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ORDINANCE NO. 1150

PROVIDING FOR THE VOLUNTARY EXTENSION OF THE CIBOLO, TEXAS CITY LIMITS BY THE ANNEXATION OF A TRACT OF LAND THAT CONTAINS AN AREA OF APPROXIMATELY 839 ACRES, AS DEPICTED HEREIN AS THE ANNEXATION AREA TRACT A, GENERALLY LOCATED SOUTH OF SCHAEFER ROAD AND WEST OF HAECKERVILLE ROAD; IMMEDIATELY ADJACENT TO THE EXISTING BOUNDARIES OF THE CITY OF CIBOLO, GUADALUPE COUNTY, TEXAS; APPROVING A SERVICE PLAN FOR SUCH AREA TO BE ANNEXED; AND AMENDING THE OFFICIAL CITY LIMITS/ETJ MAP OF THE CITY OF CIBOLO TO REFLECT THE VOLUNTARY ANNEXATION OF THE PROPERTIES DESCRIBED HEREIN.

WHEREAS, Texas Local Government Code section 43.021 authorizes the City of Cibolo, as a home-rule municipality, to extend its City limit boundaries through the annexation of area adjacent to those boundaries; and

WHEREAS, section 1.03 of the City Charter of the City of Cibolo provides that the City Council has authority by ordinance to fix the City limit boundaries, provide for the alteration and extension of said boundaries, and annex additional territory lying adjacent to said boundaries in any manner provided by law; and

WHEREAS, Texas Local Government Code section 43.052(h)(1) provides that an area proposed for annexation containing fewer than one hundred (100) separate tracts of land on which one or more residential dwellings are located on each tract is exempted from the state law requirement that an area proposed for annexation first be identified in an annexation plan; and

WHEREAS, the areas described herein contain fewer than one hundred (100) separate tracts of land on which one or more residential dwellings are located on each tract and are, therefore, exempted from the above-described annexation plan requirement; and

WHEREAS, Texas Local Government Code Section 43.035 requires that before unilateral annexation of a property which is appraised for ad valorem tax purposes as land for agricultural or wildlife management use under Subchapter C or D, Chapter 23, Tax Code, or as timber land under Subchapter E of that chapter that a municipality must offer a development agreement to a property owner pursuant to Texas Local Government Code Section 212.172 that guarantees the continuation of the extraterritorial status of the area for a certain time and authorizes the enforcement of all regulations and planning authority of the municipality that do not interfere with the use of the area for agriculture, wildlife management, or timber; and

WHEREAS, the owners of the said properties, of their own free will and accord, executed such agreements with duration; expiration of eight (8) years and upon the expiration of this agreement, the landowner and landowner's successors, heirs or assigns agree to the voluntary annexation of the property with said agreement serving as a petition for voluntary annexation.

WHEREAS, the City of Cibolo City Council authorized and approved these agreements at a regularly scheduled council meeting subject to the Open Meetings Act in compliance with the laws of the State of Texas and the ordinances and Charter of the City of Cibolo on July 24, 2007.

WHEREAS, the City Council of the City of Cibolo, Texas and the Planning and Zoning Commission held public hearings on the 12th day of January 2016, and the 13th day of January 2016, respectively, each on the proposed annexation of approximately 839 acres, situated outside of, but immediately adjacent to the current corporate limits of the City of Cibolo, Texas and such public hearings gave all interested persons the right to appear and be heard on the proposed annexation of such land; and

WHEREAS, notice of the above referenced public hearings was published in The Seguin Gazette on December 27, 2015 and December 29, 2015, a newspaper having general circulation in the City of Cibolo, Texas and within the territory to be annexed, in accordance with law; and

WHEREAS, the proposed service plan was made available for public inspection and explained to the inhabitants of the area at the public hearings held; and

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

WHEREAS, the population of the City of Cibolo, Texas is in excess of approximately 27,000 inhabitants, and the area to be annexed lies within the extraterritorial jurisdiction of the City of Cibolo, Texas, and lies adjacent to and adjoins the City of Cibolo, Texas.

NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CIBOLO, TEXAS:

SECTION 1. The land and territory lying outside of, but adjacent to and adjoining the City of Cibolo, Texas, more particularly described in **Exhibits 'A' and 'B'**, attached hereto and incorporated herein by reference, is hereby added and annexed to the City of Cibolo, Texas, and said territory, as described, shall hereafter be included within the boundary limits of said City, and the present boundary limits of said City, at the various points contiguous to the area described in **Exhibits 'A' and 'B'**, are altered and amended so as to include said areas within the corporate limits of the City of Cibolo, Texas.

SECTION 2. The land and territory comprising approximately 839 acres; more particularly described as the annexation area on **Exhibits 'A' and 'B'**, are attached hereto and incorporated herein by reference, shall be part of the City of Cibolo, Texas and inhabitants thereof shall be entitled to all of the rights and privileges as citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the City of Cibolo, Texas.

SECTION 3. A service plan outlining the provisions of necessary municipal service to the properties described in **Exhibit 'C'** is hereby approved and the implementation of said plan is hereby authorized. Such plan is attached hereto and incorporated herein as **Exhibit 'C'**.

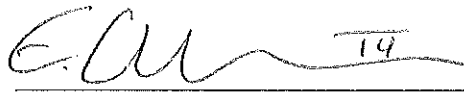
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SECTION 5. The official City Limits/ETJ Map of the City of Cibolo shall be amended, as depicted in **Exhibit 'D'**, as attached hereto, to reflect the annexation of the subject properties. Such map is attached hereto and incorporated herein as **Exhibit 'D'**.

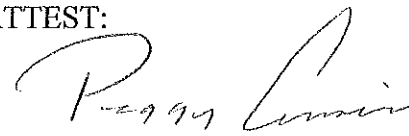
SECTION 4. This Ordinance is not severable.

SECTION 5. This ordinance shall be effective immediately from and after passage.

PASSED AND APPROVED this, the 9th day of February, 2016.


Allen Dunn, Mayor

ATTEST:


Peggy Cimics, City Secretary

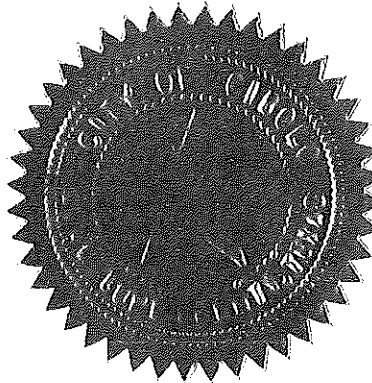


EXHIBIT A

ANNEXATION AREA METES & BOUNDS DESCRIPTION

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Field Notes for an approximate 1,173.62 Acre tract of land to be annexed into the City of Cibolo, Guadalupe County, Texas; said 1,173.62 Acres of land is adjacent to and/or surrounded by the existing City Limits or ETJ of the City of Cibolo, Guadalupe County, Texas

- BEGINNING:** At a point being on the City Limit line of the City of Cibolo, more specifically on the northwest Right of Way line intersection of Schaeffer Rd and Haeckerville Rd, said point being the most eastern corner of a 3.0 acre tract listed in Guadalupe County Appraisal District, Account No. 60618;
- THENCE:** Crossing said Right of Way of Schaeffer Rd and along with the West Right of Line of Haeckerville Rd a distance of 9,605.76 to a point on the northwest Right of Way line intersection of Lower Seguin Rd, said point being the most eastern corner of a 47.66 acre tract listed in Guadalupe County Appraisal District, Account No. 69615;
- THENCE:** Along with the north Right of Way line of Lower Seguin Rd a distance of 6,992.67' to a point at the intersection of the North Right of Way line of Lower Seguin Rd. and the Guadalupe County Line, said point also being the intersection with the Cibolo Creek;
- THENCE:** Along with the Cibolo Creek and Guadalupe County line a distance of 8,897.70 to a point at the intersection of the Guadalupe County line and City limit line of the City of Cibolo;
- THENCE:** Along with the City Limit line of the City of Cibolo a distance of 4,391.25 to a point on the northern Right of Way line of Schaeffer Rd, said point being on the southern property line of a 120.84 ac tract listed in Guadalupe County Appraisal District, Account No. 60555;
- THENCE:** Along with the City Limit Line of the City of Cibolo and northern Right of Way line of Schaeffer Rd a distance of 5,162.72 feet to the POINT OF BEGINNING and containing 1,173.62 acres of land more or less.

