

ORDINANCE NO. 2023-32

AN ORDINANCE ANNEXING A 2.807 ACRE PORTION OF WEST STATE HIGHWAY 46 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

WHEREAS, Chapter 43 of the Texas Local Government Code and 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; and

WHEREAS, pursuant to Section 43.1056(b) of the Texas Local Government Code the City of Boerne provided written notice more than sixty-one (61) days ago to the owner (TxDOT) of the right-of-way of the City's intent to annex the right-of-way and the owner of the right-of-way did not submit a written objection; and

WHEREAS, the City Council of the City of Boerne approved Resolution No. 2023-R59 on August 8, 2023, setting a public hearing for the proposed annexation of 2.807 being a portion of Highway 46 right-of-way by the City; and

WHEREAS, the right-of-way being annexed is contiguous to and running parallel to the City limits in accordance with Local Government Code Section 43.1056; and

WHEREAS, the City held a public hearing on September 12, 2023, to give all interested persons the right to appear and be heard on the proposed annexation; and

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:

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 "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 ordinance are hereby found and declared to be true and correct and are incorporated herein and expressly made part hereof, as if 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. Services for the contiguous right-of-way being annexed with this tract will be addressed and governed under the provisions of the Municipal Maintenance Agreement between City of Boerne and TxDOT, dated September 28, 2010, as amended, and any other agreements with TxDOT applicable to this right-of-way.

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 ____ day of September, 2023.

PASSED, APPROVED AND ADOPTED on this the second reading the ____ day of September, 2023.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney