



Control Number: 45702



Item Number: 149

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SOAH DOCKET NO. 473-16-5296.WS  
PUC DOCKET NO. 45702

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APPLICATION OF THE CITY OF	§	
CIBOLO FOR SINGLE	§	PUBLIC UTILITY COMMISSION
CERTIFICATION IN INCORPORATED	§	
AREA AND TO DECERTIFY PORTIONS	§	
OF GREEN VALLEY SPECIAL	§	OF TEXAS
UTILITY DISTRICT'S SEWER	§	
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY IN GUADALUPE	§	
COUNTY	§	
	§	

CITY OF CIBOLO'S SECOND SUPPLEMENT TO APPLICATION

COMES NOW the City of Cibolo (the "City"), by and through its undersigned attorneys of record, and hereby supplements its above-referenced application in this Docket, which was filed with the Public Utility Commission (the "Commission") on March 8, 2016, to provide the following additional information:

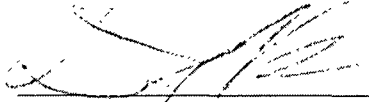
Attachment A: Certified copies of City Ordinances Annexing property into the corporate limits of the City.

The City respectfully requests that Commission grant its application and such other and further relief to which it may be entitled.

Respectfully submitted,

**LLOYD GOSSELINK ROCHELLE  
& TOWNSEND, P.C.**

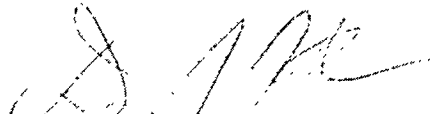
816 Congress Avenue, Suite 1900  
Austin, Texas 78701  
(512) 322-5800  
(512) 472-0532 (Fax)

  
\_\_\_\_\_  
DAVID J. KLEIN  
State Bar No. 24041257  
dklein@lglawfirm.com

ATTORNEY FOR THE CITY OF CIBOLO

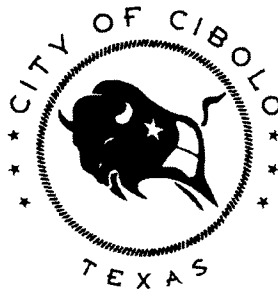
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was transmitted by fax, hand-delivery and/or regular, first class mail on this 24<sup>th</sup> day of August, 2017 to the parties of record in accordance with 16 Tex. Admin. Code § 22.74.

  
\_\_\_\_\_  
David J. Klein

## Attachment A

City Ordinance No. 852  
City Ordinance No. 907  
City Ordinance No. 942  
City Ordinance No. 960  
City Ordinance No. 962  
City Ordinance No. 968  
City Ordinance No. 997  
City Ordinance No. 999  
City Ordinance No. 1084



"City of Choice"

### CERTIFICATE OF CITY SECRETARY

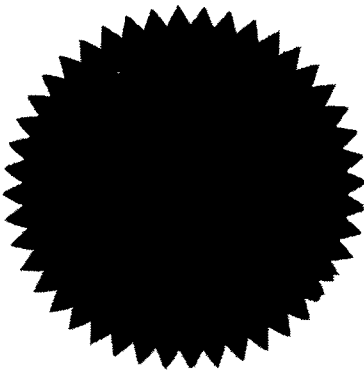
I, the undersigned City Secretary of the City of Cibolo, Texas (the "City"), certify that the attached is a true and correct copy of the City of Cibolo Ordinance No.852 adopted by the City Council on June 24, 2008.

CITY OF CIBOLO, TEXAS



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Peggy Cimics  
City Secretary



ORDINANCE NO. 852

**PROVIDING FOR THE EXTENSION OF CIBOLO, TEXAS CITY LIMITS BY THE ANNEXATION OF A TRACT OF LAND CONTAINING 374.21 ACRES GENERALLY LOCATED SOUTH OF COUNTRY LANE, EAST OF HAECKERVILLE ROAD, NORTH OF LOWER SEGUIN ROAD, ADJACENT TO THE EXISTING CITY LIMITS OF THE CITY OF CIBOLO, GUADALUPE COUNTY, TEXAS; AND APPROVING A SERVICE PLAN AS AMENDED FOR SUCH AREAS.**

**WHEREAS**, Texas Local Government Code section 43.021 authorizes the City of Cibolo, as a home-rule municipality, to extend its City limit boundaries through the annexation of area adjacent to those boundaries; and

**WHEREAS**, section 1.03 of the City Charter of the City of Cibolo provides that the City Council has authority by ordinance to fix the City limit boundaries, provide for the alteration and extension of said boundaries, and annex additional territory lying adjacent to said boundaries in any manner provided by law; and

**WHEREAS**, Texas Local Government Code section 43.052(h)(1) provides that an area proposed for annexation containing fewer than one hundred (100) separate tracts of land on which one or more residential dwellings are located on each tract is exempted from the state law requirement that an area proposed for annexation first be identified in an annexation plan; and

**WHEREAS**, the areas described herein contain fewer than one hundred (100) separate tracts of land on which one or more residential dwellings are located on each tract and are, therefore, exempted from the above-described annexation plan requirement; and

**WHEREAS**, on the 27<sup>th</sup> day of May, 2008 and the 29<sup>th</sup> day of May, 2008, the City Council of the City of Cibolo, Texas held public hearings on the proposed annexation of a tract of land containing 374.21 acres, situated outside of, but immediately adjacent to, the current corporate limits of the City of Cibolo, 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 referenced public hearings was published in The Seguin Gazette on May 16, 2008, a newspaper having general circulation in the City of Cibolo, Texas and within the territory to be annexed, in accordance with law; and

**WHEREAS**, the proposed service plan was made available for public inspection and explained to the inhabitants of the area at the public hearings held; 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 Cibolo, Texas is in excess of 11,000 inhabitants, and the area to be annexed lies within the extraterritorial jurisdiction of the City of Cibolo, Texas, and lies adjacent to and adjoins the City of Cibolo, Texas.

**NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CIBOLO, TEXAS:**

**SECTION 1.** The land and territory lying outside of, but adjacent to and adjoining the City of Cibolo, Texas, more particularly described as those portions of the tracts of land described in Exhibit 'A', attached hereto and incorporated herein by reference, is hereby added and annexed to the City of Cibolo, 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 Exhibits 'A', are altered and amended so as to include said areas within the corporate limits of the City of Cibolo, Texas.

**SECTION 2.** The land and territory more particularly described as those portions of the tracts of land described in Exhibit 'A', attached hereto and incorporated herein by reference, shall be part of the City of Cibolo, 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 Cibolo, Texas.

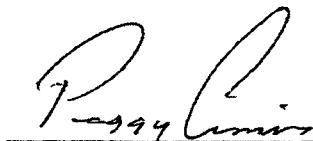
**SECTION 3.** An amended service plan outlining the provisions of necessary municipal service to the properties described in Exhibit 'A' is hereby approved and the implementation of said plan is hereby authorized. Such plan is attached hereto and incorporated herein as Exhibit 'B'.

**SECTION 4.** This ordinance shall be effective from and after June 24, 2008.

**PASSED AND APPROVED** this, the 24<sup>th</sup> day of June 2008.

  
JENNIFER HARTMAN, MAYOR

ATTEST:

  
PEGGY CIMICS, CITY SECRETARY

**EXHIBIT 'A'**

**Tract G**

**BEGINNING:** At a point on Park Valley Drive and adjacent to the City Limit line of the City of Cibolo, Guadalupe County, Texas.

**THENCE:** NORTH 58° 23' 32" EAST, a distance of 877.92 to a point;  
NORTH 32° 30' 07" WEST, a distance of 348.40 to a point;  
NORTH 58° 43' 07" EAST, a distance of 925.51 to a point;  
SOUTH 31° 38' 34" EAST, a distance of 920.04 to a point;  
SOUTH 58° 33' 16" WEST, a distance of 319.26 to a point;  
NORTH 71° 20' 04" WEST, a distance of 205.02 to a point;  
NORTH 85° 25' 39" WEST, a distance of 78.21 to a point;  
SOUTH 86° 29' 49" WEST, a distance of 311.93 to a point;

**THENCE:** NORTH 34° 06' 11" WEST, a distance of 228.36 to the point of beginning and containing 70.40 Acres more or less.

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**Tract I**

**BEGINNING:** At a point of on Haeckerville Road within the ETJ of the City of Cibolo, Guadalupe County, Texas.

**THENCE:** NORTH 31° 15' 04" WEST, a distance of 184.66 to a point;  
NORTH 57° 38' 59" EAST, a distance of 229.13 to a point;  
SOUTH 31° 09' 27" EAST, a distance of 186.80 to a point;

**THENCE:** SOUTH 57° 44' 56" WEST, a distance of 228.79 to the point of beginning and containing 5.10 Acres more or less.

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**Tract J**

**BEGINNING:** At a point along Haeckerville Road in the ETJ of the City of Cibolo, Guadalupe County, Texas.

**THENCE:** NORTH 33° 04' 29" WEST, a distance of 108.46 to a point;  
NORTH 58° 15' 59" EAST, a distance of 108.46 to a point;  
SOUTH 33° 04' 29" EAST, a distance of 108.46 to a point;

**THENCE:** SOUTH 58° 15' 59" WEST, a distance of 108.46 to the point of beginning and containing .27 Acres more or less.

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**Tract K**

**BEGINNING:** At the intersection of Arizpe Road and Haeckerville Road and residing within the ETJ of the City of Cibolo, Guadalupe County, Texas.

**THENCE:** Continuing along Arizpe Road, NORTH 58° 24' 10" EAST, a distance of 274.47 to a point;



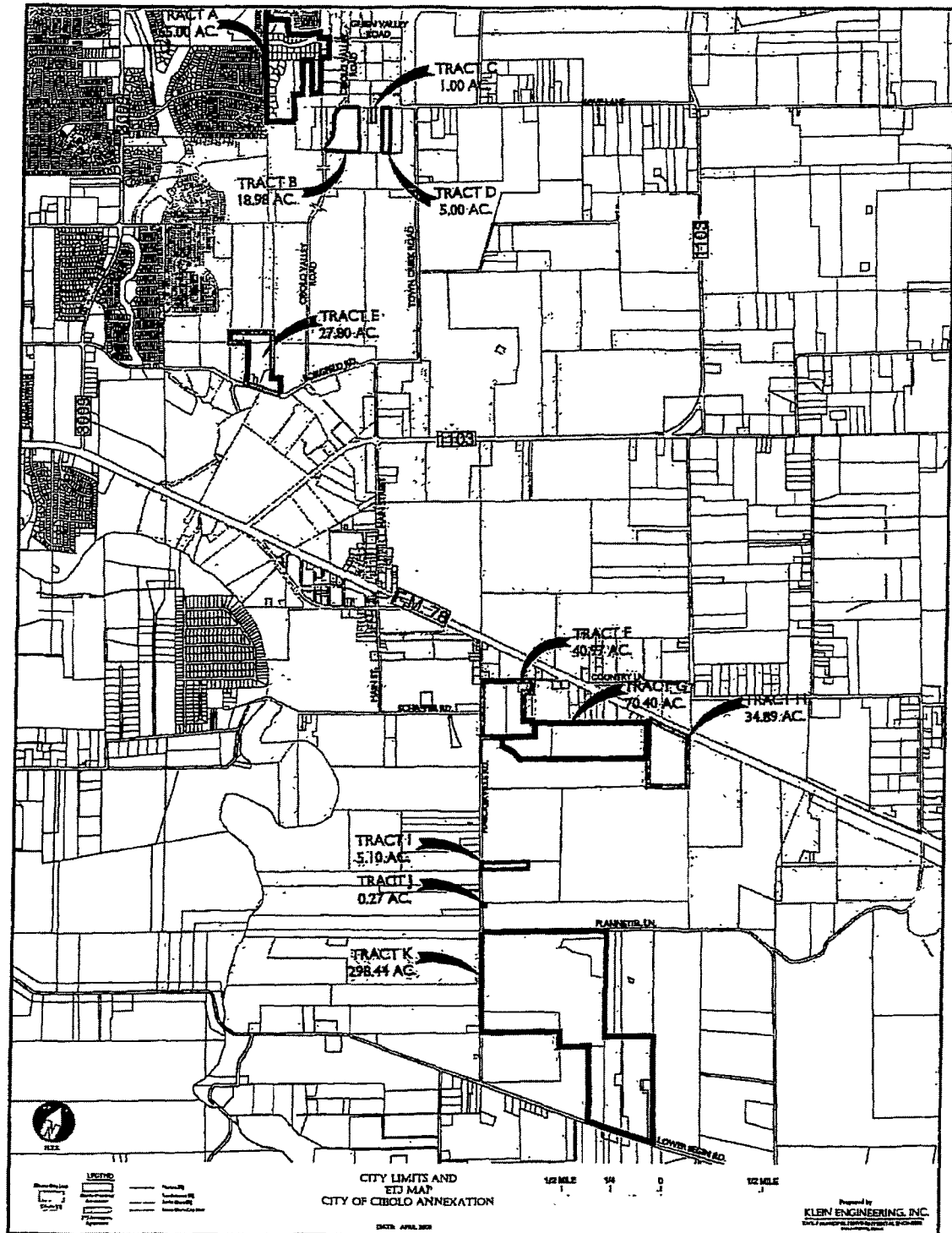
SOUTH 30° 48' 15" EAST, a distance of 763.39 to a point;  
NORTH 58° 54' 22" EAST, a distance of 265.84 to a point;  
SOUTH 31° 39' 21" EAST, a distance of 779.03 to a point on Lower Seguin Road;

**THENCE:** Along Lower Seguin Road, SOUTH 77° 24' 42" WEST, and continuing a distance of 787.79 to a point;

**THENCE:** NORTH 31° 17' 30" WEST, a distance of 959.40 to a point;  
SOUTH 57° 39' 46" WEST, a distance of 785.46 to a point;  
NORTH 33° 13' 35" WEST, a distance of 392.36 to a point;  
SOUTH 58° 23' 43" WEST, a distance of 2023.30 to a point on Haeckerville Road;

**THENCE:** Continuing NORTH 31° 42' 33" WEST on Haeckerville Road, for a distance of 629.81 to the point of beginning at the intersection of Arizpe Road and Haeckerville Road and containing 298.44 Acres more or less.

**EXHIBIT 'A'**



## EXHIBIT 'B'

### 2008 ANNEXATION PROGRAM CITY OF CIBOLO, TEXAS

#### **SERVICE PLAN FOR 2008 ANNEXATION**

Upon annexation of the area identified above the City of Cibolo will provide City services utilizing methods by which it extends services to any other equivalent area of the City.

#### **SERVICES PROVIDED BY THE EFFECTIVE DATE OF ANNEXATION**

1. **Police Protection**

The City of Cibolo, Texas and its Police Department will provide police protection to newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed areas. The Police Department will have the responsibility to respond to all dispatched calls for service or assistance within the newly annexed areas.

2. **Fire Protection and Emergency Medical Services**

The City of Cibolo, Texas contracts with the Cibolo Volunteer Fire Department and will provide fire protection to newly annexed areas through that contract at the same or similar level of service now being provided to other areas of the City, with like topography, land use and population density as those found within the newly annexed areas.

The City of Cibolo, Texas contracts with the City of Schertz for EMS services and will provide EMS services through that contract to newly annexed areas at the same or similar level of service now being provided to other areas of the City, with like topography, land use and population density as those found within the newly annexed areas.

3. **Maintenance of Water and Wastewater Facilities**

All of the newly annexed properties are within either the water service area of Green Valley Special Utility District or Cibolo Water District.

All of the newly annexed properties are within either the wastewater service area of Green Valley Special Utility District or Cibolo Water District.

All water/wastewater facilities owned or maintained by the City of Cibolo at the time of the proposed annexation shall continue to be maintained by the City of Cibolo. All water/wastewater facilities which may be acquired subsequent to the annexation of the proposed areas shall be maintained by the City of Cibolo to the extent of its ownership. The now existing water/wastewater mains at existing locations shall be available for the point of use extension based upon the City of Cibolo standard extension policy now existing or as may be amended. On-site sewerage systems may be maintained in accordance with the City's Code of Ordinances.

4. **Solid Waste Collection**

The City of Cibolo, Texas contracts for the collection of solid waste and refuse within the corporate limits of the City with Waste Management. Solid waste collection will be provided to citizens in the newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and density as those found within the newly annexed areas. The

City may negotiate with annexed areas to allow continued services with an existing solid waste management provider. After the second anniversary of the annexation date, the City will impose fees and provide the service.

If areas with private roads and/or gates are arranged so that garbage may be collected without creating a safety hazard, the City, at its discretion, may collect the garbage provided proper indemnification is received from the community association or individual property owners. The City will then impose fees and provide the service. Garbage collection locations shall be subject to the approval of the Sanitation Manager. In the event the City does not collect garbage within the areas with private roads and/or gates, residents of these areas will not be billed for service after the two-year date.

5. **Maintenance of Roads and Streets**

Any and all public roads, streets or alleyways shall be maintained to the same degree and extent that other public roads, streets, and alleyways are maintained in areas of the City with like topography, land use and density as those found within the newly annexed areas. Private roads will remain under the ownership of the homeowners association and as such maintained by the association.

6. **Maintenance of Parks, Playgrounds, and Swimming Pools**

The City of Cibolo, Texas is not aware of the existence of any publicly owned parks, playgrounds or swimming pools now located in the proposed areas of annexation. In the event any such parks, playgrounds, or swimming pools do exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed areas. Private facilities will remain under the ownership of the homeowners association and as such maintained by the association.

7. **Maintenance of any Publicly owned Facility, Building or Municipal Service**

The City of Cibolo, Texas is not aware of the existence of any publicly owned facility, building, or other municipal service now located in the proposed areas of annexation. In the event any publicly owned facility, building, or other municipal service does exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed areas.

8 **Other Services**

The City of Cibolo, Texas finds and determines that such services as planning, code enforcement, animal control, library, parks and recreation, court and general administration will be made available after the effective date of annexation at the same or similar level of service now being provided to other areas of the City with similar topography, land use and density as those found within the newly annexed areas.

**CONSTRUCTION OF ANY CAPITAL IMPROVEMENTS TO BE COMPLETED WITHIN 2 ½ YEARS**

1 **Police and Fire Protection and Solid Waste Collection**

The City of Cibolo, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas for the purpose of providing police protection, fire protection, emergency medical services or solid waste collection. The City finds and determines that it has at the present time adequate facilities and other resources to provide the same type, kind and level of service and protection which is presently

being administered to other areas already incorporated in the City of Cibolo, Texas with like topography, land use and population density as those found within the newly annexed areas.

2. **Water/Wastewater Facilities**

For the next 2 ½ years, Cibolo finds and determines that there is sufficient capacity for wastewater to provide services to the annexed areas pursuant to the City of Cibolo's extension policies. The construction of any capital improvements for water and wastewater services to an annexed area will be completed pursuant to the City's infrastructure extension policies.

3. **Roads and Streets**

The City of Cibolo, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas.

4. **Maintenance of Parks, Playgrounds, and Swimming Pools and Any Other Publicly Owned Facility, Building, or Service**

The City of Cibolo, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas for the purpose of parks maintenance, playgrounds, swimming pools and other publicly owned facility, building or service.

