

ORDINANCE NO. 133-112005

PROVIDING FOR THE EXTENSION OF THE CITY LIMITS OF THE CITY OF GARDEN RIDGE, TEXAS BY THE ANNEXATION OF APPROXIMATELY 67.602 ACRES OF LAND LOCATED WITHIN THE WILDWIND SUBDIVISION AND APPROXIMATELY ONE-HALF (1/2) MILE TO THE SOUTHWEST OF THE INTERSECTION OF BATCAVE ROAD AND BLAZING STAR TRAIL AND ADJACENT TO THE CITY OF GARDEN RIDGE, TEXAS CITY LIMITS AND APPROVING A SERVICE PLAN FOR SUCH AREA.

WHEREAS, the City of Garden Ridge, Texas received a petition requesting annexation from the owner of land that is one-half mile or less in width, contiguous to the City of Garden Ridge, Texas, and vacant and without residents or on which fewer than three qualified voters reside; and

WHEREAS, Texas Local Government Code section 43.028 authorizes the City of Garden Ridge, Texas to annex a sparsely occupied area on petition of the area's landowners; and

WHEREAS, in accordance with state law, the above-described petition was filed with the City of Garden Ridge, Texas on Monday, August 8, 2005; and

WHEREAS, the City Council of the City of Garden Ridge, Texas, believing that the above-described petition was properly filed pursuant to Texas Local Government Code section 43.028, granted said petition on Wednesday, September 7, 2005; and

WHEREAS, on the 5th day of October, 2005 and the 12th day of October, 2005, the City Council of the City of Garden Ridge, Texas held public hearings on the proposed annexation of approximately 67.602 acres of land situated outside of, but immediately adjacent to, the current corporate limits of the City of Garden Ridge, 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 mention public hearings was published in The New Braunfels Herald-Zeitung on September 24, 2005, a newspaper having general circulation in the City of Garden Ridge, Texas and within the territory to be annexed, in accordance with law; and

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

WHEREAS, the population of the City of Garden Ridge, Texas is in excess of 2,000 inhabitants, and the area to be annexed lies within the extraterritorial jurisdiction of the City of Garden Ridge, Texas, and lies adjacent to and adjoins the City of Garden Ridge, Texas.

NOW THEREFORE: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARDEN RIDGE, TEXAS:

SECTION 1. The land and territory lying outside of, but adjacent to and adjoining the City of Garden Ridge, Texas, more particularly described as that portion of the tract of land described in

Exhibit "A," attached hereto and incorporated herein by reference, is hereby added and annexed to the City of Garden Ridge, 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 Exhibit "A," are altered and amended so as to include said area within the corporate limits of the City of Garden Ridge, Texas.

SECTION 2. The land and territory more particularly described as that portion of the tract of land described in Exhibit "A," attached hereto and incorporated herein by reference shall be part of the City of Garden Ridge, 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 Garden Ridge, Texas.

SECTION 3. A service plan outlining the provisions of necessary municipal service to the property described in Exhibit "A," is hereby approved and the implementation of said plan is hereby authorized. Such plan is attached hereto and incorporated herein as Exhibit "B."


SECTION 4. This ordinance shall be effective from and after November 2, 2005.

PASSED AND APPROVED this, the 2nd day of November, 2005.



ATTEST:


Linda Knowlson
CITY SECRETARY
CITY OF GARDEN RIDGE, TEXAS


Jay E. Feibelman
MAYOR
CITY OF GARDEN RIDGE, TEXAS

MUNICIPAL SERVICE PLAN
WILDWIND

FIRE

Existing Services: Fire suppression and prevention activities are currently provided by the Bracken Volunteer Fire Department.

Services to be Provided: Fire suppression and prevention activities will continue to be provided by the Bracken Volunteer Fire Department as the City of Garden Ridge is located within the Bracken Volunteer Fire Department service district and is also serviced by the same provider.

EMERGENCY MEDICAL SERVICES

Existing Services: Emergency medical services are currently provided by Emergency Services District No. 6 through contract with City of Schertz EMS.

Services to be Provided: Emergency medical services will be provided by the City of Garden Ridge through contract with City of Schertz EMS.

POLICE

Existing Services: Currently, the area is under jurisdiction of the Comal County Sheriff's Office.

