

ORDINANCE NO. 2017-07

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 10th day of January, 2017, and the 24th day of January, 2017, 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 4.510 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 14th day of February, 2017.

PASSED, APPROVED, and ADOPTED on second reading this the ____ day of February, 2017.

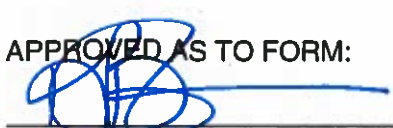
APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:



City Attorney

PFEIFFER LAND SURVEYING

918 Adler Street, Boerne, Texas 78006
Phone: 830-249-3385

FIELD NOTES FOR A 4.510 ACRE TRACT OF LAND

Being a 4.510 acre tract of land out of the J.M. McCulloch & Co. Survey No. 184, Abstract No. 730, Kendall County, Texas, said 4.510 acre tract being a portion of that certain 15.090 acre tract of land recorded in Volume 683, Pages 154-157, Official Records, Kendall County, Texas, a portion of that certain 12.500 acre tract of land recorded in Volume 1124, Pages 84-88, Official Records, Kendall County, Texas, and a portion of Old San Antonio Road, a County maintained road, said 4.510 acre tract being more particularly described by metes and bounds as follows:

Beginning at a ½" iron rod found in the northeast right-of-way line of Old San Antonio Road for an angle of the herein described tract, said point also being the southwest corner of the above referenced 12.500 acre tract, the western end of a Boundary Line Agreement recorded in Volume 1527, Pages 912-917, Official Records, Kendall County, Texas and the westernmost northwest corner of the above referenced 15.090 acre tract;

Thence, with multiple lines of said Boundary Line Agreement, the following three (3) courses and distances:

North 57 degrees 46 minutes 41 seconds East, a distance of 229.71 feet to a 40D nail found for angle;

North 89 degrees 54 minutes 09 seconds East, a distance of 389.44 feet to a ½" iron rod found at an angle of said 15.090 acre tract;

and North 89 degrees 54 minutes 09 seconds East, crossing through said 12.500 acre tract, a distance of 186.56 feet to a ½" iron rod with an orange "Pfeiffer Survey" plastic cap found in a westerly line of said 15.090 acre tract, an easterly line of said 12.500 acre tract and for the northeast corner of the herein described tract;

Thence, with an easterly line of said 12.500 acre tract and a westerly line of said 15.090 acre tract, South 09 degrees 35 minutes 18 seconds West, a distance of 3.22 feet to a ½" iron rod found at the interior corner of said 15.090 acre tract, the southeast corner of said 12.500 acre tract and for an angle of the herein described tract;

Thence, crossing through said 15.090 acre tract, South 00 degrees 00 minutes 26 seconds West, a distance of 207.58 feet to a ½" iron rod with an orange "Pfeiffer Survey" plastic cap set in a south line of said 15.090 acre tract for the southeast corner of the herein described tract;

Thence, with multiple southerly lines of said 15.090 acre tract, the following two (2) courses and distances:

North 89 degrees 21 minutes 56 seconds West, a distance of 336.67 feet to a 5/8" iron rod found for angle;

and South 56 degrees 28 minutes 57 seconds West, a distance of 314.54 feet to a 5/8" iron rod found in the northeast right-of-way line of Old San Antonio Road, at the southwest corner of said 15.090 acre tract and for an angle of the herein described tract;

Thence, crossing Old San Antonio Road, South 56 degrees 42 minutes 51 seconds West, a distance of 60.45 feet to a calculated point in the southwest right-of-way line of Old San Antonio Road for the southwest corner of the herein described tract, said point being in a northeast line of that certain 5.386 acre tract of land recorded in Volume 1440, Pages 735-740, Official Records, Kendall County, Texas, and bears North 33 degrees 17 minutes 09 seconds West, a distance of 11.66 feet from a ¼" pipe found at the easternmost corner of said 5.386 acre tract;

Thence, with the southwest right-of-way line of Old San Antonio Road and a northeast line of said 5.386 acre tract, North 33 degrees 17 minutes 09 seconds West, a distance of 162.06 feet to a ½" iron rod found at the northeast corner of said 5.386 acre tract and the east corner of that certain 2.811 acre tract of land recorded in Volume 455, Pages 488-492, Official Records, Kendall County, Texas;

Thence, with the southwest right-of-way line of Old San Antonio Road and the northeast line of said 2.811 acre tract, North 33 degrees 03 minutes 47 seconds West, a distance of 147.00 feet to a calculated point for the northwest corner of the herein described tract, said point bears South 33 degrees 03 minutes 47 seconds East, a distance of 99.82 feet from a ½" iron rod found at an angle of said 2.811 acre tract;

Thence, crossing Old San Antonio Road, North 56 degrees 56 minutes 13 seconds East, a distance of 58.22 feet to the Point of Beginning containing 4.510 acres of land.

Note: The bearings are based on the Texas State Plane Coordinate System, South Central Zone, 4204, NAD83. A drawing was prepared for this tract.




Wes Rexrode
Registered Professional Land Surveyor No. 6001
Job Number: 25-16 (4.510 Acre Tract)

2016 ANNEXATION CITY OF BOERNE, TEXAS MUNICIPAL SERVICE PLAN

Property Subject to the Plan:

Being a 4.510 acre tract of land out of the J.M. McCulloch & Co. Survey No. 184, Abstract No. 730, Kendall County, Texas, said 4.088 acre tract being a portion of that certain 15.090 acre tract of land recorded in Volume 683, Pages 154-157, 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

The City of Boerne 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. The nearest existing natural gas main of significant capacity is located along the west side of Old San Antonio Road Old San Antonio Road across from the subject property. 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.

11. WATER SERVICE

City of Boerne Water service will be available to the Annexation Area upon completion of annexation. The nearest existing water main of significant capacity is located along the west side of Old San Antonio Road across from the subject property. 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 will be available to the Annexation Area upon completion of annexation. The nearest existing sewer main of significant capacity is located along the east side of Old San Antonio Road along frontage of the subject property. 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.

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.

Feb 8, 2017
Date

Priscilla Jean Heard
Printed Name

Priscilla Jean Heard
Signature

This Municipal Service Plan was acknowledged before me on the 8th day of
February, 2017

Laura Kathleen Perry
Notary Public In and For the State of Texas



