

RESOLUTION NO. 2023-R59

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, ACCEPTING THE REQUEST AND SETTING THE DATE, TIME AND PLACE FOR A PUBLIC HEARING ON THE PROPOSED ANNEXATION OF A PORTION OF RIGHT-OF-WAY ON INTERSTATE HIGHWAY 10, 12 SPENCER ROAD (KAD. NO. 37948), 2B SPENCER ROAD (KAD. NO. 37947), 2 SPENCER ROAD (KAD. NO. 14354), 8 SPENCER ROAD (KAD. NO. 36891), A PORTION OF RIGHT-OF-WAY ALSO KNOWN AS SPENCER ROAD, A PORTION OF 10 SPENCER ROAD (KAD. NO. 14916) AND A PORTION OF WEST STATE HIGHWAY 46 (KAD. NO. 14918) BY THE CITY OF BOERNE, TEXAS; AUTHORIZING AND DIRECTING THE PUBLICATION OF NOTICE OF SUCH PUBLIC HEARING; AND CONSIDER APPROVAL OF A MUNICIPAL SERVICE PLAN AGREEMENT

WHEREAS, Chapter 43 of the Texas Local Government Code and Section 2.02 of the City Charter of the City of Boerne, Texas, an incorporated city, authorizes the annexation of territory, subject to the laws of this state; and

WHEREAS, the City of Boerne, Forestar (USA) Real Estate Group, Inc., Matkin Properties, LP, Equity Trust Company Custodian FBO Harold T. duPerier III IRA, and Equity Trust Company Custodian FBO John-Mark Matkin IRA entered into the Spencer Ranch Development Agreement on June 16, 2021; and

WHEREAS, Section 1.01 of the Spencer Ranch Development Agreement states that the development agreement constitutes a voluntary petition to the City for annexation of the Forestar Property and the Frontage Owners' Property for full purposes under the provisions of Subchapter C-3 of Chapter 43 of the Code; and

WHEREAS, the City of Boerne, Texas has received a written request (Spencer Ranch Development Agreement) from the property owners, for annexation of approximately 34.199 acres, more or less, a portion of right-of-way on Interstate Highway 10, 12 Spencer Road, 2B Spencer Road, 2 Spencer Road, 8 Spencer Road (KAD. Nos. 37948, 37947, 14354, 36891), a portion of right-of-way also known as Spencer Road, and a portion of West State Highway 46 (KAD. No. 14918) in Kendall County, Texas.

WHEREAS, said tract of land is contiguous and adjacent to the City of Boerne, Texas and is not more than one-half (1/2) mile in width:

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS:

Section 1. The facts, findings, recitations contained in the preamble of this resolution hereby found and declared to be true and correct and are incorporated by reference herein and expressly made part hereof, as it copied herein verbatim.

Section 2. On the 12th day of September, 2023, in the Ronald C. Bowman City Council Chambers located at 447 N Main Street, Boerne, Texas, the City Council will hold a public hearing giving all interested persons the right to appear and be heard on the proposed annexation by the City of Boerne, Texas of the following described property, to wit:

BEING a 1.633 acre tract of land out of the Antonio Lockmar Survey No. 178, Abstract No. 311, Kendall County, Texas, being a portion of Interstate Highway No. 10 right-of-way, said tract being more fully described in attached Exhibit "A".

BEING a 22.653 acre tract of land, located in the Anton Lockmar Survey No. 178, Abstract No. 311, and the Newton and Taylor Survey No. 179, Abstract No. 360, Kendall County, Texas, and being comprised of a called 13.422 acre tract of land of Record in Volume 1418, Page 664, a called 2.070 acre tract of land of record in Volume 984, Page 789a, a called 4.691 acre tract of land of record in Volume 891, Page 134, all of the Official Records, Kendall County, Texas and all of Spencer Hill Executive Offices Condominium Plat recorded in Volum 6, Pages 180-181 of the Plat Records of Kendall County, Texas. Said 22.653 acre tract being more fully described in attached Exhibit "B".

BEING a 1.122 of one acre tract of land located in the Newton & Taylor Survey No. 179, Abstract No. 360, Kendall County, Texas, and being across the existing Spencer Road right-of-way, no record found. Said 1.122 of one acre tract being more fully described in attached Exhibit "C".

BEING a 5.984 acre tract of land located in the Newton & Taylor Survey No. 179, Abstract No. 360, Kendall County, Texas, and being across a called 5.059 acre tract of land as described of record in Document No. 2021-359757, and a called 20.115 acre tracts of land as described in Document No. 2021-359756, both of the Official Public Records of Kendall County. Said 5.984 acre tract being more fully described in attached Exhibit "D".

BEING a 2.807 acre tract of land located in the Newton & Taylor Survey No. 179, Abstract No. 360, Kendall County, Texas, and being across the existing State Highway 46, an 80' wide right-of-way per the Texas Department of Transportation right-of-way map, Control 1042, Section 2, Job 1. Said 2.807 acre tract being more fully described in attached Exhibit "E".

Section 2. The City Council accepts the municipal service agreements shown in Exhibit "F" and Exhibit "G".

Section 3. The Mayor of the City of Boerne is hereby authorized and directed to cause notice of such Public Hearing to be published once in a newspaper having general circulation in the City on or after the 10th day but before the 20th day before the date of said hearing. The notice for said hearing must be posted on the City's Internet website on or after the 10th day but before the 20th day before the date of the hearing and must remain posted until the date of the hearing. (Section 43.063(c) Texas Local Government Code)

Section 4. This Resolution shall become effective immediately upon its adoption.

PASSED, APPROVED, and ADOPTED on this the ____ day of August, 2023.

APPROVED:

Mayor

ATTEST:

City Secretary

PFEIFFER LAND SURVEYING

918 Adler Street, Boerne, Texas 78006
Phone: 830-249-3385

FIELD NOTES FOR A 1.633 ACRE TRACT OF LAND

Being a 1.633 acre tract of land out of the Antonio Lockmar Survey No. 178, Abstract No. 311, Kendall County, Texas, being a portion of Interstate Highway No. 10 right of way, said 1.633 acre tract of land being more particular described by metes and bounds as follows:

Beginning at a point in the southwest right of way of Interstate Highway No. 10 at the east corner of a 10.022 acre tract recorded in Volume 104, Pages 824-827, Deed Records, Kendall County, Texas, the westernmost north corner of a 13.422 acre tract recorded in Volume 1418, Pages 664-670, Official Records, Kendall County, Texas, the south corner the City of Boerne Ordinance No. 2022-09, annexing an 8.621 acre tract of land, said point being the west corner of the tract herein described;

Thence, crossing Interstate Highway No. 10 right of way with the southeast line of said 8.621 acre tract, **North 38 degrees 49 minutes 49 seconds East**, a distance of **435.03 feet** to a point in the northeast right of way of Interstate Highway No. 10, the southwest line of The Woods of Frederick Creek, Unit 2, recorded in Volume 6, Pages 323-327, Plat Records, Kendall County, Texas, said point being the north corner of the tract herein described;

Thence, with the northeast right of way of Interstate Highway No. 10, in part with the southwest line of The Woods of Frederick Creek, Unit 2 and the southwest line of a 14.908 acre tract recorded in Volume 1130, Pages 565-571, Official Records, Kendall County, Texas, **South 51 degrees 10 minutes 11 seconds East**, a distance of **163.55 feet** to a point for the east corner of the tract herein described;

Thence, crossing Interstate Highway No. 10 right of way with the southeast line of the tract herein described, **South 38 degrees 49 minutes 49 seconds West**, a distance of **435.03 feet** to a point in the southwest right of way of Interstate Highway No. 10 at the north corner of a 24.00 acre tract recorded in Document No. 363748, Official Records, Kendall County, Texas, the easternmost north corner of the aforementioned 13.422 acre tract, said point being the south corner of the tract herein described;

Thence, with the southwest right of way of Interstate Highway No. 10, the northeast line of said 13.422 acre tract, **North 51 degrees 10 minutes 11 seconds West**, a distance of **163.55 feet** to the **Point of Beginning** containing **1.633 acres** of land.

Notes:

The bearings are based on the Texas State Plane Coordinate System, South Central Zone, 4204, NAD 83.

An exhibit of the above described tract was prepared.

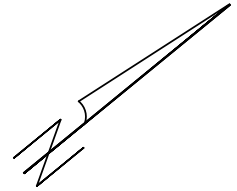
This document was prepared under 22 Texas Administrative Code § 138.95, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.



David M. Klein
Registered Professional Land Surveyor No.5528
Job Number: 05-22 (1.633 Acre Tract)

NOTES:

- 1) WORK PERFORMED FOR THE CITY OF BOERNE.
- 2) ADJOINING PROPERTY INFORMATION SHOWN HEREON IS FOR INFORMATIONAL PURPOSES ONLY.
- 3) BASIS OF BEARING: TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, 4204, NAD 83.
- 4) THIS EXHIBIT DOES NOT CONSTITUTE A BOUNDARY SURVEY AND IS FOR THE PURPOSE OF ANNEXATION OF THE AREA SHOWN HEREON.



SCALE: 1" = 300'

LEGEND

⊗ CALCULATED POINT

10/46 BOERNE LAND VENTURE, LTD.
127.027 ACRES
DOCUMENT NO. 363240
OFFICIAL RECORDS

JAMES WYATT JR.
10.022 ACRES
VOLUME 104, PAGES 824-827
DEED RECORDS

MATKIN PROPERTIES, LP
13.422 ACRES
VOLUME 1418, PAGES 664-670
OFFICIAL RECORDS

VHS HOLDING
COMPANY, INC
24.00 ACRES
DOCUMENT NO. 363748
OFFICIAL RECORDS

THE WOODS OF
FREDERICK CREEK, UNIT 2
VOLUME 6, PAGES 323-327
PLAT RECORDS

INTERSTATE HIGHWAY NO. 10
R.O.W.

ORDINANCE NO.
2022-09
8.621 ACRES

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 38°49'49" E	435.03'
L2	S 51°10'11" E	163.55'
L3	S 38°49'49" W	435.03'
L4	N 51°10'11" W	163.55'

POINT OF
BEGINNING

L1
1.633
ACRES
L3

HARBOR GROUP, LLC
14.908 ACRES
VOLUME 1130, PAGES 565-571
OFFICIAL RECORDS

ORDINANCE
NO. 2001-40
10.26 ACRES

Exhibit showing a 1.633 acre tract of land out of the Antonio Lockmar Survey No. 178, Abstract No. 311, Kendall County, Texas, being a portion of Interstate Highway No. 10 right of way.