Services to be Provided: The City of Garden Ridge Police Department will provide regular police protection and control, including routine patrolling, response to police calls, and all other regular police services at a level substantially equivalent to the level of services provided to other areas of the City of Garden Ridge that are comparable in terms of population density and patterns of land utilization. No additional staff is required to serve the area.

STREET MAINTENANCE

Existing Services: None.

Services to be Provided: Developer will construct and maintain private roads and streets in the area at Developer's own expense. Should the roads and streets constructed be dedicated to and accepted by the City of Garden Ridge, routine maintenance of the roads and streets will be provided by the City of Garden Ridge.

WATER SERVICE

Existing Services: None.

Services to be Provided: Water service will be made available to the area either by the San Antonio Water System under Certificate of Convenience and Necessity No. 10640 or by the City of Garden Ridge through the decertification of approximately 67.602 acres of land out of

MUNICIPAL SERVICE PLAN

PAGE TWO

Page 2

Certificate of Convenience and Necessity No. 10640 currently requested by the City of Garden Ridge. Developer will construct and maintain all water service infrastructure necessary to provide area with water service, including any extension of mains necessary. When other property develops in adjacent areas, water service shall be provided by the water service provider holding a Certificate of Convenience and Necessity for the area in accordance with applicable extension codes and ordinances.

SANITARY SEWER SERVICE

Existing Services: None.

Services to be Provided: None. Sanitary sewer service is not currently provided within the City limits of the City of Garden Ridge.

SOLID WASTE SERVICES

Existing Services: None.

Services to be Provided: The City of Garden Ridge will provide the area with solid waste collection services through contract with Waste Management, Incorporated, beginning with the occupancy of structures that will be constructed in the area.

PARKS AND PLAYGROUNDS

Existing Services: None.

Services to be Provided: The City of Garden Ridge Public Facilities Department will service and maintain parkland and playgrounds that are dedicated to and accepted by the City of Garden Ridge in the future.

CAPITAL IMPROVEMENTS

No capital improvements are necessary to provide municipal services to the area.

MISCELLANEOUS

All other applicable municipal services will be provided to the area in accordance with the City of Garden Ridge's policies governing extension of municipal services to newly annexed areas.

Exhibit B

Job No.: 7608.00

Date: January 21, 2004

FIELDNOTES FOR A 67.603 ACRE TRACT

Fieldnotes for a 67.602 acre, (2,944,760 square foot), tract within the Extra Territorial Jurisdiction of the City of San Antonio, out of a 154.020 acre tract land being the same tract of land described as 153.908 acres recorded in the General Warranty Deed from Oliver Gilbert Marbach to Charles Armstrong recorded in Volume 366, Page 548 of the Official records of Comal County, Texas, situated in the Vicenti Michali League Survey No. 114, Abstract 383, Comal County, Texas, and being more particularly described as follows:

BEGINNING: At a found $\frac{3}{4}$ " iron pin, on the southeast line of a 137.693 acre tract recorded in Volume 656, Page 558 of the Official Records of Comal County, Texas, on the Agreed Boundary Line between A.K. Briggs and wife, Emily Ruth Briggs and Charles Armstrong and wife, Marie B. Armstrong recorded in Volume 656, Page 560 of the Official Records of Comal County, Texas, the following courses and distances:

N $59^{\circ}21'24"$ E, a distance of 1152.15 feet (1153.34 feet Deed), to a set $\frac{1}{2}$ " iron pin set with a yellow plastic cap stamped "Ford Eng., Inc.", an angle of the herein described tract;

N $59^{\circ}03'06"$ E, a distance of 727.06 feet to the City of Garden Ridge City Limits Line, the north corner of the herein described tract;

THENCE: S $30^{\circ}34'17"$ E, coincident with the City of Garden Ridge City Limits Line, across the above referenced 153.908 acre tract, a distance of 1438.52 feet to the northwest line of a remaining portion of a 110 acre tract recorded in Volume 90, Page 402 of the Deed Records of Comal County, Texas, the east corner of the herein described tract;

