# REQUEST FOR EXPANSION OF THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF BOERNE, TEXAS

### TO THE MAYOR AND MEMBERS OF THE CITY COUNCIL OF BOERNE, TEXAS

Dear Mayor and Members of the City Council:

I/We, the undersigned owner(s) of the area described below, do hereby request that the extraterritorial jurisdiction of the City of Boerne, Texas be expanded to include that part of the area not within the existing extraterritorial jurisdiction of the City of San Antonio, Texas. The part of the area made the subject of this request to be included in the extraterritorial jurisdiction of the City of Boerne, Texas is contiguous to the existing extraterritorial jurisdiction of the City of Boerne, Texas.

SIGNATURE OF OWNER(S)	VOLUME PAGE COUNTY
26.0 Rec.	557 532 28587 Ke
	\$ 7520 2058 Bear
	IL249510
Today's Date: 9-6-16	
Address Date Re	
City, State, Zip Code	b 20509 -7779 Phone with Area Code
Exhibit "A" which is attached hereto and made a part here the area owned by me/us.	of for all purposes is a true copy of the recorded deed for
ACKNOWLEDGEMENT	
STATE OF TEXAS §	
COUNTY OF KENDALL §	
This instrument was acknowledged before me	on the 6 day of september, 2016 by
	deliged wellook
DEBORAH WILLSON	Notary Public In and For The State of Texas
Notary Public, State of Texas Comm. Expires 01-28-2020 Notary ID 13051572-6	The State of Texas

STATE OF TEXAS
COUNTY OF KENDALL

15018

# EASEMENT AND RESTRICTIVE COVENANT AGREEMENT

THIS AGREEMENT is made as of June 10, 1998 in Kendall County, Texas, by and between JOE P. MORRISON, JR. and wife, MARY JANE ESSER MORRISON ("Grantors") and HILL COUNTRY RETIREMENT INVESTMENTS, L.L.C. (54.4% undivided interest) and STERLING TRUST COMPANY, Trustee for the benefit of Harold T. DuPerler, Account No. 041477 (19.7% undivided interest), Custodian for the benefit of Eldon Money Purchase Plan, Account No. Q02327 (12.4% undivided interest), Custodian for benefit of Jean Money Purchase Plan, Account No. Q02328 (5.7% undivided interest), Trustee for the benefit of Joel E. Meek, Account No. 039066 (1.6% undivided interest) and Trustee for the benefit of Jeffrey L. Soele, Account No. 043486 (6.2% undivided interest) ("Grantect").

In consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), the promises and representations of Grantees herein contained, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantors grant to Grantees a non-exclusive easement and right-of-way upon and across a 12 foot wide strip of land of the Grantors more particularly described in Exhibit "A" which is attached hereto.

This instrument grants an easement appurtenant to the dominant tenement. The dominant tenement is the following described property of the Grantees:

A 480.678 acre tract of land as more particularly described in Exhibit B attached hereto and made a part hereof.

This right-of-way easement, with its rights and privileges, shall be used only for the purpose of ingress and egress to the dominant tenement.

The easement, rights and privileges granted by this conveyance are non-exclusive, and Grantors reserve and retain the right to convey similar rights and easements to such other persons as Grantors may deem proper.

Grantees shall hold harmless, defend, and indemnify Granters against any suits, liabilities, claims, demands, or damages, including but not limited to personal injuries and altorney's fees, arising from Grantees' exercise of easement rights granted by this instrument.

Grantors retain, reserve and shall continue to enjoy the use of the easement area for any and all purposes that do not interfere with and prevent Grantees' use of the easement. Grantors specifically reserve the right to place a gate or other barrier limiting access to the easement,

15100

#### WARRANTY DEED

DATE:

JUNE 19, 1998

GRANTOR: TROY W. ECKARD and wife, KATHRYN ECKARD

GRANTOR'S MAILING ADDRESS: 28173 Ruffian Drive

Fair Oaks Ranch, Texas 78015

GRANTEE: SHANE RILEY and wife, GAIL RILEY

GRANTEE'S MAILING ADDRESS:

802 N. Carancahua, Suite 575 Corpus Christi, TX 78470

#### CONSIDERATION:

\$10.00 and other good and valuable consideration, the receipt of which is hereby acknowledged.