PFEIFFER LAND SURVEYING
918 ADLER STREET
BOERNE, TX 78006
830-249-3385
FIRM NO. 10193761

FIELD NOTES FOR A 22.653 ACRE TRACT OF LAND

A **22.653 acre** tract of land, located in the Anton Lockmar Survey No. 178, Abstract No. 311, and the Newton and Taylor Survey No. 179, Abstract No. 360, Kendall County, Texas, and being comprised of a called 13.422 acre tract of land of record in Volume 1418, Page 664, a called 2.070 acre tract of land of record in Volume 984, Page 789, a called 4.691 acre tract of land of record in Volume 891, Page 134, all of the Official Records, Kendall County, Texas and all of Spencer Hill Executive Offices Condominium Plat recorded in Volume 6, Pages 180-181 of the Plat Records of Kendall County, Texas. Said **22.653 acre** tract being more particularly described by metes and bounds as follows:

BEGINNING at a found ½” iron rod with a “Schwarz 4760” plastic cap in the northwest right-of-way line of Spencer Road, for the southwest corner of said 4.691 acre tract, the southeast corner of said 13.422 acre tract and a southerly corner of the tract described herein;

THENCE: S 73° 50’ 05” W, with said northwest right-of-way line and the south line of said 13.422 acre tract, a distance of **77.06 feet** to a found ½” iron rod a southeasterly corner of a called 27.276 acre tract of land as described of record in Volume 398, Page 138 of the Official Records of Kendall County, Texas, for a southerly corner of said 13.422 acre tract and the tract described herein;

THENCE: Departing said northwesterly right-of-way line and with the common line between said 13.422 acre tract and said 27.273 acre tract, the following three (3) courses:

1. **N 87° 29’ 15” W**, a distance of **78.47 feet** to a found ½” iron rod for the southwest corner of the tract described herein,
2. **N 00° 19’ 08” E**, a distance of **1035.14 feet** to a found ½” iron rod for an angle, and
3. **N 00° 32’ 16” W**, a distance of **168.04 feet** to a point in the center of Frederick Creek and for the northwest corner of the tract described herein;

THENCE: With the meandering center line of said Frederick Creek, the following courses:

- **S 80° 57’ 25” E**, a distance of **82.35 feet** to a point for an angle,
- **S 87° 26’ 10” E**, a distance of **138.77 feet** to a point for an angle,
- **N 75° 48’ 05” E**, a distance of **177.15 feet** to a point for an angle,
- **N 62° 22’ 16” E**, a distance of **136.38 feet** to a point for an angle,
- **N 56° 27’ 21” E**, a distance of **74.67 feet** to a point for an angle,
- **N 32° 53’ 27” E**, a distance of **74.41 feet** to a point for an angle,
- **N 37° 41’ 25” E**, a distance of **60.91 feet** to a point for an angle,
- **N 45° 07’ 58” E**, a distance of **119.30 feet** to a point in the southwestern right-of-way of Interstate Highway No. 10, for a northerly corner of said 13.422 acre tract and the tract described herein;

THENCE: S 51° 13’ 59” E, with the southwesterly right-of-way of said Interstate Highway No. 10 and the northeast line of said 13.422 acre tract, a distance of **161.54 feet** to a concrete monument found for the northeast corner of said 13.422 acre tract and the tract described herein;

THENCE: S 00° 01’ 24” E, departing the southwest right-of-way of said Interstate Highway No. 10 and with the east line of said 13.422 acre tract, a distance of **469.21 feet** to a found ½” iron rod for a southeast corner of said 13.422 acre tract, the northeast corner of said 2.070 acre tract and an angle of the tract described herein;

THENCE: With the east line of said 2.070 acre tract, the following two (2) courses:

1. **S 00° 01’ 20” E**, a distance of **312.68 feet** to a found ½” iron rod for angle, and
2. **S 00° 09’ 22” W**, a distance of **135.01 feet** to a found ½” iron rod at the southeast corner of said 2.070 acre tract, the northeast corner of said Spencer Hill Executive Offices Condominium Plat and for an angle of the tract

described herein;

THENCE: S 00° 09' 57" W, with the east line of said Spencer Hill Executive Offices Condominium Plat, a distance of **510.64 feet** to a found ½" iron rod in the north right-of-way line of Spencer Road, for the southeast corner of said Spencer Hill Executive Offices Condominium Plat and the tract described herein;

THENCE: N 87° 37' 01" W, with said north right-of-way line and the south line of said Spencer Hill Executive Offices Condominium Plat, a distance of **224.63 feet** to a found ½" iron rod at the southeast corner of a called 2.903 acre tract of land as described of record in Volume 116, Page 907 of the Deed Records of Kendall County, Texas, for the southeast corner of said Spencer Hill Executive Offices Condominium Plat and a southerly corner of the tract described herein;

THENCE: N 03° 00' 18" E, departing said north right-of-way line and with the common line between said 2.903 acre tract and said Spencer Hill Executive Offices Condominium Plat, a distance of **392.70 feet** to a found ½" iron rod at the northeast corner of said 2.903 acre tract, the northwest corner of said Spencer Hill Executive Offices Condominium Plat, an easterly corner of said 4.691 acre tract and an interior corner of the tract described herein;

THENCE: With the common line between said 2.903 acre tract and said 4.691 acre tract, the following two (2) courses:

1. **N 89° 55' 44" W**, a distance of **324.83 feet** to a found ½" iron rod for corner, and
2. **S 04° 07' 53" W**, a distance of **378.94 feet** to a found ½" iron rod in said north right-of-way line, for the southwest corner of said 2.903 acre tract, a southerly corner of said 4.691 acre tract and the tract described herein;

THENCE: With said north right-of-way line and the south line of said 4.691 acre tract, the following two (2) courses:

1. **N 87° 38' 55" W**, a distance of **124.78 feet** to a found 2" pipe post for corner, and
2. **S 74° 14' 53" W**, a distance of **33.77 feet** to the **POINT OF BEGINNING** and containing **22.653 acres of land**, situated in Kendall County, Texas.

Note: The basis of bearing was established using the Trimble VRS Network, NAD (83), Texas State Plane Coordinate System, South Central Zone, 4204, US Survey Foot, Grid. A survey plat was prepared by a separate document. "This document was prepared under 22 Texas Administrative Code § 138.95, does not reflect the results of an 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 reconfiguration of the boundary of the political subdivision for which it was prepared."



Job # 14-4064 22.653 Acres

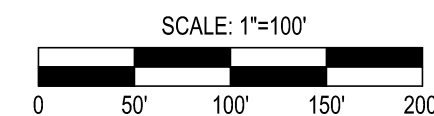
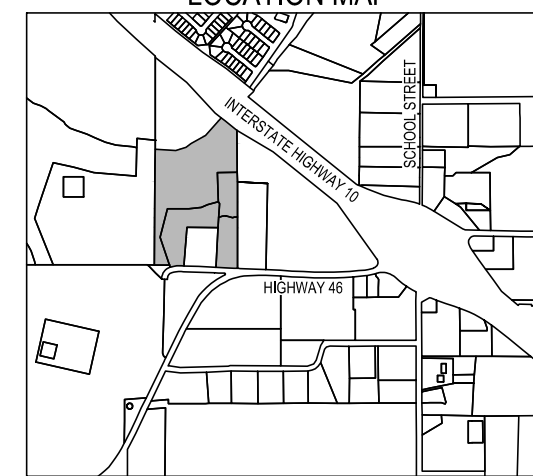
Date: August 30, 2022

NOTES
 1. BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM ESTABLISHED FOR THE TEXAS SOUTH CENTRAL ZONE 4204, NORTH AMERICAN DATUM (NAD) OF 1983.
 2. THIS EXHIBIT WAS DONE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT, THEREFORE ALL SETBACKS, EASEMENTS, ENCUMBRANCES AND RESTRICTIONS MAY NOT BE SHOWN HEREON. THE SURVEYOR DID NOT COMPLETE AN ABSTRACT OF TITLE.
 3. THIS DOCUMENT WAS PREPARED UNDER 22 TEXAS ADMINISTRATIVE CODE § 138.95, DOES NOT REFLECT THE RESULTS OF AN 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 RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

EXHIBIT OF

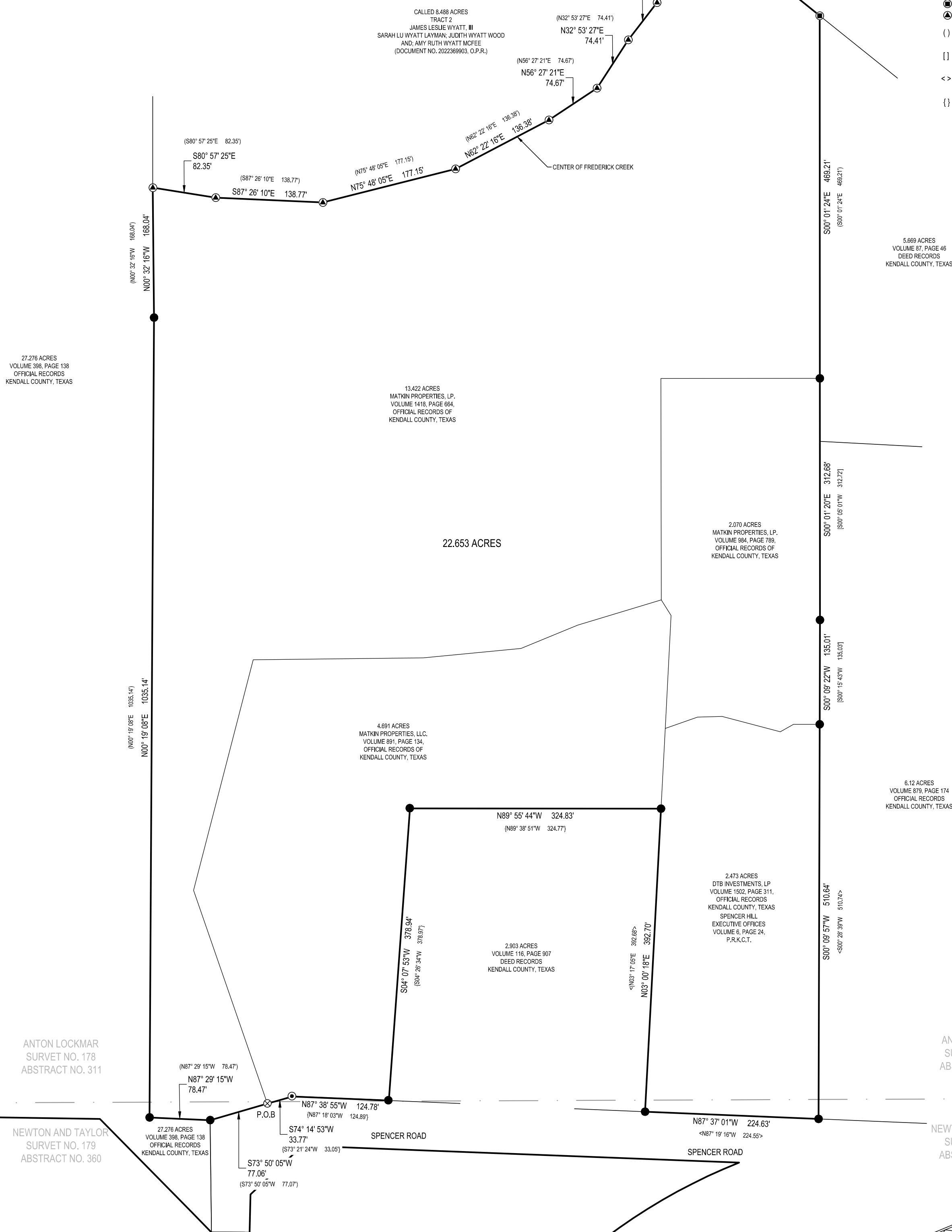
A 22.653 ACRE TRACT OF LAND, LOCATED IN THE ANTON LOCKMAR SURVEY NO. 178, ABSTRACT NO. 311, AND THE NEWTON AND TAYLOR SURVEY NO. 179, ABSTRACT NO. 360, KENDALL COUNTY, TEXAS, AND BEING COMPRISED OF A CALLED 13.422 ACRE TRACT OF LAND OF RECORD IN VOLUME 1418, PAGE 664, A CALLED 2.070 ACRE TRACT OF LAND OF RECORD IN VOLUME 984, PAGE 789, A CALLED 4.691 ACRE TRACT OF LAND OF RECORD IN VOLUME 891, PAGE 134, ALL OF THE OFFICIAL RECORDS, KENDALL COUNTY, TEXAS AND ALL OF SPENCER HILL EXECUTIVE OFFICES CONDOMINIUM PLAT RECORDED IN VOLUME 6, PAGES 180-181 OF THE PLAT RECORDS OF KENDALL COUNTY, TEXAS.

LOCATION MAP



LEGEND

- P.O.B POINT OF BEGINNING
- ⊗ FOUND 1/2" IRON ROD WITH A "SCHWARZ 4760" PLASTIC CAP
- FOUND 1/2" IRON ROD
- FOUND 2" PIPE POST
- ⊙ FOUND CONCRETE MONUMENT
- MEANDER POINT
- () RECORD CALL PER VOLUME 1418, PAGE 664 OFFICIAL RECORDS, KENDALL COUNTY, TEXAS
- [] RECORD CALL PER VOLUME 984, PAGE 789 OFFICIAL RECORDS, KENDALL COUNTY, TEXAS
- < > RECORD CALL PER VOLUME 6, PAGE 180 PLAT RECORDS, KENDALL COUNTY, TEXAS
- { } RECORD CALL PER VOLUME 891, PAGE 134 OFFICIAL RECORDS, KENDALL COUNTY, TEXAS



MATKIN HOOPER
 ENGINEERING & SURVEYING
 P.O. BOX 54
 SPENCER HILL ROAD, SUITE 100
 BOERNE, TEXAS 78006
 (937) 735-3200 FAX (937) 249-0099
 TEXAS REGISTERED ENGINEERING FIRM #004512
 TEXAS REGISTERED SURVEYING FIRM #000490
 CIVIL ENGINEERS SURVEYORS LAND PLANNERS
 CONSTRUCTION MANAGERS CONSULTANTS



Kyle L. Pressler
 KYLE L. PRESSLER DATE: AUGUST 30, 2022
 REGISTERED PROFESSIONAL LAND SURVEYOR
 TEXAS REGISTRATION NO. 6528
 KYLE.PRESSLER@MATKINHOOPER.COM
 JOB NO. 14-4064 - 22.653 ACRES - AREA 2

FIELD NOTES FOR A 1.122 OF ONE ACRE TRACT OF LAND

A **1.122 of one acre** tract of land located in the Newton & Taylor Survey No. 179, Abstract No. 360, Kendall County, Texas, and being across the existing Spencer Road right-of-way, no record found. Said **1.122 of one acre** tract being more particularly described by metes and bounds as follows:

BEGINNING at a found Texas Department of Transportation Right-of-Way Monument, Type I, at the intersection of the south right-of-way line of Spencer Road and the northwest right-of-way line of State highway 46, at the northeast corner of a called 5.059 acre tract of land as described of record in Document No. 2021-359757 of the Official Public Records of Kendall County, Texas and for the southeast corner of the tract described herein;

THENCE: Departing the northwest right-of-way line of State Highway 46 and with the southerly right-of-way line of Spencer Road and the north line of said 5.059 acre tract, the following three (3) courses:

1. **N 87° 47' 13" W**, a distance of **565.35 feet** to a found ½" iron rod for corner,
2. **S 46° 48' 01" W**, a distance of **92.17 feet** to a fence post for corner, and
3. **S 01° 27' 38" W**, a distance of **49.47 feet** to a found fence post for a northeast corner of a called 20.115 acre tract of land as conveyed and described of record in Document No. 2021-359756 of the Official Public Records of Kendall County, Texas and for the most southerly corner of the tract described herein, from which a found ½" iron rod for a westerly corner of said 5.059 acre tract bears, **S 00° 30' 57" W**, a distance of 498.69 feet;

THENCE: **N 89° 34' 55" W**, with the southerly right-of-way line of Spencer Road and a northerly line of said 20.115 acre tract, a distance of **49.35 feet** to a found ½" iron rod at the southeast corner of a called 27.276 acre tract of land as described of record in Volume 398, Page 138 of the Official Records of Kendall County, Texas, a northerly corner of said 20.115 acre tract, for the southwest corner of said Spencer Road right-of-way and the tract described herein;

THENCE: **N 00° 38' 49" W**, with the west right-of-way line of Spencer Road and the east line of said 27.276 acre tract, a distance of **145.20 feet** to a found ½" iron rod in the south line of a called 13.422 acre tract of land as described of record in Volume 1418, Page 664 of the Official Records of Kendall County, Texas, an easterly corner of said 27.276 acre tract, at the northwest corner of said Spencer Road right-of-way and the tract described herein;

THENCE: **N 73° 50' 05" E**, with the south line of said 13.422 acre tract and with the north right-of-way line of Spencer Road, a distance of **77.06 feet** to a found ½" iron rod at the southeast corner of said 13.422 acre tract, the southwest corner of a called 4.691 acre tract of land as described of record in Volume 891, Page 134 of the Official Records of Kendall County, Texas and for an angle of the tract described herein;

THENCE: Continuing with the north right-of-way line of Spencer Road and the south line of said 4.691 acre tract, the following two (2) courses:

1. **N 74° 14' 41" E**, a distance of **33.77 feet** to a found 2" pipe post for angle, and
2. **S 87° 38' 55" E**, a distance of **124.78 feet** to a found ½" iron rod at the southeast corner of said 4.691 acre tract, the southwest corner of a called 2.9 acre tract of land as described of record in Volume 116, Page 907 of the Deed Records of Kendall County, Texas and for an angle of the tract described herein;

THENCE: **S 87° 28' 35" E**, with the south line of said 2.9 acre tract and continuing with the north right-of-way line of Spencer Road, a distance of **331.87 feet** to a found ½" iron rod at the southeast corner of said 2.9 acre tract, the southwest corner of Spencer Hill Executive Offices Subdivision of record in Volume 6, Page 24 of the Plat Records of Kendall County, Texas and for an angle of the tract described herein;

THENCE: **S 87° 37' 01" E**, with the south line of said Spencer Hill Executive Offices Subdivision and continuing with the north right-of-way line of Spencer Road, a distance of **124.26 feet** to a point for the northeast corner of the tract described herein;

THENCE: S 02° 22' 59" W, into said Spencer Road right-of-way, a distance of **60.62 feet** to the **POINT OF BEGINNING** and containing **1.122 acres of land**, situated in Kendall County, Texas.

Note: The basis of bearing was established using the Trimble VRS Network, NAD (83), Texas State Plane Coordinate System, South Central Zone, 4204, US Survey Foot, Grid. A survey plat was prepared by a separate document. "This document was prepared under 22 Texas Administrative Code § 138.95, does not reflect the results of an 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 reconfiguration of the boundary of the political subdivision for which it was prepared."



Job # 16-4072 1.122 Acres-Area 3

Date: September 21, 2022

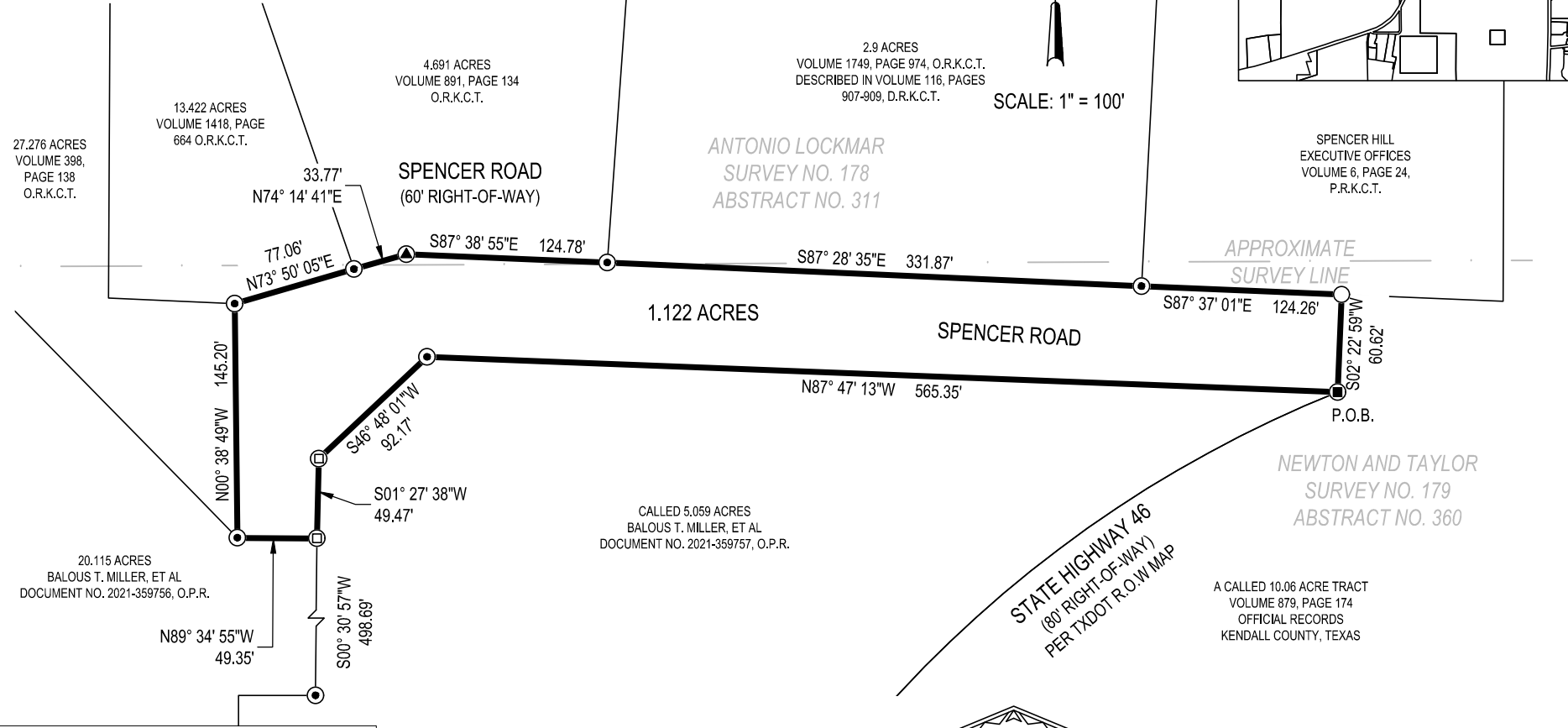
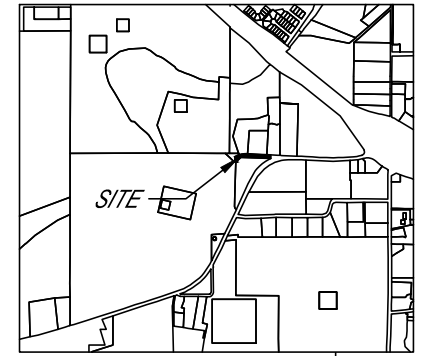
NOTES

1. BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM ESTABLISHED FOR THE TEXAS SOUTH CENTRAL ZONE 4204, NORTH AMERICAN DATUM (NAD) OF 1983.
2. THIS EXHIBIT WAS DONE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT, THEREFORE ALL SETBACKS, EASEMENTS, ENCUMBRANCES AND RESTRICTIONS MAY NOT BE SHOWN HEREON. THE SURVEYOR DID NOT COMPLETE AN ABSTRACT OF TITLE.
3. "THIS DOCUMENT WAS PREPARED UNDER 22 TEXAS ADMINISTRATIVE CODE § 138.95, DOES NOT REFLECT THE RESULTS OF AN 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 RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED."

