ORDINANCE NO. 2014-54

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 October, 2014, and the 28th 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 13.666 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 18th day of November, 2014.

PASSED, APPROVED, and ADOPTED on second reading this the 16th day of December, 2014.

APPROVED:

s/s Michael D. Schultz
Mayor

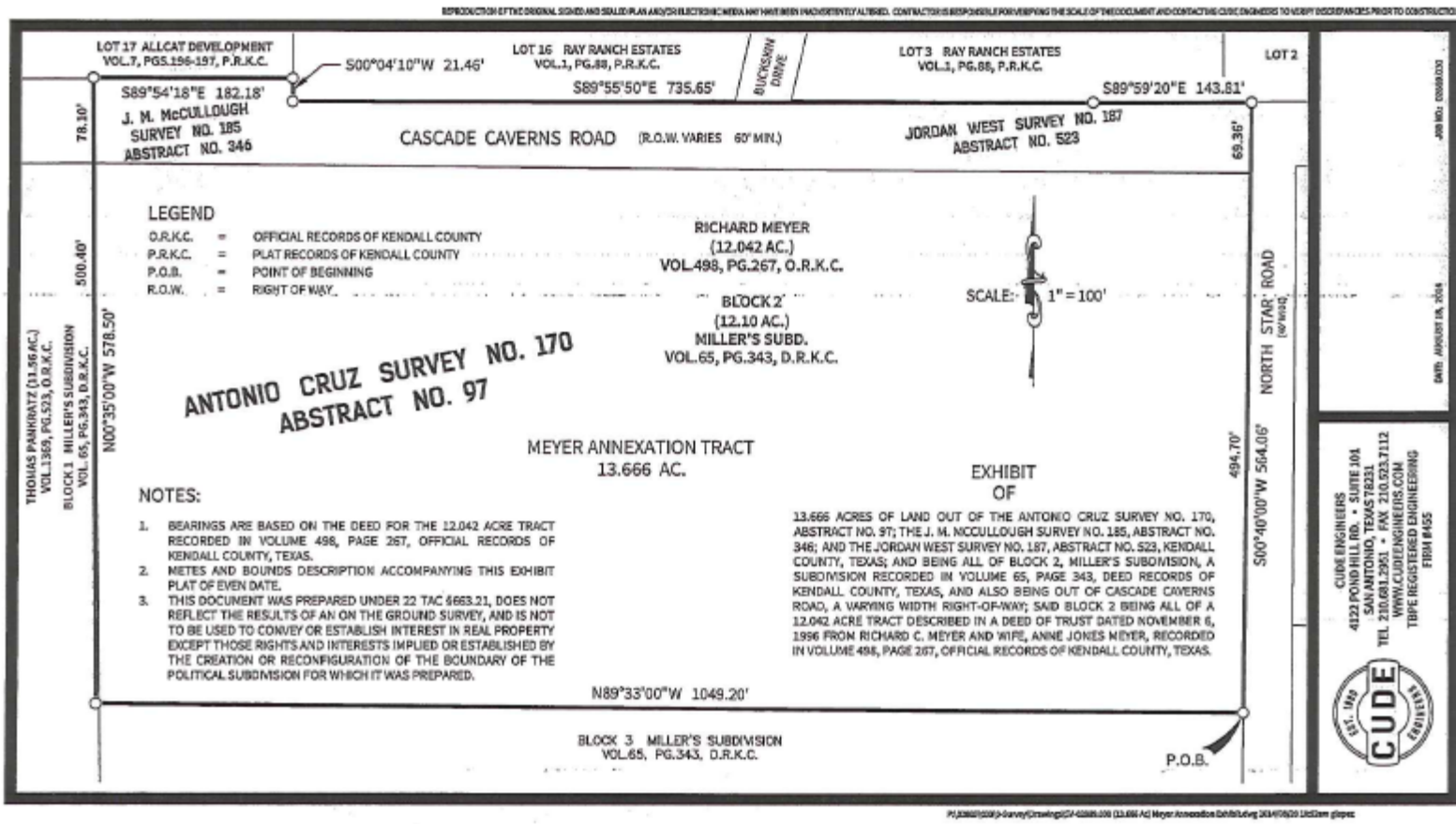
ATTEST:

s/s Lori A. Carroll
City Secretary

APPROVED AS TO FORM:

