



Control Number: 45702



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Addendum StartPage: 0

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

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STATE OF TEXAS

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

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

INITIAL BRIEF OF CITY OF CIBOLO

SEPTEMBER 22, 2017

# INITIAL BRIEF OF CITY OF CIBOLO

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

<b>APPLICATION OF THE CITY OF CIBOLO FOR SINGLE CERTIFICATION IN INCORPORATED AREA AND TO DECERTIFY PORTIONS OF GREEN VALLEY SPECIAL UTILITY DISTRICT'S SEWER CERTIFICATE OF CONVENIENCE AND NECESSITY IN GUADALUPE COUNTY</b>	<b>§ § § § § § § §</b>	<b>BEFORE THE STATE OFFICE     OF    ADMINISTRATIVE HEARINGS</b>
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**INITIAL BRIEF OF THE CITY OF CIBOLO**

**TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:**

The City of Cibolo (the “City” or “Cibolo”) files this, its Initial Brief, in accordance with the Administrative Law Judge’s (“ALJ”) Order Nos. 12 and 13 in this Docket. This Initial Brief is timely filed. In support thereof, the City would show as follows:

**I. INTRODUCTION**

On March 8, 2016, more than 180 days after the City provided GVSUD with notice of its intent to provide retail wastewater service (the “Notice”), the City filed its application to for single sewer certificate of convenience and necessity (“CCN”) certification under Texas Water Code (“TWC”) § 13.255 and 16 Tex. Admin. Code (“TAC”) § 24.120 (the “Application”) at the Public Utility Commission (“Commission”), decertifying portions of Green Valley Special Utility District’s (“GVSUD”) sewer CCN No. 20973 (the “Decertified Area”) that are within the City’s corporate limits.

At an open meeting held on June 29, 2016, the Commission adopted a Preliminary Order containing list of issues to be addressed in a hearing at the State Office of Administrative Hearings (“SOAH”) regarding the Application. On July 20, 2016, the Commission filed a Supplemental Preliminary Order, providing three additional issues to be addressed in this Docket

in the first phase of a two-phase proceeding. On January 17, 2017, a hearing on the merits to address Issue Nos. 9-11 was held. The Commission issued an Interim Order on June 29, 2017, ruling on Preliminary Order Issue Nos. 9-11 and remanding the Application back to SOAH for the second phase on the remaining Issues. The parties agreed at the prehearing conference for the second phase that a hearing on the merits was not necessary, but rather that Issue Nos. 1-8 could be evaluated through briefing, as reflected in SOAH Order No. 12 Memorializing the Prehearing Conference and SOAH Order No. 13 Revising the Procedural Schedule.

Pursuant thereto, the ALJ ordered the Parties to provide stipulations on the remaining issues, where possible, and to brief the issues in the Commission's Preliminary Order Issue Nos. 1-8 to which the parties have not stipulated. On September 15, 2017, pursuant to the revised procedural schedule reflected in the ALJ's Order No. 13, the parties filed joint stipulations on the following remaining Issues (the "Stipulations"): Preliminary Order Issue Nos. 1, 4.a., 4.b., 6, 7 and 8. The issues remaining in this Docket are thus as follows:

Issue No. 2: Did Cibolo provide written notice to the retail public utility of Cibolo's intent to provide service to the area for which Cibolo seeks certification?

Issue No. 3: If so, did Cibolo wait more than 180 days after providing the written notice before Cibolo filed its application with the Commission?

Issue No. 4 (excluding subparts a. and b.): Is Cibolo's application administratively complete pursuant to 16 TAC § 24.8?

Issue No. 5: Has Cibolo demonstrated that its public-drinking-water systems comply with the Texas Commission on Environmental Quality's ("TCEQ") minimum requirements for public-drinking-water system?

As discussed in more detail herein, the City's Application complied with all applicable procedural and substantive laws and regulations, including all notice requirements to GVSUD. Thus, the Application is administratively complete. GVSUD's previous assertions to the contrary were based on flawed interpretations of TWC § 13.255. Additionally, both at the time the Application was filed and today, the City has complied with the TCEQ's minimum requirements for public drinking water systems. As such, the ALJ should issue a proposal for decision on the remaining non-stipulated issues that is consistent with these contentions.

## **II. PARTIES**

### **Party**

City of Cibolo

Green Valley SUD

Commission Staff

### **Representatives**

David J. Klein and Ashleigh Acevedo

Geoffrey Kirshbaum and Shan Rutherford

Landon Lill and Doug Brown

## **III. REQUESTED RECOMMENDATION**

The City requests that the ALJ issue a proposal for decision recommending that:

- A. The City provided sufficient written notice to GVSUD on the City's intent to provide service to the Decertified Area on August 18, 2015.
- B. The City waited more than 180 days after providing the adequate written notice before the City filed its Application.
- C. The Application is administratively complete pursuant to 16 TAC § 24.8.
- D. The City has demonstrated that its public drinking water systems comply with TCEQ's minimum requirements for public drinking water systems.

#### IV. ARGUMENT

**A. Referred Issue No. 2: The City provided adequate written notice to GVSUD of the City's intent to provide service to the Decertified Area.**

On August 18, 2015, the City provided GVSUD with the Notice pursuant TWC §13.255 that the City intends to provide retail sewer service to certain portions of GVSUD's sewer CCN boundaries that overlap with the City's corporate limits. A copy of the Notice is attached hereto as Attachment A. GVSUD does not dispute that it received the Notice.<sup>1</sup> The tracts identified in the Notice are the same tracts of land that are the subject of the Application. GVSUD, however, contends—and has contended since the inception of this docket—that the Notice is insufficient to demonstrate to which tracts the City intends to provide service by filing the Application. GVSUD's assertion lacks legal and factual merit as (i) the Notice is adequate under TWC § 13.255, (ii) the tracts to be served by the City were repeatedly communicated to GVSUD, and (iii) no adjudicatory body has determined that the notice is insufficient.

**1. The Notice clearly depicts to which tracts the City intends to provide wastewater service.**

The Notice meets the legal requirements of TWC § 13.255 and the Commission's rules at 16 TAC § 24.120. To effectuate the municipality's single certification within the annexed or incorporated area and to decertify that portion of the retail public utility's service area within the annexed or incorporated area, TWC § 13.255 and the Commission rules require that the municipality notify the retail public utility in writing of its intent to provide service to the incorporated or annexed area.<sup>2</sup>

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<sup>1</sup> Stipulations, Docket Item No. 159, at 2.

<sup>2</sup> TWC § 13.255(b); 16 TAC § 24.120.

The City respectfully asserts that it provided clear and sufficient detail to GVSUD in the Notice to indicate the City's intent to provide sewer service and to identify the tracts of land that the City intends to serve. First, the Notice narrates the areas subject to single certification:

In accordance with [TWC] Code § 13.255, the City hereby provides Green Valley SUD with notice that the City intends to provide retail sewer service to the areas within its corporate limits that overlaps with Green Valley SUD's sewer CCN service area ("Transition Areas"), which are more specifically depicted in light blue on the attached map . . . .<sup>3</sup>

This specific reference to the statutory provision coupled with the description of the area that the City intends to serve—the overlapping areas within the City's corporate limits—provides clear notice to GVSUD that the process for single certification has been initiated and the portions of its sewer CCN that are affected.

Second, the multi-colored, labeled map attached to the Notice depicts the specific areas that are incorporated or annexed into the City and also within the GVSUD service area by color-coding those tracts in light blue. This visual representation of the particular areas for which the City is seeking single sewer certification provides GVSUD all of the information it needs to identify the areas subject to the Application. Finally, the field notes attached to the Notice likewise generally describe the subject area in a metes and bounds description. Collectively, these documents sufficiently detail and adequately demonstrate the tracts for which the City seeks single certification.

