

**RESOLUTION NO.**

**RECOMMENDING APPROVAL OF THE RELEASE OF APPROXIMATELY 925.4 ACRES OF REAL PROPERTY, CONSISTING OF ONE TRACT OF LAND (COMAL COUNTY APPRAISAL DISTRICT PROPERTY ID 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 88<sup>th</sup> (R) 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, 2024, 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 exhibit attached as **EXHIBIT "B"**;

**NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** A copy of the Landowner's petition to remove their property from the City's ETJ is attached as **EXHIBIT "A"** and incorporated herein for all purposes.

**SECTION 2.** The Planning Commission recommends **Approval** of the Landowner’s request for 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 and depicted in the attached **EXHIBIT “A”** and **EXHIBIT “B”**.

**PASSED AND APPROVED ON THIS 24<sup>TH</sup> DAY OF JANUARY, 2024.**

**ATTEST:**

**APPROVED:**

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Executive Secretary  
San Antonio Planning Commission

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Matthew Proffitt, Chair  
San Antonio Planning Commission

## **ATTACHMENT “A”**

## **ATTACHMENT “B”**