

**CITY OF SAN ANTONIO
PLANNING DEPARTMENT
CITY COUNCIL AGENDA MEMORANDUM**

**PUBLIC HEARING
TIME CERTAIN
ITEM NO 7
6:00PM**

TO: Mayor and City Council

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

SUBJECT: Second public hearing regarding the annexation of Timberwood Park Area for limited purposes

DATE: May 19, 2005

SUMMARY AND RECOMMENDATIONS

This is the second public hearing regarding the annexation of Timberwood Park Area for limited purposes.

No action is required of the Council at this public hearing.

BACKGROUND INFORMATION

On March 4, 2004 the "City of Timberwood Park Committee" requested City Council's consent to incorporate. City Council denied the request on June 29, 2004 because it is inconsistent with the City's goals to preserve the integrity of the City and protect the ETJ. Subsequently, on December 20, 2004 a petition requesting annexation was submitted to the City. The boundaries were changed from the initial petition; enlarging the gap of intervening property between the City limits and the area proposed for annexation. The boundaries of the area have never been contiguous with the City limits.

The Timberwood Park area property is situated north of the Stone Oak area, generally between Blanco, West Borgfeld and Bulverde Roads and is primarily within the Edwards Contributing Zone. The entire area including property petitioned for annexation and the intervening property is comprised of approximately 4,345 acres with an estimated 1,509 housing units and population of 4,606. There are approximately 1,059 vacant residential lots and approximately 1,306 acres in agricultural use that can be developed.

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.

If the consent to incorporate is obtained 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.

City staff received direction from City Council on April 14, 2005 to proceed with the limited purpose annexation with the intent to negotiate a non-annexation agreement. Non-annexation agreements are permitted by statute, but can only occur after placing the area in the City's three-year annexation plan and after public hearings are held to present the service plans. Subsequently, the County Commissioner's Court may appoint five individuals from the areas to negotiate an agreement in lieu of annexation.

The first public hearing was held on May 12, 2005. The limited purpose annexation schedule is provided below.

Publish Availability of Regulatory Plan & Study	April, 30 & May 1, 2005
Publish Public Hearing Dates	May 1, 2005
Planning Commission Briefing: Three-Year Plan Amendment & Limited Purpose Annexation	May 11, 2005
First Public Hearing	May 12, 2005
Ordinance Publication	May 16, 2005
Second Public Hearing	May 19, 2005
Planning Commission Resolution: Three-Year Plan Amendment & Limited Purpose Annexation	May 25, 2005
Amendment of the Three-Year Plan	May 26, 2005
Annexed for Limited Purposes	June 16, 2005
Effective Date	June 20, 2005

POLICY ANALYSIS

This limited purpose annexation will ensure, through the extension of the City's health and safety regulations, that future development take place in a manner that will protect and enhance both private and public investment in the area, ensure the compatibility of existing and proposed land uses, allow for planning of adequate infrastructure, and ensure the health, safety, and welfare of the community.

The City's goals for annexation are to promote orderly growth, enhance the City's fiscal position and to preserve the integrity of the City and its ETJ.

The opportunity to plan land uses in annexed areas is also greatly improved with the provisions of the City's Unified Development Code.

FISCAL IMPACT

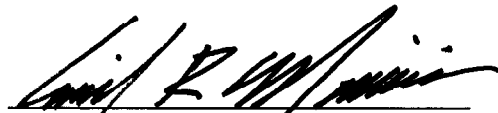
The Timberwood Park area was evaluated for a limited purpose annexation over a three-year period. Over the three-year period, the cost/revenue analysis estimates a net gain to the General Fund of \$19,396 for implementation of the limited purpose annexation. The revenues and expenditures associated with the provision of services for a full purpose annexation are not included in this assessment. This analysis will take place during negotiations.

COORDINATION

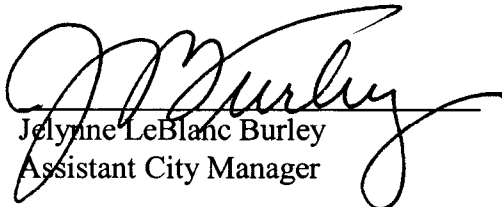
This item was coordinated with the City Attorney's Office, Office of Management & Budget and the Assistant City Manager's Office.