#### PROPERTY:

BEING 103.168 acres of land, more or less, consisting of: 26.62 acres, more or less, out of the A. Gayton Survey No. 408, Abstract No. 295, County Block 4645, in Bexar County, Texas; 54.95 acres, more or less, out of the G.C.& S.F.R.R.Co. Survey No 415, Abstract No. 1080, County Block 4644, in Bexar County, Texas; and 21.60 acres, more or less, out of the A. Gayton Survey No. 408, Abstract No. 202, in Kendall County, Texas; said 103.168 acres being more particularly described in Exhibit "A" which is attached hereto and made a part hereof.

#### RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

- Easements to LoVaca Gathering Company recorded in Volume 99, Pages 608 and 610, amended by instruments recorded in Volume 102, Pages 81 and 83, Deed Records of Kendall County, Texas.
- Power Poles and Overhead Electric Lines, as shown on Plat of Survey dated February 24, 1997, prepared by Lemuel T. Sinclair, Registered Professional Land Surveyor.

- Any visible or apparent roadways and/or easements over or across the subject property, the existence of which does not appear of record.
- Rules, regulations and orders governing residential sub-divisions, sanitation and waste disposal, and the drilling, construction and use of water wells as passed by the Commissioners' Court of Kendall County, Texas, and the Texas Water Quality Board.

Furthermore, this conveyance is expressly made by Grantor and accepted by Grantee subject to any and all conditions and restrictions, if any, relating to the hereinabove described property, to the extent, and only to the extent, that the same may still be in force and effect, and shown of record in the office of the County Clerk of Bexar and Kendall County, Texas.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty. Grantor, for the consideration and subject to the reservations

When the context requires, singular nouns and pronouns include the plural.

GRANTOR(S):

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THE STATE OF TEXAS COUNTY OF KENDALL

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This instrument was acknowledged before me on the day of JUNE, 1998, by TROY W. ECKARD.

CATHERINE M. PIERCE NOTARY PUBLIC State of Texas
Comm. Exp. 02-04-2001

Otherne M. Frence Notary Public, State of Texas

THE STATE OF TEXAS COUNTY OF KENDALL

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OUNTI OF RENDALL

This instrument was acknowledged before me on the Of JUNE, 1998, by KATHRYN ECKARD.

CATHERINE M. PIERCE NOTARY PUBLIC State of Texas Comm. Exp. 02-04-2001 Catherne M. Pierce Notary Public, State of Texas

## AFTER RECORDING RETURN TO:

KENDALL COUNTY ABSTRACT CO. 103 N. SAUNDERS STREET BOERNE, TEXAS 78006

### PREPARED IN THE LAW OFFICE OF:

GORDON L. HOLLON P. O. BOX 1259 BOERNE, TEXAS 78006

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103.168 acres consisting of 21.60 acres out of the A. Gayton Survey No. 408, Abstract 202, Kendall County, Texas and 81.57 acres consisting of 26.62 acres out of the A. Gayton Survey No. 408, Abstract 295, County Block 4645 and 54.95 acres out of the G.C. and S.F. R.R. Co. Survey No. 415, Abstract 1080, County Block 4644, Bexar County, Texas, being that 103.10-acre tract of land described in deed of record in Volume 149 at page 624 of the Deed Records of Kendall County, Texas and Volume 2603 at page 428 of the Deed Records of Bexar County, Texas and being more particularly described by metes and bounds, as surveyed, as follows:

