

ORDINANCE NO. 24-A-10

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS PROVIDING FOR THE EXTENSION OF THE BOUNDARY LINES OF THE CITY OF SCHERTZ, TEXAS BY THE ANNEXATION OF APPROXIMATELY 7.7 ACRES OF LAND, A PORTION OF BEXAR COUNTY PROPERTY IDENTIFICATION NUMBER 339286, ALSO KNOWN AS 8215 TRAINER HALE ROAD, SCHERTZ, BEXAR COUNTY, TEXAS.

WHEREAS, the City Council of the City of Schertz (the “City”) has determined that it should annex the territory described on Exhibit A attached hereto and made a part hereof (the “Annexed Land”); and

WHEREAS, the Annexed Land is located entirely within the extraterritorial jurisdiction of the City, is contiguous to the corporate boundaries of the City (or is deemed to be contiguous, pursuant to Section 43.035(c) of the Texas Local Government Code, as amended), and may be annexed pursuant to Chapter 43 of the Texas Local Government Code, as amended; and

WHEREAS, Texas Local Government Code Section 43.028 authorizes the City of Schertz to extend its City limit boundaries through the voluntary annexation of area adjacent to those boundaries upon petition of a landowner; and

WHEREAS, a public hearing notice was published in the San Antonio Express News on January 31, 2024 for the hearing held on February 20, 2024, and notice was published in the San Antonio Express News on March 13, 2024 for the hearing on April 2, 2024; and

WHEREAS, on February 20, 2024 the City Council conducted a public hearing and after considering the request for voluntary annexation, adopted Resolution 24-R-07 accepting a petition for voluntary annexation; and

WHEREAS; the City Council finds that the Annexed Land is suitable, and it is in the best interest of the City and the citizens and inhabitants thereof that the Annexed Land be annexed to and made a part of the City.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS, THAT:

Section 1. The City hereby annexes the Land described in Exhibit A.

Section 2. The Annexed Land shall be included within the City’s corporate limits effective on the effective date of this Ordinance, and all taxable property in the Annexed

Land shall hereafter bear its pro rata part of the taxes levied by the City, subject to allowable exemptions.

Section 3. 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 Schertz, 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 Schertz, Texas.

Section 4. 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 5. The City manager is hereby authorized and directed to take appropriate action to have the official map of the City revised to reflect the additions to the City's Corporate Limits and the City Secretary is hereby authorized and directed to provide appropriate notice to the State of Texas and the County of Guadalupe of this annexation.

Section 6. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 7. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 8. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 9. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 10. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 11. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

Section 12. This Ordinance shall be cumulative of all other ordinances of the City of Schertz, and this Ordinance shall not operate to repeal or affect any other ordinances of the City of Schertz except insofar as the provisions thereof might be inconsistent or in conflict

with the provisions of this Ordinance, in which event such conflicting provisions, if any, are hereby repealed.

PASSED ON FIRST READING, the _____ of _____ 2024.

PASSED, APPROVED and ADOPTED ON SECOND READING, the _____ of _____, 2024.

CITY OF SCHERTZ, TEXAS

Ralph Gutierrez, Mayor

ATTEST:

Sheila Edmondson, City Secretary

(city seal)

Exhibit "A"
Property Description- Metes and Bounds

Exhibit "A" Property Description - Metes and Bounds



Field Notes for a Tract of Land Containing 7.678 acres (334,447.73 square feet) of land

A 7.678 acre (334,447.73 square feet) tract of land, situated in the Eligio Gortari Survey Number 2, Abstract Number 5, Bexar County, Texas, being all of a 6.496 acre tract as conveyed to HLH Properties, LLC, by Warranty Deed with Vendor's Lien as recorded in Document Number 20230226067, and all of a 1.182 acre tract as conveyed to HLH Properties, LLC, by Warranty Deed as recorded in Document Number 20230226071, both of the Official Public Records of Bexar County, Texas, said 7.678 acre (334,447.73 square feet) tract of land being more particularly described as follows:

