

ORDINANCE NO. 2019-28

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY; AND ADOPTING A SERVICE PLAN (33565 Interstate 10, KAD No. 15876, Chad and Kerri Properties LP, at the request of the City of Boerne)

WHEREAS, Section 43 of the Texas Local Government Code City Charter of the City of Boerne, Texas, an incorporated city, authorizes the annexation of territory, subject to the laws of this state as of January 1, 2019;

WHEREAS, the City Council of the City of Boerne passed a resolution on April 16, 2019 to set public hearings for proposed annexation of certain properties by the City and authorizing the City Manager to prepare the necessary service plans for the areas in the City Extraterritorial Jurisdiction ("ETJ") being considered for annexation into the corporate limits of the City of Boerne;

WHEREAS, the City of Boerne, preserved the right to conduct annexation proceeding in accordance with the applicable law as it existed on January 1, 2019, as preserved by House Bill 347 transition provision because the City of Boerne adopted a resolution to direct the City Manager to set public hearings and prepare a service plan for the area considered for annexation prior to the effective date of House Bill 347;

WHEREAS, the City held public hearings on May 28, 2019 and June 11, 2019 on properties proposed for annexation;

WHEREAS, the procedures prescribed by Chapter 43 Texas Local Government Code and/or Charter of the City of Boerne, Texas, and the laws of this state have been duly followed with respect to the following described territory, to wit:

See Attached Exhibit "A"

NOW THEREFORE, BE IT ORDAINED 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. That the heretofore described property is hereby annexed to the City of Boerne, Kendall County, Texas, and that the boundary limits of the City of Boerne be and the same are hereby extended to include the above described territory within the city limits of the City of Boerne, and the same shall hereafter be included within the territorial limits of said city, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the city of Boerne and they shall be bound by the acts, ordinances, resolutions, and regulations of said city.

Section 3. A service plan for the area is hereby adopted and attached as Exhibit B.

The City Secretary is hereby directed to file with the County Clerk of Kendall County, Texas, a certified copy of this ordinance.

PASSED AND APPROVED on this the first reading the 2nd day of July, 2019.


PASSED, APPROVED AND ADOPTED on this the second reading the 9th day of July, 2019.

APPROVED:



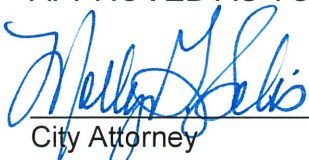
Mayor

ATTEST:



City Secretary

APPROVED AS TO FORM:



City Attorney

**Field Notes
For A
0.82 Acre Tract of Land**

Being 0.82 acre of land recorded in Volume 1604, Page 745, Official Records of Kendall County, Texas, and being situated in the John Small Survey No. 183, Abstract No. 441, Kendall County, Texas; said 0.82 acre tract being more particularly described as follows:

BEGINNING at a point situated on the southwest right-of-way line of IH-10 West; said point being the common most northerly corner of the said 0.82 acre tract and of a 0.374 acre tract recorded in Volume 1514, Page 146, Official Records of Kendall County, Texas; said point also being the most northerly corner of the tract herein described;

Thence The following calls along the said southwest right-of-way line:

S 50°58'00" E, 105.80 feet to an angle point;

S 47°05'59" E, 300.55 feet to a point being the common most easterly corner of the said 0.82 acre tract and of an 11.00 acre tract recorded in Volume 411, Page 499, Official Records of Kendall County, Texas; said point also being the most easterly corner of the tract herein described;

Thence N 89°14'22" W, 42.30 feet departing the said southwest right-of-way line and along the common line between the said 0.82 acre tract and the said 11.00 acre tract to a point being the common corner of the said 0.82 acre tract, of the said 11.00 acre tract, and of a 45.405 acre tract recorded in Volume 415, Page 739, Official Records of Kendall County, Texas;

Thence The following calls along the common line between the said 0.82 acre tract and of the said 45.405 acre tract:

N 89°52'33" W, 175.22 feet departing the common line between the said 0.82 acre tract and the said 11.00 acre tract to an angle point;

N 34°41'04" W, 136.62 feet to a point being the common most southerly corner of the said 0.82 acre tract and of the said 0.374 acre tract;

Thence N 02°34'10" W, 158.10 feet departing the said common line and along the common line between the said 0.82 acre tract and the said 0.374 acre tract to the **POINT OF BEGINNING** and containing 0.82 acre of land, more or less.

This Field Note Description is for Annexation Purposes Only.

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 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. The bearing and distance data described herein reflect those described in the recorded legal documents found for the subject property(s); said data is not intended to represent, nor to imply, that an actual on the ground boundary survey was made.

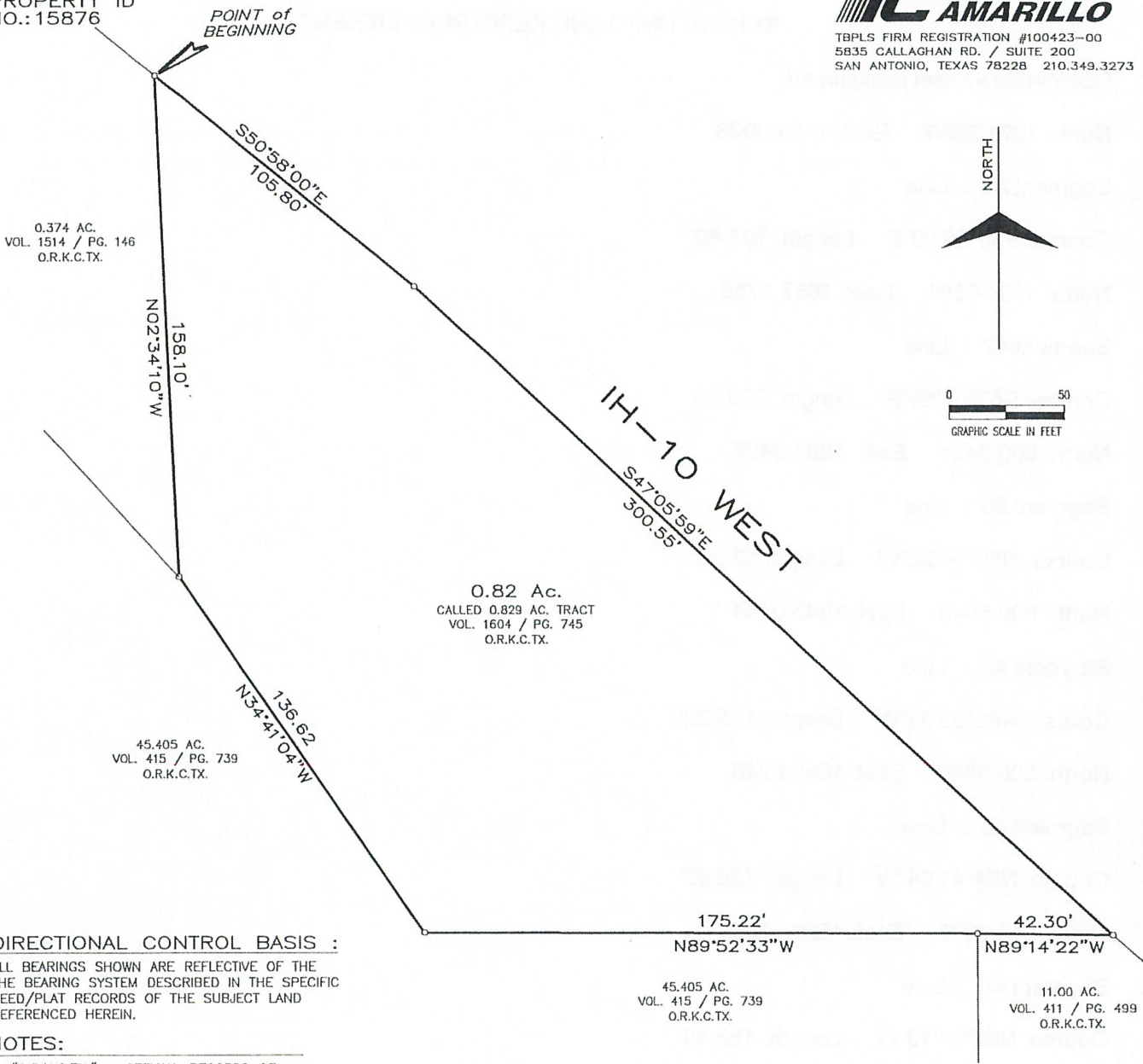


A handwritten signature in blue ink, appearing to read "VMJ", is written over a horizontal line.

Victor Mendez, Jr.
Registered Professional Land Surveyor No. 6056
TBPLS FIRM #100423-00
June 11, 2019

KENDALL COUNTY
 APPRAISAL DISTRICT
 PROPERTY ID
 NO.: 15876

BOZNECKI INC
AMARILLO
 TBPLS FIRM REGISTRATION #100423-00
 5835 CALLAGHAN RD. / SUITE 200
 SAN ANTONIO, TEXAS 78228 210.349.3273



DIRECTIONAL CONTROL BASIS :

ALL BEARINGS SHOWN ARE REFLECTIVE OF THE THE BEARING SYSTEM DESCRIBED IN THE SPECIFIC DEED/PLAT RECORDS OF THE SUBJECT LAND REFERENCED HEREIN.

NOTES:

1. "O.R.K.C.TX." -- OFFICIAL RECORDS OF KENDALL COUNTY, TEXAS.
2. "P.R.K.C.TX." -- PLAT RECORDS OF KENDALL COUNTY, TEXAS.
3. THIS EXHIBIT IS FOR ANNEXATION PURPOSES ONLY.
4. ADJOINING PROPERTY INFORMATION DESCRIBED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY.
5. THIS EXHIBIT WAS PREPARED WITHOUT ANY TITLE ABSTRACT/RESEARCH. EXISTING EASEMENTS, BUILDING SETBACK LINES, DEED RESTRICTIONS, OR OTHER PROPERTY CONSIDERATIONS MAY APPLY.
6. 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 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. THE BEARING AND DISTANCE DATA DESCRIBED HEREIN REFLECT THOSE DESCRIBED IN THE RECORDED LEGAL DOCUMENTS FOUND FOR THE SUBJECT PROPERTY(S); SAID DATA IS NOT INTENDED TO REPRESENT, NOR TO IMPLY, THAT AN ACTUAL ON THE GROUND BOUNDARY SURVEY WAS MADE.

BEING 0.82 ACRE OF LAND RECORDED IN VOLUME 1604, PAGE 745, OFFICIAL RECORDS OF KENDALL COUNTY, TEXAS, AND BEING SITUATED IN THE JOHN SMALL SURVEY NO. 183, ABSTRACT NO. 441, KENDALL COUNTY, TEXAS.



THIS 11th DAY OF JUNE 2019, A.D.

[Handwritten Signature]

VICTOR MENDEZ, JR., R.P.L.S. NO. 6056

ID 15876 CHAD AND KERRI PROPERTIES,LP.

Coordinate system is assumed.

North: 1071.2650' East: 1584.9926'

Segment #1 : Line

Course: S50°58'00"E Length: 105.80'

North: 1004.6351 East: 1667.1759

Segment #2 : Line

Course: S47°05'59"E Length: 300.55'

North: 800.0434 East: 1887.3407

Segment #3 : Line

Course: N89°14'22"W Length: 42.30'

North: 800.6048 East: 1845.0444

Segment #4 : Line

Course: N89°52'33"W Length: 175.22'

North: 800.9846 East: 1669.8248

Segment #5 : Line

Course: N34°41'04"W Length: 136.62'

North: 913.3270 East: 1592.0803

Segment #6 : Line

Course: N02°34'10"W Length: 158.10'

North: 1071.2650 East: 1584.9926

Perimeter: 918.59' Area: 36,128 Sq. Ft. 0.82
Ac.

**2019 ANNEXATION
CITY OF BOERNE, TEXAS
MUNICIPAL SERVICE PLAN**

Property Subject to the Plan: Being 0.82 acre of land recorded in Volume 1604, Page 745, Official Records of Kendall County, Texas, and being situated in the John Small Survey No. 183, Abstract No. 441, Kendall County, Texas. Official Records of Kendall County, Texas, Kendall County Deed Records being more fully described in attached Exhibit "A", 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. 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. The Planning and Zoning Commission will initiate permanent zoning of the newly annexed area as soon as possible after annexation.

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 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. 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 land owner 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 Subdivision Ordinance 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 current electric service provider 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 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.

11. WATER SERVICE *Current Service - Well or KWU

Water service to the area may be provided from the City of Boerne in accordance with the applicable codes and departmental policy. When other property develops in the adjacent area, water service may be provided in accordance with extension ordinances. Extension of service shall comply with City codes and ordinances and State law as provided in Chapter 43 of the Local Government Code.

Residents and businesses in the Annexation Area will be subject to the same service policies and procedures as apply to other areas of the City of Boerne with the same or similar topography, land use, and population density. As applied to all properties within the City, residents will be responsible for costs to install water service throughout their property. All such water service facilities under the City of Boerne's direct jurisdiction, including new facilities which may be installed by developers or property owners within this newly annexed territory, will be operated, maintained, monitored and inspected in accordance with established City of Boerne policies and ordinances as may be amended.

