

ORDINANCE NO. 2023-36

AN ORDINANCE ANNEXING 3.877 ACRES LOCATED AT 36432 INTERSTATE HIGHWAY 10 (KAD NO. 222994) AND A 6.676 ACRE PORTION OF INTERSTATE HIGHWAY 10 RIGHT-OF-WAY 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 36432 Interstate Highway 10, Boerne, Texas, 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-R72 on September 26, 2023, setting a public hearing for the proposed annexation of 3.877 acres located at 36432 Interstate Highway 10 and a portion of Interstate Highway 10 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 right-of-way being annexed is contiguous to and running parallel to the City limits and is contiguous to the parcel being annexed in accordance with Local Government Code Section 43.1056; and

WHEREAS, the City held a public hearing on October 24, 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 3.877 acre tract of land, more or less, out of the Anton Lockmar Survey No. 311 in Kendall County, Texas, said tract being more fully described in attached Exhibit "A"; and

BEING A 6.676 acre tract of land, located in the Antonio Lockmar Survey No. 178, Abstract 311, Kendall County, Texas, and being a portion of a called 9.077 acre tract of land as described of record in Volume 87, Page 353 of the Deed Records of Kendall County, Texas, and also being a portion of the current right-of-way of Interstate Highway 10, as shown on the Texas Department of Transportation (TxDOT) Right-of-Way Map,

Account No. I10-4(53)544. Said 6.676 acre tract being more fully described in attached Exhibit "B".

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 September 26, 2023, and attached as Exhibit C.

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 24th day of October, 2023.

PASSED, APPROVED AND ADOPTED on this the second reading the ____ day of November, 2023.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney