

RESOLUTION NO. 2017-R35

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, ACCEPTING THE PETITION AND SETTING THE DATE, TIME AND PLACE FOR TWO PUBLIC HEARINGS ON THE PROPOSED ANNEXATION OF CERTAIN PROPERTY BY THE CITY OF BOERNE, TEXAS; AUTHORIZING AND DIRECTING THE PUBLICATION OF NOTICE OF SUCH PUBLIC HEARINGS

WHEREAS, the City Council of the City of Boerne, Texas has been petitioned by Jim Cook for annexation of approximately 13.733 acres, more or less, being a portion of Herff Road, in Kendall County, Texas;

WHEREAS, said tract of land is contiguous and adjacent to the City of Boerne, Texas and is not more than one-half (1/2) mile in width:

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

Section 1. On the 9th day of May, 2017, and the 23rd day of May, 2017, Public Hearings shall be held at 6:00 p.m. o'clock in the Council Chambers located at 124 Old San Antonio Road, the purpose of the Public Hearings to be to give all interested persons the right to appear and be heard on the proposed annexation by the City of Boerne, Texas of the following described property, to wit:

BEING 13.733 acres, more or less, being a portion of Herff Road, in Kendall County, Texas, and being more particularly described in Exhibit A attached hereto and made a part hereof.

Section 2. The Mayor of the City of Boerne is hereby authorized and directed to cause notice of such Public Hearings to be published twice in a newspaper having general circulation in the City on or after the 10th day but before the 20th day before the date of each hearing. The notice for each hearing must be posted on the City's Internet website on or after the 10th day but before the 20th day before the date of the hearing and must remain posted until the date of the hearing. (Section 43.063(c) Texas Local Government Code)

PASSED AND APPROVED this the ____ day of April, 2017.

APPROVED:

Mayor

ATTEST:

City Secretary

ANNEXATION PETITION

TO THE MAYOR AND GOVERNING BODY
OF THE CITY OF BOERNE, TEXAS:

The undersigned owner(s) of the hereinafter described tract of land hereby petition your honorable body to extend the present city limits so as to include as a part of the City of Boerne, Texas, the following described territory, to-wit:

(Provide physical address, if available)

Exhibit "A" attached

(Description by metes and bounds attached)

I/We certify that the above described tract of land is contiguous to the City of Boerne, Texas, is not more than one-half (1/2) mile in width and that this petition is signed and duly acknowledged by each and every person or corporation having an interest in said land.



Owner's Signature #1

Darrel L. Lux

Owner's Printed Name

201 E. San Antonio Ave. #122

Owner's Mailing Address

Boerne, TX 78006

830-249-9343

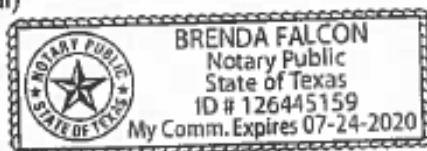
Owner's Phone No.

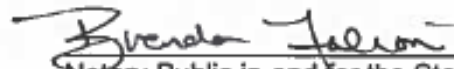
THE STATE OF TEXAS #
COUNTY OF KENDALL #

Before me, the undersigned authority, on this day personally appeared Darrel L. Lux Known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 21st day of March, 2017.

(Seal)





Notary Public in and for the State of Texas

My commission expires: 07-24-2020

EXHIBIT "A"

**FIELD NOTES
for a 13.773 Acre (599,932 Sq. Ft.)
Right-of-way Acquisition**

BEING A 13.773 ACRE (599,932 SQ. FT.) TRACT OF LAND, MORE COMMONLY KNOWN AS HERFF ROAD, OUT OF THE JOHN SMALL SURVEY NO. 183, ABSTRACT NO. 441, AND THE MARIA IGNACIA LEAL SURVEY NO. 180, ABSTRACT NO. 298, KENDALL COUNTY, TEXAS, MADE UP OF A 0.425 OF AN ACRE TRACT RECORDED IN VOLUME 1364, PAGE 678 OF THE OFFICIAL PUBLIC RECORDS OF KENDALL COUNTY, TEXAS, A 3.360 ACRE TRACT RECORDED IN VOLUME 1438, PAGE 372 OF THE OFFICIAL PUBLIC RECORDS OF KENDALL COUNTY, TEXAS, A 0.813 OF AN ACRE TRACT RECORDED IN VOLUME 1364, PAGE 687 OF THE OFFICIAL PUBLIC RECORDS OF KENDALL COUNTY, TEXAS, A 0.993 OF AN ACRE TRACT RECORDED IN VOLUME 1364, PAGE 695 OF THE OFFICIAL PUBLIC RECORDS OF KENDALL COUNTY, TEXAS, A 1.140 ACRE TRACT AND A 1.533 ACRE TRACT CALLED TRACT 2: PARCEL 1 AND PARCEL 3 RESPECTFULLY RECORDED IN VOLUME 1404, PAGE 465 OF THE OFFICIAL PUBLIC RECORDS OF KENDALL COUNTY, TEXAS, AND 5.47 ACRES CONTAINED WITHIN OLD HERFF ROAD, SAID 13.773 ACRE (599,932 SQ. FT.) TRACT AS SHOWN ON THE ACCOMPANYING PARCEL PLAT, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a set $\frac{1}{2}$ " iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC. PROP COR", at the intersection of the northeast right-of-way line of Old San Antonio Road and the southwest line of Herff Road, at the southwest corner of said 1.140 acre tract, for the south corner of the herein described tract;

Thence, N. $34^{\circ}45'04''$ W., crossing Herff Road with the northeast right-of-way line of Old San Antonio Road, a distance of 220.00 feet, to a set $\frac{1}{2}$ " iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC. PROP COR", for the west corner of the herein described tract;

Thence, S. $79^{\circ}45'17''$ E., a distance of 70.71 feet with the north line of said 1.140 acre tract to a found $\frac{1}{2}$ " iron rod, for an angle point;

Thence, N. $55^{\circ}14'30''$ E., continuing with the north line of said 1.140 acre tract a distance of 214.49 feet to a found $\frac{1}{2}$ " iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC. PROP COR", at the point of curvature of a curve to the right;

Thence, with the north line of said 1.140 acre tract along said curve to the right having a radius of 575.00 feet, a tangent of 53.72 feet, a central angle of $10^{\circ}40'26''$, a chord which bears N. $60^{\circ}34'43''$ E., 106.96 feet, and an arc distance of 107.12 feet to a found $\frac{1}{2}$ " iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC. PROP COR", at the point of reverse curvature;

Thence, with the north line of said 1.140 acre tract along a curve to the left having a radius of 445.00 feet, a tangent of 409.88 feet, a central angle of $85^{\circ}17'43''$, a chord which bears N. $23^{\circ}16'05''$ E.,

602.96 feet, and an arc distance of 662.46 feet to a found $\frac{1}{2}$ " iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC. PROP COR", at the intersection of the west right-of-way line of Herff Road, with the southeast line of a 2.37 acre tract described in a Warranty Deed with Vendor's Lien recorded in Volume 1122, Page 842, Official Records of Kendall County, Texas,

Thence, N. $58^{\circ}45'52''$ E., a distance of 10.14 feet, with the southeast line of said 2.37 acre tract, to a found fence post, for the north corner of said 1.533 acre tract and the southeast corner of said 2.37 acre tract, for a corner;

Thence, N. $25^{\circ}31'07''$ W., a distance of 181.33 feet with the east line of said 2.37 acre tract to a found fence post, for the northeast corner of said 2.37 acre tract corner, and the southeast corner of a 0.078 of an acre tract, described in a quick claim deed to the City of Boerne, Volume 1414, Page 385, Official Records of Kendall County, Texas;

Thence, N. $26^{\circ}02'24''$ W., a distance of 275.85 feet with said 0.078 of an acre tract, for a found fence post;

Thence, S. $57^{\circ}36'03''$ W., a distance of 20.15 feet, with the north line of said 0.078 acre tract, to a found $\frac{1}{2}$ " iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC. PROP COR", for a corner;

Thence with the west right-of-way line of Herff Road the following courses and distances:

N. $25^{\circ}29'14''$ W., a distance of 247.48 feet to a set $\frac{1}{2}$ " iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC. PROP COR", for an angle point;

