



Mayor: Mario Garza
Mayor Pro-Tem: Jesus “Jesse” Ramirez
Commissioners: Ernesto “Neto” Guajardo
Raudel Maldonado
Pete Garcia

The City of San Juan does not discriminate on the basis of disability in the admission of, access to, treatment of, or employment in its programs, activities, or public meetings. Any individual with a disability in need of an accommodation is encouraged to contact the Office of the City Secretary at 956-223-2200 at least 24 hours prior to the scheduled meeting to make proper arrangements.

SAN JUAN CITY COMMISSION

Location: San Juan Memorial Library
Multipurpose Meeting Room
1010 S. Standard
San Juan, Texas 78589
Monday, December 18, 2017

SPECIAL CALLED MEETING AGENDA

5:30 PM

I. CALL TO ORDER

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. APPOINTMENTS

- A.** Consider Appointment of Election Judges and Setting Maximum Number of Election Clerks for the Upcoming City's Special Municipal Election for Place Four (4) to be Held on January 20, 2018.

V. CONTRACTUAL/RESOLUTIONS

- A.** Consideration and Approval of Resolution Requesting Financial Assistance From the Texas Water Development Board For Constructing Various Public Improvements to the City's Utility System; Authorizing the City's Financial Advisors, Bond Counsel, and Engineers to Coordinate the Submission of the Application to the Texas Water Development Board; and Other Matters in Connection Therewith.

VI. CONSENT AGENDA

- A.** Consider an Ordinance in Second Reading for a Conditional Use Permit for a Car Wash Facility in the Expressway Corridor District (EC) in a Tract of Land Containing 0.911 of One Acre out of Lot 13, Block 5, John Closner Subdivision, Located Along the Northside of IH2 Approximately One-Half Mile East of Veteran's Boulevard as Requested by Melden & Hunt, Inc. (Xavier Cervantes, Director of Planning)
- B.** Consider an Ordinance in Second Reading for the Voluntary Annexation of a 10.22 Acre Tract of Land out of the Lott 100 Acres of Los Toritos Grant, Located Along the South Side of Sam Houston Avenue, Approximately a Quarter of a Mile East of Stewart Road as Requested by Ronnie Cantu Construction, LLC. (Xavier Cervantes, Director of Planning)

VII. ADJOURNMENT

CERTIFICATION

I certify that the above notice of the Special Called Meeting of the City of San Juan is true and correct; and that I posted such notice on the bulletin board. A place convenient and readily accessible to the public on the _____ in accordance with the Texas Open Meetings Act (Tex. Gov't. Code §551-041 - §551.050).

DIANA CAVAZOS
CITY SECRETARY
CITY OF SAN JUAN, TEXAS

CERTIFICATION OF REMOVAL

I certify that the agenda of items to be considered by the City Commission was removed by the City Secretary's Office from the San Juan City Hall bulletin area on the the _____ of _____, 2017.

OFFICE OF THE CITY SECRETARY

AGENDA ITEM AND RECOMMENDATION SUMMARY
CITY COMMISSION REGULAR MEETING
DECEMBER 18, 2017

Consider Appointment of Election Judges and Setting Maximum Number of Election Clerks for the Upcoming City's Special Municipal Election for Place Four (4) to be Held on January 20, 2018.

STAFF COMMENTS AND RECOMMENDATIONS:

For the upcoming January 20, 2018 Special Election for Place four (4). Two (2) Presiding Judges and two (2) Alternate Judges must be Appointed for Election Day. Also one (1) Presiding Judge and one (1) Alternate Judge must be appointed to the Early Voting Ballot Board of which can also serve for Election Day. The Presiding Judges or Alternate Judges will Select their own Voting Clerks.

RECOMMENDATION:

Consider appointment of Election Judges and Alternate Judges for the Upcoming City's Special Municipal Election for Place 4.

PREPARED BY:

Diana Cavazos, City
Secretary

APPROVED BY:

Benjamin Arjona, City
Manager

SAMPLE

ORDER OF APPOINTMENT FOR ELECTION JUDGES AND ALTERNATES

The Commissioners Court of _____ County do hereby appoint the following election judges and alternate judges for a one year term to begin August 1, _____ or for one election to be held on _____.

Precinct	Election Judge	Alternate Judge
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It is hereby directed that this order be filed with the clerk of this court and that a copy be given to the custodian of the election records for said county. The County Clerk/Elections Administrator is hereby instructed to send notice of appointment to each election judge of their appointment for a one year term beginning August 1, _____ or a single election as stated above in accordance with Tex. Elec. Code Ann. § 32.009.

County Judge

Commissioner, Pct. 1

Commissioner, Pct. 2

Commissioner, Pct. 3

Commissioner, Pct. 4

AGENDA ITEM AND RECOMMENDATION SUMMARY
CITY COMMISSION REGULAR MEETING
DECEMBER 18, 2017

Consideration and Approval of Resolution Requesting Financial Assistance From the Texas Water Development Board For Constructing Various Public Improvements to the City's Utility System; Authorizing the City's Financial Advisors, Bond Counsel, and Engineers to Coordinate the Submission of the Application to the Texas Water Development Board; and Other Matters in Connection Therewith.

STAFF COMMENTS AND RECOMMENDATIONS:

On August 17, 2017, the City Received Official Notice that the City was invited to submit an Application for Funding to the Texas Water Development Board (TWDB) Through the Drinking Water State Revolving Fund.

The Proposed Project is Water Treatment Plant No. 2 Raw Water Reservoir Improvements.

On November 5, 2017, a Delegation from the City of San Juan Attended a Meeting at the TWDB in Austin to Discuss an Amendment to the FY 18 Intended Use Plan for the Inclusion of the Belt Press Installation at the Wastewater Treatment Plant. The Project Information Form (PIF) is listed as Submitted by the TWDB.

Both of these Projects are Critical for the Continued Compliance of State and Federal Regulations and Meeting Current and Future Demands of the City's Utility Systems.

RECOMMENDATION:

Approve as presented.

PREPARED BY:

Diana Cavazos, City
Secretary

APPROVED BY:

Benjamin Arjona, City
Manager

December 13, 2017

Via E-Mail

Mr. Benjamin Arjona
City Manager
City of San Juan
709 South Nebraska Street
San Juan, Texas 78589

Norton Rose Fulbright US LLP
300 Convent Street, Suite 2100
San Antonio, Texas 78205-3792
United States

Direct line +1 210 270 7158
arnold.cantu@nortonrosefulbright.com

Tel +1 210 224 5575
Fax +1 210 270 7205
nortonrosefulbright.com

Re: City of San Juan, Texas Waterworks and Sewer System Revenue Bonds, Series 2018A

Dear Mr. Arjona:

I enclose as Exhibit A to this letter the agenda items to be utilized in preparing the agenda for the December 18, 2017 special meeting of the City Commission. Thank you for ensuring that this agenda item is posted in accordance with the provisions of the Texas Open Meetings Act. I also enclose as Exhibit B the suggested motion for this item.

I also enclose a draft copy of the Resolution Requesting Financial Assistance for inclusion in the City Commission's agenda packets. Please send any comments to this Resolution to me as soon as possible so that it may be finalized.

Lastly, I enclose Exhibit A and Exhibit B in Word format for your convenience.

Thank you, in advance, for your prompt attention to this matter. If I can provide any additional assistance concerning this matter, please do not hesitate to contact me.

Very truly yours,



Arnold Cantu III

AC/jcq
Enclosures

cc: Mr. David Salinas (City of San Juan, Texas)
Mr. Leroy Gonzales (City of San Juan, Texas)
Ms. Diana Cavazos (City of San Juan, Texas)
Mr. Cris Vela (FirstSouthwest, a Division of Hilltop Securities Inc.)
Mr. Andre Ayala (FirstSouthwest, a Division of Hilltop Securities Inc.)
Mr. Jorge Delgado (FirstSouthwest, a Division of Hilltop Securities Inc.)
Ms. Penny Brooker (FirstSouthwest, a Division of Hilltop Securities Inc.)
Mr. Orlando Cruz (Cruz-Hogan Consultants, Inc.)
Mr. Ronnie Cruz (Cruz-Hogan Consultants, Inc.)

Mr. W. Jeffrey Kuhn (Firm)
Mr. James P. Plummer (Firm)
Mr. Clay Binford (Firm)
Ms. Stephanie V. Leibe (Firm)
Mr. Adam Harden (Firm)
Ms. Lauren N. Ferrero (Firm)
Mr. Matthew A. Lee (Firm)
Mr. Clay Chrisman (Firm)
Mr. Darius Ravangard (Firm)

EXHIBIT A

CONSIDERATION AND APPROVAL OF A RESOLUTION REQUESTING FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD FOR CONSTRUCTING VARIOUS PUBLIC IMPROVEMENTS TO THE CITY'S UTILITY SYSTEM; AUTHORIZING THE CITY'S FINANCIAL ADVISORS, BOND COUNSEL, AND ENGINEERS TO COORDINATE THE SUBMISSION OF THE APPLICATION TO THE TEXAS WATER DEVELOPMENT BOARD; AND OTHER MATTERS IN CONNECTION THEREWITH

EXHIBIT B

**MOVE TO ADOPT A RESOLUTION REQUESTING FINANCIAL ASSISTANCE
FROM THE TEXAS WATER DEVELOPMENT BOARD**

RESOLUTION NO. _____

A RESOLUTION REQUESTING FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD FOR CONSTRUCTING VARIOUS PUBLIC IMPROVEMENTS TO THE CITY'S UTILITY SYSTEM; AUTHORIZING THE CITY'S FINANCIAL ADVISORS, BOND COUNSEL, AND ENGINEERS TO COORDINATE THE SUBMISSION OF THE APPLICATION TO THE TEXAS WATER DEVELOPMENT BOARD; AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the City of San Juan, Texas (the *City*) deems it necessary to apply to the Texas Water Development Board (the *Board*) for financial assistance; and

WHEREAS, in accordance with the rules and regulations of the Board, which govern the procedures in making such an application, the governing body of the City is required to pass a resolution to accompany such application; now, therefore,

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SAN JUAN, TEXAS THAT:

1. It is hereby found and determined that the City cannot reasonably finance the proposed project without the financial assistance of the Board in the amount requested.

2. The City hereby requests that the Board grant financial assistance to the City in the amount not to exceed \$1,300,000 (as a loan or by the purchase of obligations of the City and the receipt of the largest amount of grant funds lawfully available from the Board) for constructing improvements to the City's utility system, as designed by the City's Consulting Engineer (defined herein), and the purchase of the necessary land and rights-of-way relating to this project. These obligations may be issued by the City in one or more series.

3. The Mayor of the City is hereby authorized to execute and submit to the Board the application for such financial assistance, and the Mayor of the City, or his designee, together with Bond Counsel (defined herein), the Financial Advisor (defined herein), and the Consulting Engineer, each named in such application, are authorized to appear before the Board in support of such application.

4. The Mayor of the City is further specifically authorized to make the required assurances to the Board in accordance with the rules, regulations, and policies of the Board.

5. The City Commission authorizes the Mayor or the City Manager of the City, or the designee of any of the foregoing, to take all actions necessary to execute any necessary financial advisory contract with FirstSouthwest, a Division of Hilltop Securities Inc., as the financial advisor to the City (the *Financial Advisor*). The City Commission understands that under applicable federal securities laws and regulations that the City must have a contractual agreement with its Financial Advisor relating to the sale, issuance, and delivery of debt obligations of the City. In addition the City Commission also authorizes the Mayor or the City Manager of the City, or the

designee of any of the foregoing, to take all actions necessary to execute any necessary engagement agreement with Norton Rose Fulbright US LLP, as the bond counsel to the City (*Bond Counsel*). The City Commission has retained Cruz-Hogan Consultants, Inc. (the *Consulting Engineer*) as the consulting engineer to the City for this project. Execution of such engagement agreements also constitute a prerequisite to the City's filing of its application with the Board.

A certified copy of this Resolution shall be attached to the application for financial assistance herein authorized to be prepared and submitted to the Board, and the City Secretary of the City is authorized and directed to prepare and certify such number of copies of this Resolution as may be required for purposes of supporting the submission of such application to the Board.

6. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City.

7. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

8. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

9. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Resolution would have been enacted without such invalid provision.

10. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

11. This Resolution shall be in force and effect from and after its passage on the date shown below.

[The remainder of this page intentionally left blank]

PASSED, ADOPTED AND APPROVED on the 18th day of December, 2017.

CITY OF SAN JUAN, TEXAS

Mayor

Attest:

City Secretary

(CITY SEAL)

AGENDA ITEM AND RECOMMENDATION SUMMARY
CITY COMMISSION REGULAR MEETING
DECEMBER 18, 2017

Consider an Ordinance in Second Reading for a Conditional Use Permit for a Car Wash Facility in the Expressway Corridor District (EC) in a Tract of Land Containing 0.911 of One Acre out of Lot 13, Block 5, John Closner Subdivision, Located Along the Northside of IH2 Approximately One-Half Mile East of Veteran's Boulevard as Requested by Melden & Hunt, Inc.

STAFF COMMENTS AND RECOMMENDATIONS:

During the City Commission meeting of December 5, 2017, the City Commission approved the First Reading of the Ordinance as presented by staff.

Previously, staff provided the following background:

The Texas National Bank is applying for a conditional use permit to construct a car wash facility along the new Expressway Corridor District (EC). The request was a result of the amendment to the Expressway Corridor District Ordinance to allow this type of business along the Expressway. The proposed hours of operation are during the summer from 7:00 a.m. to 8:00 p.m. and winter from 7:00 a.m. to 7:00 p.m.

Staff mailed a notice of the public hearing to seven (7) property owners within a two hundred (200) feet radius and received no comments in favor or against this request.

RECOMMENDATION:

Approve as presented.

PREPARED BY:

Xavier Cervantes,
Director of Planning
and Zoning

APPROVED BY:

Benjamin Arjona, City
Manager

MEETING DATES:
PLANNING AND ZONING COMMISSION – 09/21/2017
CITY COMMISSION – 12/18/2017
DATE PREPARED – 12/13/2017

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STAFF REPORT
GENERAL INFORMATION

APPLICATION:	Conditional Use Permit to construct a car wash facility in the Expressway Corridor District (EC)
APPLICANT:	Texas National Bank
SURVEYOR/ENGINEER:	Melden & Hunt, Inc.
LEGAL:	A tract of land containing 0.911 of an acre out of Lot 13, Block 5, John Closner Subdivision.
LOCATION:	Located at the Northeast corner of IH2 approximately one-half mile East of Veteran's Boulevard.
CURRENT USE OF PROPERTY:	Vacant
PROPOSED USE OF PROPERTY:	Car wash facility
EXISTING LAND USE/ ADJACENT ZONING:	<u>North</u> – Residential/Commercial; Expressway Corridor District (EC) <u>South</u> – Commercial; Expressway Corridor District (EC) <u>East</u> – Commercial; Express Corridor District (EC) <u>West</u> – Outside city limits
ACCESS AND CIRCULATION:	This property has access to IH 2/Expressway 83 and Veteran's Boulevard.
PUBLIC SERVICES:	Water and Sewer Services are provided by the City of San Juan.
RECOMMENDATION:	Staff recommends approval subject to the list of requirements.

EVALUATION AND CONDITIONS FOR APPROVAL

The Texas National Bank is applying for a conditional use permit in order to construct a car wash facility along the new Expressway Corridor District (EC). The proposed hours of operation are during the summer from 7:00 a.m. to 8:00 p.m. and winter from 7:00 a.m. to 7:00 p.m.