The annexed area is to include 1,173.62 acres as described above less the following parcels:

- Guadalupe County Appraisal District Account No. 60576
Medina, Mary A. (1.2190 AC.)
- Guadalupe County Appraisal District Account No. 60575
Medina, Natividad D. T. & Anna D. (0.7950 AC.)

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- Guadalupe County Appraisal District Account No. 60631
Wehe, Tom (0.5000 AC.)
- Guadalupe County Appraisal District Account No. 60560
Garcia, Oscar G. Jr. & Diana L. (2.0000 AC.)
- Guadalupe County Appraisal District Account No. 60561
Dubose, Frankie L. & Dora M. (2.0000 AC.)
- Guadalupe County Appraisal District Account No. 60608
Benke, Louis & Beth M. (24.7340 AC.)
- Guadalupe County Appraisal District Account No. 60634
Garcia, Michael J. & Ronald J. (9.6300 AC.)
- Guadalupe County Appraisal District Account No. 60635
Garcia, Michael J. (2.0000 AC.)
- Guadalupe County Appraisal District Account No. 60593
Pineda, Joven V. & Evelyn F. (2.9340 AC.)
- Guadalupe County Appraisal District Account No. 60596
Wood, David D. & Halimuyak (5.0000 AC.)
- Guadalupe County Appraisal District Account No. 60565
Schneider, Leah D. (0.9580 AC.)
- Guadalupe County Appraisal District Account No. 60562
Laubach, Lula (1.9060 AC.)
- Guadalupe County Appraisal District Account No. 106383
Laubach, Sarah Lu (1.8200 AC.)
- Guadalupe County Appraisal District Account No. 69624
Albert, John M. Sr. & Bernice M. (157.8630 AC.)
- Guadalupe County Appraisal District Account No. 69623
Albert, Bernice Mae & John M. (2.5790 AC.)
- Guadalupe County Appraisal District Account No. 69625
Albert, John M. Sr. & Bernice M. (0.2500 AC.)

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- Guadalupe County Appraisal District Account No. 69622
Zambrano, Rosendo & Sally (23.4680 AC.)
- Guadalupe County Appraisal District Account No. 69653
Johnson, Michael & Cynthia (1.7220 AC.)
- Guadalupe County Appraisal District Account No. 69599
Neill, Larry R. (5.0000 AC.)
- Guadalupe County Appraisal District Account No. 131318
Watson, Daniel & Michelle L. (1.4447 AC.)
- Guadalupe County Appraisal District Account No. 131319
Byrd, Robert & Donetta (1.4403 AC.)
- Guadalupe County Appraisal District Account No. 69629
Zimmermann, Jeffery L. & Sharna L. (1.5000 AC.)

