

ORDINANCE NO. 2016-31

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY 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 THE CITY LIMITS, AND GRANTING TO SAID TERRITORY AND TO ALL FUTURE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF SAID CITY

WHEREAS, the City Council of the City of Boerne, Texas has found it necessary and in the public interest to expand the city limits of the City of Boerne to include the area referred to in this proposed annexation plan, so that the City will grow in an orderly manner, and that the residents both present and future, of the annexed area will be provided services; and

WHEREAS, said tract of land is adjacent to the City of Boerne boundaries, or is within the extra-territorial jurisdiction of the City of Boerne, or is already contiguous to the City of Boerne on at least two sides, or the area being annexed is not less than 1000 feet wide in the narrowest point; and

WHEREAS, on the 12th day of July, 2016, and the 26th day of July, 2016, Public Hearings were held at 6:00 p.m. in the Council Chambers of the Police Department/ Municipal Court building. The purpose of the Public Hearings was to give all interested persons the right to appear and be heard on the proposed annexation of 40.892 acres of land, more or less, by the City of Boerne, Texas, more fully described in "Exhibit A", attached hereto and made a part hereof.

WHEREAS, the City has prepared a Service Plan for said tract of land which is "Exhibit B", attached hereto and made a part hereof.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS:

Section 1: That the territory described in "Exhibit A" attached hereto is hereby annexed into the City of Boerne, Kendall County, Texas, and that the boundary limits of the City of Boerne are hereby extended to include the territory described in "Exhibit A" within the city limits and the same shall hereafter be included within the territorial limits of said City, and said land and future inhabitants thereof shall hereafter be entitled to all rights and privileges of other citizens of the City, and shall be bound by the acts and ordinances of said City.

Section 2: That the Municipal Service Plan for the herein annexed tract provided for in "Exhibit B", attached hereto is hereby adopted.

Section 3: The City Secretary is hereby directed to file with the County Clerk of Kendall County, Texas, and other appropriate officials and agencies, as required by the State and Federal law and City annexation procedures, a certified copy of this ordinance.

PASSED and APPROVED on first reading this the 9th day of August, 2016.

PASSED, APPROVED, and ADOPTED on second reading this the ____ day of August, 2016.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:



City Attorney

MATKIN HOOVER

ENGINEERING & SURVEYING

8 SPENCER ROAD, SUITE 100, BOERNE, TEXAS 78006

PHONE: 830-249-0600 FAX: 830-249-0099

TEXAS REGISTERED SURVEYING FIRM F-10024000

FIELD NOTES FOR A 1.805 ACRE TRACT OF LAND

BEING A 1.805 ACRE TRACT LOCATED IN THE NEWTON & TAYLOR SURVEY NO. 181, ABSTRACT NO. 361, KENDALL COUNTY, TEXAS, BEING A PORION OF SHOOTING CLUB ROAD, SAID 1.805 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Beginning at a point in the east right-of-way line of Shooting Club Road, for the northeast corner of the herein described tract, at the northwest corner of the Durango Development Plat recorded in Volume 6, Page 149, Plat Records, Kendall County, Texas, at the southwest corner of a called 6.00 acre tract recorded in Volume 77, Page 422, Deed Records of Kendal County, Texas;

- (1) **Thence**, with the east boundary line of the herein described tract, the east right-of-way line of Shooting Club Road and the west boundary line of the Durango Development Plat, the following courses and distances:

 - a. **S 18° 28' 13" E, 348.95'** to a point for angle;
 - b. **S 08° 17' 07" E, 570.28'** to a point for angle;
 - c. **S 08° 08' 07" E, 348.23'** to a point for the southeast corner of the herein described tract, at the southwest corner of the called Durango Development Plat and the northwest corner of the called 5.505 acre tract of land recorded in Volume 1261, Page 737, Official Records, Kendall County, Texas;
- (2) **Thence, S 80° 50' 30" W**, departing the east right-of-way line of Shooting Club Road, **a distance of 60.76'** to a point for the southwest corner of the herein described tract, in the west right-of way line of Shooting Club Road, in the east boundary line of the called Re-Plat of Pfeiffer Heritage Subdivision, Lot 1 recorded in Volume 5, Pages 48-49, Plat Records, Kendall County, Texas;
- (3) **Thence**, with the west boundary line of the herein described tract, the west right-of-way line of Shooting Club Road, the east boundary line of said Re-Plat of Pfeiffer Heritage Subdivision, the east boundary line of Boerne North Business Park recorded in Volume 1, Pages 253-254, Plat Records, Kendall County, Texas and the east boundary line of Replat of Boerne North Business Park recorded in Volume 1, Pages 359-361, Plat Records, Kendall County, Texas, the following courses and distances:

