

ORDINANCE NO. 2014-04

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY INTO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN THE CITY LIMITS, AND GRANTING TO SAID TERRITORY AND TO ALL FUTURE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF SAID CITY

WHEREAS, the City Council of the City of Boerne, Texas has found it necessary and in the public interest to expand the city limits of the City of Boerne to include the area referred to in this proposed annexation plan, so that the City will grow in an orderly manner, and that the residents both present and future, of the annexed area will be provided services; and

WHEREAS, said tract of land is adjacent to the City of Boerne boundaries, or is within the extra-territorial jurisdiction of the City of Boerne, or is already contiguous to the City of Boerne on at least two sides, or the area being annexed is not less than 1000 feet wide in the narrowest point; and

WHEREAS, on the 14th day of January, 2014, and the 28th day of January, 2014, Public Hearings were held at 6:00 p.m. in the Council Chambers of the Police Department/ Municipal Court building. The purpose of the Public Hearings was to give all interested persons the right to appear and be heard on the proposed annexation of 9.938 acres of land, more or less, by the City of Boerne, Texas, more fully described in "Exhibit A", attached hereto and made a part hereof.

WHEREAS, the City has prepared a Service Plan for said tract of land which is "Exhibit B", attached hereto and made a part hereof.

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

Section 1: That the territory described in "Exhibit A" attached hereto is hereby annexed into the City of Boerne, Kendall County, Texas, and that the boundary limits of the City of Boerne are hereby extended to include the territory described in "Exhibit A" within the city limits and the same shall hereafter be included within the territorial limits of said City, and said land and future inhabitants thereof shall hereafter be entitled to all rights and privileges of other citizens of the City, and shall be bound by the acts and ordinances of said City.

Section 2: That the Municipal Service Plan for the herein annexed tract provided for in "Exhibit B", attached hereto is hereby adopted.

Section 3: The City Secretary is hereby directed to file with the County Clerk of Kendall County, Texas, and other appropriate officials and agencies, as required by the State and Federal law and City annexation procedures, a certified copy of this ordinance.

PASSED and APPROVED on first reading this the 11th day of February, 2014.

PASSED, APPROVED, and ADOPTED on second reading this the 25th day of February, 2014.

APPROVED:

s/s Michael D. Schultz
Mayor

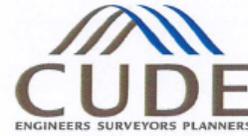
ATTEST:

s/s Lori A. Carroll
City Secretary

APPROVED AS TO FORM:

s/s Kirsten B. Cohoon
City Attorney

Exhibit A



Metes and Bounds
of

9.938 acres of land in the City of Boerne, Kendall County, Texas situated in the Antonio Cruz Survey No. 170, Abstract No. 97, in Kendall County, Texas, being out of a called 21.391 acre tract of land as recorded in Volume 1131, Page 262 of the Official Records of Kendall County, Texas, said 21.391 acres being comprised of a called 10 acre tract of land described by Deed recorded in Volume 62, Pages 391-392, the remaining portion of a called 10 acre tract of land described by Deed recorded in Volume 77, Pages 120-121, and the remaining portion of a called 7 acre tract of land described by Deed recorded in Volume 57, Page 469 all of the Deed Records of Kendall County, Texas, said 9.938 acres being more particularly described as follows:

- Beginning: at a 1/2-inch found iron rod being the southwest corner of a 0.60 of an acre tract described by Deed recorded in Volume 771, Pages 128-132 of the Official Records of Kendall County, Texas, and the northeast corner of said 10 acre tract;
- Thence: North 89° 50' 35" East, along the south boundary line of said 0.60 of an acre tract, a distance of 45.00 feet to a 1/2-inch set iron rod with red cap stamped "MW CUDE" for the northeast corner of this tract described herein;
- Thence: South 00° 13' 13" West, leaving the south boundary line of said 0.60 acre tract, crossing said 7 acre tract and said remainder of called 10 acre tract, a distance of 808.85 feet to a 1/2-inch set iron rod with red cap stamped "MW CUDE" on the northwest boundary line of a called 5.479 acre tract of land described by Deed recorded in Volume 1379, Page 508 of the Official Records of Kendall County, Texas, being the southeast corner of this tract described herein;
- Thence: South 55° 50' 42" West, along the northwest boundary line of said 5.479 acre tract, a distance of 35.00 feet to a 1-inch found iron rod on the east boundary line of a 274.884 acre tract of land described by Deed recorded in Volume 765, Pages 667-673 of the Official Records of Kendall County, Texas, being the west corner of said 5.479 acre tract, for the most southerly corner of this tract described herein;
- Thence: along the east boundary of said 274.884 acre tract, the following:
- North 02° 06' 19" West, a distance of 18.29 feet to a 1/2-inch found iron rod for an interior corner of this tract described herein;
 - North 89° 53' 44" West, a distance of 598.68 feet to a 1/2-inch found iron rod for the southwest corner of this tract described herein;
 - North 03° 10' 44" East, a distance of 270.69 feet to a 1/2-inch found iron rod for an angle;
 - North 26° 51' 05" East, a distance of 330.52 feet to a 1/2-inch found iron rod for an angle;
 - North 25° 56' 41" East, a distance of 24.82 feet to a 1/2-inch found iron rod for an angle;
 - North 15° 57' 35" East, a distance of 131.79 feet to a 1/2-inch found iron rod for an angle;

