

ORDINANCE NO. 2016-23

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 26th day of April, 2016, and the 10th day of May, 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 88.967 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.

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: 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 24th day of May, 2016.

PASSED, APPROVED, and ADOPTED on second reading this the 14th day of June, 2016.

APPROVED:

s/s Michael D. Schultz
Mayor

ATTEST:

s/s Lori A. Carroll
City Secretary

APPROVED AS TO FORM:

s/s Kirsten Cohoon
City Attorney



**PROPERTY DESCRIPTION
OF**

An 88.967 acre tract of land out of the J. R. Arocha Survey No. 171, Abstract No. 2, Kendall County, Texas, being all of a 10.495 acre tract of land described in a Special Warranty Deed with Vendors Lien dated July 31, 2015 to ML & E – Landquest Cascade Caverns, L.L.C., recorded in Volume 1480, Page 764, all of a 24.334 acre tract of land described in a Special Warranty Deed dated July 16, 2015 to Pulte Homes of Texas, L.P., recorded in Volume 1478, Page 559, a portion of a 21.496 acre tract of land (designated as Tract 2) described in a Warranty Deed with Vendor's Lien dated August 20, 2008 to Terry D. Adams and Sylvia P. Adams, recorded in Volume 1133, Page 839, a portion of a 33.705 acre tract of land described in a Special Warranty Deed dated July 16, 2015 to ML & E - Landquest Cascade Caverns, L.L.C., recorded in Volume 1478, Page 481, and a portion of a 29.873 acre tract of land described in a Special Warranty Deed dated July 15, 2015 to ML & E - Landquest Cascade Caverns, L.L.C., recorded in Volume 1478, Page 492, all in the Official Records of Kendall County, Texas, also all of Lots 1 and 2, Ranch Land Subdivision, a subdivision recorded in Volume 4, Page 33, Plat Records of Kendall County, Texas, and also a portion of Cascade Caverns Road (a varying width right-of-way at this point) and a portion of Ranch Drive (a varying width right-of-way at this point), both lying in Kendall County, Texas; said 88.967 acres being more particularly described as follows:

- Beginning:** At a point in the intersection of the west and south right-of-way lines of said Cascade Caverns Road, for the northeast corner of a Lot 1B, a re-subdivision of J. and J. Acres recorded in Volume 2, Page 165, Plat Records of Kendall County, Texas, and the most westerly southwest corner of the herein described tract;
- Thence:** N02°52'03"E, along the projected west right-of-way line of said Cascade Caverns Road, passing the intersection of the north right-of-way line of said Cascade Caverns Road and the west right-of-way line of said Ranch Drive, at a distance of 151.13 feet, continuing along the west right-of-way line of said Ranch Drive and the east line of a 4.945 acre tract of land described as "Tract 2" and recorded in Volume 1168, Page 961, Official Records of Kendall County, Texas, a total distance of 514.65 feet to a point for an angle point of the herein described tract;
- Thence:** N03°28'16"E, continuing with the west right-of-way line of said Ranch Drive and the east line of said 4.945 acre tract, a distance of 316.44 feet to a point in the south line of a 12.844 acre tract of land as described and recorded in Volume 1133, Page 836, Official Records of Kendall County, Texas, for an angle point in the west right-of-way line of said Ranch Drive and a northwest corner of the herein described tract;