The following are the list of requirements for the proposed car wash:

1. The business must be as close as possible to a major arterial, and shall not allow the traffic it generates onto residential streets, or allow it to exit into and disrupt residential areas;
2. The business must provide parking in accordance with the City off-street parking regulations and make provisions to prevent use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional on-site parking.
3. The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent business or residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances. The loading and unloading of equipment to be on premises only.
4. The business should do everything possible and be designed to discourage criminal activities and vandalism, both on site and on adjacent properties. Provision of sufficient lighting and perimeter fencing, elimination of dark areas, and the orientation of the building such that it provides maximum visibility of as much as possible of the site from a public street;
5. The business must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties;
6. The business shall restrict the number of persons within the building to the number determined for occupancy levels by the Fire Department.
7. The business must comply with the city's noise ordinance.
8. The applicant must comply with the City's *Security Cameras Ordinance*.
9. There shall be no smoking inside the premises at any time.
10. An opaque buffer must be constructed along the North, West and East side of the property.
11. The proposed hours of operation are during the summer from 7:00 a.m. to 8:00 p.m. and winter from 7:00 a.m. to 7:00 p.m.

Staff mailed a notice of the public hearing before the Planning and Zoning Commission to seven (7) property owners within a two hundred (200) feet radius and received no comments in favor or against this request.

ATTACHMENTS: Location Map
 Aerial Photo
 Zoning Map
 Site Plan
 List of neighboring property owners receiving notice
 Photos
 Ordinance

FINAL RESOLUTION OF REQUEST & COMMENTS:

P&Z – 09/21/17 Commissioner Alaniz made a motion to approve the conditional use permit subject to adding the metes and bounds description for the specific location as presented to the board. Commissioner Vargas seconded the motion. The motion passed with a (7-0) vote.

Mr. Cervantes explained to the Commission that staff is recommending a buffer fence along the North, West and East side of the property. Commissioner Vargas remembered when they approved a variance for the sewer at the Lexus Subdivision. Mr. Cervantes said that the variance was different because the San Juan EDC received a grant to provide infrastructure for the Lexus project and helped bring the dealership to the City. He mentioned that a lift station was going to be installed at the Northwest corner of the Lexus property, which is part of that grant. Texas National Bank is proposing to extend the sewer line all the way to Veteran's Boulevard and connect it to the lift station.

Mario Reyna, with Melden & Hunt, Inc., said that they are extending the 8" sewer line to Veteran's Boulevard with 2 or 3 stub-outs to the North. Commissioner Vargas said that usually when a new person who develops a property needs to sign a five or ten year contract with the City to get reimbursed from any property owners that are connecting to their line. Mr. Reyna said that the developer usually requests a pro-rated share when they run the line along front of the property. In this case, the sewer line will be extended along the back of the property. The Utilities Department requested a stub-out for the north side property and to the Veteran's Boulevard to facilitate the development to that tract of land.

Mr. Reyna asked if they could be required to only have the buffer fence along the North side since they like the open concept. The board was in agreement with the request.

Chairwoman Castillo asked how they are going to approve the conditional use permit if it is described at this time as the entire Texas National Bank property. Mr. Cervantes said that since the subdivision plat is not recorded yet he cannot make reference to a specific lot number. He said that he can add a metes and bounds description of the proposed location where the car wash is going to be located if desired by the Commission.

Mario Reyna also talked about the dumpster location for the proposed car wash and that he would prefer to relocate it to the back of the property.

Rick Ramirez, citizen, brought up to the Commission when they voted to approve the Expressway Corridor District thru a public hearing and after a workshop with the EDC and decided to not approve a car wash in the area and now they are accepting car wash facilities. He said that he is opposed to the construction of that car wash because it is not in the Expressway Corridor Ordinance. Commissioner Alaniz responded that he agreed with everything that he said but there was a board meeting recently during which they approved an amendment to the ordinance. Mr. Ramirez said that Planning and Zoning agendas are never advertised in the website or library and this is why citizens never show up to the meetings.

Commissioner Gonzalez thanked Mr. Ramirez for letting the commission know and informed him that the Planning and Zoning Commission always meets the first and third Thursday of the month at 6:00 p.m. at the library.

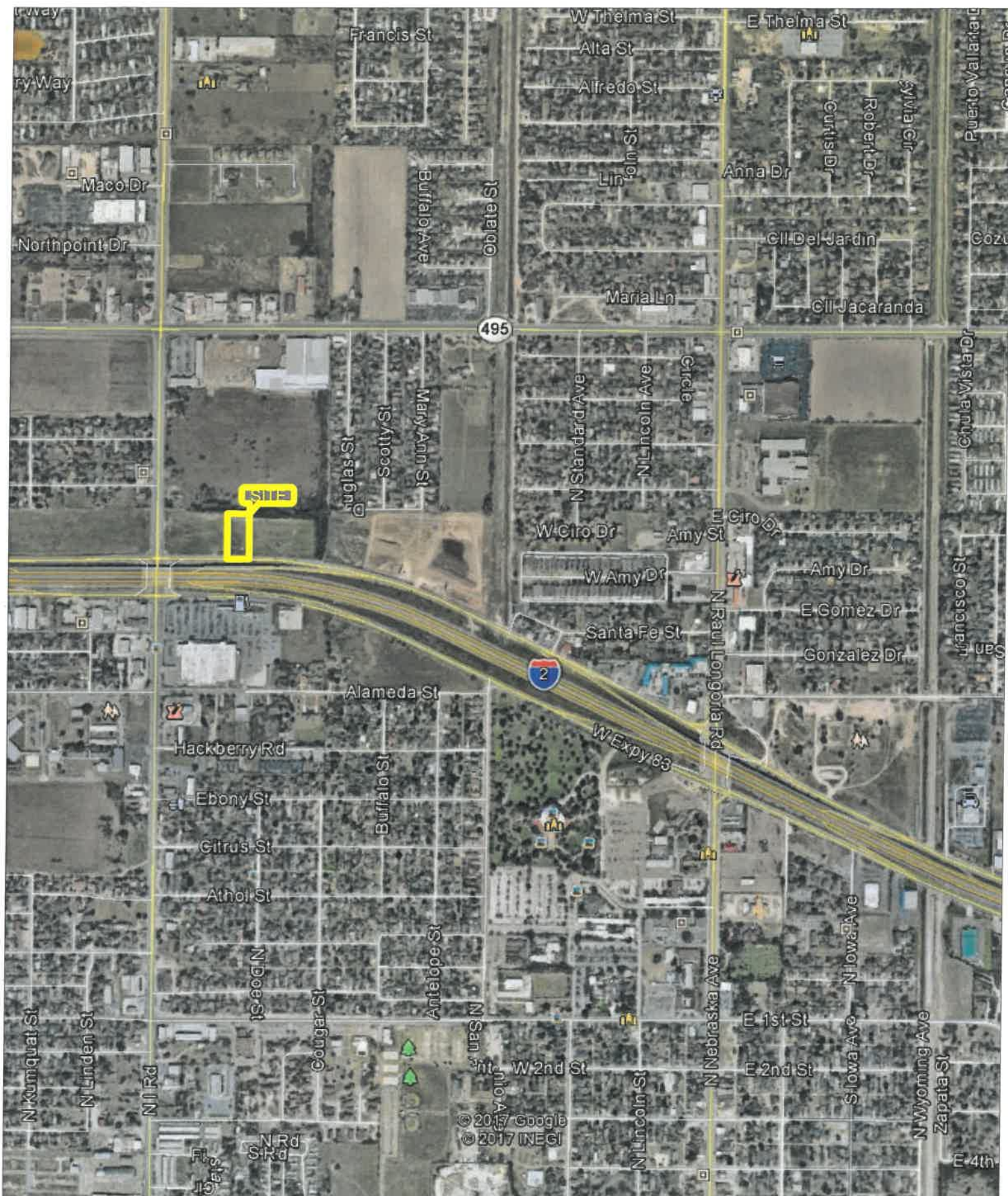
Commissioner Alvarado asked how it would visually affect the City. Mr. Cervantes said all Blue Wave car washes are upscale and have nice landscaping along the front in their different existing locations in Hidalgo County.