North 02° 09' 51" East, a distance of 93.24 feet to a 1/2-inch found iron rod for the northwest corner of this tract described herein;

Thence: North 89° 44' 41" East, continuing along the easterly boundary line of said 274.884 acre tract, a distance of 371.51 to the **POINT OF BEGINNING** and containing 432,913 square feet or 9.938 of an acre of land, more or less.

Note: Bearings referenced to Deed consisting of a 40.577 acre tract designated as Save and Except, Volume 765, Pages 667-673 of the Official Records of Kendall County, Texas, said 40.577 acre tract being located in a southwesterly direction from the subject property and is referenced to a 400.11 acre Boundary and Improvement Survey dated October 29, 2013 prepared by Cude Engineers.

Reference is made to survey plat dated December 4, 2013 accompanying these field notes.



Keith C. Keppler
Registered Professional Land Surveyor
Texas No. 6271



12/4/13

Job No. 02133.070
Date December 4, 2013
JGR



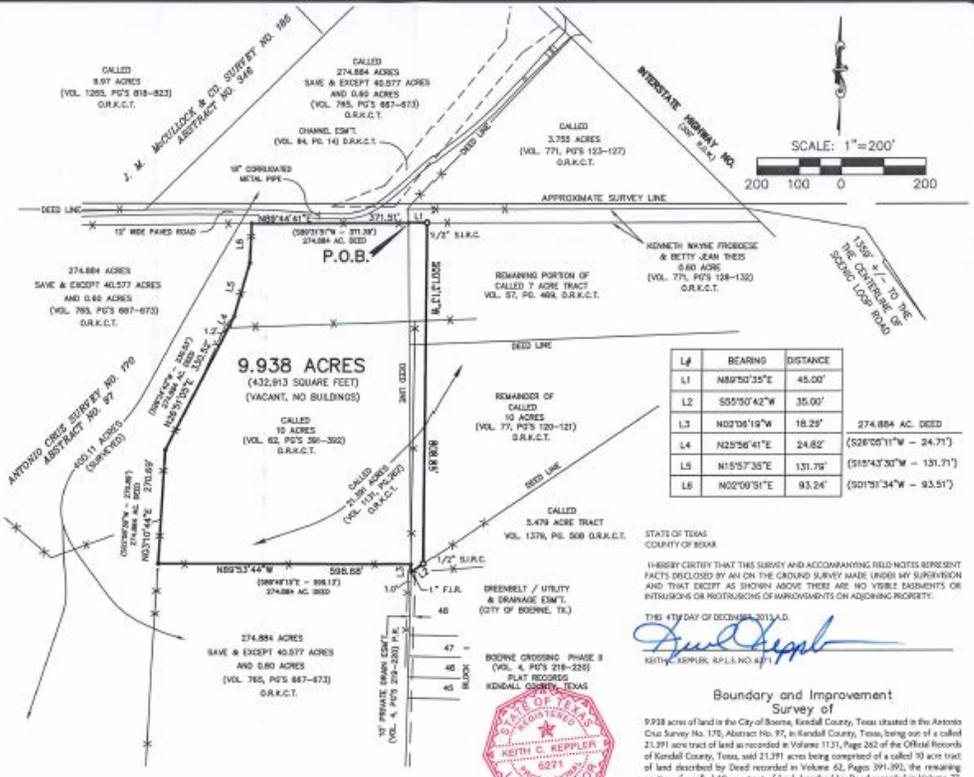
LEGEND

C.M. = CONTROLLING MEASUREMENT
 O.R.K.C.T. = DEED RECORDS OF KENDALL COUNTY, TEXAS
 ELEC. = ELECTING
 O.R.K.C.T. = OFFICIAL RECORDS OF KENDALL COUNTY, TEXAS
 P.O.B. = POINT OF BEGINNING
 F.I.R. = FOUND IRON ROD
 S.I.R.C. = SET IRON ROD WITH CAP
 S.T.M.P. = STAMPED "M" CLUE
 R.O.W. = RIGHT OF WAY
 --- = MIRE FENCE

- NOTE**
1. BEARINGS REFERENCED TO DEED CONSISTING OF A 48.577 ACRES TRACT DESIGNATED AS SAWS AND EXCEPT, VOLUME 765, PAGES 667-673, OFFICIAL RECORDS OF KENDALL COUNTY, TEXAS, SAID 48.577 ACRES TRACT BEING LOCATED IN A SOUTHWESTERLY DIRECTION FROM THE SUBJECT PROPERTY AND IS REFERENCED TO A 48.111 ACRES BOUNDARY AND IMPROVEMENT SURVEY DATED OCTOBER 25, 2013 PREPARED BY CUDE ENGINEERS.
 2. DISTANCES OR EASEMENTS FOR RESTRICTIONS OR ZONING NOTED.
 3. THE SURVEYOR HAS RELIED ON THE TITLE REPORT ISSUED BY STRATFORD TITLE GUARANTY COMPANY, CP NO. 50895, EFFECTIVE DATE OF DECEMBER 3, 2013, ISSUED DECEMBER 30, 2013 WITH REGARD TO THE EXISTENCE OF RECORDED EASEMENTS, RESTRICTIONS AND/OR OTHER MATTERS OF RECORD AFFECTING THE SUBJECT PROPERTY. ONLY THOSE MATTERS AFFECTING THE AREA OF THE SUBJECT PROPERTY IDENTIFIED IN THE ABOVE REFERENCED TITLE REPORT ARE SHOWN.