s/s Kirsten B. Cohoon
City Attorney

Exhibit A


LOT 17 ALLCAT DEVELOPMENT
VOL.7, PGS.196-197, P.R.K.C.
S00°04'10"W 21.46'
LOT 16 RAY RANCH ESTATES
VOL.1, PG.88, P.R.K.C.
BUCKSKIN DRIVE
LOT 3 RAY RANCH ESTATES
VOL.1, PG.88, P.R.K.C.
LOT 2
S89°54'18"E 182.18'
S89°55'50"E 735.65'
S89°59'20"E 143.81'
78.10'
J. M. McCULLOUGH
SURVEY NO. 185
ABSTRACT NO. 346
CASCADE CAVERNS ROAD (R.O.W. VARIES 60' MIN.)
JORDAN WEST SURVEY NO. 187
ABSTRACT NO. 523
69.36'
LEGEND
O.R.K.C. = OFFICIAL RECORDS OF KENDALL COUNTY
P.R.K.C. = PLAT RECORDS OF KENDALL COUNTY
P.O.B. = POINT OF BEGINNING
R.O.W. = RIGHT OF WAY.
RICHARD MEYER
(12.042 AC.)
VOL.498, PG.267, O.R.K.C.
BLOCK 2
(12.10 AC.)
MILLER'S SUBD.
VOL.65, PG.343, D.R.K.C.
SCALE: 1" = 100'
500.40'
THOMAS PANKRATZ (11.56 AC.)
VOL.1369, PG.523, O.R.K.C.
BLOCK 1 MILLER'S SUBDIVISION
VOL. 65, PG.343, D.R.K.C.
N00°35'00"W 578.50'
ANTONIO CRUZ SURVEY NO. 170
ABSTRACT NO. 97
NORTH STAR ROAD
(60' WIDE)
494.70'
S00°40'00"W 564.06'
MEYER ANNEXATION TRACT
13.666 AC.
NOTES:
1. BEARINGS ARE BASED ON THE DEED FOR THE 12.042 ACRE TRACT RECORDED IN VOLUME 498, PAGE 267, OFFICIAL RECORDS OF KENDALL COUNTY, TEXAS.
2. METES AND BOUNDS DESCRIPTION ACCOMPANYING THIS EXHIBIT PLAT OF EVEN DATE.
3. THIS DOCUMENT WAS PREPARED UNDER 22 TAC §663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTEREST IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.
EXHIBIT
OF
13.666 ACRES OF LAND OUT OF THE ANTONIO CRUZ SURVEY NO. 170, ABSTRACT NO. 97; THE J. M. MCCULLOUGH SURVEY NO. 185, ABSTRACT NO. 346; AND THE JORDAN WEST SURVEY NO. 187, ABSTRACT NO. 523, KENDALL COUNTY, TEXAS; AND BEING ALL OF BLOCK 2, MILLER'S SUBDIVISION, A SUBDIVISION RECORDED IN VOLUME 65, PAGE 343, DEED RECORDS OF KENDALL COUNTY, TEXAS, AND ALSO BEING OUT OF CASCADE CAVERNS ROAD, A VARYING WIDTH RIGHT-OF-WAY; SAID BLOCK 2 BEING ALL OF A 12.042 ACRE TRACT DESCRIBED IN A DEED OF TRUST DATED NOVEMBER 6, 1996 FROM RICHARD C. MEYER AND WIFE, ANNE JONES MEYER, RECORDED IN VOLUME 498, PAGE 267, OFFICIAL RECORDS OF KENDALL COUNTY, TEXAS.
N89°33'00"W 1049.20'
BLOCK 3 MILLER'S SUBDIVISION
VOL.65, PG.343, D.R.K.C.
P.O.B.
CUDE ENGINEERS
4122 POND HILL RD. • SUITE 101
SAN ANTONIO, TEXAS 78231
TEL 210.681.2951 • FAX 210.523.7112
WWW.CUDEENGINEERS.COM
TBPE REGISTERED ENGINEERING
FIRM #455
CUDE