N. $27^{\circ}58'25''$ W., a distance of 207.46 feet to a found $\frac{1}{2}$ " iron rod, for an angle point;

N. $27^{\circ}43'25''$ W., a distance of 338.83 feet to a found Mag nail, for an angle point;

N. $31^{\circ}31'25''$ W., a distance of 116.16 feet to a found $\frac{1}{2}$ " iron rod with an orange plastic cap stamped "PFIFFER SURVEY", for an angle point;

N. $30^{\circ}43'28''$ W., a distance of 156.53 feet to a found $\frac{1}{2}$ " iron rod with a plastic cap stamped "MDS", for an angle point;

N. $45^{\circ}49'22''$ W., a distance of 88.04 feet to a set $\frac{1}{2}$ " iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC. PROP COR", for an angle point;

N. $02^{\circ}07'26''$ E., a distance of 63.75 feet to a set $\frac{1}{2}$ " iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC. PROP COR", for an angle point;

N. $26^{\circ}29'27''$ W., a distance of 98.95 feet to a set $\frac{1}{2}$ " iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC. PROP COR", for an angle point;

N. $00^{\circ}46'09''$ E., a distance of 267.66 feet to a set $\frac{1}{2}$ " iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC. PROP COR", for an angle point;

N. $00^{\circ}15'52''$ E., a distance of 642.77 feet to a set $\frac{1}{2}$ " iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC. PROP COR", for an angle point;

N. $00^{\circ}33'29''$ W., a distance of 328.60 feet to a found Mag Nail, for an angle point;

N. $09^{\circ}30'51''$ E., a distance of 18.97 feet to a found Mag Nail, for an angle point;

N. $36^{\circ}18'07''$ E., a distance of 128.38 feet to a set $\frac{1}{2}$ " iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC. PROP COR", for an angle point;

N. $34^{\circ}43'07''$ E., a distance of 229.74 feet to a set $\frac{1}{2}$ " iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC. PROP COR", in the southeast right-of-way line of State Highway 46 for the north corner of the herein described tract;

Thence, S. $64^{\circ}39'03''$ E., a distance of 303.25 feet with the southeast right-of-way line of said State Highway 46 to a point, for the north corner of said 0.425 of an acre tract;

Thence, S. $65^{\circ}14'38''$ E., a distance of 73.00 feet with the southeast right-of-way line of said State Highway 46 and with the north line of said 0.425 of an acre tract to a set $\frac{1}{2}$ " iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC. PROP COR", for the east corner of said 0.425 of an acre tract;

Thence, S. $83^{\circ}03'04''$ W., a distance of 114.19 feet with the east right-of-way line of Herff Road as described as said 0.425 of an acre tract to a set $\frac{1}{2}$ " iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC. PROP COR", for an angle point;

Thence, S. $51^{\circ}20'46''$ W., a distance of 161.54 feet with the east right-of-way line of Herff Road as described as said 0.425 of an acre tract to a set $\frac{1}{2}$ " iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC. PROP COR", for the PC of a tangent curve to the left with the radius of 500.00 feet;

Thence with the east right-of-way line of Herff Road as described as said 0.425 of an acre tract and said 3.360 acre tract along said curve to the left having a radius of 500.00 feet, a tangent of 238.96 feet, a central angle of $51^{\circ}05'19''$, a chord which bears S. $25^{\circ}48'06''$ W., 431.21 feet, and an arc distance of 445.83 feet to a found $\frac{1}{2}$ " iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC. PROP COR", for a point;

Thence with the east right-of-way line of Herff Road as described as said 3.360 acre tract the following courses and distances:

S. $00^{\circ}15'27''$ W., a distance of 758.43 feet to a found $\frac{1}{2}$ " iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC. PROP COR", for the PC of a tangent curve to the left having a radius of 455.00 feet;

Along said curve to the left having a radius of 455.00 feet, a tangent of 63.98 feet, a central angle of $16^{\circ}00'34''$, a chord which bears S. $07^{\circ}44'50''$ E., 126.72 feet, and an arc distance of 127.13 feet to a found $\frac{1}{2}$ " iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC. PROP COR", for a point;

S. $28^{\circ}05'57''$ E., a distance of 49.86 feet to a found $\frac{1}{2}$ " iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC. PROP COR", for the PC of a non-tangent curve to the left having a radius of 447.00 feet;