EXHIBIT OF

A 1.122 ACRE TRACT OF LAND LOCATED IN THE NEWTON & TAYLOR SURVEY NO. 179, ABSTRACT NO. 360, KENDALL COUNTY, TEXAS, AND BEING ACROSS THE EXISTING SPENCER ROAD RIGHT-OF-WAY, NO RECORD FOUND.

LOCATION MAP



MATKINHOOVER
ENGINEERING & SURVEYING

HEADQUARTERS
8 SPENCER ROAD SUITE 300
BOERNE, TEXAS 78006
OFFICE: 830.249.0600 FAX: 830.249.0099
3303 SHELL ROAD SUITE 3
GEORGETOWN, TEXAS 78628
OFFICE: 512.868.2244

BOERNE, TEXAS REGISTERED SURVEYING FIRM F-10024000
BOERNE, TEXAS REGISTERED ENGINEERING FIRM F-004512

CIVIL ENGINEERS SURVEYORS LAND PLANNERS
CONSTRUCTION MANAGERS CONSULTANTS

LEGEND

P.O.B.	POINT OF BEGINNING
○	POINT
⊕	FOUND FENCE POST
⊙	FOUND TXDOT MONUMENT
⊗	FOUND 1/2" IRON ROD
⊚	FOUND 2" PIPE POST



Kyle L. Pressler
KYLE L. PRESSLER DATE: SEPTEMBER 21, 2022
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6528
KYLE.PRESSLER@MATKINHOOVER.COM
JOB NO. 16-4072 - 1.122 ACRES - AREA 3

FIELD NOTES FOR A 5.984 OF ONE ACRE TRACT OF LAND

A **5.984 acre** tract of land located in the Newton & Taylor Survey No. 179, Abstract No. 360, Kendall County, Texas, and being across a called 5.059 acre tract of land as described of record in Document No. 2021-359757, and a called 20.115 acre tract of land as described of record in Document No. 2021-359756, both of the Official Public Records of Kendall County, Texas. Said **5.984 acre** tract being more particularly described by metes and bounds as follows:

BEGINNING at a found Texas Department of Transportation Right-of-Way Monument, Type I, at the intersection of the south right-of-way line of Spencer Road and the northwest right-of-way line of State highway 46, at the northeast corner and a point of curvature of a called 5.059 acre tract of land as described of record in Document No. 2021-359757 of the Official Public Records of Kendall County, Texas and the tract described herein;

THENCE: With the northwest right-of-way line of State Highway 46 and the easterly lines of said 5.059 acre tract, the following two (2) courses:

1. With a curve to the left having a radius of **751.99 feet**, an arc length of **552.85 feet**, a delta angle of **042° 07' 22"** and a chord which bears, **S 47° 08' 36" W**, a distance of **540.48 feet** to found TxDOT Type 1 concrete marker for a point of tangency of the tract of land described herein, and
2. **S 26° 04' 55" W**, a distance of **566.35 feet** to a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for the most easterly northeast corner of a called 71.12 acre tract of land as described in Volume 1735, Page 140 of the Official Records of Kendall County, Texas, and for the southeast corner of the tract described herein;

THENCE: Departing the northwest Right-of-Way line of State Highway 46 and with the northerly lines of said 71.12 acre tract, the southerly lines of said 5.059 acre tract and said 20.115 acre tract, the following three (3) courses:

1. **S 71° 04' 11" W**, a distance of **70.71 feet** to a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for an angle of the tract of land described herein,
2. **N 63° 55' 43" W**, a distance of **108.50 feet** to a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a point of curvature of the tract of land described herein, and
3. With a curve to the left having a radius of **847.00 feet**, an arc length of **91.69 feet**, a delta angle of **006° 12' 08"** and a chord which bears, **N 67° 01' 48" W**, a distance of **91.64 feet** to a point of non-tangency and for the southwest corner of the tract described herein;

THENCE: Into said 20.115 acre tract and said 5.059 acre tract, the following two (2) courses:

1. **N 26° 04' 55" E**, a distance of **621.35 feet** to a point of curvature, and
2. With a tangent curve to the right having a radius of **1001.99 feet**, an arc length of **339.47 feet**, a delta angle of **019° 24' 41"** and a chord bears, **N 35° 47' 16" E**, a distance of **337.85 feet** to a point in the north line of said 5.059 acre tract, in the south right-of-way line of Spencer Road, for the northwest corner and a point of non-tangency of the tract described herein, from which a found ½" iron rod in the south right-of-way line of Spencer Road, and for a northwesterly corner of said 5.059 acre tract bears, **N 87° 47' 13" W**, a distance of 141.86 feet;

THENCE: **S 87° 47' 13" E**, with the south right-of-way line of Spencer Road and the north line of said 5.059 acre tract, a distance of **423.49 feet** to the **POINT OF BEGINNING** and containing **5.984 acres of land**, situated in Kendall County, Texas.

Note: The basis of bearing was established using the Trimble VRS Network, NAD (83), Texas State Plane Coordinate System, South Central Zone, 4204, US Survey Foot, Grid. A survey plat was prepared by a separate document. "This document was prepared under 22 Texas Administrative Code § 138.95, does not reflect the results of an 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 reconfiguration of the boundary of the political subdivision for which it was prepared."



Job # 16-4072 5.984 Acres-Area 4

Date: August 29, 2022

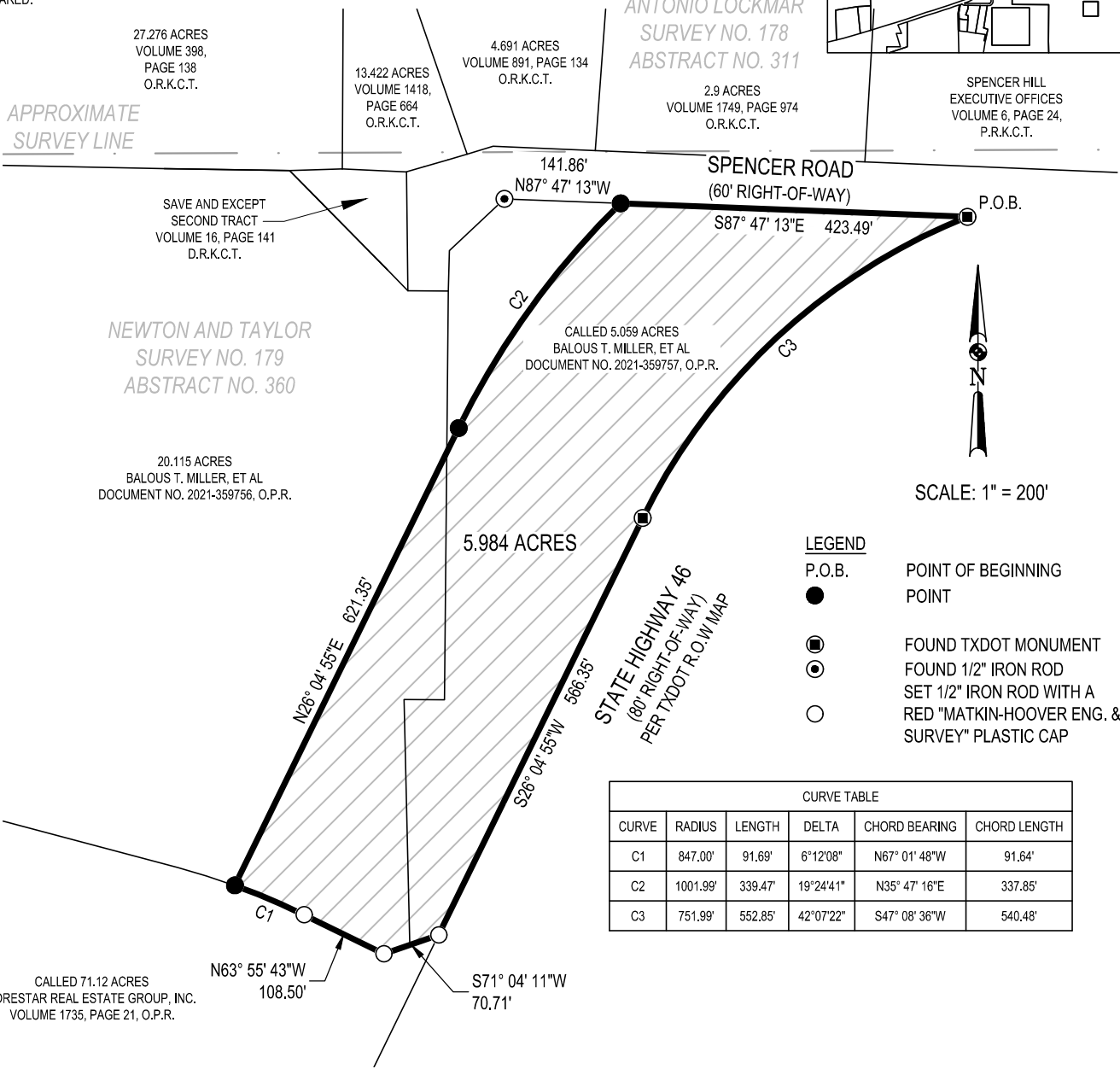
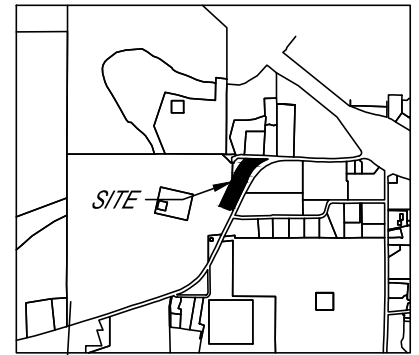
NOTES

1. BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM ESTABLISHED FOR THE TEXAS SOUTH CENTRAL ZONE 4204, NORTH AMERICAN DATUM (NAD) OF 1983.
2. THIS EXHIBIT WAS DONE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT, THEREFORE ALL SETBACKS, EASEMENTS, ENCUMBRANCES AND RESTRICTIONS MAY NOT BE SHOWN HEREON. THE SURVEYOR DID NOT COMPLETE AN ABSTRACT OF TITLE.
3. *THIS DOCUMENT WAS PREPARED UNDER 22 TEXAS ADMINISTRATIVE CODE § 138.95, 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 INTEREST IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.*

EXHIBIT OF

A 5.984 ACRE TRACT OF LAND LOCATED IN THE NEWTON & TAYLOR SURVEY NO. 179, ABSTRACT NO. 360, KENDALL COUNTY, TEXAS, AND BEING ACROSS A CALLED 5.059 ACRE TRACT OF LAND AS DESCRIBED OF RECORD IN DOCUMENT NO. 2021-359757, AND A CALLED 20.115 ACRE TRACT OF LAND AS DESCRIBED OF RECORD IN DOCUMENT NO. 2021-359756, BOTH OF THE OFFICIAL PUBLIC RECORDS OF KENDALL COUNTY, TEXAS.

LOCATION MAP



SCALE: 1" = 200'

LEGEND

- P.O.B. POINT OF BEGINNING
- POINT
- FOUND TXDOT MONUMENT
- FOUND 1/2" IRON ROD SET 1/2" IRON ROD WITH A RED "MATKIN-HOOVER ENG. & SURVEY" PLASTIC CAP

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	847.00'	91.69'	6°12'08"	N67° 01' 48"W	91.64'
C2	1001.99'	339.47'	19°24'41"	N35° 47' 16"E	337.85'
C3	751.99'	552.85'	42°07'22"	S47° 08' 36"W	540.48'

MATKINHOOVER

HEADQUARTERS
8 SPENCER ROAD, SUITE 300
BOERNE, TEXAS 78006
OFFICE: 830.249.0600 FAX: 830.249.0099
3303 SHELL ROAD SUITE 3
GEORGETOWN, TEXAS 78628
OFFICE: 512.868.2244

**ENGINEERING
& SURVEYING**



Kyle L. Pressler

KYLE L. PRESSLER DATE: AUGUST 29, 2022
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6528
KYLE.PRESSLER@MATKINHOOVER.COM
JOB NO. 16-4072 - 5.984 ACRES - AREA 4

BOERNE, TEXAS REGISTERED SURVEYING FIRM F-10024000
BOERNE, TEXAS REGISTERED ENGINEERING FIRM F-004512

CIVIL ENGINEERS SURVEYORS LAND PLANNERS
CONSTRUCTION MANAGERS CONSULTANTS

FIELD NOTES FOR A 2.807 ACRE TRACT OF LAND

A **2.807 acre** tract of land located in the Newton & Taylor Survey No. 179, Abstract No. 360, Kendall County, Texas, and being across the existing State Highway (S.H.) 46, an 80' wide right-of-way per the Texas Department of Transportation (TxDOT) right-of-way map, Control 1042, Section 2, Job 1. Said **2.807 acre** tract being more particularly described by metes and bounds as follows:

BEGINNING at a point in the westerly right-of-way line of said S.H. 46, at the southeast corner of a called 5.059 acre tract of land as described of record in Document No. 2021-359757 of the Official Public Records of Kendall County, Texas, the northeast corner of a called 0.023 of one acre tract of land as described of record in Volume 1735, Page 54 of the Official Public Records of Kendall County, Texas and for the southwest corner of the tract described herein;

THENCE: With the common lines between said S.H. 46 and said 5.059 acre tract, the following two (2) courses:

1. **N 26° 04' 55" E**, a distance of **566.35 feet** to a found TDOT Right-of-Way Monument, Type I, for a point of curvature, and
2. With a tangent curve to the right having a radius of **751.99 feet**, at an arc length of 552.85 feet, passing a found TxDOT Right-of-Way Monument, Type I, at the intersection of the northwesterly right-of-way line of said S.H. 46 and the south right-of-way line of Spencer Road and continuing for a total arc length of **751.99 feet**, a delta angle of **058° 35' 19"** and a chord bears, **N 55° 22' 34" E**, a distance of **735.89 feet** to a point at the intersection of the north right-of-way line between said Spencer Road and the northwest right-of-way line of said S.H. 46, in the south line of a called 6.12 acre tract of land as described of record in Volume 879, Page 174 of the Official Public Records of Kendall County, Texas, for a northerly corner and a point of non-tangency of the tract described herein;

THENCE: Continuing with the north right-of-way line of said State Highway 46 and the south line of said 6.12 acre tract, the following two (2) courses:

1. **S 86° 50' 14" E**, a distance of **118.77 feet** to a point for angle, and
2. **S 86° 45' 49" E**, a distance of **69.88 feet** to a point at the southwest corner of a called 24.00 acre tract of land as described of record in Document No. 2021-363748 of the Official Records of Kendall County, Texas, for the southeast corner of said 6.12 acre tract and for the northeast corner of the tract described herein;

THENCE: **S 02° 59' 30" W**, into said S.H. 46 right-of-way, a distance of **81.30 feet** to a point in the south right-of-way line of said S.H. 46 and for a northeasterly corner of the tract described herein;

THENCE: With the southeast right-of-way line of said S.H. 46, the following three (3) courses:

1. **N 87° 00' 30" W**, a distance of **72.10 feet** to a point of curvature,
2. With a non-tangent curve to the left having a radius of **673.93 feet**, an arc length of **786.44 feet**, a delta angle of **066° 51' 40"** and a chord bears, **S 60° 28' 16" W**, a distance of **742.57 feet** to a found TDOT Right-of-Way Monument, Type I for a point of non-tangency, and
3. **S 26° 04' 32" W**, a distance of **565.66 feet** to a point for a southwest corner of the tract described herein;

THENCE: **N 63° 55' 28" W**, into said S.H. 46 right-of-way, a distance of **80.06 feet** to the **POINT OF BEGINNING** and containing **2.807 acres of land**, situated in Kendall County, Texas.

Note: The basis of bearing was established using the Trimble VRS Network, NAD (83), Texas State Plane Coordinate System, South Central Zone, 4204, US Survey Foot, Grid. A survey plat was prepared by a separate document. "This document was prepared under 22 Texas Administrative Code § 138.95, does not reflect the results of an 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 reconfiguration of the boundary of the political subdivision for which it was prepared."

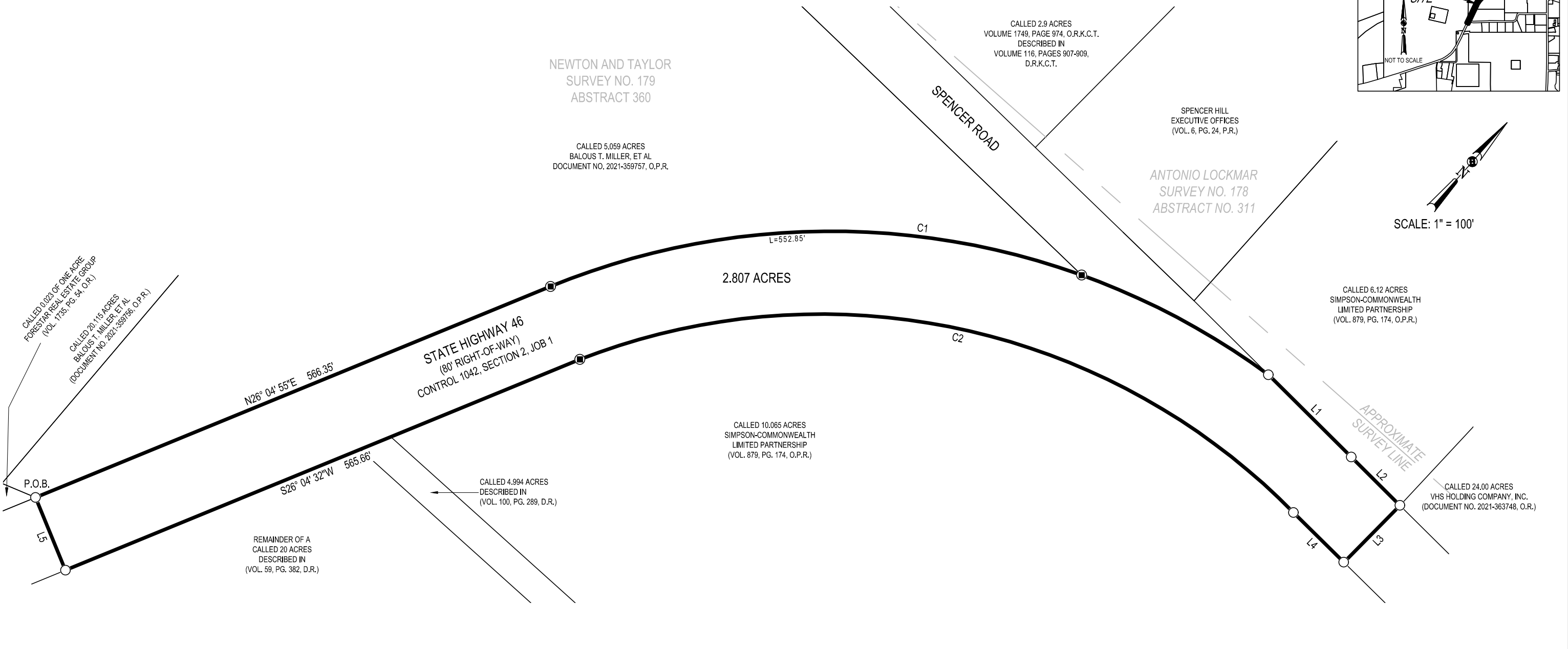
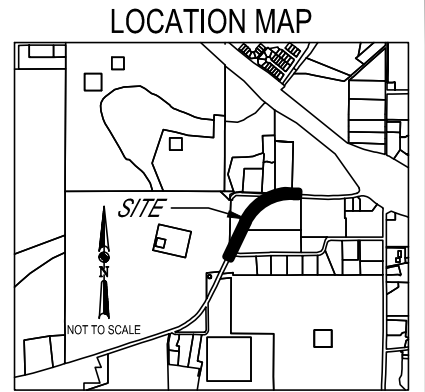


Job#16-4072 Annexation 2.807 Acres

Date: January 16, 2023

NOTES
 1. BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM ESTABLISHED FOR THE TEXAS SOUTH CENTRAL ZONE 4204, NORTH AMERICAN DATUM (NAD) OF 1983.
 2. THIS DOCUMENT WAS PREPARED UNDER 22 TEXAS ADMINISTRATIVE CODE § 138.95, DOES NOT REFLECT THE RESULTS OF AN 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 RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED."