Commencing at a found iron rod with a red plastic cap, having Texas State Plane Coordinates of N:13,729,126.04, E:2,016,609.51, being an interior corner on the southwesterly boundary of a 100.939 acre tract as conveyed to Allen Wiederstein, by Warranty Deed as recorded in Volume 7849, Page 1552, and being the north corner of Lot 23, Block 4, designated as a 13.662 acre Park/Open Space, as shown on plat of Hallies Cove Subdivision Unit 3, as recorded in Volume 20001, Pages 1525-1526, as conveyed to City of Schertz, Texas, by Special Warranty Deed as recorded in Document Number 20210200624, all of the Official Public Records of Bexar County, Texas;

Thence, with a southeast boundary of said 100.939 acre tract, being the northwest boundary of said Lot 23, Block 4, South 59 degrees 41 minutes 15 seconds West, passing a southwesterly corner of said 100.939 acre tract, being the east corner of the remainder of a 20 acre tract as conveyed to Joylene Schmoekel Herrera, by Executrix's Deed as recorded in Volume 6795, Page 1896, of the Official Public Records of Bexar County, Texas, and continuing said course with the southeast boundary of the remainder of said 20 acre tract, being the northwest boundary of said Lot 23, Block 4, for a total distance of 498.01 feet to the **Point of Beginning**, having Texas State Plane Coordinates of N:13,728,874.68, E:2,216,179.58, being the south corner of the remainder of said 20 acre tract, and being the east corner of both said 1.182 acre tract and of the herein described tract;

Thence, continuing with the northwest boundary of said Lot 23, being the southeast boundary of said 1.182 acre tract, South 59 degrees 41 minutes 15 seconds West, passing the south corner of said 1.182 acre tract, being the east corner of said 6.496 acre tract, and continuing said course with the northwest boundary of said Lot 23, being the southeast boundary of said 6.496 acre tract, for a total distance of 470.01 feet to a point, being an interior corner of said Hallies Cove Subdivision Unit 3, and being the south corner of both said 6.496 acre tract and of the herein described tract;

Thence, with the southwest boundary of said 6.496 acre tract, being the northeast boundary of said Hallies Cove Subdivision Unit 3, North 30 degrees 18 minutes 35 seconds West, passing the north corner of Lot 29, Block 4 as shown on said Hallies Cove Subdivision Unit 3, being the east corner of Lot 30, Block 4, as shown on plat of Hallies Cove Subdivision Unit 5, as recorded in Volume 20002, Pages 76-79, of the Official Public Records of Bexar County, Texas, and continuing said course with the northwest boundary of said Hallies Cove Subdivision Unit 5, being the southwest boundary of said 6.496 acre tract, for a total distance of 912.72 feet to a point, being an interior corner of said Hallies Cove Subdivision Unit 5, and being the west corner of both said 6.496 acre tract and of the herein described tract;

Thence, with a southeast boundary of said Hallies Cove Subdivision Unit 5, being the northwest boundary of said 6.496 acre tract, North 59 degrees 41 minutes 00 seconds East, passing the north corner of said 6.496 acre tract, being the west corner of said 1.182 acre tract, and continuing said course with a southeast boundary of said

Exhibit "A" Property Description - Metes and Bounds

Hallies Cove Subdivision Unit 5, being the northwest boundary of said 1.182 acre tract, for a total distance of 323.00 feet to a point, being the south corner of a 69.4 acre tract as conveyed to Joylene Schmoekel Herrera, by said Executrix's Deed as recorded in Volume 6795, Page 1896, being the southeast corner of said Lot 4, Block 10, and being an angle point in the northwest boundary of both said 1.182 acre tract and of the herein described tract;

Thence, with the southeast boundary of said 69.4 acre tract, being the northwest boundary of said 1.182 acre tract, North 59 degrees 43 minutes 43 seconds East, a distance of 22.00 feet to a point, being the west corner of the remainder of said 20 acre tract, and being the north corner of both said 1.182 acre tract and of the herein described tract;

Thence, leaving the southeast boundary of said 69.4 acre tract, with the southwesterly boundary of the remainder of said 20 acre tract, being the northeasterly boundary of said 1.182 acre tract, the following two (2) courses:

South 30 degrees 18 minutes 35 seconds East, a distance of 599.85 feet to a point, being an angle point in the herein described tract;

South 52 degrees 05 minutes 24 seconds East, a distance of 336.92 feet to the **Point of Beginning**, containing 7.678 acres (334,447.73 square feet) of land.