THENCE: S $59^{\circ}44'06"$ W, coincident with the northwest line of the remaining portion of a 110 acre tract recorded in Volume 90, Page 402-403 of the Deed Records of Comal County, Texas, a distance of 429.85 feet, to a set $\frac{1}{2}$ " iron pin set with a yellow plastic cap stamped "Ford Eng., Inc.", an angle of the herein described tract;

THENCE: S $59^{\circ}44'46"$ W, coincident with the northwest line of the above referenced remaining portion of a 110 acre tract, a distance of 565.06 feet to a set $\frac{1}{2}$ " iron pin set with a yellow plastic cap stamped "Ford Eng., Inc.", an angle of the herein described tract;

THENCE: S $59^{\circ}37'01"$ W, coincident with the northwest line of the above referenced remaining portion of a 110 acre tract, a distance of 547.53 feet to a set $\frac{1}{2}$ " iron pin set with a yellow plastic cap stamped "Ford Eng., Inc.", an angle of the herein described tract;

THENCE: S $58^{\circ}56'52"$ W, coincident with the northwest line of the above referenced remaining portion of a 110 acre tract, a distance of 645.18 feet to a set $\frac{1}{2}$ "

Exhibit B

iron pin set with a yellow plastic cap stamped "Ford Eng., Inc.", the south corner of the herein described tract;

THENCE: N 27°56'40" W, departing the northwest line of the above referenced remaining portion of a 110 acre tract, a distance of 16.01 feet to a set 1/2" iron pin set with a yellow plastic cap stamped "Ford Eng., Inc.", the east corner of the above referenced 64.381 acre tract, the south corner of the herein described tract;

THENCE: N 23°47'32" W, coincident with the above referenced 64.3810 acre tract a distance of 513.65 feet, to a found 36" diameter Live Oak Tree, the same tree referenced in the 64.381 acre tract as a 24" diameter Live Oak Tree, an angle of the herein tract;

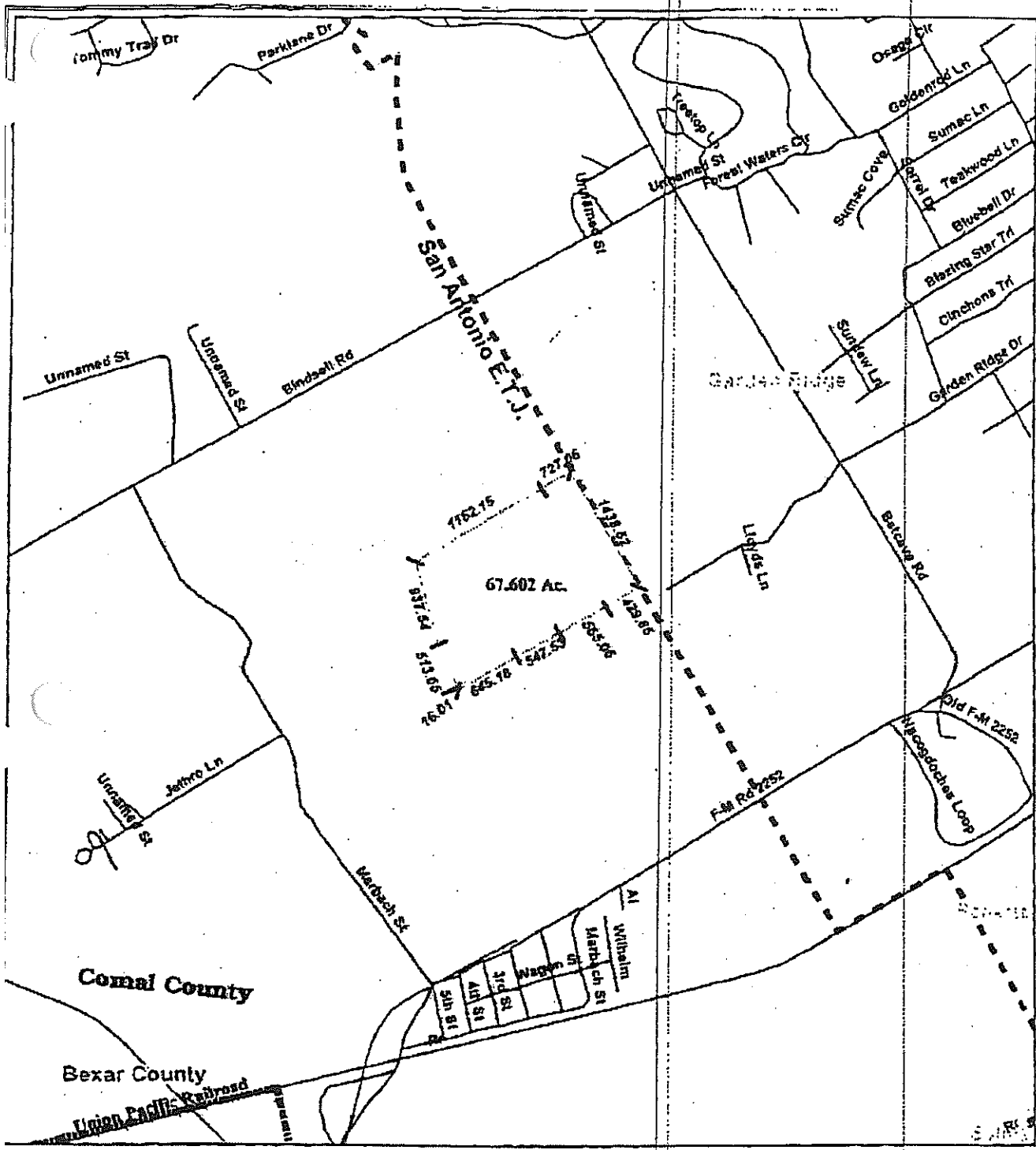
THENCE: N 15°17'41" W, coincident with the northeast line of the above referenced 64.381 acre tract, a distance of 937.54 feet (944.85 feet Deed), to the POINT OF BEGINNING, containing 67.602 acres, (2,944,760 square feet), according to a survey made under my supervision.

