

AN ORDINANCE

97417

APPROVING THE TERMS AND CONDITIONS AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BEXAR COUNTY WHICH ESTABLISHES CERTAIN TERMS BY WHICH THE CITY OF SAN ANTONIO WILL CONSENT TO THE CREATION OF EMERGENCY SERVICE DISTRICT #2 WITHIN THE CITY'S ETJ FOR THE PROVISION BY THE DISTRICT OF FIRE SUPPRESSION AND EMERGENCY MEDICAL SERVICES FOR INDIVIDUALS RESIDING WITHIN ITS BOUNDARIES.

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WHEREAS, certain residents of Bexar County have filed a petition with Bexar County Commissioners' Court in which they seek to form an Emergency Services District #2 ("ESD #2"), which would include a portion of the Extraterritorial Jurisdiction ("ETJ") of the City of San Antonio; and,

WHEREAS, the citizens involved in the project have applied to the City of San Antonio for permission to include that portion of the Extraterritorial Jurisdiction within the proposed special district as required by Chapter 775 of the Texas Health & Safety Code; and,

WHEREAS, the affected portion of the City's Extraterritorial is more particularly described in the Petition for Formation of the District attached at **Exhibit B**; and,

WHEREAS, representatives of Bexar County, Texas ("County") and the City of San Antonio ("City") have negotiated an agreement pursuant to state law which, if approved by the County and City, will be incorporated into the call for the election on formation of the proposed ESD #2; and.

WHEREAS, the proposed boundaries of ESD #2 include certain property that is owned and previously annexed by the City of San Antonio and property which is the subject of a preexisting fire services agreement (Texas Research Park) to which the City is a party; and,

WHEREAS, the negotiated agreement clarifies that the City may petition for the removal of the previously annexed, city owned property and/or the Texas Research Park property without incurring a financial obligation to ESD #2 that otherwise might have been afforded by Chapter 775, Texas Health & Safety Code; and,

WHEREAS, City staff has reviewed the proposal and has recommended that permission be granted on the conditions set forth in the attached agreement; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Permission is hereby granted to include the portion of the Extraterritorial Jurisdiction of the City of San Antonio within the proposed Bexar County Emergency Services District No. 2 in accordance with the terms of Chapter 775, Texas Health & Safety Code and the Agreement for Approval of ESD #2 which is set forth in substantially final form at **Exhibit A**. A copy of the petition for formation of ESD #2 is attached hereto as **Exhibit B** and contains a description of the area to be included within the district. **Exhibits A and B** are attached hereto and incorporated herein for reference. The City Manager or her designee is hereby authorized to execute the Agreement on behalf of the City and to take such further and necessary acts to implement this Ordinance.

SECTION 2. The City Clerk is directed to forward a copy of this action to the County Judge, Bexar County on behalf of the City.

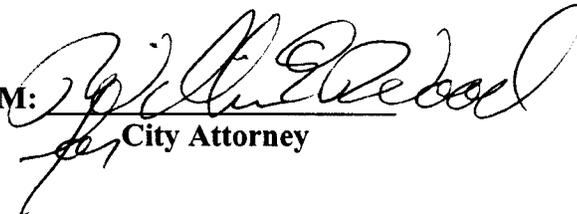
SECTION 3. This ordinance is effective on the tenth day after its passage.

PASSED AND APPROVED this 3rd day of April, 2003



M A Y O R
EDWARD D. GARZA

ATTEST: 
CITY CLERK

APPROVED AS TO FORM: 
City Attorney