5. **Maintenance of Current Septic System**

Any resident who currently utilizes a septic system to manage wastewater shall be entitled to continue said system except for the following:

Should a septic system located within 500-feet of an existing sewer main fail to the point where repair costs will exceed the cost of replacement, the property owner shall be required to connect to the sewer system.

**SPECIFIC FINDINGS**

The City of Cibolo, Texas, finds and determines that this proposed service plan will not provide any fewer services and will not provide a lower level of service in the areas being considered for annexation that were in existence in the proposed areas at the time immediately preceding the annexation process. Given the proposed annexation areas' topography, land utilization and population density, the service levels to be provided in the newly annexed areas will be equivalent to those provided to other areas of the City with similar characteristics.

**TERMS**

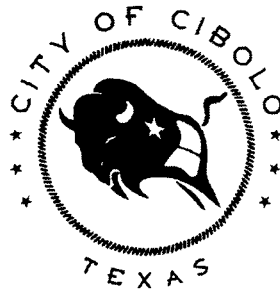
This plan shall be valid for a term of ten (10) years. Renewal of the Service Plan is at the discretion of the City of Cibolo.

**LEVEL OF SERVICE**

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

**AMENDMENTS**

The plan shall not be amended unless public hearings are held in accordance with Chapter 43 of the Texas Local Government Code.



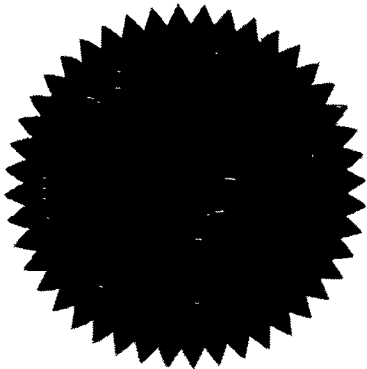
"City of Choice"

### CERTIFICATE OF CITY SECRETARY

I, the undersigned City Secretary of the City of Cibolo, Texas (the "City"), certify that the attached is a true and correct copy of the City of Cibolo Ordinance No.907 adopted by the City Council on July 28, 2009.

CITY OF CIBOLO, TEXAS

Peggy Cimics  
City Secretary



**ORDINANCE NO. 907**

**PROVIDING FOR THE EXTENSION OF CIBOLO, TEXAS CITY LIMITS BY THE ANNEXATION OF A TRACT OF LAND CONTAINING 365.719 ACRES GENERALLY LOCATED WITHIN THE CITY OF CIBOLO'S EXTRATERRITORIAL JURISDICTION (ETJ), GENERALLY LOCATED SOUTH OF LOWER SEGUIN ROAD AND EXTENDING PASS INTERSTATE 10 AT THE POINT ADJACENT TO THE EXISTING CITY LIMIT LINE OF THE CITY OF CIBOLO, GUADALUPE COUNTY, TEXAS; AND APPROVING A SERVICE PLAN AS AMENDED FOR SUCH AREAS.**

**WHEREAS**, Texas Local Government Code section 43.021 authorizes the City of Cibolo, as a home-rule municipality, to extend its City limit boundaries through the annexation of area adjacent to those boundaries; and

**WHEREAS**, section 1.03 of the City Charter of the City of Cibolo provides that the City Council has authority by ordinance to fix the City limit boundaries, provide for the alteration and extension of said boundaries, and annex additional territory lying adjacent to said boundaries in any manner provided by law; and

**WHEREAS**, Texas Local Government Code section 43.052(h)(1) provides that an area proposed for annexation containing fewer than one hundred (100) separate tracts of land on which one or more residential dwellings are located on each tract is exempted from the state law requirement that an area proposed for annexation first be identified in an annexation plan; and

**WHEREAS**, the areas described herein contain fewer than one hundred (100) separate tracts of land on which one or more residential dwellings are located on each tract and are, therefore, exempted from the above-described annexation plan requirement; and

**WHEREAS**, on the 23<sup>rd</sup> day of June, 2009; the 25<sup>th</sup> day of June, 2009; the 6<sup>th</sup> day of July, 2009, and the 7<sup>th</sup> day of July, 2009, the City Council of the City of Cibolo, Texas held public hearings on the proposed annexation of a tract of land containing 365.719 acres, situated outside of, but immediately adjacent to, the current corporate limits of the City of Cibolo, 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 referenced public hearings was published in The Seguin Gazette on June 12, 2009, a newspaper having general circulation in the City of Cibolo, Texas and within the territory to be annexed, in accordance with law; and

**WHEREAS**, the proposed service plan was made available for public inspection and explained to the inhabitants of the area at the public hearings held; and

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

**WHEREAS**, the population of the City of Cibolo, Texas is in excess of 11,000 inhabitants, and the area to be annexed lies within the extraterritorial jurisdiction of the City of Cibolo, Texas, and lies adjacent to and adjoins the City of Cibolo, Texas.

**NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CIBOLO, TEXAS:**

**SECTION 1.** The land and territory lying outside of, but adjacent to and adjoining the City of Cibolo, Texas, more particularly described as those portions of the tracts of land described in Exhibit 'A', attached hereto and incorporated herein by reference, is hereby added and annexed to the City of Cibolo, 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 Exhibits 'A', are altered and amended so as to include said areas within the corporate limits of the City of Cibolo, Texas.

**SECTION 2.** The land and territory more particularly described as those portions of the tracts of land described in Exhibit 'A', attached hereto and incorporated herein by reference, shall be part of the City of Cibolo, 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 Cibolo, Texas.

**SECTION 3.** A service plan outlining the provisions of necessary municipal service to the properties described in Exhibit 'B' 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 July 28, 2009.

**PASSED AND APPROVED** this, the 28<sup>th</sup> day of July, 2009.

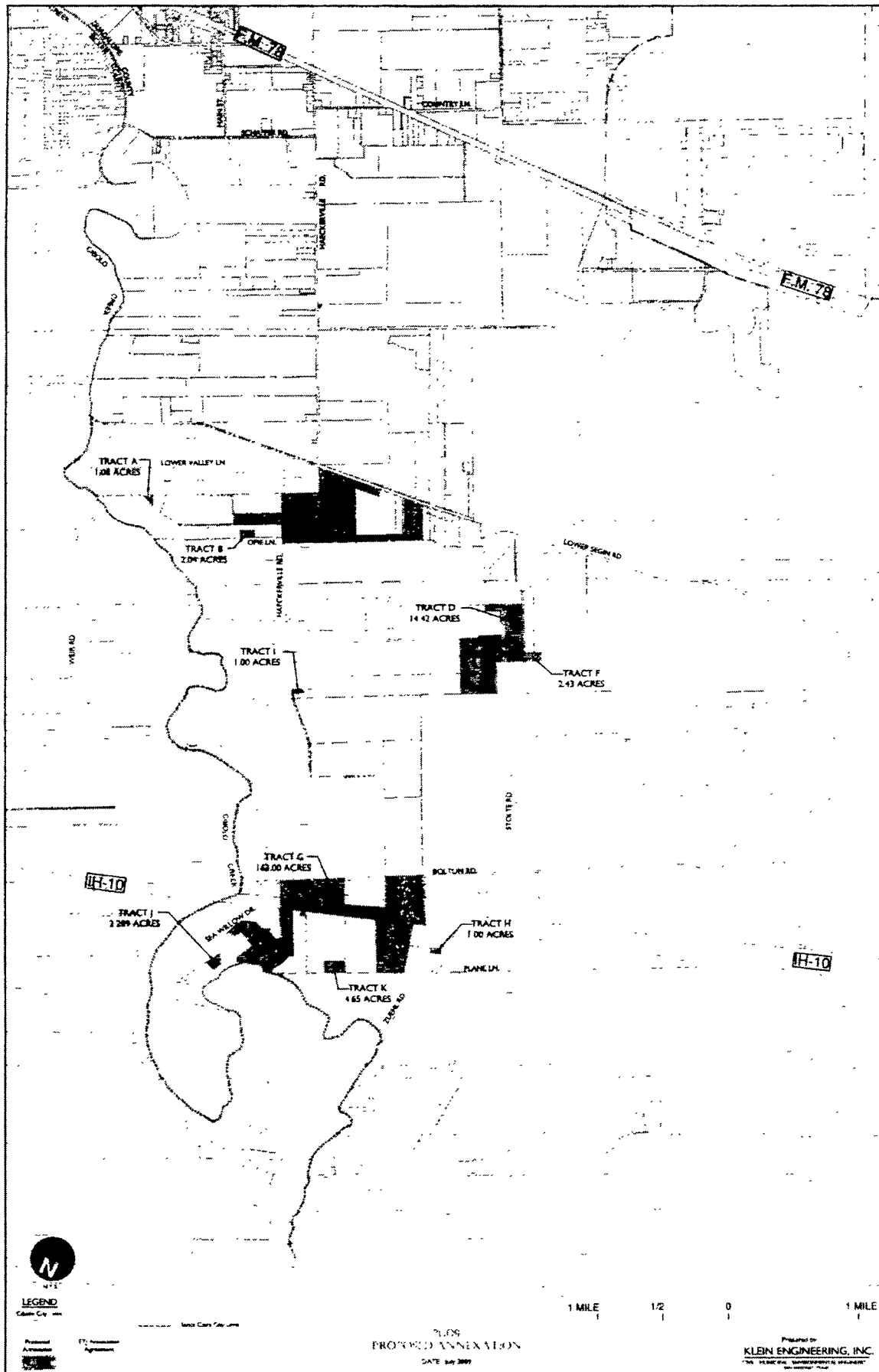
  
JENNIFER HARTMAN, MAYOR

**ATTEST:**

  
PEGGY CIMICS, CITY SECRETARY



# EXHIBIT A



## **EXHIBIT "A"**

### **2009 PROPOSED ANNEXATION**

Field Notes for a 365.719 Acres area of land to be annexed into the City of Cibolo, Guadalupe County, Texas; said 365.719 Acres of land is divided into nine areas: A=1.08 Acres, B=2.04 Acres, C=120.01 Acres, D=14.42 Acres, E=53.80 Acres, F=2.43 Acres, G=163.00 Acres, H=1.00 Acres, I=1.00 Acres, J=2.289 Acres, K=4.65 Acres and all are adjacent and/or surrounded by the existing City Limits or ETJ of the City of Cibolo, Guadalupe County, Texas.

#### **TRACT A - 1.08 Acres**

**BEGINNING:** at a point on the South line of Lower Valley Lane, said point being the Northwest corner of a 9 Acre tract out of Francisco Rodriguez Survey, Abstract 271; from said point a distance of 803.89', S 30° 36' 21" E to the Southwestern corner of said 9 Acre tract; then continuing N 58° 42' 42" E, a distance of 232.07' to a point on the Southeast line of said 9 Acre tract, said point being the most Western corner and POINT OF BEGINNING of herein described 1.08 Acre tract.

**THENCE:** N 58° 17' 27" E, for a distance of 287.93' to a point on the Eastern line of said 9 Acre tract; said point being the Eastern corner of said 1.08 Acre tract;

S 31° 47' 01" E, for a distance of 327.08' to the most Southern corner of the herein described 1.08 Acre tract and said 9 Acre tract;

N 73° 06' 30" W, for a distance of 436.04' to the POINT OF BEGINNING and containing 1.08 Acres more or less.

#### **TRACT B – 2.04 Acres**

**BEGINNING:** at the point on South Right-of-Way Opie Lane and adjacent to the Cibolo ETJ, Guadalupe County, Texas.

**THENCE:** S 56° 32' 45" W, for a distance of 403.97' to a point;

N 29° 53' 20" W, for a distance of 227.77' to a point;

N 58° 24' 10" E, for a distance of 400.39' to a point;

S 30° 40' 57" E, for a distance of 214.61' the POINT OF BEGINNING and containing 2.04 Acres more or less.

#### **TRACT C – 120.01 Acres**

**BEGINNING:** at a point on the South Right-of-Way of Lower Seguin Road and adjacent to the Cibolo ETJ, Guadalupe County, Texas.

**THENCE:** N 78° 44' 05" E, for a distance of 1882.81' to a point;

## **EXHIBIT "A"**

Leaving Lower Seguin Road, S 29° 00' 35" E, for a distance of 214.62' to a point;

S 78° 25' 26" W, for a distance of 756.64' to a point;

S 32° 30' 50" E, for a distance of 1386.77' to a point;

N 57° 57' 20" E, for a distance of 1439.66' to a point;

N 31° 48' 43" W, for a distance of 1058.61' to a point on the South Right-of-Way of Lower Seguin Road;

Continuing along the South Right-of-Way of Lower Seguin Road, N 78° 31' 10" E, for a distance of 560.02' to a point;

Leaving Lower Seguin Road and continuing, S 31° 45' 32" E, for a distance of 1049.28' to a point;

S 57° 45' 33" W, for a distance of 4130.26' to a point on the West Right-of-Way line on Haeckerville Road;

Continuing along the West Right-of-Way line on Haeckerville Road, N 32° 53' 47" W, for a distance of 571.92' to a point;

Leaving the Right-of-Way of Haeckerville Road, S 57° 54' 14" W, for a distance of 1389.57' to a point;

N 32° 05' 46" W, for a distance of 323.02' to a point;

N 57° 57' 10" E, for a distance of 1394.55' to a point on the West Right-of-Way on Haeckerville Road;

Continuing along the West Right-of-Way line of Haeckerville Road, N 31° 26' 58" W, for a distance of 586.33' to a point;

Leaving the Right-of-Way of Haeckerville Road N 58° 40' 49" E, for a distance of 1105.29' to a point;

N 31° 24' 25" W, for a distance of 739.96' to the POINT OF BEGINNING and containing 120.01 Acres more or less.

## **TRACT D – 14.42 acres**

**BEGINNING:** at a point on the East Right-of-Way of Stolte Road and adjacent to the Cibolo ETJ, Guadalupe County, Texas.

**THENCE:** S 32° 37' 46" E, for a distance of 864.95' to a point;  
S 54° 23' 06" W, for a distance of 511.57' to a point;  
N 32° 57' 19" W, for a distance of 272.96' to a point;

### **EXHIBIT "A"**

S 75° 58' 52" W, for a distance of 169.99' to a point;  
N 32° 03' 27" W, for a distance of 374.13' to a point;  
S 58° 15' 26" W, for a distance of 427.65' to a point;  
N 31° 53' 59" W, for a distance of 192.54' to a point;  
N 57° 50' 02" E, for a distance of 1094.98' to the POINT OF BEGINNING  
and containing 14.42 Acres more or less.

### **TRACT E – 53.80 acres**

**BEGINNING:** at a point on the West Right-of-Way of Stolte Road and adjacent to the Cibolo ETJ, Guadalupe County, Texas.

**THENCE:** S 32° 37' 46" E, for a distance of 737.72' to a point;  
S 57° 05' 06" W, for a distance of 809.91' to a point;  
S 32° 40' 47" E, for a distance of 947.62' to a point;  
S 57° 48' 22" W, for a distance of 1039.09' to a point;  
N 32° 40' 54" W, for a distance of 1657.74' to a point;  
N 55° 41' 08" E, for a distance of 1339.73' to a point;  
S 33° 21' 53" E, for a distance of 22.21' to a point;  
N 56° 38' 07" E, for a distance of 510.25' to the POINT OF BEGINNING  
and containing 53.80 Acres more or less.

### **TRACT F – 2.43 acres**

**BEGINNING:** at a point on the East Right-of-Way of Stolte Road and adjacent to the Cibolo ETJ, Guadalupe County, Texas.

**THENCE:** With said Right-of-Way, N 33° 17' 37" W, for a distance of 216.92' to a point;  
Leaving said Right-of-Way, N 54° 12' 59" E, for a distance of 466.11' to a point;  
S 32° 08' 41" E, for a distance of 240.27' to a point;  
S 57° 05' 06" W, for a distance of 460.86' to the POINT OF BEGINNING  
and containing 2.43 Acres more or less.

**EXHIBIT "A"**

**TRACT G – 163.00 acres**

**BEGINNING:** at a point on the North Right-of-Way of Bolton Road and adjacent to the Cibolo ETJ, Guadalupe County, Texas.

**THENCE:** N 56° 48' 00" E, for a distance of 1903.79' to a point;

Crossing the Right-of-Way of Bolton Road and continuing, S 30° 49' 15" E, for a distance of 735.82' to a point on the North Right-of-Way of IH 10;

Continuing along the North Right-of-Way of IH 10, N 64° 35' 36" E, for a distance of 1195.14' to a point;

Leaving the North Right-of-Way of IH 10 and continuing, N 30° 43' 27" W, for a distance of 913.70' to a point on the North Right-of-Way of Bolton Road;

Continuing along the North Right-of-Way of Bolton Road, N 56° 53' 43" E, for a distance of 1113.75' to a point;

Crossing the Right-of-Way of Bolton Road and continuing, S 34° 20' 14" E, for a distance of 1488.22' to a point on the South Right-of-Way of IH 10;

Continuing along the South Right-of-Way of IH 10, S 65° 24' 44" W, for a distance of 381.39' to a point;

Leaving the Right-of-Way of IH 10 and continuing, S 20° 27' 31" E, for a distance of 1434.82' to a point;

S 58° 15' 19" W, for a distance of 803.98' to a point;

N 31° 40' 42" W, for a distance of 1560.50' to a point on the South Right-of-Way of IH 10;

Continuing along the Right-of-Way of IH 10, S 65° 52' 29" W, for a distance of 2067.38' to a point;

Leaving the Right-of-Way of IH 10 and continuing, S 28° 47' 36" E, for a distance of 138.07' to a point;

S 66° 29' 12" W, for a distance of 155.41' to a point;

N 25° 42' 06" W, for a distance of 136.51' to a point on the South Right-of-Way of IH 10;

Continuing along the South Right-of-Way of IH 10, S 66° 06' 32" W, for a distance of 244.44' to a point;

Leaving the Right-of-Way of IH 10 and continuing, S 31° 50' 03" E, for a distance of 1360.67' to a point;

S 59° 46' 18" W, for a distance of 146.99' to a point;

## EXHIBIT "A"

S 07° 44' 41" W, for a distance of 201.84' to a point;

S 26° 47' 52" W, for a distance of 396.59' to a point;

S 21° 11' 44" E, for a distance of 140.50' to a point on the Cibolo Creek;

Following the meanders of the Cibolo Creek and continuing,  
S 73° 32' 39" W, for a distance of 268.29' to a point;

N 38° 33' 39" W, for a distance of 135.56' to a point;

N 79° 43' 05" W, for a distance of 89.64' to a point;

S 57° 13' 53" W, for a distance of 155.20' to a point;

S 75° 51' 50" W, for a distance of 293.15' to a point;

S 42° 49' 31" W, for a distance of 115.08' to a point;

S 76° 14' 21" W, for a distance of 126.12' to a point; leaving the Cibolo  
Creek and continuing, N 40° 57' 56" W, for a distance of 112.57' to a point;

N 21° 19' 37" E, for a distance of 582.92' to a point;

N 69° 37' 09" W, for a distance of 516.86' to a point;

S 32° 32' 44" W, for a distance of 236.07' to a point;

N 88° 10' 15" W, for a distance of 219.31' to a point;

N 20° 33' 03" E, for a distance of 514.76' to a point on East Right-of-Way of  
Sea Willow Drive;

Continuing along the East Right-of-Way of Sea Willow Drive,  
N 66° 12' 50" E, for a distance of 428.94' to a point;

Leaving Sea Willow Drive, S 74° 46' 24" E, for a distance of 247.49' to a  
point;

N 59° 06' 23" E, for a distance of 223.98' to a point;

S 22° 42' 30" E, for a distance of 99.73' to a point;

S 71° 18' 55" E, for a distance of 290.30' to a point;

N 36° 03' 37" E, for a distance of 167.00' to a point;

N 32° 20' 00" W, for a distance of 1635.38', crossing IH 10 the POINT OF  
BEGINNING and containing 163.00 Acres more or less.

## **EXHIBIT "A"**

### **TRACT H – 1.00 acres**

**BEGINNING:** at POINT OF BEGINNING on West Right-of-Way of Zuehl Road and adjacent to the Cibolo ETJ, Guadalupe County, Texas.

**THENCE:** Continuing along the West Right-of-Way of Zuehl Road, S 33° 26' 13" E, for a distance of 139.92' to a point;

Leaving said Right-of-Way, S 65° 48' 41" W, for a distance of 322.80' to a point;

N 24° 11' 19" W, for a distance of 138.10' to a point; N 65° 48' 41" E, for a distance of 300.31' to the POINT OF BEGINNING and containing 1.00 Acres more or less.

### **TRACT I – 1.00 Acres**

**BEGINNING:** at a point on the East Right-of-Way of Haeckerville Road and adjacent to the Cibolo ETJ, Guadalupe County, Texas.

**THENCE:** Continuing along Haeckerville Road, N 38°25' 28" W, for a distance of 126.23' to a point;

Leaving said Right-of-Way, N 58° 27' 48" E, for a distance of 347.58' to a point;

S 32° 21' 07" E, for a distance of 120.85' to a point;

S 57° 41' 42" W, for a distance of 334.19' to the POINT OF BEGINNING and containing 1.00 Acres more or less.

### **TRACT J – 2.289 Acres**

**BEGINNING:** at a point on the South Right-of-Way of Sea Willow Drive and adjacent to the City of Cibolo ETJ, Guadalupe County, Texas.

**THENCE:** Continuing along the South Right-of-Way of Sea Willow Drive, S 26° 26' 21" W, for a distance of 453.99' to a point;

Leaving the Sea Willow Drive and continuing S 75° 13' 33" E, for a distance of 299.49' to a point;

N 24° 27' 35" E, for a distance of 236.93' to a point;

N 34° 46' 33" W, for a distance of 325.32' to the POINT OF BEGINNING and containing 2.289 Acres more or less.

**EXHIBIT "A"**

**TRACT K – 4.65 Acres**

**BEGINNING:** at a metal fence corner post found situated within the Parent Tract, for a corner of this herein described tract, BEING: S 49° 46' 44" E, 1,610.49' from a ½" iron pin found on the South Right-of-Way line of IH 10 at the Northwestern corner of the Parent Tract;

**THENCE:** N 58° 18' 53" E, for a distance of 600.15' to a point;  
S 31° 33' 54" E, for a distance of 339.30' to a point;  
S 58° 19' 54" W, for a distance of 259.58' to a point;  
S 59° 06' 55" W, for a distance of 340.19' to a point;  
N 31° 38' 04" W, for a distance of 334.47' to the POINT OF BEGINNING and containing 4.65 Acres more or less.



## **EXHIBIT 'B'**

### **2009 ANNEXATION PROGRAM CITY OF CIBOLO, TEXAS**

#### **SERVICE PLAN FOR JUNE/JULY 2009 ANNEXATION**

Upon annexation of the area identified above the City of Cibolo will provide City services utilizing methods by which it extends services to any other equivalent area of the City.

#### **SERVICES PROVIDED BY THE EFFECTIVE DATE OF ANNEXATION**

1. **Police Protection**

The City of Cibolo, Texas and its Police Department will provide police protection to newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed areas. The Police Department will have the responsibility to respond to all dispatched calls for service or assistance within the newly annexed areas.

2. **Fire Protection and Emergency Medical Services**

The City of Cibolo, Texas contracts with the Cibolo Volunteer Fire Department and will provide fire protection to newly annexed areas through that contract at the same or similar level of service now being provided to other areas of the City, with like topography, land use and population density as those found within the newly annexed areas.

The City of Cibolo, Texas contracts with the City of Schertz for EMS services and will provide EMS services through that contract to newly annexed areas at the same or similar level of service now being provided to other areas of the City, with like topography, land use and population density as those found within the newly annexed areas.

3. **Maintenance of Water and Wastewater Facilities**

All of the newly annexed properties are within either the water service area of Green Valley Special Utility District or Cibolo Water District.

All of the newly annexed properties are within either the wastewater service area of Green Valley Special Utility District or Cibolo Water District.

All water/wastewater facilities owned or maintained by the City of Cibolo at the time of the proposed annexation shall continue to be maintained by the City of Cibolo. All water/wastewater facilities which may be acquired subsequent to the annexation of the proposed areas shall be maintained by the City of Cibolo to the extent of its ownership. The now existing water/wastewater mains at existing locations shall be available for the point of use extension based upon the City of Cibolo standard extension policy now existing or as may be amended. On-site sewerage systems may be maintained in accordance with the City's Code of Ordinances.

4. **Solid Waste Collection**

The City of Cibolo, Texas contracts for the collection of solid waste and refuse within the corporate limits of the City with Waste Management. Solid waste collection will be provided to citizens in the newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and density as those found within the newly annexed areas. The

City may negotiate with annexed areas to allow continued services with an existing solid waste management provider. After the second anniversary of the annexation date, the City will impose fees and provide the service.

If areas with private roads and/or gates are arranged so that garbage may be collected without creating a safety hazard, the City, at its discretion, may collect the garbage provided proper indemnification is received from the community association or individual property owners. The City will then impose fees and provide the service. Garbage collection locations shall be subject to the approval of the Sanitation Manager. In the event the City does not collect garbage within the areas with private roads and/or gates, residents of these areas will not be billed for service after the two-year date.

5. **Maintenance of Roads and Streets**

Any and all public roads, streets or alleyways shall be maintained to the same degree and extent that other public roads, streets, and alleyways are maintained in areas of the City with like topography, land use and density as those found within the newly annexed areas. Private roads will remain under the ownership of the homeowners association and as such maintained by the association.

6. **Maintenance of Parks, Playgrounds, and Swimming Pools**

The City of Cibolo, Texas is not aware of the existence of any publicly owned parks, playgrounds or swimming pools now located in the proposed areas of annexation. In the event any such parks, playgrounds, or swimming pools do exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed areas. Private facilities will remain under the ownership of the homeowners association and as such maintained by the association.

7. **Maintenance of any Publicly owned Facility, Building or Municipal Service**

The City of Cibolo, Texas is not aware of the existence of any publicly owned facility, building, or other municipal service now located in the proposed areas of annexation. In the event any publicly owned facility, building, or other municipal service does exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed areas.

8. **Other Services**

The City of Cibolo, Texas finds and determines that such services as planning, code enforcement, animal control, library, parks and recreation, court and general administration will be made available after the effective date of annexation at the same or similar level of service now being provided to other areas of the City with similar topography, land use and density as those found within the newly annexed areas.

**CONSTRUCTION OF ANY CAPITAL IMPROVEMENTS TO BE COMPLETED WITHIN 2 ½ YEARS**

1. **Police and Fire Protection and Solid Waste Collection**

The City of Cibolo, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas for the purpose of providing police protection, fire protection, emergency medical services or solid waste collection. The City finds and determines that it has at the present time adequate facilities and other resources to provide the same type, kind and level of service and protection which is presently being administered to other areas already incorporated in the City of Cibolo, Texas with like topography, land use and population density as those found within the newly annexed areas.

2. **Water/Wastewater Facilities**

For the next 2 ½ years, Cibolo finds and determines that there is sufficient capacity for wastewater to provide services to the annexed areas pursuant to the City of Cibolo's extension policies. The construction of any capital improvements for water and wastewater services to an annexed area will be completed pursuant to the City's infrastructure extension policies.

3. **Roads and Streets**

The City of Cibolo, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas.

4. **Maintenance of Parks, Playgrounds, and Swimming Pools and Any Other Publicly Owned Facility, Building, or Service**

The City of Cibolo, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas for the purpose of parks maintenance, playgrounds, swimming pools and other publicly owned facility, building or service.

5. **Maintenance of Current Septic System**

Any resident who currently utilizes a septic system to manage wastewater shall be entitled to continue said system except for the following:

Should a septic system located within 500-feet of an existing sewer main fail to the point where repair costs will exceed the cost of replacement, the property owner shall be required to connect to the sewer system.

**SPECIFIC FINDINGS**

The City of Cibolo, Texas, finds and determines that this proposed service plan will not provide any fewer services and will not provide a lower level of service in the areas being considered for annexation that were in existence in the proposed areas at the time immediately preceding the annexation process. Given the proposed annexation areas' topography, land utilization and population density, the service levels to be provided in the newly annexed areas will be equivalent to those provided to other areas of the City with similar characteristics.

**TERMS**

This plan shall be valid for a term of ten (10) years. Renewal of the Service Plan is at the discretion of the City of Cibolo.

**LEVEL OF SERVICE**

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

**AMENDMENTS**

The plan shall not be amended unless public hearings are held in accordance with Chapter 43 of the Texas Local Government Code.



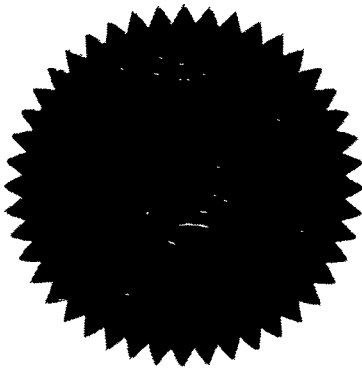
"City of Choice"

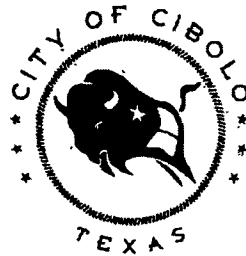
### CERTIFICATE OF CITY SECRETARY

I, the undersigned City Secretary of the City of Cibolo, Texas (the "City"), certify that the attached is a true and correct copy of the City of Cibolo Ordinance No.942 adopted by the City Council on September 7, 2010.

CITY OF CIBOLO, TEXAS

Peggy Cimics  
City Secretary





*"City of Choice"*

**ORDINANCE NO. 942**

**PROVIDING FOR THE EXTENSION OF CIBOLO, TEXAS CITY LIMITS BY THE ANNEXATION OF TRACTS OF LAND THAT CONTAIN AN AGGREGATE AREA OF 596.63 ACRES GENERALLY LOCATED BETWEEN ARIZPE ROAD AND INTERSTATE HIGHWAY 10 ADJACENT TO THE EXISTING CITY LIMIT BOUNDARY OF THE CITY OF CIBOLO, GUADALUPE COUNTY, TEXAS; AND APPROVING A SERVICE PLAN FOR SUCH AREAS.**

**WHEREAS**, Texas Local Government Code section 43.021 authorizes the City of Cibolo, as a home-rule municipality, to extend its City limit boundaries through the annexation of area adjacent to those boundaries; and

**WHEREAS**, section 1.03 of the City Charter of the City of Cibolo provides that the City Council has authority by ordinance to fix the City limit boundaries, provide for the alteration and extension of said boundaries, and annex additional territory lying adjacent to said boundaries in any manner provided by law; and

**WHEREAS**, Texas Local Government Code section 43.052(h)(1) provides that an area proposed for annexation containing fewer than one hundred (100) separate tracts of land on which one or more residential dwellings are located on each tract is exempted from the state law requirement that an area proposed for annexation first be identified in an annexation plan; and

**WHEREAS**, the areas described herein contain fewer than one hundred (100) separate tracts of land on which one or more residential dwellings are located on each tract and are, therefore, exempted from the above-described annexation plan requirement; and

**WHEREAS**, Texas Local Government Code section 43.035(a)(2) stipulates that a municipality may not annex an area appraised for ad valorem tax purposes as land for agricultural use under Subchapter C or D, Chapter 23, Tax Code and Texas Local Government Code section 43.035(b)(1) stipulates provides that a municipality must offer to make a development agreement with landowners eligible under TLGC 43.035(a)(2) to guarantee the continuation of the extraterritorial status of the area; and

**WHEREAS**, the City of Cibolo executed 72 Non-Annexation Agreements for properties comprising an aggregate area of 1,528.39 and said Non-Annexation Agreements were approved by City Council on September 7, 2010; and

**WHEREAS**, pursuant to Texas Local Government Code section 43.035(c) an area adjacent or contiguous to an area that is the subject of a development agreement under Texas Local Government Code section 43.035(b)(1) is considered adjacent or contiguous to the municipality; and

**WHEREAS**, on the 3<sup>rd</sup> day of August 2010 and the 5<sup>th</sup> day of August, 2010, the City Council of the City of Cibolo, Texas held public hearings on the proposed annexation of approximately 596.63 acres, situated outside of, but immediately adjacent to, the current corporate limits of the City of Cibolo, 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 referenced public hearings was published in The Seguin Gazette on July 22, 2010 and July 23, 2010, a newspaper having general circulation in the City of Cibolo, Texas and within the territory to be annexed, in accordance with law; and

**WHEREAS**, the proposed service plan was made available for public inspection and explained to the inhabitants of the area at the public hearings held; and

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

**WHEREAS**, the population of the City of Cibolo, Texas is in excess of approximately 18,000 inhabitants, and the area to be annexed lies within the extraterritorial jurisdiction of the City of Cibolo, Texas, and lies adjacent to and adjoins the City of Cibolo, Texas.

**NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CIBOLO, TEXAS:**

**SECTION 1.** The land and territory lying outside of, but adjacent to and adjoining the City of Cibolo, Texas, more particularly described in Exhibits 'A', 'B', and 'C', attached hereto and incorporated herein by reference, is hereby added and annexed to the City of Cibolo, 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 Exhibits 'A', 'B', and 'C', are altered and amended so as to include said areas within the corporate limits of the City of Cibolo, Texas.

**SECTION 2.** The land and territory more particularly described in Exhibits 'A', 'B', and 'C', attached hereto and incorporated herein by reference, shall be part of the City of Cibolo, 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 Cibolo, Texas.

**SECTION 3.** A service plan outlining the provisions of necessary municipal service to the properties described in Exhibit 'D' is hereby approved and the implementation of said plan is hereby authorized. Such plan is attached hereto and incorporated herein as Exhibit 'D'.

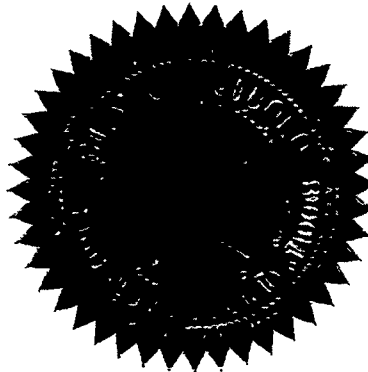
**SECTION 4.** This ordinance shall be effective from and after September 7, 2010.

**PASSED AND APPROVED** this, the 7<sup>th</sup> day of September 2010.

  
JENNIFER HARTMAN, MAYOR

ATTEST:

  
PEGGY CIMICS, CITY SECRETARY



**EXHIBIT A**  
**ANNEXATION AREA MAP**





## **EXHIBIT B**

### **ANNEXATION AREA METES & BOUNDS DESCRIPTION**

Field Notes for a 596.63 Acres area of land to be annexed into the City of Cibolo, Guadalupe County, Texas; said 596.63 Acres of land is divided into eight Areas: #1=50.05 Acres, #2=5.37 Acres, #3=174.63 Acres, #4=8.88 Acres, #5=1.52 Acres, #6=127.98 Acres, #7=140.43 Acres, #8=87.77 Acres and all are adjacent and/or surrounded by the existing City Limits or ETJ of the City of Cibolo, Guadalupe County, Texas.

#### **AREA #1 – 50.05 Acres**

**BEGINNING:** at a point on the South line of the Right-of-Way of Bolton Road, said point being the Northeast corner of a 6.0 Acre tract listed in the Guadalupe County Appraisal District, Account No. 110472, and POINT OF BEGINNING of herein described 50.05 Acre tract.

**THENCE:** S 34° 15' 29" E, for a distance of 2234.04' to a point across IH-10 to the Southern Right-of-Way line of IH-10;

Continuing along the Southern Right-of-Way line of IH-10, S 65° 44' 17" W, for a distance of 1055.88' to a point;

Leaving the Right-of-Way and crossing IH-10 N 33° 19' 51" W, for a distance of 1216.20' to a point;

S 53° 08' 16" W, for a distance of 114.51' to a point;

N 30° 18' 32" W, for a distance of 213.83' to a point;

N 60° 00' 00" E, for a distance of 103.19' to a point;

N 33° 15' 02" W, for a distance of 650.48 to a point on the South Right-of-Way Line of Bolton Road and farthest Northwestern corner of

a 3.0 Acre tract listed in the Guadalupe County Appraisal District,  
Account No. 63392;

Continuing along the Southern Right-of-Way of Bolton Road, N 56°  
39' 36" E, for a distance of 1005.62 to the POINT OF BEGINNING  
and containing 50.05 Acres more or less.

## **AREA #2 – 5.37 Acres**

**BEGINNING:** at a point on South Right-of-Way line of Bolton Road, said point being the most Northwestern corner of a 5.001 Acre tract listed in the Guadalupe County Appraisal District, Account No. 63498 and adjacent to the Cibolo ETJ, Guadalupe County, Texas.

**THENCE:** Continuing along the South Right-of-Way line, N 56° 36' 10" E, for a distance of 307.49' to the most Northeastern point of the 5.001 Acre tract;

S 33° 23' 50" E, for a distance of 770.03' to a point;

S 60° 29' 40" W, for a distance of 309.11' to a point;

N 33° 19' 40" W, for a distance of 749.05' to the POINT OF BEGINNING and containing 5.37 Acres more or less.

## **AREA #3 – 174.63 Acres**

**BEGINNING:** at a point on the South line of the Right-of-Way of Bolton Road, said point being approximately 140' East from the most Northwestern corner of a 1.0 Acre tract listed in the Guadalupe County Appraisal District, Account No. 63480, and POINT OF BEGINNING of herein described 174.63 Acre tract.