- Legend**
- CITY LIMITS
 - Proposed area

Conditional Use permit to construct a car wash facility in the Expressway Corridor District (EC) legally described as a subdivision of 8.701 acres being 7.447 acres out of Lot 13, Block 5 and 1.254 acres out of Lot 13, Block 17, John Closner Subdivision, located at the Northeast corner of Expressway 83/IH2 and Veteran's Boulevard, as Requested by the Texas National Bank.



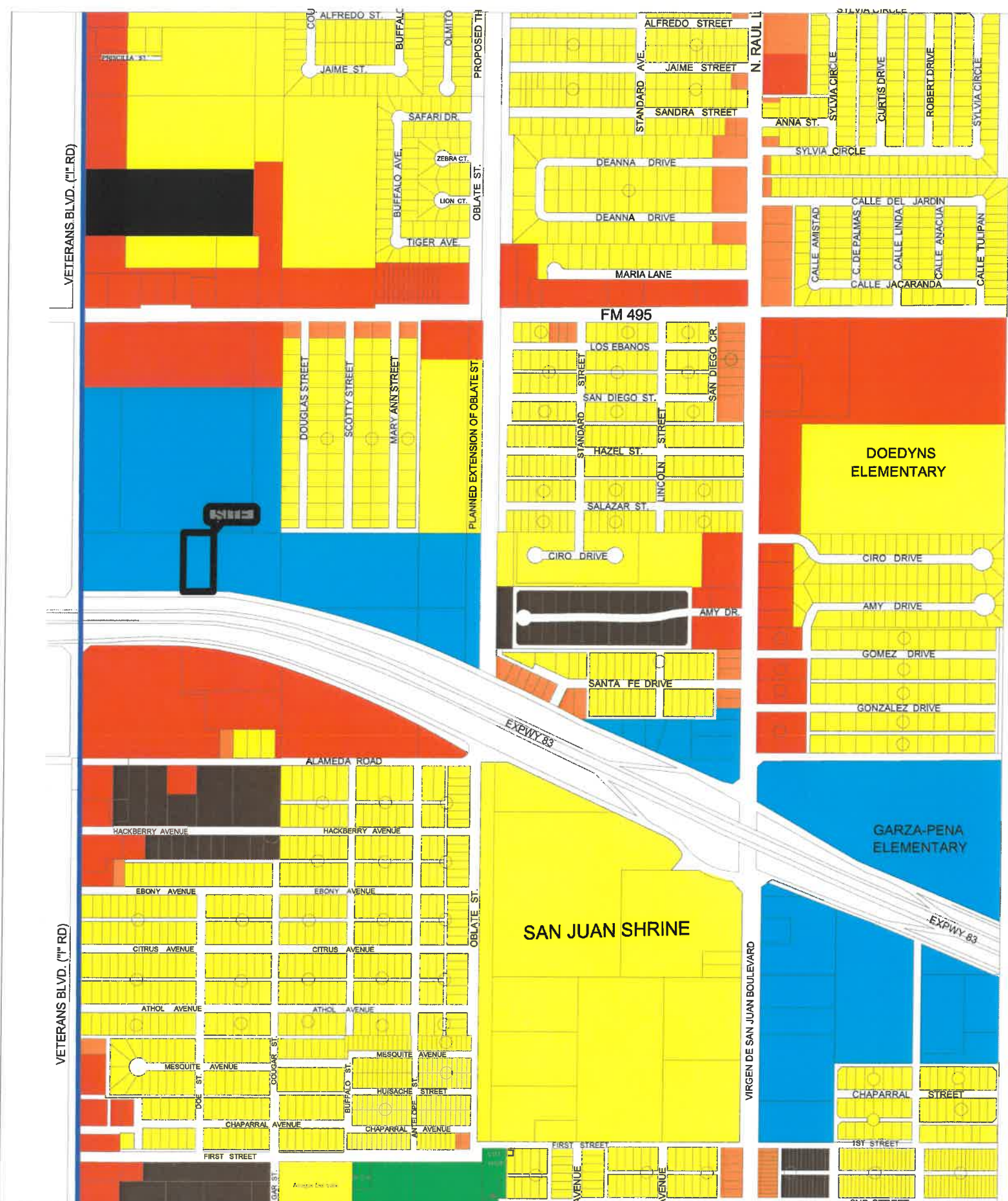


Legend

- CITY LIMITS
- Proposed area

Conditional Use permit to construct a car wash facility in the Expressway Corridor District (EC) legally described as a subdivision of 8.701 acres being 7.447 acres out of Lot 13, Block 5 and 1.254 acres out of Lot 13, Block 17, John Closner Subdivision, located at the Northeast corner of Expressway 83/IH2 and Veteran's Boulevard, as Requested by the Texas National Bank.





- Zoning Districts**
- Single Family Residential (R-S)
 - Manufactured Home (R-MH)
 - Multi-Family Residential (R-MF)
 - Neighborhood Commercial (C-1)
 - General Business (C-2)
 - Heavy Commercial (C-3)
 - Light Industrial (I-1)
 - Heavy Industrial (I-2)
 - Open Space (O)
 - Exp. Corridor (EC)

Conditional Use permit to construct a car wash facility in the Expressway Corridor District (EC) legally described as a subdivision of 8.701 acres being 7.447 acres out of Lot 13, Block 5 and 1.254 acres out of Lot 13, Block 17, John Closner Subdivision, located at the Northeast corner of Expressway 83/IH2 and Veteran's Boulevard, as Requested by the Texas National Bank.



Conditional Use Permit to construct a car wash facility in the Expressway Corridor District (EC) legally described as a subdivision of 8.701-acres being 7.447 acres out of Lot 13, Block 5 and 1.254 acres out of Lot 13, Block 17, John Closner Subdivision, located at the Northeast corner of IH2/Expressway 83 and Veteran's Boulevard, as Requested by the Texas National Bank.



View from the Expressway 83/IH 2



View from Veteran's Boulevard

Proposed Blue Wave Car Wash



[illegible]

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ORDINANCE NO.

**AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO
CONSTRUCT A CAR WASH FACILITY IN THE EXPRESSWAY
CORRIDOR DISTRICT (EC) AT THE PROPERTY LEGALLY
DESCRIBED AS 0.911 OF ONE ACRE OUT OF LOT 13, BLOCK 5, JOHN
CLOSNER SUBDIVISION, AS PROVIDED IN ARTICLE IV, OF THE
ZONING ORDINANCE, CITY OF SAN JUAN, HIDALGO COUNTY,
TEXAS, PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE;
PROVIDING FOR A CODE DISPOSITION.**

WHEREAS, Texas National Bank has applied for a Conditional Use Permit under Article IV; of the Zoning Ordinance of the City of San Juan to construct a car wash facility in the Expressway Corridor District (EC).

WHEREAS, this type of activity is prohibited by said Zoning Ordinance unless a Conditional Use Permit is granted; and,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SAN JUAN, TEXAS, AS FOLLOWS:

SECTION I. That a Conditional Use Permit under Article IV of the Zoning Ordinance of the City of San Juan, Texas, be granted to Texas National Bank has applied for a Conditional Use Permit to construct a car wash facility in the Expressway Corridor District (EC) subject to the following conditions:

1. The business must be as close as possible to a major arterial, and shall not allow the traffic it generates onto residential streets, or allow it to exit into and disrupt residential areas;
2. The business must provide parking in accordance with the City off-street parking regulations and make provisions to prevent use of adjacent streets for parking, especially those in adjacent residential areas, by providing additional on-site parking.
3. The business must do everything possible to prevent the unauthorized parking of its patrons on adjacent business or residential properties including, when necessary, the installation of fences and hedges, and the reorientation of entrances. The loading and unloading of equipment to be on premises only.
4. The business should do everything possible and be designed to discourage criminal activities and vandalism, both on site and on adjacent properties. Provision of sufficient lighting and perimeter fencing, elimination of dark areas, and the orientation of the building such that it provides maximum visibility of as much as possible of the site from a public street;
5. The business must make provisions to keep litter to a minimum, and to keep it from blowing onto adjacent streets and properties;
6. The business shall restrict the number of persons within the building to the number determined for occupancy levels by the Fire Department.

