

**CITY OF SAN ANTONIO  
INTERDEPARTMENTAL MEMORANDUM  
DEPARTMENT OF PLANNING**

**TO:** Mayor and City Council

**FROM:** Emil R. Moncivais, AICP, AIA, Director, Planning Department

**THROUGH:** Terry M. Brechtel, City Manager

**COPIES:** Jelynn LeBlanc Burley, Assistant City Manager; Jesus Garza, Planning Manager; Roxie Andersen, Planner II; File

**SUBJECT:** Resolution Denying the Request of the "City of Timberwood Park Committee" for consent to incorporate as a City under Chapter 42 of the Texas Local Government Code

**DATE:** June 24, 2004

**SUMMARY AND RECOMMENDATIONS**

This is a resolution denying the request of the "City of Timberwood Park Committee" for consent to incorporate as a City. Residents of Timberwood Park and its surrounding neighbors are requesting the City of San Antonio's consent to incorporate. Timberwood Park and its surrounding neighbors are within the City of San Antonio's extraterritorial jurisdiction (ETJ).

Since it is the City's goal to preserve the integrity of the City and its ETJ, staff recommends denial and recommends the adoption of a resolution not granting the City of San Antonio's consent to the "City of Timberwood Park Committee" for incorporation as a City.

**BACKGROUND INFORMATION:**

On March 5, 2004 the "City of Timberwood Park Committee" submitted a two-signature request to the City of San Antonio to allow the residents of Timberwood Park and its surrounding neighbors to form a city. Subsequently, on May 14, 2004 the Committee supplied additional information in the form of signatures and addresses of 70 residents who support incorporation.

The property is situated north of the Stone Oak area, generally between Blanco Road and W. Borgfeld Road and is primarily within the Edwards Contributing Zone. It is comprised of approximately 5,811 acres with an estimated 1,884 housing units and population of 5,393. There are approximately 1,361 vacant residential platted lots, and approximately 1,907 acres in agricultural use that can be developed. The area proposed for incorporation is larger than Timberwood Park proper. Attached is a map of the area.

According to provisions under Chapter 42 of the Texas Local Government Code, a municipality may not be incorporated in the extraterritorial jurisdiction of an existing municipality unless the governing body (City Council) of the existing municipality gives its written consent by ordinance or resolution. If the governing body refuses to give its consent, then a majority of the qualified voters of the area and the owners of at least 50% percent of the land in the proposed municipality may petition City Council to annex the area. If the City of San Antonio refuses to annex the area within six months after receiving such a petition, that failure or refusal to annex constitutes the City of San Antonio's consent.

The consent to incorporation of the proposed municipality is only an authorization to initiate incorporation proceedings. If the consent to incorporate is obtained, either by resolution or by the failure or refusal to annex assuming that a proper petition for annexation was received, the incorporation proceedings must be initiated within six months after the date of the consent and must be finally completed within 18 months after the date of consent. Failure to comply with either time requirement would terminate the consent.

Attached is a flowchart that shows the process under the provisions of the Texas Local Government Code regarding municipal incorporation in another municipality's extraterritorial jurisdiction.

#### **POLICY ANALYSIS:**

The requested incorporation includes vacant, developable land. Currently the area is subject to San Antonio's development regulations under the Unified Development Code (UDC). If the request is granted, the area could develop without the City of San Antonio's regulations. Under the provisions, as explained above, area residents still have the opportunity to seek annexation, and if denied, they automatically would have consent to incorporate.

Since San Antonio's adopted goals are to preserve its range of annexation options, promote orderly growth, provide municipal services, enhance the City's fiscal position, and to preserve the integrity of the City and its extraterritorial jurisdiction, denial of the current request would be consistent with the City's goals.

#### **FISCAL IMPACT:**

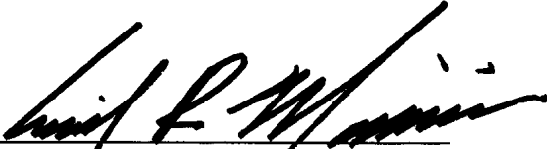
There is no financial impact associated with passage of this resolution.

#### **COORDINATION:**

The item was coordinated with the City Attorney's Office.

