

ORDINANCE NO. 2015-33

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 25th day of August, 2015, and the 8th day of September, 2015, 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 3.942 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 22nd day of September, 2015.

PASSED, APPROVED, and ADOPTED on second reading this the 13th day of October, 2015.

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 DESCRIPTION LONG TRACTS

Description of a 3.942 acre tract of land out of the J. M. McCullough Survey Number 185, Abstract Number 346, Kendall County, Texas being a combination of a 3.503 acre tract described in deed recorded in Volume 533, Page 266, a 0.043 of an acre tract and a 0.349 of an acre tract, both described in deed recorded in Volume 700, Page 162, all references being Kendall County Official Records; said 3.942 acre tract being more fully described as follows:

Beginning at an existing ½" steel rod for the western northwest corner of this tract, said steel rod being the northwest corner of the above mentioned 0.349 acre tract and the southwest corner of the Nancy Huddleston Living Trust 17.49 acre tract described in deed recorded in Volume 1305, Page 798, Kendall County Official Records;

Thence, with the north line of said 0.349 of an acre tract and a south line of said 17.49 acre tract and of the City of Boerne Corporate Limits, S 89°27'51" E, 514.78 feet to an existing ½" steel rod in a west line of said 3.503 acre tract being the northeast corner of said 0.349 of an acre and a southeast corner of said 17.49 acre tract;

Thence, with western and northern lines of said 3.503 acre tract and eastern and southern lines of said 17.49 acre tract and of the City of Boerne Corporate Limits, N 02°19'58" W, 300.25 feet, N 53°50'36" W, 19.58 feet, N 59°51'02" E, 57.69 feet, N 40°06'11" E, 60.09 feet, N 65°49'08" E, 74.58 feet and N 89°43'13" E, 161.26 feet to the northwest corner of said 0.043 of an acre tract;

Thence, with the north line of said 0.043 of an acre tract and a south line of said 17.49 acre tract and of the City of Boerne Corporate Limits, N 89°17'20" E, 91.38 feet to the northeast corner of said 0.043 of an acre tract and the southeast corner of said 17.49 acre tract, in a west line of the Boerne Independant School District tract described in Volume 494, Page 703, Kendall County Official Records;

Thence, with eastern and southern lines of said 3.503 acre tract, the south line of said 0.349 of an acre tract and northeastern lines of said BISD tract and of the City of Boerne Corporate Limits, S 03°20'49" W, 229.33 feet, S 28°21'19" W, 252.28 feet and N 89°27'51" W¹, 754.63 feet to an existing ½" steel rod being the southwest corner of said 0.349 of an acre tract, a northwest corner of the City of Boerne Corporate Limits and being in a northeast line

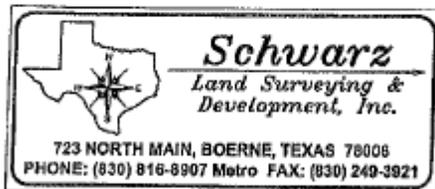
of Old San Antonio Road;

Thence, crossing Old San Antonio Road, S 61°06'43" W to the southwest line of Old San Antonio Road and the northeast line of Lot 7, Garden Oaks, shown on plat recorded in Volume 67, Page 521, Kendall County Deed Records;

Thence, with the City of Boerne Corporate Limits, the northeast line of said Lot 7, the northeast line of the 55 Properties, LLC 2.003 acre tract described in deed recorded in Volume 978, Page 898, Kendall County Official Records and a southwest line of Old San Antonio Road, N 0° W, feet;

Thence, crossing Old San Antonio Road and with the City of Boerne Corporate Limits, N 61°06'43" W, feet to the place of beginning and containing 3.942 acres.
to the place of beginning and containing 3.942 acres of land.²

THIS DOCUMENT WAS PREPARED UNDER 22 TAC §663.21, DOES NOT REFLECT THE RESULTS OF A COMPLETE ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS 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.