7. The business must comply with the city's noise ordinance.
8. The applicant must comply with the City's *Security Cameras Ordinance*.
9. There shall be no smoking inside the premises at any time.
10. An opaque buffer must be constructed along the North, West and East side of the property.
11. The proposed hours of operation are during the summer from 7:00 a.m. to 8:00 p.m. and winter from 7:00 a.m. to 7:00 p.m.

SECTION II. PUBLICATION AND EFFECTIVE DATE CLAUSE. This Ordinance shall be published in the official newspaper of the City of San Juan, Texas, as provided by law, and shall be and remain in full force and effect from the after said date of publication.

PASSED and APPROVED on first reading on the 5th day of December, 2017.

PASSED and APPROVED on second and final reading on the 18th day of December, 2017.

CITY OF SAN JUAN

**MARIO GARZA
MAYOR**

ATTEST:

**DIANA CAVAZOS
CITY SECRETARY**

APPROVED BY:
Palacios, Garza & Thompson, P.C.

CITY ATTORNEY

November 15, 2017

**METES AND BOUNDS DESCRIPTION
0.911 OF ONE ACRE
OUT OF LOT 13, BLOCK 5,
JOHN CLOSNER SUBDIVISION
CITY OF SAN JUAN,
HIDALGO COUNTY, TEXAS**

A tract of land containing 0.911 of one acre situated in the City of San Juan, Hidalgo County, Texas, being a part or portion out of Lot 13, Block 5, John Closner Subdivision, according to the plat thereof recorded in Volume 0, Pages 4-5, Hidalgo County Map Records, which said 0.911-acre tract is out of a larger tract conveyed to Texas National Bank, by virtue of a Special Warranty Deed recorded under Document Number 2703995, Hidalgo County Official Records, said 0.911 of one acre also being more particularly described as follows:

COMMENCING at a No. 4 rebar found [Northing: 16600113.413, Easting: 1095215.822] on the Northeast corner of Lot 13, Block 17, of said John Closner Subdivision and the Southeast corner of Lot 12, of said Block 17, the Southwest corner of Small Subdivision, according to the plat thereof recorded in Volume 14, Page 32, Hidalgo County Map Records, and the Northwest corner of Lot 1, Lexus Subdivision, according to the plat thereof recorded in Instrument Number 2694683, Hidalgo County Map Records;

THENCE, N 81° 25' 12" W along the South lines of said Lot 12, Block 17 and of Lot 12, Block 5, of said John Closner Subdivision, and the North lines of said Lot 13, Block 17 and of said Lot 13, Block 5, at a distance of 153.60 feet pass the Northeast corner of said Lot 13, Block 5, the Northwest corner of said Lot 13, Block 17, the Southwest corner of said Lot 12, Block 17 and the Southeast corner of said Lot 12, Block 5, continuing a total distance of 384.26 feet to the Northeast corner and POINT OF BEGINNING of this herein described tract;

1. THENCE, S 08° 27' 07" W a distance of 321.10 feet to the North right-of-way line of U.S. Expressway 83 – Frontage Road, for the Southeast corner of this tract;
2. THENCE, in a Northwesterly direction along a curve to the left, along the North right-of-way line of U.S. Expressway 83 – Frontage Road, with a central angle of 002° 02' 00", a radius of 3,527.07 feet, an arc length of 125.18 feet, a tangent of 62.60 feet, and a chord that bears N 78° 33' 06" W a distance of 125.17 feet to the Southwest corner of this tract;
3. THENCE, N 08° 27' 07" E a distance of 314.83 feet to the Northwest corner of this tract;
4. THENCE, S 81° 25' 12" E along the North line of said Lot 13, Block 5 and the South line of said Lot 12, Block 5, a distance of 125.00 feet to the POINT OF BEGINNING, and containing 0.911 of one acre of land, more or less.

Prepared by:
MELDEN & HUNT, INC.
Consultants, Engineers, Surveyors
115 West McIntyre
Edinburg, Texas 78541
(956) 381-0981

AGENDA ITEM AND RECOMMENDATION SUMMARY
CITY COMMISSION REGULAR MEETING
DECEMBER 18, 2017

Consider an Ordinance in Second Reading for the Voluntary Annexation of a 10.22 Acre Tract of Land out of the Lott 100 Acres of Los Toritos Grant, Located Along the South Side of Sam Houston Avenue, Approximately a Quarter of a Mile East of Stewart Road as Requested by Ronnie Cantu Construction, LLC.

STAFF COMMENTS AND RECOMMENDATIONS:

During the City Commission meeting of December 5, 2017 the City Commission approved the First Reading of the Ordinance as presented by staff.

Previously, staff provided the following background:

The Planning Department is processing a 38-lot residential subdivision along the South side of Sam Houston Avenue approximately one-quarter of a mile East of Stewart Road that should be completed by March or April of 2018. The subdivision went before the City Commission for preliminary and final plat approval during the September 12, 2017 meeting. The proposed subdivision is just outside the city limits within the City of San Juan's Extraterritorial Jurisdiction (ETJ). To help simplify the process and to comply with the City subdivision requirements the developer is requesting annexation of the property to the City of San Juan.

The annexation of the subdivision will increase the City's tax base since the homes that will be constructed at the site will generate additional property taxes for the community along with water, sewer and garbage revenues.

RECOMMENDATION:

Approve the voluntary annexation ordinance in second reading as recommended by staff.

PREPARED BY:

Xavier Cervantes,
Director of Planning
and Zoning

APPROVED BY:

Benjamin Arjona, City
Manager

ORDINANCE NO. 17-

AN ORDINANCE PROVIDING FOR THE EXTENSION ON CERTAIN BOUNDARY LIMITS OF THE CITY OF SAN JUAN, TEXAS; AND THE ANNEXATION OF AN 10.22 ACRE TRACT OF LAND OUT OF THE LOTT 100 ACRES OF LOS TORRITOS GRANT, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 1, PAGES 24-26, MAP RECORDS, HIDALGO COUNTY, TEXAS, AND ACCORDING TO SPECIAL WARRANTY DEED RECORDED UNDER COUNTY CLERK'S DOCUMENT NUMBER 2705029, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS.

WHEREAS, Section 43.028 of the Texas Local Government Code provides for an alternate to the standard annexation proceedings where the property owner petitions for annexation; and

WHEREAS, the Board of Commissioners in the adoption of this ordinance finds that the petition for annexation has been properly filed under Section 43.028 and that the property to be annexed is one-half mile or less in width and is contiguous to the city limits of San Juan; and

WHEREAS, the Board of Commissioners finds that the petition for annexation has been on file with the City of San Juan for greater than five but less than thirty days in accordance with the provisions of Section 43.028 of the Local Government Code.

WHEREAS, two (2) public hearings were conducted after proper notice on Wednesday November 15, 2017 as required by State Law.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SAN JUAN, THAT;

SECTION I: The following described land and territory adjacent to and adjoining the City of San Juan, Texas is hereby added and annexed to the City of San Juan, Texas, and the property herein described is altered and amended so as to include such areas within the corporate limits of the City of San Juan. The description of the property to be annexed is as follows:

A 10.22 ACRE TRACT OF LAND OUT OF THE LOTT 100 ACRES OF LOS TORRITOS GRANT, HIDALGO COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 1, PAGES 24-26, MAP RECORDS, HIDALGO COUNTY, TEXAS, AND ACCORDING TO SPECIAL WARRANTY DEED RECORDED UNDER COUNTY CLERK'S DOCUMENT NUMBER 2705029, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS.

