

DRAFT

ORDINANCE NO.

AUTHORIZING THE RELEASE OF APPROXIMATELY 925.4 ACRES OF REAL PROPERTY, CONSISTING OF ONE TRACT OF LAND (COMAL COUNTY PROPERTY IS 79810), GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF FM 3009 AND SCHOENTHAL ROAD NORTH IN COMAL COUNTY, TEXAS FROM THE CITY OF SAN ANTONIO'S EXTRATERRITORIAL JURISDICTION, AS PETITIONED BY THE LANDOWNER HEIDELBERG MATERIALS SOUTHWEST AGG 1 LLC, PURSUANT TO THE PROVISIONS OF CHAPTER 42 OF THE TEXAS LOCAL GOVERNMENT CODE.

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WHEREAS, in the 88th Regular Texas legislative session, Senate Bill (SB) 2038 was passed and is effective on September 1, 2023; and

WHEREAS, this newly enacted section of the Local Government Code, Chapter 42, Subchapters D and E, codified and established a process for the release of property from a city's extraterritorial jurisdiction (ETJ); and

WHEREAS, this section of code does not apply to certain areas of an ETJ, including areas within five miles of an active military base, areas within 15 miles of an active military base in counties with over 2 million in population, areas that were voluntarily annexed into cities' ETJ in certain counties, certain areas legally designated as industrial districts, or areas subject to a strategic partnership agreement; and

WHEREAS, Heidelberg Materials Southwest Agg 1 LLC, (Landowner) owns 925.4 acres within San Antonio's ETJ and petitioned the City of San Antonio (City) on December 22, 2023, to release certain property in the ETJ, legally described and depicted in the landowner's petition, attached as **EXHIBIT "A"**; and

WHEREAS, the City verified that the petition complies with the newly enacted Subchapters of Chapter 42 of the Texas Local Government Code; and

WHEREAS, consistent with the San Antonio City Charter the San Antonio Planning Commission held a public hearing on January 24, 2023, and has considered the effect of amending the San Antonio ETJ boundaries by releasing 925.4 acres, as petitioned by the landowner, and as depicted in the map attached as **EXHIBIT "B"**; **NOW THEREFORE**,

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

SECTION 1. The release of certain property from the City of San Antonio ETJ, which includes approximately 925.4 acres of real property (Comal County Appraisal District Property ID 79810) generally located northeast of the intersection of FM 3009 and Schoenthal Road N in Comal County, Texas, and which is legally described in the Landowner’s petition in the attached **EXHIBIT “A”** and **depicted in the map attached as EXHIBIT “B”** is hereby approved.

SECTION 2. This ordinance shall be effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED on this 1st day of February, 2024.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney