

PETITION FOR CONSENT TO
ANNEX LAND INTO A WATER CONTROL AND IMPROVEMENT DISTRICT

THE STATE OF TEXAS

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COUNTY OF KENDALL

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TO THE HONORABLE MAYOR AND CITY
COUNCIL OF THE CITY OF BOERNE, TEXAS:

The undersigned, KENDALL COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2A, a political subdivision of the State of Texas (the "District") and LOOKOUT BOERNE HOLDINGS, L.P., a Texas limited partnership (the "Property Owner"), respectfully petition the City of Boerne, Texas for its consent to the addition of land to the District. In support of this Petition, the District would show the following:

I.

The land sought to be added to the District (the "Tract") is described by metes and bounds in Exhibit "A", attached hereto and made a part hereof for all purposes.

II.

The Tract lies wholly within Kendall County, Texas, and not within the boundaries of any incorporated city or town. The Tract lies wholly within the exclusive extraterritorial jurisdiction of the City of Boerne, Texas, as such term is determined pursuant to Chapter 42 V.T.C.A. Local Government Code.

III.

Property Owner is the holder of title to the Tract as shown by the Kendall County Tax Rolls and conveyances of record. No person or entity holds a lien on the Tract, except for Prosperity Bank, (as lender to Petitioner, "Lender") pursuant to that certain Deed of Trust dated November 4, 2014, and recorded in Volume 1440, page 99, of the Official Public Records of Kendall County, Texas, as Document No. 00288177.

IV.

The District was organized, created, and established pursuant to an election held on May 9, 2009, approving the division of Kendall County Water Control and Improvement District No. 2 into Kendall County Water Control and Improvement District No. 2A and the District, operating in accordance with Article XVI, Section 59, and Article III, Section 52, of the Constitution of the State of Texas and operates pursuant to Chapters 49 and 51, Texas Water Code, as amended, to provide for:

- (1) the control, storage, preservation, and distribution of its storm water and floodwater, the water of its rivers and streams for irrigation, power and all other useful purposes;
- (2) the reclamation and irrigation of its arid, semiarid, and other land needing irrigation;
- (3) the reclamation and drainage of its overflowed land and other land needing drainage;
- (4) the conservation and development of its forests, water, and hydroelectric power;
- (5) the navigation of its inland and coastal water;
- (6) the control, abatement, and change of any shortage or harmful excess of water;
- (7) the protection, preservation, and restoration of the purity and sanitary condition of water within the state;
- (8) the preservation of all natural resources of the state;
- (9) the collection, transportation, processing, disposal, and control of all domestic, industrial, or communal wastes, whether fluids, solids, or composites,
- (10) to gather, conduct, divert, and control local storm water or other local harmful excesses of water; and
- (11) the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads, to the extent authorized by Article III, Section 52, of the Texas Constitution.

The District is empowered and authorized to purchase, construct, acquire, own, operate, maintain, repair, improve, or extend inside and outside its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary to accomplish the purposes of its creation.

V.

The general nature of the work to be done by and within the District at the present time is the (i) construction, maintenance and operation of a waterworks system for residential and commercial purposes; (ii) the construction, maintenance and operation of a sanitary sewer collection system; (iii) the control, abatement and amendment of the harmful excess of waters and the reclamation and drainage of overflowed lands within the District; (iv) the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads, to the extent authorized by Article III, Section 52, of the Texas Constitution; and (v) such other construction, installation,

maintenance, purchase and operation of such additional facilities, systems, plants and enterprises as shall be consonant with the purposes for which the District is organized.

VI.

There is a necessity for the improvements above described because the Tract is located within an area that is experiencing substantial and sustained residential and commercial growth, is urban in nature and is not supplied with adequate water, sanitary sewer, drainage facilities, road facilities and services. The health and welfare of the future inhabitants of the Tract require the acquisition and installation of an adequate waterworks, sanitary sewer, storm drainage and road system. The purchase, construction, extension, improvement, maintenance and operation of such waterworks, sanitary sewer, storm drainage and road systems will conserve and preserve the natural resources of this State by promoting and protecting the purity and sanitary condition of the State's waters and will promote and protect the public health and welfare of the community; therefore, a public necessity exists for the inclusion of the Tract within the District.

VII.

Said proposed improvements are practicable and feasible, in that the terrain of the Tract is of such a nature that a waterworks, sanitary sewer, storm drainage and road systems can be constructed at a reasonable cost; and said land will be rapidly developed for commercial, multi-family and residential purposes.

VIII.

A preliminary investigation has been instituted to determine the cost of the project attributable to the Tract, and it is now estimated by those filing this Petition, from such information as they have at this time, that the ultimate cost of the development contemplated will be approximately \$711,000.

WHEREFORE, the undersigned respectfully pray that this Petition be granted in all respects and that the City Council of the City of Boerne, Texas, adopt a resolution giving its written consent to the addition of the Tract to the District.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

RESPECTFULLY SUBMITTED THIS 26 DAY OF February, 2020.

"DISTRICT"

KENDALL COUNTY WATER CONTROL AND
IMPROVEMENT DISTRICT NO. 2A

By: _____

Printed Name: Kurtis Rudkin

Title: President

ADDRESS:

c/o Sanford Kuhl Hagan Kugle Parker Kahn LL.P.
1980 Post Oak Boulevard, Suite 1380
Houston, Texas 77056

THE STATE OF TEXAS

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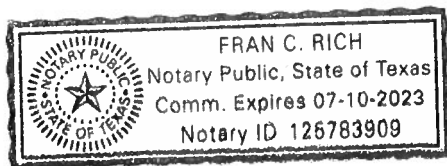
COUNTY OF KENDALL

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This instrument was acknowledged before me on the 26th day of February, 2020, by Kurtis Rudkin as President of the Board of Directors of Kendall County Water Control and Improvement District No. 2A, a political subdivision of the State of Texas, on behalf of said political subdivision.

STAMP NAME AND DATE OF
EXPIRATION OF COMMISSION
BELOW:



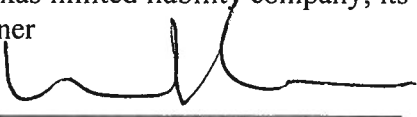
Jean Clitch

NOTARY PUBLIC, STATE OF TEXAS

"PROPERTY OWNER"

LOOKOUT BOERNE HOLDINGS, L.P.,
a Texas limited partnership

By: Morningside Land & Cattle Company, LLC,
a Texas limited liability company, its General
Partner

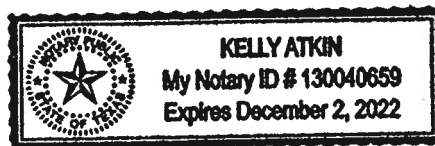
By: 
William R. Hinckley
Operating Manager

THE STATE OF TEXAS §
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COUNTY OF Williamson §

This instrument was acknowledged before me on the 10 day of February, 2020, by **WILLIAM R. HINCKLEY**, Operating Manager of **MORNINGSIDE LAND & CATTLE CO., LLC**, a Texas limited liability company, General Partner of **LOOKOUT BOERNE HOLDINGS, L.P.**, a Texas limited partnership, in the capacity herein stated.

STAMP NAME AND DATE OF
EXPIRATION OF COMMISSION
BELOW:


NOTARY PUBLIC, STATE OF TEXAS



**A METES AND BOUNDS
DESCRIPTION OF AN
11.785 ACRE TRACT OF LAND**

BEING an 11.785 acre (513,336 square feet) tract of land situated in the Juan Ortiz Survey No. 190, Abstract No. 363, Kendall County, Texas; being a portion of a called 800.258 acre Tract 3 described in instrument to Lookout Boerne Holdings, L.P. recorded in Volume 1389, Page 572 of the Official Public Records of Kendall County; and being more particularly described as follows:

COMMENCING at a 1/2-inch iron rod found marking the eastern-most corner of Lot 1 and the southern-most corner of Lot 2 of Spring Creek Estates, plat of which is recorded in Volume 4, Pages 59-61 of the Plat Records of Kendall County;