EXHIBIT OF
 A 2.807 ACRE TRACT OF LAND LOCATED IN THE NEWTON & TAYLOR SURVEY NO. 179, ABSTRACT NO. 360, KENDALL COUNTY, TEXAS, AND BEING ACROSS THE EXISTING STATE HIGHWAY (S.H.) 46, AN 80' WIDE RIGHT-OF-WAY PER THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) RIGHT-OF-WAY MAP, CONTROL 1042, SECTION 2, JOB 1.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S86° 50' 14"E	118.77'
L2	S86° 45' 49"E	69.88'
L3	S02° 59' 30"W	81.30'
L4	N87° 00' 30"W	72.10'
L5	N63° 55' 28"W	80.06'

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	751.99'	768.96'	58°35'19"	N55° 22' 34"E	735.89'
C2	673.93'	786.44'	66°51'40"	S60° 28' 16"W	742.57'

LEGEND
 P.O.B. POINT OF BEGINNING
 ○ POINT
 ● FOUND TXDOT TYPE I MONUMENT

MATKINHOOVER
 ENGINEERING & SURVEYING
 HEADQUARTERS
 8 SPENCER ROAD SUITE 300
 BOERNE, TEXAS 78006
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 3303 SHELL ROAD SUITE 3
 GEORGETOWN, TEXAS 78628
 OFFICE: 512.868.2244
 BOERNE, TEXAS REGISTERED SURVEYING FIRM F-10024000
 BOERNE, TEXAS REGISTERED ENGINEERING FIRM F-094512
 CIVIL ENGINEERS SURVEYORS LAND PLANNERS
 CONSTRUCTION MANAGERS CONSULTANTS



Kyle L. Pressler
 KYLE L. PRESSLER DATE: JANUARY 16, 2023
 REGISTERED PROFESSIONAL LAND SURVEYOR
 TEXAS REGISTRATION NO. 6528
 KYLE.PRESSLER@MATKINHOOVER.COM
 JOB NO. 16-4072 - 2.807 ACRES

Exhibit F

**2023 ANNEXATION
CITY OF BOERNE, TEXAS
MUNICIPAL SERVICE PLAN AGREEMENT**

Property Subject to the Plan: Being a 22.653 acre tract of land, located in the Anton Lockmar Survey No. 178, Abstract No. 311, and the Newton and Taylor Survey No. 179, Abstract No. 360, Kendall County, Texas, and being comprised of a called 13.422 acre tract of land of record in Volume 1418, Page 664, a called 2.070 acre tract of land of record in Volume 984, Page 789, a called 4.691 acre tract of land of record in Volume 891, Page 134, all of the Official Records, Kendall County, Texas and all of Spencer Hill Executive Offices Condominium Plat recorded in Volume 6, Pages 180-181 of the Plat Records of Kendall County, Texas. Said 22.653 acre tract being more particularly described as follows:

Said acre tract being more fully described in attached Exhibits "A" and "B", which is incorporated as if fully set forth herein and hereinafter referred to as the "Property" or the "Annexation Area".

Municipal services to the Annexation Area will be furnished by or on behalf of the City of Boerne, Texas, at the following levels and in accordance with the following service plan programs:

A. SPECIFIC FINDINGS

The City Council of the City of Boerne, Texas finds and determines that this Municipal Service Plan will not provide any fewer services nor will it provide a lower level of service, in the Annexation Area, than were in existence at the time immediately preceding this territory's annexation to the City of Boerne, Texas.

B. PROGRAM FOR SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF THE ANNEXATION.

The City will provide the following services in the Annexation Area on the effective date of the annexation unless otherwise noted. As used in this plan, the term "providing services" includes having services provided by any method or means by which the City may extend municipal services to any other area of the City, including the City's infrastructure extension policies and developer or property owner participation in accordance with applicable City ordinances.

1. POLICE PROTECTION

The City of Boerne Police Department will provide regular and routine patrols to the Annexation Area at the same or similar level now being provided to other areas of the City with similar topography, land use and population densities.

The services will include, but are not limited to:

- Normal patrols and responses to calls for service;
- Handling of offense and incident reports;
- Special units, such as traffic enforcement, criminal investigations, narcotics law enforcement, gang suppression, and crime response team deployment when required; and
- Animal Control services.

2. FIRE SERVICE

The City of Boerne, Texas and its Fire Department will provide fire protection services to the Annexation Area at the same or similar level now being provided to other areas of the City with similar topography, land use and population densities. The Fire Department will perform these duties as part of its overall activities. Adequate fire suppression activities can be afforded to the annexed area within current budget appropriation. Fire prevention activities will be provided by the Fire Marshall's office as needed.

These services include, but are not limited to:

- Basic Life Support (BLS) 1st responder emergency medical services;
- Fire suppression and rescue;
- Hazardous materials mitigation and regulation;
- Technical rescue;
- Fire Safety Education;
- Aircraft/rescue/ firefighting;
- Fire protection system plan review; and
- Inspections.

3. BUILDING INSPECTION AND CODE ENFORCEMENT SERVICES

The City of Boerne Code Enforcement Department activities will extend to Annexation Area, pursuant to applicable policies and/or ordinances of the City, now existing or as such policies and/or ordinances may be amended. These services include, but are not limited to, 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 Code Enforcement Department will also enforce the City's code of ordinances and will respond to requests for inspection and complaints of suspected City Code violations including, but not limited to: high weeds and grass, trash and debris, solid waste, trash carts and illegal dumping, junked and abandoned vehicles, zoning, food, daycare, pool and spa inspections, stray animals, cruelty and bite investigations. Complaints of ordinance or regulation violations within the Annexation Area will be answered and investigated by existing personnel within the appropriate City department beginning on the effective date of the annexation.

4. PLANNING AND ZONING

The City of Boerne Planning and Zoning Department activities will extend to the Annexation Area, pursuant to applicable policies and/or ordinances of the City, now existing or as may be amended.

5. LIBRARY

Free library uses, and privileges will be available to residents of the Annexation Area, pursuant to applicable policies and/or ordinances as may be amended.

6. PARKS, PLAYGROUNDS, AND SWIMMING POOLS

Residents of the Annexation Area may utilize all existing parks and community service facilities throughout the City subject to existing ordinances and policies as may be amended. Existing

parks, playgrounds, swimming pools and other recreational and community facilities within the Annexation Area that are private facilities will be unaffected by the annexation.

7. SOLID WASTE COLLECTION

Solid waste collection is contracted for by the City's contracted agent upon annexation. Solid waste collection will be provided to the Annexation Area at the same or similar level of service now being provided to other areas of the City in accordance with existing ordinances and policies as may be amended from time to time.

8. STREET AND DRAINAGE MAINTENANCE

The effects of this addition on drainage will be addressed under the provisions of the City of Boerne ordinances and policies in effect at the time of platting.

Public 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 City Street Department. All roads, streets or alleyways in the Annexation Area which have been dedicated to the public shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas of the City of Boerne with similar land use, population density and topography.

Construction of new roads and streets, if any, is the responsibility of the developer or landowner desiring them and must be designed and built in accordance with applicable City of Boerne ordinances and policies as may be amended.

The effects of this addition on drainage will be addressed under the provisions of the City of Boerne ordinances and policies in effect at the time of platting, if and when such platting occurs. The effects will be consistent with such maintenance provided by the City of Boerne to other areas within the City exhibiting land use, population density and topography similar to that of the Annexation Area.

9. ELECTRIC SERVICE

The City of Boerne utilities is the current electric service provider and will continue to provide electricity service as required to the annexation area.

10. 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. Natural Gas service is provided for as it is to all other areas within the City of Boerne with the same or similar topography, land use, and population density. The nearest natural gas main of significant capacity is located along the west side of IH-10 at Upper Balcones Rd., approximately 2,000 feet east of the subject property.

11. WATER SERVICE

Water service to the area is provided by SJWTX, Inc. and may be extended to and throughout the property according to City standards. Extension of service shall comply with State law as provided in Chapter 43 of the Local Government Code.

12. SEWER SERVICE

Sanitary sewer service from the City of Boerne may be extended to and throughout the property by the petitioner according to City standards. Extension of service shall comply with applicable State law as provided in Chapter 43 of the Local Government Code. The nearest sewer main of significant capacity is located along the west side of School Street at Frederick Creek, approximately 3,000 feet northeast of the subject property.

C. CAPITAL IMPROVEMENTS PROGRAM

No capital improvements are necessary at this time to provide services to the Annexation Area consistent with all other areas within the City of Boerne with the same or similar topography, land use, and population density. Need for construction of new facilities will be assessed periodically based on population growth and predicted growth. Any capital improvements deemed necessary to serve the subject annexation area shall be and shall remain the responsibility of the petitioner.

*THE STATE OF TEXAS
COUNTY OF KENDALL*

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

JOHN-MARK MATRIN
Printed Name


Signature

5/31/2023
Date

Printed Name

Signature

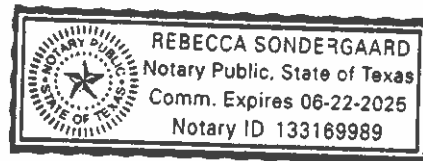
Date

*THE STATE OF TEXAS
COUNTY OF KENDALL*

This Municipal Service Plan Agreement was acknowledged before me on the day of

May 31, 2023

Rebecca Sondergaard
Notary Public In and For the State of Texas



THE STATE OF TEXAS
COUNTY OF KENDALL

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

HAROLD T DULIER III

Printed Name

[Signature]

Signature

May 31 - 2023

Date

Printed Name

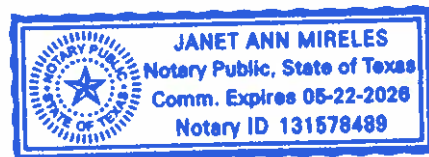
Signature

Date

This Municipal Service Plan Agreement was acknowledged before me on the day of

May 31, 2023

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



FIELD NOTES FOR A 22.653 ACRE TRACT OF LAND

A **22.653 acre** tract of land, located in the Anton Lockmar Survey No. 178, Abstract No. 311, and the Newton and Taylor Survey No. 179, Abstract No. 360, Kendall County, Texas, and being comprised of a called 13.422 acre tract of land of record in Volume 1418, Page 664, a called 2.070 acre tract of land of record in Volume 984, Page 789, a called 4.691 acre tract of land of record in Volume 891, Page 134, all of the Official Records, Kendall County, Texas and all of Spencer Hill Executive Offices Condominium Plat recorded in Volume 6, Pages 180-181 of the Plat Records of Kendall County, Texas. Said **22.653 acre** tract being more particularly described by metes and bounds as follows:

BEGINNING at a found ½" iron rod with a "Schwarz 4760" plastic cap in the northwest right-of-way line of Spencer Road, for the southwest corner of said 4.691 acre tract, the southeast corner of said 13.422 acre tract and a southerly corner of the tract described herein;

THENCE: S 73° 50' 05" W, with said northwest right-of-way line and the south line of said 13.422 acre tract, a distance of **77.06 feet** to a found ½" iron rod a southeasterly corner of a called 27.276 acre tract of land as described of record in Volume 398, Page 138 of the Official Records of Kendall County, Texas, for a southerly corner of said 13.422 acre tract and the tract described herein;

THENCE: Departing said northwesterly right-of-way line and with the common line between said 13.422 acre tract and said 27.273 acre tract, the following three (3) courses:

1. **N 87° 29' 15" W**, a distance of **78.47 feet** to a found ½" iron rod for the southwest corner of the tract described herein,
2. **N 00° 19' 08" E**, a distance of **1035.14 feet** to a found ½" iron rod for an angle, and
3. **N 00° 32' 16" W**, a distance of **168.04 feet** to a point in the center of Frederick Creek and for the northwest corner of the tract described herein;