Note: Basis of bearings and coordinates cited were established from the State Plane Coordinate System, North American Datum of 1983, Texas South Central Zone. An exhibit of even date was prepared for this description.




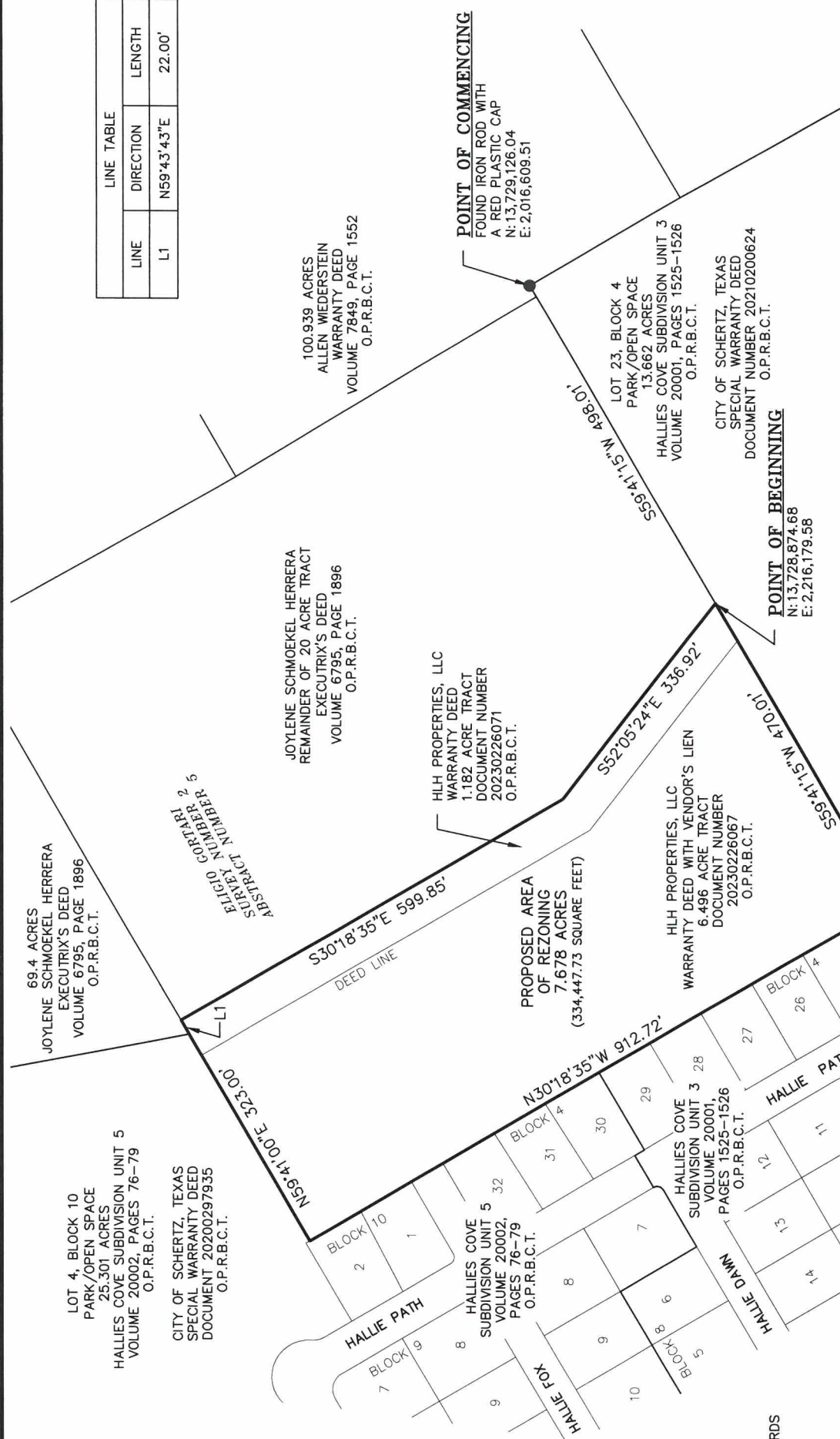

Stephanie L. James, R.P.L.S.
Registered Professional Land Surveyor
No. 5950
Date: 2024-01-23 Job No. 23164
ZDI

Exhibit "A" Property Description - Metes and Bounds

LINE TABLE		
LINE	DIRECTION	LENGTH
L1	N59°43'43"E	22.00'



ZONING EXHIBIT OF

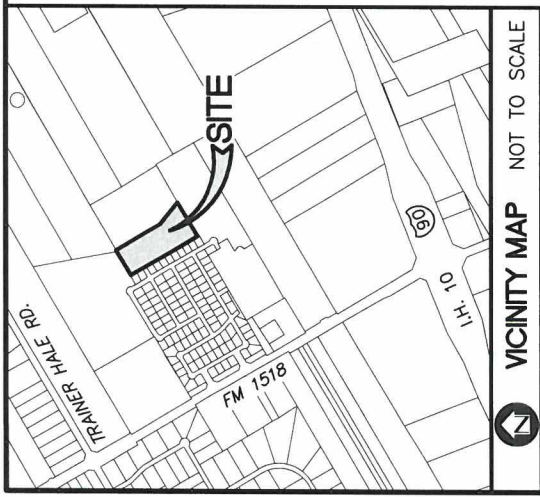
A 7.678 ACRE (334,447.73 SQUARE FEET) TRACT OF LAND, SITUATED IN THE ELIGIO GORTARI SURVEY NUMBER 2, ABSTRACT NUMBER 5, BEXAR COUNTY, TEXAS, BEING ALL OF A 6.496 ACRE TRACT AS CONVEYED TO HLH PROPERTIES, LLC, BY WARRANTY DEED WITH VENDOR'S LIEN AS RECORDED IN DOCUMENT NUMBER 20230226067, AND ALL OF A 1.182 ACRE TRACT AS CONVEYED TO HLH PROPERTIES, LLC, BY WARRANTY DEED AS RECORDED IN DOCUMENT NUMBER 20230226071, BOTH OF THE OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS.



Stephanie L. James

GENERAL NOTES:

- 1) BASIS OF BEARINGS AND COORDINATES CITED WERE ESTABLISHED FROM THE STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983, TEXAS SOUTH CENTRAL ZONE.
