

ORDINANCE NO. 2016-11

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 12th day of January, 2016, and the 26th day of January, 2016, 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 10.598 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 February, 2016.

PASSED, APPROVED, and ADOPTED on second reading this the 23rd day of February, 2016.

APPROVED:

s/s Michael D. Schultz
Mayor

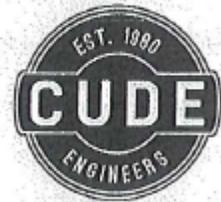
ATTEST:

s/s Lori A. Carroll
City Secretary

APPROVED AS TO FORM:

s/s Kirsten B. Cohoon
City Attorney

Exhibit A



**PROPERTY DESCRIPTION
OF**

10.598 acres of land out of the Jordan West Survey Number 187, Abstract Number 523, and the Antonio Cruz Survey Number 170, Abstract Number 97, Kendall County, Texas, also being out of a Lot 1A, Amending Plat of Hill Country Daily Bread Subdivision, recorded in Volume 7, Page 188, Plat Records of Kendall County, Texas, and also being out of Cascade Caverns Road, a varying width right-of-way; said Lot 1A being the same tract called Tract 1 and Tract 2 as described in a Warranty Deed with Reservation of Vendor's Lien dated May 28, 2009 to Hill Country Daily Bread Ministries, recorded in Volume 1168, Page 961, Official Records of Kendall County, Texas; said 10.598 acre tract being more particularly described as follows:

- BEGINNING:** At a point on the north right-of-way line of Cascade Caverns Road and on the east line of Lot 1, Ray Ranch Estates Subdivision, a subdivision recorded in Volume 1, Page 88, Plat Records of Kendall County, Texas, being the southwest corner of said Lot 1A, for the most westerly southwest corner of the herein described tract;
- Thence:** N02°51'37"W, with the west line of said Lot 1A and the east line of said Lot 1 and Lot 4 of said Ray Ranch Estates Subdivision, a distance of 791.70 feet to a point, being the northwest corner of said Lot 1A and the southwest corner of a 12.844 acre tract described in a Warranty Deed dated August 20, 2008 to Leslie Carter, recorded in Volume 1133, Page 836, Official Records of Kendall County, Texas, for the northwest corner of the herein described tract;
- Thence:** S87°16'56"E, with the north line of said Lot 1A and the south line of said 12.844 acre tract, a distance of 601.94 feet to a point on the west right-of-way line of Ranch Road, a varying width right-of-way, being the northeast corner of said Lot 1A, for the northeast corner of the herein described tract;
- Thence:** With the west right-of-way line of Ranch Road and the east line of said Lot 1A, the following:
S03°28'16"W, a distance of 316.44 feet for an angle point;
S02°52'03"W, a distance of 514.65 feet to a point at the intersection of the west right-of-way line of Ranch Road with the south right-of-way line of Cascade Caverns Road, for the southeast corner of the herein described tract;
- Thence:** S89°23'25"W, with the south right-of-way line of Cascade Caverns Road, the north line of a 2500.12 square feet tract described in a deed to Guadalupe Valley Telephone Cooperative, recorded in Volume 79, Page 98, Deed Records of Kendall County, Texas, and the north line of Lot 1B, Re-Subdivision of J. and J. Acres, a subdivision recorded in Volume 2, Page 165, Plat Records of Kendall County, Texas, a distance of 386.11 feet to a point, being the northwest corner of said Lot 1B and the northeast corner of Lot 1A of said Re-Subdivision of J. and J. Acres, for the most southerly southwest corner of the herein described tract;
- Thence:** N00°36'35"W, across Cascade Caverns Road, a distance of 73.20 feet to a point on the north right-of-way line of Cascade Caverns Road and the south line of said Lot 1A of said Hill Country Daily Bread Subdivision, for an interior corner of the herein described tract;
- Thence:** S89°23'08"W, with the north right-of-way line of Cascade Caverns Road and the south line of said Lot 1A, a distance of 130.00 feet to the **POINT OF BEGINNING** and containing 10.598 acres of land.

Note: Bearings are based on the plat for Hill Country Daily Bread Subdivision recorded in Volume 7, Page 188, Plat Records of Kendall County, Texas.

Exhibit plat accompanying this description of even date.