**THENCE:** N 56° 19' 46" E, for a distance of 952.28' along the South Right-of-Way line of Bolton Road to a point, said point being the most Northeastern corner of a 3.49 Acre tract listed in the Guadalupe County Appraisal District, Account No. 19584;

S 33° 04' 34" E, for a distance of 1763.84' across and to a point on the South Right-of-Way line of IH-10;

Continuing along the South Right-of-Way of IH-10, S 65° 54' 20" W, a distance of 2068.57' to a point;

Leaving the Right-of-Way and crossing IH-10, N 32° 00' 36" W, for a distance of 1221.00' to a point;

N 56° 08' 40" E, for a distance of 236.84' to a point;

N 32° 47' 54" W, for a distance of 262.35' crossing Bolton Road to a point on the North Right-of-Way line of said Road, which is also the most Southeastern corner of a 1.10 Acre tract listed in the Guadalupe County Appraisal District, Account No. 63356;

Continuing along the North Right-of-Way line of Bolton Road, S 57° 07' 36" W, for a distance of 290.56' to a point on the most Southwestern corner of a 4.75 Acre tract listed in Guadalupe County Appraisal District, Account No. 63550;

Continuing N 32° 07' 48" W, for a distance of 2302.37' to a point;

N 30° 32' 39" W, for a distance of 1673.29' to a point, said point being the most Northwestern corner of a 93.85 Acre tract listed in Guadalupe County Appraisal District, Account No. 63393;

N 56° 47' 12" E, for the distance of 1038.48' to a point;

S 32° 45' 57" E, for a distance of 2780.97' to the South Right-of-Way line of Bolton Road, also being the POINT OF BEGINNING and containing 174.63 Acres more or less.

#### **AREA #4 – 8.88 Acres**

**BEGINNING:** at a point on South Right-of-Way line of Schmoekel Road, said point being the most Northwestern corner of a 1.00 Acre tract listed in the Guadalupe County Appraisal District, Account No. 63438.

**THENCE:** Continuing along the South Right-of-Way line, N 57° 41' 57" E, for a distance of 254.33' to the most Northeastern point of the 1.0 Acre tract;

S 31° 55' 24" E, for a distance of 1522.33' to a point;

S 57° 39' 51" W, for a distance of 254.08' to a point;

N 31° 55' 59" W, for a distance of 1522.49' to the POINT OF BEGINNING and containing 8.88 Acres more or less.

#### **AREA #5 – 1.52 Acres**

**BEGINNING:** at a point on South Right-of-Way line of Schmoekel Road, said point being the most Northwestern corner of a 1.00 Acre tract listed in the Guadalupe County Appraisal District, Account No. 63354.

**THENCE:** Continuing along the South Right-of-Way line, N 57° 19' 43" E, for a distance of 144.06' to the most Northeastern corner of the 1.00 Acre tract;

S 30° 38' 14" E, for a distance of 498.83' to a point;

S 59° 56' 57" W, for a distance of 128.89' to a point;

N 32° 25' 29" W, for a distance of 483.63' to the POINT OF BEGINNING and containing 1.52 Acres more or less.

## **AREA #6 – 127.98 Acres**

**BEGINNING:** at a point on South Right-of-Way line of Lower Seguin Road, said point being the most Northeastern corner of a 1.50 Acre tract listed in the Guadalupe County Appraisal District, Account No. 61848.

**THENCE:** S 32° 46' 54" E, for a distance of 3821.56' to a point, said point being the most Southeastern corner of a 67.59 Acre tract recorded in Guadalupe County Appraisal District, Account No. 63456;

S 57° 46' 41" W, for a distance of 3354.14' to a point;

N 32° 53' 56" W, for a distance of 948.20' to a point;

N 57° 06' 37" E, for a distance of 1326.13' to a point;

N 34° 49' 03" W, for a distance of 233.08' to a point;

N 56° 05' 51" E, for a distance of 1373.45' to a point, said point being the most Southwestern corner of 19.935 Acre tract listed in Guadalupe County Appraisal District, Account No. 63442;

N 31° 59' 56" W, for a distance of 2108.51' to a point;

S 55° 24' 08" W, for a distance of 122.04' to a point;

N 32° 28' 45" W, for a distance of 724.69' to a point, said point being the most North corner of a 1.76 Acre tract listed in Guadalupe County Appraisal District, Account No. 68124, and also on the South Right-of-Way line of Lower Seguin Road;

Continuing along the South Right-of-Way line, N 75° 36' 46" E, for a distance of 794.85' to the POINT OF BEGINNING and containing 127.98 Acres more or less.

## **AREA #7 – 140.43 Acres**

**BEGINNING:** at a point on North Right-of-Way line of Lower Seguin Road, said point being the Southwestern corner of a 28.13 Acre tract listed in the Guadalupe County Appraisal District, Account No. 69698.

**THENCE:** N 31° 19' 34" W, for a distance of 2199.16' to a point;

N 65° 56' 11" E, for a distance of 1909.78' to a point on the West Right-of-Way line of Arizpe Road;

Continuing along the Right-of-Way line, S 31° 46' 13" E, for a distance of 2557.21' to a point at the intersection of and in the Right-of-Way of Arizpe Road and the North Right-of-Way of Lower Seguin Road;

Continuing along the Right-of-Way of Lower Seguin Road, S 75° 40' 17" W, for a distance of 53.37' to a point;

Crossing Lower Seguin Road to the South Right-of-Way of said Road, S 34° 45' 54" E, for a distance of 94.66' to a point;

Continuing along the Right-of-Way, S 59° 20' 38" W, for a distance of 73.43' to a point, said point being the most Northeastern corner of a 8.025 Acre listed with Guadalupe County Appraisal District, Account No. 69668;

S 31° 58' 55" E, for a distance of 473.26' to a point;

S 58° 53' 28" W, for a distance of 1359.92' to a point;

S 32° 22' 22" E, for a distance of 191.82' to a point;

S 57° 47' 06" W, for a distance of 384.69' to a point along the South Right-of-Way of Stohle Road, said point also being the most Southwestern point of a 0.50 Acre tract listed in Guadalupe County Appraisal District, Account No. 69665;

Continuing along the South Right-of-Way, N 31° 26' 27" W, for a distance of 1144.77' to a point across Lower Seguin Road and on the North Right-of-Way of said road;

Continuing along the North Right-of-Way line, N 76° 25' 18" W, for a distance of 43.93 to the POINT OF BEGINNING and containing 140.43 Acres more or less.

## **AREA #8 – 87.77 Acres**

**BEGINNING:** at a point on North Right-of-Way line of Arizpe Road, said point being 342.82' from the Southwestern corner of a 73.40 Acre tract listed in the Guadalupe County Appraisal District, Account No. 66230.

**THENCE:** Continuing along the Right-of-Way, N 58° 34' 55" E, for a distance of 568.43' to a point;

Following along Cibolo ETJ line, a tangent curve to the right with a radius of 26399.60', a tangent length of 2521.19', a central angle of 5° 28' 18", the chord of which bears N 61° 37' 27" W for a distance of 2520.23 feet to a point;

Continuing along North Right-of-Way line, S 33° 08' 39" E, for a distance of 622.29' to a point, said point being the most Southeastern corner of 22.61 Acre tract listed in Guadalupe County Appraisal District, Account No. 69699;

S 63° 21' 32" W, for a distance of 1876.04' to a point;

N 31° 06' 22" W, for a distance of 2643.85' to the POINT OF BEGINNING and containing 87.77 Acres more or less.



**EXHIBIT C**  
**ANNEXATION METES & BOUNDS MAP**



## **EXHIBIT D**

### **2010 ANNEXATION PROGRAM CITY OF CIBOLO, TEXAS**

#### **SERVICE PLAN - SEPTEMBER 7, 2010 ANNEXATION**

Upon annexation of the area identified above the City of Cibolo will provide City services utilizing methods by which it extends services to any other equivalent area of the City.

#### **SERVICES PROVIDED BY THE EFFECTIVE DATE OF ANNEXATION**

1. **Police Protection**

The City of Cibolo, Texas and its Police Department will provide police protection to newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed areas. The Police Department will have the responsibility to respond to all dispatched calls for service or assistance within the newly annexed areas.

2. **Fire Protection and Emergency Medical Services**

The City of Cibolo, Texas and its Fire Department, and the Cibolo Volunteer Fire Department, will provide fire protection to newly annexed areas at the same or similar level of service now being provided to other areas of the City, with like topography, land use and population density as those found within the newly annexed areas.

The City of Cibolo, Texas contracts with the City of Schertz for EMS services and will provide EMS services through that contract to newly annexed areas at the same or similar level of service now being provided to other areas of the City, with like topography, land use and population density as those found within the newly annexed areas.

3. **Maintenance of Water and Wastewater Facilities**

All of the newly annexed properties are within the water service area of Green Valley Special Utility District.

All of the newly annexed properties are within the wastewater service area of Green Valley Special Utility District.

All water/wastewater facilities owned or maintained by the City of Cibolo at the time of the proposed annexation shall continue to be maintained by the City of Cibolo. All water/wastewater facilities owned or maintained by Green Valley Special Utility District at the time of the proposed annexation shall continue to be maintained by Green Valley Special Utility District. All water/wastewater facilities which may be acquired subsequent to the annexation of the proposed areas shall be maintained by the City of Cibolo and Green Valley Special Utility District, to the extent of the ownership of each in said facilities. The now existing water/wastewater mains at existing locations shall be available for the point of use extension based upon the City of Cibolo and Green Valley Special Utility District standard extension policies now existing or as may be amended. On-site sewerage systems may be maintained in accordance with the City of Cibolo Code of Ordinances.

4. **Solid Waste Collection**

The City of Cibolo, Texas contracts for the collection of solid waste and refuse within the corporate limits of the City with Bexar Waste. Solid waste collection will be provided to citizens in the newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and density as those found within the newly annexed areas. The City may negotiate with annexed areas to allow continued services with an existing solid waste management provider. After the second anniversary of the annexation date, the City will impose fees and provide the service.

If areas with private roads and/or gates are arranged so that garbage may be collected without creating a safety hazard, the City, at its discretion, may collect the garbage provided proper indemnification is received from the community association or individual property owners. The City will then impose fees and provide the service. Garbage collection locations shall be subject to the approval of the Sanitation Manager. In the event the City does not collect garbage within the areas with private roads and/or gates, residents of these areas will not be billed for service after the two-year date.

5. **Maintenance of Roads and Streets**

Any and all public roads, streets or alleyways shall be maintained to the same degree and extent that other public roads, streets, and alleyways are maintained in areas of the City with like topography, land use and density as those found within the newly annexed areas. Private roads will remain under the ownership of the homeowners association and as such maintained by the association.

6. **Maintenance of Parks, Playgrounds, and Swimming Pools**

The City of Cibolo, Texas is not aware of the existence of any publicly owned parks, playgrounds or swimming pools now located in the proposed areas of annexation. In the event any such parks, playgrounds, or swimming pools do exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed areas. Private facilities will remain under the ownership of the homeowners association and as such maintained by the association.

7. **Maintenance of any Publicly owned Facility, Building or Municipal Service**

The City of Cibolo, Texas is not aware of the existence of any publicly owned facility, building, or other municipal service now located in the proposed areas of annexation. In the event any publicly owned facility, building, or other municipal service does exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed areas.

8. **Other Services**

The City of Cibolo, Texas finds and determines that such services as planning, code enforcement, animal control, library, parks and recreation, court and general administration will be made available after the effective date of annexation at the same or similar level of service now being provided to other areas of the City with similar topography, land use and density as those found within the newly annexed areas.

## **CONSTRUCTION OF ANY CAPITAL IMPROVEMENTS TO BE COMPLETED WITHIN 2 ½ YEARS**

### **1. Police and Fire Protection and Solid Waste Collection**

The City of Cibolo, Texas, finds and determines that it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas for the purpose of providing police protection, fire protection, emergency medical services or solid waste collection. The City finds and determines that it has at the present time adequate facilities and other resources to provide the same type, kind and level of service and protection which is presently being administered to other areas already incorporated in the City of Cibolo, Texas with like topography, land use and population density as those found within the newly annexed areas.

### **2. Water/Wastewater Facilities**

The City of Cibolo, Texas, finds and determines it is not necessary for the City of Cibolo to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas because the area being annexed is located within the water and wastewater service area of Green Valley Special Utility District.

### **3. Roads and Streets**

The City of Cibolo, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas.

### **4. Maintenance of Parks, Playgrounds, and Swimming Pools and Any Other Publicly Owned Facility, Building, or Service**

The City of Cibolo, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas for the purpose of parks maintenance, playgrounds, swimming pools and other publicly owned facility, building or service.

### **5. Maintenance of Current Septic System**

Any resident who currently utilizes a septic system to manage wastewater shall be entitled to continue said system except for the following:

Should a septic system located within 500-feet of an existing sewer main fail to the point where repair costs will exceed the cost of replacement, the property owner shall be required to connect to the sewer system.

## **SPECIFIC FINDINGS**

The City of Cibolo, Texas, finds and determines that this proposed service plan will not provide any fewer services and will not provide a lower level of service in the areas being considered for annexation that were in existence in the proposed areas at the time immediately preceding the annexation process. Given the proposed annexation areas' topography, land utilization and population density, the service levels to be provided in the newly annexed areas will be equivalent to those provided to other areas of the City with similar characteristics.

## **TERMS**

This plan shall be valid for a term of ten (10) years. Renewal of the Service Plan is at the discretion of the City of Cibolo.

### **LEVEL OF SERVICE**

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

### **AMENDMENTS**

The plan shall not be amended unless public hearings are held in accordance with Chapter 43 of the Texas Local Government Code.



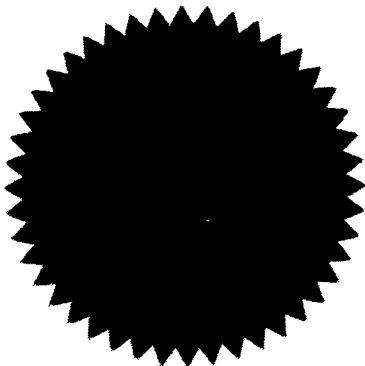
"City of Choice"

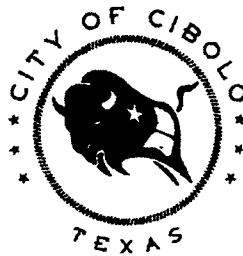
### CERTIFICATE OF CITY SECRETARY

I, the undersigned City Secretary of the City of Cibolo, Texas (the "City"), certify that the attached is a true and correct copy of the City of Cibolo Ordinance No.960 adopted by the City Council on December 14, 2010.

CITY OF CIBOLO, TEXAS

Peggy Cimics  
City Secretary





*"City of Choice"*

**ORDINANCE NO. 960**

**PROVIDING FOR THE EXTENSION OF CIBOLO, TEXAS CITY LIMITS BY THE ANNEXATION OF TRACTS OF LAND THAT CONTAIN AN AGGREGATE AREA OF 210.06 ACRES WITHIN THE ANNEXATION AREA REFERRED TO AS ANNEXATION AREAS 1, 1A AND 1B, BEING GENERALLY LOCATED EAST AND SOUTH OF THE CORPORATE LIMITS OF THE CITY OF CIBOLO, BETWEEN BOLTON ROAD AND GIN ROAD AND ALONG INTERSTATE HIGHWAY 10, ADJACENT TO THE EXISTING CITY LIMIT BOUNDARY OF THE CITY OF CIBOLO, GUADALUPE COUNTY, TEXAS; AND APPROVING A SERVICE PLAN FOR SUCH AREAS.**

**WHEREAS**, Texas Local Government Code section 43.021 authorizes the City of Cibolo, as a home-rule municipality, to extend its City limit boundaries through the annexation of area adjacent to those boundaries; and

**WHEREAS**, section 1.03 of the City Charter of the City of Cibolo provides that the City Council has authority by ordinance to fix the City limit boundaries, provide for the alteration and extension of said boundaries, and annex additional territory lying adjacent to said boundaries in any manner provided by law; and

**WHEREAS**, Texas Local Government Code section 43.052(h)(1) provides that an area proposed for annexation containing fewer than one hundred (100) separate tracts of land on which one or more residential dwellings are located on each tract is exempted from the state law requirement that an area proposed for annexation first be identified in an annexation plan; and

**WHEREAS**, the areas described herein contain fewer than one hundred (100) separate tracts of land on which one or more residential dwellings are located on each tract and are, therefore, exempted from the above-described annexation plan requirement; and

**WHEREAS**, Texas Local Government Code section 43.035(a)(2) stipulates that a municipality may not annex an area appraised for ad valorem tax purposes as land for agricultural use under Subchapter C or D, Chapter 23, Tax Code and Texas Local Government Code section 43.035(b)(1) stipulates provides that a municipality must offer to



make a development agreement with landowners eligible under TLGC 43.035(a)(2) to guarantee the continuation of the extraterritorial status of the area; and

**WHEREAS**, the City of Cibolo executed twelve (12) Non-Annexation Agreements for properties comprising an aggregate area of 357.14 acres and said Non-Annexation Agreements were approved by City Council on December 14, 2010; and

**WHEREAS**, pursuant to Texas Local Government Code section 43.035(c) an area adjacent or contiguous to an area that is the subject of a development agreement under Texas Local Government Code section 43.035(b)(1) is considered adjacent or contiguous to the municipality; and

**WHEREAS**, on the 22<sup>nd</sup> day of November 2010 and the 23<sup>rd</sup> day of November, 2010, the City Council of the City of Cibolo, Texas held public hearings on the proposed annexation of approximately 567.20 acres, situated outside of, but immediately adjacent to, the current corporate limits of the City of Cibolo, 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 referenced public hearings was published in The Seguin Gazette on October 29, 2010 and October 31, 2010, a newspaper having general circulation in the City of Cibolo, Texas and within the territory to be annexed, in accordance with law; and

**WHEREAS**, the proposed service plan was made available for public inspection and explained to the inhabitants of the area at the public hearings held; and

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

**WHEREAS**, the population of the City of Cibolo, Texas is in excess of approximately 18,000 inhabitants, and the area to be annexed lies within the extraterritorial jurisdiction of the City of Cibolo, Texas, and lies adjacent to and adjoins the City of Cibolo, Texas.

**NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CIBOLO, TEXAS:**

**SECTION 1.** The land and territory lying outside of, but adjacent to and adjoining the City of Cibolo, Texas, more particularly described in Exhibits 'A', 'B', and 'C', attached hereto and incorporated herein by reference, is hereby added and annexed to the City of Cibolo, 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 Exhibits 'A', 'B', and 'C', are altered and amended so as to include said areas within the corporate limits of the City of Cibolo, Texas.

**SECTION 2.** The land and territory more particularly described in Exhibits 'A', 'B', and 'C', attached hereto and incorporated herein by reference, shall be part of the City of Cibolo,

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 Cibolo, Texas.


**SECTION 3.** A service plan outlining the provisions of necessary municipal service to the properties described in Exhibit 'D' is hereby approved and the implementation of said plan is hereby authorized. Such plan is attached hereto and incorporated herein as Exhibit 'D'.

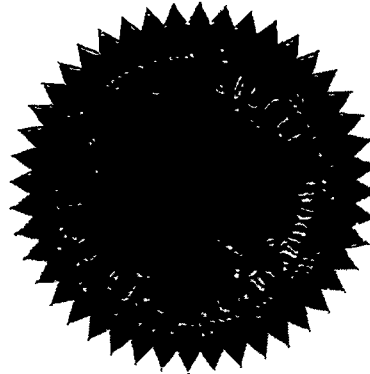
**SECTION 4.** This ordinance shall be effective from and after December 14, 2010.

