

ORDINANCE NO. 2014-37

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 12th day of August, 2014, and the 26th day of August, 2014, Public Hearings were held at 6:00 p.m. o'clock 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 4.182 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 9th day of September, 2014.

PASSED, APPROVED, and ADOPTED on second reading this the 23rd day of September, 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

MATKIN-HOOVER
ENGINEERING & SURVEYING

8 Spencer Road, Suite 100, Boerne, Texas 78006
Phone: 830-249-0600 FAX: 830-249-0099

FIELD NOTES FOR A 4.183 ACRE TRACT OF LAND

BEING A 4.183 ACRE TRACT OF LAND LOCATED IN THE J.M. MCCULLOUGH SURVEY NO. 185, ABSTRACT NO. 43, AND THE JORDAN WEST SURVEY NO. 187, ABSTRACT NO. 523, KENDALL COUNTY, TEXAS, SAID **4.183 ACRE TRACT** BEING THAT CERTAIN 4.183 ACRE TRACT OF LAND KNOWN AS LOT 17, ALLCAT DEVELOPMENT, RECORDED IN VOLUME 7, PAGES 195-196, PLAT RECORDS, KENDALL COUNTY, TEXAS. SAID **4.183 ACRE TRACT** BEING MORE PARTICULARLY DESCRIBED BY THE FOLLOWING METES AND BOUNDS:

Beginning at a 1/2" iron rod found in the southeast boundary line of Lot 14, Ray Ranch Estates, recorded in Volume 1, Page 88, Plat Records, Kendall County, Texas, at the northwest corner of Lot 15, Ray Ranch Estates, recorded in Volume 1, Page 88, Plat Records, Kendall County, Texas, at the northeast corner of said Lot 17, and for the northeast corner of the herein described tract;

Thence, South 00°49'22" East, with the west boundary line of said Lot 15 and Lot 16, Ray Ranch Estates, recorded in Volume 1, Page 88, Plat Records, Kendall County, Texas, a distance of **601.54 feet** to a 1/2" iron rod with a red "Matkin-Hoover Eng. & Survey" plastic cap found at the northeast corner of a called 0.167 acre tract recorded in Volume 7, Pages 195-196, Plat Records, Kendall County, Texas, at the southeast corner of said Lot 17, and for the southeast corner of the herein described tract;

Thence, South 89°47'20" West, with the north line of said 0.167 acre tract, and the south line of said Lot 17, a distance of **338.93 feet** to a 1/2" iron rod found with a yellow plastic cap in the east line of a called 8.931 acre tract of land recorded in Volume 1373, Page 64, Official Public Records, Kendall County, Texas, at the northwest corner of said 0.167 acre tract, at the southwest corner of said Lot 17, and for the southwest corner of the herein described tract;

Thence, North 00°26'06" West, with the east boundary line of said 8.931 acre tract, and the west boundary line of said Lot 17, a distance of **479.56 feet** to a 1/2" iron rod with a yellow cap found at the southwest corner of said Lot 14, at the northwest corner of said Lot 17, and for the northwest corner of the herein described tract;

Thence, North 69°45'06" East, with the southeast line of said Lot 14, the northwest line of said Lot 17, a distance of **355.92 feet** to the **Point of Beginning** containing **4.183 acres** of land.

Note: The basis of bearing was established using the Trimble VRS Network, NAD (83), Texas State Plane Coordinate System, South Central Zone, 4204, US Survey Foot, Grid.




Travis L. Quicksall Date: 07/15/2014
RPLS #6447
Job #13-4095 4.183 ACRES

Exhibit B

MUNICIPAL SERVICE PLAN

For Annexation of 4.183 acres, Allcat Development Lot 1, Cascade Caverns Road (PID 25684)

By TODO GATO Holdings, LLC

♣ **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 currently being designed and installed adjacent the southern boundary of the subject area along Cascade Caverns Road.

⌚ **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 adjacent to the southern boundary of the subject area along Cascade Caverns 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 The nearest current sewer main of substantial size currently being designed and installed adjacent the southern boundary of the subject area along Cascade Caverns Road.

⌚ **CAPITAL IMPROVEMENTS**

Per an Economic Development Incentive Agreement between the City of Boerne, Texas and ALLCAT CLAIMS Service, LP dated August 26, 2013 the City of Boerne will be responsible to extend and provide water, sewer and gas to the tract. The cost of any other infrastructure improvements not specifically addressed in the August 26, 2013 agreement shall entirely be the responsibility of the petitioner or service applicant per usual City standards and procedures.

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.

Date

8-11-14
[Signature]

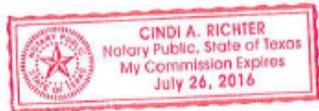
Printed Name

Richard R. Hall, Esq./GC

Signature

This Municipal Service Plan was acknowledged before me on the 11th day of

August, 2014



Cindi A. Richter
Notary Public In and For the State of Texas