly direction along the northeast line of said 2.5 acre tract to the southeast corner of said tract, said corner also being a northeast corner of a 55.896 acre tract conveyed to the Jenkins-Rentz Corporation and described in a deed recorded in Volume 6761, Pages 635-641 of the Deed Records of Bexar County, Texas;

THENCE: Continuing along the northeast line of said 55.896 acre tract to the southeast corner of said tract;

THENCE: In a southwesterly direction along the southeast line of said 55.896 acre tract to its southwest corner and being on the northeast right-of-way line of the Southern Pacific Railroad;

THENCE: In a southeasterly direction along the northeast right-of-way line of the Southern Pacific Railroad to its intersection with the northwest right-of-way line of Orsinger Lane;

Exhibit A
Ordinance No. 40625
April 20, 1972

- THENCE: In a northeasterly direction along the northwest right-of-way line of Orsinger Lane and its northeasterly extension to an intersection with the northeast right-of-way line of Lockhill-Selma Road;
- THENCE: In a southeasterly direction along the northeast right-of-way line of Lockhill-Selma Road to an intersection with the present City Limits line of the City of San Antonio;
- THENCE: In a southwesterly direction, initially and continuing along the present City Limits line of the City of San Antonio and all its courses to the place of beginning, and containing approximately 2502 acres of land.

SR:emf

Exhibit A
Ordinance No. 40625
April 20, 1972

March 22, 1972

FIELD NOTES FOR THE ANNEXATION OF APPROXIMATELY
781 ACRES OF LAND ADJACENT TO THE CITY LIMITS OF
THE CITY OF SAN ANTONIO TO THE NORTH

Beginning at a point on the present City Limits line of the City of San Antonio at its intersection with the southwest right-of-way line of F.M. Road 1535 (N.W. Military Drive):

- THENCE: In a northwesterly direction along the southwest right-of-way line of F.M. Road 1535 (N.W. Military Drive) to its intersection with the northwest line of the Pinckney Caldwell Survey No. 83, Abstract No. 124, County Block 4984;
- THENCE: In a northeasterly direction along the northeast line of the Pinckney Caldwell Survey No. 83, Abstract No. 124, to the most northerly corner of said survey;
- THENCE: In a southeasterly direction along the northeast line of said Pinckney Caldwell Survey No. 83, Abstract No. 124, to an intersection with a line 500 feet northeast of and parallel to the northeast right-of-way line of Blanco Road (F.M. Road 2696);
- THENCE: In a southeasterly direction along a line 500 feet northeast of and parallel to the northeast right-of-way line of Blanco Road (F.M. 2696) to an intersection with the present City Limits line of the City of San Antonio;
- THENCE: In a westerly direction along the present City Limits line of the City of San Antonio to the place of beginning and containing approximately 781 acres of land.

SR:emf

Exhibit A
Ordinance No. 40625
April 20, 1972

FIELD NOTES FOR THE ANNEXATION OF APPROXIMATELY
246 ACRES OF LAND ADJACENT TO THE CITY OF SAN ANTONIO
TO THE NORTH

Beginning at a point on the present City Limits line of the City of San Antonio at its intersection with the northwest right-of-way line of West Avenue;

THENCE: In a northeasterly direction along the northwest right-of-way line of West Avenue to an intersection with a line 1353 feet southwest of and parallel to the southwest City Limits line of the City of Hill Country Village;