- 2) ONLY THOSE COPIES WHICH BEAR AN ORIGINAL INK IMPRESSION SEAL AND AN ORIGINAL SIGNATURE OF THE SURVEYOR WILL BE CONSIDERED A "VALID" COPY. MOY TARIN RAMIREZ ENGINEERS, LLC., WILL NOT BE RESPONSIBLE FOR THE CONTENT OF ANYTHING OTHER THAN A VALID COPY OF THIS SURVEY.
- 3) A FIELD NOTE DESCRIPTION OF EVEN DATE WAS PREPARED FOR THIS EXHIBIT.



LEGEND:

O.P.R.B.C.T. OFFICIAL PUBLIC RECORDS
BEXAR COUNTY TEXAS



Moy Tarin Ramirez Engineers, LLC

TBPELS ENGINEERING F-5297/SURVEYING NO. 10131500
12770 CIMARRON PATH, SUITE 100 TEL: (210) 698-5051
SAN ANTONIO, TEXAS 78249 FAX: (210) 698-5085

Exhibit "B"
Service Plan- To be Executed Prior to Final
Reading

CITY OF SCHERTZ, TEXAS

ANNEXATION SERVICE PLAN

AREA ANNEXED

An approximately 7.7 acre (334,447.73 square feet) tract of land, situated in the Eligion Gortari Survey Number 2, Abstract Number 5, Bexar County, Texas, being all of a 6.496 acres tract as conveyed to HLH Properties, LLC, by Warranty Deed with Vendor's Lien as recorded in Document Number 20230226067, and all of a 1.182 acre tract as conveyed to HLH Properties, LLC, by Warranty Deed as recorded in Document Number 20230226071, both of the Official Public Records of Bexar County, Texas.