Bearings are based on the Texas State Plane Coordinate System, South Central Zone, North American Datum of 1983/93

Corresponding plat prepared



Edwin R. Ford
Edwin R. Ford, R.P.L.S. No. 2365



City of San Antonio
 San Antonio ETJ
 Cities and Towns
 Bexar County

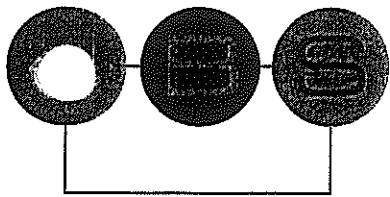
Map Source: City of San Antonio Encinitas GIS, Block Maps 911, each Address District
 Date: May 5, 2005
 File: C:\Arcview\arcview\911\902 AC-ETJ.mxd
 DP File: C:\Arcview\911\902 AC-ETJ.mxd

ETJ Release Requested by
City of Garden Ridge 5/26/05

**City of San Antonio
Planning Department**

 Paul H. Roseberry, M.A.S., AIA
 Director, Planning Department
 1504 S. Alamo
 San Antonio, TX 78202

Exhibit A



August 5, 2005

City of Garden Ridge
Ms. Nancy Cain, City Administrator
9357 Schoenthal Road
Garden Ridge, Texas 78266-1839

RE: Wild Wind
Annexation
67 Acres ("Property")(see attached survey)

Dear Ms. Cain,

It has been 11/2 years since the City Council approved the master plan for Wild Wind. As you know, a portion of that master plan lies outside the city limits and needs to be annexed. The "Property" had lied within the Extraterritorial Jurisdiction (ETJ) of San Antonio but on June 2, 2005 San Antonio released their ETJ, see-attached ordinance.

As the fee owner of Wild Wind I hereby petition the City of Garden Ridge to annex the "Property" into their city limits. Sales have exceeded our expectations in the first two units and we will begin the platting process for the third unit (60 lots) by October 2005 and start construction by early spring 2006. I have also attached a draft copy of a letter you could use as a guideline when contacting SAWS. They have gone through some changes and the gentleman that you contacted last fall is no longer in that department. The new contact is Mr. Dwayne Ruthburn at SAWS, (210)-704-7173. Should you have any questions regarding anything to do with this process please call Mayo Galindo. Any costs associated with the annexation will be paid by JBS Development.

Should you have any questions or need any other information please contact me. Thank you for your cooperation with this matter.

Sincerely,

Fritz W. Van Nest