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ORDINANCE NO. 1183

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 39 ACRES, AS DEPICTED HEREIN AS THE ANNEXATION AREA 1, GENERALLY LOCATED ALONG THE WEST SIDE OF HAECKERVILLE ROAD BETWEEN LOWER SEGUIN ROAD AND BOLTON ROAD IN 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, the owner of the said properties, of her own free will and accord, did voluntarily request that the City of Cibolo incorporate the approximate 39 acres described herein into the municipal boundaries of the City of Cibolo; and

WHEREAS, the City Council of the City of Cibolo, Texas and the Planning and Zoning Commission held public hearings on the 13th day of September 2016, and the 14th day of September 2016, respectively, each on the proposed annexation of approximately 39 acres along the west side of Haeckerville Road between Lower Seguin Road and Bolton Road (Area 1), 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 August 28, 2016 and August 30, 2016, 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

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WHEREAS, the aforementioned public hearings were conducted not more than forty (40) days or 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 39 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'**.

SECTION 4. 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 5. The Land and Territory that is the subject of this Ordinance, upon annexation shall be located in City Council District 2, as shown by the map of City Council Districts attached hereto and incorporated herein as **Exhibit 'E'**.

SECTION 6. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 7. This ordinance shall be effective immediately from and after passage.

PASSED AND APPROVED this, the 11th day of October, 2016.



Allen Dunn, Mayor

ATTEST:



Peggy Cimics, City Secretary



EXHIBIT A
ANNEXATION AREA METES & BOUNDS DESCRIPTION

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Fieldnotes describing a 39.70 acre tract of land being out of and part of the Jose Flores Survey No. 63, Abstract 134, Guadalupe County, Texas, being a portion of that tract of land called 84.8 acres conveyed to Edward A.J. Schievelbein and wife Meta Schievelbein, by deed recorded in Volume 184, Page 220, Deed Records, Guadalupe County, Texas, and being more particularly described as follows:

Beginning at a $\frac{1}{2}$ " iron pin with a yellow plastic cap stamped "FORD ENG. INC." set at the intersection of the southwest right-of-way line of Haackerville Road and the southeast line of a 118.3 acre tract of land described in Volume 244, Page 246, Deed Records, Guadalupe County, Texas, and the northwest line of the 84.8 acre tract, being the north corner of the herein described tract. Said pin bears N 29° 17' 00" W, 3957.72 feet from a $\frac{1}{2}$ " pin found at Bolton Road.

Thence, S 29° 17' 00" E, 1172.24 feet along the southwest right-of-way line of Haackerville Road to a $\frac{1}{2}$ " iron pin with a yellow plastic cap stamped "FORD ENG. INC." set for the north corner of a 44.12 acre tract of land this day surveyed, being the east corner of the herein described tract.

Thence, S 62° 52' 38" W, 1763.08 feet across the 84.8 acre tract along the northwest line of the 44.12 acre tract to a point in the centerline of the Cibolo Creek, being the west corner of the 44.12 acre tract and the south corner of the herein described tract.

Thence, N 57° 38' 18" W, 64.21 feet along the centerline of the Cibolo Creek to a point for the southwest corner of the herein described tract.

Thence, N 03° 26' 53" E, 562.72 feet partly along the southeast line of an 11.8 acre tract of land described in Volume 315, Page 475-477, Deed Records, Guadalupe County, Texas, and the southwest line of the 84.8 acre tract to a $\frac{1}{2}$ " iron pin with a yellow plastic cap stamped "FORD ENG. INC." set for an angle point.

Thence, N 29° 41' 06" W, 335.79 feet with the west line of the 84.8 acre tract to a $\frac{1}{2}$ " iron pin with a yellow plastic cap stamped "FORD ENG. INC." set for the south corner of a 1.000 acre tract of land described in Volume 874, Page 970, Official Public Records, Guadalupe County, Texas, being the western most northwest corner of the herein described tract.

Thence, N 59° 36' 20" E, 211.00 feet along the southeast line of the 1.000 acre tract of land to a $\frac{1}{2}$ " iron pin with a yellow plastic cap stamped "FORD ENG. INC." set for the east corner of the herein described tract.

Thence, N 32° 52' 03" W, 212.50 feet along the northeast line of the 1.000 acre tract to a $\frac{1}{2}$ " iron pin with a yellow plastic cap stamped "FORD ENG. INC." set in the southeast line of the 118.3 acre tract and the northwest line of the 84.8 acre tract for the north corner of the 1.000 acre tract, being the northern most northwest corner of the herein described tract.