Moreover, out of an abundance of caution to specifically identify those tracts for which the City is seeking single certification, the City also provided ordinances annexing the tracts with metes and bounds descriptions. On August 24, 2017, the City filed a second supplement to the Application whereby the City provided certified copies of the City's ordinances annexing those

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<sup>3</sup> Attachment A, at 1.



properties that are sought to be singly certified by the Application, which are attached hereto as Attachment B. The City went above and beyond to ensure that GVSUD is aware of which tracts are subject to this proceeding.

Therefore, the City complied with the notice requirements in TWC § 13.255 and 16 TAC § 24.120. The information included in the Notice and attached thereto specifically cites the statutory authority to seek single certification and sufficiently identifies the tracts. As such, the legal requirements for the Notice have been met.

**2. The City has repeatedly and consistently communicated with GVSUD regarding the specific tracts to which the City intends to provide wastewater service.**

In addition to the Notice, the City has repeatedly communicated with GVSUD regarding which specific tracts are sought for the City to provide wastewater service, and those communications are consistent with the Notice. GVSUD has previously asserted in this matter that its issue with the Notice is that the map attached to the Notice (not the narrative description or the field notes) identified not just tracts that the City sought by this single certification proceeding that have already been annexed or incorporated, but also tracts that are subject to annexation in the foreseeable future.<sup>4</sup>

The City has gone above and beyond the requirements of TWC § 13.255 to respond to GVSUD's communications seeking clarification of the Notice. On September 1, 2015, GVSUD sent a letter seeking clarification of, among other things, the area that the City intended to serve. The City responded on November 3, 2015, again explaining that the areas in light blue on the map attached to the Notice were the only areas for which the City was notifying GVSUD of its intent to provide service. As for the unannexed areas, the City explicitly stated, "they are not yet

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<sup>4</sup> GVSUD's Plea to the Jurisdiction, Docket Item. No. 11, at 2.

within the corporate limits of the City. Consequently, the City is not yet providing you with notice of its intent to provide retail sewer service to these yellow areas under [TWC] § 13.255.” The City offered to meet with GVSUD to discuss the City’s intent to provide retail sewer service, yet GVSUD rejected such request. On January 12, 2016, the City provided GVSUD’s attorney with a detailed proposal that additionally described the areas the City seeks to certify and also provided a CD-ROM of digital data depicting those areas as requested by GVSUD in its September 1, 2015 communication. As such, GVSUD was provided with sufficient information to ascertain the areas subject to single certification and was provided with adequate opportunities to discuss the matter in detail with the City.

That the Notice and accompanying map also separately reference areas that the City anticipates annexing in the near future does not negate the fact that the City provided notice to GVSUD of its intent to serve the currently annexed or incorporated tracts contemplated by the Application. The City referenced these yellow tracts for efficiency in the event that GVSUD would want to transfer other areas, as contemplated by 13.255(a) and 13.2551(a). More precisely, the City informed GVSUD that the City would be annexing other areas that overlap with GVSUD’s service area in the near future in addition to those subject to this single certification proceeding. Thus, rather than pursuing this process under TWC § 13.255 again after the additional tracts are annexed, the City and GVSUD could presently come to an agreement for all of this area for both the annexed and unannexed tracts.

Facilitating an efficient and cost effective agreement by including additional information simply does not render the notice deficient. Such an agreement is contemplated by TWC § 13.255. Moreover, these communications reaffirm the identification of the specific tracts the City seeks to service through this proceeding.

**3. Neither Commission Staff nor the Commission have found the threshold issue of notice to be deficient, thus precluding the administrative process that has occurred to date.**

The Commission Staff and the Commission have both had the opportunity to consider whether the Notice was deficient throughout this proceeding, and both have declined to do so. On April 7, 2016 (just one month after the Application was filed), Commission Staff filed comments on completeness.<sup>5</sup> Therein, Commission Staff noted that the requirements of TWC § 13.255 were satisfied, although Staff did recommend that the City also provide GVSUD notice that it had filed the Application.

Shortly thereafter, GVSUD raised the issue of notice deficiency in a plea to the jurisdiction.<sup>6</sup> In response thereto, Commission Staff declined to agree that the Notice was deficient.<sup>7</sup> The Commission did not rule on GVSUD's plea. Even after inviting the parties to submit a list of threshold issues in this matter, the Commission again declined to entertain any additional briefing that the Notice—a truly threshold matter to this entire proceeding—was deficient, despite GVSUD's urging to the contrary.<sup>8</sup> Moreover, in its recommendation on administrative completeness, Commission Staff again reiterated that the Notice satisfies the notice requirements.<sup>9</sup>

Whether the Notice satisfies the requirements has thus already been considered by Commission Staff, and the Commission has affirmatively refused to reassess Staff's determination. If the Commission or Commission Staff had found an issue with this basic

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<sup>5</sup> Commission Staff's Comments on Completeness, Docket Item No. 5, at 2-3; Commission's Order No. 2, Docket Item No. 7.

<sup>6</sup> GVSUD's Plea to the Jurisdiction, Docket Item. No. 11, at 2.

<sup>7</sup> Commission Staff's Response to Green Valley's Plea to the Jurisdiction and Motion to Dismiss, Docket Item No. 19, at 2. The City also responded to the Plea and addressed the alleged notice deficiencies therein at length. City of Cibolo's Response to GVSUD's Plea to Jurisdiction and Motion to Dismiss, Docket Item No. 21, at 3-4.

<sup>8</sup> Order Requesting Briefing on Threshold Legal/Policy Issues, Docket Item No. 23.

<sup>9</sup> Commission Staff's Recommendation on Administrative Completeness, Docket Item No. 150.

consideration in this proceeding, it would have been addressed one and a half years ago when this matter was first raised, not after already proceeding through the first phase and reaching briefing on the final issues. GVSUD's maintained assertions that the Notice is still somehow deficient thus lacks merit and is disingenuous to the determinations on the sufficiency of the Notice that have been made or acknowledged in this proceeding to date.

**B. Referred Issue No. 3: The City waited more than 180 days after providing the adequate written notice before the City filed its Application.**

It is undisputed that more than 180 days passed from the date that the City provided the Notice to GVSUD to the date that the Application was filed.<sup>10</sup> The District provided GVSUD with the written Notice on August 18, 2015, and the Application was filed on March 8, 2016. Thus, because the August 18 Notice was substantively sufficient, as discussed hereinabove for Referred Issue No. 2, there is no dispute that the City waited the requisite 180 days before filing the Application.

**C. Referred Issue No. 4 (excluding subparts a. and b.): The Application is administratively complete pursuant to 16 TAC § 24.8.**

The Application has not formally been deemed administratively complete by the Commission pursuant to 16 TAC § 24.8. However, it is undisputed that on August 24, 2017, Commission Staff recommended that the Application be deemed administratively complete pursuant to 16 TAC § 24.8.<sup>11</sup> Based on GVSUD's unsolicited response to Commission Staff's recommendation that it filed with the Commission (rather than the ALJ, despite the order specifically requesting briefing on this very issue), GVSUD's sole contention for withholding administrative completeness and thus rejecting the Application is dependent upon a

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<sup>10</sup> Stipulations, Docket Item No. 159, at 2-3.

<sup>11</sup> *Id.* at 3.

determination that the Notice was deficient.<sup>12</sup> In other words, should the ALJ determine that the Notice is not deficient, as explained at length herein above and through previous briefing on this very matter, GVSUD has no basis for asserting that the Application is not administratively complete.

**D. Referred Issue No. 5: The City has demonstrated that its public drinking water systems comply with TCEQ's minimum requirements for public drinking water systems.**

Throughout this proceeding, the City has been and is in compliance with the TCEQ's drinking water quality standards pursuant to TWC § 13.255(m). The City has successfully obtained a public drinking water system authorization number TX0940018. As of the date of the Application, the City had a compliance history rating of "satisfactory", which is still the rating today. Further, the City has achieved and maintained a "Superior Water System" designation from the TCEQ.

When the Application was initially filed, the Commission sought briefing on whether the TCEQ's minimum public drinking water requirements were applicable to a single certification proceeding for a wastewater system.<sup>13</sup> At that time, the City provided information relevant to its public drinking water system, which demonstrated the City's compliance with all applicable rules thereto.<sup>14</sup> Specifically, the City filed a drinking water system report, demonstrating, among others, that the City had no outstanding violations, the water system was designated as superior, and that all drinking water parameters and sampling requirements were met. Furthermore, on August 2, 2016, the City filed a supplement to its Application demonstrating further compliance

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<sup>12</sup> GVSUD's Response to Commission Staff's Recommendation on Administrative Completeness, Docket Item No. 155, at 1-3.

<sup>13</sup> Order Requesting Briefing on Threshold Issues, Docket Item. No. 23.

<sup>14</sup> Attached hereto as Attachment C is the City Reply Brief on Threshold Legal/Policy Issues, Docket Item. No. 37, which includes this foundational demonstration of compliance with TCEQ's minimum drinking water requirements.

with TCEQ's minimum drinking water requirements, including the City's Consumer Confidence Report, the safe drinking water information system report, TCEQ Drinking Water Watch – Water System Summary Sheet, and correspondence with the TCEQ demonstrating the City's designation as a "Superior Water System".<sup>15</sup> Collectively, these documents reflected that the City was in compliance with the minimum drinking water system requirements at the time that the Application was filed and thereafter.

The City strives to continuously maintain compliance with TCEQ drinking water system requirements. Attached hereto as Attachment E are updated reports and correspondence with TCEQ demonstrating such continued compliance. A review of TCEQ's records indicate that there are currently three moderate outstanding notices of violation ("NOVs") relating to the City's drinking water system. However, each of these alleged violations has been addressed by the City (subject to additional, previously unrequested information, to be provided), and the City is awaiting a response from the TCEQ. Specifically, the following NOVs are still indicated as "active" on TCEQ's electronic database, but the City has taken the following actions and/or provided the following responses:

NOV 1: Failure to provide a plant operations manual.

Response: The City has informed the TCEQ by email that it does not have a water treatment plant, thus it does not have a water treatment plant operations manual. Nevertheless, the City is also providing an operations manual as to how it operates its water storage tanks to the TCEQ.

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<sup>15</sup> Attached hereto as Attachment D is the City's Supplement to Application, Docket Item No. 62, which includes the updated drinking water compliance information. The City's public drinking water system number and superior water designation is located on Attachment D pages 10, 13 and 14 of 15.

NOV 2: Failure to provide an adequate purchase water contract.

Response: The City has since provided all necessary contracts to the TCEQ.

NOV 3: Failure to provide as-built plans or record drawings and specifications and well completion data for the public water supply.

Response: The City has informed the TCEQ by email that it (i) does not have a water treatment plant, thus it does not have as-built plans or record drawings for the public water supply; and (ii) does not own or operate any groundwater wells. Rather, the City obtains its treated water supply from third parties. Further, as-built plans for the City's water storage tanks has been provided to the TCEQ.

The correspondence attached in Attachment E explicitly reflects Cibolo's current status. Therefore, although the electronic database reflects outstanding violations related to the City's public water system, those violations have, in fact, already been resolved. As such, the City has continuously maintained compliance with the minimum drinking water requirements throughout the duration of this proceeding. The ALJ should accordingly determine that the City meets TCEQ's minimum drinking water requirements.

## **V. CONCLUSION AND PRAYER**

The City of Cibolo respectfully requests that the Administrative Law Judge issue a proposal for decision consistent with the City of Cibolo's request in Section III of this Initial Brief and grant any other relief to the City of Cibolo 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)

A handwritten signature in black ink, appearing to read 'D. Klein', written over a horizontal line.

DAVID J. KLEIN

State Bar No. 24041257

dklein@lglawfirm.com

ASHLEIGH K. ACEVEDO

State Bar No. 24097273

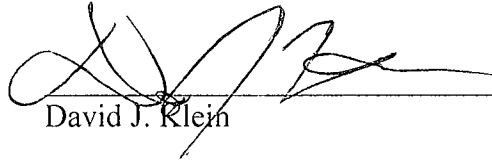
aacevedo@lglawfirm.com

**ATTORNEYS 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 22nd day of September, 2017 to the parties of record.

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



From the Office of Robert T. Herrera, City Manager

City of Cibolo 200 S. Main / PO BOX 826 Cibolo, Texas 78108 (210) 658-9900 [www.cibolotx.gov](http://www.cibolotx.gov)

August 18, 2015

Green Valley Special Utility District  
Attn: Pat Allen, General Manager  
529 South Center Street  
Marion, TX 78124

**VIA HAND DELIVERY & USPS REGULAR MAIL**

Re: Notice of Intent by the City of Cibolo to Provide Sewer Service in Corporate Limits

Dear Mr. Allen:

The City of Cibolo ("City") currently provides retail sewer service to customers located within certain portions of the City's corporate limits and extra-territorial jurisdiction ("ETJ"). However, other portions of the City's corporate limits overlap with Green Valley Special Utility District's ("Green Valley SUD") sewer certificate of convenience and necessity ("CCN") No. 20973.

In accordance with Texas Water Code § 13.255, the City hereby provides Green Valley SUD with notice that the City intends to provide retail sewer service to the areas within its corporate limits that overlap with Green Valley SUD's sewer CCN service area ("Transition Areas"), which are more specifically depicted in light blue on the attached map, attached hereto as Attachment A. The yellow areas on Attachment A are additional tracts that are currently subject to annexation agreements with the City, and the City anticipates annexing these tracts in the near future. For your convenience, attached hereto as Attachment B, are field notes for the entire light blue and yellow shaded areas, which are bounded on the south by U.S. Interstate Highway 10; on the west by Cibolo Creek, on the north by Lower Seguin Road, Haeckerville Road, and Arizpe Road; and on the east by the Court Decreed ETJ Boundary of the City and the City of Marion, as well as the boundaries of GCAD Parcel Nos. 70979 and 71064.

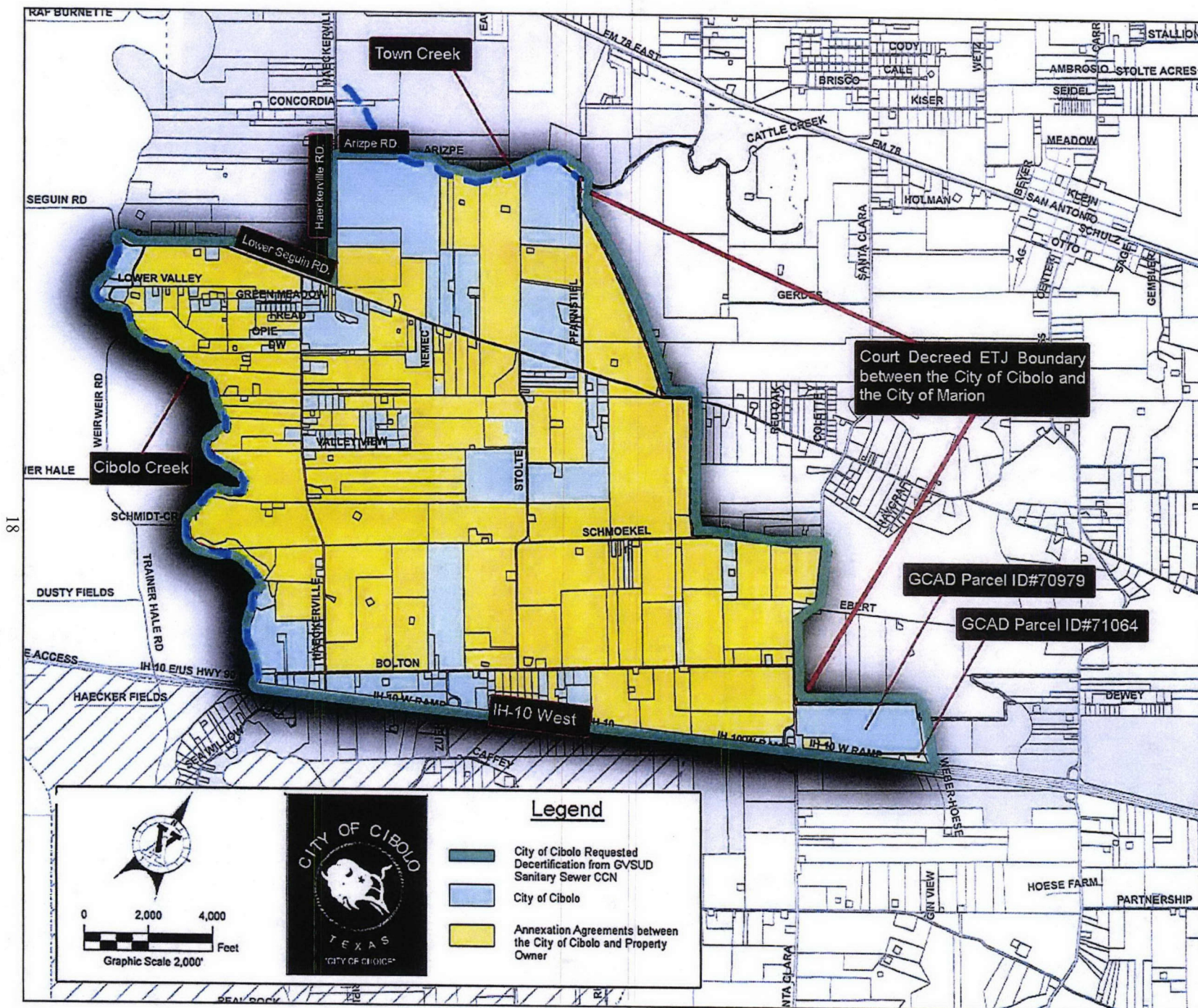
We look forward to discussing the terms of an agreement between the City and Green Valley SUD, which will detail the arrangement between the parties for the City's provision of retail sewer service to these Transition Areas. If you have any questions, please contact me at (210) 658-9900.

Sincerely,

Robert T. Herrera  
City Manager

CC: Mayor Jackson | City Council | Peggy Cimics, City Secretary | Rudy Klein, Director of Planning & Engineering

Enclosure(s)



COPY



ATTACHMENT B

**COPY**

Field Notes for a 5,882 Acre area of land to be Certified into the City of Cibolo's Certificate of Convenience and Necessity (CCN) area; said 5,882 Acres of land is in the existing City Limits or ETJ of the City of Cibolo, Guadalupe County, Texas.

Beginning at the intersection of Haekerville Road and Arizpe Road, said intersection being 7,515 feet south of the intersection of Haekerville Road and Farm to Market Road 78, said point of beginning also being in the Extra Territorial Jurisdictional (ETJ) area for the City of Cibolo, Guadalupe County, Texas.

Thence in an easterly direction with Arizpe Road, approximately 2,304 feet to the intersection and crossing of Town Creek, an intermittent tributary to the Cibolo Creek;

Thence in an easterly direction with the meanders of Town Creek, approximately 6,860 feet to the intersection of Pfannstiel Lane and the Court Decreed ETJ Boundary between the City of Cibolo and the City of Marion;

Thence in a southerly direction with the Court Decreed ETJ Boundary between the City of Cibolo and the City of Marion, approximately 25,565 feet to the northeast corner of a 124.75 acre tract of land identified by the Guadalupe County Appraisal District as Parcel # 70979;

Thence in a southerly direction with the east line of said 124.75 acre tract, approximately 1,630 feet to the southeast corner of said tract, also being the north east corner of a 7.658 acres tract of land identified by the Guadalupe County Appraisal District as Parcel # 71064;

Thence in a southerly direction with the east line of said 7.658 acre tract, approximately 330 feet to the southeast corner of said tract, also being on the north right-of-way line of Interstate Highway 10;

Thence in a southwesterly direction with the north right-of-way line of Interstate Highway 10, approximately 20,900 feet to the intersection and crossing of the Cibolo Creek, the centerline of said Cibolo Creek also being the western limit of the ETJ of the City of Cibolo;

Thence in a northerly direction with the meanders of Cibolo Creek, approximately 21,350 feet to the intersection and crossing of Lower Seguin Road;

Thence in an easterly direction with Lower Seguin Road, approximately 7,005 feet to the intersection with Haekerville Road;

Thence in a northerly direction with Haekerville Road, approximately 4,003 feet to the point of beginning and containing 5,882 acres more or less.

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

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PUBLIC UTILITY COMMISSION

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**

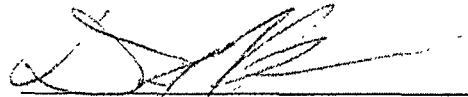
COMES NOW the City of Cibolo (the "City"), by and through its undersigned attorneys of record, and hereby supplements its above-referenced application in this Docket, which was filed with the Public Utility Commission (the "Commission") on March 8, 2016, to provide the following additional information:

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)

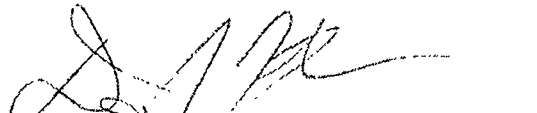


DAVID J. KLEIN  
State Bar No. 24041257  
dklein@lglawfirm.com

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



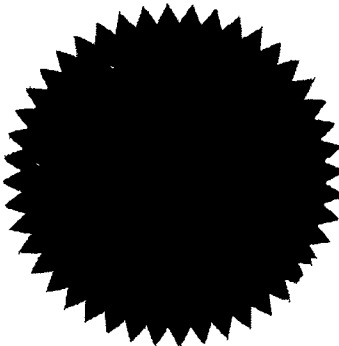
"City of Choice"

### 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

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.

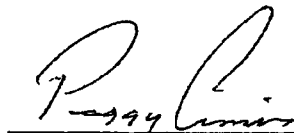
**SECTION 3.** An amended service plan outlining the provisions of necessary municipal service to the properties described in Exhibit 'A' is hereby approved and the implementation of said plan is hereby authorized. Such plan is attached hereto and incorporated herein as Exhibit 'B'.