**PASSED AND APPROVED** this, the 14<sup>th</sup> day of December 2010.

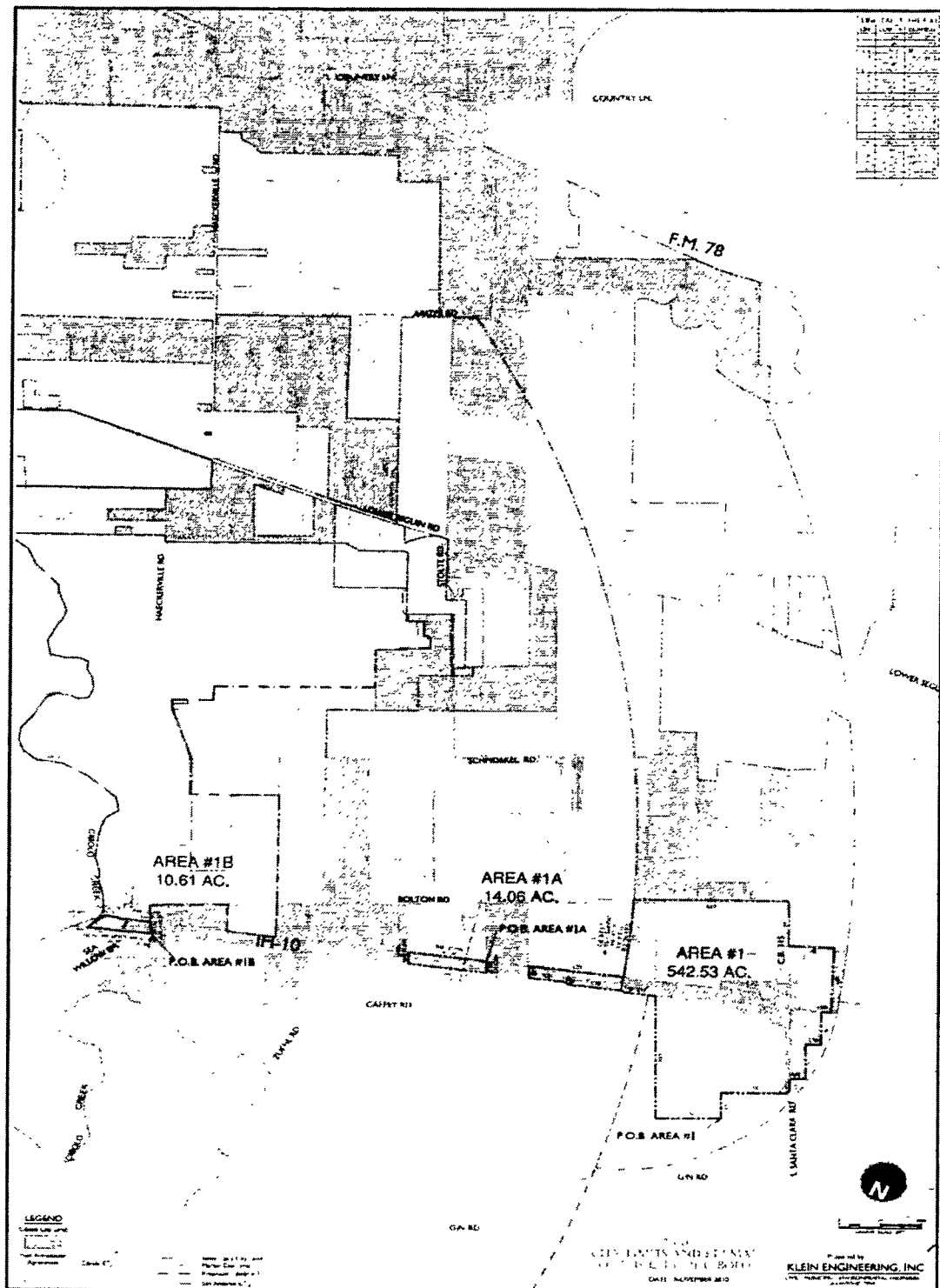
  
JENNIFER HARTMAN  
MAYOR

ATTEST:

  
PEGGY CIMICS  
CITY SECRETARY



**EXHIBIT A**  
**ANNEXATION AREA MAP**



## EXHIBIT B

### ANNEXATION AREA METES & BOUNDS DESCRIPTION

Field Notes for 210.06 (Area #1=185.39, Area #1A=14.06 and Area #1B=10.61) Acres of land to be annexed into the City of Cibolo, Guadalupe County, Texas; said 210.06 Acres of land is adjacent and/or surrounded by the existing City Limits or ETJ of the City of Cibolo, Guadalupe County, Texas.

#### AREA #1

**BEGINNING:** at the most Eastern corner of a 76.70 Acre tract being listed in the Guadalupe County Appraisal District, Account No. 63574, and POINT OF BEGINNING of herein described 542.53 Acre tract.

**THENCE:** S 58° 37' 05" W, for a distance of 1596.83' to a point;

N 31° 13' 18" W, for a distance of 3333.36' to a point on the IH-10 Southern Right-of-Way;

Continuing along the IH-10 Right-of-Way S 66° 12' 11" W, for a distance of 739.64' to a point;

S 88° 00' 06" W, for a distance of 107.72' to a point;

S 66° 12' 11" W, for a distance of 1300.21' to a point;

N 82° 50' 14" W, for a distance of 116.63' to a point;

S 66° 12' 11" W, for a distance of 860.52' to a point;

N 32° 52' 42" W, for a distance of 339.23' to a point across IH-10 to the North Right-of-Way of IH-10;

Continuing along the Right-of-Way of IH-10, N66° 25' 53" E, for a distance of 2314.26' to a point;

Leaving the Right-of-Way of IH-10 and continuing along a chord of which bears N 24° 33' 56" W for a distance of 2125.83', the curve having a radius of 26400.00' and a length of 2126.41' with a central angle of 4° 36' 54" to a point;

N 59° 26' 08" E, for a distance of 3764.20' to a point;

S 30° 54' 34" E, for a distance of 1224.82' to a point;

N 61° 48' 23" E, for a distance of 1108.08' to a point;

S 28° 40' 41" E, for a distance of 1770.94' to a point across IH-10 on the South Right-of-Way;

Continuing along the South Right-of-Way of IH-10, S 66° 12' 11" W, for a distance of 237.06' to a point;

Leaving the South Right-of-Way of IH-10, S 30° 50' 01" E, for a distance of 901.36' to a point;

S 60° 16' 14" W, for a distance of 381.58' to a point;

S 31° 44' 11" E, for a distance of 942.20' to a point;

S 57° 31' 25" W, for a distance of 377.98' to a point on the North Right-of-Way of Santa Clara Road;

Continuing along the North Right-of-Way of Santa Clara Road, S 31° 01' 35" E, for a distance of 321.64' to a point;

Leaving the North Right-of-Way of Santa Clara Road, S 27° 04' 37" W, for a distance of 115.39' to a point across on the South Right-of-Way of Santa Clara Road;

Leaving the South Right-of-Way of Santa Clara Road, S 59° 21' 29" W, for a distance of 1570.76' to a point;

S 31° 37' 15" E, for a distance of 697.80' to the POINT OF BEGINNING and containing 542.53 Acres more or less.

The annexed area is to include 542.53 Acres as described above less the following parcels:

- Guadalupe County Appraisal District Account No. 63574  
Vu, Thuan M (76.7000 Ac.)
- Guadalupe County Appraisal District Account No. 63435  
Meyer, Valeska H (18.1600 Ac.)
- Guadalupe County Appraisal District Account No. 63972  
Meyer, Valeska H (14.0000 Ac.)
- Guadalupe County Appraisal District Account No. 63973  
Meyer, Valeska H (1.0000 Ac.)

- Guadalupe County Appraisal District Account No. 63980  
Scheel Family Trust No. 2 (94.0360 Ac.)
- Guadalupe County Appraisal District Account No. 63501  
Scheel Family Trust (65.4600 Ac.)
- Guadalupe County Appraisal District Account No. 71055  
Schmoekel, Donna (3.0000 Ac.)
- Guadalupe County Appraisal District Account No. 71075  
Pfannstiel, Sammy (2.9300 Ac.)
- Guadalupe County Appraisal District Account No. 71014  
Pfannstiel, Sammy (1.0600 Ac.)
- Guadalupe County Appraisal District Account No. 70990  
Murphey, Joann F. & Claudette June Turk (6.0380 Ac.)
- Guadalupe County Appraisal District Account No. 63369  
Haecker, Ralph A & G (40.5000 Ac.)
- Guadalupe County Appraisal District Account No. 63368  
Haecker, Ralph A & G (34.2580 Ac.)

for a total area to be annexed: 185.39 Acres.

## **AREA #1A**

### **BEGINNING:**

at the most Eastern corner of a 14.9480 Acre tract being listed in the Guadalupe County Appraisal District, Account No. 63496, said point also being on the North Right-of-Way of IH-10 and being the POINT OF BEGINNING of herein described 14.06 Acre tract.

### **THENCE:**

Leaving the North Right-of-Way and crossing IH-10, N 32° 01' 06" W, for a distance of 323.32' to a point on the South Right-of-Way;

Continuing along the South Right-of-Way of IH-10, N 66° 12' 11" E, for a distance of 1914.84' to a point;

Leaving the South Right-of-Way of IH-10 and crossing IH-10, S 31° 36' 08" E, for a distance of 322.99' to a point on the North Right-of-Way of IH-10;

Continuing on the North Right-of-Way of IH-10, S 66° 12' 11" W, for a distance of 1912.54' to the POINT OF BEGINNING and containing 14.06 Acres more or less.

## AREA #1B

**BEGINNING:** on the South Right-of-Way line of IH-10 and at the Northeast corner of a 1.22 Acre tract; said tract being listed in the Guadalupe County Appraisal District, Account No. 63432, and being the POINT OF BEGINNING of herein described 10.61 Acre tract.

**THENCE:** Continuing along the South Right-of-Way of IH-10, S 66° 12' 11" W, for a distance of 347.92' to a point;

S 60° 29' 33" W, for a distance of 201.00 to a point;

S 66° 12' 11" W, for a distance of 1000.79 to a point;

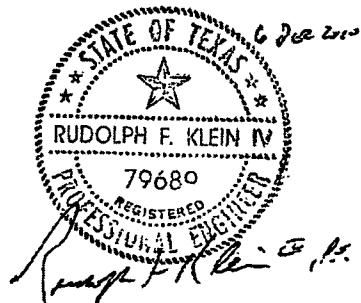
Leaving the South Right-of-Way of IH-10, N 21° 14' 47" E, for a distance of 523.66' to a point on the North Right-of-Way of IH-10;

Continuing along the North Right-of-Way of IH-10, N 66° 12' 11" E, for a distance of 314.73' to a point;

S 23° 47' 49" E, for a distance of 30.00' to a point;

N 66° 12' 11" W, for a distance of 816.21' to a point;

Leaving the North Right-of-Way of IH-10, S 32° 11' 24" E, for a distance of 323.46' to the POINT OF BEGINNING and containing 10.61 Acres more or less.





2010  
CITY LIMITS AND ETJ MAP  
OF THE CITY OF COBO

DATE: NOVEMBER, 2010

Prepared by  
KLEIN ENGINEERING, INC.  
CIVIL / MUNICIPAL / ENVIRONMENTAL ENGINEERS  
SAN ANTONIO, TEXAS

## **EXHIBIT D**

### **2010 ANNEXATION PROGRAM CITY OF CIBOLO, TEXAS**

#### **SERVICE PLAN FOR DECEMBER 14, 2010 ANNEXATION**

Upon annexation of the area identified above the City of Cibolo will provide City services utilizing methods by which it extends services to any other equivalent area of the City.

#### **SERVICES PROVIDED BY THE EFFECTIVE DATE OF ANNEXATION**

1. **Police Protection**

The City of Cibolo, Texas and its Police Department will provide police protection to newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed areas. The Police Department will have the responsibility to respond to all dispatched calls for service or assistance within the newly annexed areas.

2. **Fire Protection and Emergency Medical Services**

The City of Cibolo, Texas and its Fire Department, and the Cibolo Volunteer Fire Department, will provide fire protection to newly annexed areas at the same or similar level of service now being provided to other areas of the City, with like topography, land use and population density as those found within the newly annexed areas.

The City of Cibolo, Texas contracts with the City of Schertz for EMS services and will provide EMS services through that contract to newly annexed areas at the same or similar level of service now being provided to other areas of the City, with like topography, land use and population density as those found within the newly annexed areas.

3. **Maintenance of Water and Wastewater Facilities**

All of the newly annexed properties are within the water and waste water service area of Green Valley Special Utility District.

All water/wastewater facilities owned or maintained by Green Valley Special Utility District at the time of the proposed annexation shall continue to be maintained by Green Valley Special Utility District. All water/wastewater facilities which may be acquired subsequent to the annexation of the proposed areas shall be maintained by Green Valley Special Utility District, to the extent of the ownership of each in said facilities. The now existing water/wastewater mains at existing locations shall be available for the point of use extension based upon the City of Cibolo and Green Valley Special Utility District standard extension policies now existing or as may be amended. On-site sewerage systems may be maintained in accordance with the City of Cibolo Code of Ordinances.

4. **Solid Waste Collection**

The City of Cibolo, Texas contracts for the collection of solid waste and refuse within the corporate limits of the City with Bexar Waste. Solid waste collection will be provided to citizens in the newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and density as those found within the newly annexed areas. The City may negotiate with annexed areas to allow continued services with an existing solid waste management

provider. After the second anniversary of the annexation date, the City will impose fees and provide the service.

If areas with private roads and/or gates are arranged so that garbage may be collected without creating a safety hazard, the City, at its discretion, may collect the garbage provided proper indemnification is received from the community association or individual property owners. The City will then impose fees and provide the service. Garbage collection locations shall be subject to the approval of the Sanitation Manager. In the event the City does not collect garbage within the areas with private roads and/or gates, residents of these areas will not be billed for service after the two-year date.

5. **Maintenance of Roads and Streets**

Any and all public roads, streets or alleyways shall be maintained to the same degree and extent that other public roads, streets, and alleyways are maintained in areas of the City with like topography, land use and density as those found within the newly annexed areas. Private roads will remain under the ownership of the homeowners association and as such maintained by the association.

6. **Maintenance of Parks, Playgrounds, and Swimming Pools**

The City of Cibolo, Texas is not aware of the existence of any publicly owned parks, playgrounds or swimming pools now located in the proposed areas of annexation. In the event any such parks, playgrounds, or swimming pools do exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed areas. Private facilities will remain under the ownership of the homeowners association and as such maintained by the association.

7. **Maintenance of any Publicly owned Facility, Building or Municipal Service**

The City of Cibolo, Texas is not aware of the existence of any publicly owned facility, building, or other municipal service now located in the proposed areas of annexation. In the event any publicly owned facility, building, or other municipal service does exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed areas.

8. **Other Services**

The City of Cibolo, Texas finds and determines that such services as planning, code enforcement, animal control, library, parks and recreation, court and general administration will be made available after the effective date of annexation at the same or similar level of service now being provided to other areas of the City with similar topography, land use and density as those found within the newly annexed areas.

**CONSTRUCTION OF ANY CAPITAL IMPROVEMENTS TO BE COMPLETED WITHIN 2 ½ YEARS**

1. **Police and Fire Protection and Solid Waste Collection**

The City of Cibolo, Texas, finds and determines that it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas for the purpose of providing police protection, fire protection, emergency medical services or solid waste collection. The City finds and determines that it has at the present time adequate facilities and other resources to provide the same type, kind and level of service and protection which is presently being administered to other areas already incorporated in the City of Cibolo, Texas with like topography, land use and population density as those found within the newly annexed areas.

2. **Water/Wastewater Facilities**

The City of Cibolo, Texas, finds and determines it is not necessary for the City of Cibolo to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas because the area being annexed is located within the water and wastewater service area of Green Valley Special Utility District.

3. **Roads and Streets**

The City of Cibolo, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas.

4. **Maintenance of Parks, Playgrounds, and Swimming Pools and Any Other Publicly Owned Facility, Building, or Service**

The City of Cibolo, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas for the purpose of parks maintenance, playgrounds, swimming pools and other publicly owned facility, building or service.

5. **Maintenance of Current Septic System**

Any resident who currently utilizes a septic system to manage wastewater shall be entitled to continue said system except for the following:

Should a septic system located within 500-feet of an existing sewer main fail to the point where repair costs will exceed the cost of replacement, the property owner shall be required to connect to the sewer system.

**SPECIFIC FINDINGS**

The City of Cibolo, Texas, finds and determines that this proposed service plan will not provide any fewer services and will not provide a lower level of service in the areas being considered for annexation that were in existence in the proposed areas at the time immediately preceding the annexation process. Given the proposed annexation areas' topography, land utilization and population density, the service levels to be provided in the newly annexed areas will be equivalent to those provided to other areas of the City with similar characteristics.

**TERMS**

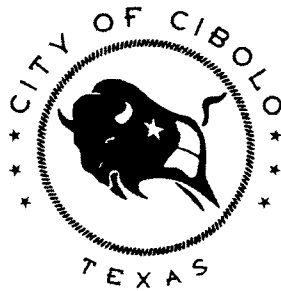
This plan shall be valid for a term of ten (10) years. Renewal of the Service Plan is at the discretion of the City of Cibolo.

**LEVEL OF SERVICE**

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

**AMENDMENTS**

The plan shall not be amended unless public hearings are held in accordance with Chapter 43 of the Texas Local Government Code.



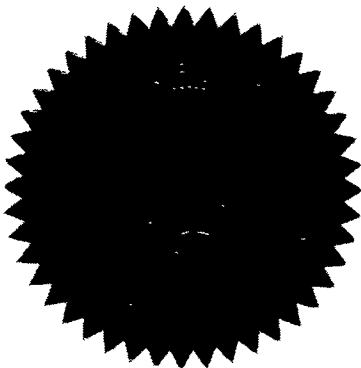
"City of Choice"

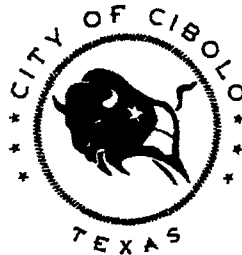
### CERTIFICATE OF CITY SECRETARY

I, the undersigned City Secretary of the City of Cibolo, Texas (the "City"), certify that the attached is a true and correct copy of the City of Cibolo Ordinance No.962 adopted by the City Council on February 8, 2011.