Thence, N 59° 39' 20" E, 1292.96 feet along the southeast line of the 118.3 acre tract and the northwest line of the 84.8 acre tract to the Place of Beginning and containing 39.70 acres of land according to a survey made on the ground on January 13, 1996.

EXHIBIT B
ANNEXATION AREA METES & BOUNDS DESCRIPTION (Mapped)

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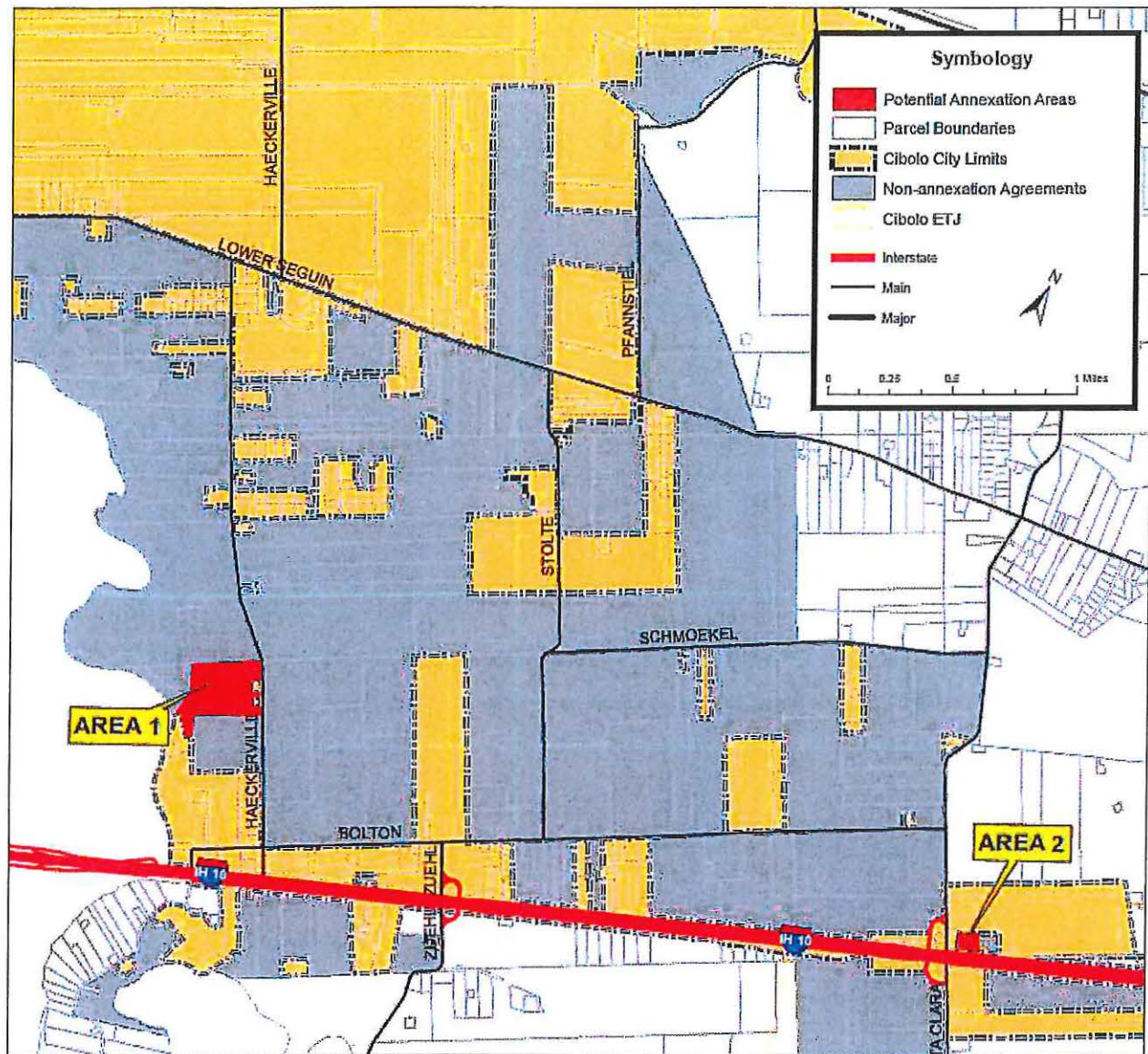


EXHIBIT C
2016 ANNEXATION PROGRAM
CITY OF CIBOLO, TEXAS

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SERVICE PLAN FOR OCTOBER 11, 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 wastewater service areas of Green Valley SUD. The City of Cibolo does not own or maintain water or wastewater facilities in the annexation area at the time of the proposed annexation. The Green Valley SUD does not own or maintain wastewater facilities in the annexation area at the time of the proposed annexation. 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 Sanitation 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.