**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;

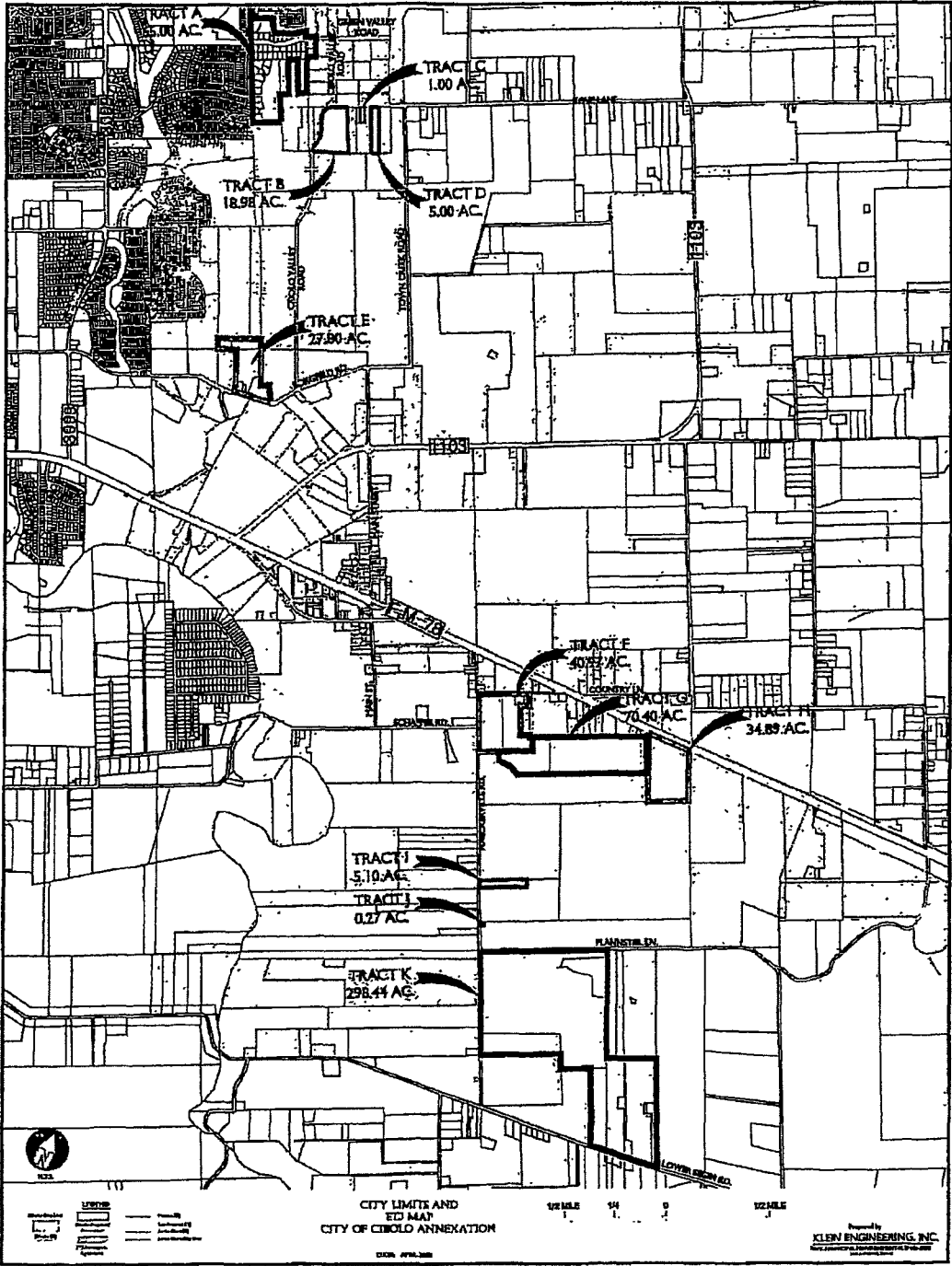
SOUTH 30° 48' 15" EAST, a distance of 763.39 to a point;  
NORTH 58° 54' 22" EAST, a distance of 265.84 to a point;  
SOUTH 31° 39' 21" EAST, a distance of 779.03 to a point on Lower  
Seguin Road;

**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.





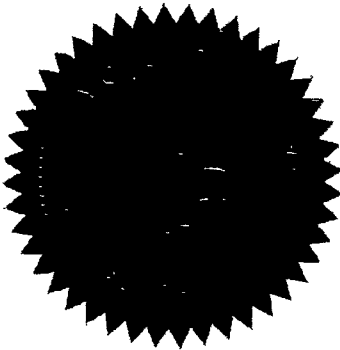
"City of Choice"

**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 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.** 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.

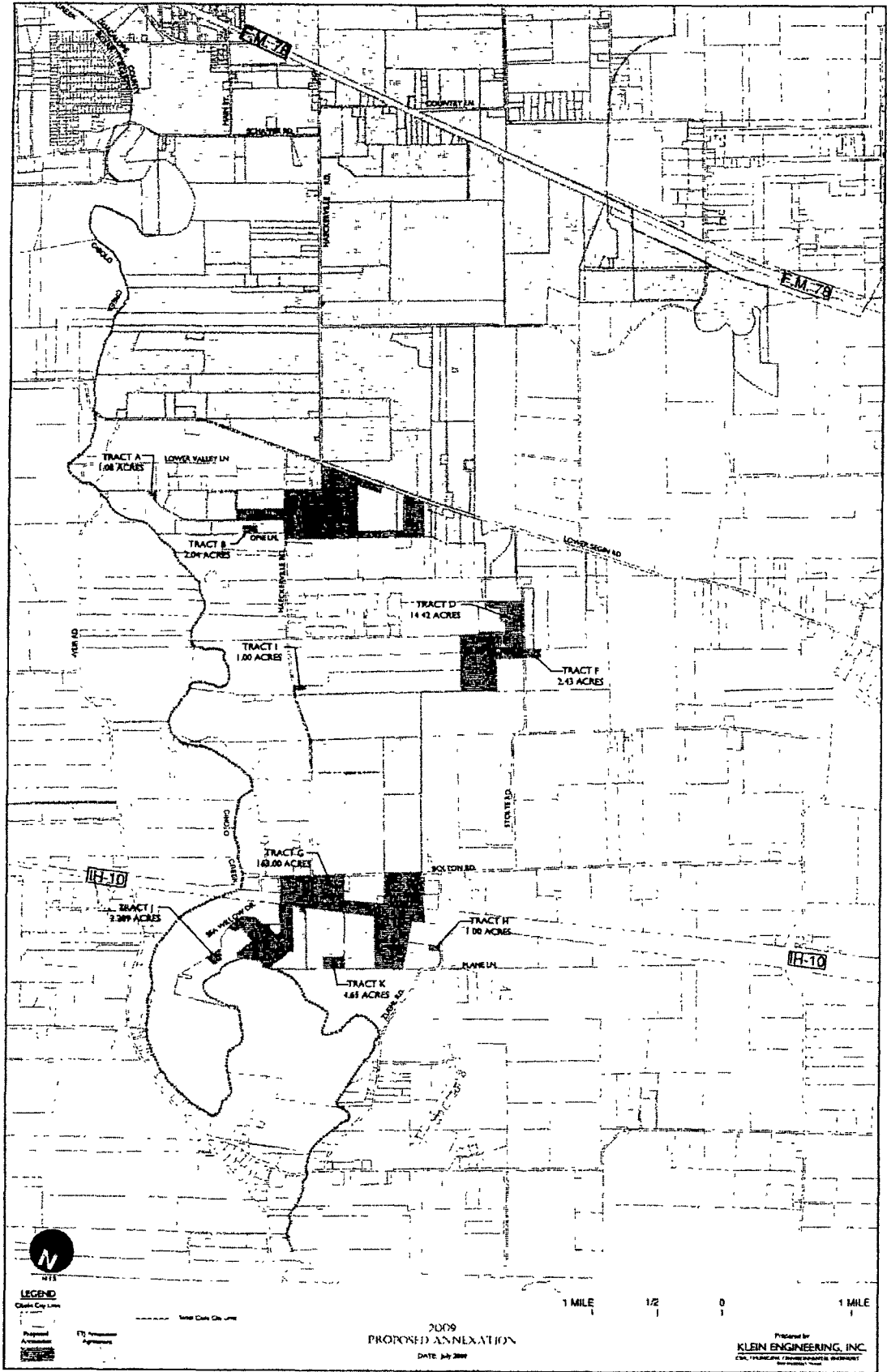
**PASSED AND APPROVED** this, the 28<sup>th</sup> day of July, 2009.

  
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.



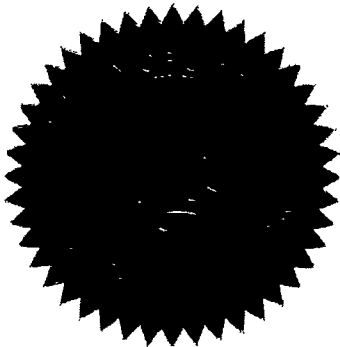
"City of Choice"

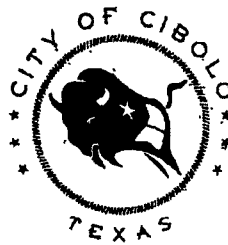
**CERTIFICATE OF CITY SECRETARY**

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 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', '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.