- Thence: S87°16'56"E, with a north right-of-way line of said Ranch Drive and the south line of said 12.844 acre tract, a distance of 10.00 feet to a point for the southeast corner of said 12.844 acre tract and an interior corner of the herein described tract;
- Thence: N03°28'16"E, continuing with the west right-of-way line of said Ranch Drive and the east line of said 12.844 acre tract, a distance of 52.91 feet to a point for a northwest corner of the herein described tract;
- Thence: S89°43'00"E, leaving the west right-of-way line of said Ranch Drive and the east line of said 12.844 acre tract, crossing said Ranch Drive and along the north line of said Lot 2, Kendall Ranch Land Subdivision and the south lines of Lots 1, 2 and 3 of said Kendall Ranch Estates, a distance of 1327.78 feet to a point for the northeast corner of said Lot 2, Kendall Ranch Land Subdivision and the northwest corner of said 21.496 acre tract for an angle point of the herein described tract;
- Thence: N89°54'45"E, along the north line of said 21.496 acre tract and continuing along the south line of said Lot 3, a distance of 267.29 feet to point, and N89°37'28"E, a distance of 15.25 feet to point for the southeast corner of said Lot 3 and the southwest corner of Lot 4 of said Kendall Ranch Estates for an angle point of the herein described tract;
- Thence: S89°53'55"E, continuing along the north line of said 21.496 acre tract and the south line of said Lot 4, a distance of 179.19 feet to a point for the northeast corner of said 21.496 acre tract and the northwest corner of said 29.873 acre tract for an angle point of the herein described tract;
- Thence: S89°41'43"E, along the north line of said 29.873 acre tract and continuing along the south line of said Lot 4, a distance of 301.68 feet to a point for the southeast corner of said Lot 4 and the southwest corner of Lot 5 of said Kendall Ranch Estates for an angle point of the herein described tract;
- Thence: S89°45'55"E, continuing along the north line of said 29.873 acre tract and the south line of said Lot 5, a distance of 450.12 feet to a point for the southeast corner of said Lot 5 and the southwest corner of a 11.302 acre tract of land described and recorded in Volume 109, Page 816, Deed Records of Kendall County, Texas, for an angle point of the herein described tract;
- Thence: N89°49'30"E, continuing along the north line of said 29.873 acre tract and the south line of said 11.302 acre tract, a distance of 7.41 feet to a point for the northeast corner of the herein described tract, from which a point in the west right-of-way line of Cascade Caverns Road (a 50 feet wide right-of-way at this point) for the northeast corner of said 29.873 acre tract bears N89°49'30"E, 696.75 feet;
- Thence: S00°49'05"W, leaving the north line of said 29.873 acre tract and the south line of said 11.302 acre tract, a distance of 333.33 feet to a point for an interior corner of said 29.873 acre tract, the northwest corner of a 7.893 acre tract of land described and recorded in Volume 1290, Page 962, Official Records of Kendall County, Texas, and an angle point of the herein described tract;

- Thence: Along an east line of said 29.873 acre tract and the west line of said 7.893 acre tract the following four (4) courses:
S00°38'34"W, a distance of 226.91 feet to point for an angle point,
S01°07'07"W, a distance of 142.92 feet to a point for an angle point,
S00°55'46"W, a distance of 186.12 feet to a point for an angle point, and
S04°39'57"W, a distance of 5.02 feet to a point for the southwest corner of said 7.893 acre tract, the northwest corner of a 6.001 acre tract of land described and recorded in Volume 553, Page 710, Official Records of Kendall County, Texas, and an angle point of the herein described tract;
- Thence: S00°37'10"W, continuing along an east line of said 29.873 acre tract and the west line of said 6.001 acre tract, a distance of 263.85 feet to a point for the southwest corner of said 6.001 acre tract, the northwest corner of a 3.000 acre tract of land described and recorded in Volume 1299, Page 1056, Official Records of Kendall County, Texas, and an angle point of the herein described tract;
- Thence: S00°36'48"W, continuing along an east line of said 29.873 acre tract, the west line of said 3.000 acre tract, and the west line of a remaining portion of a 12.079 acre tract of land described and recorded in Volume 262, Page 841, Official Records of Kendall County, Texas, a distance of 235.43 feet to a point for a southeast corner of said 29.873 acre tract, the most easterly northeast corner of said 24.334 acre tract, the southwest corner of said 12.079 acre tract, the northwest corner of a 10.158 acre tract of land described and recorded in Volume 262, Page 841, Official Records of Kendall County, Texas, and an angle point of the herein described tract;
- Thence: S00°51'40"W, along the east line of said 24.334 acre tract and the west line of said 10.158 acre tract, a distance of 320.16 feet to a point for the southeast corner of said 24.334 acre tract and the southeast corner of the herein described tract;
- Thence: along the south lines of said 24.334 acre tract the following ten (10) courses:
N40°00'00"W, a distance of 47.60 feet to a point for an interior corner,
S56°55'54"W, a distance of 230.53 feet to a point for a point of curvature of a non-tangent curve to the left,
33.14 feet with the arc of said curve to the left, having a radius of 170.00 feet, a central angle of 11°10'10", and a chord which bears N38°39'11"W, 33.09 feet to a point for a point of non-tangency and an interior corner,
S45°41'57"W, a distance of 120.14 feet to a point for an angle point,
N86°55'54"W, a distance of 23.90 feet to a point for an angle point,
S89°20'30"W, a distance of 111.32 feet to a point for an angle point,
S81°32'07"W, a distance of 60.00 feet to a point for a southwest corner,

