

**ORDINANCE NO. 2014-11**

**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 11<sup>th</sup> day of March, 2014, and the 25<sup>th</sup> day of March, 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 9.915 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 8<sup>th</sup> day of April, 2014.

PASSED, APPROVED, and ADOPTED on second reading this the 22<sup>nd</sup> day of April, 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

Property Description  
of

9.915 acres of land situated in the J.M. McCulloch and Co. Survey No. 185, Abstract No. 346, Kendall County, Texas, being all of a called 9.927 acre tract described by Warranty Deed recorded in Volume 236, Page 714, Official Records of Kendall County, Texas, said 9.915 acres being more particularly described as follows:

- Beginning :** at a 1/2-inch found iron rod with cap stamped "SCHWARZ" being the north corner of said 9.927 acre tract at the centerline and southwest end of a 24 foot wide private road as recorded in Volume 79, Page 201 of the Official Records of Kendall County, Texas;
- Thence:** South 44° 03' 48" East, along the southwest boundary lines of said 24 foot wide private road and of a called 1.88 acre tract of land as recorded in Volume 1201, Page 104 of the Deed Records of Kendall County, Texas, a distance of 321.97 feet to a 1/2-inch found iron rod being the common south corner of said 1.88 acre tract and the east corner of a called 3.00 acre tract as recorded in Volume 752, Page 82 of the Official Records of Kendall County, Texas, for an angle;
- Thence:** South 44° 47' 52" East, along the southwest boundary line of said 3.00 acre tract, a distance of 315.20 feet to a 1/2-inch found iron rod on the north boundary line of a called 274.884 acre tract as recorded in Volume 765, Page 667 of the Official Records of Kendall County, Texas, being the common east corner of said 9.927 acre tract and the south corner of said 3.00 acre tract, for the east corner of this tract described herein;
- Thence:** South 45° 28' 37" West, along the common line with said 274.884 acre tract and the south boundary line of said 9.927 acre tract, a distance of 375.87 feet to a 1/2-inch found iron rod for the southeast corner of this tract described herein;
- Thence:** North 89° 42' 40" West, continuing along said common line, a distance of 727.20 feet to a 3/8-inch found iron rod being the most southerly southwest corner of said 9.927 acre tract and of this tract described herein;
- Thence:** North 54° 51' 46" West, a distance of 23.63 feet to 1/2-inch found iron rod being the Southeast corner of a called 200 acre tract as recorded in Volume 693, Page 52 of the Official Records of Kendall County, Texas, for the most northerly southwest corner of this tract described herein;
- Thence:** North 02° 09' 01" West, along the east boundary line of said 200 acre tract and generally along the east side of an old rock wall, a distance of 139.21 feet to a 1/2-inch set iron rod with cap stamped "MW CUDE" being the west corner of said 9.927 acre tract and of this tract described herein;

Thence: North 45° 37' 39" East, a distance of 1.26 feet passing a 3/8-inch found iron rod, and continuing along the southeast boundary of a called 1.43 acre tract of land as recorded in Volume 910, Page 823 of the Official Records of Kendall County, Texas, a distance of 430.62 feet, for a total distance of 431.88 feet to 1/2-inch found iron rod being the common east corner of said 1.43 acre tract and the south corner of a called 1.527 acre tract as recorded in Volume 292, Page 451 of the Official Records of Kendall County, Texas, for an angle;

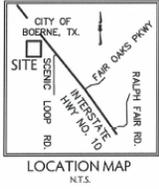
Thence: North 45° 31' 33" East, along the southeast boundary line of said 1.527 acre tract, a distance of 371.39 feet to the **POINT OF BEGINNING** and containing 431,917 square feet or 9.915 acres of land, more or less.

Note: Basis of bearing is referenced to the north boundary line of a 40.577 acre tract as recorded in Volume 765, Pages 667-673 of the Official Public Records of Kendall County, Texas.

Reference is made to survey plat dated October 23, 2013 accompanying these field notes.

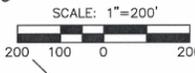
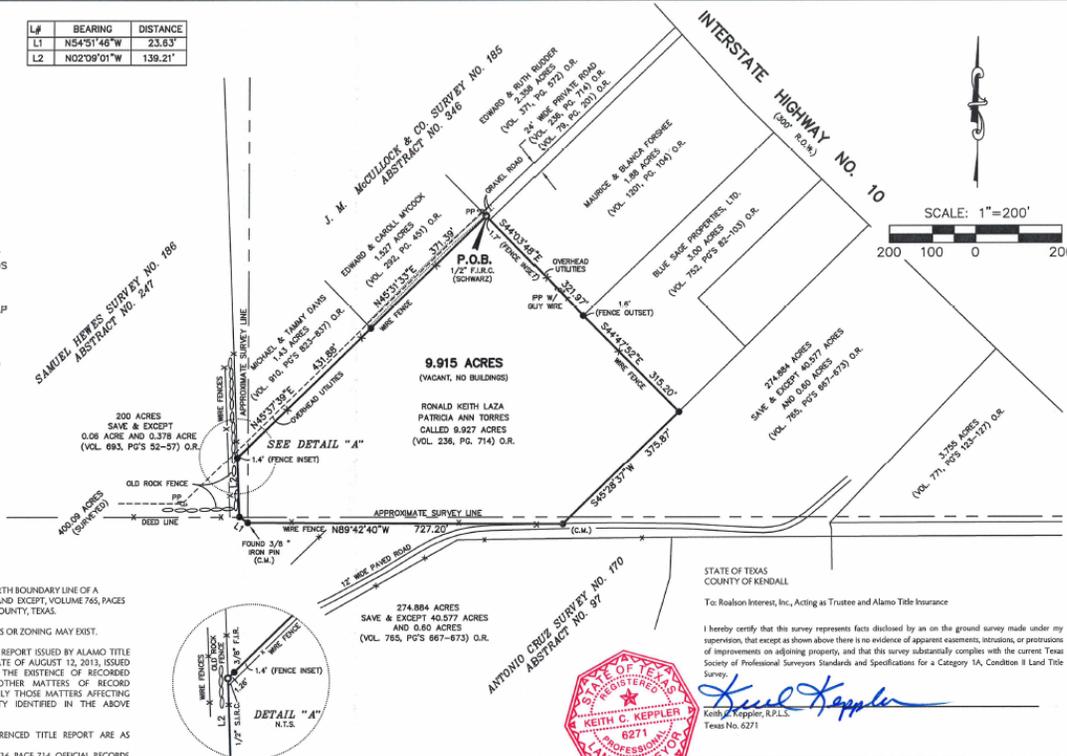
Job No. U2133.06U  
October 23, 2013  
JGR





