



AGENDA ITEM SUMMARY

Agenda Date	February 25, 2025
Requested Action	APPROVE ON SECOND READING ORDINANCE NO. 2025-02; AN ORDINANCE ANNEXING APPROXIMATELY 0.927 ACRES OF COUNTY ROAD RIGHT-OF-WAY, BEING A PORTION OF THAT CERTAIN 1.382 ACRE TRACT OF LAND CONVEYED TO KENDALL COUNTY IN INSTRUMENT RECORDED IN VOLUME 533, PAGES 728-734, OFFICIAL RECORDS, KENDALL COUNTY, TEXAS, AND A PORTION OF THE REMAINING PIECE OF A 50.78 ACRE TRACT OF LAND (KCAD PARCEL# 11550) DESCRIBED IN INSTRUMENT RECORDED IN VOLUME 79, PAGES 225-226, DEED RECORDS, KENDALL COUNTY, TEXAS, INTO 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. <i>(Roadway annexation at the request of Kendall County)</i>
Contact Person	Jeffrey Carroll – Engineering & Mobility Director
Background Information	<p>County Right-of-Way Creation: Per Texas law Rights-of-Ways (ROW's) are similar to easements in that it grants use of a portion of property but does not formally transfer ownership. A ROW legally allows someone to access your property to traverse through to other parcels.</p> <p>Prior to 2007 the County had been maintaining many roadways throughout the County that were not formally purchased or dedicated as ROW to the county.</p> <p>In 2007 Kendall County Commissioners formally adopted a county road map, which per state law allowed the County to define public interest in roads that had been maintained by the County. The County did not formally acquire the properties, however the court action allowed the County to formally adopted these maintained roadways as legal ROW's.</p>

Per the same state law that allowed Counties to claim these ROW's as a public interest, it is stated that the *"land underlying a road in which the county has successfully asserted the existence of a public interest is exempt from ad valorem taxation by any taxing authority"*.

From 2007 to current, the land under these new ROW's was still owned by the landowner unless a separate action occurred to legally transfer the ownership of the parcel.

Annexation:

State law for annexation requirements have changed over time and in 2015 the law was modified (House Bill #1949) such that when new parcels are annexed by a City any adjacent County Right-of-Ways (ROW's) shall also be annexed concurrently.

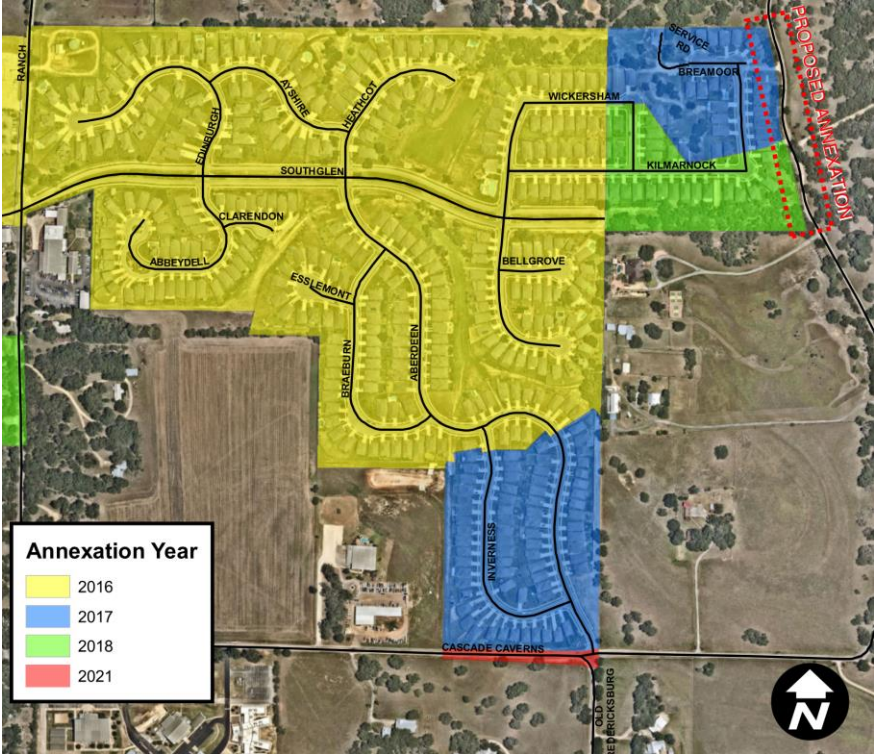
The City annexed the land for the Southglen residential neighborhood in three separate portions in 2016, 2017, and 2018. However, for unknown reasons it appears that the annexation limits did not include the portions of adjacent existing County ROW's located to the south and east of the neighborhood.

In 2021, after discussions between City & County portions of County ROW's were annexed for segments of Cascade Cavern, Old San Antonio, Ranger Creek, Shooting Club, and Upper Balcones Roads. Included with these annexations was the portion of Cascade Cavern Road that is adjacent to the southern limits of Southglen neighborhood.

On October 2nd, 2024, the City received a letter from the County Attorney regarding the unannexed portion of Cascade Cavern Road that is adjacent to the eastern limits of Southglen neighborhood. In the County's letter it quoted state law annexation requirements and asked how the City "would formally resolve the issue."

After internal City research and discussion, City provided a letter to the County on October 31, 2024, stating the City's intent to annex this portion of ROW in compliance with State law requirements.

As required by State Law, the City's letter provided 60-day notice such that if no comments are received from County that the City would proceed with annexation of the ROW. No comments were received and therefore City staff is requesting to schedule the public hearing to start the annexation process.

	<p>Location Map:</p> 
<p>Strategic Alignment <i>(Example: C2 – Customer Feedback, B1 – Data Driven Decision)</i></p>	<p>F2 – Investing in and maintaining high-quality infrastructure systems and public assets.</p>
<p>Financial Considerations</p>	<p>Annexation of this roadway will increase the limits of annual pavement and ROW maintenance.</p>
<p>Citizen Input/Board Review</p>	<p>N/A</p>
<p>Legal Review</p>	<p>N/A</p>
<p>Alternative Options</p>	<p>N/A</p>
<p>Supporting Documents</p>	<p>Ordinance No. 2025-02 County Letter City Letter Legal description of parcel</p>