CITY OF CIBOLO, TEXAS

Peggy Cimics  
City Secretary





*"City of Choice"*

**ORDINANCE NO. 962**

**PROVIDING FOR THE EXTENSION OF CIBOLO, TEXAS CITY LIMITS BY THE ANNEXATION OF TRACTS OF LAND THAT CONTAIN AN AGGREGATE AREA OF 75.34 ACRES WITHIN THE ANNEXATION AREA REFERRED TO AS ANNEXATION AREA 2, BEING GENERALLY LOCATED EAST AND SOUTH OF THE CORPORATE LIMITS OF THE CITY OF CIBOLO, GENERALLY BETWEEN BOLTON ROAD AND LOWER SEGUIN ROAD, ADJACENT TO THE EXISTING CITY LIMIT BOUNDARY OF THE CITY OF CIBOLO, GUADALUPE COUNTY, TEXAS; AND APPROVING A SERVICE PLAN FOR SUCH AREAS.**

**WHEREAS**, Texas Local Government Code section 43.021 authorizes the City of Cibolo, as a home-rule municipality, to extend its City limit boundaries through the annexation of area adjacent to those boundaries; and

**WHEREAS**, section 1.03 of the City Charter of the City of Cibolo provides that the City Council has authority by ordinance to fix the City limit boundaries, provide for the alteration and extension of said boundaries, and annex additional territory lying adjacent to said boundaries in any manner provided by law; and

**WHEREAS**, Texas Local Government Code section 43.052(h)(1) provides that an area proposed for annexation containing fewer than one hundred (100) separate tracts of land on which one or more residential dwellings are located on each tract is exempted from the state law requirement that an area proposed for annexation first be identified in an annexation plan; and

**WHEREAS**, the areas described herein contain fewer than one hundred (100) separate tracts of land on which one or more residential dwellings are located on each tract and are, therefore, exempted from the above-described annexation plan requirement; and

**WHEREAS**, Texas Local Government Code section 43.035(a)(2) stipulates that a municipality may not annex an area appraised for ad valorem tax purposes as land for agricultural use under Subchapter C or D, Chapter 23, Tax Code and Texas Local Government Code section 43.035(b)(1) stipulates provides that a municipality must offer to make a development agreement with landowners eligible under TLGC 43.035(a)(2) to guarantee the continuation of the extraterritorial status of the area; and

**WHEREAS**, the City of Cibolo executed Non-Annexation Agreements for properties eligible for said Non-Annexation Agreements, which were approved by City Council by Resolution 1413 on December 14, 2010; and

**WHEREAS**, pursuant to Texas Local Government Code section 43.035(c) an area adjacent or contiguous to an area that is the subject of a development agreement under Texas Local Government Code section 43.035(b)(1) is considered adjacent or contiguous to the municipality; and

**WHEREAS**, on the 22<sup>nd</sup> day of November 2010 and the 23<sup>rd</sup> day of November, 2010, the City Council of the City of Cibolo, Texas held public hearings on the proposed annexation of approximately 75.34 acres, situated outside of, but immediately adjacent to, the current corporate limits of the City of Cibolo, 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 referenced public hearings was published in The Seguin Gazette on October 29, 2010 and October 31, 2010, a newspaper having general circulation in the City of Cibolo, Texas and within the territory to be annexed, in accordance with law; and

**WHEREAS**, the proposed service plan was made available for public inspection and explained to the inhabitants of the area at the public hearings held; and

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

**WHEREAS**, the population of the City of Cibolo, Texas is in excess of approximately 18,000 inhabitants, and the area to be annexed lies within the extraterritorial jurisdiction of the City of Cibolo, Texas, and lies adjacent to and adjoins the City of Cibolo, Texas.

**NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CIBOLO, TEXAS:**

**SECTION 1.** The land and territory lying outside of, but adjacent to and adjoining the City of Cibolo, Texas, more particularly described in Exhibits 'A' and 'B', attached hereto and incorporated herein by reference, is hereby added and annexed to the City of Cibolo, 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 Exhibits 'A' and 'B', are altered and amended so as to include said areas within the corporate limits of the City of Cibolo, Texas.

**SECTION 2.** The land and territory more particularly described in Exhibits 'A' and 'B' are attached hereto and incorporated herein by reference, shall be part of the City of Cibolo, 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 Cibolo, Texas.

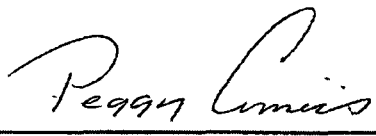
**SECTION 3.** A service plan outlining the provisions of necessary municipal service to the properties described in Exhibit 'C' is hereby approved and the implementation of said plan is hereby authorized. Such plan is attached hereto and incorporated herein as Exhibit 'C'.

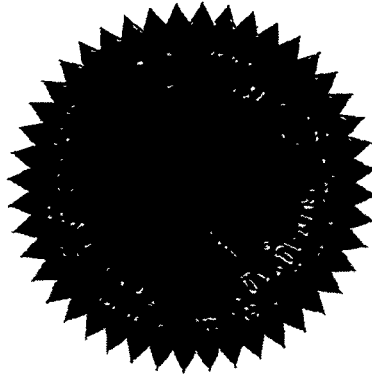
**SECTION 4.** This ordinance shall be effective from and after February 8, 2011.

**PASSED AND APPROVED** this, the 8<sup>th</sup> day of February 2011.

  
JENNIFER HARTMAN, MAYOR

ATTEST:

  
PEGGY CIMICS, CITY SECRETARY





**EXHIBIT A**

**ANNEXATION AREA METES & BOUNDS DESCRIPTION**

Field Notes for a 75.34 Acres of land to be annexed into the City of Cibolo, Guadalupe County, Texas; said 75.34 Acres of land is adjacent and/or surrounded by the existing City Limits or ETJ of the City of Cibolo, Guadalupe County, Texas.

## **AREA #2**

**BEGINNING:** at a point at the intersection of Bolton Road and Santa Clara Road and Western side of a 103.270 Acre tract listed in the Guadalupe County Appraisal District, Account No. 70982, and POINT OF BEGINNING of herein described 380.69 Acre tract.

**THENCE:** Leaving the East Right-of-Way of Santa Clara Road and continuing S 59° 24' 53" W, for a distance of 3764.19' along the North Right-of-Way of Bolton Road to a point;

Leaving the Right-of-Way and continuing along a chord of which bears N 31° 55' 48" W for a distance of 4654.10'; the curve having a radius of 26400.00', a length of 4660.14' and a central angle of 10° 06' 50" to a point West of the said chord;

N 61° 31' 40" E, for a distance of 680.71' to a point;

S 30° 39' 20" E, for a distance of 642.35' to a point on the North Right-of-Way of Schmoekel Road;

Continuing along the North Right-of-Way, N 58° 52' 48" E, for a distance of 875.85' to a point;

N 67° 23' 09" E, for a distance of 756.15' to a point;

N 67° 17' 29" E, for a distance of 1550.24' to a point;

N 57° 50' 44" E, for a distance of 936.97' to a point at the intersection of Schmoekel Road and Santa Clara Road;

Continuing along the East Right-of-Way of Santa Clara Road, S 24° 45' 22" E, for a distance of 1691.05' to a point;

S 24° 52' 26" W, for a distance of 686.14' to a point;

S 12° 45' 00" W, for a distance of 130.16' to a point;

S 30° 54' 34" E, for a distance of 1364.02' to the POINT OF BEGINNING and containing 537.85 Acres more or less.

The annexed area is to include 380.69 Acres as described above less the following parcels:

- Guadalupe County Appraisal District Account No. 63967  
Gardner, Charles M. (10.0000 Ac.)
- Guadalupe County Appraisal District Account No. 63969  
Krebs, Larry (10.0000 Ac.)
- Guadalupe County Appraisal District Account No. 63970  
Krebs, Rodney Dale (3.5000 Ac.)
- Guadalupe County Appraisal District Account No. 63971  
Schaefer, Alwin F & Irene (68.2110 Ac.)
- Guadalupe County Appraisal District Account No. 63981  
Friesenhahn, Michael Roman (9.2750 Ac.)
- Guadalupe County Appraisal District Account No. 63982  
Friesenhahn, Michael Roman (1.0000 Ac.)
- Guadalupe County Appraisal District Account No. 63510  
Friesenhahn, Michael Roman (1.6400 Ac.)
- Guadalupe County Appraisal District Account No. 63297  
Adams, Gilford A. (1.9100 Ac.)
- Guadalupe County Appraisal District Account No. 63961  
Adams, Gilford A. (10.0000 Ac.)
- Guadalupe County Appraisal District Account No. 63979  
Schaefer A.F. & I. (45.8100 Ac.)
- Guadalupe County Appraisal District Account No. 63974  
Neill, Larry R. (44.0000 Ac.)
- Guadalupe County Appraisal District Account No. 63986  
Zurovec, Joan T. Striegl & Nehr, Barbara C. Striegl & Striegl,  
Conrad J Jr. & Striegl, Joyce Lee (75.0000 Ac.)

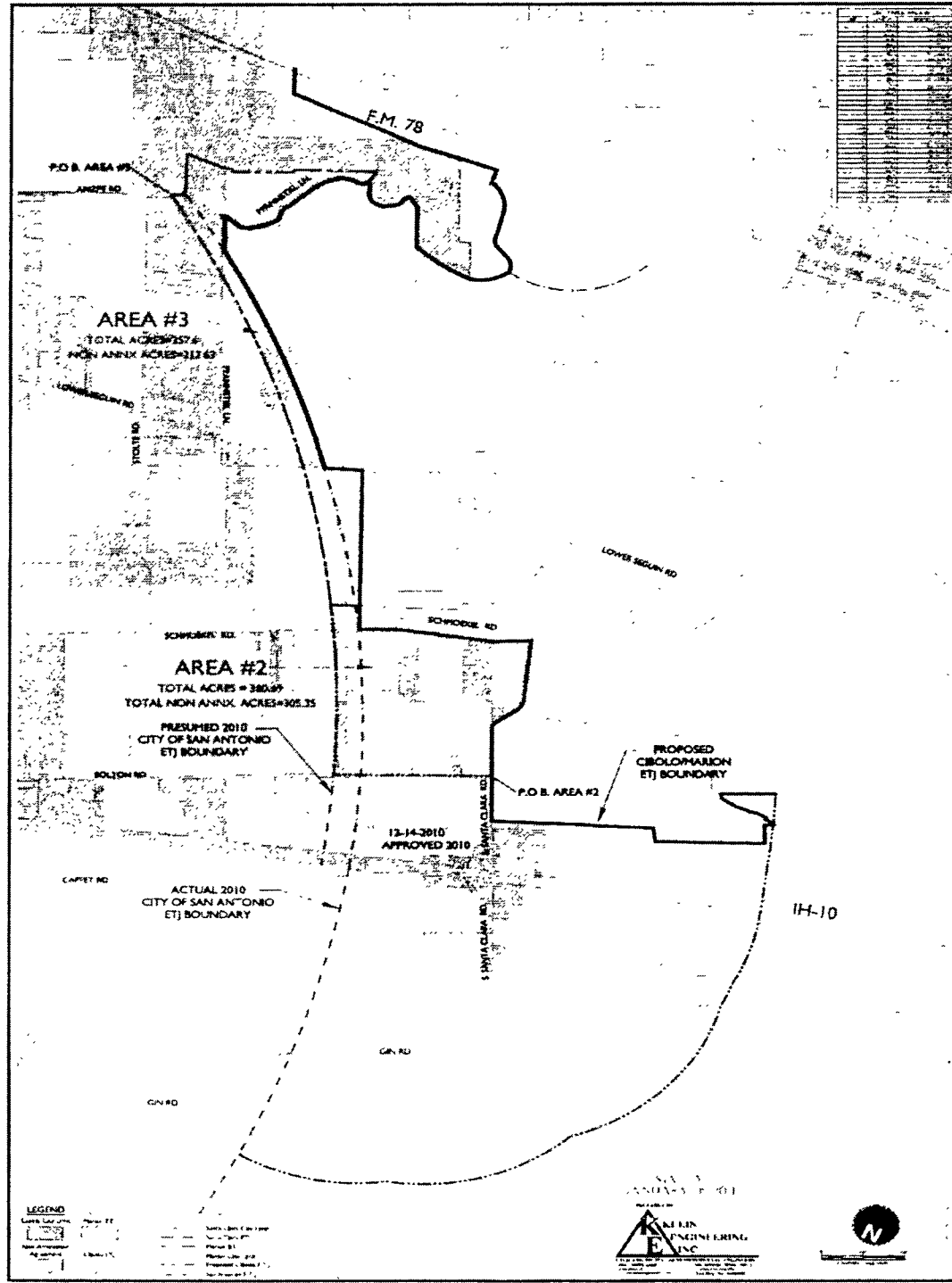
- Guadalupe County Appraisal District Account No. 120838  
Warren, Brian D. & Gina D. (25.0000 Ac.)

for a total area to be annexed: 75.34 Acres.



# EXHIBIT B

## ANNEXATION METES & BOUNDS MAP



## EXHIBIT C

### 2010 ANNEXATION PROGRAM CITY OF CIBOLO, TEXAS

#### **SERVICE PLAN FOR FEBRUARY 8, 2011 ANNEXATION**

Upon annexation of the area identified above the City of Cibolo will provide City services utilizing methods by which it extends services to any other equivalent area of the City.

#### **SERVICES PROVIDED BY THE EFFECTIVE DATE OF ANNEXATION**

1. **Police Protection**

The City of Cibolo, Texas and its Police Department will provide police protection to newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed areas. The Police Department will have the responsibility to respond to all dispatched calls for service or assistance within the newly annexed areas.

2. **Fire Protection and Emergency Medical Services**

The City of Cibolo, Texas and its Fire Department, and the Cibolo Volunteer Fire Department, will provide fire protection to newly annexed areas at the same or similar level of service now being provided to other areas of the City, with like topography, land use and population density as those found within the newly annexed areas.

The City of Cibolo, Texas contracts with the City of Schertz for EMS services and will provide EMS services through that contract to newly annexed areas at the same or similar level of service now being provided to other areas of the City, with like topography, land use and population density as those found within the newly annexed areas.

3. **Maintenance of Water and Wastewater Facilities**

All of the newly annexed properties are within the water and waste water service area of Green Valley Special Utility District.

All water/wastewater facilities owned or maintained by Green Valley Special Utility District at the time of the proposed annexation shall continue to be maintained by Green Valley Special Utility District. All water/wastewater facilities which may be acquired subsequent to the annexation of the proposed areas shall be maintained by Green Valley Special Utility District, to the extent of the ownership of each in said facilities. The now existing water/wastewater mains at existing locations shall be available for the point of use extension based upon the City of Cibolo and Green Valley Special Utility District standard extension policies now existing or as may be amended. On-site sewerage systems may be maintained in accordance with the City of Cibolo Code of Ordinances.

4. **Solid Waste Collection**

The City of Cibolo, Texas contracts for the collection of solid waste and refuse within the corporate limits of the City with Bexar Waste. Solid waste collection will be provided to citizens in the newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and density as those found within the newly annexed areas. The City may negotiate with annexed areas to allow continued services with an existing solid waste management

provider. After the second anniversary of the annexation date, the City will impose fees and provide the service.

If areas with private roads and/or gates are arranged so that garbage may be collected without creating a safety hazard, the City, at its discretion, may collect the garbage provided proper indemnification is received from the community association or individual property owners. The City will then impose fees and provide the service. Garbage collection locations shall be subject to the approval of the Sanitation Manager. In the event the City does not collect garbage within the areas with private roads and/or gates, residents of these areas will not be billed for service after the two-year date.

5. **Maintenance of Roads and Streets**

Any and all public roads, streets or alleyways shall be maintained to the same degree and extent that other public roads, streets, and alleyways are maintained in areas of the City with like topography, land use and density as those found within the newly annexed areas. Private roads will remain under the ownership of the homeowners association and as such maintained by the association.

6. **Maintenance of Parks, Playgrounds, and Swimming Pools**

The City of Cibolo, Texas is not aware of the existence of any publicly owned parks, playgrounds or swimming pools now located in the proposed areas of annexation. In the event any such parks, playgrounds, or swimming pools do exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed areas. Private facilities will remain under the ownership of the homeowners association and as such maintained by the association.

7. **Maintenance of any Publicly owned Facility, Building or Municipal Service**

The City of Cibolo, Texas is not aware of the existence of any publicly owned facility, building, or other municipal service now located in the proposed areas of annexation. In the event any publicly owned facility, building, or other municipal service does exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed areas.

8. **Other Services**

The City of Cibolo, Texas finds and determines that such services as planning, code enforcement, animal control, library, parks and recreation, court and general administration will be made available after the effective date of annexation at the same or similar level of service now being provided to other areas of the City with similar topography, land use and density as those found within the newly annexed areas.

**CONSTRUCTION OF ANY CAPITAL IMPROVEMENTS TO BE COMPLETED WITHIN 2 ½ YEARS**

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The City of Cibolo, Texas, finds and determines that it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas for the purpose of providing police protection, fire protection, emergency medical services or solid waste collection. The City finds and determines that it has at the present time adequate facilities and other resources to provide the same type, kind and level of service and protection which is presently being administered to other areas already incorporated in the City of Cibolo, Texas with like topography, land use and population density as those found within the newly annexed areas.

2. **Water/Wastewater Facilities**

The City of Cibolo, Texas, finds and determines it is not necessary for the City of Cibolo to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas because the area being annexed is located within the water and wastewater service area of Green Valley Special Utility District.

3. **Roads and Streets**

The City of Cibolo, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas.

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The City of Cibolo, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas for the purpose of parks maintenance, playgrounds, swimming pools and other publicly owned facility, building or service.

5. **Maintenance of Current Septic System**

Any resident who currently utilizes a septic system to manage wastewater shall be entitled to continue said system except for the following:

Should a septic system located within 500-feet of an existing sewer main fail to the point where repair costs will exceed the cost of replacement, the property owner shall be required to connect to the sewer system.

**SPECIFIC FINDINGS**

The City of Cibolo, Texas, finds and determines that this proposed service plan will not provide any fewer services and will not provide a lower level of service in the areas being considered for annexation that were in existence in the proposed areas at the time immediately preceding the annexation process. Given the proposed annexation areas' topography, land utilization and population density, the service levels to be provided in the newly annexed areas will be equivalent to those provided to other areas of the City with similar characteristics.

**TERMS**

This plan shall be valid for a term of ten (10) years. Renewal of the Service Plan is at the discretion of the City of Cibolo.

**LEVEL OF SERVICE**

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

**AMENDMENTS**

The plan shall not be amended unless public hearings are held in accordance with Chapter 43 of the Texas Local Government Code.





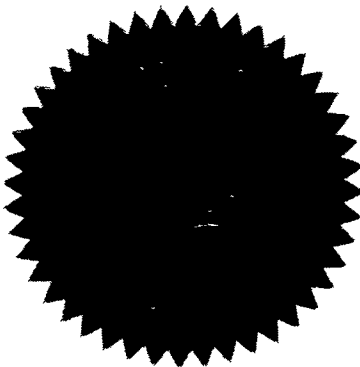
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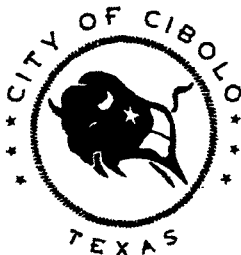
### **CERTIFICATE OF CITY SECRETARY**

I, the undersigned City Secretary of the City of Cibolo, Texas (the “City”), certify that the attached is a true and correct copy of the City of Cibolo Ordinance No.963 adopted by the City Council on February 8, 2011.