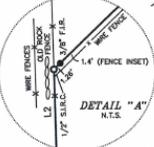
L#	BEARING	DISTANCE
L1	N54°51'46"W	23.63'
L2	N02°09'01"W	139.21'

- LEGEND**
- CONC. = CONCRETE
  - C.M. = CONTROLLING MONUMENT
  - D.P.R. = DEED AND PLAT RECORDS
  - ELEC. = ELECTRIC
  - FH = FIRE HYDRANT
  - F.I.P. = FOUND IRON PIPE
  - F.I.R.C. = FOUND IRON ROD W/ CAP
  - GW = GUY WIRE
  - O.P.R. = OFFICIAL RECORDS
  - P.O.B. = POINT OF BEGINNING
  - PP/CP = POWER POLE
  - F.I.R.C. = SET IRON ROD WITH CAP STAMPED
  - R.O.W. = RIGHT OF WAY
  - TEL-PED = TELEPHONE PEDESTAL



**NOTE:**

1. BASIS OF BEARING REFERENCED TO THE NORTH BOUNDARY LINE OF A 40.577 ACRE TRACT DESIGNATED AS SAVE AND EXCEPT, VOLUME 765, PAGES 667-673, OFFICIAL RECORDS OF KENDALL COUNTY, TEXAS.
2. SETBACKS OR EASEMENTS PER RESTRICTIONS OR ZONING MAY EXIST.
3. THE SURVEYOR HAS RELIED ON THE TITLE REPORT ISSUED BY ALAMO TITLE INSURANCE, OF NO. 35551, EFFECTIVE DATE OF AUGUST 12, 2013, ISSUED AUGUST 16, 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.
- PER SCHEDULE B OF THE ABOVE REFERENCED TITLE REPORT ARE AS FOLLOWS:  
ITEM 10L (24) PRIVATE ROAD, VOLUME 236, PAGE 714, OFFICIAL RECORDS OF KENDALL COUNTY, TEXAS.
4. METES AND BOUNDS DESCRIPTION ACCOMPANYING THIS SURVEY PLAT OF EVEN DATE.
5. ALL PROPERTY CORNERS ARE 1/2" FOUND IRON RODS UNLESS OTHERWISE NOTED.



**REFERENCE:**

1. CALLED 9.927 ACRE WARRANTY DEED, VOLUME 236, PAGE 714, OFFICIAL RECORDS OF KENDALL COUNTY, TEXAS.



STATE OF TEXAS  
COUNTY OF KENDALL  
To: Roalson Interest, Inc., Acting as Trustee and Alamo Title Insurance  
I hereby certify that this survey represents facts disclosed by us on the ground survey made under my supervision, that except as shown above there is no evidence of apparent easements, intrusions, or protrusions of improvements on adjoining property, and that this survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Condition II Land Title Survey.  
Keith C. Keppler, R.L.S.  
Texas No. 6271

**BOUNDARY AND IMPROVEMENT SURVEY OF**

9.915 ACRES OF LAND SITUATED IN THE J.M. MACGILLOCK AND CO. SURVEY NO. 185, ABSTRACT NO. 346, KENDALL COUNTY, TEXAS BEING ALL OF A CALLED 9.927 ACRE TRACT DESCRIBED BY WARRANTY DEED RECORDED IN VOLUME 236, PAGE 714, OFFICIAL RECORDS OF KENDALL COUNTY, TEXAS.

**BOUNDARY AND IMPROVEMENT SURVEY OF**  
9.915 ACRES OF LAND  
KENDALL COUNTY, TEXAS

CUDE ENGINEERS  
41221 FARM ROAD, SUITE 101  
SAN ANTONIO, TEXAS 78231  
TEL: 210.681.1394 • FAX: 210.632.1112  
WWW.CUDEENGINEERS.COM  
TYPE REGISTERED PROFESSIONAL ENGINEERING FROM MASS



REPRODUCTION OF THE ORIGINAL SIGNED AND SEALED PLAN AND/OR ELECTRONIC MEDIA MAY BE INADVERTENTLY ALTERED. CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE SCALE OF THE DOCUMENT AND CONTACTING CUDE ENGINEERS TO VERIFY DISCREPANCIES PRIOR TO CONSTRUCTION.

Exhibit B

**MUNICIPAL SERVICE PLAN**

**For Annexation of 9.915 acres located at IH-10 West (PID 17404)**

**By 420 Investment Group, Ltd.**

♣ **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, who 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.

Israel Fogiel, President  
Great America Associates, Inc., General Partner  
420 Investment Group, Ltd.

March 20, 2014

Date

Printed Name



Signature

This Municipal Service Plan was acknowledged before me on the 10th day of

March, 2014



Notary Public In and For the State of Texas