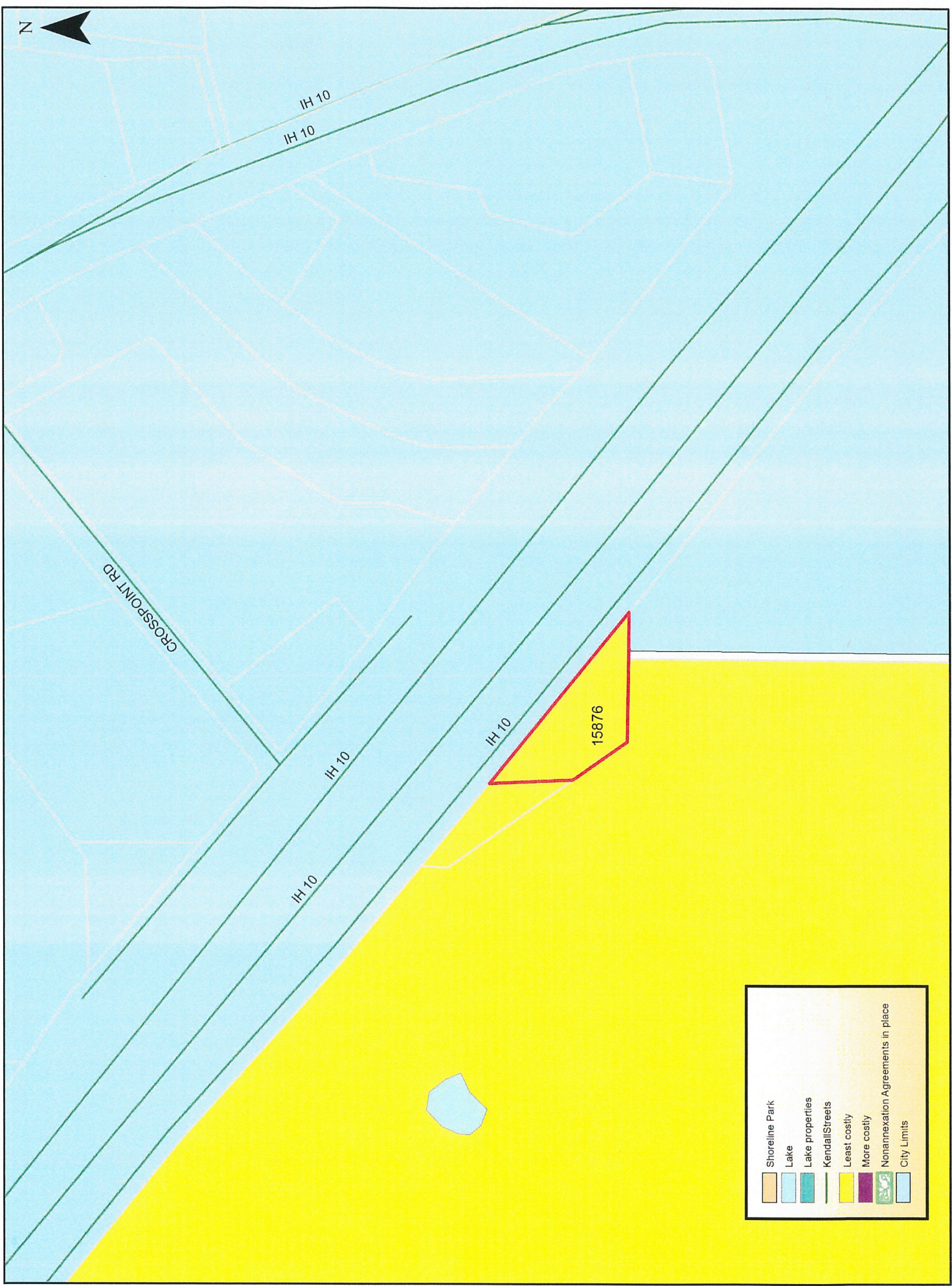
12. SEWER SERVICE

Sanitary sewer service to the area of proposed annexation may be provided from the City of Boerne in accordance with applicable codes and departmental policy. When property develops in the adjacent areas, sanitary sewer service may be provided in accordance with the present extension ordinance. Extension of service shall comply with applicable codes and ordinances

and State law as provided in Chapter 43 of the Local Government Code.

Residents and businesses in the Annexation Area will be subject to the same service policies and procedures as apply to other areas of the City of Boerne with the same or similar topography, land use, and population density. As applied to all properties within the City, residents will be responsible for costs to install sewer service throughout their property. All such sewer service facilities under the City of Boerne's direct jurisdiction, including new facilities which may be installed by developers or property owners within this newly annexed territory, will be operated, maintained, monitored and inspected in accordance with established City of Boerne policies and ordinances as may be amended.

Property ID No. 15876



	Shoreline Park
	Lake
	Lake properties
	Kendall/Streets
	Least costly
	More costly
	Nonannexation Agreements in place
	City Limits