### SUPPLEMENTARY COMMENTS

Passage of this resolution is consistent with the City's goal to "preserve the integrity of the City and its Extraterritorial Jurisdiction"



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Emil R. Moncivais, AICP, AIA  
Director, Planning Department



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Jelynn LeBlanc Burley  
Assistant City Manager

APPROVED:



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Terry M. Brechtel  
City Manager



- Timberwood Park Boundary 5,811 Acres
- City of San Antonio
- Bexar County
- Military Bases
- Highways
- Lakes
- Creeks
- Aquifer
- Residential 1,941 Acres
- Vacant 1,361 Acres
- Agricultural 1,907 Acres
- Commercial 55 Acres
- Public/Institution 22 Acres
- Other/ROW 525 Acres

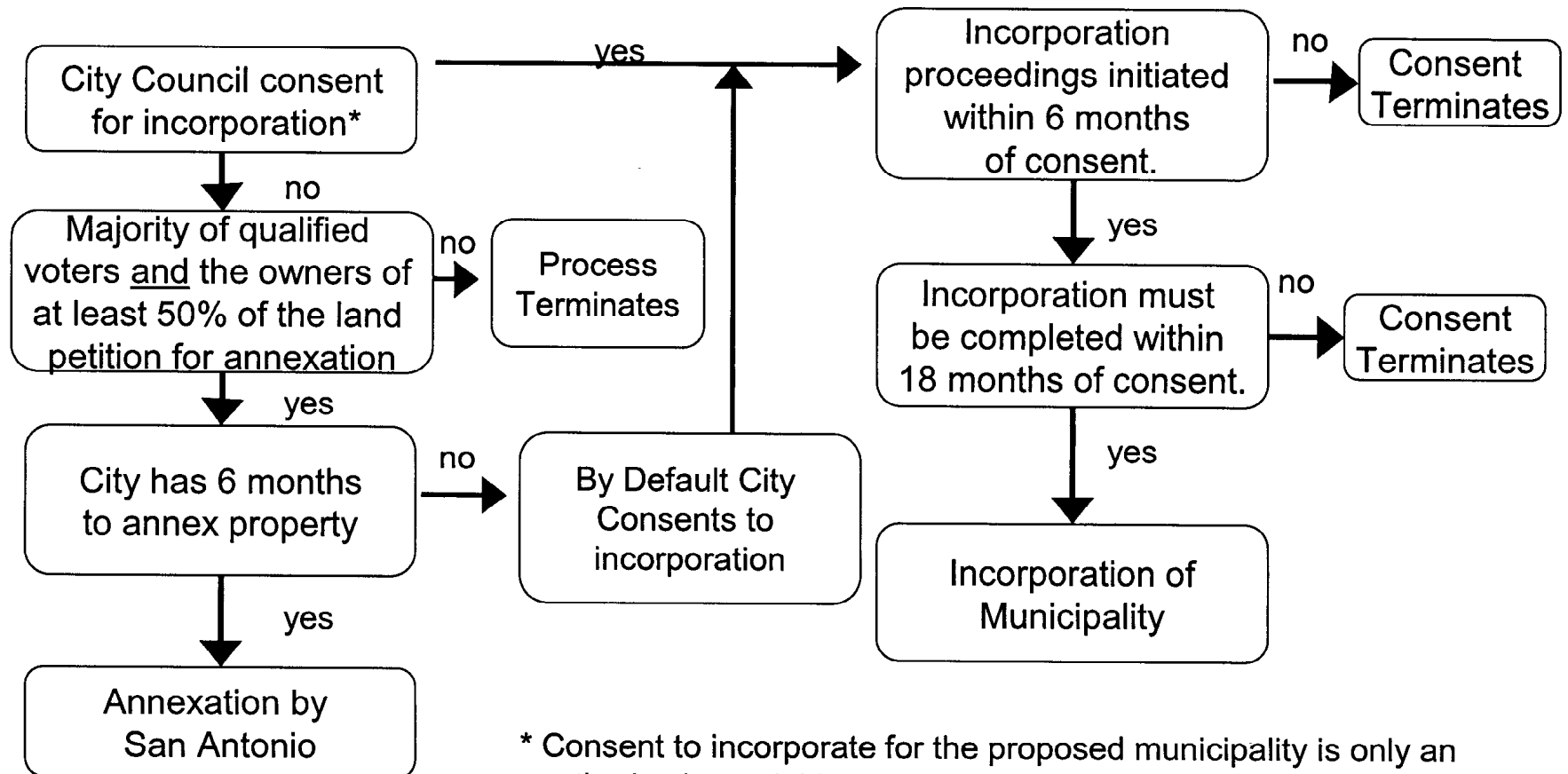
# City of Timberwood Park Proposed City Limits



DATE: 10/1/2010  
 PREPARED BY: [Name]  
 CHECKED BY: [Name]  
 APPROVED BY: [Name]  
 TITLE: [Title]  
 PROJECT: [Project Name]  
 SHEET: [Sheet Number]

# Incorporation of Municipality within San Antonio's ETJ

Source: Chapter 42.041 Texas Local Government Code & City Charter



\* Consent to incorporate for the proposed municipality is only an authorization to initiate incorporation proceedings.