

# **The Carlton Law Firm, P.L.L.C.**

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John J. Carlton  
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April 13, 2016

## **VIA FIRST CLASS MAIL**

Mayor Steve Adler and City Council Members  
City of Austin  
Austin City Hall  
301 W. Second St., Second Floor  
Austin, Texas 78701

Re: Request for consent to creation of Hays County Emergency Services District No. 9

Dear Mayor Adler and Austin City Council Members:

Laurie Taylor, James M. Swisher and John T. Mills have filed the attached petition for creation of Hays County Emergency Services District No. 9 (the "District"). The District is proposed for the purpose of funding emergency medical services in the area. The Commissioners Court of Hays County has accepted the petition and held a public hearing to consider whether to grant the petition. Because a small portion of the District is within the City of Austin's extraterritorial jurisdiction ("Austin ETJ"), the City must consent to the inclusion of this area within the District in order for it to be included within the District. (Texas Health & Safety Code §775.014). This letter serves as a formal request that the City consent to creation of the proposed District and allow the District to include the City's extraterritorial jurisdiction.

The petitioners respectfully request to be placed on the City of Austin's agenda as soon as possible, and before July 31<sup>st</sup> at the latest, under an item titled, "Discuss and consider consenting to creation of the proposed Hays County Emergency Services District No. 9."

A map of the District and the metes and bounds description are included in the attached petition. The Austin ETJ area is very small and to the East of Williamson Road, which is the boundary of the proposed district, in Northeastern Hays County. It is surrounded on three sides by the ETJs of Creedmoor and Neiderwald and the Creedmoor City limits. The map of the proposed district is attached to the petition. In addition, I have enclosed maps of the Austin ETJ area that overlaps the proposed district for your reference.

The petitioners respectfully request that you consent to including the City's extraterritorial jurisdiction in Hays County Emergency Services District No. 9 by adopting a resolution similar to the attached and approving the request in writing.

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If you have any questions, please contact me at your earliest convenience.

