

ORDINANCE NO. 24-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYTLE, TEXAS, GRANTING A PETITION FOR ANNEXATION AND PROVIDING FOR THE EXTENSION OF MUNICIPAL BOUNDARY LIMITS TO INCORPORATE SUCH PROPERTY INTO THE CITY OF LYTLE, TEXAS WITH THE ANNEXATION OF A 8.157 ACRE TRACT OF LAND OUT OF THE 27.635 ACRE TRACT DESCRIBED IN DEED TO SAN ANTONIO LD, LLC, RECORDED IN DOCUMENT NUMBER 217149 THE OFFICIAL PUBLIC RECORDS OF ATASCOSA COUNTY, TEXAS, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF LYTLE, TEXAS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Lytle has received a Petition for Annexation dated August 31, 2023, from San Antonio, LD, LLC, the property owner of the proposed property to be annexed, described as:

That portion of Saddle Ridge Estates consisting of 8.157 acre, or 355,312 square feet more or less, tract of land out of that 27.635-acre tract described in deed to San Antonio LD, LLC, recorded in Document Number 217149 the Official Public Records of Atascosa County, Texas, as further described in detail on Exhibit A attached hereto and incorporated herein; and

WHEREAS, pursuant to Section 43.0673 of the Texas Local Government Code, the City Council of the City of Lytle held a public hearing where all interested persons were provided with an opportunity to be heard on October 10, 2023 at 6:30 PM in the City Council Chambers at City Hall, which is located at 14916 Main Street, Lytle, Texas 78052 in accordance with Sections 43.0684 and Section 43.0686(c)(1) of the Texas Local Government Code; and

WHEREAS, the City heard arguments with respect to the petitioned annexation and has decided to annex the area and intends to provide services to the subject properties to be annexed according to the Service Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LYTLE, TEXAS:

SECTION 1. That the above recitals are hereby found to be true and correct and incorporated herein for all purposes.

SECTION 2. The land and territory more specifically described in *Exhibit 'A'* and incorporated by reference as the *Annexation Area*, containing 8.157-acers which is adjacent to and adjoining the present corporate boundaries of the City of Lytle, Atascosa County, Texas, is hereby added and annexed to the City of Lytle, Atascosa County, Texas and said territory as described herein shall hereafter be included within the corporate boundary limits of the City of Lytle, Atascosa

County, Texas and the present boundary limits of the City at the various points contiguous to the areas as described above, are altered and amended so as to include said area within the corporate limits of the City.

SECTION 3. That the official map of the City is hereby amended to reflect the addition of the property described herein.

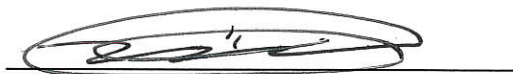
SECTION 4. The above-described territory and the acres so annexed shall be a part of the City of Lytle, Texas, and the inhabitants thereof, if any, shall be entitled to all of the rights and privileges of all citizens and shall be bound by the acts, ordinances, resolutions and regulations of the City of Lytle, Texas.

SECTION 5. That the *Service Plan* for the annexation area, which was made available for public inspection at the *Public Hearings* referenced above, is hereby approved with a copy of said plan being attached hereto and incorporated by reference for all purposes and labeled ***Exhibit 'B'***.

SECTION 6. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 7. That this ordinance shall take effect immediately from and after its passage and approval, in accordance with applicable law and the charter of the City of Lytle, Texas.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LYTLE, TEXAS, THIS THE 22nd DAY OF January, 2024.



Ruben Gonzalez, *Mayor*

ATTEST:



Paola L. Rios, *City Secretary*



EXHIBIT "A"
ANNEXED PROPERTY LEGAL DESCRIPTION

Exhibit A



METES AND BOUNDS DESCRIPTION
FOR AN
ANNEXATION EXHIBIT

A 8.157 acre, or 355,312 square feet more or less, tract of land out of that 27.635 acre tract described in deed to San Antonio LD, LLC, recorded in Document Number 217149 of the Official Public Records of Atascosa County, Texas, out of the Baumgartner Survey Number 513, Abstract 87, of the City of Lytle, Atascosa County, Texas. Said 8.157 acre tract being more fully described as follows, with bearings based on the Texas Coordinate System established for the South Central Zone from the North American Datum of 1983 NAD 83 (NA2011) epoch 2010.00:

COMMENCING: At a found ½" iron rod with a yellow cap marked with "Pape-Dawson", at the southwest corner of Lot 59, Block F, Saddle Ridge Estates Phase 1 Subdivision, recorded in New Plat Cabinet 375-B of said Official Public Records, a northwest corner of said 27.635 acre tract;

THENCE: S 00°09'40" E, departing the southwest corner of said Lot 59, the northwest corner of said 27.635 acre tract, with the west line of said 27.635 acre tract, a distance of 892.16 feet to the current City Limit line of Lytle, Texas and to the POINT OF BEGINNING of the herein described tract;

THENCE: N 89°52'49" E, along and with said current City Limit line of Lytle, Texas, departing the west line of said 27.635 acre tract, a distance of 1013.89 feet to a point on the east line of said 27.635 acre tract;

THENCE: S 00°54'20" W, departing said current City Limit line of Lytle, Texas, with the east line of said 27.635 acre tract, at a distance of 62.68 feet passing a found ½" iron rod with a cap marked "Brown", continuing a total distance of 351.00 feet to a found ½" iron rod for the southeast corner of the herein described tract, the southeast corner of said 27.635 acre tract;

THENCE: S 88°55'04" W, along the south line of said 27.635 acre tract, a distance of 72.72 feet to a set magnall and washer marked with "Pape-Dawson";

THENCE: S 89°57'06" W, continuing with the south line of said 27.635 acre tract, a distance of 934.65 feet to a found ½" iron rod with a yellow cap marked "Pape-Dawson", for the southwest corner of said 27.635 acre tract;

Page 1 of 2

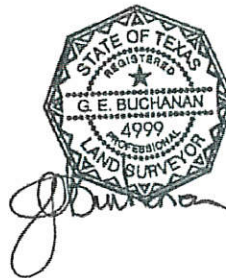
Transportation | Water Resources | Land Development | Surveying | Environmental

telephone: 210-375-9000 address: 2000 NW LOOP 410 SAN ANTONIO, TX 78213 website: PAPE-DAWSON.COM
San Antonio | Austin | Houston | Fort Worth | Dallas | New Braunfels Texas Engineering Firm #470 Texas Surveying Firm #10028000

Job No. 11100-27
8.157 Acres
Page 2 of 2

THENCE: N 00°09'40" W, along the east line of said 27.635 acre tract, a distance of 351.00 feet to the POINT OF BEGINNING and containing 8.157 acres in the City of Lytle, Atascosa County, Texas. Said tract being described in conjunction with an exhibit prepared under job number 11100-27 by Pape-Dawson Engineers.

PREPARED BY: Pape-Dawson Engineers
DATE: August 28, 2023
JOB NO. 11100-27
DOC. ID. N:\CIVIL\11100-27\Word\11100-27 FN 8.157 AC.docx



**PAPE-DAWSON
ENGINEERS**

EXHIBIT “B”
SERVICE PLAN FOR ANNEXED AREA

City of Lytle, County of Atascosa, Texas

SERVICE PLAN FOR ANNEXED AREA

City of Lytle, County of Atascosa, Texas

Acreage Annexed: 8.157 acres

Survey Abstract and County: an 8.157 acre (355,312 Sq. Ft.) tract feet more or less, tract of land out of that 27.635-acre tract described in deed to San Antonio LD, LLC, recorded in Document Number 217149 the Official Public Records of Atascosa County, Texas, the ("Property").

Date of Adoption of Annexation Ordinance: Ordinance No. 24-03, January 22, 2024

Municipal Services. Municipal services to the acreage described above shall be furnished by or on behalf of the City of Lytle, Texas, ("City") at the following levels and in accordance with the following schedule:

(A) Police Services.

- (1) Patrolling, responses to calls, and other routine police services, within the limits of existing personnel and equipment, will be provided immediately upon the effective date of annexation.
- (2) As development and construction commence within this area, sufficient police personnel and equipment will be provided to continue to furnish this area the level of police services consistent with police services available in other parts of the City with land uses and population densities similar to those projected in the annexed area.

(B) Fire Services.

- (1) Fire protection will be provided by the present personnel and the present equipment of the Lytle Volunteer Fire Department and within the limitations of available water and distances from existing fire stations, will be provided to this area immediately upon the effective date of annexation. Atascosa County Emergency Medical Services will respond to calls for Emergency Medical Service (EMS) and they will provide patient care and transport services immediately upon the effective date of annexation.
- (2) As development and construction commences within this area, sufficient fire personnel and equipment will be provided to continue to furnish this area the level of fire services consistent with fire service available in other parts of the City with land uses and population densities similar to those projected in the annexed area.

(C) Health and Code Compliance Services.

- (1) Enforcement of the City's health ordinances and regulations including, but not limited to, weed and brush ordinances, junked and abandoned vehicle ordinances, food handlers ordinances and animal control ordinances, shall be provided within this area on the effective date of the annexation ordinance. These ordinances and regulations will be enforced through the use of existing personnel. Complaints of ordinance or regulation violations within this area will be responded and investigated by existing personnel beginning with the effective date of the annexation ordinance.
- (2) The City's building, plumbing, electrical, gas heating, air conditioning and all other construction codes will be enforced within this area beginning with the effective date of the annexation ordinance. Existing personnel will be used to provide these services.
- (3) The City's subdivision and other ordinances shall be enforced in this area beginning on the effective date of the annexation ordinance.
- (4) All inspection services furnished by the City of Lytle, but not mentioned above, will be provided to this area beginning on the effective date of the annexation ordinance. Any Property owner or his/her assigns who in good faith has a new building or structure, as defined in the Comprehensive Zoning Ordinance, under construction on the effective date of annexation shall be exempted from these inspections for that building or structure under construction for a period of one year from the effective date of annexation. For the purpose of this ordinance "under construction" shall mean any work that requires a building permit from the City of Lytle.
- (5) As development and construction commence within this area, sufficient personnel will be provided to continue to furnish this area the same level of Health and Code compliance services as are furnished throughout the City.

(D) Planning and Zoning Services

- (1) The planning and zoning jurisdiction, of the City will extend to this area on the effective date of the annexation ordinance. City planning will thereafter encompass this Property, and it shall be entitled to consideration for zoning in accordance with the City's Comprehensive Plan, Building Code, and the Municipal Code of Ordinances.

(E) Recreation, Library and Leisure Services

- (1) Residents of this Property may utilize all recreational, library, and leisure services facilities and sites throughout the City beginning with the effective date of the annexation ordinance.

- (2) Existing parks, playgrounds, swimming pools and other recreation and leisure facilities within this Property shall, upon dedication to and acceptance by the City, be maintained and operated by the City of Lytle. This provision does not obligate City to accept dedication of parkland improvements. City will not assume maintenance and operation of parks, playgrounds, swimming pools, and other recreation areas owned by a HOA or other private ownership.

(F) Solid Waste Collection

- (1) Solid waste collection shall be provided to the Property in accordance with existing City policies as to frequency and charges, beginning on the effective date of annexation.

(G) Streets and Drainage

- (1) The City of Lytle's existing policies with regard to streets, roads, drainage and street/roadway lighting maintenance, applicable throughout the entire City, shall apply to this Property beginning immediately as of the effective date of the annexation ordinance.
- (2) As development, improvements or construction of streets and drainage to the City standards commence within this Property, the policies of the City of Lytle with regard to impact fees and participation in the cost thereof, acceptance upon completion, and maintenance after completion, shall apply.
- (3) The same level of maintenance shall be provided to public streets and roadways upon dedication and acceptance by the City and within this Property that have been accepted by the City of Lytle as is provided to like City streets and roadways throughout the City. This provision does not obligate the City to accept dedication of the streets and roadways located on the Property. The City will not assume maintenance and operation of streets and roadways owned by the HOA or other private ownership.

(H) Water Services

- (1) Retail water service will be provided by the City municipal water system. Water service shall be provided and extended in accordance with the City's policies and established fees.
- (2) Private water lines within this property shall be maintained by their owners, in accordance with existing policies applicable throughout the City.

(I) Sanitary Sewer Services

- (1) Connections to existing City sanitary sewer mains for sanitary sewage service in this area will be provided in accordance with the existing City policies. Upon connection, sanitary sewage service will be provided at rates established by City ordinances for such services throughout the City.

- (2) Sanitary sewer mains and/or lift stations which are within the annexed area and are connected to City mains shall be maintained by the City of Lytle beginning with the effective date of the annexation ordinance or upon acquisition by the City.
- (3) Sanitary sewer mains of the City will be extended in accordance with the provisions of the Municipal Code of Ordinances and engineering standards and other applicable ordinances and regulations. City participation in the costs of these extensions shall be in accordance with applicable City ordinances and regulations and will be provided as otherwise available in other parts of the City with topography, land uses, and population densities similar to those reasonably contemplated or projected in the area.
- (4) Previously granted exceptions to the requirements of connections to the City's sanitary sewer treatment system or Off-Site Sanitary Sewer Facilities (OSSF) constructed prior to annexation shall be continued until such alternate systems are determined to no longer function to meet the sanitary sewer needs of the subdivision granted the exception or for systems installed prior to annexation.

(J) Public Utilities.

- (1) Other public utilities will be provided by the City's franchisee or a provider holding a CCN issued by the state to serve that area.

(K) Miscellaneous.

- (1) General municipal administration services of the City shall be available to the annexed area beginning with the effective date of the annexation ordinance.
- (2) All other applicable municipal services will be provided to the Property in accordance with the City of Lytle's established policies governing extension of municipal services to newly annexed areas.