Project No. 02889.030
Date: August 25, 2014
G.L.

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

LESLIE CARTER
 (12.844 AC.)
 VOL.1133, PG.836, O.R.K.C.

LOT 4
 RAY RANCH ESTATES
 VOL.1, PG.88, P.R.K.C.

JORDAN WEST SURVEY NO. 187
 ABSTRACT NO. 523

HILL COUNTRY DAILY BREAD
 ANNEXATION TRACT
 10.598 AC.

LOT 1
 RAY RANCH ESTATES
 VOL.1, PG.88, P.R.K.C.

HILL COUNTRY DAILY
 BREAD MINISTRIES
 TRACT 1 (5.193 AC.)
 VOL.1168, PG.961,
 O.R.K.C.

HILL COUNTRY DAILY
 BREAD MINISTRIES
 TRACT 2 (4.945 AC.)
 VOL.1168, PG.961,
 O.R.K.C.

LOT 1A (9.874 AC.)
 HILL COUNTRY DAILY BREAD SUBDIVISION
 VOL.7, PG.188, P.R.K.C.

S89°23'08"W
 130.00'
 N00°36'35"W
 73.20'

CASCADE CAVERNS ROAD
 (R.O.W. WIDTH VARIES 60' MIN.)

ANTONIO CRUZ SURVEY NO. 170
 ABSTRACT NO. 97

LOT 1A
 RE-SUBDIVISION OF J. AND J. ACRES
 VOL.2, PG.165, P.R.K.C.

LOT 1B
 RE-SUBDIVISION OF
 J. AND J. ACRES
 VOL.2, PG.165, P.R.K.C.

G.V.T.C.
 (2500.12 SQ. FT.)
 VOL.79, PG.98,
 D.R.K.C.

RANCH ROAD
 (60' R.O.W.)
 S03°28'16"W 316.44'
 S02°52'03"W 514.65'
 (R.O.W. WIDTH VARIES)

SCALE: 1" = 200'

NOTES:

1. BEARINGS ARE BASED ON THE PLAT OF HILL COUNTRY DAILY BREAD SUBDIVISION RECORDED IN VOLUME 7, PAGE 188, PLAT 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 5663.21, 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

10.598 ACRES OF LAND OUT OF THE JORDAN WEST SURVEY NO. 187, ABSTRACT NO. 523, AND THE ANTONIO CRUZ SURVEY NO. 170, ABSTRACT NO. 97, KENDALL COUNTY, TEXAS, ALSO BEING OUT OF A LOT 1A, AMENDING PLAT OF HILL COUNTRY DAILY BREAD SUBDIVISION, RECORDED IN VOLUME 7, PAGE 188, PLAT RECORDS OF KENDALL COUNTY, TEXAS, AND ALSO BEING OUT OF CASCADE CAVERNS ROAD, A VARYING WIDTH RIGHT-OF-WAY; SAID LOT 1A BEING THE SAME TRACT CALLED TRACT 1 AND TRACT 2 AS DESCRIBED IN A WARRANTY DEED WITH RESERVATION OF VENDOR'S LIEN DATED MAY 28, 2009 TO HILL COUNTRY DAILY BREAD MINISTRIES, RECORDED IN VOLUME 1168, PAGE 961, OFFICIAL RECORDS OF KENDALL COUNTY, TEXAS.



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

DATE: AUGUST 25, 2014

JOB NO.: 02889.030

REPRODUCTION OF THE ORIGINAL SIGNED AND SEALED PLAN BY ANY ELECTRONIC MEANS MAY HAVE BEEN REMOVED OR ALTERED. CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE SCALE OF THE DOCUMENT AND CONTACTING CODE ENGINEERS TO VERIFY DISCREPANCIES PRIOR TO CONSTRUCTION.

Exhibit B

MUNICIPAL SERVICE PLAN

For Annexation of 10.598 acres located at 38 Cascade Caverns Road (KAD 46739)

By Hill Country Daily Bread

⌚ **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 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 at the southwest corner 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 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.

01/04/2016
Date

Agnes Hubbard
Printed Name

Agnes Hubbard
Signature

This Municipal Service Plan was acknowledged before me on the 4th day of January, 2016.

Rachel Guajardo
Notary Public In and For the State of Texas