Sincerely,

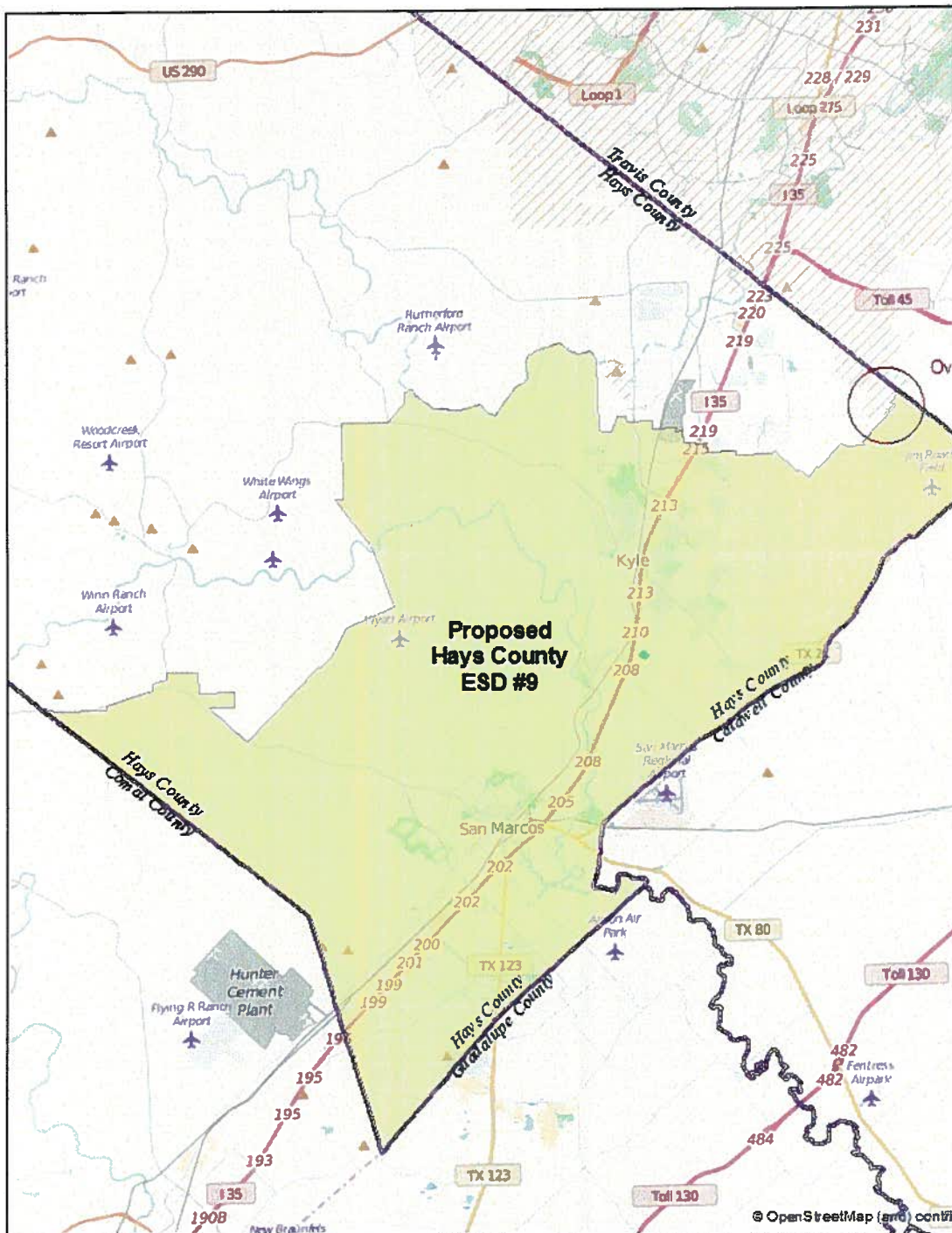
**THE CARLTON LAW FIRM, P.L.L.C.**



John J. Carlton

Enclosure

cc: Mark Ott, City Manager (*via email*)  
Jannette Goodall, City Clerk (*via email*)  
Anne Morgan, City Attorney (*via email*)  
Cary Grace, Assistant City Attorney (*via email*)



**PETITION FOR CREATION OF  
EMERGENCY SERVICES DISTRICT**

<b>THE STATE OF TEXAS</b>	<b>§</b>	<b>IN THE COMMISSIONER'S COURT</b>
	<b>§</b>	
	<b>§</b>	<b>OF</b>
	<b>§</b>	
<b>COUNTY OF HAYS</b>	<b>§</b>	<b>HAYS COUNTY, TEXAS</b>

**TO THE HONORABLE COUNTY JUDGE AND COMMISSIONERS OF SAID COURT:**

NOW COME 100 or more qualified voters who own taxable real property in Hays County, Texas pursuant to Texas Health & Safety Code, Section 775.011, requesting the creation of an Emergency Services District and would respectfully show the following:

**I.**

That the proposed Hays County Emergency Services District No. 9 (the "District") will be created and operated under the provisions of Article III, Section 48-e of the Constitution of Texas and Chapter 775 of the Health & Safety Code of the State of Texas.

**II.**

That the name of the proposed District shall be "HAYS COUNTY EMERGENCY SERVICES DISTRICT NO. 9."

**III.**

That the area of the District will overlap portions of Hays County Emergency Services District No. 3, Hays County Emergency Services District No. 6 and the portion of Hays-Caldwell County Emergency Services District No. 1 located in Hays County (collectively, the "Overlapping Districts"), none of which provide emergency medical services, and will generally include all or portions of the city limits of the Cities of San Marcos, Kyle, Wimberley, Creedmoor, Neiderwald, Uhland, Mountain City, and portions of the extraterritorial jurisdiction of the Cities of San Marcos, Kyle, Wimberley, Neiderwald, Uhland, Mountain City, and

Dripping Springs. The boundaries of the District are more particularly described by the description attached as Exhibit "A", which is attached hereto and incorporated herein for all purposes, and generally shown on the attached sketch in Exhibit "B".

#### IV.

The District will provide emergency medical services in response to any emergency situation in accordance with the authority granted to emergency services districts under Chapter 775 of the Texas Health & Safety Code, but the District will not provide any services provided by the existing Overlapping Districts, as set forth in the statement of services to be provided in accordance with Section 775.018(g) of the Texas Health and Safety Code by each of those districts.

#### V.

The creation of the District complies with Section 775.0205 of the Texas Health & Safety Code. The petitioners request that the County deliver a copy of this petition to the Board of Commissioners of the Overlapping Districts, and request a statement of services in accordance with Section 775.018(g) of the Texas Health & Safety Code.

#### VI.

That Laurie Taylor, who resides at 1909 Kirby Ln., Kyle, Texas 78640, and James M. Swisher, who resides at 160 Caliche Trail, San Marcos, Texas 78666, and John T. Mills, who resides at 1625 Twin Cove, Kyle, Texas 78640, petitioners herein, agree and obligate themselves to pay the cost incident to the formation of the District, including the costs of publishing notices, election costs, and other necessary and incidental expenses, such cost not to exceed one hundred fifty (\$150.00) dollars for Hays County.

**VII.**

The cities of San Marcos, Kyle, Wimberley, Creedmoor, Neiderwald, Uhland, Mountain City, and Dripping Springs are the only municipalities whose consent must be obtained under Section 775.014 of the Texas Health & Safety Code.

