LEF:mb
06/18/15
Item No. 53.

AN ORDINANCE 2015-06-18-0579

AUTHORIZING THE CITY MANAGER TO EXECUTE AN EXTRATERRITORIAL JURISDICTION (ETJ) AGREEMENT WITH THE CITY OF GARDEN RIDGE FOR THE RELEASE OF APPROXIMATELY 13 ACRES OF EXTRATERRITORIAL JURISDICTION (ETJ) FROM THE CITY OF SAN ANTONIO TO THE CITY OF GARDEN RIDGE WITH THE SUBJECT PROPERTY GENERALLY LOCATED NORTHEAST OF SAN ANTONIO IN COMAL COUNTY, NORTH OF BINDSEIL ROAD, SOUTH OF PARK LANE DRIVE, AND WEST OF BAT CAVE ROAD.

* * * *

WHEREAS, the City of Garden Ridge has requested the release of approximately 13 acres from the extraterritorial jurisdiction (ETJ) of the City of San Antonio; and

WHEREAS, it is the desire of Garden Ridge to gain this area of ETJ and annex the subject property; AND

WHEREAS, annexation by the City of San Antonio is not a viable option in the near future based on the location of subject area and the difficulty to provide municipal services; and

WHEREAS, the City of San Antonio and the City Garden Ridge have entered into an Extraterritorial Jurisdiction Agreement (See Attachment 2), and

WHEREAS, if subject area is annexed by the City of Garden Ridge, the City of Garden Ridge would provide future municipal services; and

WHEREAS, the City of San Antonio and the City of Garden Ridge each have all requisite municipal corporate power and authority to enter into an Agreement for performance of all of their relative obligations under such Agreement; and

WHEREAS, the Planning Commission of the City of San Antonio has considered the proposed release of the property from the San Antonio ETJ and has recommended approval, and

WHEREAS, the San Antonio City Council has considered the request from the City of Garden Ridge to release approximately 13 acres from the San Antonio ETJ; **NOW THEREFORE;**

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

SECTION 1. The property being approximately 13 acres, as depicted in **Attachment 1,** more particularly described by metes and bound in **Attachment 2,** and described in the associated ETJ agreement with the City of Garden Ridge attached hereto and incorporated herein for all purposes as **Attachment 3**, is hereby released from the Extraterritorial Jurisdiction of the City of San Antonio upon fulfillment of the conditions stated in this Ordinance.

SECTION 2. The City Manager or designee is herby authorized to enter into and execute an Extraterritorial Jurisdiction Agreement with the City of Garden Ridge for the release of 13 acres to the City of Garden Ridge. The Extraterritorial Jurisdiction Agreement is attached hereto and incorporated as **Attachment 3**.

SECTION 3. This Ordinance shall be effective immediately upon its final passage.

PASSED AND APPROVED on this 18th day of June, 2015.

M A Y O R
Ivy R. Taylor

ATTEST:

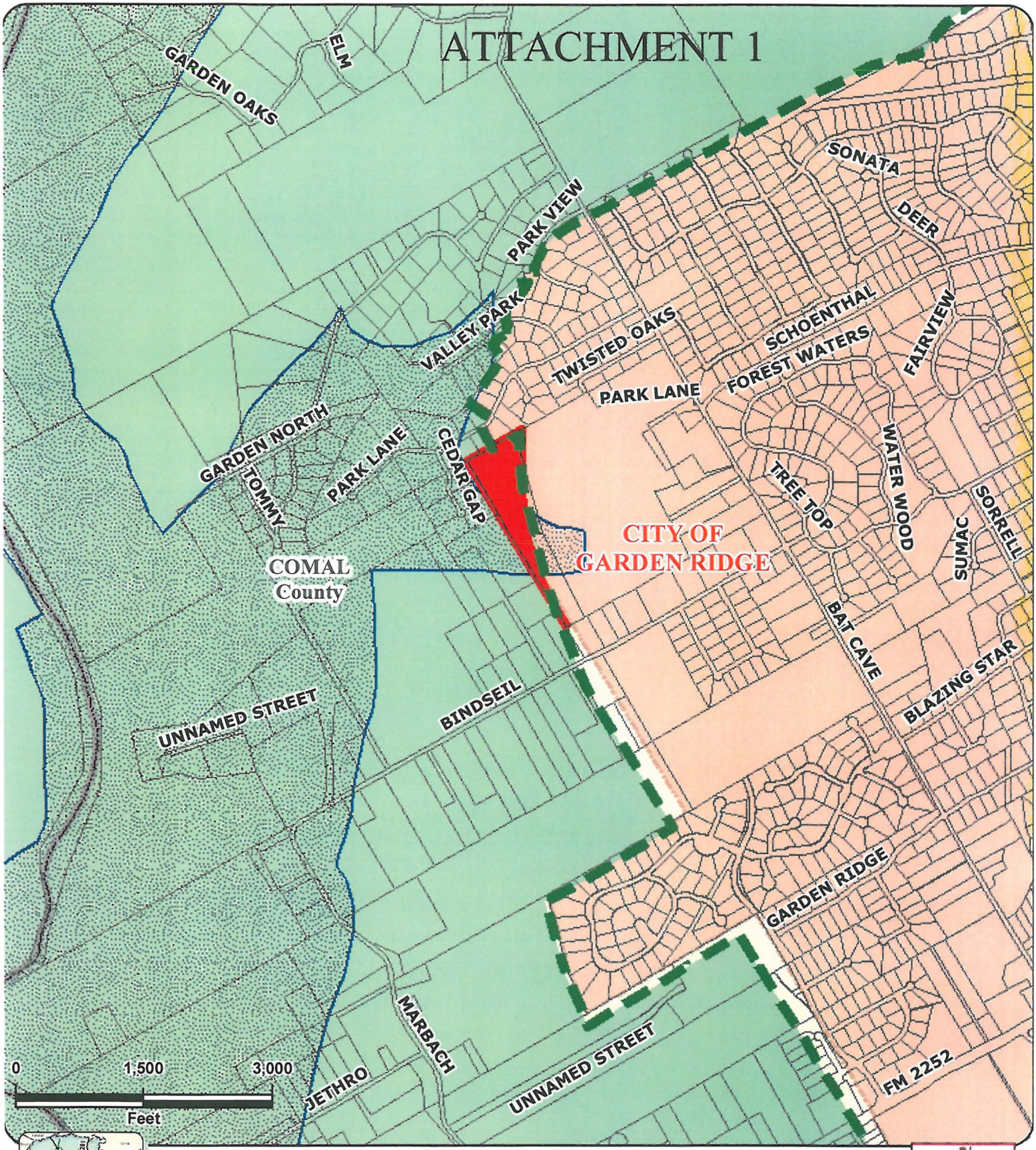
Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