BEGINNING AT A COTTON PICKER SPINDLE FOUND ON THE WEST LINE OF THE LOTT 100 ACRES AND IN THE CENTERLINE OF SAM HOUSTON STREET FOR THE NORTHEAST CORNER OF THE NEREYDA MERRIT TRACT (A 0.34 OF AN ACRE TRACT OUT OF LOT 2, BLOCK 31, ALAMO LAND AND SUGAR COMPANY'S SUBDIVISION, ACCORDING TO SPECIAL WARRANTY DEED RECORDED UNDER COUNTY CLERK'S DOCUMENT NUMBER 2059947, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS) AND THE NORTHWEST CORNER OF THIS TRACT, SAID SPINDLE BEARS S 08°45' W, 1,941.70 FEET FROM THE NORTHWEST CORNER OF THE LOTT 100 ACRES.

THENCE; S 81°15' E, ALONG THE CENTERLINE OF SAM HOUSTON STREET, A DISTANCE OF 336.76 FEET TO A 60D PENNY NAIL FOUND FOR THE NORTHWEST CORNER OF RIDGE HEIGHTS SUBDIVISION (RECORDED IN VOLUME 46, PAGE 161, MAP RECORDS, HIDALGO COUNTY, TEXAS) AND THE NORTHEAST CORNER OF THIS TRACT.

THENCE; S 08° 45' W, ALONG THE WEST LINE OF RIDGE HEIGHTS SUBDIVISION, PASSING A 1/2" IRON ROD FOUND AT 20.00 FEET FOR THE SOUTH RIGHT OF WAY LINE OF SAM HOUSTON STREET, A TOTAL DISTANCE OF 1,320.32 FEET TO A 1/2" IRON ROD WITH CAP STAMPED RPLS 4856 FOUND FOR THE NORTHEAST CORNER OF GARDEN RIDGE SUBDIVISION (RECORDED IN INSTRUMENT NUMBER 2778990, MAP RECORDS, HIDALGO COUNTY, TEXAS) AND THE SOUTHEAST CORNER OF THIS TRACT.

THENCE; N 81° 15' W, ALONG THE NORTH LINE OF GARDEN RIDGE SUBDIVISION, A DISTANCE OF 337.44 FEET TO A 1/2 " IRON ROD WITH CAP STAMPED RPLS 4856 FOUND ON THE WEST LINE OF LOTT 100 ACRES FOR THE NORTHWEST CORNER OF GARDEN RIDGE SUBDIVISION, THE NORTHEAST CORNER OF LAS VISTAS SUBDIVISION RECORDED IN INSTRUMENT NUMBER 2024575, MAP RECORDS, HIDALGO COUNTY, TEXAS, AND THE SOUTHEAST CORNER OF THE GARY L. JACKSON AND MICHAEL R. KORMEIR TRACT (REMAINDER OF LOT 2, BLOCK 31, ALAMO LAND AND SUGAR COMPANY'S SUBDIVISION, ACCORDING TO WARRANTY DEED WITH VENDOR'S LIEN RECORDED IN VOLUME 1687, OFFICIAL RECORDS, HIDALGO COUNTY, TEXAS) FOR THE SOUTHWEST CORNER OF THIS TRACT.

THENCE; N. 08°46'47" E, ALONG THE WEST LINE OF LOTT 100 ACRES, THE EAST LINE OF THE GARY L. JACKSON TRACT, THE EAST LINE OF AMENDED NEW SOUTH SAN JUAN ELEMENTARY SCHOOL SUBDIVISION (RECORDED IN INSTRUMENT NUMBER 2394084, MAP RECORDS, HIDALGO COUNTY, TEXAS), AND THE EAST LINE OF THE NEREYDA MERITT TRACT, PASSING A 1/2" IRON ROD IN CONCRETE FOUND AT 1,300.32 FEET FOR THE SOUTH RIGHT OF WAY LINE OF SAM HOUSTON STREET, A TOTAL DISTANCE OF 1,320.32 FEET TO THE POINT OF BEGINNING AND CONTAINING 10.22 ACRES OF LAND MORE OR LESS.

BEARINGS ARE IN ACCORDANCE WITH GARDEN RIDGE SUBDIVISION, RECORDED IN INSTRUMENT NUMBER 2778990, MAP RECORDS, HIDALGO COUNTY, TEXAS and as shown in Exhibit "A".

SECTION II: The service plans for the above tract have not been prepared and have been waived by the property owner of the above referenced property and are not required under the provisions of Sections 43.028 and furthermore, that the annexation procedures heretofore adopted for the City of San Juan of this ordinance and the resolution for the service plan is not required for such subdivision, as the subdivision is being annexed under provisions of Section 43.028 of the Local Government Code.

SECTION III: The herein above described property and the area so annexed shall be a part of the City of San Juan, Texas and the property so added hereby shall bear its pro rata share of taxes levied by the City of San Juan, Texas, and inhabitants thereof shall be entitled to all of the rights and privileges of the citizens of San Juan, Texas, in areas having similar characteristics of topography, land utilization and population density, and shall be bound by the acts ordinances, resolutions and regulations of the City of San Juan, Texas.

SECTION IV: The zoning of the property shall be classified as Single-Family Residence District (R-1)

SECTION V: Upon annexation of the herein above described property, the acreage within the city limits of San Juan after annexation will be increased in an amount which does not exceed the statutory limitation as set out in Chapter 43 of the Texas Local Government Code.

SECTION VI: Upon the approval of the second and final reading hereof, the City Secretary of the City of San Juan is hereby authorized and directed to cause a true and correct copy of the caption of this ordinance, including the general description of the property annexed to be published in a newspaper of general circulation in San Juan, Texas.

SECTION VII: If any part, phrase or sentence of this Ordinance is held void or unconstitutional by a Court or competent jurisdiction, or if any tract of land or portion of any tract of land hereby annexed shall be held to be ineligible for annexation or wrongfully annexed, the remaining portions of this Ordinance and the remaining tracts so annexed shall be considered severable and shall remain in full force and effect.

SECTION VIII: In accomplishing the annexation of the territory annexed by this Ordinance, the City of San Juan has strictly followed the provisions of State Law and the cases as they

apply to annexations and any possible deviation from special provisions was unintentional and not material to the accomplishment of this annexation.

PASSED and **APPROVED** on first reading on the 5th day of December, 2017.

PASSED and **APPROVED** on second reading on the 18th day of December, 2017.

CITY OF SAN JUAN

MARIO GARZA, Mayor

ATTEST:

DIANA CAVAZOS, City Secretary

APPROVED BY:

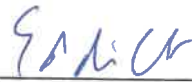
Palacios, Garza & Thompson, P.C.

City Attorney

PETITION FOR ANNEXATION

To the Mayor and City Council, City of San Juan:

The undersigned, owner of land or representative of the majority of landowners hereby petitions the City Council of the City of San Juan to annex Garden Ridge Subdivision Phase II being a 10.22 Acre tract of land out of the Lott 100 Acres of Los Torritos Grant, Hidalgo County, Texas according to the map or plat thereof recorded in Volume 1, Pages 24-26, Map Records, Hidalgo County Texas.



Eduardo Cantu
Ronnie Cantu Construction, LLC

STATE OF TEXAS §

COUNTY OF HIDALGO §

Before me, the undersigned authority, on this day appeared Eduardo Cantu who stated upon his oath the following:

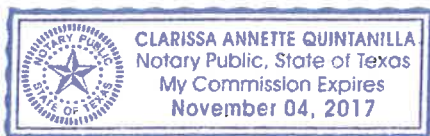
My name is Eduardo Cantu and I am the agent of the majority of the landowners.
There are no residents nor are there any qualified voters in the area to be annexed.