THENCE: With the meandering center line of said Frederick Creek, the following courses:

- **S 80° 57' 25" E**, a distance of **82.35 feet** to a point for an angle,
- **S 87° 26' 10" E**, a distance of **138.77 feet** to a point for an angle,
- **N 75° 48' 05" E**, a distance of **177.15 feet** to a point for an angle,
- **N 62° 22' 16" E**, a distance of **136.38 feet** to a point for an angle,
- **N 56° 27' 21" E**, a distance of **74.67 feet** to a point for an angle,
- **N 32° 53' 27" E**, a distance of **74.41 feet** to a point for an angle,
- **N 37° 41' 25" E**, a distance of **60.91 feet** to a point for an angle,
- **N 45° 07' 58" E**, a distance of **119.30 feet** to a point in the southwestern right-of-way of Interstate Highway No. 10, for a northerly corner of said 13.422 acre tract and the tract described herein;

THENCE: S 51° 13' 59" E, with the southwesterly right-of-way of said Interstate Highway No. 10 and the northeast line of said 13.422 acre tract, a distance of **161.54 feet** to a concrete monument found for the northeast corner of said 13.422 acre tract and the tract described herein;

THENCE: S 00° 01' 24" E, departing the southwest right-of-way of said Interstate Highway No. 10 and with the east line of said 13.422 acre tract, a distance of **469.21 feet** to a found ½" iron rod for a southeast corner of said 13.422 acre tract, the northeast corner of said 2.070 acre tract and an angle of the tract described herein;

THENCE: With the east line of said 2.070 acre tract, the following two (2) courses:

1. **S 00° 01' 20" E**, a distance of **312.68 feet** to a found ½" iron rod for angle, and
2. **S 00° 09' 22" W**, a distance of **135.01 feet** to a found ½" iron rod at the southeast corner of said 2.070 acre tract, the northeast corner of said Spencer Hill Executive Offices Condominium Plat and for an angle of the tract

described herein;

THENCE: S 00° 09' 57" W, with the east line of said Spencer Hill Executive Offices Condominium Plat, a distance of **510.64 feet** to a found ½" iron rod in the north right-of-way line of Spencer Road, for the southeast corner of said Spencer Hill Executive Offices Condominium Plat and the tract described herein;

THENCE: N 87° 37' 01" W, with said north right-of-way line and the south line of said Spencer Hill Executive Offices Condominium Plat, a distance of **224.63 feet** to a found ½" iron rod at the southeast corner of a called 2.903 acre tract of land as described of record in Volume 116, Page 907 of the Deed Records of Kendall County, Texas, for the southeast corner of said Spencer Hill Executive Offices Condominium Plat and a southerly corner of the tract described herein;

THENCE: N 03° 00' 18" E, departing said north right-of-way line and with the common line between said 2.903 acre tract and said Spencer Hill Executive Offices Condominium Plat, a distance of **392.70 feet** to a found ½" iron rod at the northeast corner of said 2.903 acre tract, the northwest corner of said Spencer Hill Executive Offices Condominium Plat, an easterly corner of said 4.691 acre tract and an interior corner of the tract described herein;

THENCE: With the common line between said 2.903 acre tract and said 4.691 acre tract, the following two (2) courses:

1. **N 89° 55' 44" W**, a distance of **324.83 feet** to a found ½" iron rod for corner, and
2. **S 04° 07' 53" W**, a distance of **378.94 feet** to a found ½" iron rod in said north right-of-way line, for the southwest corner of said 2.903 acre tract, a southerly corner of said 4.691 acre tract and the tract described herein;

THENCE: With said north right-of-way line and the south line of said 4.691 acre tract, the following two (2) courses:

1. **N 87° 38' 55" W**, a distance of **124.78 feet** to a found 2" pipe post for corner, and
2. **S 74° 14' 53" W**, a distance of **33.77 feet** to the **POINT OF BEGINNING** and containing **22.653 acres of land**, situated in Kendall County, Texas.

Note: The basis of bearing was established using the Trimble VRS Network, NAD (83), Texas State Plane Coordinate System, South Central Zone, 4204, US Survey Foot, Grid. A survey plat was prepared by a separate document. "This document was prepared under 22 Texas Administrative Code § 138.95, does not reflect the results of an 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 reconfiguration of the boundary of the political subdivision for which it was prepared."



Job # 14-4064 22.653 Acres

Date: August 30, 2022

**2023 ANNEXATION
CITY OF BOERNE, TEXAS
MUNICIPAL SERVICE PLAN AGREEMENT**

Property Subject to the Plan: Being a 5.984 acre tract of land located in the Newton & Taylor Survey No. 179, Abstract No. 360, Kendall County, Texas, and being across a called 5.059 acre tract of land as described of record in Document No. 2021-359757, and a called 20.115 acre tract of land as described of record in Document No. 2021-359756, both of the Official Public Records of Kendall County, Texas. Said 5.984 acre tract being more particularly described as follows:

Said acre tract being more fully described in attached Exhibits "A" and "B", which is incorporated as if fully set forth herein and hereinafter referred to as the "Property" or the "Annexation Area".

Municipal services to the Annexation Area will be furnished by or on behalf of the City of Boerne, Texas, at the following levels and in accordance with the following service plan programs:

A. SPECIFIC FINDINGS

The City Council of the City of Boerne, Texas finds and determines that this Municipal Service Plan will not provide any fewer services nor will it provide a lower level of service, in the Annexation Area, than were in existence at the time immediately preceding this territory's annexation to the City of Boerne, Texas.

B. PROGRAM FOR SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF THE ANNEXATION.

The City will provide the following services in the Annexation Area on the effective date of the annexation unless otherwise noted. As used in this plan, the term "providing services" includes having services provided by any method or means by which the City may extend municipal services to any other area of the City, including the City's infrastructure extension policies and developer or property owner participation in accordance with applicable City ordinances.

1. POLICE PROTECTION

The City of Boerne Police Department will provide regular and routine patrols to the Annexation Area at the same or similar level now being provided to other areas of the City with similar topography, land use and population densities.

The services will include, but are not limited to:

- Normal patrols and responses to calls for service;
- Handling of offense and incident reports;
- Special units, such as traffic enforcement, criminal investigations, narcotics law enforcement, gang suppression, and crime response team deployment when required; and
- Animal Control services.

2. FIRE SERVICE

The City of Boerne, Texas and its Fire Department will provide fire protection services to the Annexation Area at the same or similar level now being provided to other areas of the City with similar topography, land use and population densities. The Fire Department will perform these duties as part of its overall activities. Adequate fire suppression activities can be afforded to the annexed area within current budget appropriation. Fire prevention activities will be provided by the Fire Marshall's office as needed.

These services include, but are not limited to:

- Basic Life Support (BLS) 1st responder emergency medical services;
- Fire suppression and rescue;
- Hazardous materials mitigation and regulation;
- Technical rescue;
- Fire Safety Education;
- Aircraft/rescue/firefighting;
- Fire protection system plan review; and
- Inspections.

3. BUILDING INSPECTION AND CODE ENFORCEMENT SERVICES

The City of Boerne Code Enforcement Department activities will extend to Annexation Area, pursuant to applicable policies and/or ordinances of the City, now existing or as such policies and/or ordinances may be amended. These services include, but are not limited to, 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 Code Enforcement Department will also enforce the City's code of ordinances and will respond to requests for inspection and complaints of suspected City Code violations including, but not limited to: high weeds and grass, trash and debris, solid waste, trash carts and illegal dumping, junked and abandoned vehicles, zoning, food, daycare, pool and spa inspections, stray animals, cruelty and bite investigations. Complaints of ordinance or regulation violations within the Annexation Area will be answered and investigated by existing personnel within the appropriate City department beginning on the effective date of the annexation.

4. PLANNING AND ZONING

The City of Boerne Planning and Zoning Department activities will extend to the Annexation Area, pursuant to applicable policies and/or ordinances of the City, now existing or as may be amended.

5. LIBRARY

Free library uses, and privileges will be available to residents of the Annexation Area, pursuant to applicable policies and/or ordinances as may be amended.

6. PARKS, PLAYGROUNDS, AND SWIMMING POOLS

Residents of the Annexation Area may utilize all existing parks and community service facilities throughout the City subject to existing ordinances and policies as may be amended. Existing parks, playgrounds, swimming pools and other recreational and community facilities within the Annexation Area that are private facilities will be unaffected by the annexation.

7. SOLID WASTE COLLECTION

Solid waste collection is contracted for by the City's contracted agent upon annexation. Solid waste collection will be provided to the Annexation Area at the same or similar level of service now being provided to other areas of the City in accordance with existing ordinances and policies as may be amended from time to time.

8. STREET AND DRAINAGE MAINTENANCE

The effects of this addition on drainage will be addressed under the provisions of the City of Boerne ordinances and policies in effect at the time of platting.

Public 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 City Street Department. All roads, streets or alleyways in the Annexation Area which have been dedicated to the public shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas of the City of Boerne with similar land use, population density and topography.

Construction of new roads and streets, if any, is the responsibility of the developer or landowner desiring them and must be designed and built in accordance with applicable City of Boerne ordinances and policies as may be amended.

The effects of this addition on drainage will be addressed under the provisions of the City of Boerne ordinances and policies in effect at the time of platting, if and when such platting occurs. The effects will be consistent with such maintenance provided by the City of Boerne to other areas within the City exhibiting land use, population density and topography similar to that of the Annexation Area.

9. ELECTRIC SERVICE

Bandera Electric Cooperative is the current electric service provider and will continue to provide electricity service as required to the annexation area.

10. 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. Natural Gas service is provided for as it is to all other areas within the City of Boerne with the same or similar topography, land use, and population density. The nearest natural gas main of significant capacity is located along the east side of IH-10 at Upper Balcones Rd., approximately 2,000 feet east of the subject property.

11. WATER SERVICE

Water service to the area from the SJWTX, Inc, may be extended to and throughout the property according to City standards. Extension of service shall comply with State law as provided in Chapter 43 of the Local Government Code.

12. SEWER SERVICE

Sanitary sewer service to the area from SJWTX, Inc. may be extended to and throughout the property according to City standards. Extension of service shall comply with applicable State law as provided in Chapter 43 of the Local Government Code.

C. CAPITAL IMPROVEMENTS PROGRAM

No capital improvements are necessary at this time to provide services to the Annexation Area consistent with all other areas within the City of Boerne with the same or similar topography, land use, and population density. Need for construction of new facilities will be assessed periodically based on population growth and predicted growth. Any capital improvements deemed necessary to serve the subject annexation area shall be and shall remain the responsibility of the petitioner.