for Martha G. Sepeda, Acting City Attorney

Agenda Item:	**53 (in consent vote: 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 24, 25A, 25B, 25C, 25D, 25E, 25F, 25G, 25H, 26, 28, 29, 30, 31, 32, 33, 34, 35A, 35B, 36, 37, 38, 39, 41, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64A, 64B, 65A, 65B, 66A, 66B, 66C, 67A, 67B, 67C, 68A, 68B, 68C, 69A, 69B, 69C, 69D, 70A, 70B, 70C, 70D, 70E)**
Date:	06/18/2015
Time:	10:00:14 AM
Vote Type:	Motion to Approve
Description:	An Ordinance approving an Extraterritorial Jurisdiction Agreement with the City of Garden Ridge releasing approximately 13 acres of Extraterritorial Jurisdiction in Comal County that is not recommended to be annexed into the City of San Antonio limits. [Peter Zanoni, Deputy City Manager; John Dugan, Director, Department of Planning & Community Development]
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor		x				
Roberto C. Trevino	District 1		x				
Alan Warrick	District 2		x				x
Rebecca Viagran	District 3	x					
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x			x	
Cris Medina	District 7		x				
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x				
Michael Gallagher	District 10		x				



Data Source: City of San Antonio Enterprise GIS, Bexar Metro 911, Bexar Appraisal District

"This Geographic Information System Product, received from The City of San Antonio is provided "as is" without warranty of any kind, and the City of San Antonio expressly disclaims all express and implied warranties, including but not limite dto the implied warranties of merchantability and fitness for a particular purpose. The City of San Antonio does not warrant, guarantee, or make any representations regarding the use, or the results of the use, of the information provided to you by the City of San Antonio in terms of correctness, accuracy, reliability, timeliness or otherwise. The entire risk as to the results and performance of any information obtained from the City of San Antonio is entirely assumed by the recipient."