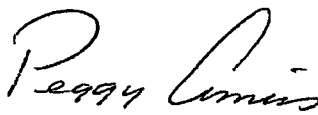
**SECTION 3.** A service plan outlining the provisions of necessary municipal service to the properties described in Exhibit 'D' is hereby approved and the implementation of said plan is hereby authorized. Such plan is attached hereto and incorporated herein as Exhibit 'D'.

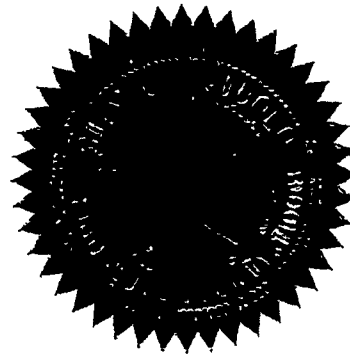
**SECTION 4.** This ordinance shall be effective from and after September 7, 2010.

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

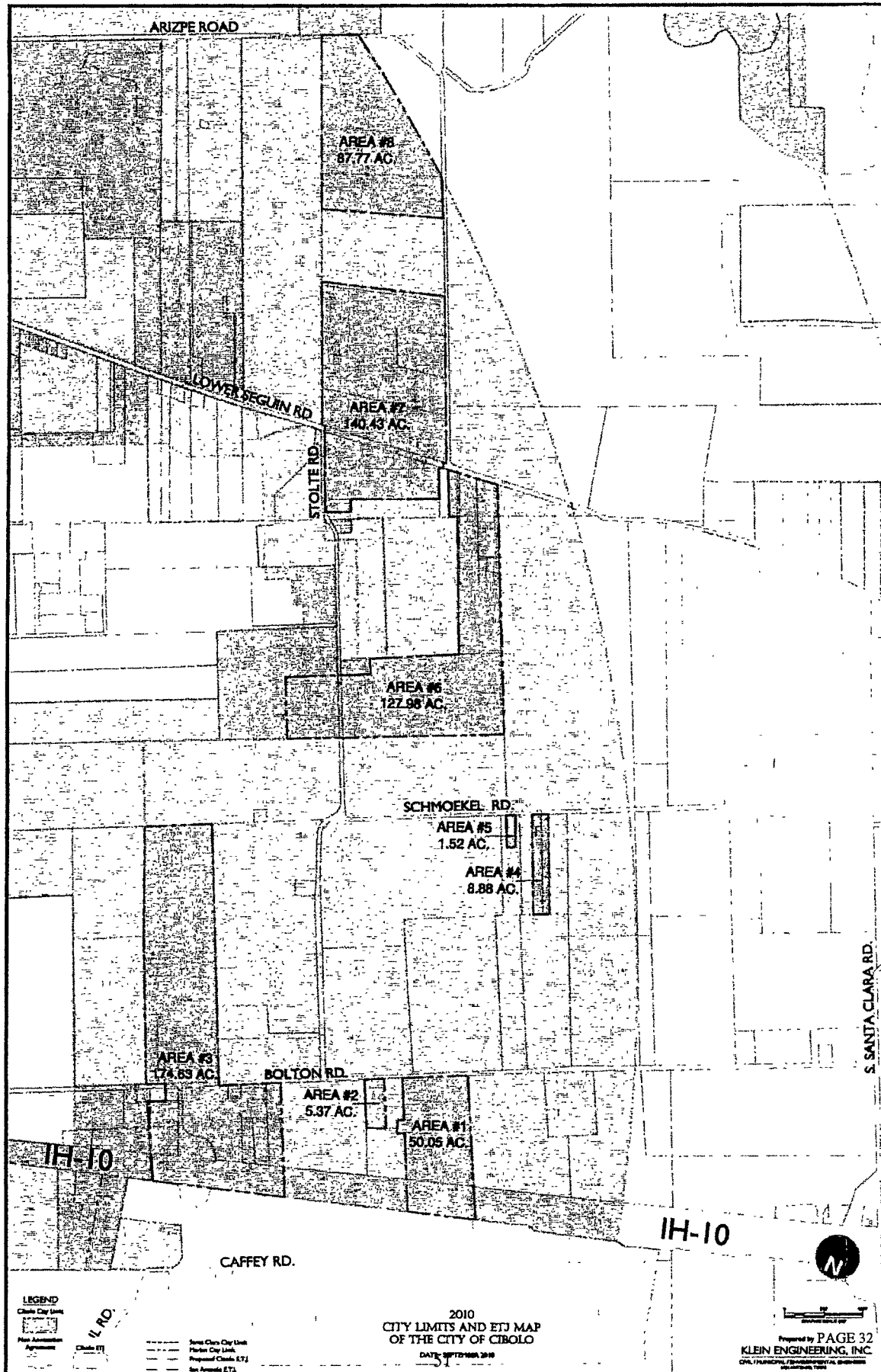
  
JENNIFER HARTMAN, MAYOR

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;

N56° 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;

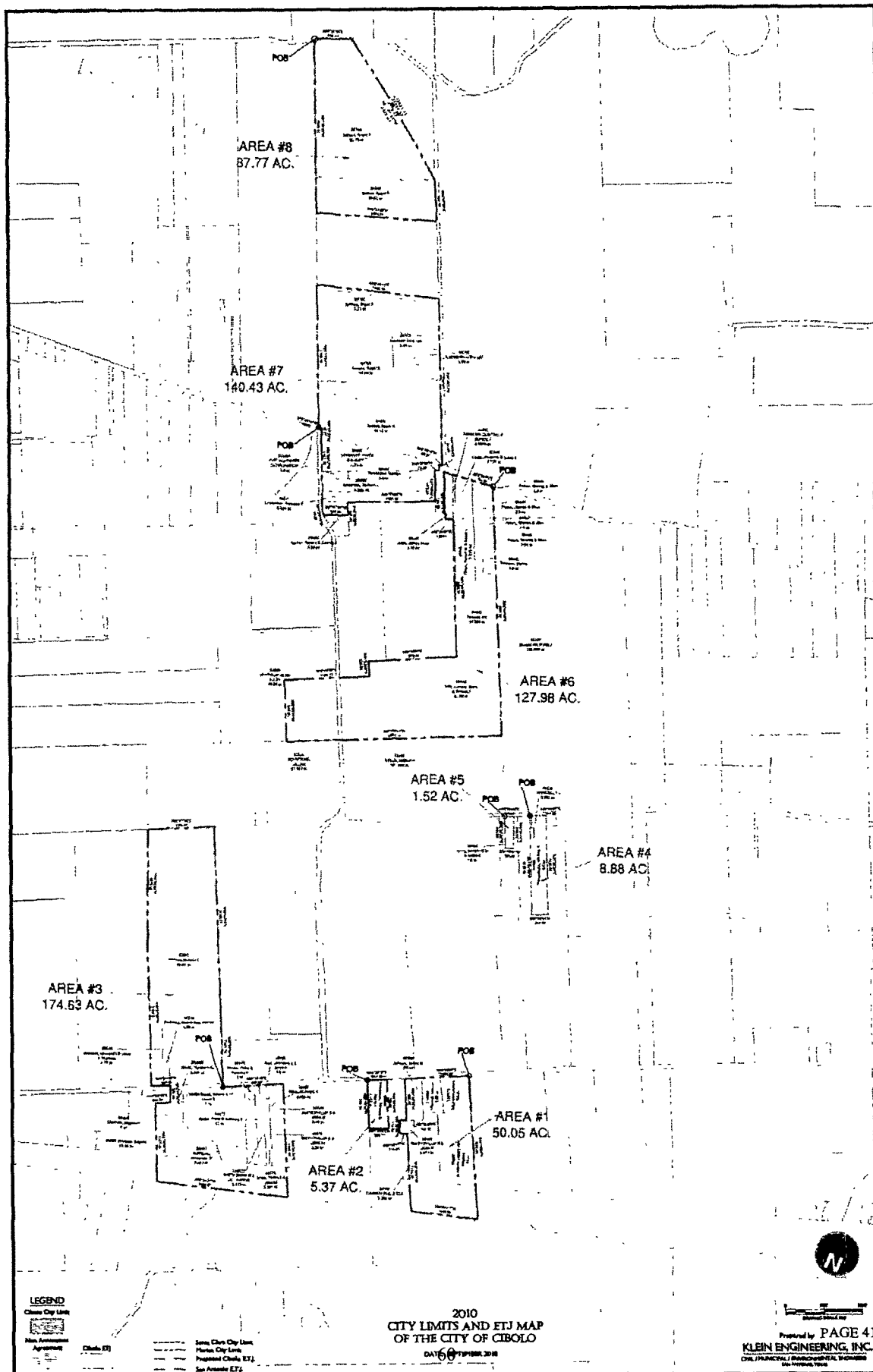
Following along Cibolo ETJ line, a tangent curve to the right with a radius of 26399.60', a tangent length of 2521.19', a central angle of 5° 28' 18", the chord of which bears N 61° 37' 27" W for a distance of 2520.23 feet to a point;

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.