**VIII.**

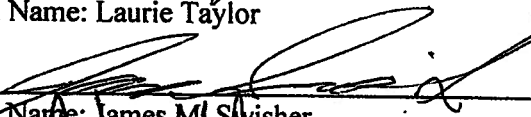
The signatures required by the Texas Health & Safety Code, Section 775.011, for the creation of Hays County Emergency Services District No. 9 are attached on Exhibit "C" respectively.

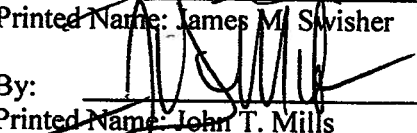
WHEREFORE, PREMISES CONSIDERED, petitioner prays that such notices be issued by the County Clerk of Hays County as required by law; that a public hearing be held on this petition in the county; that a copy of this petition be sent to Hays County Emergency Services District No. 3, Hays County Emergency Services District No. 6 and Hays-Caldwell County Emergency Services District No. 1 together with a request for a statement of services; and that, after the hearing, the Commissioners Court of Hays County grant this petition and call a special election regarding the creation of the District.

RESPECTFULLY SUBMITTED this \_\_\_\_ day of \_\_\_\_\_, 2015.

**PETITIONERS:**

By:   
Printed Name: Laurie Taylor

By:   
Printed Name: James M. Swisher

By:   
Printed Name: John T. Mills

**Exhibit "A"**

**Description of Proposed Hays County Emergency Services District No. 9**

**Boundary Description**

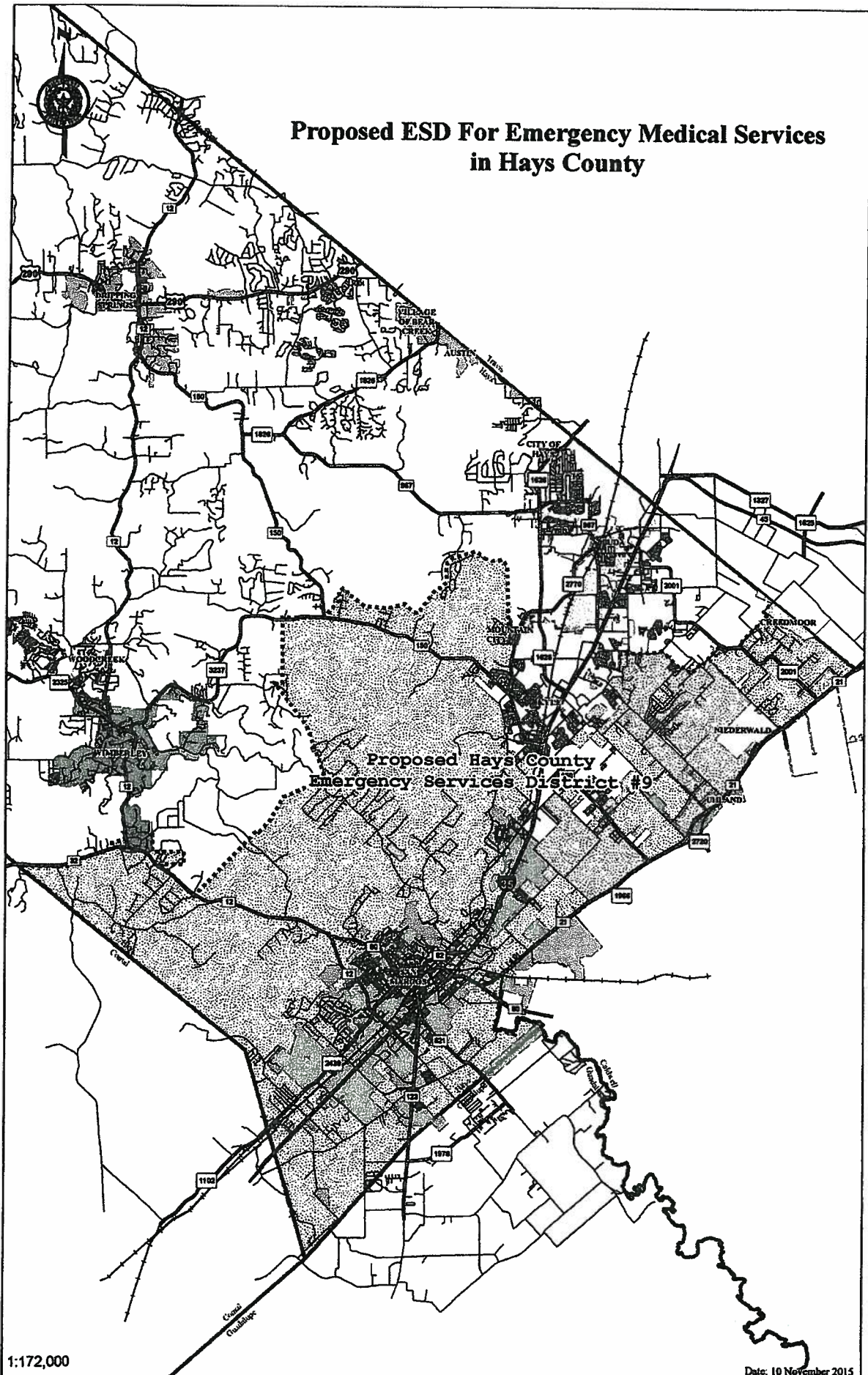
Beginning at the point of intersection of the Hays-Comal County line with the southernmost corner of the boundary of Hays County Emergency Services District No. 7, thence Northerly and Easterly along the boundary of Hays County Emergency Services District No. 7 to the point of intersection with the boundary of Hays County Emergency Services District No. 1, thence Northerly and Easterly along the boundary of Hays County Emergency Services District No. 1 to the point of intersection with the boundary of Hays County Emergency Services District No. 2, thence Easterly along the boundary of Hays County Emergency Services District No. 2 to the point of intersection with the Hays-Travis County line, thence Easterly and Southerly along the Hays-Travis County Line to the point of intersection with the Caldwell County Line, thence Southerly along the Hays-Caldwell County Line to the point of intersection with the Guadalupe County Line, thence Southerly along the Hays-Guadalupe County Line to the point of intersection with the Comal County Line, thence Northerly and Westerly along the Hays-Comal County line to the point of beginning.