THE STATE OF TEXAS
COUNTY OF KENDALL

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

Balous T. Miller
Printed Name

[Signature]
Signature

6-20-2023
Date

Julie Miller
Printed Name

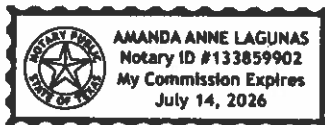
[Signature]
Signature

6-20-2023
Date

THE STATE OF TEXAS
COUNTY OF KENDALL

This Municipal Service Plan Agreement was acknowledged before me on the 20th day of

June, 2023



Amanda Anne Lagunas
Notary Public In and For the State of Texas

THE STATE OF TEXAS
COUNTY OF KENDALL

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

Balour T. Miller
Printed Name

[Signature]
Signature

6-20-2023
Date

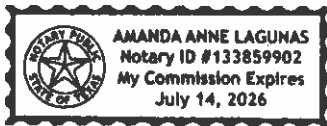
Julie Miller
Printed Name

[Signature]
Signature

6-20-2023
Date

This Municipal Service Plan Agreement was acknowledged before me on the 20th day of

June, 2023



Amanda Anne Lagunas
Notary Public In and For the State of Texas

FIELD NOTES FOR A 5.984 OF ONE ACRE TRACT OF LAND

A **5.984 acre** tract of land located in the Newton & Taylor Survey No. 179, Abstract No. 360, Kendall County, Texas, and being across a called 5.059 acre tract of land as described of record in Document No. 2021-359757, and a called 20.115 acre tract of land as described of record in Document No. 2021-359756, both of the Official Public Records of Kendall County, Texas. Said **5.984 acre** tract being more particularly described by metes and bounds as follows:

BEGINNING at a found Texas Department of Transportation Right-of-Way Monument, Type I, at the intersection of the south right-of-way line of Spencer Road and the northwest right-of-way line of State highway 46, at the northeast corner and a point of curvature of a called 5.059 acre tract of land as described of record in Document No. 2021-359757 of the Official Public Records of Kendall County, Texas and the tract described herein;

THENCE: With the northwest right-of-way line of State Highway 46 and the easterly lines of said 5.059 acre tract, the following two (2) courses:

1. With a curve to the left having a radius of **751.99 feet**, an arc length of **552.85 feet**, a delta angle of **042° 07' 22"** and a chord which bears, **S 47° 08' 36" W**, a distance of **540.48 feet** to found TxDOT Type 1 concrete marker for a point of tangency of the tract of land described herein, and
2. **S 26° 04' 55" W**, a distance of **566.35 feet** to a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for the most easterly northeast corner of a called 71.12 acre tract of land as described in Volume 1735, Page 140 of the Official Records of Kendall County, Texas, and for the southeast corner of the tract described herein;

THENCE: Departing the northwest Right-of-Way line of State Highway 46 and with the northerly lines of said 71.12 acre tract, the southerly lines of said 5.059 acre tract and said 20.115 acre tract, the following three (3) courses:

1. **S 71° 04' 11" W**, a distance of **70.71 feet** to a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for an angle of the tract of land described herein,
2. **N 63° 55' 43" W**, a distance of **108.50 feet** to a set ½" iron rod with a red plastic cap stamped "Matkin Hoover Eng. & Survey" for a point of curvature of the tract of land described herein, and
3. With a curve to the left having a radius of **847.00 feet**, an arc length of **91.69 feet**, a delta angle of **006° 12' 08"** and a chord which bears, **N 67° 01' 48" W**, a distance of **91.64 feet** to a point of non-tangency and for the southwest corner of the tract described herein;

THENCE: Into said 20.115 acre tract and said 5.059 acre tract, the following two (2) courses:

1. **N 26° 04' 55" E**, a distance of **621.35 feet** to a point of curvature, and
2. With a tangent curve to the right having a radius of **1001.99 feet**, an arc length of **339.47 feet**, a delta angle of **019° 24' 41"** and a chord bears, **N 35° 47' 16" E**, a distance of **337.85 feet** to a point in the north line of said 5.059 acre tract, in the south right-of-way line of Spencer Road, for the northwest corner and a point of non-tangency of the tract described herein, from which a found ½" iron rod in the south right-of-way line of Spencer Road, and for a northwesterly corner of said 5.059 acre tract bears, **N 87° 47' 13" W**, a distance of 141.86 feet;

THENCE: **S 87° 47' 13" E**, with the south right-of-way line of Spencer Road and the north line of said 5.059 acre tract, a distance of **423.49 feet** to the **POINT OF BEGINNING** and containing **5.984 acres of land**, situated in Kendall County, Texas.

Note: The basis of bearing was established using the Trimble VRS Network, NAD (83), Texas State Plane Coordinate System, South Central Zone, 4204, US Survey Foot, Grid. A survey plat was prepared by a separate document. "This document was prepared under 22 Texas Administrative Code § 138.95, does not reflect the results of an 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 reconfiguration of the boundary of the political subdivision for which it was prepared."



Job # 16-4072 5.984 Acres-Area 4

Date: August 29, 2022

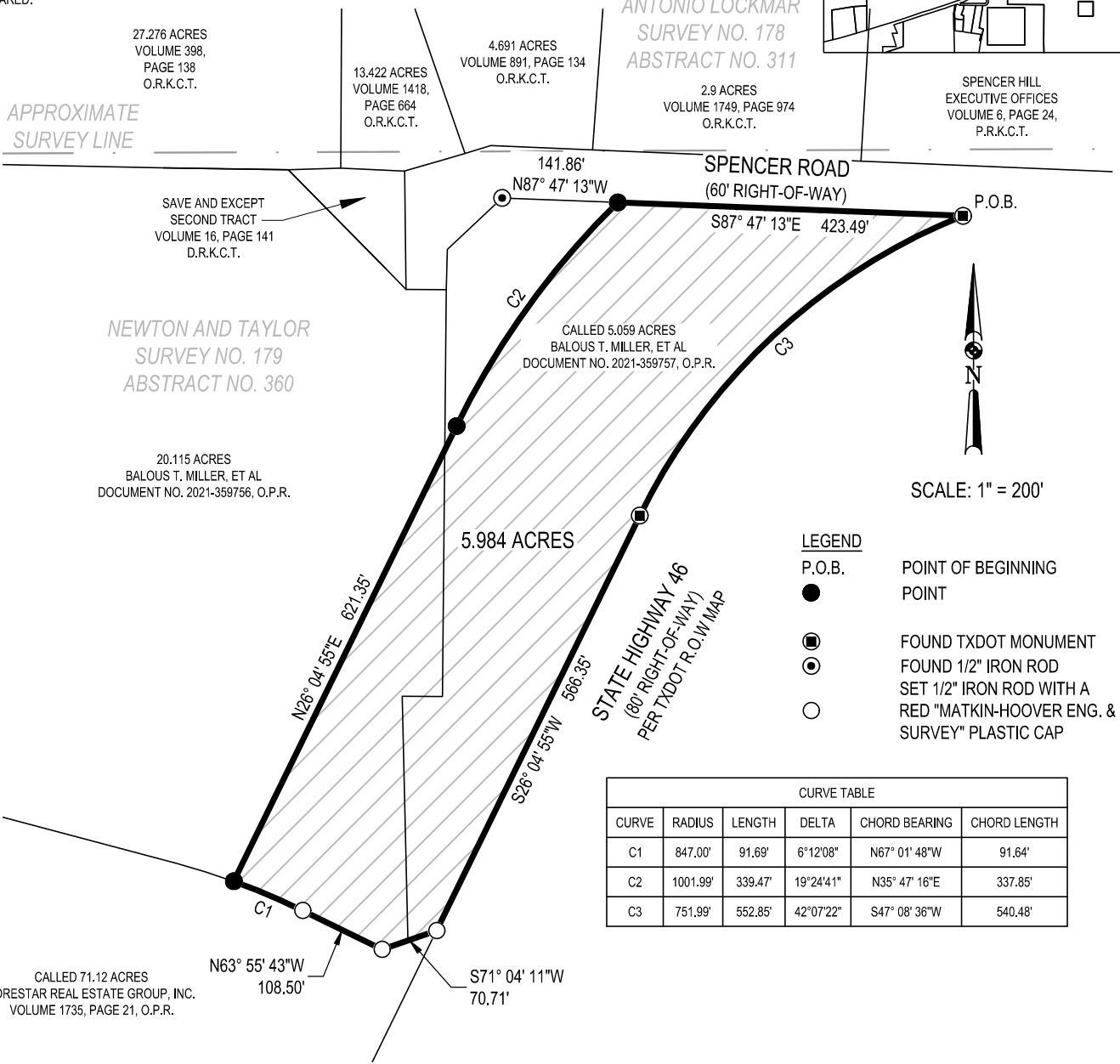
NOTES

1. BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM ESTABLISHED FOR THE TEXAS SOUTH CENTRAL ZONE 4204, NORTH AMERICAN DATUM (NAD) OF 1983.
2. THIS EXHIBIT WAS DONE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT, THEREFORE ALL SETBACKS, EASEMENTS, ENCUMBRANCES AND RESTRICTIONS MAY NOT BE SHOWN HEREON. THE SURVEYOR DID NOT COMPLETE AN ABSTRACT OF TITLE.
3. *THIS DOCUMENT WAS PREPARED UNDER 22 TEXAS ADMINISTRATIVE CODE § 138.95, 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 INTEREST IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.*

EXHIBIT OF

A 5.984 ACRE TRACT OF LAND LOCATED IN THE NEWTON & TAYLOR SURVEY NO. 179, ABSTRACT NO. 360, KENDALL COUNTY, TEXAS, AND BEING ACROSS A CALLED 5.059 ACRE TRACT OF LAND AS DESCRIBED OF RECORD IN DOCUMENT NO. 2021-359757, AND A CALLED 20.115 ACRE TRACT OF LAND AS DESCRIBED OF RECORD IN DOCUMENT NO. 2021-359756, BOTH OF THE OFFICIAL PUBLIC RECORDS OF KENDALL COUNTY, TEXAS.

LOCATION MAP



SCALE: 1" = 200'

LEGEND

- P.O.B. POINT OF BEGINNING
- FOUND TXDOT MONUMENT
- FOUND 1/2" IRON ROD SET 1/2" IRON ROD WITH A RED "MATKIN-HOOVER ENG. & SURVEY" PLASTIC CAP

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD LENGTH
C1	847.00'	91.69'	6°12'08"	N67° 01' 48"W	91.64'
C2	1001.99'	339.47'	19°24'41"	N35° 47' 16"E	337.85'
C3	751.99'	552.85'	42°07'22"	S47° 08' 36"W	540.48'

MATKINHOOVER

HEADQUARTERS
8 SPENCER ROAD, SUITE 300
BOERNE, TEXAS 78006
OFFICE: 830.249.0600 FAX: 830.249.0099
3303 SHELL ROAD SUITE 3
GEORGETOWN, TEXAS 78628
OFFICE: 512.868.2244

**ENGINEERING
& SURVEYING**



Kyle L. Pressler

KYLE L. PRESSLER DATE: AUGUST 29, 2022
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6528
KYLE.PRESSLER@MATKINHOOVER.COM
JOB NO. 16-4072 - 5.984 ACRES - AREA 4

BOERNE, TEXAS REGISTERED SURVEYING FIRM F-10024000
BOERNE, TEXAS REGISTERED ENGINEERING FIRM F-004512

CIVIL ENGINEERS SURVEYORS LAND PLANNERS
CONSTRUCTION MANAGERS CONSULTANTS