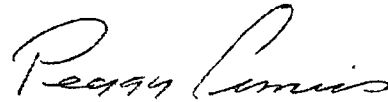


"City of Choice"

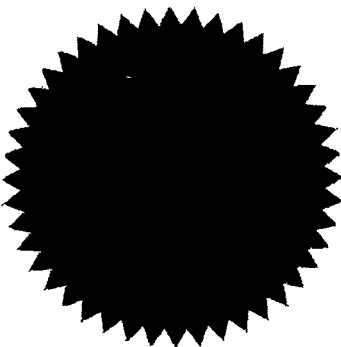
**CERTIFICATE OF CITY SECRETARY**

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

A handwritten signature in cursive script, reading "Peggy Cimics", written over a horizontal line.

Peggy Cimics  
City Secretary





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 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', '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.

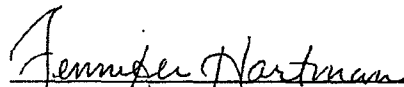
**SECTION 2.** The land and territory more particularly described in Exhibits 'A', 'B', and 'C', attached hereto and incorporated herein by reference, shall be part of the City of Cibolo,

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.

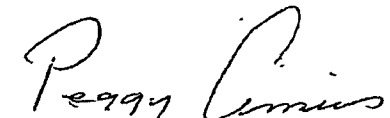
**SECTION 3.** A service plan outlining the provisions of necessary municipal service to the properties described in Exhibit 'D' is hereby approved and the implementation of said plan is hereby authorized. Such plan is attached hereto and incorporated herein as Exhibit 'D'.

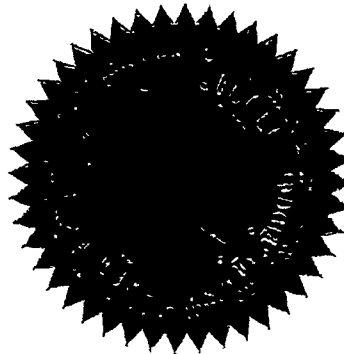
**SECTION 4.** This ordinance shall be effective from and after December 14, 2010.

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

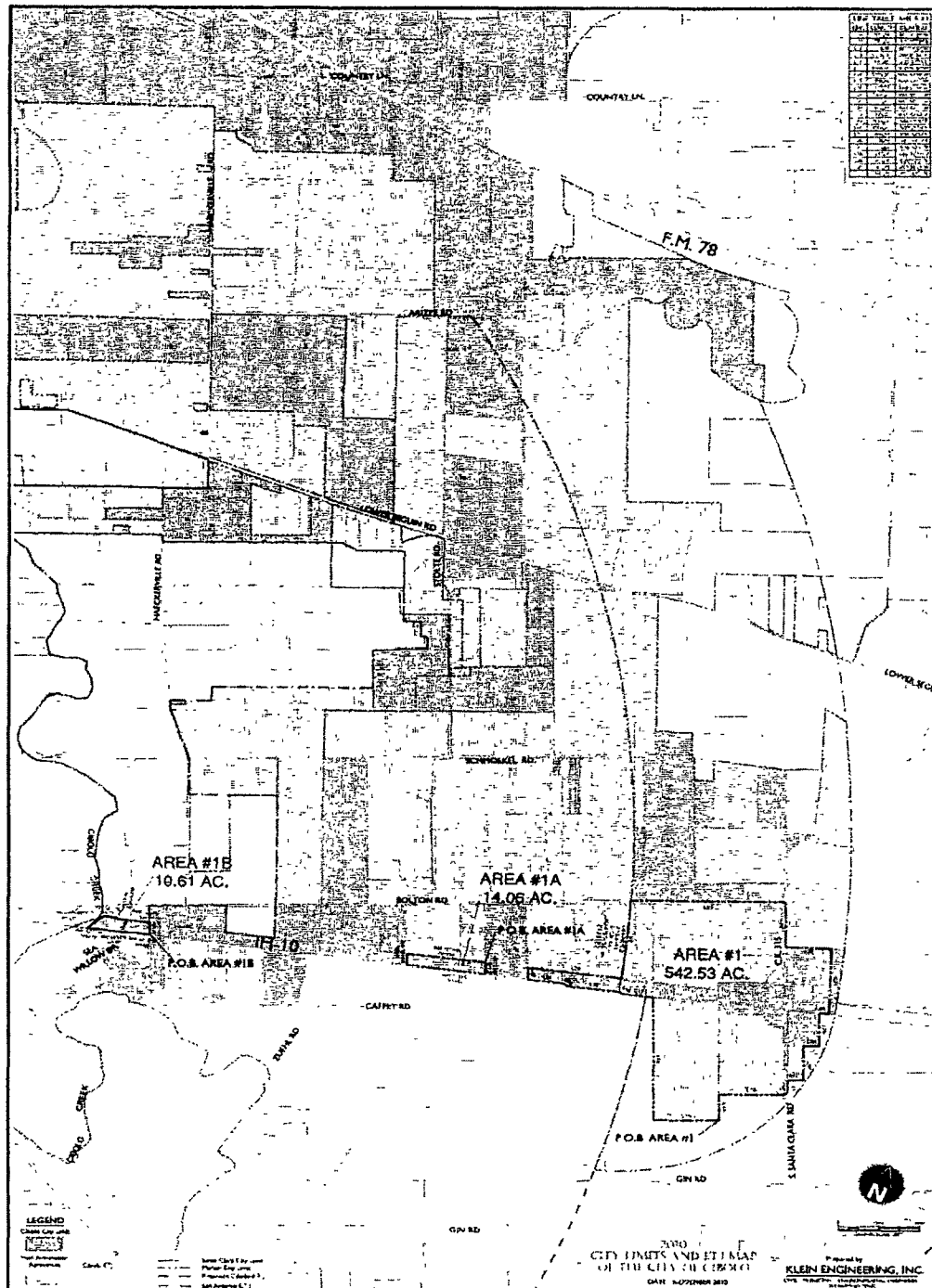
  
JENNIFER HARTMAN  
MAYOR

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;

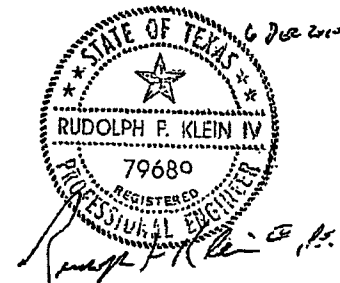
Leaving the South Right-of-Way of IH-10, N 21° 14' 47" E, for a distance of 523.66' to a point on the North Right-of-Way of IH-10;

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.



[illegible]

**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**

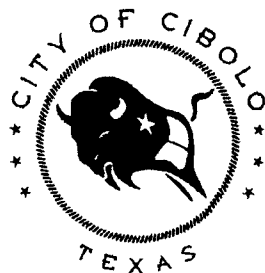
This plan shall be valid for a term of ten (10) years. Renewal of the Service Plan is at the discretion of the City of Cibolo.