Beginning at a fence post found set in the ground in the south right-of-way line of Dodge Road, the northwest corner of a 103.10-acre tract of land described in deed of record in Volume 149 at page 624 of the Deed Records of Kendall County, Texas and Volume 2603 at page 428 of the Deed Records of Bexar County, Texas and the northwest corner of a 100.0-acre tract of land described in deed of record in Volume 383 at page 59 of the Deed Records of Kendall County, Texas and Volume 5509 at page 601 of the Deed Records of Bexar County, Texas, for the northeast corner of this tract;

Thence S 89°00'00" E generally following a fence line with the south right-of-way line of Dodge Road and the north boundary line of said 103.10-acre tract a distance of 853.24 feet to a fence post found set in the ground, the northeast corner of said 103.10-acre tract and the northwest corner of a 168.5-acre tract of land described in deed of record in Volume 124 at page 563 of the Deed Records of Kendall County, Texas and Volume 2833 at page 590 of the Deed Records of Bexar County, Texas, for the northeast corner of this tract:

Thence S 00°52'07" W generally following a fence line with an east boundary line of said 103.10-acre tract and the west boundary line of said 168.5-acre tract a distance of 566.03 feet to an iron bar found set in the ground, a corner of said 103.10-acre tract and a corner of said 168.5-acre tract, for a corner of this tract;

Thence S 00°49'10" W generally following a fence line with an east boundary line of said 103.10-acre tract and the west boundary line of said 168.5-acre tract a distance of 659.80 feet to a fence post found set in the ground, a corner of said 103.10-acre tract and a corner of said 168.5-acre tract, for a corner of this tract;

Thence S 01°38'00" W generally following a fence line with an east boundary line of said 103.10-acre tract and the west boundary line of said 168.5-acre tract a distance of 946.00 feet to a fence post found set in the ground, a corner of said 103.10-acre tract and a corner of said 168.5-acre tract, for a corner of this tract;

EXHIBIT "A"
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Thence S 01°49'00" W generally following a fence line with an east boundary line of said 103.10-acre tract and the west boundary line of said 168.5-acre tract a distance of 468.00 feet to fence post found set in the ground, a corner of said 103.10-acre tract and a corner of said 168.5-acre tract, for a corner of this tract;

Thence S 01°28'00" W generally following a fence line with an east boundary line of said 103.10-acre tract and the west boundary line of said 168.5-acre tract a distance of 232.00 feet to a fence post found set in the ground, a corner of said 103.10-acre tract and a corner of said 168.5-acre tract, for a corner of this tract;

Thence S 01°24'00" W generally following a fence line with an east boundary line of said 103.10-acre tract and the west boundary line of said 168.5-acre tract a distance of 720.00 feet to an iron bar found set in the ground, a corner of said 103.10-acre tract and a corner of said 168.5-acre tract, for a corner of this tract;

Thence S 01°29'42" W generally following a fence line with an east boundary line of said 103.10-acre tract and the west boundary line of said 168.5-acre tract a distance of 895.25 feet to an iron bar found set in the ground, a corner of said 103.10-acre tract and a corner of said 168.5-acre tract, for a corner of this tract;

Thence S 00°58'47" W generally following a fence line with an east boundary line of said 103.10-acre tract and the west boundary line of said 168.5-acre tract a distance of 480.24 feet to a 14" Diameter Line Oak Tree, a corner of said 103.10-acre tract and a corner of said 168.5-acre tract, for a corner of this tract;

Thence S 12°46'00" W with an east boundary line of said 103.10-acre tract and a west boundary line of said 168.5-acre tract a distance of 110.10 feet to an iron bar found set in the ground, a southeast corner of said 103.10-acre tract, the southwest corner of said 168.5-acre tract and the northwest corner of a 31.165-acre tract of land described in deed of record in Volume 4633 at page 100 of the Deed Records of Bexar County, Texas, for a southeast corner of this tract;

