

**ORDINANCE NO. 2018-13**

**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 7.89 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

# 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 7.89 ACRE TRACT OF LAND

A **7.89 ACRE** TRACT OF LAND LOCATED IN THE J.R. AROCHA SURVEY NO. 171, ABSTRACT NO. 2 AND BEING ALL OF A CALLED 7.893 ACRE TRACT AS CONVEYED TO STEPHANIE PORTER LAU OF RECORD IN VOLUME 1290 PAGE 962 OF THE OFFICIAL PUBLIC RECORDS OF KENDALL COUNTY, TEXAS. SAID **7.89 ACRE** TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a found  $\frac{1}{2}$ " iron rod in the westerly right-of-way line of Cascade Caverns Road, for an angle in the north line of a called 6.001 acre tract of land as conveyed to Elizabeth Sams Page of record in Volume 533 Page 710 of the Official Public Records of Kendall County, Texas, for the southeast corner of said 7.893 acre tract and the tract described herein, from which a found  $\frac{1}{2}$ " iron rod in the westerly right-of-way line of Cascade Caverns Road and for the northeast corner of said 6.001 acre tract bears, S 89° 32' 56" E, a distance of 30.49 feet;

**THENCE:** Departing the westerly right-of-way line of Cascade Caverns Road and along and with the common line between the 6.001 acre tract and the 7.893 acre tract, the following four (4) courses:

1. S 89° 52' 38" W, a distance of **193.98 feet** to a found  $\frac{1}{2}$ " iron rod for an angle of the tract described herein,
2. N 89° 55' 44" W, a distance of **88.44 feet** a found  $\frac{1}{2}$ " iron rod for an angle of the tract described herein,
3. N 89° 51' 30" W, a distance of **217.07 feet** to a found  $\frac{1}{2}$ " iron rod for an angle of the tract described herein, and
4. S 89° 54' 59" W, a distance of **387.45 feet** to a found  $\frac{1}{2}$ " iron rod with a plastic cap stamped "Pfeiffer" for the northwest corner of said 6.001 acre tract, the southwest corner of said 7.893 acre tract and the tract described herein;

**THENCE:** Along and with the westerly and northerly lines of said 7.893 acre tract, the following eight (8) courses:

1. N 03° 31' 54" E, a distance of **4.87 feet** to a found  $\frac{1}{2}$ " iron rod with a plastic cap stamped "Pfeiffer" for an angle of the tract described herein,
2. N 00° 57' 54" E, a distance of **186.08 feet** to a found  $\frac{1}{2}$ " iron rod with a plastic cap stamped "Pfeiffer" for an angle of the tract described herein,
3. N 01° 07' 40" E, a distance of **143.18 feet** to a found  $\frac{1}{2}$ " iron rod for an angle of the tract described herein,
4. N 00° 37' 39" E, a distance of **226.80 feet** to a found  $\frac{1}{2}$ " iron rod with a plastic cap stamped "Pfeiffer" for the northwest corner of said 7.893 acre tract and the tract described herein,
5. N 89° 26' 05" E, a distance of **164.89 feet** to a found  $\frac{1}{2}$ " iron rod with a plastic cap stamped "Pfeiffer" for an exterior corner of the tract described herein,
6. S 35° 26' 13" E, a distance of **327.68 feet** to a found  $\frac{1}{2}$ " iron rod with a plastic cap stamped "Pfeiffer" for an interior corner of the tract described herein,
7. N 77° 34' 07" E, a distance of **350.66 feet** to a found  $\frac{1}{2}$ " iron rod with a plastic cap stamped "Pfeiffer" for an interior corner of the tract described herein, and
8. N 65° 31' 54" E, a distance of **86.69 feet** to a found  $\frac{1}{2}$ " iron rod with a plastic cap stamped "Pfeiffer" in the westerly line of a called 1.82 acre tract of land as conveyed to Kendall County, Texas of record in Volume 533 Page 728 of the Official Public Records of Kendall County, Texas, now being the apparent westerly right-of-way line of Cascade Caverns Road, for the northeast corner of said 7.893 acre tract and the tract described herein, from which a found pk nail in rock for an exterior corner of said 1.82 acre tract and an interior corner of a called 29.873 acre tract of land as conveyed to ML&E – Landquest Cascade Caverns, LLC., of record in Volume 1478 Page 492 of the Official Public Records of Kendall County, Texas bears, N 23° 05' 12" W, a distance of 40.85 feet;

**THENCE: S 22° 58' 06" E**, along and with the westerly line of said 1.82 acre tract, Cascade Caverns Road, and the northeast line of said 7.893 acre tract, a distance of **59.20 feet** to a found ½" iron rod for the southwest corner of said 1.82 acre tract, an exterior corner of said 7.893 acre tract and the tract described herein;

**THENCE: S 12° 37' 52" E**, continuing along and with the westerly right-of-way line of Cascade Caverns Road and the easterly line of said 7.893 acre tract, a distance of **360.79 feet** to the **POINT OF BEGINNING** and containing **7.89 acres** of land, more or less, situated in Kendall County, Texas.

Note: The basis of bearing was established using the Trimble VRS Network, NAD (83), Texas State Plane Coordinate System, South Central Zone, 4204, US Survey Foot, Grid. A survey plat was prepared by a separate document.



Job # 17-4069 7.89 Acres  
Date: June 20, 2017

THESE CERTIFY TO STANDARD TITLE GUARANTEE COMPANY.  
LANDQUEST ACQUISITIONS, LLC A TEXAS LIMITED LIABILITY COMPANY,  
AND SUTHERLAND PORTER LLP

THAT THIS SURVEY WAS MADE ON THE ORIGINAL, AND THAT TO THE BEST OF MY  
KNOWLEDGE AND BELIEF, IT IS COMPLETELY AND REPRESENTS THE FACTS FOR THE  
PURPOSE OF THE PARTY, AND CONFORMS TO THE CURRENT TEAMSOCIETY OF  
PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A,  
CONVEYOR IN LAND TITLE SURVEY

*John L. Hunsell*

JOHN L. HUNSELL DATE: AUG 14, 2017  
REG. NO. 10000 PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 8026  
EXPIRATION DATE: 08/14/2020  
ANY COMPLAINTS REGARDING THE SERVICES YOU HAVE RECEIVED CAN BE DIRECTED  
TO THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS  
200 N. MAIN ST. SUITE 1400, DALLAS, TEXAS 75201  
PHONE: 610 238-5834 FAX: 610 238-6253



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

**Property Subject to the Plan:** Being a 7.89 acre tract of land located in the J.R. Arocha survey No. 171, Abstract No. 2 and being all of a called 7.893 acre tract as conveyed to Stephanie Porter Lau of record in Volume 1290, Page 962 of the 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. The nearest natural gas main is located along Southglen Parkway at Heathcot

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 is available from the City of Boerne. 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. The nearest water main is located along Southglen Parkway at Heathcot.

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 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 sewer main is located off the east end of Heathcot.

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.

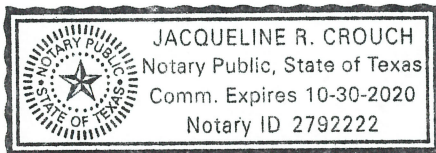
3/15/2018  
Date

LANDQUEST ACQUISITIONS, LLC  
By: D Scot Wilson, Member  
Printed Name

D Scot Wilson  
Signature

This Municipal Service Plan was acknowledged before me on the 15 day of  
March, 2018

Jacqueline R. Crouch  
Notary Public In and For the State of Texas



10/10/03  
10/10/03

10/10/03

10/10/03