See Exhibit A, "*Metes and Bounds Description*", attached hereto for a complete description of the property.

INTRODUCTION

This service plan has been prepared in accordance with Local Government Code Section 43.056. Municipal facilities and services to the annexed area described above will be provided or made available on behalf of the city at the following levels and in accordance with the following schedule:

POLICE PROTECTION

Patrolling, responses to calls, and other police services will be provided on the effective date of the annexation at the same level as provided throughout the city.

FIRE PROTECTION AND FIRE PREVENTION

Fire protection and fire prevention services will be provided on the effective date of the annexation at the same level as provided throughout the city.

EMERGENCY MEDICAL SERVICES

Emergency medical services will be provided on the effective date of the annexation on the same basis and at the same level as provided throughout the city.

SOLID WASTE COLLECTION AND DISPOSAL

Solid waste collection and disposal services will be provided on the effective date of the annexation on the same basis and at the same level as provided throughout the city. However, no obligation exists for the city to provide solid waste collection services to a person who continues to use the services of a privately owned solid waste management service provider.

OPERATION AND MAINTENANCE OF WATER AND WASTEWATER FACILITIES THAT ARE NOT WITHIN THE SERVICE AREA OF ANOTHER WATER OR WASTEWATER UTILITY

Operation and maintenance of water and wastewater facilities that are not within the service area of another water or wastewater utility will be provided on the effective date of the annexation on the same basis and at the same level as provided throughout the city.

Development within the annexed property will pay a fee equal to the sewer capital recovery fee that would be assessed and collected per CHAPTER 90, Article V WATER AND WASTEWATER CAPITAL RECOVER FEES and as amended, as if the property was in the established service area City of Schertz.

OPERATION AND MAINTENANCE OF ROADS AND STREETS

Operation and maintenance of roads and streets will be provided on the effective date of the annexation on the same basis and at the same level as provided throughout the city.

STREET LIGHTING

Street lighting will be made available on the effective date of the annexation on the same basis and at the same level in comparable areas as provided throughout the city.

OPERATION AND MAINTENANCE OF PUBLIC PARKS AND OTHER PUBLICLY OWNED FACILITIES

If any public park, playground, swimming pool, or any other publicly owned facility, building or service is located within the annexed area, it will be maintained on the effective date of the annexation on the same basis and at the same level as similar facilities are maintained throughout the city.

OTHER SERVICES

Other services that may be provided by the city such as planning, code enforcement, animal control, library, park and recreation, court, and general administration will be made available on the effective date of the annexation on the same basis and at the same level as provided throughout the city.

CAPITAL IMPROVEMENTS

The city will make available to the annexed area any necessary water, sewer, street, and drainage facilities within two and one-half (2-1/2) years of the effective date of the annexation unless the construction of the necessary facilities is interrupted by circumstances beyond the control of the city, or unless this period is extended by an arbitration decision. No impact fees will be charged to any developer or landowner within the annexed area except in conformity with Local Government Code Ch. 395. Construction of other capital improvements shall be considered by the city in the future as the needs dictate on the same basis as such capital improvements are considered throughout the city.

UNIFORM LEVEL OF SERVICES MAY NOT BE REQUIRED

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 area, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

TERM

This service plan shall be valid for a term of ten (10) years.

AMENDMENTS

The plan shall not be amended unless public hearings are held in accordance with Local Government Code Section 43.0561.