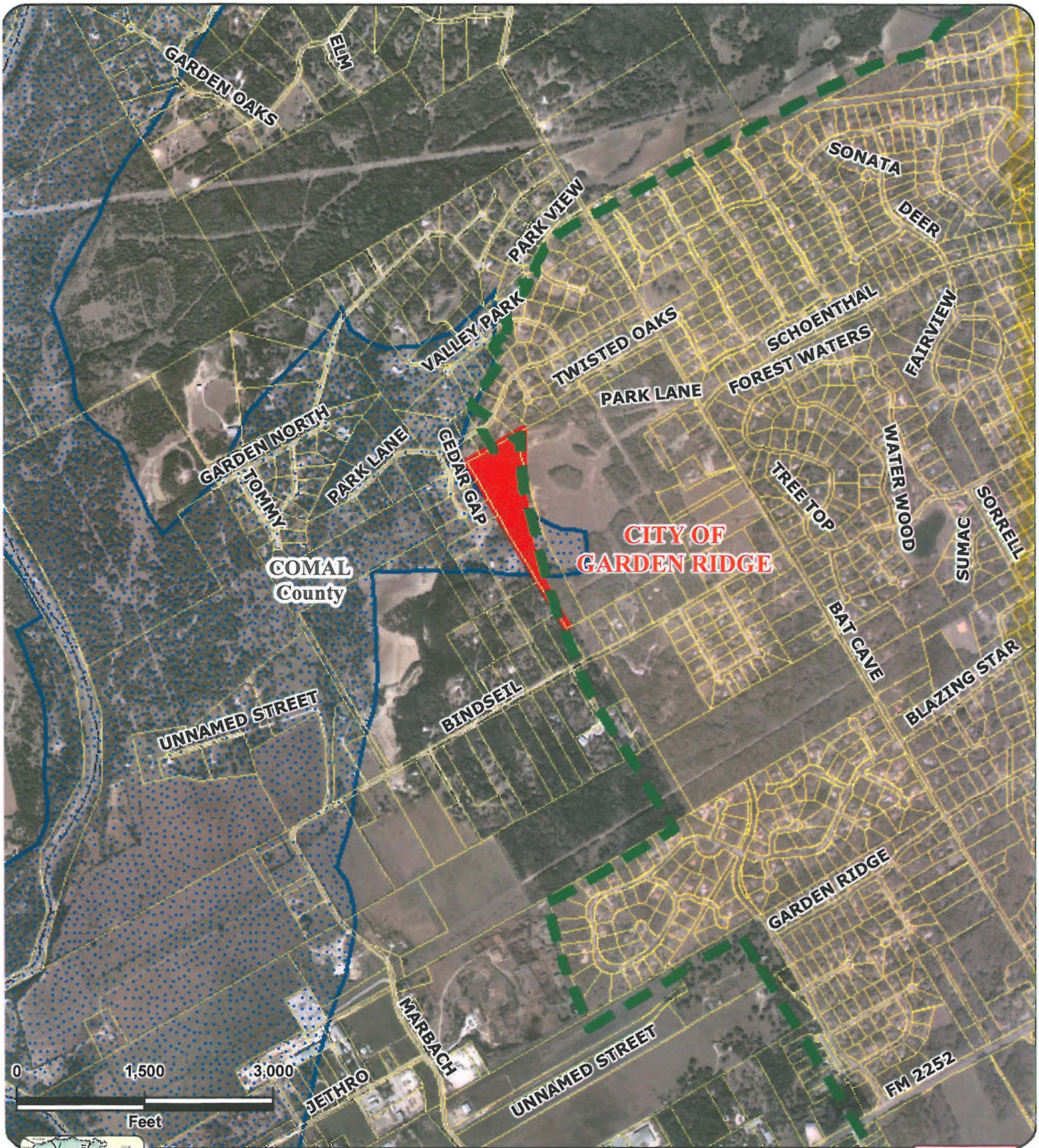
"Please contact the responsible City of San Antonio Department for specific determinations."

City of San Antonio Planning and Development Services Department GIS Manager: D.L (Woody) Woodruff, dlwoodruff@sanantonio.gov
Maps may be ordered at: (210) 207-7673

Map Created by: Gustavo Gutierrez
Map file location: W:\Comprehensive\Garden Ridge\Garden Ridge ETJ Release.mxd
Map Last Edited: 8/8/2014
PDF Filename: 1408GG04.pdf

City of San Antonio
City of Garden Ridge ETJ Release

City of San Antonio
Planning and Community Development
John Dugan
Director
Cliff Morton Development and Business Services Center
1901 South Alamo
San Antonio, TX 78204



Release to City of Garden Ridge

Parcels

Cities and Towns

San Antonio ETJ

Edwards Aquifer Recharge Zone

Adjacent Counties

2012 Aerial

Data Source: City of San Antonio Enterprise GIS, Bexar Metro 911, Bexar Appraisal District

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City of San Antonio Planning and Development Services Department GIS Manager: D.I. (Woody) Woodruff, dwoodruff@sanantonio.gov
Maps may be ordered at: (210) 207-7873

Map Created by: Gustavo Gutierrez
Map file location: W:\Comprehensive\GardenRidge\Garden Ridge ETJ Release.mxd
Map Last Edited: 8/8/2014
PDF Filename: 1408GG05.pdf

City of San Antonio
City of Garden Ridge ETJ Release

City of San Antonio
Planning and Community Development
John Dugan
Director
Cliff Morton Development and Business Services Center
1901 South Alamo
San Antonio, TX 78204

KFW
SURVEYING

PROPERTY DESCRIPTION OF
A PORTION OF 107.14 ACRES

Being all of that approximately 13 acre portion of the west side of a 107.14 acre tract of land lying outside the City Limits of the City of Garden Ridge, Texas and being out of the Charles P. Hanlon Survey No. 72, Abstract No. 253, Comal County, Texas and being a portion of the 107.14 acre tract of land conveyed to Daphne Development, LLC of record in Document No. 201206013370 of the Official Public Records of Comal County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a found 1/2" iron rod for the northwest corner of said 107.14 acres and the tract described herein, also being the northeast corner of Lot 1 of the Friesnhahn Hill Subdivision of record in Volume 9 Page 94, Deed and Plat Records of Comal County, Texas and on the south line of Lot 63 of the Park Lane Estates Subdivision Unit 4 of record in Volume 5 Page 358, Deed and Plat Records of Comal County, Texas;

THENCE: N 59° 53' 14" E (bearings based on NAD83 Texas State Plane Coordinate System South Central Zone) along and with the southeast line of said Park Lane Estates Subdivision Unit 4 and northwest line of said 107.14 acres and the tract described herein to the point of intersection with the City Limits line of the City of Garden Ridge, Texas for the northeast corner of this tract,

