

**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

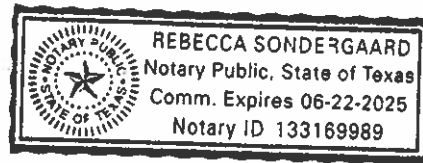
Date

*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. Dufresne III

Printed Name

[Signature]

Signature

May 31 - 2023

Date

Printed Name

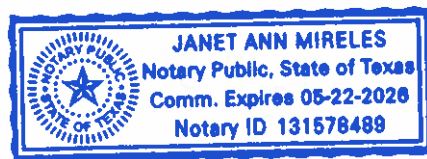
Signature

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 $\frac{1}{2}$ " 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 $73^{\circ} 50' 05''$ 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 $\frac{1}{2}$ " 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 $87^{\circ} 29' 15''$ W, a distance of **78.47 feet** to a found $\frac{1}{2}$ " iron rod for the southwest corner of the tract described herein,
2. N $00^{\circ} 19' 08''$ E, a distance of **1035.14 feet** to a found $\frac{1}{2}$ " iron rod for an angle, and
3. N $00^{\circ} 32' 16''$ 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 $80^{\circ} 57' 25''$ E, a distance of **82.35 feet** to a point for an angle,
- S $87^{\circ} 26' 10''$ E, a distance of **138.77 feet** to a point for an angle,
- N $75^{\circ} 48' 05''$ E, a distance of **177.15 feet** to a point for an angle,
- N $62^{\circ} 22' 16''$ E, a distance of **136.38 feet** to a point for an angle,
- N $56^{\circ} 27' 21''$ E, a distance of **74.67 feet** to a point for an angle,
- N $32^{\circ} 53' 27''$ E, a distance of **74.41 feet** to a point for an angle,
- N $37^{\circ} 41' 25''$ E, a distance of **60.91 feet** to a point for an angle,
- N $45^{\circ} 07' 58''$ 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 $51^{\circ} 13' 59''$ 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 $00^{\circ} 01' 24''$ 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 $\frac{1}{2}$ " 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 $00^{\circ} 01' 20''$ E, a distance of **312.68 feet** to a found $\frac{1}{2}$ " iron rod for angle, and
2. S $00^{\circ} 09' 22''$ W, a distance of **135.01 feet** to a found $\frac{1}{2}$ " 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

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Job # 14-4064 22.653 Acres

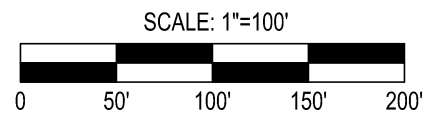
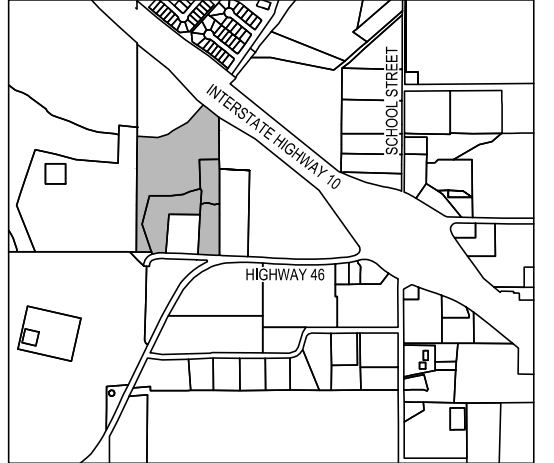
Date: August 30, 2022