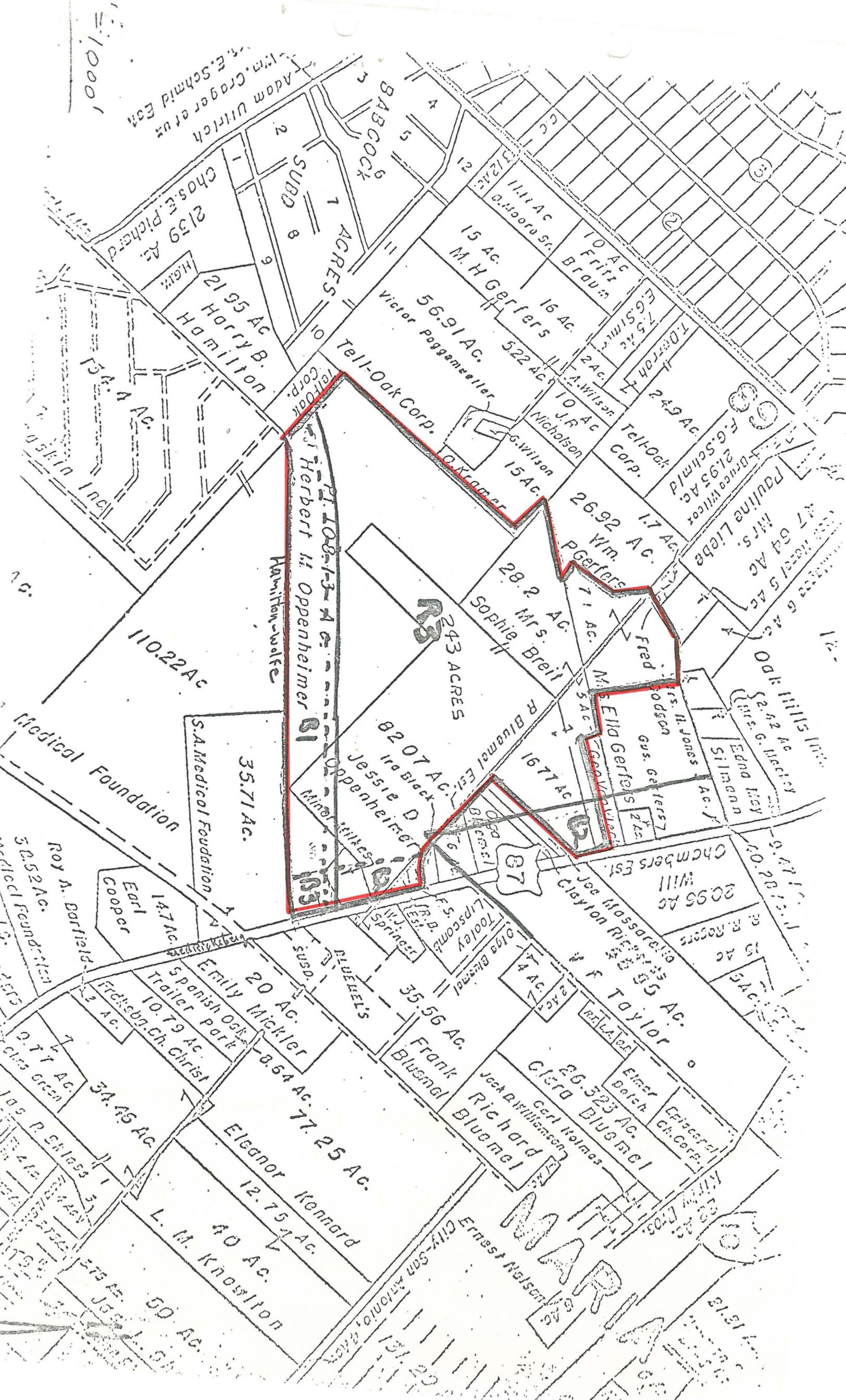
THENCE: Along a line 1353 feet southwest of and parallel to the southwest City Limits line of the City of Hill Country Village to an intersection with the present City Limits line of the City of San Antonio;

THENCE: In a southwesterly direction, initially and continuing along the present City Limits line of the City of San Antonio and all its courses to the place of beginning, and containing approximately 246 acres of land.

SR:emf

Exhibit A
Ordinance No. 40625
April 20, 1972

"Total of Areas I through XIII - 40,565.01 acres"



1000'

Adam Ulrich
Chas. E. Richard
2139 Ac.
Harry B. Hamilton
21.95 Ac.

BABCOCK 9 ACRES
SUBD 8
7 ACRES

Toll-Oak Corp.
Herbert H. Oppenheimer
Hamilton-Walker

243 ACRES
8207 Ac.
Ira Black
Oppenheimer

Medical Foundation
35.71 Ac.

Earl Cooper
14.7 Ac.

20 Ac.
Emily Mickler
Spanish Oaks Trailer Park
10.79 Ac.
Friedberg, Ch. Christ
34.46 Ac.
Eleanor Kennard
12.75 Ac.

35.56 Ac.
Frank Blusmel
Richard Blusmel
26.323 Ac.
Clara Blusmel
Ernest Nelson

MARRA

L. M. Knoston
40 Ac.
50 Ac.

Ernest Nelson
21.31 Ac.

15 Ac. M. H. Gelfers
56.91 Ac. Victor Poggemeller
10 Ac. J. R. Nicholson
15 Ac. G. Wilson
10 Ac. J. R. Nicholson
26.92 Ac. Wm. P. Gelfers
1.7 Ac. Fred
28.2 Ac. Mrs. Sophie Breit
16.77 Ac. Gus. Gelfers
20.95 Ac. Will Chambers Est.

10 Ac. Fritze Braum
16 Ac. Gelfers
522 Ac. A. Wilson
24 Ac. J. R. Nicholson
10 Ac. J. R. Nicholson
24.9 Ac. Tell-Oak Corp.
17 Ac. Wm. P. Gelfers
2.5 Ac. Fred
16.77 Ac. Gus. Gelfers
20.95 Ac. Will Chambers Est.

20.95 Ac. Will Chambers Est.
15 Ac. R. Rogers
34 Ac. Taylor
26.323 Ac. Clara Blusmel
Ernest Nelson
21.31 Ac.

F. G. Schmid
21.95 Ac.

Edna Hays
Sillman
Ac.