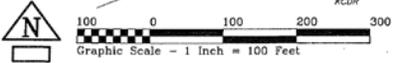
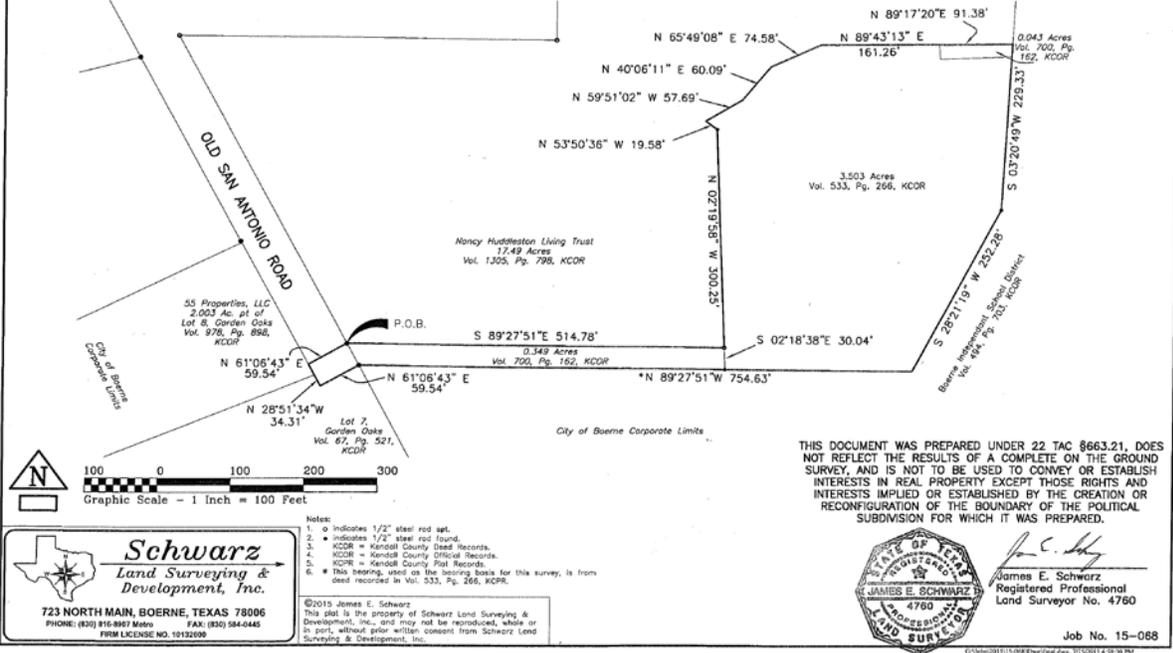
James E. Schwarz
Registered Professional
Land Surveyor No. 4760
Job No. 15-068
Firm License No. 10132600

1. This bearing, used as the bearing basis for this survey, was established by GPS.
4. A plat of this tract has been prepared.

July 15, 2015 (4:39pm)



A 3.942 ACRE TRACT OF LAND OUT OF THE J.M. MCCULLOUGH SURVEY NO. 185, ABSTRACT NO. 346, KENDALL COUNTY, TEXAS, BEING A COMBINATION OF A 3.503 ACRE TRACT DESCRIBED IN DEED RECORDED IN VOLUME 533, PAGE 266, A 0.043 OF AN ACRE TRACT AND A 0.349 OF AN ACRE TRACT, BOTH DESCRIBED IN DEED RECORDED IN VOLUME 700, PAGE 162, AND THE ADJOINING PORTION OF OLD SAN ANTONIO ROAD, ALL REFERENCES BEING KENDALL COUNTY OFFICIAL RECORDS.



Schwarz
Land Surveying & Development, Inc.
723 NORTH MAIN, BOERNE, TEXAS 78006
PHONE: (832) 916-8871 FAX: (832) 944-0445
FIRM LICENSE NO. 101322009

Notes:
1. o Indicates 1/2" steel rod set.
2. • Indicates 1/2" steel rod found.
3. KCCR = Kendall County Deed Records.
4. KCDR = Kendall County Official Records.
5. KCDR = Kendall County Plat Records.
6. * This bearing, used as the bearing basis for this survey, is from deed recorded in Vol. 533, Pg. 266, KCDR.

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This plat is the property of Schwarz Land Surveying & Development, Inc. and may not be reproduced, whole or in part, without prior written consent from Schwarz Land Surveying & Development, Inc.

THIS DOCUMENT WAS PREPARED UNDER 22 TAC §663.21, DOES NOT REFLECT THE RESULTS OF A COMPLETE ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS 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.