THENCE: S 00° 39' 34" E, a distance of 753.42 feet (course and distance taken from the map titled City of Garden Ridge City Limits January 2007 prepared by Bill W. Callernder, R.P.L.S. of record in the Administrators Office of the City of Garden Ridge) over and across said 107.14 acres along and with the City Limits Line of the City of Garden Ridge, Texas, to a point of curvature;

THENCE: Continuing over and across said 107.14 acres along and with the City Limits Line of the City of Garden Ridge, Texas, with a curve to the left (courses and distances taken from the map titled City of Garden Ridge City Limits January 2007 prepared by Bill W. Callernder, R.P.L.S. of record in the Administrators Office of the City of Garden Ridge) said curve having an arc length of 1391.37 feet, a delta angle of 30° 11' 49", a radius of 2640.00 feet and a chord bearing and distance of S 15° 45' 04" E 1375.33 feet, to a point of tangency;

THENCE: S 30° 51' 23" E (course taken from the map titled City of Garden Ridge City Limits January 2007 prepared by Bill W. Callernder, R.P.L.S. of record in the Administrators Office of the City of Garden Ridge) over and across said 107.14 acres along and with the City Limits Line of the City of Garden Ridge, Texas, to the point of intersection with the southeast line of said 107.14 acres and being on the northwest line of a called 3.047 acre tract conveyed to Imam Hussain of record in Document No. 200406039929 of the Official Public Records of Comal County, Texas, for the southeast corner of the tract described herein;

THENCE: S 60° 32' 19" W (this course and the following courses and distances based on NAD83 Texas State Plane Coordinate System South Central Zone) along and with the northwest line of the 3.047 acre tract and a southeast line of the 107.14 acre tract, to a found 1/2" iron rod with "Carter & Burgess" Cap for the west corner of the 3.047 acre tract and in the northeast line of a 4.433 acre tract of land conveyed to C. L. Montanio et ux of record in Volume 247 Page 370, Deed Records of Comal County, Texas and the most southwest corner of the 107.14 acre tract and the tract described herein;

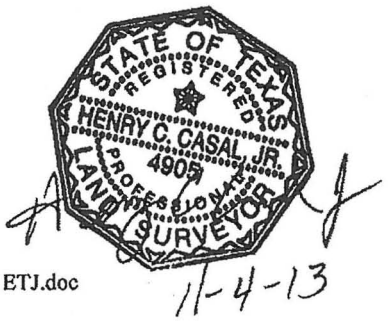
THENCE: N 30° 55' 21" W, a distance of 1541.76 feet, along and with the northeast line of the 4.433 acre tract and a northeast line of a 16.338 acre tract of land conveyed to Horacio M. Ayala et ux of record in Volume 962 Page 46, Official Public Records of Comal County, Texas and with a southwest line of the 107.14 acre tract, to a found 1/2" iron rod with "Carter & Burgess" Cap for the north corner of the 16.338 acre tract of land and a southeast corner of Lot 3 of the Friesnhahn Hill Subdivision of record in Volume 9

ATTACHMENT 2

Page 94, Deed and Plat Records of Comal County, Texas and an angle point of the 107.14 acre tract and the tract described herein;

THENCE: N 30° 58' 36" W, a distance of 720.01 feet, along and with the northeast line of said Friesnhahn Hill Subdivision and a southwest line of the 107.14 acre tract, to the **POINT OF BEGINNING** and containing all of that portion of said 107.14 acres outside of the City Limits line of the City of Garden Ridge, Comal County, Texas.