Joe Massarella
Clayton
Ac.

Episcopal Ch. Corp.

Affidavit of Publisher

THE STATE OF TEXAS,

COUNTY OF BEXAR
CITY OF SAN ANTONIO

Before me, the undersigned authority, on this day personally appeared _____

Mrs. Charles D. Treuter, who being by me duly sworn,

says on oath that she is ~~one of~~ the publishers of the Commercial Recorder

a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and

that the Ordinance 40806 hereto attached has been published in

every issue of said newspaper on the following day~~s~~, to-wit: _____

June 16, 1972

AN ORDINANCE 40806

RESCINDING AND REPEALING ORDINANCE NO. 40625 PASSED AND APPROVED FOR PUBLICATION ON APRIL 20, 1972, AND PASSED AND APPROVED ON MAY 25, 1972, PURPORTING TO EXTEND THE BOUNDARY LINES OF THE CITY OF SAN ANTONIO, TEXAS AND ANNEX SOME 40,565.01 ACRES OF LAND; AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance No. 40625 was passed and approved for publication on April 20, 1972, and was finally passed and approved on May 25, 1972, which said ordinance purported to extend the boundaries of the City and annex some 40,565.01 acres of land, effective as of the date of final passage thereof; and

WHEREAS, by Cause No. F-249, -126, Ray Ellison, et al vs. City of San Antonio, et al, in the District Court for the 131st Judicial District of Texas, a lawsuit has been brought alleging *inter alia* that said annexation ordinance is wholly void in that the area annexed thereby constitutes thirty-two (32%) per cent of the City's total area as of January 1, 1972, in violation of the Municipal Annexation Act of 1963, Art. 970a, Section 7C; and

WHEREAS, the limitation of thirty (30%) per cent of the total area of the City contained in said Section 7C of Art. 970a does not include territory annexed on the voluntary petition of the owners thereof within the City's extraterritorial jurisdiction, and it was the understanding and belief of the City Council in passing said Ordinance No. 40625, that territory included therein equal to more than two (2%) per cent of the total area of the City was included on the voluntary petition of the owners thereof, leaving only territory equivalent in area to slightly less than thirty (30%) per cent of the total area of the City being involuntarily annexed thereby; and

WHEREAS, subsequent investigation has disclosed that a portion of the land included in said ordinance on said petitions was not in fact all owned by said petitioners, and that as a result of this said annexation ordinance included an area involuntarily annexed in an amount in excess of thirty (30%) per cent of the total corporate area of the City as of the first day of this calendar year which is an indisputable, if unintended, violation of said statutory limitation; and

WHEREAS, as a result of the above, the Council, in passing said

Ordinance No. 40625, has passed a wholly void ordinance, the validity of which cannot be successfully defended, and because of which said lawsuit cannot be successfully defended; and

WHEREAS, the further attempted defense of said suit would entail the useless expenditure of the City's resources, and serve only to further postpone and complicate the permanent solution of the urgent long range problems of City growth and planning which it had been hoped said annexation ordinance would materially solve; and

WHEREAS, the best interests of the citizens of San Antonio, as well as the owners and inhabitants of the land within the purportedly annexed area, therefore would be served by the immediate rescission and repeal of Ordinance No. 40625, because such rescission and repeal will eliminate any uncertainty and confusion as to such matters as San Antonio's taxation of the purportedly annexed land and as to San Antonio's rendition of governmental services such as fire and police protection, street maintenance, garbage collection and the like within such area; NOW, THEREFORE,

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

SECTION 1. Ordinance No. 40625, passed and approved for publication on April 20, 1972, and passed and approved May 25, 1972, is hereby in all things rescinded and repealed as of the date of its original final passage.

SECTION 2. The City Attorney is hereby instructed and directed to enter into an agreed judgment with the Plaintiffs in said Cause No. F-249,126 declaring said Ordinance No. 40625 to be wholly void *ab initio* for the legal reason set out above and to take such other legal actions consistent herewith as necessity may dictate.

SECTION 3. This ordinance is passed as an emergency measure and is to take effect immediately upon its passage and approval. As long as the legal controversy involved in this annexation continues, in view of the invalid nature of the annexation ordinance in question, as set out above, the City is exposed to needless expenses and liabilities which manifestly make it urgent to effect an immediate termination thereof for the preservation of the public peace, property, health and safety.

PASSED AND APPROVED this 15th day of June, 1972.

JOHN GATTI
Mayor

ATTEST:

G. V. JACKSON JR.
Asst. City Clerk

Charles D. Treuter

Sworn to and subscribed before me this 16th day of June, 1972

Ernest G. Carrola

Notary Public in and for Bexar County, Texas

Ernest G. Carrola