



# City of San Antonio

## Agenda Memorandum

**File Number:**

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**Agenda Item Number:** 45

**Agenda Date:** December 2, 2021

**In Control:** City Council A Session

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**DEPARTMENT:** Planning Department

**DEPARTMENT HEAD:** Bridgett White

**COUNCIL DISTRICTS IMPACTED:** District 2, District 4

**SUBJECT:**

Public hearing and consideration of an Ordinance extending the City limits by full purpose annexation of numerous properties located on the south side of San Antonio's Extraterritorial Jurisdiction (ETJ).

**SUMMARY:**

Public hearing and consideration of an Ordinance extending the City limits by full purpose annexation of approximately 439.01 acres of land, located on the east and south side of the City of San Antonio's Extraterritorial Jurisdiction (ETJ), which are contiguous to the city limits in South Bexar County, and establishing an effective date of December 31, 2021. The annexations were consented to by way of Development Agreements between the City and each landowner.

**BACKGROUND INFORMATION:**

As part of the annexation process, Texas Local Government Code (LGC) required the cities to offer Development Agreements to properties which have the applicable appraisal for ad valorem tax purposes as land for agricultural or wildlife management use or as timber land ("agricultural") as designated by the Bexar County Appraisal District (BCAD).

In 2014 and 2017, numerous owners of properties in the proposed annexation areas entered into

Development Agreements with the City of San Antonio (City). These Agreements allowed their continued “agricultural” use, as specified by the LGC, and guaranteed the extraterritorial status for the property, providing the property owner continued the use as described in the terms of the agreement.

## **ISSUE:**

The property owners of the subject properties have violated the terms of their Development Agreement in a few different ways: no longer having an agricultural appraisal for ad valorem tax purposes by BCAD; subdividing and selling portions of the property; or preparation for the development of a future subdivision. Pursuant to the terms of the Development Agreement, any of these circumstances would cause the Development Agreement to be voided and the City is then allowed to initiate Full Purpose Annexation proceedings. Prior to initiating the annexations, the City mailed multiple notices to the property owners regarding the violations of the recorded agreement terms.

In accordance to the terms noted in the Development Agreement between the property owners and the City (also recorded with the Bexar County Land Records), the City is initiating Full Purpose Annexation proceedings. As stated in the Development Agreement and included below, Full Purpose Annexation is deemed to be with the consent of the property owner.

Pursuant to Section 3 of each recorded Development Agreement:

“This agreement is void if the Owner fails to continue to use the Property solely for agricultural, wildlife management or timber use and/or subdivides or develops the Property in any matter that would require a plat of the subdivision or a related development document to be filed with any governmental entity having jurisdiction over the Property.

Existing legal residential uses may continue. No new residential development shall be permitted, except for the addition of living space to an existing legal residence, the addition of accessory residential structures such as garages and carports where the total combined floor area of all accessory structures does not exceed 2500 feet, and an accessory dwelling (either attached or detached) that does not exceed 1200 square feet in living area.

If the Property ceases to be appraised for agricultural, wildlife management or timber use or if the Owner subdivides the Property as described in this section, then the City may annex the Property, either in whole or in part, and such annexation shall be deemed to be with the consent of the Owner.”

The Full Purpose Annexation will extend full municipal services to the properties and all City codes and regulations will be applied. Annexation of these properties will provide a uniform level of City services to the areas, avoiding difficulties with multi-jurisdictional public safety services as well as other crucial services. The annexed properties will be in City Council Districts 2 and 4.

Dates

Required Actions

October 27, 2021	Planning Commission Hearing and Consideration
November 2, 2021	Zoning Commission Hearing and Consideration
December 2, 2021	City Council Public Hearing and Consideration
December 31, 2021	Effective Date of Annexation

### **ALTERNATIVES:**

The denial of this Ordinance would result in the properties remaining in unincorporated Bexar County. Hence, the City would be unable to regulate said properties and enforce the executed Development Agreements.

### **FISCAL IMPACT:**

With the approval of this Ordinance the City will annex the 10 properties in violation of their agreement. In accordance with current Annexation Law, the City is required to compensate the governing emergency services district (ESD) for the pro rata share of the properties being annexed based on the ESD's total indebtedness. At the initial formation of the ESDs the debt capacity was capped at \$20,000.00. Of the two affected ESDs, only ESD #12 has increased its debt to a current total indebtedness of \$3,350,000.00. Based on the financial analysis of these areas it has been determined that the City's financial obligation for the annexation of these 10 properties is as follows: \$46.11 for ESD #5 and \$924.66 for ESD #12. Funding in the amount of \$967.77 is available in the General Fund FY 2022 Adopted Budget. At this time, no additional operating or capital budget resources are needed to be added to support these annexations; the cost to provide service to these areas can be absorbed with existing resources.

### **RECOMMENDATION:**

Staff recommends approval of the Ordinance extending the City limits by Full Purpose Annexation of approximately 439.01 acres of land, as consented to by the property owners. On October 27, 2021, Planning Commission conducted a public hearing regarding the annexation and recommended approval.