

ORDINANCE NO. 2023-29

AN ORDINANCE ANNEXING A TOTAL OF 22.653 ACRES, MORE OR LESS, BEING 13.42 ACRES LOCATED 12 SPENCER ROAD (KAD. NO. 37948), 2.07 ACRES LOCATED AT 2B SPENCER ROAD (KAD. NO. 37947), 2.47 ACRES LOCATED AT 2 SPENCER ROAD (KAD NO. 14354), AND 4.69 ACRES LOCATED AT 8 SPENCER ROAD (KAD. NO. 36891) 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, the owner of 22.653 acres located at 12 Spencer Road (KAD No. 37948), 2B Spencer Road (KAD No. 37947), 2 Spencer Road (KAD No. 14354), and 8 Spencer Road (KAD No. 36891) in the extraterritorial jurisdiction of Boerne, Texas, has requested that the area be annexed into the City of Boerne; 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 22.653 acres located at 12 Spencer Road (KAD No. 37948), 2B Spencer Road (KAD No. 37947), 2 Spencer Road (KAD No. 14354), and 8 Spencer Road (KAD No. 36891) by the City and approved the service plan agreement for the area in the City Extraterritorial Jurisdiction ("ETJ") being considered for annexation into the corporate limits of the City of Boerne; 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 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 789a, 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 Volum 6, Pages 180-181 of the Plat

Records of Kendall County, Texas. Said 22.653 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. A service plan for the area was hereby adopted by City Council on August 8, 2023, 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 ____ 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