

ORDINANCE NO. 2015-09

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 24th day of February, 2015, and the 10th day of March, 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 7.596 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 24th day of March, 2015.

PASSED, APPROVED, and ADOPTED on second reading this the 14th day of April, 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"

Fieldnotes for 0.383 of an acre of land, more or less, out of the Antonio Cruz Survey No. 170, Abstract No. 97 in Kendall County, Texas (locations and configurations of any original patents, etc. on or adjoining this tract are approximate, said patents, etc. were not researched or located on the ground. Patent problems and/or conflicts may exist.) and being the 1.00 acre tract of land conveyed to Leslie C. Fuller, III and wife, Cathy M. Fuller recorded in Volume 137, Page 144 – Kendall County Deed Records, SAVE AND EXCEPT the 0.618 of an acre of land conveyed to Clifford A. Webster and wife, Julia K. Webster recorded in Volume 147, Page 916 – Kendall County Deed Records, said 0.383 of an acre of land, more or less, being more particularly described as follows:

Found 1/2" iron pins at all corners except where noted.

Reference is made to a 12" x 18" plat of 0.383 of an acre of land dated May 4, 2011 accompanying these fieldnotes.

BEGINNING at a found iron pin on the northerly line of the adjoining Jimmie Adam Farm, Ltd. 48.547 acre tract recorded in Volume 996, Page 666 – Kendall County Official Records for the southeast corner of the above referenced 1.00 acre tract and the southeast corner of this tract.

Thence North 89 deg. 02' 29" West, along the south line of the above referenced 1.000 acre tract and the north line of the above referenced adjoining Jimmie Adam Farm, Ltd. 48.547 acre tract, 197.43 feet to a found iron pin for the southeast corner of the above referenced 0.618 acre tract, the southeast corner of the adjoining 1.627 acre tract conveyed to Michael W. Buie recorded in Volume 1247, Page 970 – Kendall County Official Records and the southwest corner of this tract.

Thence North 46 deg. 10' 30" East, (Bearing Base Used: Reference adjoining Volume 1247, Page 970 – Kendall County Official Records) along the common southeasterly line of the above referenced 0.618 acre tract and southeasterly line of the above referenced adjoining Buie 1.627 acre tract, 204.58 feet to a found iron pin on the southwesterly line of Interstate Highway No. 10 for the east corner of the 0.618 acre tract, the east corner of the above referenced adjoining Buie 1.627 acre tract and the north corner of this tract.

Thence South 44 deg. 06' 00" East, along the southwesterly line of Interstate Highway No. 10, 76.06 feet to a set P-K nail in concrete for a northerly corner of the above referenced adjoining Jimmie Adam Farm, Ltd. 48.547 acre tract, the northeasterly corner of above referenced 1.00 acre tract and the northeasterly corner of this tract.

Thence South 01 deg. 58' 40" West, along the easterly of the above referenced 1.000 acre tract and a westerly line of the above referenced adjoining Jimmie Adam Farm, Ltd. 48.547 acre tract, 90.40 feet to THE PLACE OF BEGINNING.

STATE OF TEXAS #
COUNTY OF KENDALL #

Fieldnotes for 1.627 acres of land, more or less, out of the Antonio Cruz Survey No. 170, Abstract No. 97 in Kendall County, Texas (location and/or configurations of any original patents, etc. are approximate, said patents, etc. were not researched or located on the ground. Patent problems and/or conflicts may exist) being the same tract of land (as found monumented on the ground) recorded in Volume 267, Page 470 - Kendall County Official Records; said 1.627 acres of land, more or less, being more particularly described as follows:

All iron pins cited are 1/4" diameter.

Referenced is made to a 12" X 18" plat of 1.627 acres and a two page fieldnote description of 1.082 acres of land dated July 19, 2000 & December 14, 2000 accompanying these fieldnotes.

BEGINNING at a found iron for the southwest corner of this tract and the southeasterly corner of the adjoining 5.587 acre tract conveyed to Robert D. Buie, et ux recorded in Volume 469, Page 23 - Kendall County Official Records.

Thence along the southeasterly lines of the above referenced Buie 5.587 acre tract,

North 11° 41' 01" East, 177.74 feet to a found iron pin for the northwest corner of this tract, and

North 76° 47' 20" East, 287.76 feet to a found iron pin on the southwesterly line of Interstate Highway No. 10 for the easterly corner of the above referenced Buie

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EXHIBIT "A"
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MUNICIPAL SERVICE PLAN

For Annexation of 7.596 acres located at 20875 IH-10 West (PID 63761, 12288 and 12202)

By Michael W. Bule

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 along the west side of Scenic Loop Road at IH-10 and at Enterprise Parkway.

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 at the east end of Enterprise Parkway.

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 within the area of annexation.

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 '
,
COUNTY OF KENDALL '

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

2-27-15
Date

Michael Bue
Printed Name

[Signature]
Signature

This Municipal Service Plan was acknowledged before me on the 27th day of February, 2015.

[Signature]
Notary Public In and For the State of Texas



Fieldnotes for 5.586 acres of land, more or less, out of the Antonio Cruz Survey No. 170, Abstract No. 97 in Kendall County, Texas (locations of any original patents, etc. are approximate, said patents, etc. were not researched or located on the ground), and also being all of a 5.587 acre tract of land, more or less, conveyed to Robert D. Buie, et ux recorded in Volume 469, Page 23 - Kendall County Official Records; said 5.586 acres of land, more or less, being more particularly described as follows:

All iron pins cited are $\frac{1}{4}$ " diameter.

Reference is made to an 18" x 24" plat of 5.586 acres accompanying these field notes.

BEGINNING at a found iron pin in asphalt on the westerly right-of-way line of Interstate Highway No. 10 for the southeast corner of this tract and the northeast corner of the adjoining 1.626 acre tract of land conveyed to David A. Parsons, et ux recorded in Volume 267, Page 470 - Kendall County Official Records.

Thence along the northerly and westerly lines of the above referenced Parsons 1.626 acre tract,

South $76^{\circ} 47' 20''$ West, 287.76 feet to a found iron pin for the northwest corner of said Parsons 1.626 acre tract, and

South $11^{\circ} 41' 01''$ West, 177.74 feet to a found iron pin for the southwest corner of said Parsons 1.626 acre tract.

Thence North $88^{\circ} 56' 39''$ West, 568.74 feet to a found iron pin by fence corner for the southeast corner of the adjoining 2.00 acre tract of land conveyed to Harold R. Pruitt recorded in Volume 204, Page 489 - Kendall County Official Records and the southwest corner of this tract.

Thence along the east line of the above mentioned Pruitt 2.00 acre tract,

North $02^{\circ} 04' 23''$ West, 338.96 feet to a found iron pin by fence corner for the northeast corner of the above referenced Pruitt 2.00 acre tract and the northwest corner of this tract.

Thence North $89^{\circ} 36' 17''$ East, 785.79 feet to a found iron pin on the westerly right-of-way line of Interstate Highway No. 10 for the southeast corner of the adjoining 4.00 acre tract of land conveyed to Eugene Michels, Jr., et ux described in Volume 402, page 104 - Kendall County Official Records and the northeast corner of this tract.

Thence along the westerly right-of-way line of Interstate Highway No. 10,

South $44^{\circ} 06'$ East (Bearing base used - REF: Texas Highway Department Interstate Highway 10 right-of-way map), 159.88 feet to the PLACE OF BEGINNING.