Further affiant saith not.

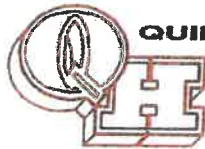


Eduardo Cantu
Ronnie Cantu Construction, LLC

SWORN TO and subscribed before me on the 31ST day of October, 20 17.



Notary Public in Hidalgo County, Texas



QUINTANILLA, HEADLEY AND ASSOCIATES, INC.

Consulting Engineers ★ Land Surveyors

Alfonso Quintanilla, P.E., R.P.L.S., Eulalia Ramirez, P.E.
Engineering Firm Registration No. F-1613
Surveying Firm Registration No. 100411-00
Municipal & County Projects • Subdivisions • Surveys
124 E. Stubbs, Edinburg, Texas 78538
Phone 958381-6480 Fax 958381-0527
Email: office@qhengineering.com
www.qhengineering.com

METES AND BOUNDS

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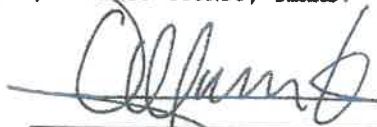
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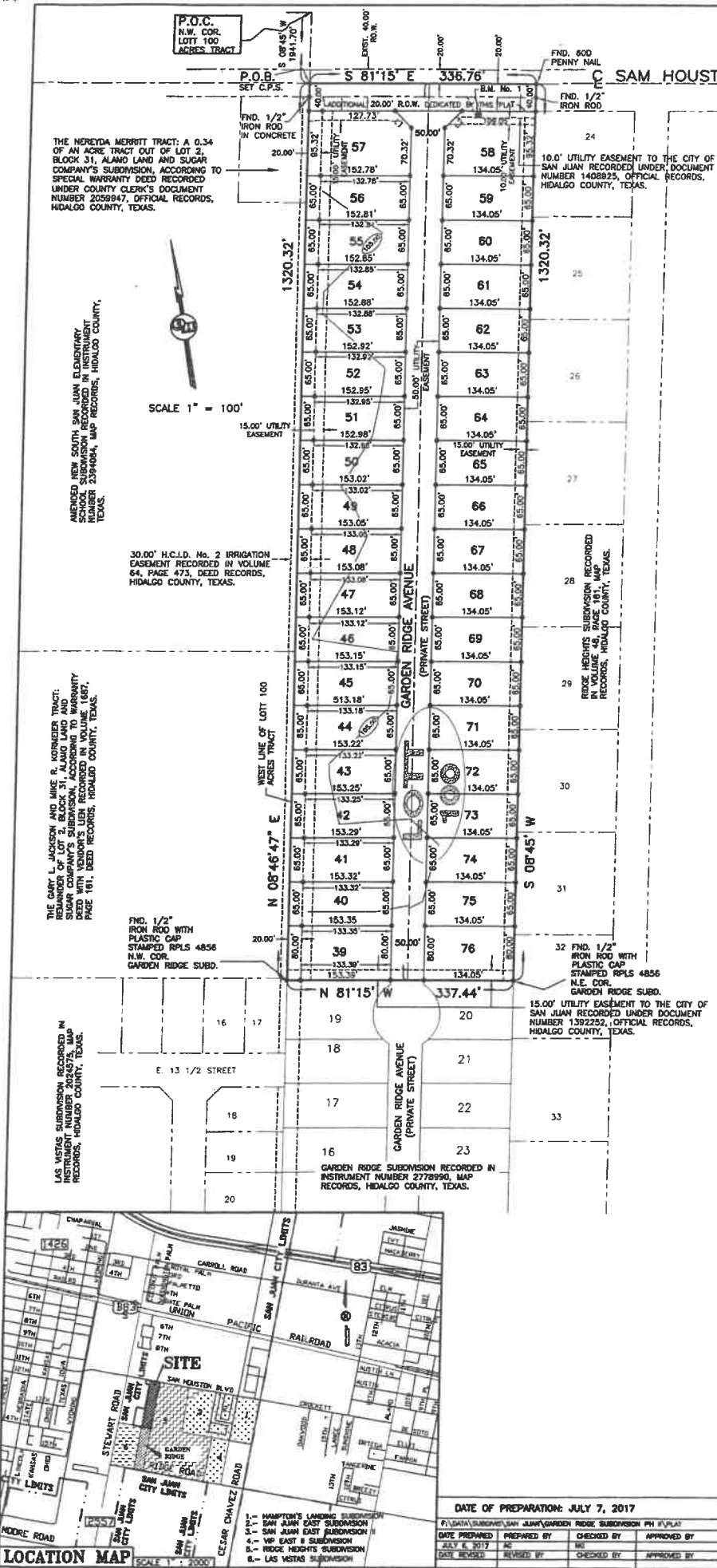
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DATE PREPARED: AUGUST 1, 2017