CITY OF CIBOLO, TEXAS

Peggy Cimics  
City Secretary





*"City of Choice"*

**ORDINANCE NO. 963**

**PROVIDING FOR THE EXTENSION OF CIBOLO, TEXAS CITY LIMITS BY THE ANNEXATION OF TRACTS OF LAND THAT CONTAIN AN AGGREGATE AREA OF 66.71 ACRES WITHIN THE ANNEXATION AREA REFERRED TO AS ANNEXATION AREA 3, BEING GENERALLY LOCATED EAST AND SOUTH OF THE CORPORATE LIMITS OF THE CITY OF CIBOLO, BETWEEN SCHMOEKEL ROAD AND F.M. 78, ADJACENT TO THE EXISTING CITY LIMIT BOUNDARY OF THE CITY OF CIBOLO, GUADALUPE COUNTY, TEXAS; AND APPROVING A SERVICE PLAN FOR SUCH AREAS.**

**WHEREAS**, Texas Local Government Code section 43.021 authorizes the City of Cibolo, as a home-rule municipality, to extend its City limit boundaries through the annexation of area adjacent to those boundaries; and

**WHEREAS**, section 1.03 of the City Charter of the City of Cibolo provides that the City Council has authority by ordinance to fix the City limit boundaries, provide for the alteration and extension of said boundaries, and annex additional territory lying adjacent to said boundaries in any manner provided by law; and

**WHEREAS**, Texas Local Government Code section 43.052(h)(1) provides that an area proposed for annexation containing fewer than one hundred (100) separate tracts of land on which one or more residential dwellings are located on each tract is exempted from the state law requirement that an area proposed for annexation first be identified in an annexation plan; and

**WHEREAS**, the areas described herein contain fewer than one hundred (100) separate tracts of land on which one or more residential dwellings are located on each tract and are, therefore, exempted from the above-described annexation plan requirement; and

**WHEREAS**, Texas Local Government Code section 43.035(a)(2) stipulates that a municipality may not annex an area appraised for ad valorem tax purposes as land for agricultural use under Subchapter C or D, Chapter 23, Tax Code and Texas Local Government Code section 43.035(b)(1) stipulates provides that a municipality must offer to make a development agreement with landowners eligible under TLGC 43.035(a)(2) to guarantee the continuation of the extraterritorial status of the area; and

**WHEREAS**, the City of Cibolo executed Non-Annexation Agreements for properties eligible for said Non-Annexation Agreements, which were approved by City Council on December 14, 2010 by Resolution 1414; and

**WHEREAS**, pursuant to Texas Local Government Code section 43.035(c) an area adjacent or contiguous to an area that is the subject of a development agreement under Texas Local Government Code section 43.035(b)(1) is considered adjacent or contiguous to the municipality; and

**WHEREAS**, on the 22<sup>nd</sup> day of November 2010 and the 23<sup>rd</sup> day of November, 2010, the City Council of the City of Cibolo, Texas held public hearings on the proposed annexation of approximately 66.71 acres, situated outside of, but immediately adjacent to, the current corporate limits of the City of Cibolo, 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 referenced public hearings was published in The Seguin Gazette on October 29, 2010 and October 31, 2010, a newspaper having general circulation in the City of Cibolo, Texas and within the territory to be annexed, in accordance with law; and

**WHEREAS**, the proposed service plan was made available for public inspection and explained to the inhabitants of the area at the public hearings held; 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 Cibolo, Texas is in excess of approximately 18,000 inhabitants, and the area to be annexed lies within the extraterritorial jurisdiction of the City of Cibolo, Texas, and lies adjacent to and adjoins the City of Cibolo, Texas.

**NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CIBOLO, TEXAS:**

**SECTION 1.** The land and territory lying outside of, but adjacent to and adjoining the City of Cibolo, Texas, more particularly described in Exhibits 'A' and 'B', attached hereto and incorporated herein by reference, is hereby added and annexed to the City of Cibolo, 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 Exhibits 'A' and 'B', are altered and amended so as to include said areas within the corporate limits of the City of Cibolo, Texas.

**SECTION 2.** The land and territory more particularly described in Exhibits 'A' and 'B', are attached hereto and incorporated herein by reference, shall be part of the City of Cibolo, 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 Cibolo, Texas.


**SECTION 3.** A service plan outlining the provisions of necessary municipal service to the properties described in Exhibit 'C' is hereby approved and the implementation of said plan is hereby authorized. Such plan is attached hereto and incorporated herein as Exhibit 'C'.

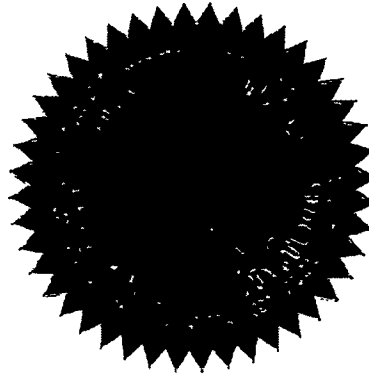
**SECTION 4.** This ordinance shall be effective from and after February 8, 2011.

**PASSED AND APPROVED** this, the 8<sup>th</sup> day of February 2011.

  
JENNIFER HARTMAN, MAYOR

ATTEST:

  
\_\_\_\_\_  
PEGGY CIMICS, CITY SECRETARY



**EXHIBIT A**  
**ANNEXATION AREA METES & BOUNDS DESCRIPTION**

Field Notes for a 66.71 Acres of land to be annexed into the City of Cibolo, Guadalupe County, Texas; said 66.71 Acres of land is adjacent and/or surrounded by the existing City Limits or ETJ of the City of Cibolo, Guadalupe County, Texas.

### AREA #3

**BEGINNING:** at a point on the Northwestern line of the Right-of-Way of Arizpe Road, said point being approximately 911.16' from the most Southern corner of a 73.39 Acre tract listed in the Guadalupe County Appraisal District, Account No. 66230, and POINT OF BEGINNING of herein described 265.35 Acre tract.

**THENCE:** N 59° 56' 09" E, for a distance of 353.36' along the Northwestern Right-of-Way line of Arizpe Road to a point,

N 29° 03' 13" W, for a distance of 1105.37' to a point;

N 82° 04' 30" E, for a distance of 1002.62' to a point;

N 61° 23' 08" E, for a distance of 164.42' to a point;

S 30° 42' 32" E, for a distance of 88.95' to a point;

N 59° 17' 28" E, for a distance of 1459.18' to a point;

N 31° 09' 43" W, for a distance of 65.51' to a point;

N 60° 19' 48" E, for a distance of 1971.21' to a point on the East Right-of-Way of Pfannstiel Lane;

Continuing along the East Right-of-Way of Pfannstiel Lane,  
S 01° 16' 11" E, for a distance of 236.86' to a point;

S 09° 02' 24" W, for a distance of 104.27' to a point;

S 32° 34' 23" W, for a distance of 130.38' to a point;

S 63° 25' 56" W, for a distance of 49.01' to a point;

S 77° 11' 51" W, for a distance of 76.12' to a point;

S 88° 30' 50" W, for a distance of 144.36' to a point;  
 S 74° 13' 01" W, for a distance of 259.41' to a point;  
 S 47° 58' 06" W, for a distance of 247.44' to a point;  
 S 36° 32' 20" W, for a distance of 243.63' to a point;  
 S 27° 00' 33" W, for a distance of 299.41' to a point;  
 S 19° 48' 49" W, for a distance of 544.93' to a point;  
 S 16° 10' 50" W, for a distance of 141.54' to a point;  
 S 27° 33' 26" W, for a distance of 161.15' to a point;  
 S 05° 13' 30" W, for a distance of 145.58' to a point;  
 S 12° 03' 04" E, for a distance of 206.63' to a point;  
 S 27° 26' 18" W, for a distance of 132.83' to a point;  
 S 34° 59' 44" W, for a distance of 191.41' to a point;  
 S 42° 35' 48" W, for a distance of 226.49' to a point;  
 S 49° 30' 02" W, for a distance of 161.34' to a point;  
 S 59° 44' 03" W, for a distance of 207.70' to a point;  
 N 80° 58' 21" W, for a distance of 509.17' to a point;  
 S 56° 36' 50" W, for a distance of 47.12' to a point;  
 S 52° 48' 57" E, for a distance of 86.24' to a point;  
 S 35° 10' 48" E, for a distance of 145.78' to a point;  
 S 30° 47' 12" E, for a distance of 723.21' to a point;

Leaving Pfannstiel Lane and continuing along a chord of which  
 bears N 53° 07' 00" W, for a distance of 6379.56'; the curve  
 having a radius of 26400.00', a curve length of 6395.19' and a  
 central angle of 13° 52' 46" to point on the North Right-of Way of  
 Lower Seguin Road;

Continuing along the North Right-of-Way, N 62° 51' 11" E, for a distance of 769.93' to a point;

N 69° 59' 37" E, for a distance of 124.54' to a point;

Crossing Lower Seguin Road and continuing S 30° 14' 25" E, for a distance of 3725.05' to a point;

S61° 31' 40" W, for a distance of 680.71' to a point;

Continuing along a chord of which bears N 49° 58' 24" W, for a distance of 11865.32'; the curve having a radius of 26400.00', a curve length of 11967.53' and a central angle of 25° 58' 23" found West of the said chord to the POINT OF BEGINNING and containing 265.35 Acres more or less.

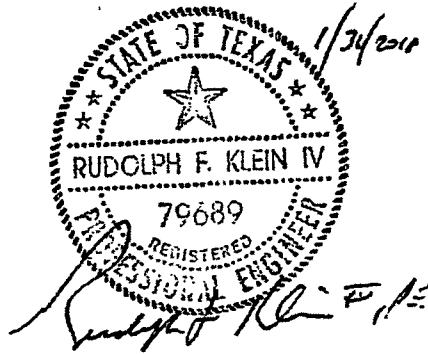
The annexed area is to include 265.35 Acres as described above less the following parcels:

- Guadalupe County Appraisal District Account No. 69705  
Stolte, Clayton L. (5.0900 Ac.)
- Guadalupe County Appraisal District Account No. 61859  
Pfannstiel, Gladys (29.0000 Ac.)
- Guadalupe County Appraisal District Account No. 61862  
Pfannstiel, Gladys (11.7500 Ac.)
- Guadalupe County Appraisal District Account No. 61858  
Pfannstiel, Gladys (11.2100 Ac.)
- Guadalupe County Appraisal District Account No. 61854  
Pfannstiel, Gladys (39.5800 Ac. out of 294.5800 Ac.)
- Guadalupe County Appraisal District Account No. 61868  
Schmoekel, Barbara Ann (15.8100 Ac. out of 21.7000 Ac.)
- Guadalupe County Appraisal District Account No. 61866  
Schmoekel, Leroy P (2.2800 Ac. out of 62.1500 Ac.)
- Guadalupe County Appraisal District Account No. 61822  
Schmoekel, Barbara Ann (0.4600 Ac.)
- Guadalupe County Appraisal District Account No. 63297  
Adams, Gilford A. (37.2900 Ac.)



- Guadalupe County Appraisal District Account No. 61100  
Adams, Gilford A. (46.1700 Ac.)

for a total area to be annexed: 66.71 Acres.



## EXHIBIT B

[illegible]

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## 2010 ANNEXATION PROGRAM CITY OF CIBOLO, TEXAS

### **SERVICE PLAN FOR FEBRUARY 8, 2011 ANNEXATION**

Upon annexation of the area identified above the City of Cibolo will provide City services utilizing methods by which it extends services to any other equivalent area of the City.

#### **SERVICES PROVIDED BY THE EFFECTIVE DATE OF ANNEXATION**

1. **Police Protection**

The City of Cibolo, Texas and its Police Department will provide police protection to newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed areas. The Police Department will have the responsibility to respond to all dispatched calls for service or assistance within the newly annexed areas.

2. **Fire Protection and Emergency Medical Services**

The City of Cibolo, Texas and its Fire Department, and the Cibolo Volunteer Fire Department, will provide fire protection to newly annexed areas at the same or similar level of service now being provided to other areas of the City, with like topography, land use and population density as those found within the newly annexed areas.

The City of Cibolo, Texas contracts with the City of Schertz for EMS services and will provide EMS services through that contract to newly annexed areas at the same or similar level of service now being provided to other areas of the City, with like topography, land use and population density as those found within the newly annexed areas.

3. **Maintenance of Water and Wastewater Facilities**

All of the newly annexed properties are within the water and waste water service area of Green Valley Special Utility District.

All water/wastewater facilities owned or maintained by Green Valley Special Utility District at the time of the proposed annexation shall continue to be maintained by Green Valley Special Utility District. All water/wastewater facilities which may be acquired subsequent to the annexation of the proposed areas shall be maintained by Green Valley Special Utility District, to the extent of the ownership of each in said facilities. The now existing water/wastewater mains at existing locations shall be available for the point of use extension based upon the City of Cibolo and Green Valley Special Utility District standard extension policies now existing or as may be amended. On-site sewerage systems may be maintained in accordance with the City of Cibolo Code of Ordinances.

4. **Solid Waste Collection**

The City of Cibolo, Texas contracts for the collection of solid waste and refuse within the corporate limits of the City with Bexar Waste. Solid waste collection will be provided to citizens in the newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and density as those found within the newly annexed areas. The City may negotiate with annexed areas to allow continued services with an existing solid waste management provider. After the second anniversary of the annexation date, the City will impose fees and provide the service.

If areas with private roads and/or gates are arranged so that garbage may be collected without creating a safety hazard, the City, at its discretion, may collect the garbage provided proper indemnification is received from the community association or individual property owners. The City will then impose fees and provide the service. Garbage collection locations shall be subject to the approval of the Sanitation Manager. In the event the City does not collect garbage within the areas with private roads and/or gates, residents of these areas will not be billed for service after the two-year date.

5. **Maintenance of Roads and Streets**

Any and all public roads, streets or alleyways shall be maintained to the same degree and extent that other public roads, streets, and alleyways are maintained in areas of the City with like topography, land use and density as those found within the newly annexed areas. Private roads will remain under the ownership of the homeowners association and as such maintained by the association.

6. **Maintenance of Parks, Playgrounds, and Swimming Pools**

The City of Cibolo, Texas is not aware of the existence of any publicly owned parks, playgrounds or swimming pools now located in the proposed areas of annexation. In the event any such parks, playgrounds, or swimming pools do exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed areas. Private facilities will remain under the ownership of the homeowners association and as such maintained by the association.

7. **Maintenance of any Publicly owned Facility, Building or Municipal Service**

The City of Cibolo, Texas is not aware of the existence of any publicly owned facility, building, or other municipal service now located in the proposed areas of annexation. In the event any publicly owned facility, building, or other municipal service does exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed areas.

8. **Other Services**

The City of Cibolo, Texas finds and determines that such services as planning, code enforcement, animal control, library, parks and recreation, court and general administration will be made available after the effective date of annexation at the same or similar level of service now being provided to other areas of the City with similar topography, land use and density as those found within the newly annexed areas.

**CONSTRUCTION OF ANY CAPITAL IMPROVEMENTS TO BE COMPLETED WITHIN 2 ½ YEARS**

1. **Police and Fire Protection and Solid Waste Collection**

The City of Cibolo, Texas, finds and determines that it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas for the purpose of providing police protection, fire protection, emergency medical services or solid waste collection. The City finds and determines that it has at the present time adequate facilities and other resources to provide the same type, kind and level of service and protection which is presently being administered to other areas already incorporated in the City of Cibolo, Texas with like topography, land use and population density as those found within the newly annexed areas.

2. **Water/Wastewater Facilities**

The City of Cibolo, Texas, finds and determines it is not necessary for the City of Cibolo to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas because the area being annexed is located within the water and wastewater service area of Green Valley Special Utility District.

3. **Roads and Streets**

The City of Cibolo, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas.

4. **Maintenance of Parks, Playgrounds, and Swimming Pools and Any Other Publicly Owned Facility, Building, or Service**

The City of Cibolo, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas for the purpose of parks maintenance, playgrounds, swimming pools and other publicly owned facility, building or service.

5. **Maintenance of Current Septic System**

Any resident who currently utilizes a septic system to manage wastewater shall be entitled to continue said system except for the following:

Should a septic system located within 500-feet of an existing sewer main fail to the point where repair costs will exceed the cost of replacement, the property owner shall be required to connect to the sewer system.

**SPECIFIC FINDINGS**

The City of Cibolo, Texas, finds and determines that this proposed service plan will not provide any fewer services and will not provide a lower level of service in the areas being considered for annexation that were in existence in the proposed areas at the time immediately preceding the annexation process. Given the proposed annexation areas' topography, land utilization and population density, the service levels to be provided in the newly annexed areas will be equivalent to those provided to other areas of the City with similar characteristics.

**TERMS**

This plan shall be valid for a term of ten (10) years. Renewal of the Service Plan is at the discretion of the City of Cibolo.

**LEVEL OF SERVICE**

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

**AMENDMENTS**

The plan shall not be amended unless public hearings are held in accordance with Chapter 43 of the Texas Local Government Code.



**“City of Choice”**

### **CERTIFICATE OF CITY SECRETARY**

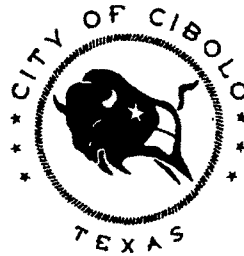
I, the undersigned City Secretary of the City of Cibolo, Texas (the “City”), certify that the attached is a true and correct copy of the City of Cibolo Ordinance No.968 adopted by the City Council on March 22, 2011.

CITY OF CIBOLO, TEXAS

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Peggy Cimics  
City Secretary

(CITY SEAL)



*"City of Choice"*

**ORDINANCE NO. 968**

**PROVIDING FOR THE EXTENSION OF CIBOLO, TEXAS CITY LIMITS BY THE ANNEXATION OF TRACTS OF LAND THAT CONTAIN AN AGGREGATE AREA OF 173.95 ACRES DEPICTED AS AREA 1 AND AREA 2 BEING GENERALLY LOCATED ALONG, AND IMMEDIATELY NORTH, OF THE INTERSTATE HIGHWAY 10 CORRIDOR BETWEEN SOUTH SANTA CLARA ROAD AND SANTA CLARA CREEK, ADJACENT TO THE EXISTING CITY LIMIT BOUNDARY OF THE CITY OF CIBOLO, GUADALUPE COUNTY, TEXAS; AND APPROVING A SERVICE PLAN FOR SUCH AREAS.**

**WHEREAS**, Texas Local Government Code section 43.021 authorizes the City of Cibolo, as a home-rule municipality, to extend its City limit boundaries through the annexation of area adjacent to those boundaries; and

**WHEREAS**, section 1.03 of the City Charter of the City of Cibolo provides that the City Council has authority by ordinance to fix the City limit boundaries, provide for the alteration and extension of said boundaries, and annex additional territory lying adjacent to said boundaries in any manner provided by law; and

**WHEREAS**, Texas Local Government Code section 43.052(h)(1) provides that an area proposed for annexation containing fewer than one hundred (100) separate tracts of land on which one or more residential dwellings are located on each tract is exempted from the state law requirement that an area proposed for annexation first be identified in an annexation plan; and

**WHEREAS**, the areas described herein contain fewer than one hundred (100) separate tracts of land on which one or more residential dwellings are located on each tract and are, therefore, exempted from the above-described annexation plan requirement; and

**WHEREAS**, Texas Local Government Code section 43.035(a)(2) stipulates that a municipality may not annex an area appraised for ad valorem tax purposes as land for agricultural use under Subchapter C or D, Chapter 23, Tax Code and Texas Local Government Code section 43.035(b)(1) stipulates provides that a municipality must offer to make a development agreement with landowners eligible under TLGC 43.035(a)(2) to guarantee the continuation of the extraterritorial status of the area; and

**WHEREAS**, the City of Cibolo executed Non-Annexation Agreements for properties within Area 1 and 2 eligible for said Non-Annexation Agreements, which were approved by City Council by Resolution on March 22, 2011; and

**WHEREAS**, pursuant to Texas Local Government Code section 43.035(c) an area adjacent or contiguous to an area that is the subject of a development agreement under Texas Local Government Code section 43.035(b)(1) is considered adjacent or contiguous to the municipality; and

**WHEREAS**, on the 22<sup>nd</sup> day of February 2011 and the 23<sup>rd</sup> day of February, 2011, the City Council of the City of Cibolo, Texas held public hearings on the proposed annexation of approximately 173.95 acres, situated outside of, but immediately adjacent to, the current corporate limits of the City of Cibolo, 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 referenced public hearings was published in The Seguin Gazette on February 4, 2011 and February 6, 2011, a newspaper having general circulation in the City of Cibolo, Texas and within the territory to be annexed, in accordance with law; and

**WHEREAS**, the proposed service plan was made available for public inspection and explained to the inhabitants of the area at the public hearings held; 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 Cibolo, Texas is in excess of approximately 18,000 inhabitants, and the area to be annexed lies within the extraterritorial jurisdiction of the City of Cibolo, Texas, and lies adjacent to and adjoins the City of Cibolo, Texas.

**NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CIBOLO, TEXAS:**

**SECTION 1.** The land and territory lying outside of, but adjacent to and adjoining the City of Cibolo, Texas, more particularly described in Exhibits 'A' and 'B', attached hereto and incorporated herein by reference, more particularly described as Area 1 and Area 2, is hereby added and annexed to the City of Cibolo, 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 Exhibits 'A' and 'B', are altered and amended so as to include said areas within the corporate limits of the City of Cibolo, Texas.

**SECTION 2.** The land and territory more particularly described as Area 1 and Area 2 on Exhibits 'A' and 'B' are attached hereto and incorporated herein by reference, shall be part of the City of Cibolo, 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 Cibolo, Texas.


**SECTION 3.** A service plan outlining the provisions of necessary municipal service to the properties described in Exhibit 'C' is hereby approved and the implementation of said plan is hereby authorized. Such plan is attached hereto and incorporated herein as Exhibit 'C'.

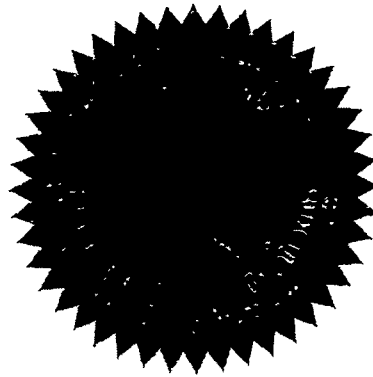
**SECTION 4.** This ordinance shall be effective from and after March 22, 2011.

**PASSED AND APPROVED** this, the 22<sup>nd</sup> day of March 2011.

  
JENNIFER HARTMAN, MAYOR

ATTEST:

  
PEGGY CIMICS, CITY SECRETARY



**EXHIBIT A**

**AREA 1 & AREA 2 ANNEXATION AREA METES & BOUNDS DESCRIPTION**

ANNEX MAP – MARCH 22, 2011  
FOR THE  
CITY OF CIBOLO, TEXAS

Field Notes for a 13.28 Acres of land to be annexed into the City of Cibolo, Guadalupe County, Texas; said 13.28 Acres of land is adjacent and/or surrounded by the existing City Limits or ETJ of the City of Cibolo, Guadalupe County, Texas.

**AREA #1**

**BEGINNING:** at a point at the Southern corner of a 40.30 Acre tract listed in the Guadalupe County Appraisal District, Account No. 71043, and POINT OF BEGINNING of herein described 13.28 Acre tract.

**THENCE:** N 58° 52' 26" E, for a distance of 1300.13' to a point;  
  
Continuing along a chord of which bears S 26° 36' 27" E, for a distance of 798.68'; the curve having a radius of 36,960.00', a curve length of 798.69' and a central angle of 1° 14' 17" to point;  
  
S 89° 09' 43" W, for a distance of 218.56' to a point;  
  
N 05° 36' 32" W, for a distance of 47.23' to a point;  
  
S 88° 00' 22" W, for a distance of 273.48' to a point;  
  
S 69° 23' 30" W, for a distance of 169.66' to a point;  
  
N 89° 53' 54" W, for a distance of 118.30' to a point;  
  
S 77° 36' 15" W, for a distance of 198.71' to a point;  
  
N 89° 53' 54" W, for a distance of 316.20' to a point;  
  
N 76° 30' 55" W, for a distance of 138.25' to a point;  
  
N 34° 11' 06" W, for a distance of 93.19' to the POINT OF BEGINNING and containing 13.28 Acres more or less.

ANNEX MAP – MARCH 22, 2011  
FOR THE  
CITY OF CIBOLO, TEXAS

Field Notes for a 160.67 Acres of land to be annexed into the City of Cibolo, Guadalupe County, Texas; said 160.67 Acres of land is adjacent and/or surrounded by the existing City Limits or ETJ of the City of Cibolo, Guadalupe County, Texas.

**AREA #2**

**BEGINNING:** at a point at the Southern corner of a 50.35 Acre tract listed in the Guadalupe County Appraisal District, Account No. 71061, and is the POINT OF BEGINNING of herein described 270.36 Acre tract.

**THENCE:** N 30° 50' 01" W, for a distance of 899.84' to a point along the Southern Right-of-Way of IH 10;

Continuing along the Southern Right-of-Way of IH 10, N 66° 12' 11" E, for a distance of 237.06' to a point;

Leaving the Southern Right-of-Way, crossing IH 10 and continuing N 28° 40' 41" W, for a distance of 1,770.94' to a point;

N 62° 10' 32" E, for a distance of 2,756.06' to a point;

S 40° 05' 29" E, for a distance of 382.26' to a point;

S 37° 47' 17" E, for a distance of 1,092.25' to a point;

N 59° 31' 30" E, for a distance of 1,411.47' to a point;

N 29° 28' 54" W, for a distance of 1,078.61' to a point;

N 59° 56' 47" E, for a distance of 1,039.13' to a point;

N 32° 29' 11" W, for a distance of 496.10' to a point;

N 57° 08' 13" E, for a distance of 206.17' to a point;

Continuing along a chord of which bears S 25° 03' 44" E, for a distance of 737.37'; the curve having a radius of 19,692.43', a curve length of 737.41' and a central angle of 2° 08' 44" to point;

S 23° 24' 15" E, for a distance of 1,802.26' to a point to and across  
IH 10;

Continuing along a chord of which bears S 21° 24' 18" E, for a  
distance of 171.87'; the curve having a radius of 5,280.00', a curve  
length of 171.88' and a central angle of 1° 51' 55" to point;

S 60° 25' 00" W, for a distance of 1,851.96' to a point;

S 60° 02' 36" W, for a distance of 3,729.10' to the POINT OF  
BEGINNING and containing 270.36 Acres more or less.

The annexed area is to include 270.36 Acres as described above  
less the following parcels:

- Guadalupe County Appraisal District Account No. 71066  
Friederick, Joyce W (0.7500 Ac.)
- Guadalupe County Appraisal District Account No. 71064  
Friederick, Joyce W (7.5680 Ac.)
- Guadalupe County Appraisal District Account No. 71061  
Weber, Sidney F (50.3510 Ac.)
- Guadalupe County Appraisal District Account No. 114437  
Weber, Larry and Penny (2.6800 Ac.)
- Guadalupe County Appraisal District Account No. 71070  
Weber, Delvin C (18.3800 Ac. out of 25.0200 Ac.)
- Guadalupe County Appraisal District Account No. 71078  
Atsinger Family Trust Etal. (29.97 Ac. out of 50.0000 Ac.)

for a total area to be annexed: 160.67 Acres.

## AREA 1 & AREA 2 ANNEXATION METES & BOUNDS MAP



## EXHIBIT C

### 2010 ANNEXATION PROGRAM CITY OF CIBOLO, TEXAS

#### **SERVICE PLAN FOR MARCH 22, 2011 ANNEXATION**

Upon annexation of the area identified above the City of Cibolo will provide City services utilizing methods by which it extends services to any other equivalent area of the City.

#### **SERVICES PROVIDED BY THE EFFECTIVE DATE OF ANNEXATION**

1. **Police Protection**

The City of Cibolo, Texas and its Police Department will provide police protection to newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed areas. The Police Department will have the responsibility to respond to all dispatched calls for service or assistance within the newly annexed areas.

2. **Fire Protection and Emergency Medical Services**

The City of Cibolo, Texas and its Fire Department, and the Cibolo Volunteer Fire Department, will provide fire protection to newly annexed areas at the same or similar level of service now being provided to other areas of the City, with like topography, land use and population density as those found within the newly annexed areas.

The City of Cibolo, Texas contracts with the City of Schertz for EMS services and will provide EMS services through that contract to newly annexed areas at the same or similar level of service now being provided to other areas of the City, with like topography, land use and population density as those found within the newly annexed areas.

3. **Maintenance of Water and Wastewater Facilities**

All of the newly annexed properties are within the water and waste water service area of Green Valley Special Utility District.

All water/wastewater facilities owned or maintained by Green Valley Special Utility District at the time of the proposed annexation shall continue to be maintained by Green Valley Special Utility District. All water/wastewater facilities which may be acquired subsequent to the annexation of the proposed areas shall be maintained by Green Valley Special Utility District, to the extent of the ownership of each in said facilities. The now existing water/wastewater mains at existing locations shall be available for the point of use extension based upon the City of Cibolo and Green Valley Special Utility District standard extension policies now existing or as may be amended. On-site sewerage systems may be maintained in accordance with the City of Cibolo Code of Ordinances.

4. **Solid Waste Collection**

The City of Cibolo, Texas contracts for the collection of solid waste and refuse within the corporate limits of the City with Bexar Waste. Solid waste collection will be provided to citizens in the newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and density as those found within the newly annexed areas. The City may negotiate with annexed areas to allow continued services with an existing solid waste management

provider. After the second anniversary of the annexation date, the City will impose fees and provide the service.

If areas with private roads and/or gates are arranged so that garbage may be collected without creating a safety hazard, the City, at its discretion, may collect the garbage provided proper indemnification is received from the community association or individual property owners. The City will then impose fees and provide the service. Garbage collection locations shall be subject to the approval of the Sanitation Manager. In the event the City does not collect garbage within the areas with private roads and/or gates, residents of these areas will not be billed for service after the two-year date.

5. **Maintenance of Roads and Streets**

Any and all public roads, streets or alleyways shall be maintained to the same degree and extent that other public roads, streets, and alleyways are maintained in areas of the City with like topography, land use and density as those found within the newly annexed areas. Private roads will remain under the ownership of the homeowners association and as such maintained by the association.

6. **Maintenance of Parks, Playgrounds, and Swimming Pools**

The City of Cibolo, Texas is not aware of the existence of any publicly owned parks, playgrounds or swimming pools now located in the proposed areas of annexation. In the event any such parks, playgrounds, or swimming pools do exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed areas. Private facilities will remain under the ownership of the homeowners association and as such maintained by the association.

7. **Maintenance of any Publicly owned Facility, Building or Municipal Service**

The City of Cibolo, Texas is not aware of the existence of any publicly owned facility, building, or other municipal service now located in the proposed areas of annexation. In the event any publicly owned facility, building, or other municipal service does exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed areas.

8. **Other Services**

The City of Cibolo, Texas finds and determines that such services as planning, code enforcement, animal control, library, parks and recreation, court and general administration will be made available after the effective date of annexation at the same or similar level of service now being provided to other areas of the City with similar topography, land use and density as those found within the newly annexed areas.

**CONSTRUCTION OF ANY CAPITAL IMPROVEMENTS TO BE COMPLETED WITHIN 2 ½ YEARS**

1. **Police and Fire Protection and Solid Waste Collection**

The City of Cibolo, Texas, finds and determines that it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas for the purpose of providing police protection, fire protection, emergency medical services or solid waste collection. The City finds and determines that it has at the present time adequate facilities and other resources to provide the same type, kind and level of service and protection which is presently being administered to other areas already incorporated in the City of Cibolo, Texas with like topography, land use and population density as those found within the newly annexed areas.



2. **Water/Wastewater Facilities**

The City of Cibolo, Texas, finds and determines it is not necessary for the City of Cibolo to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas because the area being annexed is located within the water and wastewater service area of Green Valley Special Utility District.

3. **Roads and Streets**

The City of Cibolo, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas.

4. **Maintenance of Parks, Playgrounds, and Swimming Pools and Any Other Publicly Owned Facility, Building, or Service**

The City of Cibolo, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas for the purpose of parks maintenance, playgrounds, swimming pools and other publicly owned facility, building or service.

5. **Maintenance of Current Septic System**

Any resident who currently utilizes a septic system to manage wastewater shall be entitled to continue said system except for the following:

Should a septic system located within 500-feet of an existing sewer main fail to the point where repair costs will exceed the cost of replacement, the property owner shall be required to connect to the sewer system.

**SPECIFIC FINDINGS**

The City of Cibolo, Texas, finds and determines that this proposed service plan will not provide any fewer services and will not provide a lower level of service in the areas being considered for annexation that were in existence in the proposed areas at the time immediately preceding the annexation process. Given the proposed annexation areas' topography, land utilization and population density, the service levels to be provided in the newly annexed areas will be equivalent to those provided to other areas of the City with similar characteristics.

**TERMS**

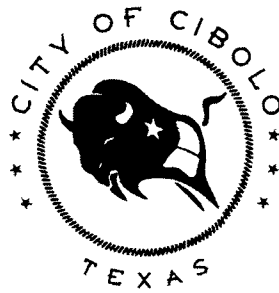
This plan shall be valid for a term of ten (10) years. Renewal of the Service Plan is at the discretion of the City of Cibolo.

**LEVEL OF SERVICE**

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

**AMENDMENTS**

The plan shall not be amended unless public hearings are held in accordance with Chapter 43 of the Texas Local Government Code.



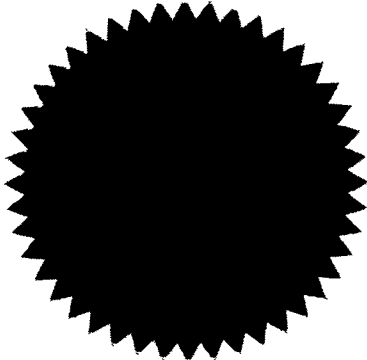
"City of Choice"

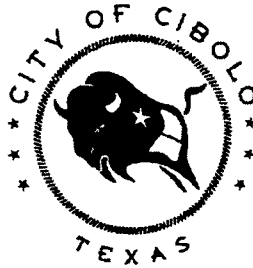
### CERTIFICATE OF CITY SECRETARY

I, the undersigned City Secretary of the City of Cibolo, Texas (the "City"), certify that the attached is a true and correct copy of the City of Cibolo Ordinance No.997 adopted by the City Council on October 25, 2011.

CITY OF CIBOLO, TEXAS

Peggy Cimics  
City Secretary





"City of Choice"

**ORDINANCE NO. 997**

**PROVIDING FOR THE EXTENSION OF CIBOLO, TEXAS CITY LIMITS BY THE ANNEXATION OF TRACTS OF LAND THAT CONTAIN AN AGGREGATE AREA OF 523.79 ACRES, AS DEPICTED HEREIN AS ANNEXATION AREAS 1 AND 2, EACH LOCATED EAST OF CIBOLO CREEK, NORTH OF INTERSTATE HIGHWAY 10, SOUTH OF LOWER SEGUIN ROAD AND WEST OF THE EXISTING CITY OF CIBOLO BOUNDARY, ADJACENT TO THE EXISTING CITY LIMIT BOUNDARY OF THE CITY OF CIBOLO, GUADALUPE COUNTY, TEXAS; AND APPROVING A SERVICE PLAN FOR SUCH AREAS.**

**WHEREAS**, Texas Local Government Code section 43.021 authorizes the City of Cibolo, as a home-rule municipality, to extend its City limit boundaries through the annexation of area adjacent to those boundaries; and

**WHEREAS**, section 1.03 of the City Charter of the City of Cibolo provides that the City Council has authority by ordinance to fix the City limit boundaries, provide for the alteration and extension of said boundaries, and annex additional territory lying adjacent to said boundaries in any manner provided by law; and

**WHEREAS**, Texas Local Government Code section 43.052(h)(1) provides that an area proposed for annexation containing fewer than one hundred (100) separate tracts of land on which one or more residential dwellings are located on each tract is exempted from the state law requirement that an area proposed for annexation first be identified in an annexation plan; and

**WHEREAS**, the areas described herein contain fewer than one hundred (100) separate tracts of land on which one or more residential dwellings are located on each tract and are, therefore, exempted from the above-described annexation plan requirement; and

**WHEREAS**, Texas Local Government Code section 43.035(a)(2) stipulates that a municipality may not annex an area appraised for ad valorem tax purposes as land for agricultural use under Subchapter C or D, Chapter 23, Tax Code and Texas Local Government Code section 43.035(b)(1) stipulates provides that a municipality must offer to make a development agreement with landowners eligible under TLGC 43.035(a)(2) to guarantee the continuation of the extraterritorial status of the area; and

**WHEREAS**, the City of Cibolo executed Non-Annexation Agreements for properties within the 1,606.41 acre annexation area that were eligible for said Non-Annexation Agreement, which was approved by City Council by Resolution on October 25, 2011; and

**WHEREAS**, pursuant to Texas Local Government Code section 43.035(c) an area adjacent or contiguous to an area that is the subject of a development agreement under Texas Local Government Code section 43.035(b)(1) is considered adjacent or contiguous to the municipality; and

**WHEREAS**, on the 13<sup>th</sup> day of September 2011, and the 27<sup>th</sup> day of September 2011, the City Council of the City of Cibolo, Texas held public hearings on the proposed annexation of approximately 1,606.41 acres, situated outside of, but immediately adjacent to, the current corporate limits of the City of Cibolo, 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 referenced public hearings was published in The Seguin Gazette on August 19, 2011 and August 21, 2011, a newspaper having general circulation in the City of Cibolo, Texas and within the territory to be annexed, in accordance with law; and

**WHEREAS**, the proposed service plan was made available for public inspection and explained to the inhabitants of the area at the public hearings held; and

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

**WHEREAS**, the population of the City of Cibolo, Texas is in excess of approximately 18,000 inhabitants, and the area to be annexed lies within the extraterritorial jurisdiction of the City of Cibolo, Texas, and lies adjacent to and adjoins the City of Cibolo, Texas.

**NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CIBOLO, TEXAS:**

**SECTION 1.** The land and territory lying outside of, but adjacent to and adjoining the City of Cibolo, Texas, more particularly described in Exhibits 'A' and 'B', attached hereto and incorporated herein by reference, more particularly described as Area 1 and Area 2, is hereby added and annexed to the City of Cibolo, 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 Exhibits 'A' and 'B', are altered and amended so as to include said areas within the corporate limits of the City of Cibolo, Texas.

**SECTION 2.** The land and territory comprising 523.79 acres; more particularly described as Annexation Area 1 and Area 2 on Exhibits 'A' and 'B', are attached hereto and incorporated herein by reference, shall be part of the City of Cibolo, Texas and inhabitants thereof shall be