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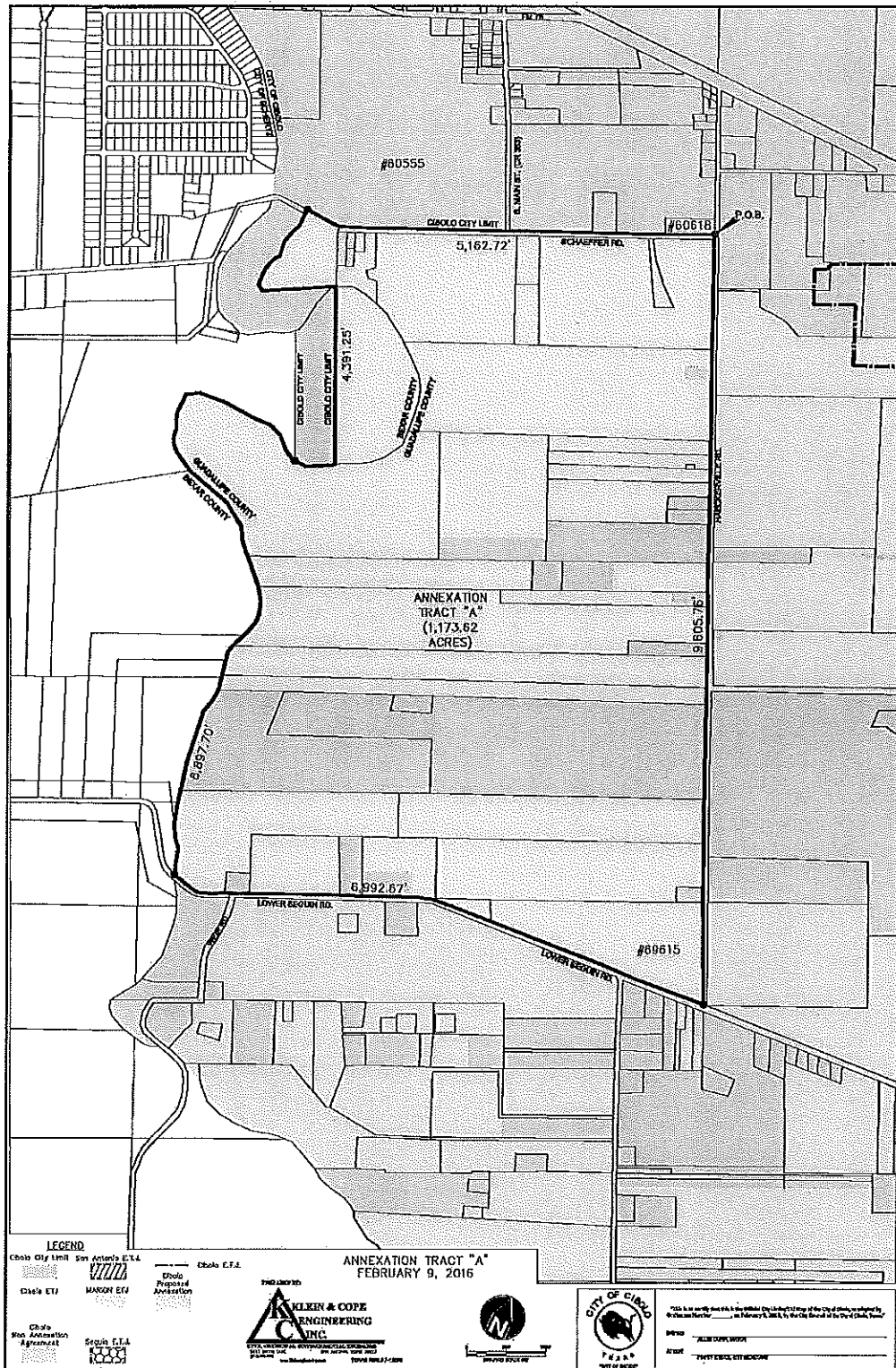


EXHIBIT C
2016 ANNEXATION PROGRAM
CITY OF CIBOLO, TEXAS

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SERVICE PLAN FOR FEBRUARY 9, 2016 ANNEXATION

Upon annexation of the area identified above the City of Cibolo will provide City services utilizing methods by which it extends services to any other equivalent area of the City.

SERVICES PROVIDED BY THE EFFECTIVE DATE OF ANNEXATION

1. **Police Protection**

The City of Cibolo, Texas and its Police Department will provide police protection to newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed areas. The Police Department will have the responsibility to respond to all dispatched calls for service or assistance within the newly annexed areas.

2. **Fire Protection and Emergency Medical Services**

The City of Cibolo, Texas and its Fire Department, and the Cibolo Volunteer Fire Department, will provide fire protection to newly annexed areas at the same or similar level of service now being provided to other areas of the City, with like topography, land use and population density as those found within the newly annexed areas.

The City of Cibolo, Texas contracts with the City of Schertz for EMS services and will provide EMS services through that contract to newly annexed areas at the same or similar level of service now being provided to other areas of the City, with like topography, land use and population density as those found within the newly annexed areas.

3. **Maintenance of Water and Wastewater Facilities**

All of the newly annexed property is within the water and waste water service areas of the City of Cibolo. Any existing City of Cibolo facilities that may happen to be present in the annexation area shall continue to be maintained by City of Cibolo. Any existing GVSUD facilities that may happen to be present in the annexation area shall continue to be maintained by GVSUD. Any water or wastewater facilities that may be dedicated to, or acquired by, the City of Cibolo, subsequent to the proposed annexation, shall be maintained by the City of Cibolo at such time as said utilities are accepted by the City of Cibolo. Existing water and wastewater facilities owned by the City of Cibolo outside of the annexation area shall be available for the point of use extension based upon the City of Cibolo standard extension policies in the Cibolo UDC, as may be amended, and action by the City Council.