Along said curve to the left having a radius of 447.00 feet, a tangent of 20.59 feet, a central angle of $05^{\circ}16'24''$, a chord which bears S. $24^{\circ}38'37''$ E., 41.13 feet, and an arc distance of 41.14 feet to a found $\frac{1}{2}$ " iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC. PROP COR", for a point;

S. $63^{\circ}27'37''$ E., a distance of 29.93 feet to a set $\frac{1}{2}$ " iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC. PROP COR", for an angle point;

S. $30^{\circ}06'12''$ E., a distance of 90.00 feet to a found Mag Nail in wooden post, for an angle point;

S. $14^{\circ}53'48''$ W., a distance of 35.36 feet to a found $\frac{1}{2}$ " iron rod with an orange plastic cap stamped "RPLS # 5207", for an angle point;

S. $30^{\circ}06'12''$ E., a distance of 351.62 feet to a found $\frac{1}{2}$ " iron rod with a plastic cap stamped "RPLS # 5207", for the PC of a tangent curve to the right having a radius of 1094.00 feet;

Thence with the east right-of-way line of Herff Road as described as said 3.360 of an acre tract and said 0.813 of an acre tract along said curve to the right having a radius of 1,094.00 feet, a tangent of 31.49 feet, a central angle of $03^{\circ}17'52''$, a chord which bears S. $28^{\circ}27'15''$ E., 62.96 feet, and an arc distance of 62.97 feet to a found $\frac{1}{2}$ " iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC. PROP COR", for an angle point;

Thence, S. $26^{\circ}48'19''$ E., a distance of 995.91 feet with the east right-of-way line of Herff Road as described as said 0.813 of an acre tract and said 0.993 of an acre tract to a found $\frac{1}{2}$ " iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC. PROP COR", for the PC of a tangent curve to the right having a radius of 565.00 feet;

Thence, with the east right-of-way line of Herff Road as described as said 0.993 of an acre tract, said 1.533 acre tract and said 1.140 acre tract, along said curve to the right having a radius of 565.00 feet, a tangent of 592.49 feet, a central angle of $92^{\circ}43'15''$, a chord which bears S. $19^{\circ}33'18''$ W., 817.78 feet, at 299.22 feet crossing a found $\frac{1}{2}$ " iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC. PROP COR", in the east right-of-way line of Old Herff Road, for the south corner of said 0.993 of an acre tract, and at 371.98 feet crossing a found $\frac{1}{2}$ " iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC. PROP COR", in the west right-of-way line of Old Herff Road, for the southeast corner of said 1.533 acre tract, in all a total arc distance of 914.33 feet to a set $\frac{1}{2}$ " iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC. PROP COR", at the point of reverse curvature;

Thence, with the south right-of-way line of Herff Road as described as said 1.140 acre tract, along said curve to the left having a radius of 455.00 feet, a tangent of 42.51 feet, a central angle of $10^{\circ}40'26''$, a chord which bears S. $60^{\circ}34'43''$ W., 84.64 feet, and an arc distance of 84.76 feet to a found $\frac{1}{2}$ " iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC. PROP COR", for a point;

Thence, S. $55^{\circ}14'30''$ W., a distance of 214.50 feet with the south right-of-way line of Herff Road as described as said 1.140 acre tract, to a found $\frac{1}{2}$ " iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC. PROP COR", for an angle point;

Thence, S. $10^{\circ}14'43''$ W., a distance of 70.72 feet with the south right-of-way line of Herff Road as described as said 1.140 acre tract, to a set $\frac{1}{2}$ " iron rod with an orange plastic cap stamped "BAIN MEDINA BAIN INC. PROP COR", to the POINT OF BEGINNING and containing 13.773 acres (599,932 Square Feet) of land,

Bearings based on NAD 83(93), Texas South Central Zone, Surface Coordinates, Scale Factor 1.00017.

All distances are surface.

A plat of even date herewith accompanies this metes and bounds description.

THE STATE OF TEXAS §
§
COUNTY OF BEXAR §


KNOW ALL MEN BY THESE PRESENTS:

That I, Victor Mendez, Jr., a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at San Antonio, Bexar County, Texas, this 5th day of February, 2017, A.D.

Revised Date: April 17, 2017

Bain Medina Bain, Inc.
7073 San Pedro Ave.
San Antonio, Texas 78216
210-494-7223


Victor Mendez, Jr.
Registered Professional Land Surveyor
No. 6056 - State of Texas