SUPPLEMENTARY COMMENTS

There is no action required of City Council at the public hearings. Action will be required at the reading of the annexation ordinance.



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



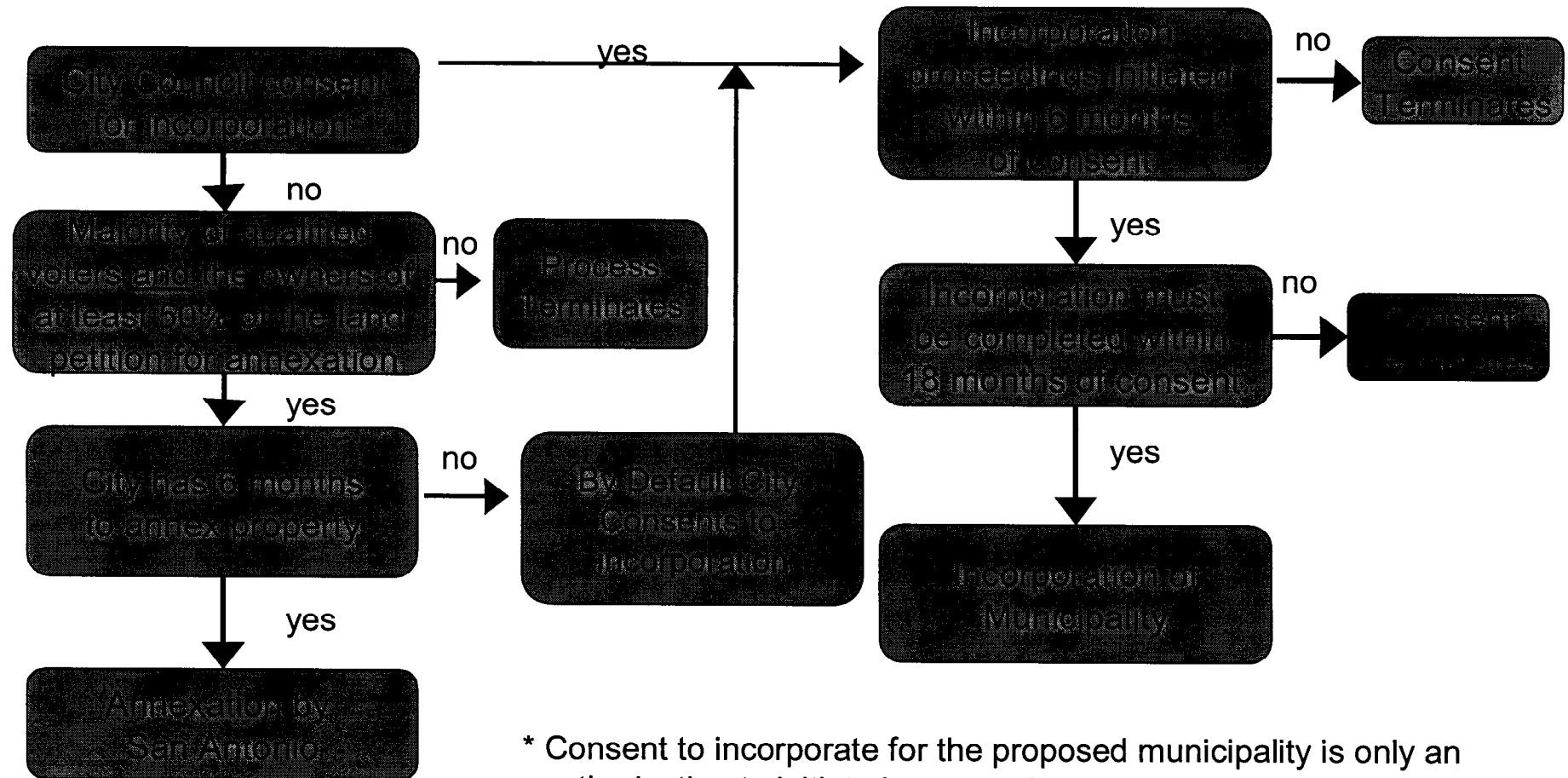
Jelynn LeBlanc Burley
Assistant City Manager



J. Rolando Bono
Interim City Manager

Incorporation of Municipality within San Antonio's ETJ

Source: Chapter 42.041 Texas Local Government Code



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