James E. Schwarz
Registered Professional
Land Surveyor No. 4760

Job No. 15-088

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Exhibit B

July 27, 2015

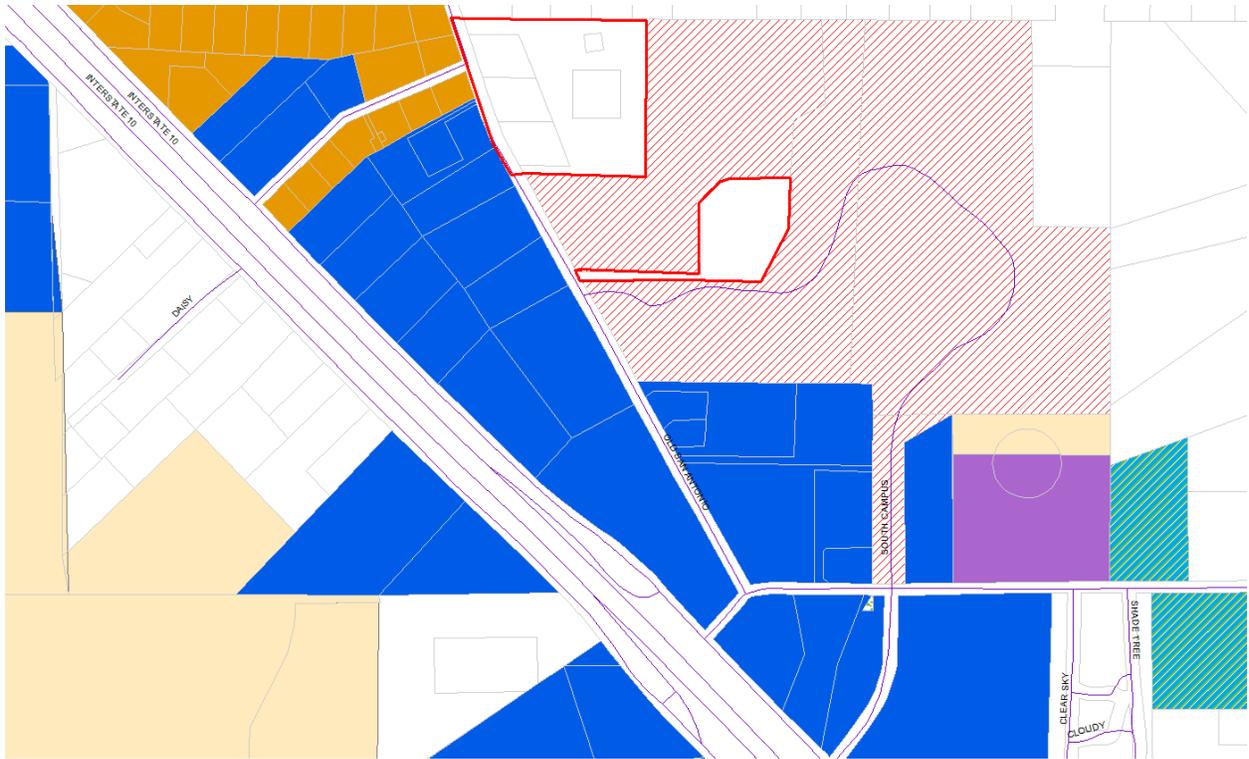
PATRICIA A. LONG
137 OLD SAN ANTONIO RD
BOERNE, TX 78006-3415

RE: The Proposed Annexation of 137 Old San Antonio Road (*PID: 41140*)

Dear Patricia Long,

The City Council has asked City staff to start the annexation of properties that are surrounded by the city limits and or have city limits adjacent to at least two property lines. This will be taking place throughout Boerne where conditions are favorable. We began with the encapsulated properties along West San Antonio Street and Calk Lane in 2013 and now we are looking at Old San Antonio Road area, please look at the attachment. Your property is one of those under consideration for annexation. The City of Boerne will soon be annexing Old San Antonio Road at the request of the County and it is only logical that all the properties that front Old San Antonio Road be in the City limits as well.

We will start the annexation process in early August. At that time the City Council will call for and set the public hearings to consider the annexation. This will be followed by two readings of the ordinance finalizing the annexation in late October. These actions will be taken at separate City Council meetings. The zoning of the property will follow shortly thereafter. The zoning will likely be reflective of those properties surrounding your location.



We have also attached the Municipal Service Plan for your property for your information.

If you have any questions pertaining to the process or anything else please feel free to give me call (830) 248-1541, e-mail me at cturk@ci.boerne.tx.us or stop by the office at 402 E. Blanco.

Sincerely,

Christopher Turk
Director of Planning and Community Development

MUNICIPAL SERVICE PLAN
For Annexation of 1.0 acres located at 137 Old San Antonio Road (PID 41140)
By Patricia Long

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

👉 **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.

👉 **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.

👉 **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.