AGREEMENT

I desire to enter into this written agreement for municipal services with the City of Schertz pursuant to Section 43.0672 of the Local Government Code. I certify that I was offered a development agreement pursuant to Section 43.016 of the Local Government Code and still requested annexation. I certify that this petition is signed and duly acknowledged by each and every person, corporation, or entity having an ownership interest in said Property.

OWNER(S): (add additional signature lines for each owner)

Signature: _____ Print Name: _____

NOTARY ACKNOWLEDGEMENT

STATE OF TEXAS §
 §
COUNTY OF _____§

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed on behalf of the Owner.

Given under my hand and seal of office this _____ day of _____, 2024.

(SEAL)

NOTARY PUBLIC in and for the
STATE OF TEXAS

Printed Name
My commission expires: _____

Exhibit "B" Service Plan- To be executed prior to final reading

Exhibit A

Metes and Bounds Description

APPROXIMATELY 7.7 acres



Field Notes for a Tract of Land
Containing 7.678 acres (334,447.73 square feet) of land

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Thence, with a southeast boundary of said 100.939 acre tract, being the northwest boundary of said Lot 23, Block 4, South 59 degrees 41 minutes 15 seconds West, passing a southwesterly corner of said 100.939 acre tract, being the east corner of the remainder of a 20 acre tract as conveyed to Joylene Schmoekel Herrera, by Executrix's Deed as recorded in Volume 6795, Page 1896, of the Official Public Records of Bexar County, Texas, and continuing said course with the southeast boundary of the remainder of said 20 acre tract, being the northwest boundary of said Lot 23, Block 4, for a total distance of 498.01 feet to the **Point of Beginning**, having Texas State Plane Coordinates of N:13,728,874.68, E:2,216,179.58, being the south corner of the remainder of said 20 acre tract, and being the east corner of both said 1.182 acre tract and of the herein described tract;

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Exhibit "A" Metes and Bounds Description

Hallies Cove Subdivision Unit 5, being the northwest boundary of said 1.182 acre tract, for a total distance of 323.00 feet to a point, being the south corner of a 69.4 acre tract as conveyed to Joylene Schmoekel Herrera, by said Executrix's Deed as recorded in Volume 6795, Page 1896, being the southeast corner of said Lot 4, Block 10, and being an angle point in the northwest boundary of both said 1.182 acre tract and of the herein described tract;