Thence S 45°11'02" W with the southeast boundary line of said 103.10-acre tract and the northwest boundary line of said 31.165-acre tract a distance of 275.78 feet to an iron bar found set in the ground, a southeast corner of said 103.10-acre tract and the northeast corner of a 522.90-acre tract of land described in deed of record in Volume 5617 at page 1535 of the Deed Records of Bexar County, Texas, for a southeast corner of this tract;

EXHIBIT "A"
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Thence N 89°00'40" W with a south boundary line of said 100.10-acre tract and a north boundary line of said 522.90-acre tract a distance of 418.58 feet to a fence post found set in the ground, a corner of said 100.10-acre tract and a corner of said 522.90-acre tract, for a corner of this tract,

Thence N 89°23'00" W with a south boundary line of said 100.10-acre tract and a north boundary line of said 522.90-acre tract a distance of 224.00 feet to an iron bar found set in the ground, the southwest corner of said 100.10-acre tract and the southeast corner of said 100.0-acre tract, for the southwest corner of this tract;

Thence N  $01^{\circ}21'00^{\circ}$  E with the west boundary line of said 100.10-acre tract and the east boundary line of said 100.0-acre tract a distance of 5,274.39 feet to the point of beginning.

Containing 103.168 acres (4,493,975 square feet) of land, more or less.

SINCLAIR & ASSOCIATES, INC.

Lemuel T. Sinclair, Registered Professional La

Surveyor No. 5142

Job No. S973979

STATE OF TEXAS COUNTY OF KENDALE

I hereby certify that this instrument was FILED to File Number Sequence on the date and at the time starage of hereon by me; and was duly RECORDED, in the Official Records of Kendall County, Texas on:

JUN 2 2 1998

Bulene Hersica County Clerk Kendall County, Taxas

Asm

Filed for Record in:

Kendall County Darlene Herrin County Clerk

On: Jun 19,1998 at 11:33A

Document Number: Total Fees : 0125970 19.00 LEMUEL T. SINGLAIR

Receipt Number - 9899 By Deputy: Angie San Miguel

This Document has been received by this Office for Recording into the Official Public Records. He do hereby swear that we do not discriminate due to Race, Creed, Color, Sex or National Origin.

Kanc

EXHIBIT "A"
Page 3 of 3 pages

# **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 0.170 OF ONE ACRE TRACT (SHANE AND GAIL RILEY)

BEING A 0.170 OF ONE ACRE TRACT OF LAND LOCATED IN THE A. GAYTON SURVEY NO. 408, ABSTRACT NO. 10202, KENDALL COUNTY, TEXAS, SAID 0.170 OF ONE ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**Beginning** at a point in the south right-of-way line of line of Dodge Road, said point being the northwest corner of the Shane and Gail Riley tract recorded in Volume 557, Page 532, Official Records of Kendall County, Texas, the northeast corner of the State of Texas tract recorded in Volume 932, Page 795, Official Records of Kendall County, Texas;

- (1) Thence, N 00° 20' 53" W, departing the south right -of-way line of Dodge Road, with the west boundary line of the herein described tract, a distance of 25.38' to a point for corner at the centerline of Dodge Road;
- (2) Thence, N 89° 30' 02" E, with the centerline of Dodge Road, the north boundary line of the herein described tract, a distance of 296.56' to a point for corner;
- (3) Thence, S 00° 39' 02" E, departing the centerline of Dodge Road, with the east boundary line of the herein described tract, a distance of 24.60' to a point for corner in the north boundary line of the Shane and Gail Riley tract, the south right-of-way line of Dodge Road;
- (4) Thence, S 89° 20' 58" W, with the south right-of-way line of Dodge road, the north boundary line of the Shane and Gail Riley tract, the south boundary line of the herein described tract, a distance of 296.70' to the POINT OF BEGINNING and containing 0.170 of one acre of land.

Note: The basis of bearing was established using the Trimble VRS Network, NAD (83), Texas State Plane Coordinate System, South Central Zone, 4203, US Survey Foot, Grid. A survey plat was prepared by a separate document.