

ORDINANCE NO. 2014-47

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 23rd day of September, 2014, and the 14th day of October, 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 18.17 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 28th day of October, 2014.

PASSED, APPROVED, and ADOPTED on second reading this the 18th day of November, 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

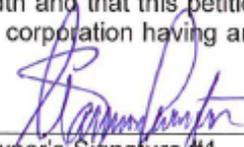
ANNEXATION PETITION

TO THE MAYOR AND GOVERNING BODY
OF THE CITY OF BOERNE, TEXAS:

The undersigned owner(s) of the hereinafter described tract of land, which is vacant and without residents, or on which less than three (3) qualified voters reside, hereby petition your honorable body to extend the present city limits so as to include as a part of the City of Boerne, Texas, the following described territory, to-wit:

135 Old San Antonio Rd., Boerne, TX 78006
Metes and Bounds Description
Huddleston Remainder Tract

I/We certify that the above described tract of land is contiguous to the City of Boerne, Texas, is not more than one-half (1/2) mile in width and that this petition is signed and duly acknowledged by each and every person or corporation having an interest in said land.



Owner's Signature #1
Shannon Livingston - POA / Agent

Owner's Printed Name
13300 Old Blanco Road, Ste 325

Owner's Mailing Address
San Antonio, Texas 78216
210 - 867 - 2400

Owner's Phone No.

THE STATE OF TEXAS #
COUNTY OF ~~KENDALL~~ #
 Bexar

Before me, the undersigned authority, on this day personally appeared _____
Known to me to be the person whose name is subscribed to the foregoing instrument and
acknowledged to me that he/she executed the same for the purposes and consideration therein
expressed.

Given under my hand and seal of office, this 18th day of August, 2014.



Marguerite Y. Salinas

Notary Public in and for the State of Texas
My commission expires: 11/15/2015

SPECIFIC DURABLE POWER OF ATTORNEY

STATE OF TEXAS *

COUNTY OF KENDALL *

KNOW ALL MEN BY THESE PRESENTS:

That I, **Kimberly Speight, Trustee of the Nancy Huddleston Living Trust** have made, constituted and appoint and by these presents do make, constitute and appoint **Shannon Livingston** my agent for the specific purpose of representing me and acting in my place and stead for the annexation and zoning of the real property located at 135 Old San Antonio Road, Boerne, Kendall County, Texas.

This Specific Durable Power of Attorney takes effect immediately.

Limitations: None

I agree that any third party who receives a copy of this document may act under it. Revocation of this specific durable power of attorney is not effective as to a third party until the third party receives actual notice of the revocation. I agree to indemnify the third party for any claims that arise against the third party because of reliance on this specific durable power of attorney.

By the acceptance and exercising of the rights and powers granted herein, my agent agrees to be responsible for all costs and expenses associated with the annexation and zoning and shall indemnify Kimberly Speight, the real property and the Nancy Huddleston Living Trust from any and all claims that may arise resulting from the annexation and zoning of the property, this paragraph does not apply to ad valorem taxes for 2014 or any subsequent years.

THIS POWER OF ATTORNEY SHALL NOT TERMINATE UPON MY DISABILITY OR MY INCOMPETENCY.

SIGNED this 15th day of August, 2014.

Kimberly Speight
Kimberly Speight, Principal

Accepted: Shannon Livingston
Shannon Livingston, Agent

STATE OF TEXAS *

COUNTY OF KENDALL *

This instrument was acknowledged before me on this the 15th day of August, 2014, by

Kimberly Spelght.



Notary Public, State of Texas



Exhibit B

MUNICIPAL SERVICE PLAN

For Annexation of 18.17 acres located at 135 Old San Antonio Road (PID 40403) By Shannon Livingston, Power of Attorney/Agent for Kimberly Speight, Trustee of the Nancy Huddleston Living Trust

X **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.

X **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.

X **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.

X **LIBRARY**

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

X **SOLID WASTE COLLECTION**

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

X **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.

X **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.

X **ELECTRIC SERVICE**

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

X **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 across Old San Antonio Road along the frontage of the subject property.

X **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 across Old San Antonio Road along the frontage of the subject property.

X **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 across Old San Antonio Road approximately 100 feet south of the subject property.

X **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 '
BEXAR '
COUNTY OF ~~KENDALL~~ '

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

Date 9/16/14 Printed Name Shannon Livingston
Signature Shannon Livingston

This Municipal Service Plan was acknowledged before me on the 16th day of SEPTEMBER, 2014

Marguerite Y. Salinas
Notary Public In and For the State of Texas