_____ 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

July 27, 2015

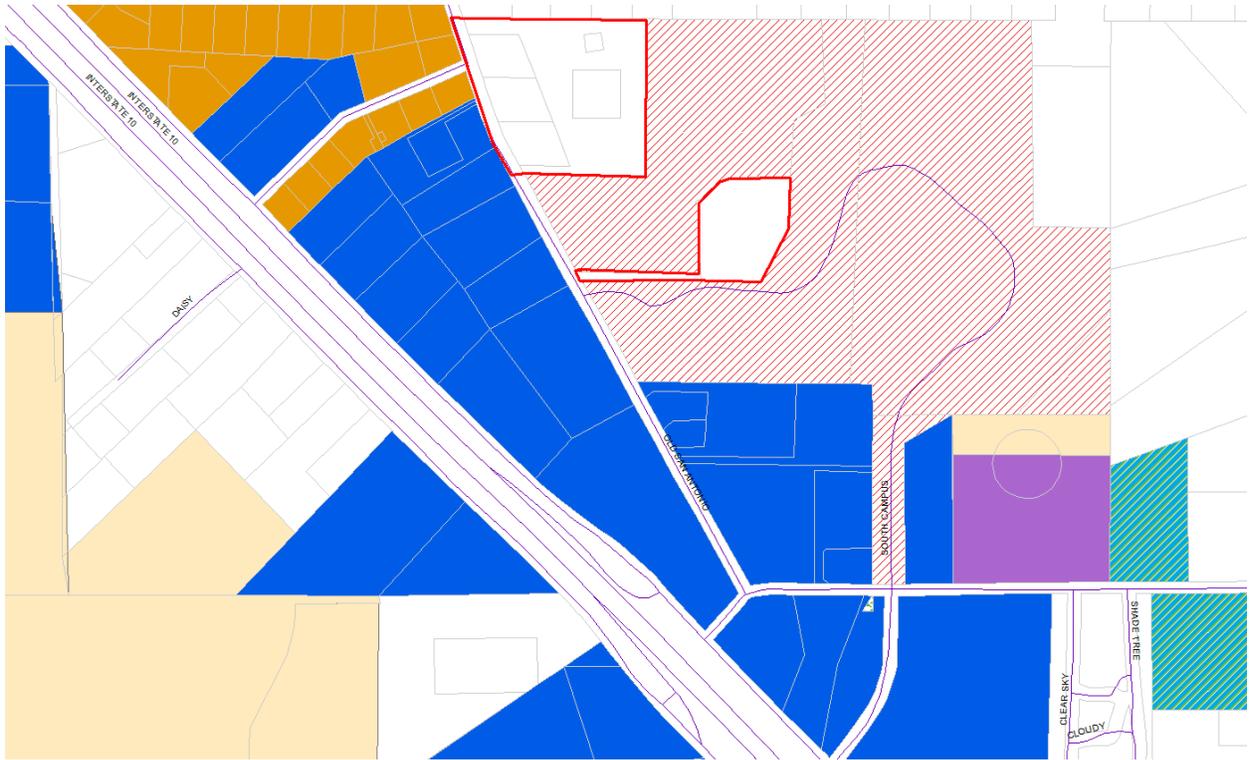
PATRICIA A. LONG
137 OLD SAN ANTONIO RD
BOERNE, TX 78006-3415

RE: The Proposed Annexation of 137 Old San Antonio Road (*PID: 46196*)

Dear Patricia Long,

The City Council has asked City staff to start the annexation of properties that are surrounded by the city limits and or have city limits adjacent to at least two property lines. This will be taking place throughout Boerne where conditions are favorable. We began with the encapsulated properties along West San Antonio Street and Calk Lane in 2013 and now we are looking at Old San Antonio Road area, please look at the attachment. Your property is one of those under consideration for annexation. The City of Boerne will soon be annexing Old San Antonio Road at the request of the County and it is only logical that all the properties that front Old San Antonio Road be in the City limits as well.

We will start the annexation process in early August. At that time the City Council will call for and set the public hearings to consider the annexation. This will be followed by two readings of the ordinance finalizing the annexation in late October. These actions will be taken at separate City Council meetings. The zoning of the property will follow shortly thereafter. The zoning will likely be reflective of those properties surrounding your location.



We have also attached the Municipal Service Plan for your property for your information.

If you have any questions pertaining to the process or anything else please feel free to give me call (830) 248-1541, e-mail me at cturk@ci.boerne.tx.us or stop by the office at 402 E. Blanco.

Sincerely,

Christopher Turk
Director of Planning and Community Development

MUNICIPAL SERVICE PLAN
For Annexation of .392 acres located at 137 Old San Antonio Road (PID 46196)
By Patricia Long

👉 **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.

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

👉 **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.

👉 **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.