THENCE, North 13°52'07" East, 660.38 feet along the easterly line of said Spring Creek Estates to the **POINT OF BEGINNING** of the herein described tract;

THENCE, continuing along the easterly line of said Spring Creek Estates the following two (2) courses and distances:

1. North 13°52'07" East, 438.76 feet to a 1/2-inch iron rod found for corner;
2. North 14°08'13" East, 119.47 feet to a point for corner; from which a 1/2-inch iron rod with a plastic cap stamped "MDS" found marking the eastern-most corner of Lot 6 of said Spring Creek Estates bears North 14°08'13" East, 540.64 feet;

THENCE, departing the easterly line of said Spring Creek Estates and crossing said Tract 3 the following six (6) courses and distances:

1. South 84°29'16" East, 1414.62 feet to a point for corner;
2. South 2°08'21" West, 49.14 feet to a point of curvature;
3. in a southerly direction, along a tangent curve to the right, a central angle of 1°41'03", a radius of 1057.00 feet, a chord bearing and distance of South 2°58'53" West, 31.07 feet, and a total arc length of 31.07 feet to a point for corner;
4. South 89°52'35" West, 475.52 feet to a point for corner;
5. South 4°12'50" West, 266.57 feet to a point for corner;
6. South 86°46'10" West, 1045.54 feet to the **POINT OF BEGINNING**, and containing 11.785 acres of land in Kendall County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System Grid, South Central Zone (FIPS 4204) (NAD'83). All distances are on the Grid and shown in U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

ABEL P. STENDAHL
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6754
601 NW LOOP 410, SUITE 350
SAN ANTONIO, TEXAS 78216
PH. 210-541-9166
abel.stendahl@kimley-horn.com



11.785 ACRES
JUAN ORTIZ SURVEY NO. 190,
ABSTRACT NO. 363,
KENDALL COUNTY, TEXAS

Kimley»Horn

601 NW Loop 410, Suite 350
San Antonio, Texas 78216

FIRM # 10193973

Tel. No. (210) 541-9166
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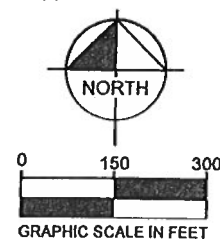
Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	APS	JGM	11/21/2019	068685320	1 OF 2

CURVE TABLE

NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	1°41'03"	1057.00'	31.07'	S02°58'53"W	31.07'

CALLLED TRACT 3 - 800.258 ACRES
LOOKOUT BOERNE HOLDINGS, L.P.
VOL. 1389, PG. 572 OPRKC

11.785 ACRES
513,336 SQ. FT.



LEGEND:

P.O.C. = POINT OF COMMENCING
P.O.B. = POINT OF BEGINNING
IRFC = IRON ROD W/CAP FOUND
IRF = IRON ROD FOUND
OPRKC = OFFICIAL PUBLIC RECORDS, KENDALL COUNTY
PRBC = PLAT RECORDS, KENDALL COUNTY

NOTE:

The bearings, distances, areas and coordinates shown hereon are Texas State Coordinate System GRID, South Central Zone (FIPS 4204) (NAD'83), as determined by the Global Positioning System (GPS). The unit of linear measurement is U.S. Survey Feet.

LINE TABLE

NO.	BEARING	LENGTH
L1	N13°52'07"E	438.76'
L2	N14°08'13"E	119.47'
L3	S02°08'21"W	49.14'
L4	S89°52'35"W	475.52'
L5	S04°12'50"W	266.57'



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11.785 ACRES
JUAN ORTIZ SURVEY NO. 190,
ABSTRACT NO. 363,
KENDALL COUNTY, TEXAS

Kimley»Horn

601 NW Loop 410, Suite 350
San Antonio, Texas 78216

FIRM # 10193973

Tel. No. (210) 541-9166
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Scale
1" = 300'

Drawn by
APS

Checked by
JGM

Date
11/21/2019

Project No.
06868320

Sheet No.
2 OF 2