 - a. **N 09° 09' 30" W, 18.11'** to a point for angle;
 - b. **N 08° 09' 00" W, 347.40'** to a point for angle;

- c. **N 08° 18' 00" W, 568.95'** to a point for angle;
 - d. **N 20° 20' 00" W, 349.40'** to a point for the northwest corner of the herein described tract, at the southeast corner of a called 28.157 acre tract of land recorded in Volume 1093, Page 995, Official Records, Kendall County, Texas, at the northeast corner of the called Replat of Boerne North Business Park;
- (4) **Thence, S 87° 54' 19" E, departing the west right-of-way line of Shooting Club Road, a distance of 73.71'** to the POINT of BEGINNING and containing **1.805 acres of land**, more or less.

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TEXAS REGISTERED SURVEYING FIRM F-10024000

FIELD NOTES FOR A 39.087 ACRE TRACT OF LAND

BEING 39.087 ACRES, AND CONTAINING ALL OF LOTS 1,2,3,4,5, AS SHOWN ON THE DURANGO DEVELOPMENT PLAT RECORDED IN VOLUME 6, PAGE 149, PLAT RECORDS, KENDALL COUNTY, TEXAS, SAID 39.102 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Beginning at a point in the east right-of-way line of Shooting Club Road, for the northwest corner of the herein described tract, the southwest corner of a called 6.00 acre tract recorded in Volume 77, Page 422, Deed Records of Kendall County, Texas;

- (1) Thence, S 89° 45' 40" E, with the north boundary line of the herein described tract, the south boundary line of the called 6.00 acre tract, a distance of 861.53' to a point for angle at the southeast corner of the called 6.00 acre tract, the southwest corner of a called 6.003 acre tract recorded in Volume 459, Page 485, Official Records of Kendall County, Texas;**
- (2) Thence, S 88° 58' 45" E, with the north boundary line of the herein described tract, the south boundary line of the called 6.003 acre tract, a distance of 607.06' to a point for corner at the northwest corner of the remaining portion of a called 9.961 acre tract recorded in Volume 111, Page 74, Deed Records of Kendall County, Texas;**
- (3) Thence, S 00° 38' 55" W, with the east boundary line of the herein described tract, the west boundary line of the remaining portion of the called 9.961 acre tract, a distance of 568.29' to a point for interior corner at the southwest corner of the remaining portion of a called 9.961 acre tract;**
- (4) Thence, S 87° 43' 17" E, with a north boundary line of the herein described tract, the south boundary line of the remaining portion of the called 9.961 acre tract, a distance of 116.99' to a point for corner at the northwest corner of the remaining portion of a called 9.931 acre tract recorded in Volume 205, Page 36, Official Records of Kendall County, Texas;**
- (5) Thence, S 01° 31' 00" W, with the east boundary line of the herein described tract, the west boundary line of the remaining portion of the called 9.931 acre tract, the west boundary line of a called 4.00 are tract recorded in Volume 1401, Page 506, Official Records of Kendall County, Texas, and the west boundary line of a called 5.499 acre tract recorded in Volume 589, Page 806, Official Records of Kendall County, Texas a distance of 658.91' to a point for corner in the north boundary line of a called 5.31 acre tract recorded in Volume 73, Page 339, Deed Records of Kendall County, Texas;**

- (6) **Thence, N 89° 31' 49" W**, with the south boundary line of the herein described tract, the north boundary line of the called 2.816 acre tract, **a distance of 412.46'** to a point for angle at the northwest corner of the called 2.816 acre tract, the northeast corner of a called 2.816 acre tract recorded in Volume 1470, Page 481, Official Records of Kendall County, Texas;
- (7) **Thence, N 89° 55' 25" W**, with the south boundary line of the herein described tract, the north boundary line of the called 5.31 acre tract, **a distance of 291.19'** to a point for angle at the northwest corner of the called 5.31 acre tract, the northeast corner of a called 5.505 acre tract recorded in Volume 1261, Page 737, Official Records of Kendall County, Texas;
- (8) **Thence**, with the south boundary line of the herein described tract, the north boundary line of the called 5.505 acre tract, the following courses and distances:
- a. **N 89° 54' 22" W, 170.60'** to a point for angle;
 - b. **N 89° 45' 11" W, 445.27'** to a point for corner in the east right-of-way line of Shooting Club Road;
- (9) **Thence**, with the west boundary line of the herein described tract, the east right-of-way line of Shooting Club Road, the following courses and distances:
- a. **N 08° 08' 07" W, 348.23'**
 - b. **N 08° 17' 07" W, 570.28'**
 - c. **N 18° 28' 13" W, 348.95'** to the POINT of BEGINNING and containing **39.087 acres of land**, more or less.

2016 ANNEXATION CITY OF BOERNE, TEXAS MUNICIPAL SERVICE PLAN

Property Subject to the Plan: 40.892 acres, and containing all of lots 1,2,3,4,5, as shown on the Durango Development Plat and being a portion of Shooting Club Road, Kendall County Deed Records being more fully described in attached Exhibit "A", 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. It is anticipated that the implementation of police patrol activities can be effectively accommodated within the current budget and staff appropriation.

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. These services can be provided within the department's current budget. The Planning and Zoning Commission will initiate permanent zoning of the newly annexed area as soon as possible after annexation.

5. LIBRARY

Free library use and privileges will be available to residents of the Annexation Area, pursuant to applicable policies and/or ordinances as may be amended. These privileges can be provided within the current budget appropriation.

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

The City of Boerne contracts for the collection of solid waste and refuse within the corporate limits of the City. 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

Any and 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. This service can be provided within the current budget appropriation.

Construction of new roads and streets, if any, is the responsibility of the developer or land owner 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 Subdivision Ordinance 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 Co-op will continue to provide electricity service to the Annexation Area at the same or similar level of service now being provided to other areas of the City of Boerne which exhibit topography, land use and population density.

10. GAS SERVICE

Natural Gas service is presently available to the Annexation Area. 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.

Natural Gas service from the City of Boerne may be extended to and throughout the Annexation Area by the developer or the land owner and must be designed and built in accordance with applicable City of Boerne policies and ordinances as may be amended. The nearest natural gas main is located along Shooting Club Road at Commerce Drive.

11. WATER SERVICE

Kendall West Water service is presently available to the Annexation Area. Existing City of Boerne water mains will be available for point-of-use extension based on applicable utility extension policies and ordinances of the City of Boerne, now existing or as may be amended.

Residents and businesses in the Annexation Area will be subject to the same service policies and procedures as apply to other areas of the City of Boerne with the same or similar topography, land use, and population density. As applied to all properties within the City, residents will be responsible for costs to install water service throughout their property. All such water service facilities under the City of Boerne's direct jurisdiction, including new facilities which may be installed by developers or property owners within this newly annexed territory, will be operated, maintained, monitored and inspected in accordance with established City of Boerne policies and ordinances as may be amended. This service can be provided within the current budget appropriation.

12. SEWER SERVICE

Sewer service is presently available to the Annexation Area. Sewer service is provided as it is to all other areas within the City of Boerne with the same or similar topography, land use, and population density. Sewer service from the City of Boerne may be extended to and throughout the Annexation Area by the developer or the land owner and must be designed and built in accordance with applicable City of Boerne policies and ordinances as may be amended. The nearest sewer main is located on Commerce Drive approximately 300 feet west of Shooting Club Road.

Residents and businesses in the Annexation Area will be subject to the same service policies and procedures as apply to other areas of the City of Boerne with the same or similar topography, land use, and population density. As applied to all properties within the City, residents will be responsible for costs to install sewer service throughout their property. All such sewer service facilities under the City of Boerne's direct jurisdiction, including new facilities which may be installed by developers or property owners within this newly annexed territory, will be operated, maintained, monitored and inspected in accordance with established City of Boerne policies and ordinances as may be amended. This service can be provided within the current budget appropriation.

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.

THE STATE OF TEXAS
COUNTY OF KENDALL

The undersigned acknowledge that the Municipal Service Plan has been read and the requirements and stipulations contained therein are understood.

7-21-2016
Date

William E. Cavanaugh Jr
Printed Name

[Signature]
Signature

This Municipal Service Plan was acknowledged before me on the 21st day of
July, 2016



Lisa Kelley
Notary Public In and For the State of Texas