4. **Solid Waste Collection**

The City of Cibolo, Texas contracts for the collection of solid waste and refuse within the corporate limits of the City with Bexar Waste. Solid waste collection will be provided to citizens in the newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and density as those found within the newly annexed areas. The City may negotiate with annexed areas to allow continued services with an existing solid waste management provider. After the second anniversary of the annexation date, the City will impose fees and provide the service.

If areas with private roads and/or gates are arranged so that garbage may be collected without creating a safety hazard, the City, at its discretion, may collect the garbage provided proper indemnification is

received from the community association or individual property owners. The City will then impose fees and provide the service. Garbage collection locations shall be subject to the approval of the City Manager. In the event the City does not collect garbage within the areas with private roads and/or gates, residents of these areas will not be billed for service after the two-year date.

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5. **Maintenance of Roads and Streets**

Any and all public roads, streets or alleyways shall be maintained to the same degree and extent that other public roads, streets, and alleyways are maintained in areas of the City with like topography, land use and density as those found within the newly annexed areas. Private roads will remain under the ownership of the homeowners association and as such maintained by the association.

6. **Maintenance of Parks, Playgrounds, and Swimming Pools**

The City of Cibolo, Texas is not aware of the existence of any publicly owned parks, playgrounds or swimming pools now located in the proposed areas of annexation. In the event any such parks, playgrounds, or swimming pools do exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed areas. Private facilities will remain under the ownership of the homeowners association and as such maintained by the association.

7. **Maintenance of any Publicly owned Facility, Building or Municipal Service**

The City of Cibolo, Texas is not aware of the existence of any publicly owned facility, building, or other municipal service now located in the proposed areas of annexation. In the event any publicly owned facility, building, or other municipal service does exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed areas.

8. **Other Services**

The City of Cibolo, Texas finds and determines that such services as planning, code enforcement, animal control, library, parks and recreation, court and general administration will be made available after the effective date of annexation at the same or similar level of service now being provided to other areas of the City with similar topography, land use and density as those found within the newly annexed areas.

CONSTRUCTION OF ANY CAPITAL IMPROVEMENTS TO BE COMPLETED WITHIN 2 ½ YEARS

1. **Police and Fire Protection and Solid Waste Collection**

The City of Cibolo, Texas, finds and determines that it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas for the purpose of providing police protection, fire protection, emergency medical services or solid waste collection. The City finds and determines that it has at the present time adequate facilities and other resources to provide the same type, kind and level of service and protection which is presently being administered to other areas already incorporated in the City of Cibolo, Texas with like topography, land use and population density as those found within the newly annexed areas.

2. **Water/Wastewater Facilities**

The City of Cibolo, Texas, finds and determines it may acquire and/or construct capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas being annexed.

3. **Roads and Streets**

The City of Cibolo, Texas, finds and determines it may acquire and/or construct capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas.

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4. **Maintenance of Parks, Playgrounds, and Swimming Pools and Any Other Publicly Owned Facility, Building, or Service**

The City of Cibolo, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas for the purpose of parks maintenance, playgrounds, swimming pools and other publicly owned facility, building or service.

5. **Maintenance of Current Septic System**

Any resident who currently utilizes a septic system to manage wastewater shall be entitled to continue said system except for the following:

Should a septic system located within 500-feet of an existing sewer main fail to the point where repair/replace costs will exceed the cost of tying onto the said existing sewer main, the property owner shall be required to connect to the sewer system.

SPECIFIC FINDINGS

The City of Cibolo, Texas, finds and determines that this proposed service plan will not provide any fewer services and will not provide a lower level of service in the areas being considered for annexation that were in existence in the proposed areas at the time immediately preceding the annexation process. Given the proposed annexation areas' topography, land utilization and population density, the service levels to be provided in the newly annexed areas will be equivalent to those provided to other areas of the City with similar characteristics.

TERMS

This plan shall be valid for a term of ten (10) years. Renewal of the Service Plan is at the discretion of the City of Cibolo.

LEVEL OF SERVICE

Nothing in this plan shall require the City to provide a uniform level of full municipal services to each area of the City, including the annexed areas, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

AMENDMENTS

The plan shall not be amended unless public hearings are held in accordance with Chapter 43 of the Texas Local Government Code.

EXHIBIT D UPDATED CITY LIMITS/ETJ MAP CITY OF CIBOLO, TEXAS

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