**Exhibit B**  
**Map of Proposed**  
**Hays County Emergency Services District No. 9**

**[ATTACHED]**



# Proposed ESD For Emergency Medical Services in Hays County



1:172,000

Date: 10 November 2015

Owner Name(s) (Printed)	Residence Address	Mailing Address	Date of Birth	Voter Registration Number	County of Registration	Owner Signature	Date
Lindsey Combs	350 New Country Rd	Same	3/2/82	1071183005	Hays	Jimburg K Combs	11/30/15
Fenny Rodriguez	510 Quarter Buena, TX	Same	3/3/80		Hays	Fenny	11/30/15
Sarah Boyd	355 New Country Rd Kyle, TX 78640	Same 355 New Country Rd Kyle, TX 78640	12/29/1980		Hays	Beth Boyd	12/1/15
Lauren Hennen	316 New Country	Same	7/11/82		HAYS	Lauren	12/1/15
Josh Boyd	355 New Country Rd Kyle, TX 78640	355 New Country Rd Kyle, TX 78640	1/4/84		Hays	Josh Boyd	12-1-15
John Emanuelson	365 New Country Rd Kyle, TX 78640	Same	7/30/66		HAYS	John Boyd	12/1/15
Linda Emanuelson	365 New Country Rd	Kyle TX 78640	10/3/53		Hays	Linda	12/1/15
ASHLEY VANDENBERG	375 NEW COUNTRY RD. KYLE TX 78640	KYLE TX 78640	8/9/95		HAYS	Ashley	12/1/15
John Soto	1216 1/2 N. D.	Same	11-15-58		HAYS	A Soto	12-1-15

Owner Name(s) (Printed)	Residence Address	Mailing Address	Date of Birth	Voter Registration Number	County of Registration	Owner Signature	Date
Lincolnville	345 New Country Rd	Kyle	5/3/86		Hays	[Signature]	12/1/15
Nicholas Tello	330 New Kyle Country Rd TX	Kyle same	12/20/77		Hays	[Signature]	12/1/15
FATIMA	31 new country Kyle TX 78640	Same	4/17/84		Hays	[Signature]	12-1-15
Stephanie Power	310 NEW Country Rd Kyle TX 78640	Same	3/13/67		Hays	[Signature]	12/1/15
Urvano Gallo	Kyle TX 78640	Same	2/24/81		Hays	[Signature]	12/1/15
Allison Estrada	280 New Country Rd Kyle TX 78640	Same	10/21/83		Hays	[Signature]	12/1/15
Jennifer Indray	130 Olson Cove Kyle TX 78640	Same	10/7/81		Hays	[Signature]	12/1/15
JAMIE MOORE	140 Olson Cove Kyle TX 78640	Same	2/20/81		Hays	[Signature]	12/1/15
Jay Horn	131 Olson CN Kyle TX 78640	Same	8/10/05		Hays	[Signature]	2015/12/01