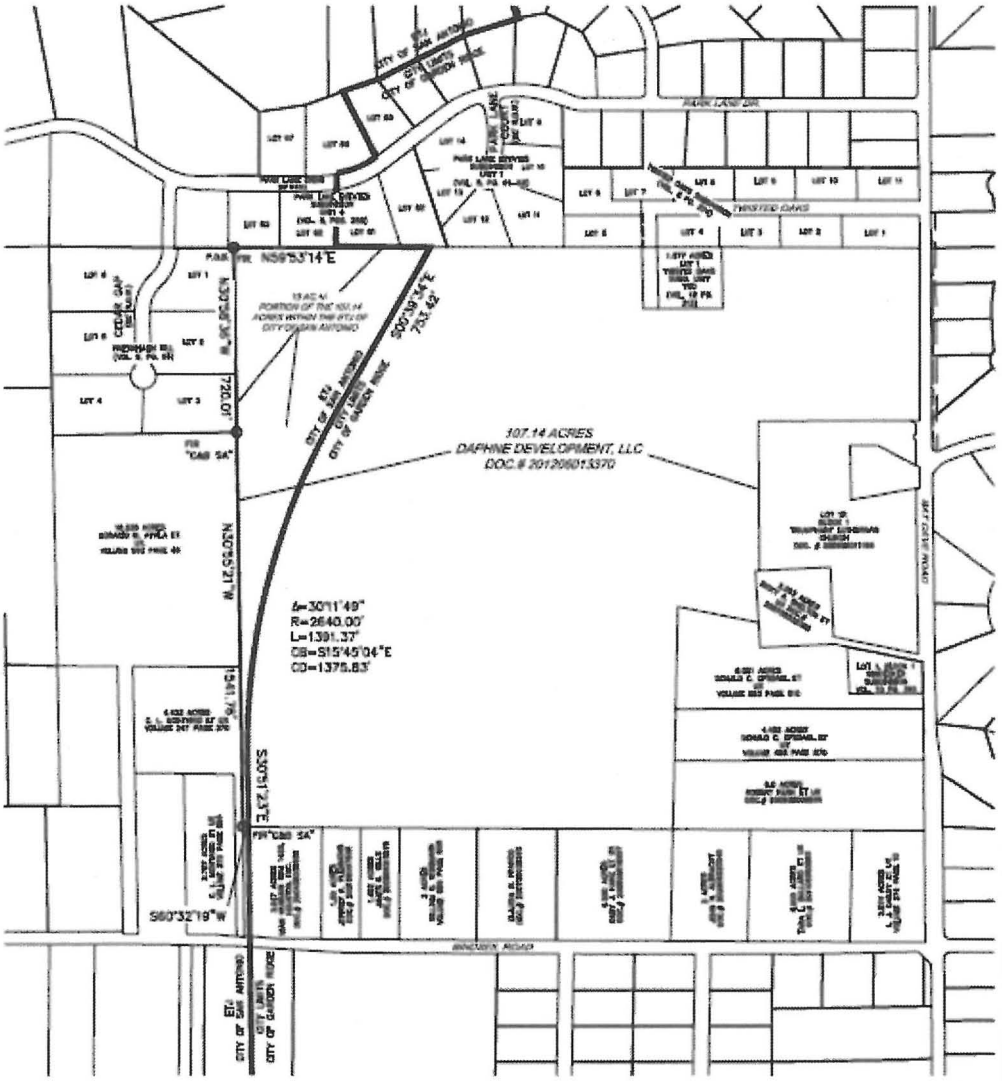
"This document was prepared under 22TAC663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."



Job No.:	12-038
Prepared by:	KFW Surveying
Date:	November 1, 2013
Revised:	11-4-2013
File:	S:\Draw 2012\12-038 Forest At Garden Ridge\ FN FOR ETJ.doc

NOTES:
1. BEARINGS ON THE 107.14 ACRE BOUNDARY ARE NAD83 TEXAS SOUTH CENTRAL ZONE.
2. BEARINGS ON THE CITY LIMITS LINES ARE PER THE MAP TITLED "CITY OF GARDEN RIDGE CITY LIMITS JANUARY 2007" PREPARED BY BILL CALLERNDER R.P.L.S. OF RECORD IN THE ADMINISTRATORS OFFICE OF THE CITY OF GARDEN RIDGE, COMAL, COUNTY, TEXAS.

LOCATION MAP
NOT-TO-SCALE



KFW

EXHIBIT OF

THE PORTION OF A 107.14 ACRE TRACT WHICH IS OUTSIDE THE CITY LIMITS OF THE CITY OF GARDEN RIDGE, COMAL COUNTY, TEXAS.

SHEET: 1 of 1

CITY OF SAN ANTONIO -- CITY OF GARDEN RIDGE

MEMORANDUM OF AGREEMENT

This Agreement is entered into by and between the City of San Antonio, a Texas Municipal Corporation, acting by and through its City Manager pursuant to Ordinance No._____, and the City of Garden Ridge, a Texas Municipal Corporation, acting by and through its Mayor pursuant to Resolution No.314-122013, Witnesseth:

WHEREAS, the City of Garden Ridge has requested that San Antonio release from its extraterritorial jurisdiction an area of approximately 13 acres so that it may incorporate the area into the City of Garden Ridge; and

WHEREAS, incorporation of this area would allow the City of Garden Ridge to exercise jurisdiction over the tract of land; and

WHEREAS, both municipalities are desirous of entering into an agreement to permit this situation;

THE PARTIES AGREE AS FOLLOWS:

1. General Terms and Conditions

   A. City of San Antonio agrees to release from its extraterritorial jurisdiction and to relinquish control over an area containing approximately 13 acres generally located northeast of San Antonio in Comal County, north of Bindseil road, South of Park Lane Drive, and West of Bat Cave Road from the City of San Antonio ETJ as petitioned by the City of Garden Ridge and more particularly described by map attached hereto as Exhibit A and Metes and Bounds attached as Exhibit B, and incorporated herein for all purposes.

   B. City of Garden Ridge agrees to incorporate into its city limits the area described in Section A above.

   C. The Subject Property shall revert back to San Antonio's extraterritorial jurisdiction automatically, if the City of Garden Ridge fails to take action to annex the subject area through the adoption of an ordinance within 180 days of the effective date of this Agreement.

   D. This Agreement is effective immediately.

2. Severability

If for any reason, any one or more paragraphs of this agreement is held invalid, such judgment shall not affect, impair or invalidate the remaining paragraphs of the agreement but shall be confined in its operation to the specific sections sentences clauses or parts of this agreement held invalid and invalidity of any section, sentence, clause or parts shall not affect, impair or prejudice in any way the validity of this agreement in any instances.