N08°49'33"W, a distance of 18.54 feet to point for an interior corner,
 S80°48'46"W, a distance of 123.23 feet to a point for an interior corner, and
 S08°00'00"E, a distance of 40.64 feet to a point for a southeast corner of said 24.334 acre tract and a southeast corner of the herein described tract;

- Thence: N89°00'24"W, a distance of 36.58 feet to a point for an interior corner of the herein described tract;
- Thence: S01°52'48"W, a distance of 30.00 feet to a point in a south line of said 24.334 acre tract for a southeast corner of the herein described tract;
- Thence: N89°00'24"W, along a south line of said 24.334 acre tract, a distance of 570.32 feet to a point in the east line of a 23.629 acre tract of land as described and recorded in Volume 108, Page 621, Deed Records of Kendall County, Texas, for a southwest corner of said 24.334 acre tract and a southwest corner of the herein described tract;
- Thence: N00°57'34"E, along a west line of said 24.334 acre tract and the east line of said 23.629 acre tract, a distance of 578.27 feet to a point for an interior corner of said 24.334 acre tract, the northeast corner of said 23.629 acre tract, and an interior corner of the herein described tract;
- Thence: N88°32'25"W, along a south line of said 24.334 acre tract and the north line of said 23.629 acre tract, a distance of 309.70 feet to a point for a southwest corner of said 24.334 acre tract and a southwest corner of the herein described tract;
- Thence: N14°20'18"E, leaving the north line of said 23.629 acre tract, along a west line of said 24.334 acre tract, a distance of 103.41 feet to a point for the southeast corner of said 10.495 acre tract and an interior corner of the herein described tract;
- Thence: N89°27'06"W, leaving a west line of said 24.334 acre tract, along the south line of said 10.495 acre tract, a distance of 722.53 feet to a point for the southwest corner of said 10.495 acre tract, the southeast corner of a 3.125 acre tract of land as described and recorded in Volume 1284, Page 789, Official Records of Kendall County, Texas, and a southwest corner of the herein described tract;
- Thence: N01°35'20"E, along the west line of said 10.495 acre tract and the east line of said 3.125 acre tract, a distance of 528.53 feet to a point in the south line of said 33.705 acre tract for the northwest corner of said 10.495 acre tract, the northeast corner of said 3.125 acre tract, and an interior corner of the herein described tract;
- Thence: S69°45'37"W, along the south line of said 33.705 acre tract and the north line of said 3.125 acre tract, a distance of 310.72 feet to a point in the east right-of-way line of said Cascade Caverns Road for an interior corner of the herein described tract;
- Thence: S01°31'45"W, along the west line of said 3.125 acre tract and the east right-of-way line of said Cascade Caverns Road, a distance of 54.99 feet to a point for a southeast corner of the herein described tract;

Thence: S89°23'25"W, leaving the west line of said 3.125 acre tract and the east right-of-way line of said Cascade Caverns Road, a distance of 56.34 feet to the **POINT OF BEGINNING** and containing 88.967 acres of land.

Note: Basis of Bearings is the Texas State Plane Coordinate System, South Central Zone (4204), NAD 83 (93).

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.

Job No. 02889.060
March 9, 2016
JLJ





4252 Shepherd Blvd, Suite 200
Fort Worth, Texas 76105
P: 817.342.1211 F: 817.342.1122

**EXHIBIT OF
88.967 ACRE ANNEXATION TRACT**
KENDALL COUNTY, TEXAS

DATE
MARCH 9, 2016

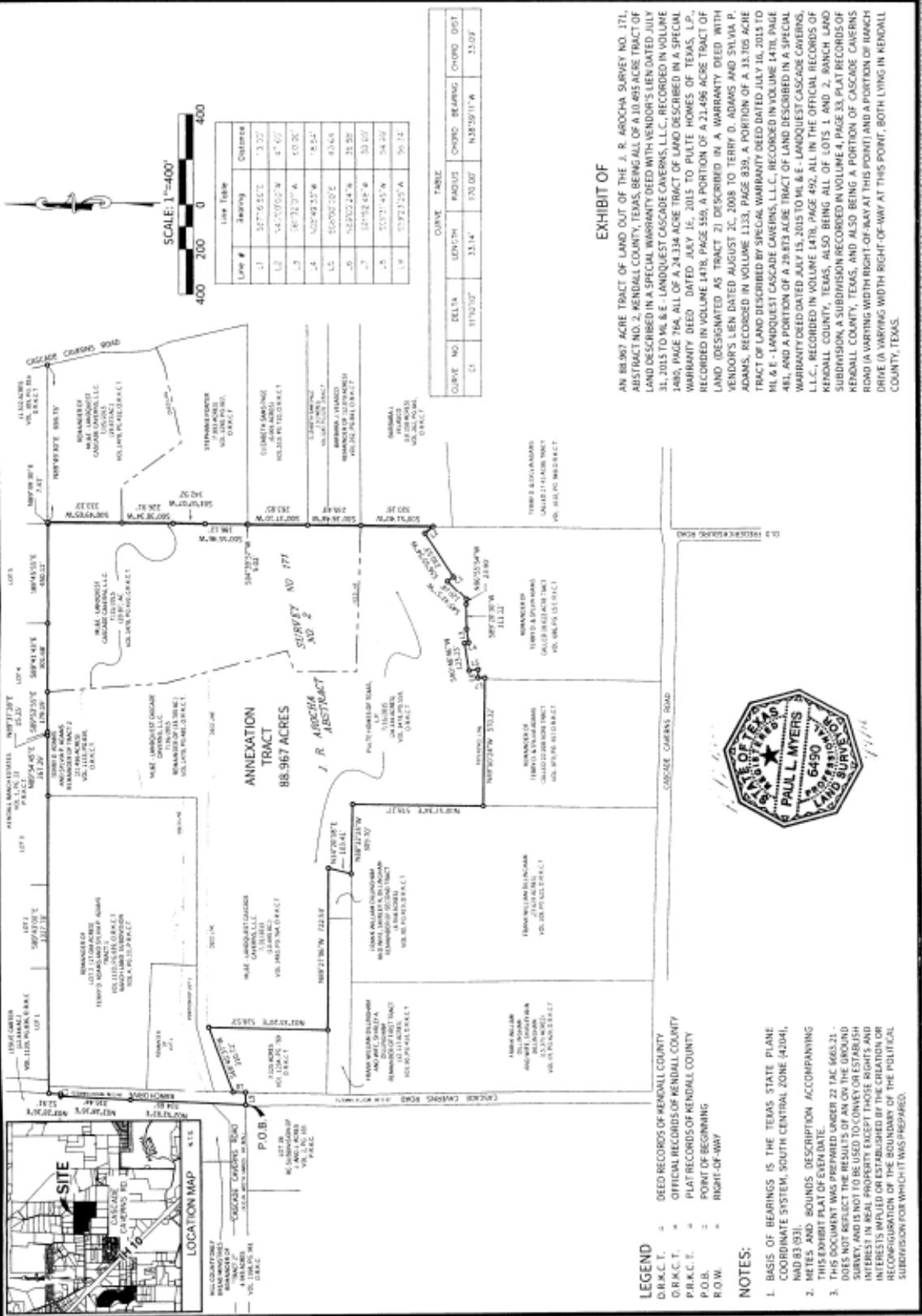
PROJECT NO.
02889.060

DRAWN BY
J.G.R.

CHECKED BY
P.L.M.