**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"

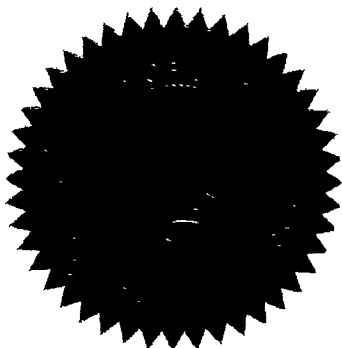
### CERTIFICATE OF CITY SECRETARY

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.

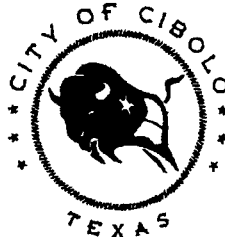
CITY OF CIBOLO, TEXAS

A handwritten signature in cursive script, reading "Peggy Cimics", is written over a horizontal line.

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.

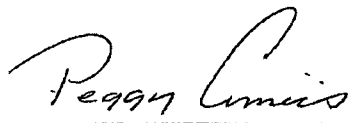
**SECTION 3.** A service plan outlining the provisions of necessary municipal service to the properties described in Exhibit 'C' is hereby approved and the implementation of said plan is hereby authorized. Such plan is attached hereto and incorporated herein as Exhibit 'C'.

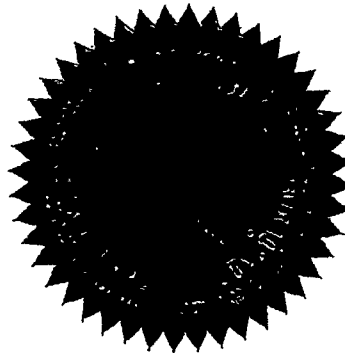
**SECTION 4.** This ordinance shall be effective from and after February 8, 2011.

**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:

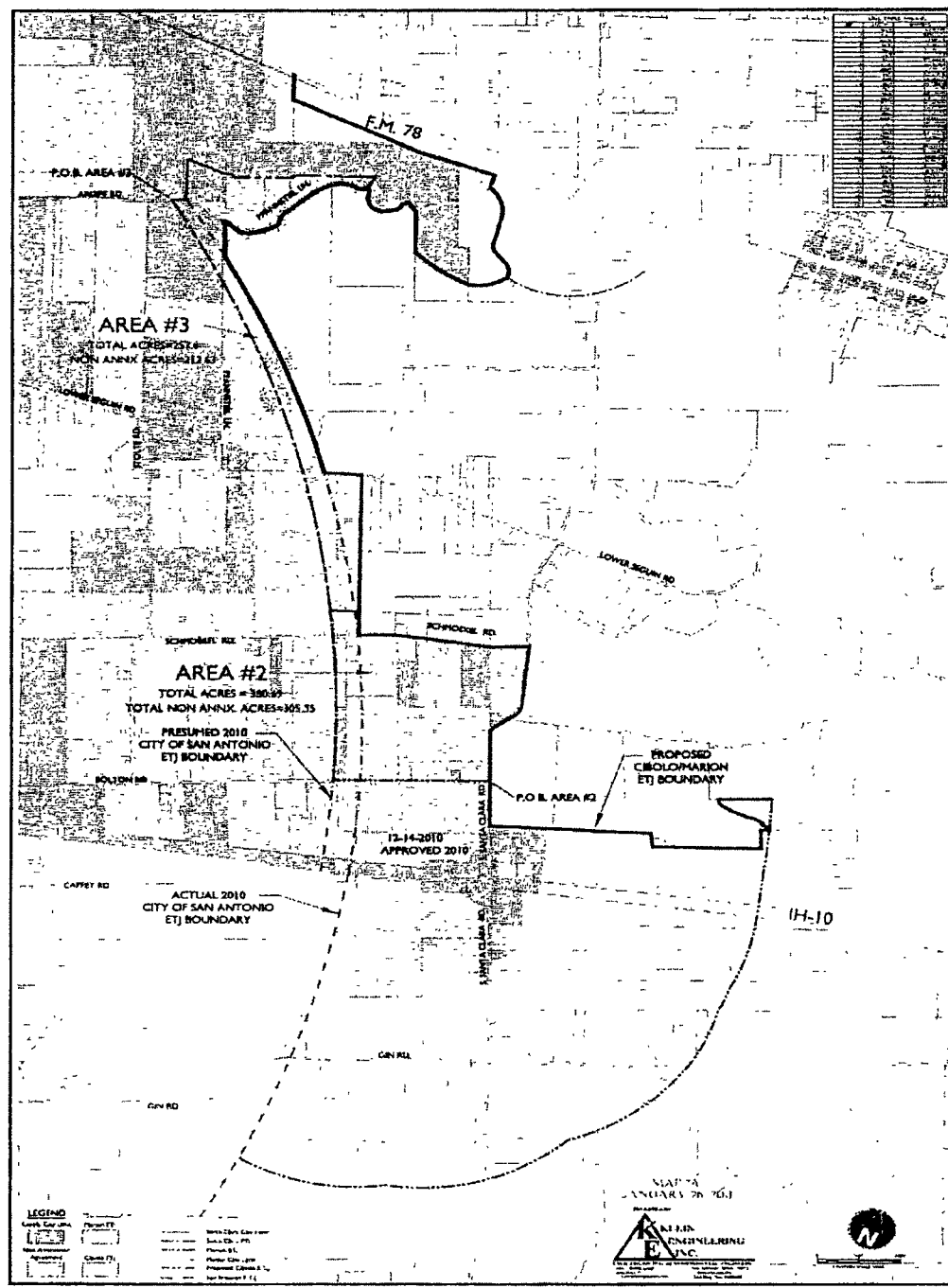
- Guadalupe County Appraisal District Account No. 63967  
Gardner, Charles M. (10.0000 Ac.)
- Guadalupe County Appraisal District Account No. 63969  
Krebs, Larry (10.0000 Ac.)
- Guadalupe County Appraisal District Account No. 63970  
Krebs, Rodney Dale (3.5000 Ac.)
- Guadalupe County Appraisal District 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.



## 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**

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.



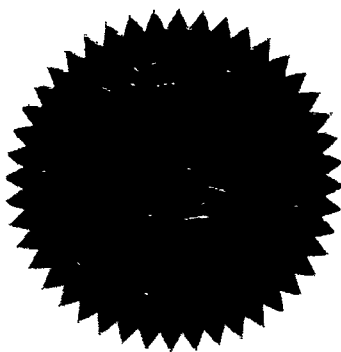
"City of Choice"

**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.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 SCHMOECKEL 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'.

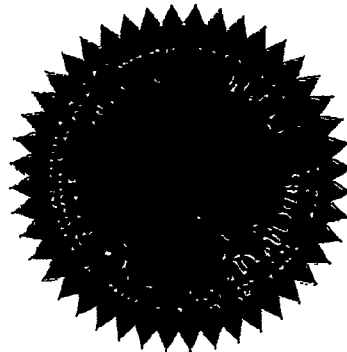
**SECTION 4.** This ordinance shall be effective from and after February 8, 2011.

**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 Cibola, 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 Cibola, 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 83° 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 Pfamstiel 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;

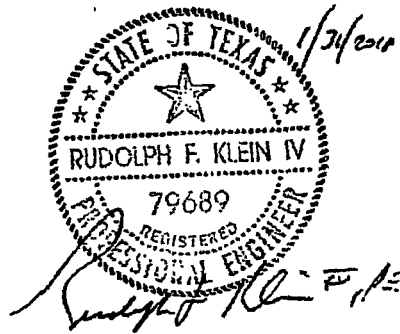
Continuing along a chord of which bears N 49° 58' 24" W, for a distance of 11865.32'; the curve having a radius of 26400.00', a curve length of 11967.53' and a central angle of 25° 58' 23" found West of the said chord to the POINT OF BEGINNING and containing 265.35 Acres more or less.

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**