



## ORDINANCE NO. 1375

**AN ORDINANCE ORDERING A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF CIBOLO, TEXAS IN ACCORDANCE WITH SECTION 253.001(b) OF THE TEXAS LOCAL GOVERNMENT CODE THE ISSUE OF THE AUTHORIZATION OF THE SALE, CONVEYANCE OR EXCHANGE OF A PORTION OF NIEMIETZ PARK TO THE CITY OF CIBOLO ECONOMIC DEVELOPMENT CORPORATION FOR THE PURPOSES OF ECONOMIC DEVELOPMENT IN THE CITY AND REVITALIZATION OF NIEMIETZ PARK, SPECIFICALLY A 1.4 ACRE-TRACT OF LAND AND A 4.2 ACRE-TRACT OF LAND FOR A TOTAL OF 5.6 ACRES OUT OF A 12.922 ACRE-TRACT OF LAND OWNED, HELD AND CLAIMED AS A PUBLIC PARK BY THE CITY OF CIBOLO, TEXAS AND KNOWN AS NIEMIETZ PARK LOCATED AT 618 FM 78 IN THE CITY OF CIBOLO, GUADALUPE COUNTY, TEXAS 78108**

**WHEREAS**, the City Council has reviewed the economic development needs of the City of Cibolo ("City") and has determined that 5.6 acres out of a 12.922 acre-tract of land currently owned by the City could potentially enhance the tax base for the City; and

**WHEREAS**, the 5.6 acres is currently held and claimed as a public park by the City and such acreage is known as Niemiets Park located at 618 FM 78 in the City of Cibolo; and

**WHEREAS**, in accordance with Section 253.001(b) of the Texas Local Government Code, the issue of the authorization of the sale and conveyance of a public park by the City must be submitted to the qualified voters of the City on the next uniform election date, November 8, 2021; and

**WHEREAS**, the City Council believes that a special municipal election be set on the November 8, 2022, for the purpose of submitting to the qualified voters of the City of Cibolo, the issue of the authorization of the sale and conveyance of a 1.4 acre-tract of land and a 4.2 acre-tract of land for a total of 5.6 acres out of a 12.922 acre-tract of land (being part of a tract of land conveyed to Henry Remmler et ux as recorded in Volume 208, Pages 180-182 of the Deed Records of Guadalupe County, Texas, and also being part of the Albert Mueller 147 acre tract out of the A. S. Lewis Survey) described in a deed recorded in Volume 442, Pages 552-553

of the Deed Records of Guadalupe County, Texas; such 5.6 acres out of the 12.922 acre-tract owned, held and claimed as a public park by the City of Cibolo, Texas and known as Niemietz Park located at 618 FM 78 in the City of Cibolo, Guadalupe County, Texas 78108 (“authorization of the sale and conveyance of 5.6 acres out of Niemietz Park in the City of Cibolo, Guadalupe County, Texas”); and

**WHEREAS**, if the citizens approve the sale or exchange of a portion of Niemietz Park, the Cibolo Economic Development Corporation has offered to exchange a 1.5-acre tract and a 4.1-acre tract for a total 5.6 acres that is contiguous to the Park and such exchange will assist with the enhancement and revitalization of Niemietz Park; and

**WHEREAS**, the City Council hereby finds and determines the partial sale and conveyance of Niemietz Park be submitted is in compliance with the Texas Local Government Code and that the holding of this election on the uniform election date set forth below is in conformance with all applicable election laws; and

**WHEREAS**, contingent on obtaining approval by the voters to sell convey or exchange 5.6 acres out of Niemietz Park, the City Council intends to sell, convey or exchange the 5.6 acres out of Niemietz Park for fair market value to the Cibolo Economic Development Corporation (CEDC) in accordance with §272.001 (b)(4) in that the CEDC is deemed an independent foundation for purposes of conveying the land without requiring notice and bidding; and

**WHEREAS**, upon approval by the voters, the City and CEDC will enter into a Development Agreement whereby the CEDC agrees to develop the 5.6 acres for economic development purposes and the CEDC will exchange 5.6 acres owned by CEDC that is contiguous to the Park that will assist with the enhancement and revitalization of Niemietz Park that will meet the recreational needs of the citizens of the City.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CIBOLO, TEXAS THAT:**

**SECTION 1.** A municipal election is hereby ordered to be held at the polling sites designated by the County Elections Officer of Guadalupe County, Texas on the authorized uniform election date of Tuesday, November 8, 2022, at which time shall be submitted to the qualified voters of the City the following proposition:

**SALE AND CONVEYANCE OF 5.6 ACRES OUT OF NIEMIETZ PARK  
IN THE CITY OF CIBOLO, GUADALUPE COUNTY, TEXAS**

“Shall the City of Cibolo be authorized to sell or exchange 5.6 acres city-owned land out of Niemietz Park located at 618 FM 78, Cibolo, Texas in exchange for 5.6 acres of land owned by the Cibolo Economic Development Corporation for purposes of economic development and revitalization of Niemietz Park?

FOR:             \_\_\_\_\_

AGAINST:       \_\_\_\_\_

**SECTION 2.** The 1.4 acre-tract of land and the 4.2 acre-tract land comprising the 5.6 acres out of the 12.922 acres known as Niemietz Park are described in Exhibit “A” attached hereto and incorporated herein for all purposes.

**SECTION 3.** Propositions approved by a majority of the voters shall be effective when the City has canvassed the election results and enters an order stating the same.

**SECTION 4.** As soon as practicable after the election and the declaration by the Council that the votes have been canvassed, the City shall certify to the Secretary of State an authenticated copy showing approval or disapproval of the proposition.

**SECTION 5.** The foregoing special municipal election is hereby ordered to be held on Tuesday, November 8, 2022, in accordance with the laws of Texas, and the provisions of the Charter of the City of Cibolo, and the official ballots for said election shall be prepared in accordance with the Texas Election Code for the election.

**SECTION 6.** The election ordered herein shall be held as prescribed by law, in the City of Cibolo during hours and at the sites set by the County Elections Officer of Guadalupe County, Texas.

**SECTION 7.** Voting at said election shall be conducted as determined by the County Elections Officer of Guadalupe County, Texas. The equipment necessary for voting shall be available at the voting sites for the purpose of conducting early voting by personal appearance and at the Election Day voting sites established for the purpose of voting by personal appearance on Election Day, Tuesday, November 8, 2022. The County Elections Officer of Guadalupe County, Texas is authorized and charged to perform the functions provided by law in the casting of early ballots commencing on October 24, 2022, and ending on November 4, 2022, all in the method, manner and time made and provided by the Statutes of the State of Texas on this subject. Lisa Hayes, Elections Administrator will be appointed as early voting clerk in compliance with Section 271.006 of the Texas Election Code. Other deputy early voting clerks will be appointed as needed to process early voting mail and to conduct early voting at the main location and branch locations. Any qualified voter for the joint election may vote early by personal appearance at either the main early voting location, branch locations, or temporary branch locations.

**SECTION 8.** The Mayor and City Council shall contract with Guadalupe County through the Guadalupe County Clerk’s Elections Office for the conduct of this election. The Guadalupe County Clerk’s Elections Department shall appoint the election officers to hold said election, in accordance with State Election Law, including an Early Balloting Board, Signature Verification Committee and the Central Counting Station representatives which shall count and canvass the early ballots cast at said election.

**SECTION 9.** Notice of said election shall be given by publishing both in English and Spanish a substantial copy of this ordinance twice in a daily newspaper of general circulation published in the City not earlier than the 30th day or later than the 10th day before the election.

**SECTION 10.** If any part, section, paragraph, sentence, phrase, or word of this Ordinance is for any reason held to be unconstitutional, illegal, inoperative, invalid or ineffective, or if any exception to or limitation upon any general provision herein contained is held to be unconstitutional, illegal, inoperative, invalid or ineffective, the remainder of this Ordinance shall nevertheless stand effective and valid as if it had been enacted without the portion held to be unconstitutional, illegal, inoperative, invalid or ineffective.

**SECTION 11.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.


**SECTION 12.** This ordinance shall be effective upon passage.

**PASSED AND APPROVED THIS 9<sup>th</sup> DAY OF AUGUST, 2022.**

APPROVED:

  
\_\_\_\_\_  
Stosh Boyle, Mayor

ATTEST:

  
\_\_\_\_\_  
Peggy Cimics, TRMC  
City Secretary



# EXHIBIT A

EXISTING



PROPOSED