 4. METES AND BOUNDS DESCRIPTION ACCOMPANYING THIS SURVEY PLAT OF EVEN DATE.
 5. ALL PROPERTY CORNERS ARE "F" FOUND IRON RODS UNLESS OTHERWISE NOTED.

RESTRICTIONS:

1. VOLUME 1131, PAGE 262, KENDALL COUNTY OFFICIAL RECORDS.



STATE OF TEXAS
 COUNTY OF BOERNE

I HEREBY CERTIFY THAT THIS SURVEY AND ACCOMPANYING FIELD NOTES REPRESENT FACTS DISCLOSED BY AN ON THE GROUND SURVEY MADE UNDER MY SUPERVISION AND THAT EXCEPT AS SHOWN ABOVE THERE ARE NO VISIBLE EASEMENTS OR INTERUSIONS OR RESTRICTIONS OF AMENDMENTS ON ADJOINING PROPERTIES.

THIS 4TH DAY OF DECEMBER, 2013, A.D.

[Signature]
 KEITH C. KEPPLER, R.L.S. NO. 6271



Boundary and Improvement Survey of

9.938 acres of land in the City of Boerne, Kendall County, Texas situated in the Antonio Cruz Survey No. 175, Abstract No. 97, in Kendall County, Texas, being out of a called 21.391 acre tract of land as recorded in Volume 1131, Page 262 of the Official Records of Kendall County, Texas, said 21.391 acres being composed of a called 10 acre tract of land described by Deed recorded in Volume 62, Pages 391-392, the remaining portion of a called 10 acre tract of land described by Deed recorded in Volume 77, Pages 120-121, and the remaining portion of a called 7 acre tract of land described by Deed recorded in Volume 57, Page 448 of the Deed Records of Kendall County, Texas.

BOUNDARY AND IMPROVEMENT SURVEY OF

9.938 ACRES OF LAND IN THE CITY OF BOERNE, KENDALL COUNTY, TEXAS.

CUDE ENGINEERS
 4122 FOND HILL RD. • SUITE 101
 SAN ANTONIO, TEXAS 78231
 WWW.CUDEENGINEERS.COM
 TBE REGISTERED ENGINEERING
 #184425

DATE: DECEMBER 4, 2013

CUDE ENGINEERS

Exhibit B

MUNICIPAL SERVICE PLAN

For Annexation of 9.938 acres located at 32005 IH-10 West (a portion of PID 286972)

By Kenneth Froboese

⌘ **POLICE PROTECTION**

The Boerne Police Department will provide regular and routine patrols in the area as part of its overall patrol activities. The department will respond to any calls for assistance to the area upon annexation. Animal Control services will be available to the area upon annexation.