PROPERTY DESCRIPTION
OF

13.666 acres of land out of the Antonio Cruz Survey Number 170, Abstract Number 97; the J. M. McCullough Survey Number 185, Abstract Number 346; and the Jordan West Survey Number 187, Abstract Number 523, Kendall County, Texas; and being all of Block 2, Miller's Subdivision, a subdivision recorded in Volume 65, Page 343, Deed Records of Kendall County, Texas, and also being out of Cascade Caverns Road, a varying width right-of-way; said Block 2 being all of a 12.042 acre tract described in a Deed of Trust dated November 6, 1996 from Richard C. Meyer and wife, Ann Jones Meyer, recorded in Volume 498, Page 267, Official Records of Kendall County, Texas; said 13.666 acre tract being more particularly described as follows:

BEGINNING: At a point on the west line of North Star Road, a County Road 40.00 feet in width, being the southeast corner of said Block 2 and the northeast corner of Block 3 of said Miller's Subdivision, for the southeast corner of the herein described tract;

Thence: N89°33'00"W, with the south line of said Block 2 and the north line of said Block 3, a distance of 1049.20 feet to a point on the east line of Block 1 of said Miller's Subdivision, being the southwest corner of said Block 2 and the northwest corner of said Block 3, for the southwest corner of the herein described tract;

Thence: N00°35'00"W, with the west line of said Block 2 and the east line of said Block 1, at 500.40 feet, pass the south right-of-way line of Cascade Caverns Road, a varying width right-of-way, being the northwest corner of said Block 2 and the northeast corner of said Block 1, and continuing across Cascade Caverns Road, a total distance of 578.50 feet to a point on the north right-of-way line of Cascade Cavern Road and the south line of a 4.183 acre tract known as Lot 17, Allcat Development, a subdivision recorded in Volume 7, Pages 196-197, Official Records of Kendall County, Texas, for the northwest corner of the herein described tract;

Thence: With the north right-of-way line of Cascade Caverns Road, the south line of said Lot 17 and the south line of Lots 16, 3 and 2, Ray Ranch Estates, a subdivision recorded in Volume1, Page 88, Plat Records of Kendall County, Texas, the following:

S89°54'18"E, a distance of 182.18 feet to a point on the west line of Lot 16, being the southeast corner of said Lot 17, for a corner of the herein described tract;

S00°04'10"W, with the west line of said Lot 16, a distance of 21.46 feet to a point, being the southwest corner of said Lot 16, for an interior corner of the herein described tract;

S89°55'50"E, a distance of 735.65 feet for an angle point;

S89°59'20"E, a distance of 143.81 feet to a point for the northeast corner of the herein described tract;

Thence: S00°40'00"W, across Cascade Caverns Road, at 69.36 feet, pass the intersection of the south right-of-way line of Cascade Caverns Road, with the west line of North Star Road, being the northeast corner of said Block 2, and continuing with the west line of North Star Road and the east line of said Block 2, a total distance of 564.06 feet to the **POINT OF BEGINNING** and containing 13.666 acres of land.

Note: Bearings are based on the deed for the 12.042 acre tract recorded in Volume 498, Page 267, Official Records of Kendall County, Texas.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interest in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Exhibit plat accompanying this description of even date.

Project No. 02889.030
Date: September 5, 2014
G.L.

STATE OF TEXAS
REGISTERED
GREGORIO LOPEZ, JR.
5272
PROFESSIONAL
LAND SURVEYOR

Gregorio Lopez, Jr. 9/5/14

Exhibit B

MUNICIPAL SERVICE PLAN

For Annexation of 13.666 acres, located at 25 Cascade Caverns Road (PID 24323)

By Richard and Ann Meyer

- **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.

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- **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 north side of Cascade Caverns Road approximately 450 LF west of Buckskin Drive.

- **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 along the north side of Cascade Caverns Road across from the subject property.

- **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 is located along the north side of Cascade Caverns Road approximately 450 LF west of Buckskin Drive .

- **CAPITAL IMPROVEMENTS**

The cost of any other infrastructure improvements 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.

October 21, 2014 — Date

Ann Jones Meyer — Printed Name

Ann Jones Meyer
Signature

This Municipal Service Plan was acknowledged before me on the 21 day of October, 2014.

AMANDA LARA
Notary Public, State of Texas
My Commission expires
May 8, 2018

Amanda Lara
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.

10-21-14
Date

RICHARD MEYER
Printed Name

Richard Meyer
Signature

This Municipal Service Plan was acknowledged before me on the 21 day of October, 2014

AMANDA LARA
Notary Public, State of Texas
My Commission expires
May 8, 2018

Amanda Lara
Notary Public In and For the State of Texas