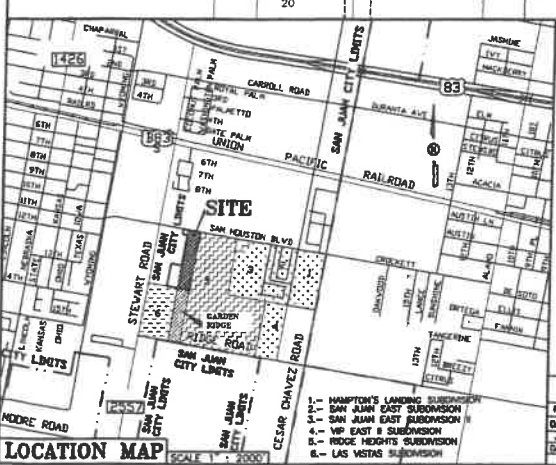

ALFONSO QUINTANILLA
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 4856





- PLAT NOTES AND RESTRICTIONS:**
- 1.- FLOOD ZONE DESIGNATION: ZONE "B"
AREAS BETWEEN LIMITS OF THE 100-YEAR AND
500-YEAR FLOOD; OR CERTAIN AREAS SUBJECT
TO 100-YEAR FLOODING WITH AVERAGE DEPTHS
LESS THAN ONE (1) FOOT OR WHERE THE CON-
TRIBUTING DRAINAGE AREA IS LESS THAN ONE (1)
SQUARE MILE; OR AREAS PROTECTED BY LEVEES
FROM THE BASE FLOOD. (MEDIUM SHADING)
COMMUNITY-PANEL NUMBER 480334 0423 C
MAP REVISED: NOVEMBER 16, 1982
 - 2.- NO MORE THAN ONE SINGLE FAMILY DWELLING SHALL BE
LOCATED ON EACH LOT.
 - 3.- MINIMUM FINISH FLOOR ELEVATION: 18" ABOVE THE TOP OF CURB
AT CENTER OF LOT.
 - 4.- LEGEND: 1/2" IRON ROD SET WITH PLASTIC CAP
STAMPED RPLS 4856, UNLESS OTHERWISE NOTED.
 - 5.- MINIMUM BUILDING SETBACK LINES:
FRONT 20.00'
REAR 20.00'
CORNER 10.00'
SIDE 6.00'
GARAGE 18.00'
OR TO EASEMENT LINE WHICHEVER IS GREATER ON ALL CASES.
 - 6.- NO BUILDINGS SHALL BE CONSTRUCTED OVER ANY
EASEMENT.
 - 7.- DRAINAGE DETENTION REQUIRED FOR THE ENTIRE SUBDIVISION IS 25,578.67 C.F. (0.66 A
AS PER APPROVED DRAINAGE REPORT. DETENTION FOR ALL LOTS IS BEING PROVIDED BY
DITCH EXCAVATION BUILT DURING THE SUBDIVISION CONSTRUCTION LOCATED WITHIN THE
COUNTY DRAINAGE DISTRICT No. 1 SAN JUAN LATERAL.
 - 8.- BENCH MARK No. 1= ELEV. 104.98 TOP OF MANHOLE LOCATED 84.0 FEET WEST
AND 45.3 FEET SOUTH FROM THE NORTHEAST CORNER OF THIS SUBDIVISION.
N.A.D. 88 DATUM.
 - 9.- NO STRUCTURES ARE PERMITTED OVER ANY EASEMENTS.
 - 10.- A 4.00 FOOT SIDEWALK WILL BE REQUIRED TO BE CONSTRUCTED ON BOTH SIDES OF "GA"
AT BUILDING PERMIT STAGE.
A 5.00 FOOT SIDEWALK ALONG THE SOUTH SIDE OF SAM HOUSTON ROAD WILL BE CONSTR
SUBDIVISION CONSTRUCTION.
 - 11.- THERE SHALL BE NO ACCESS ALLOWED TO SAM HOUSTON STREET FROM LOTS 57 AND 58
 - 12.- THE HOMEOWNERS' ASSOCIATION MUST COLLECT DUES TO MAINTAIN SAID PRIVATE STREETS
LANDSCAPE IMPROVEMENTS IN COMMON AREAS, STREET LIGHTS ELECTRIC BILL, AND OTHER
IMPROVEMENTS FOR THIS SUBDIVISION AND ALONG SAM HOUSTON STREET.
 - 13.- THE OWNERS OF LOTS SERVED BY THE PRIVATE ACCESS, ALLEYS AND ACCESS EASEMENTS
WITHIN THIS PLAT AGREE TO RELEASE, INDEMNIFY, DEFEND AND HOLD HARMLESS ANY
GOVERNMENTAL ENTITY FOR DAMAGES TO THE PRIVATE ACCESS, ALLEYS AND ACCESS
EASEMENTS OCCASIONED BY THE REASONABLE USE THEREOF BY THE GOVERNMENT ENTITY
FOR GOVERNMENTAL PURPOSES, AND TO RELEASE, INDEMNIFY DEFEND AND HOLD HARMLESS
ANY GOVERNMENTAL ENTITY FOR DAMAGES ARISING FROM THE CONDITION OF THE PRIVATE
ACCESS, ALLEYS OR PRIVATE ACCESS EASEMENTS, THE MAINTENANCE OF SIGNS SHALL NO
BE THE RESPONSIBILITY OF THE CITY OF SAN JUAN.
 - 14.- REAR PROPERTY CORNERS FOR LOTS 39 THROUGH 57 WERE SET 20.00' EAST OF SUBDI
WEST PROPERTY LINE.

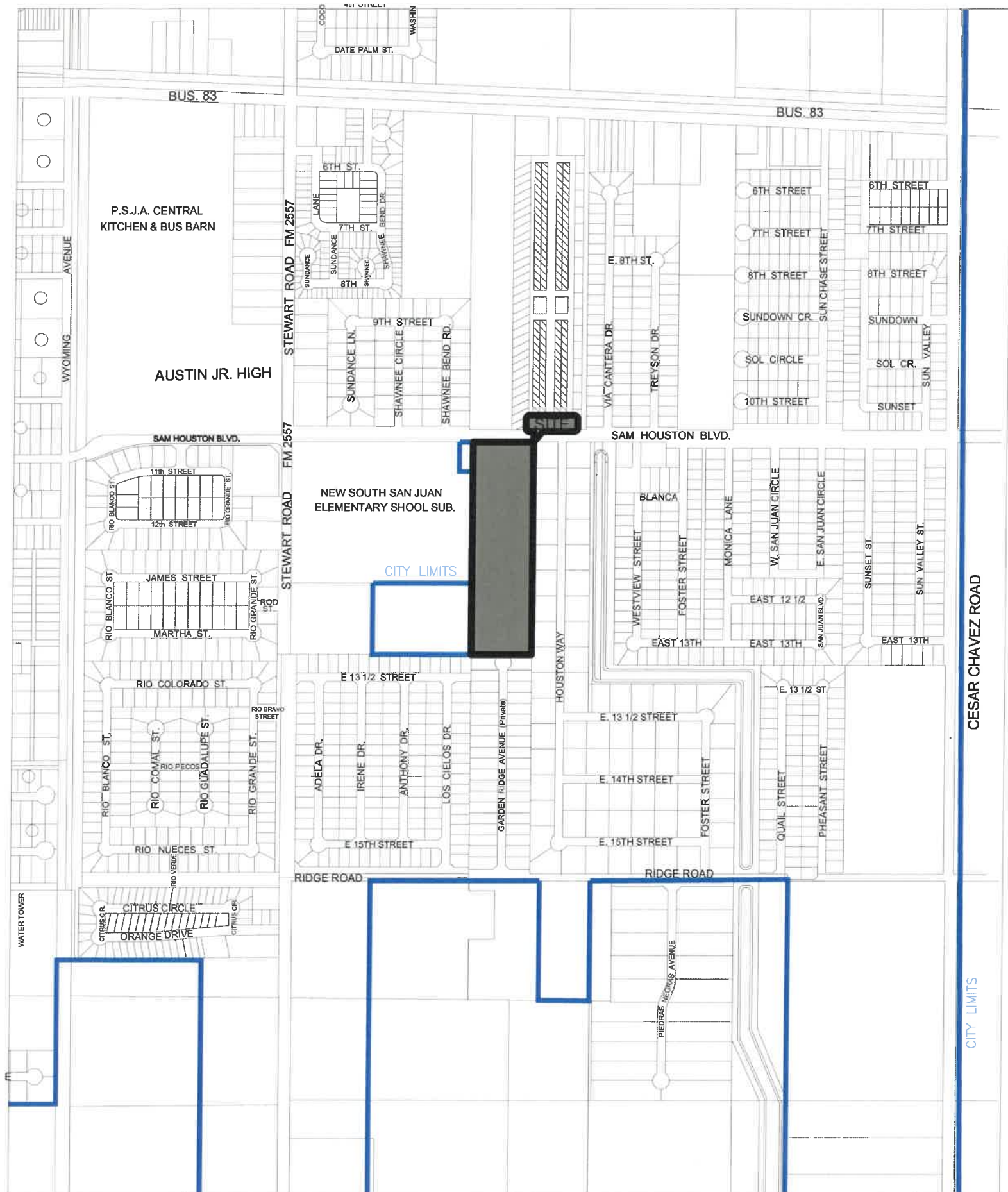
LINE DATA TABLE			AREA TABLE	
DATA	BEARING	LENGTH	LOT	AREA (S.F)
L1	S 36°15' E	35.36'	39	12269.89
L2	N 53°45' E	35.36'	40	9666.85
			41	9664.66
			42	9662.47
			43	9660.28
			44	9658.10
			45	9655.91
			46	9653.72
			47	9651.53
			48	9649.34
			49	9647.15
			50	9644.97
			51	9642.78
			52	9640.59
			53	9638.40
			54	9636.22
			55	9634.03
			56	9631.84
			57	12488.21
			58	12465.15
			59-75	8713.25
			76	10724.00



DATE OF PREPARATION: JULY 7, 2017

DATE PREPARED	PREPARED BY	CHECKED BY	APPROVED BY
JULY 6, 2017	ME	ME	ME
DATE REVISION	REVISION BY	CHECKED BY	APPROVED BY

QUINTANILLA, HE
CONSULTING
124 E. STUBBS ST.
EDINBURG, TEXAS 7
ENGINEERING REGISTRAR
SURVEYING REGISTRATION



Legend

- CITY LIMITS
- Proposed area

Consider an Ordinance in Second Reading for the Voluntary Annexation of a 10.22 acre tract of land out of the Lott 100 Acres of Los Toritos Grant, located along the South side of Sam Houston Boulevard, approximately a quarter of a mile East of Stewart Road as Requested by Ronnie Cantu Construction, LLC.