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

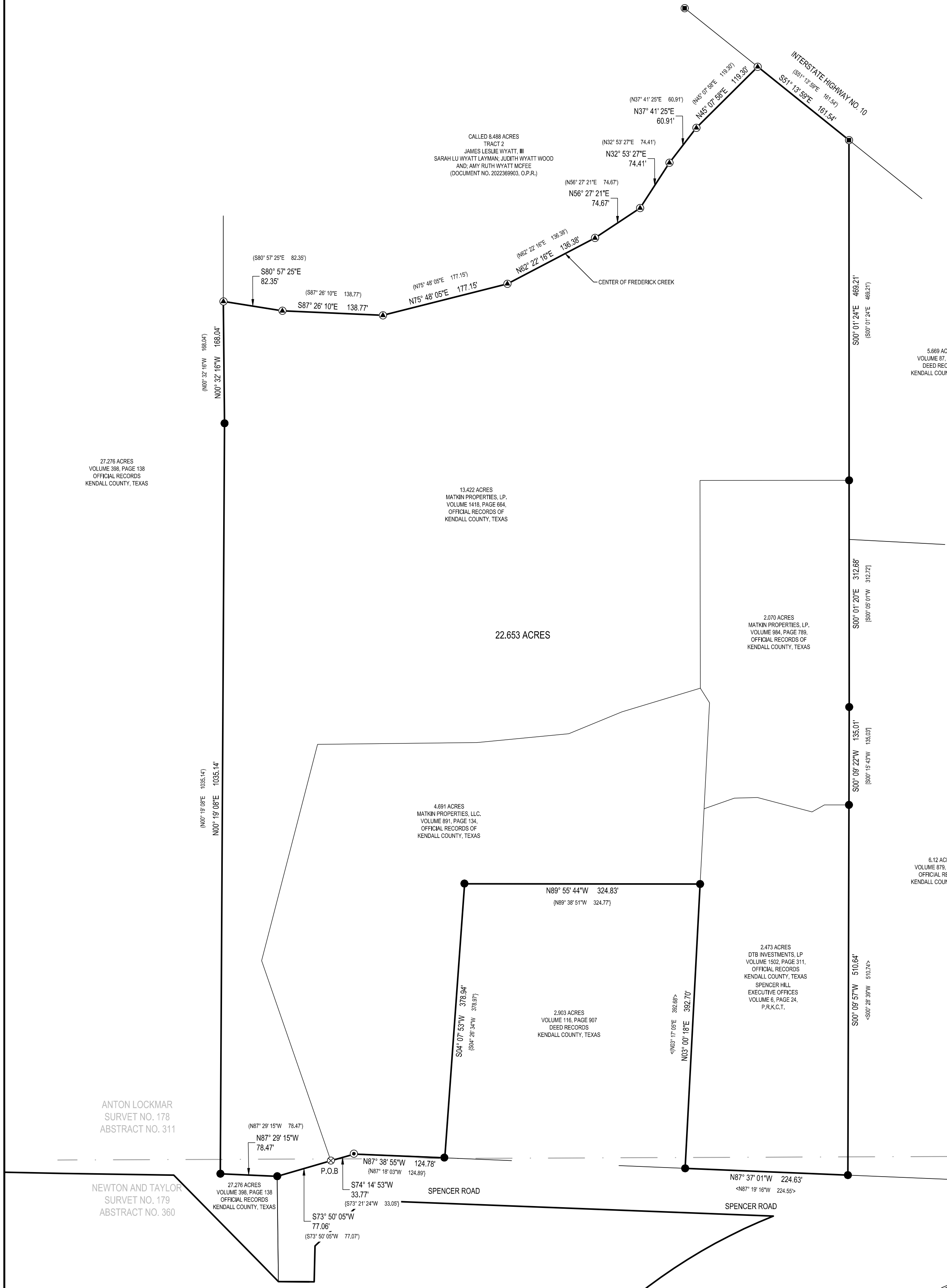
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LOCATION MAP



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 HOOVER
 ENGINEERING & SURVEYING

P.O. BOX 54
 SPENCER HILL ROAD, SUITE 100
 BOERNE, TEXAS 78006
 (817) 775-3200 FAX (817) 430-2400
 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@MATKINHOOVER.COM
 JOB NO. 14-4064 - 22.653 ACRES - AREA 2