

ORDINANCE NO. 2018-12

**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 13<sup>th</sup> day of March, 2018, and the 27<sup>th</sup> day of March, 2018, 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 8.491 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.

**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 10<sup>th</sup> day of April, 2018.

PASSED, APPROVED, and ADOPTED on second reading this the \_\_\_\_ day of April, 2018.

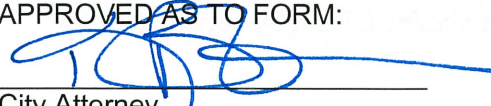
APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

Donnie Boerner Surveying Company L.P.

228 Holiday Road ♦ Comfort, Texas 78013

Phone: 830-377-2492

FIRM NO. 10193963

Field Notes for a 8.491 Acre Tract of Land

**Being** a 8.491 acre tract of land being all of Lot 7A, MILLERS'S SUBDIVISION, Kendall County, Texas according to plat thereof recorded in Volume 5, Page 392, Plat Records, Kendall County, Texas and a portion of Cascade Caverns Road, said 8.491 acre tract being more particularly described by metes and bounds as follows:

**Beginning** at a 5/8" steel rod found in the west line of Cascade Caverns Road at the northeast corner of the above referenced Lot 7A;

**Thence**, crossing Cascade Caverns Road, North 88 degrees 28 minutes 19 seconds East, a distance of 43.43 feet to a point in the east line of Cascade Caverns Road, the west line of a 15.371 acre tract recorded in Volume 99, Pages 429-430, Deed Records, Kendall County, Texas for the northeast corner of the herein described tract, said point bears, South 01 degrees 31 minutes 41 seconds East, a distance of 11.14 feet from a 1/2" steel rod found at the northwest corner of said 15.371 acre tract;

**Thence**, with the east line of Cascade Caverns Road, the west line of said 15.371 acre tract, South 01 degrees 31 minutes 41 seconds East, a distance of 469.26 feet to a point for angle and, South 01 degrees 12 minutes 18 seconds East, a distance of 15.17 feet to a point for the southeast corner of the herein described tract;

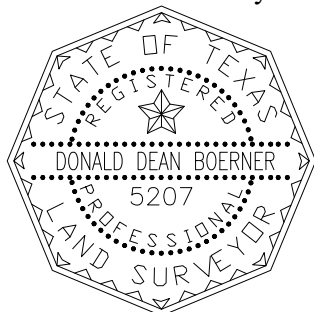
**Thence**, departing the west line of said 15.371 acre tract, crossing Cascade Caverns Road, South 88 degrees 47 minutes 42 seconds West, a distance of 48.06 feet to a 1/2" steel rod found in the west line of Cascade Caverns Road at the southeast corner of Lot 7A;

**Thence**, with the south line of Lot 7A, North 87 degrees 57 minutes 06 seconds West, a distance of 719.83 feet to a 5/8" steel rod found for the southwest corner of the herein described tract, the southwest corner of Lot 7A;

**Thence**, with the west line of Lot 7A, North 00 degrees 53 minutes 04 seconds West, a distance of 483.66 feet to a 5/8" steel rod found for the northwest corner of the herein described tract, the northwest corner of Lot 7A;

**Thence**, with the north line of Lot 7A, South 87 degrees 59 minutes 21 seconds East, a distance of 719.08 feet to the **Place of Beginning** and containing 8.491 acres of land.

Note: A survey plat of the above described tract was prepared. Basis of bearing was established from the State Plane Coordinate System North American datum of 1983, Texas South Central Zone.



Donald Dean Boerner

Registered Professional Land Surveyor No. 5207

# CASCADE CAVERNS ROAD

CITY OF BOERNE TEXAS  
VOLUME 1442 PAGES 574-581  
OFFICIAL RECORDS - 0.179 ACRES

PRESTON STREICHER  
VOLUME 124 PAGE 855-857  
DEED RECORDS - 3.775 ACRES

CITY LIMITS LINE

**LOT 1A**  
J. AND J. ACRES  
SUBDIVISION  
VOLUME 2 PAGE 165  
PLAT RECORDS

**CITY OF BOERNE  
R-A ZONING**

CITY LIMITS LINE

**LOT 1B**  
J. AND J. ACRES  
SUBDIVISION  
VOLUME 2 PAGE 165  
PLAT RECORDS

**LOT 2**  
J. AND J. ACRES  
SUBDIVISION  
VOLUME 1 PAGE 397  
PLAT RECORDS

N 88°28'19" E  
43.43'