👉 **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.

Date

Printed Name

Signature

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Notary Public In and For the State of Texas

July 27, 2015

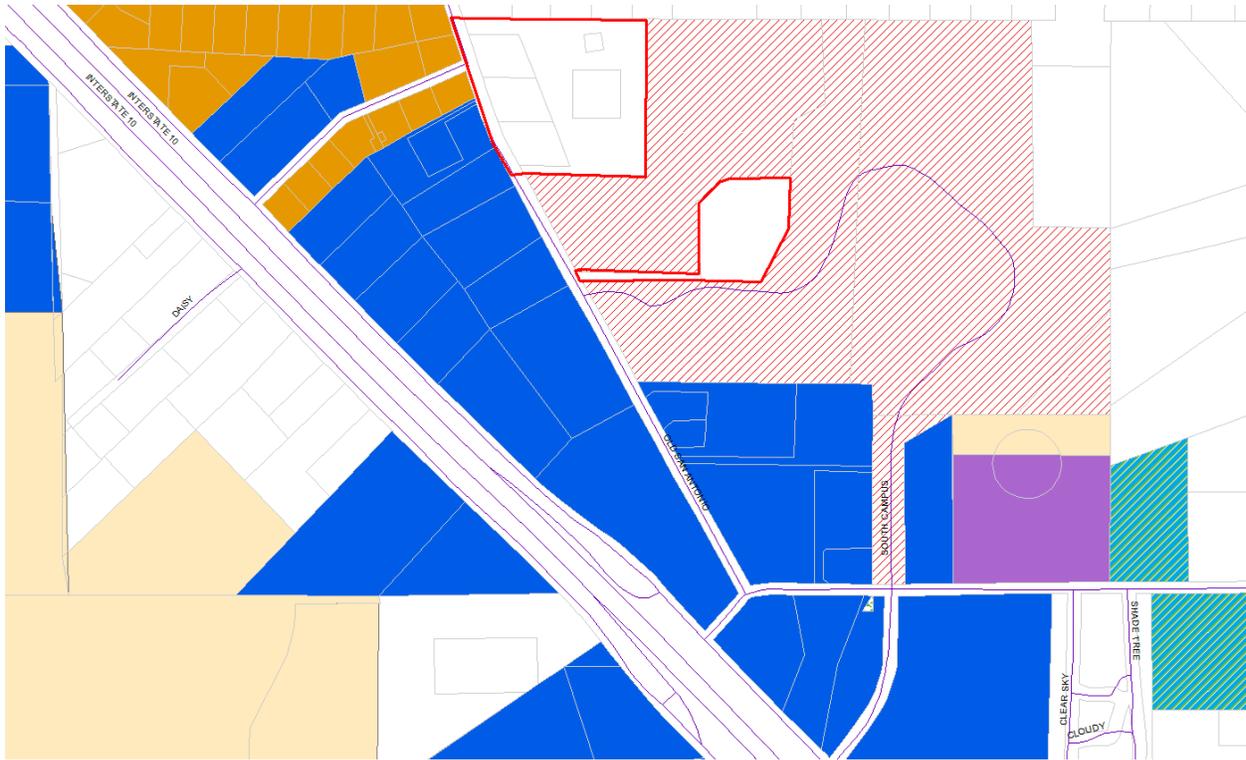
PATRICIA A. LONG
137 OLD SAN ANTONIO RD
BOERNE, TX 78006-3415

RE: The Proposed Annexation of 137 Old San Antonio Road (*PID: 290279*)

Dear Patricia Long,

The City Council has asked City staff to start the annexation of properties that are surrounded by the city limits and or have city limits adjacent to at least two property lines. This will be taking place throughout Boerne where conditions are favorable. We began with the encapsulated properties along West San Antonio Street and Calk Lane in 2013 and now we are looking at Old San Antonio Road area, please look at the attachment. Your property is one of those under consideration for annexation. The City of Boerne will soon be annexing Old San Antonio Road at the request of the County and it is only logical that all the properties that front Old San Antonio Road be in the City limits as well.

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We have also attached the Municipal Service Plan for your property for your information.

If you have any questions pertaining to the process or anything else please feel free to give me call (830) 248-1541, e-mail me at cturk@ci.boerne.tx.us or stop by the office at 402 E. Blanco.

Sincerely,

Christopher Turk
Director of Planning and Community Development

MUNICIPAL SERVICE PLAN
For Annexation of 2.503 acres located at 137 Old San Antonio Road (PID 290279)
By Patricia Long

👉 **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**

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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

_____ 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