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

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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.

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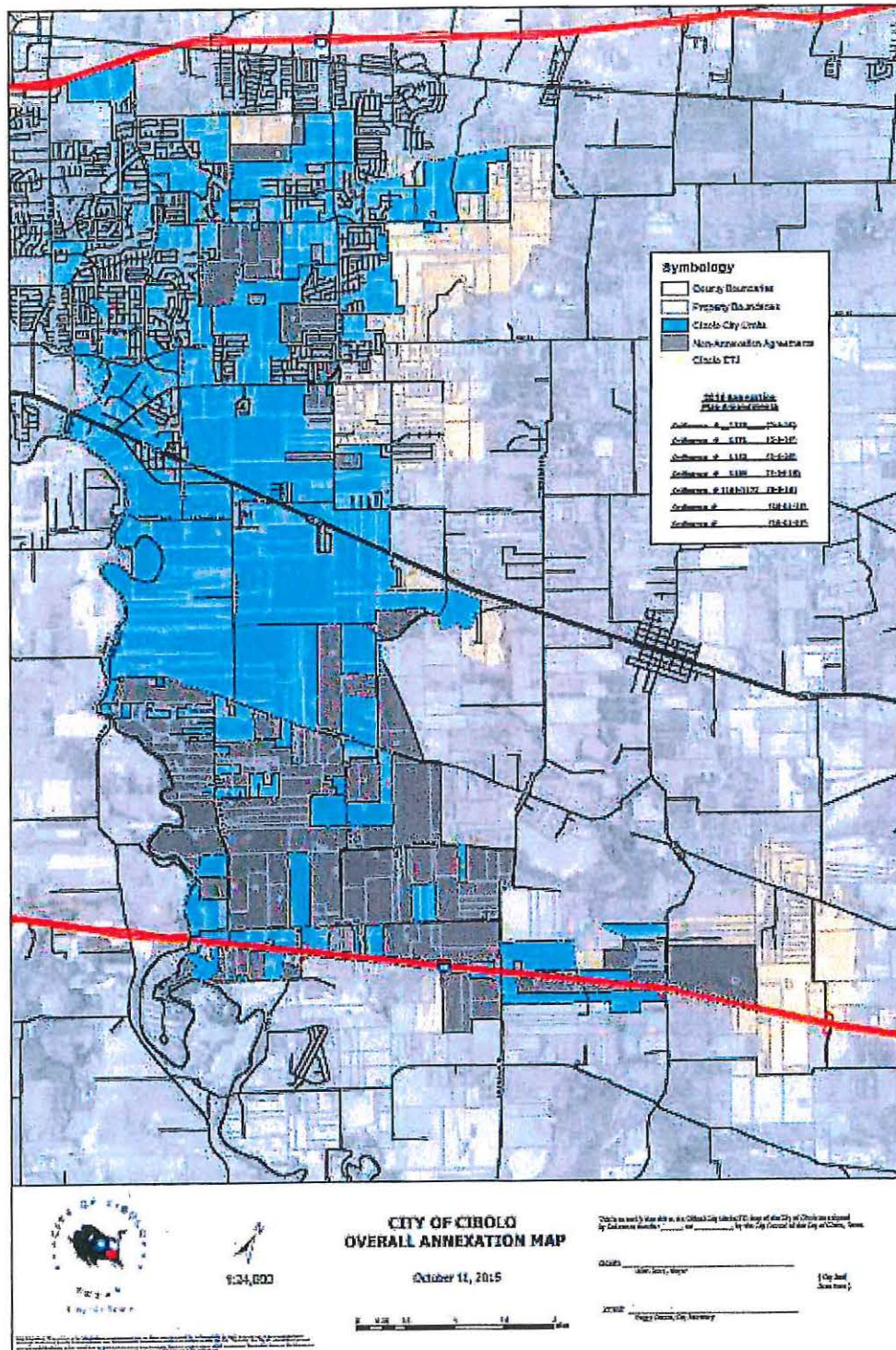


EXHIBIT E
CITY COUNCIL SINGLE MEMBER VOTING DISTRICT MAP
CITY OF CIBOLO, TEXAS

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