FOUND 5/8" STEEL ROD

FOUND 1/2" STEEL ROD

SCALE: 1" = 200'

NORTH

RICHARD HILL AND WIFE,  
LINDA HILL  
VOLUME 134 PAGE 190-192  
DEED RECORDS - 2.003 ACRES

FOUND 5/8" STEEL ROD

483.66'

N 00°53'04" W

S 87°59'21" E 719.08'

**POINT OF BEGINNING**

**LOT 7A**

MILLER'S SUBDIVISION  
VOLUME 5 PAGE 392  
PLAT RECORDS

**8.491 ACRES**

N 87°57'06" W 719.83'

FOUND 5/8" STEEL ROD

**LOT 1**  
MILLER'S SUBDIVISION  
VOLUME 3 PAGES 208-209  
PLAT RECORDS

FOUND 1/2" STEEL ROD

S 88°47'42" W  
48.06'

S 01°31'41" E  
11.14'

POINT  
S 01°31'41" E 469.26'  
FRANK WILLIAM DILLINGHAM AND WIFE,  
SHIRLEY ANN DILLINGHAM  
VOLUME 99 PAGES 429-430  
DEED RECORDS - 15.571 ACRES

POINT  
S 01°12'18" E  
15.17'

CASCADE CAVERNS ROAD

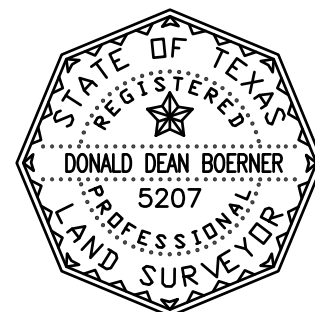
## GENERAL NOTES:

1) BASIS OF BEARING WAS ESTABLISHED FROM THE STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983, TEXAS SOUTH CENTRAL ZONE.

2) A FIELD NOTE DESCRIPTION WAS PREPARED FOR THIS TRACT.

PLAT SHOWING: A 8.491 acre tract of land being all of Lot 7A, MILLERS'S SUBDIVISION, Kendall County, Texas according to plat thereof recorded in Volume 5, Page 392, Plat Records, Kendall County, Texas and a portion of Cascade Caverns Road.

DONNIE BOERNER SURVEYING COMPANY L.P.  
228 HOLIDAY ROAD  
COMFORT, TEXAS 78013  
PH: 830-377-2492



I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THIS SURVEY.

*Donald Dean Boerner*

DONALD DEAN BOERNER  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5207

FIRM NO. 10193963

DATE 02-09-2018

JOB NO: 17-402

## **2018 ANNEXATION CITY OF BOERNE, TEXAS MUNICIPAL SERVICE PLAN**

**Property Subject to the Plan:**

Being a 8.491 acre tract of land being all of Lot 7A, MILLERS'S SUBDIVISON, Kendall County, Texas according to plat thereof recorded in Volume 5, Page 392, Plat Records, Kendall County, Texas and a portion of Cascade Caverns Road, said 8.491 acre tract of Official Records of Kendall County, Texas, 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

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 will continue to provide electricity service to the Annexation Area at the same or similar level of service now being provided to other areas which exhibit topography, land use and population density.

#### 10. GAS SERVICE

Natural Gas service is available from the City of Boerne. 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 Cascade Caverns Road at Ranch Drive.

#### 11. WATER SERVICE

Water service is available the subject property from the City of Boerne. Existing City of Boerne water mains will be available for point-of-use extension based on applicable utility extension

polices and ordinances of the City of Boerne, now existing or as may be amended. The nearest water main is currently located along Cascade Caverns Road at Ranch Drive.

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 to the subject property is available from the City of Boerne. 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 gravity-flow sanitary sewer main is located along Cascade Caverns Road west of Ranch Drive.

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

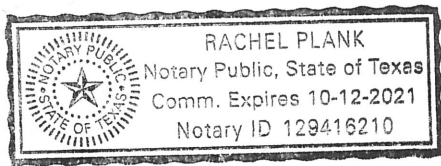
The undersigned acknowledge that the Municipal Service Plan has been read and the requirements and stipulations contained therein are understood.

March 19, 2018  
Date

James Eric Cate  
Printed Name

[Signature]  
Signature

This Municipal Service Plan was acknowledged before me on the 19<sup>th</sup> day of  
March, 2018.



[Signature]  
Notary Public In and For the State of Texas