CUDE ENGINEERS
TYPE No. 405
TEPLS No. 10046900

PAGE 6 OF 6



Line Table

Line #	Bearing	Distance
1	S 27° 16' 55.0" E	73.32'
2	S 47° 05' 02.0" W	47.02'
3	S 67° 32' 07.0" W	103.20'
4	S 22° 49' 23.0" W	18.54'
5	S 50° 02' 39.2" E	43.64'
6	S 23° 02' 24.8" W	31.28'
7	S 1° 18' 48.9" W	31.10'
8	S 57° 31' 45.0" W	54.92'
9	S 73° 32' 25.0" W	59.14'

CHORD TABLE

CURVE NO.	DELTA	LENGTH	RADIUS	CHORD BEARING	CHORD DIST.
1	117° 02' 07.0"	33.14'	170.00'	N 81° 59' 11.0" W	33.07'

EXHIBIT OF

AN 88.967 ACRE TRACT OF LAND OUT OF THE J. R. ARCOCHA SURVEY NO. 171, ABSTRACT NO. 2, KENDALL COUNTY, TEXAS, BEING ALL OF A 10.495 ACRE TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED WITH VENDOR'S LIEN DATED JULY 31, 2015 TO M.L.E. LANDQUEST CASCADE CAVERNS, L.L.C., RECORDED IN VOLUME 1480, PAGE 794, ALL OF A 24.334 ACRE TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED DATED JULY 16, 2015 TO PULTE HOMES OF TEXAS, L.P., RECORDED IN VOLUME 1478, PAGE 599, A PORTION OF A 21.486 ACRE TRACT OF LAND (DESIGNATED AS TRACT 2) DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN DATED AUGUST 20, 2008 TO TERRY D. ADAMS AND SYLVIA P. ADAMS, RECORDED IN VOLUME 1133, PAGE 839, A PORTION OF A 33.709 ACRE TRACT OF LAND DESCRIBED BY SPECIAL WARRANTY DEED DATED JULY 16, 2015 TO M.L.E. LANDQUEST CASCADE CAVERNS, L.L.C., RECORDED IN VOLUME 1478, PAGE 481, AND A PORTION OF A 39.873 ACRE TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED DATED JULY 15, 2015 TO M.L.E. LANDQUEST CASCADE CAVERNS, L.L.C., RECORDED IN VOLUME 1478, PAGE 492, ALL IN THE OFFICIAL RECORDS OF KENDALL COUNTY, TEXAS, ALSO BEING ALL OF LOTS 1 AND 2, BUNCH LAND SUBDIVISION, A SUBDIVISION RECORDED IN VOLUME 4, PAGE 53, PLAT RECORDS OF KENDALL COUNTY, TEXAS, AND ALSO BEING A PORTION OF CASCADE CAVERNS ROAD (A VARYING WIDTH RIGHT-OF-WAY AT THIS POINT) AND A PORTION OF BRANCH DRIVE (A VARYING WIDTH RIGHT-OF-WAY AT THIS POINT), BOTH LYING IN KENDALL COUNTY, TEXAS.



- LEGEND**
- D.R.K.C.T. = DEED RECORDS OF KENDALL COUNTY
 - O.R.K.C.T. = OFFICIAL RECORDS OF KENDALL COUNTY
 - P.R.K.C.T. = PLAT RECORDS OF KENDALL COUNTY
 - P.O.B. = POINT OF BEGINNING
 - P.O.W. = RIGHT-OF-WAY
- NOTES:**
1. BASIS OF BEARINGS IS THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD 83 (93).
 2. METES AND BOUNDS DESCRIPTION ACCOMPANYING THIS EXHIBIT PLAT OF EVEN DATE.
 3. THIS DOCUMENT WAS PREPARED UNDER 22 TAC 6683.21 - 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 OTHERWISE DERIVED BY THE CREATOR OR SUBDIVISION FOR WHICH IT WAS PREPARED.

I HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL SURVEYOR IN THE STATE OF TEXAS AND THAT I AM THE AUTHOR OF THIS SURVEY. I AM NOT PROVIDING ANY GUARANTEE OR WARRANTY FOR THE ACCURACY OF THIS SURVEY. I AM NOT PROVIDING ANY GUARANTEE OR WARRANTY FOR THE ACCURACY OF THIS SURVEY.