

**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

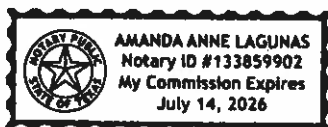
6-20-2023

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

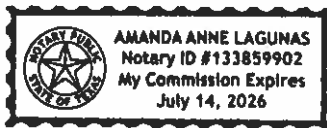
Julie Miller
Printed Name

[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

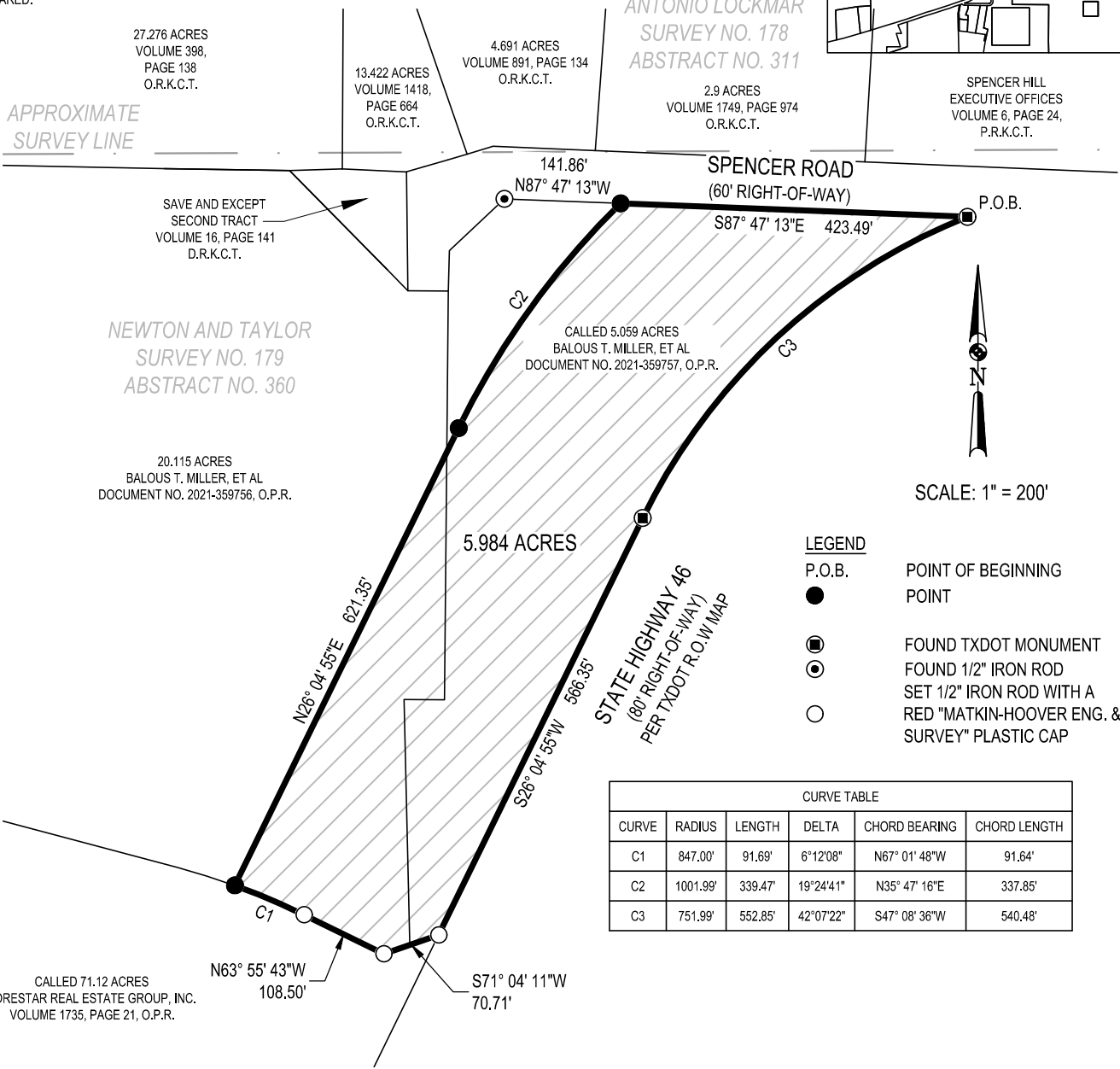
NOTES

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



ANTONIO LOCKMAR
SURVEY NO. 178
ABSTRACT NO. 311

2.9 ACRES
VOLUME 1749, PAGE 974
O.R.K.C.T.

SPENCER HILL
EXECUTIVE OFFICES
VOLUME 6, PAGE 24,
P.R.K.C.T.

27.276 ACRES
VOLUME 398,
PAGE 138
O.R.K.C.T.

13.422 ACRES
VOLUME 1418,
PAGE 664
O.R.K.C.T.

4.691 ACRES
VOLUME 891, PAGE 134
O.R.K.C.T.

APPROXIMATE
SURVEY LINE

SAVE AND EXCEPT
SECOND TRACT
VOLUME 16, PAGE 141
D.R.K.C.T.

NEWTON AND TAYLOR
SURVEY NO. 179
ABSTRACT NO. 360

20.115 ACRES
BALOUS T. MILLER, ET AL
DOCUMENT NO. 2021-359756, O.P.R.

CALLED 5.059 ACRES
BALOUS T. MILLER, ET AL
DOCUMENT NO. 2021-359757, O.P.R.

5.984 ACRES

STATE HIGHWAY 46
(60' RIGHT-OF-WAY)
PER TXDOT R.O.W. MAP

CALLLED 71.12 ACRES
FORESTAR REAL ESTATE GROUP, INC.
VOLUME 1735, PAGE 21, O.P.R.

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'

N63° 55' 43"W 108.50'
S71° 04' 11"W 70.71'

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 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