3. Applicable Law

This agreement shall be construed in accordance with the laws of the State of Texas.

ATTACHMENT 3

This agreement shall be construed in accordance with the laws of the State of Texas.

4. Notices

Any notice, request, demand, report, certificate or other instrument which may be required or permitted to be furnished to or served upon the parties shall be deemed sufficiently given or furnished or served if in writing and deposited in the United States mail, registered or certified, return receipt required, addressed to such party at the address set forth below or such other address as may be hereafter designated by either party by written notice to the other party.

IF TO THE CITY OF SAN ANTONIO:

City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283-3966
Attn: Leticia M. Vacek
City Clerk

IF TO THE CITY OF GARDEN RIDGE:

City of Garden Ridge
9400 Municipal Parkway
Garden Ridge, Texas 78266
Attn: _____
City Secretary

ACKNOWLEDGEMENTS

In witness of which this agreement has been executed in duplicate.

CITY OF GARDEN RIDGE

By: _____ Attest: _____

Title: Mayor Title: _____

Date: _____

STATE OF TEXAS

COUNTY OF BEXAR

This instrument was acknowledged before me on _____ by _____, Mayor of the City of Garden Ridge, a Texas Municipal Corporation, on behalf of said corporation.

_____
Notary Public, State of Texas

My Commission expires: _____

CITY OF SAN ANTONIO

By: _____ Attest: _____

Title: _____ Title: _____

Date: _____

STATE OF TEXAS

COUNTY OF BEXAR

This instrument was acknowledged before me on _____ by _____, City Manager of the City of San Antonio, a Texas Municipal Corporation, on behalf of said corporation.