⌘ **FIRE SERVICE**

Fire service to the area will be provided by the Boerne Volunteer Fire Department upon annexation.

Fire prevention activities will be provided by the Fire Marshal's office in the form of subdivision and building plan review and fire inspections of all commercial structures in the area.

⌘ **BUILDING INSPECTION - CODE ENFORCEMENT SERVICES**

Building inspection activities will be provided upon annexation. The Building Inspection Department will provide consultation with project developers for building code requirements, plan review for structures, issuance of building permits, and on-site inspection services for new construction.

The Building Inspection Department will respond to requests for inspection of suspected City Code violations including, but not limited to, zoning, building codes, sign ordinance, and junk car ordinances.

⌘ **LIBRARY**

All residents of the newly annexed area will be eligible for library services at the Boerne Public Library.

⌘ **SOLID WASTE COLLECTION**

Solid waste collection is contracted for by the City's contracted agent upon annexation.

⌘ **PLANNING AND ZONING**

The planning and zoning jurisdiction of the City will extend to this area on the effective date of the annexation. The Planning and Zoning Commission will initiate permanent zoning of the newly annexed area as soon as possible after annexation.

⌚ **STREET AND DRAINAGE MAINTENANCE**

The effects of this addition on drainage will be addressed under the provisions of the Subdivision Ordinance in effect at the time of platting.

Roads, streets and drainage improvements that have been properly platted, duly dedicated, and accepted by the City of Boerne and/or Kendall County shall be maintained by the Department of Public Works.

⌚ **ELECTRIC SERVICE**

Electric service is provided by Bandera Electric Co-op, whor holds the Certificate of Convenience and Necessity in the area of annexation.

⌚ **GAS SERVICE**

Natural gas service from the City of Boerne may be extended to and throughout the property by the petitioner according to City standards. The nearest current natural gas main of substantial size is located along the south side of IH-10.

⌚ **WATER SERVICE**

Water service from the City of Boerne may be extended to and throughout the property by the petitioner according to City standards. The nearest current water main of substantial size is located on the south side of IH-10 approximately 950 LF west of Scenic Loop Road.

⌚ **SEWER SERVICE**

Sewer service from the City of Boerne may be extended to and throughout the property by the petitioner according to City Standards. The nearest current sewer main of substantial size is located on the south side of IH1- approximately 950 LF west of Scenic Loop Road.

⌚ **CAPITAL IMPROVEMENTS**

Cost of any utility mains and appurtenances or other necessary capital improvements necessary for development of the subject property will be borne entirely by the petitioner for this tract.

PETITIONER'S ACKNOWLEDGMENT

THE STATE OF TEXAS '
,
COUNTY OF KENDALL '

The undersigned acknowledge that the Municipal Service Plan has been read and the requirements and stipulations contained therein are understood.

12/26/13
Date

Kenneth Wayne Froboese
Printed Name

Kenneth Wayne Froboese
Signature

This Municipal Service Plan was acknowledged before me on the 26th day of
December, 2013

Siria Vargas
Notary Public In and For the State of Texas



THE STATE OF TEXAS :
:
COUNTY OF KENDALL :

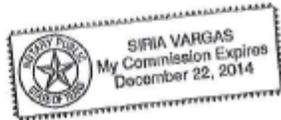
The undersigned acknowledge that the Municipal Service Plan has been read and the requirements and stipulations contained therein are understood.

12/26/13
Date

Betty Froboese Theis
Printed Name

Betty Froboese Theis
Signature

This Municipal Service Plan was acknowledged before me on the 26th day of December, 2013



Siria Vargas
Notary Public In and For the State of Texas

THE STATE OF TEXAS :
:
COUNTY OF KENDALL :

The undersigned acknowledge that the Municipal Service Plan has been read and the requirements and stipulations contained therein are understood.

Date

Printed Name

Signature

This Municipal Service Plan was acknowledged before me on the _____ day of _____, 20__.

Notary Public In and For the State of Texas