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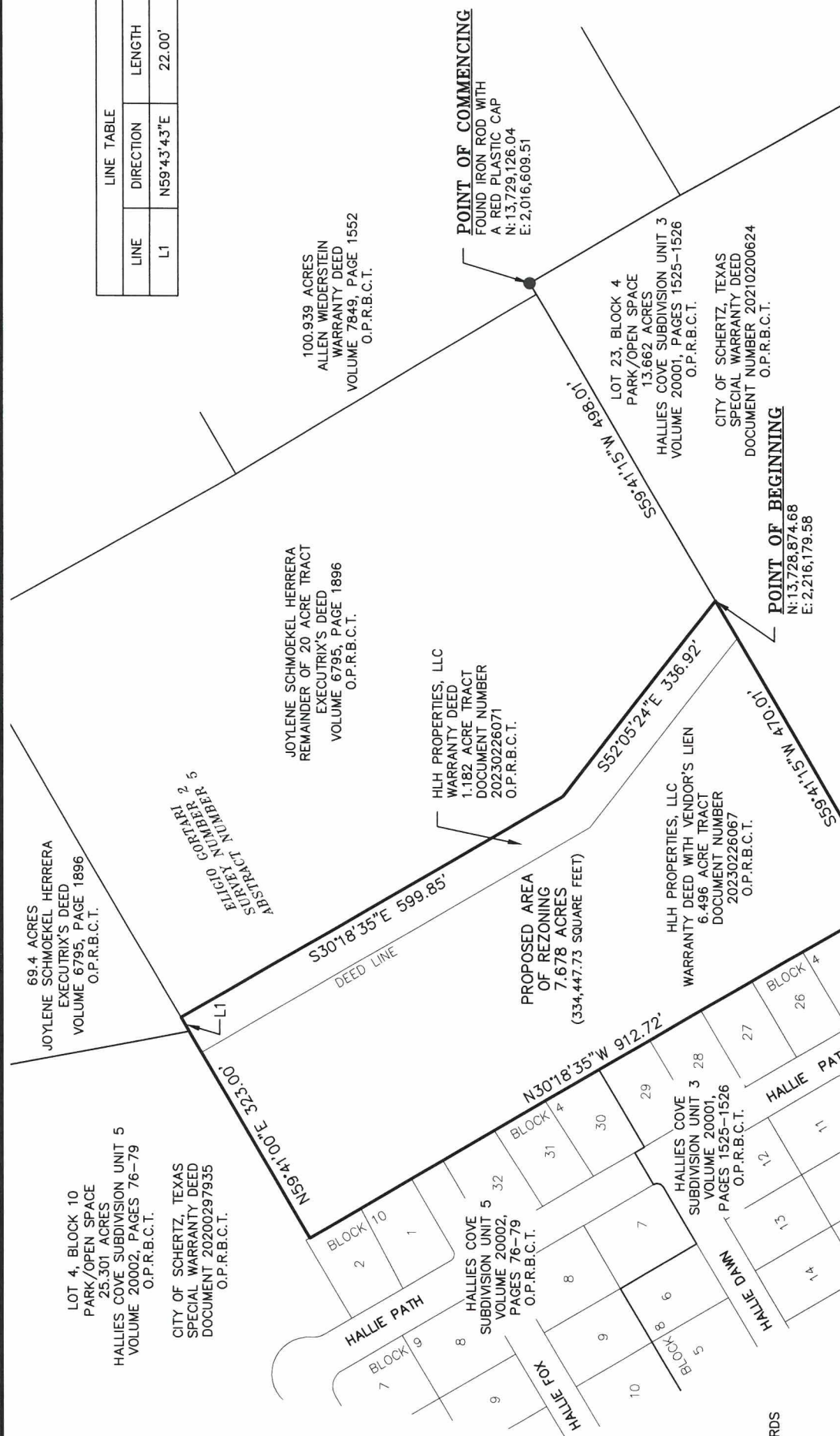
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Stephanie L. James
Stephanie L. James, R.P.L.S.
Registered Professional Land Surveyor
No. 5950
Date: 2024-01-23 Job No. 23164
ZDI

Exhibit "A" Metes and Bounds Description

LINE TABLE		
LINE	DIRECTION	LENGTH
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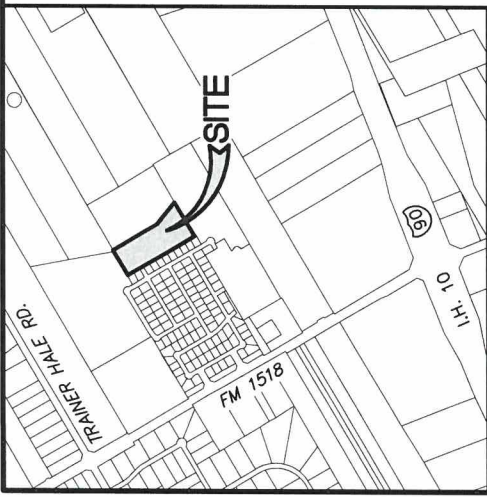


Stephanie L. James

ZONING EXHIBIT OF

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DATE: 2024-01-23
 JOB NO. 23164



VICINITY MAP NOT TO SCALE



LEGEND:
 O.P.R.B.C.T. OFFICIAL PUBLIC RECORDS
 BEXAR COUNTY TEXAS

MTR
 • Engineers
 • Surveyors
 • Planners

Moy Tarin Ramirez Engineers, LLC
 TBPELS ENGINEERING F-5297/SURVEYING NO. 10131500
 12770 CIMARRON PATH, SUITE 100 TEL: (210) 698-5051
 SAN ANTONIO, TEXAS 78249 FAX: (210) 698-5085

GENERAL NOTES:

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