_____
Notary Public, State of Texas

My Commission expires: _____

EXHIBIT A

Subject Property

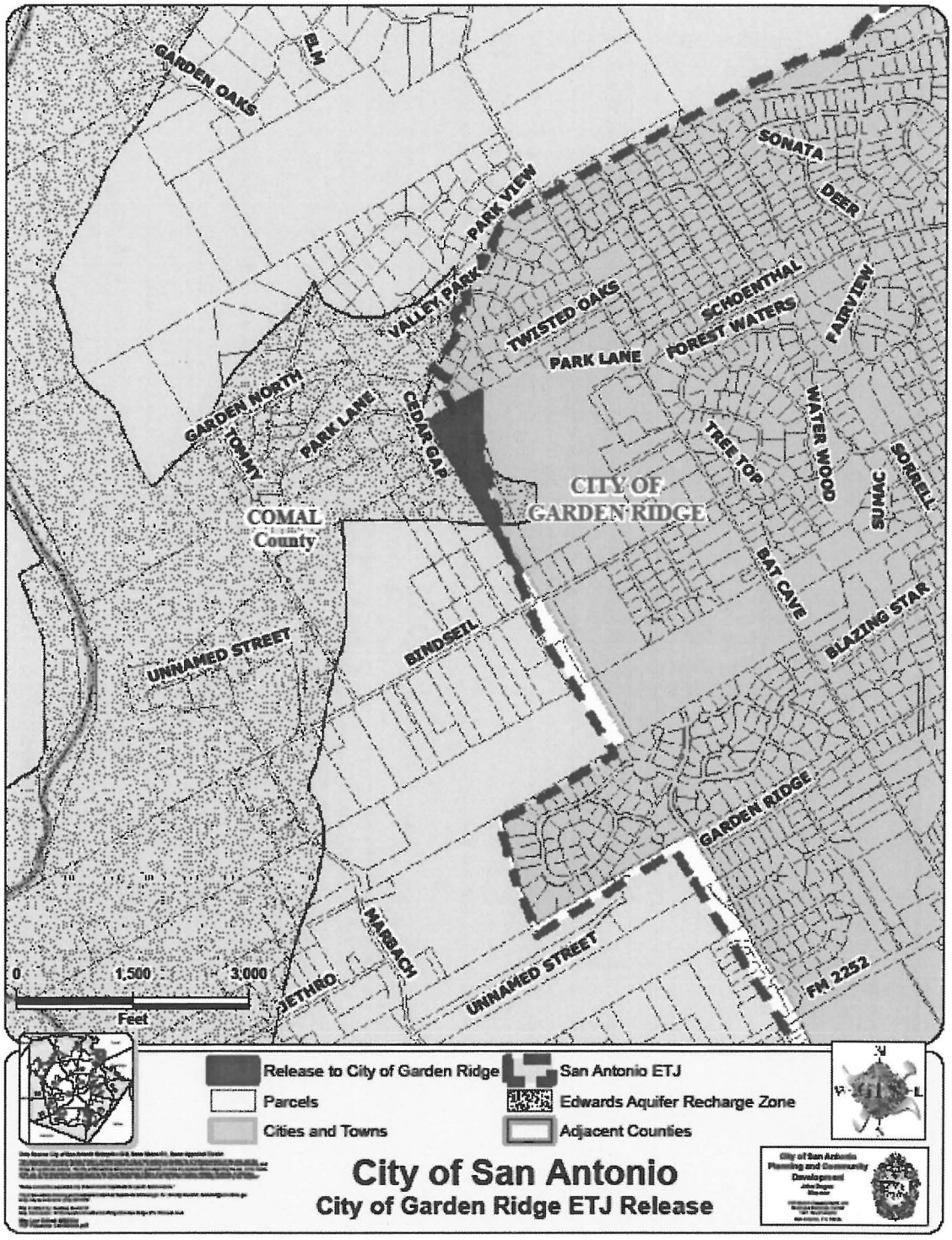
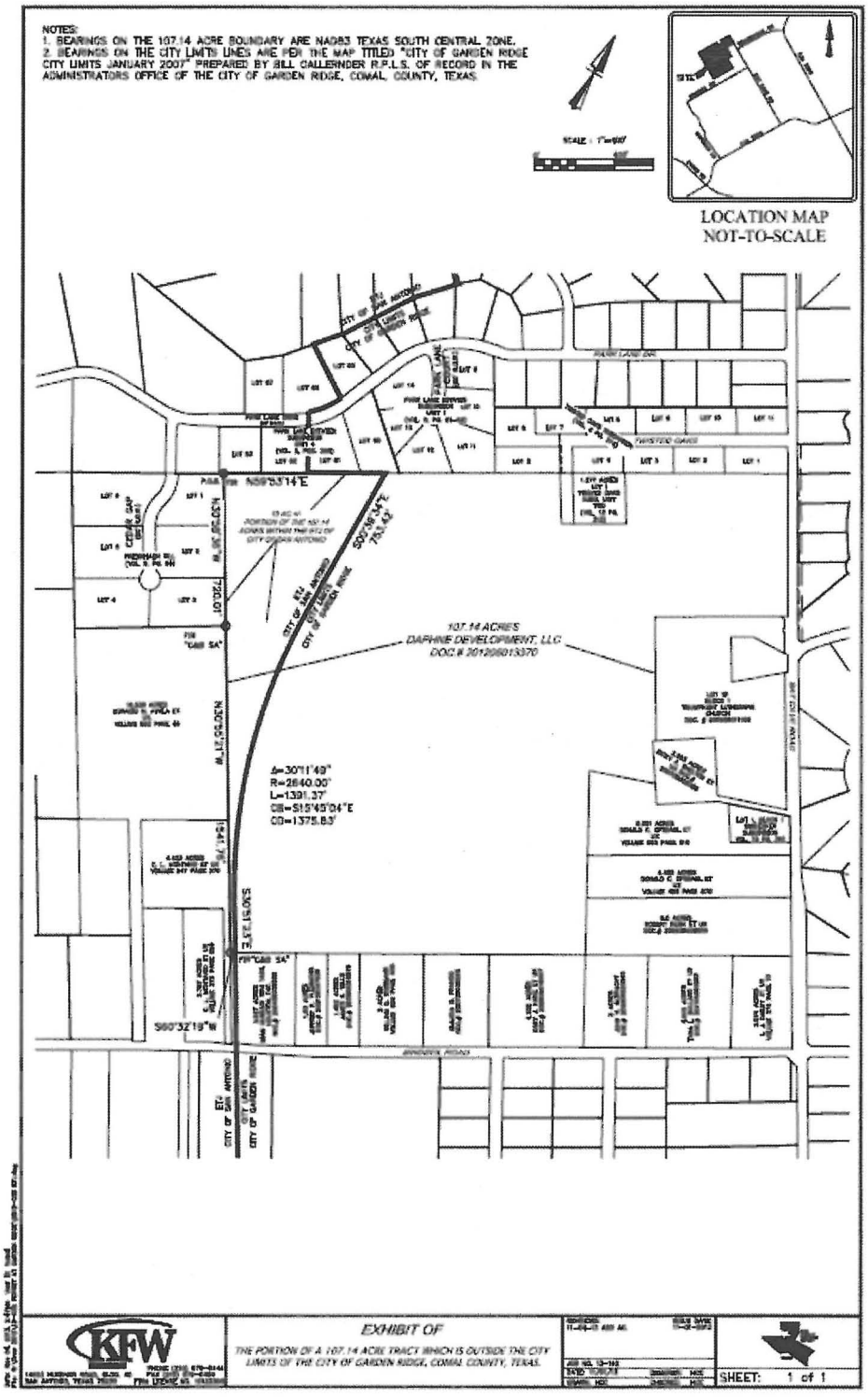


EXHIBIT B

Metes and Bounds



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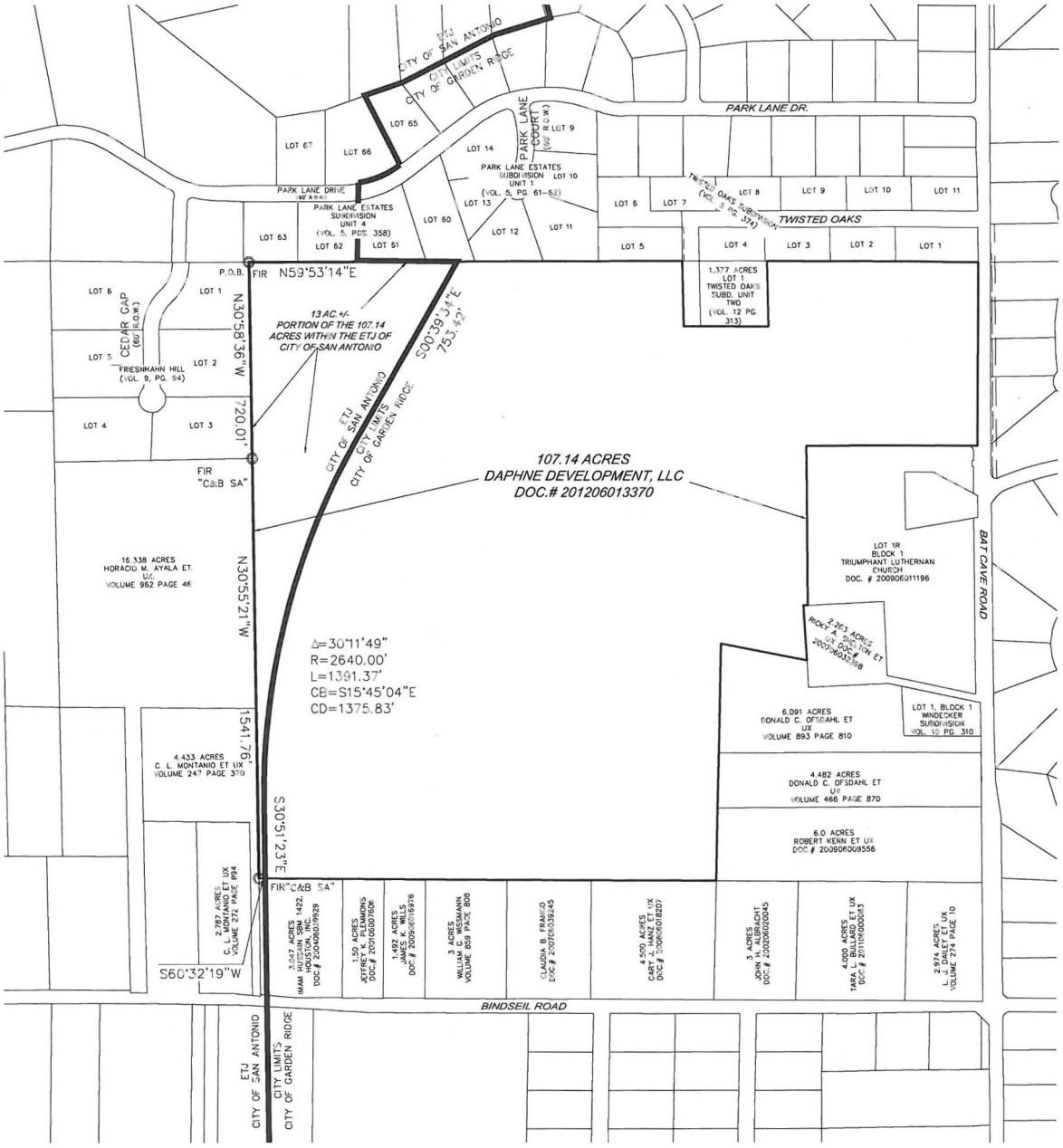
SCALE : 1"=400'

0' 400'

LOCATION MAP
NOT-TO-SCALE



Date: Nov 04, 2013, 2:47pm User ID: tcastl
File: S:\Draw 2012\12-038 FOREST AT GARDEN RIDGE\12-038 ETJ.dwg

KFW SURVEYING
14603 HUEBNER ROAD, BLDG. 40
SAN ANTONIO, TEXAS 78230
PHONE (210) 979-8444
FAX (210) 979-0499
FIRM LICENSE NO. 10122300

EXHIBIT OF

THE PORTION OF A 107.14 ACRE TRACT WHICH IS OUTSIDE THE CITY LIMITS OF THE CITY OF GARDEN RIDGE, COMAL COUNTY, TEXAS.

REVISIONS:	ISSUE DATE:
11-04-13 ADD AC.	11-01-2013
JOB NO. 13-142	
DATE: 11/01/13 DESIGNER: HCC	
DRAWN: HCC CHECKED: HCC	

SHEET: 1 of 1

KFW
SURVEYING

PROPERTY DESCRIPTION OF
A PORTION OF 107.14 ACRES

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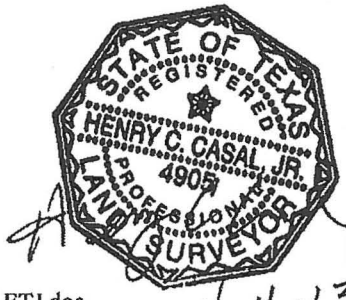

11-4-13

Job No.:	12-038
Prepared by:	KFW Surveying
Date:	November 1, 2013
Revised:	11-4-2013
File:	S:\Draw 2012\12-038 Forest At Garden Ridge\ FN FOR ETJ.doc