

**PETITION FOR CONSENT TO
ANNEX LAND INTO A WATER CONTROL AND IMPROVEMENT DISTRICT**

THE STATE OF TEXAS §
 §
COUNTY OF KENDALL §

TO THE HONORABLE MAYOR AND CITY
COUNCIL OF THE CITY OF BOERNE, TEXAS:

The undersigned, KENDALL COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 3, a political subdivision of the State of Texas (the "District") and BOERNEBAK, LLC., a Texas limited company (the "Property Owner"), respectfully petition the City of Boerne, Texas for its consent to the addition of land to the District. In support of this Petition, the District would show the following:

I.

The land sought to be added to the District (the "Tract") is described by metes and bounds in Exhibit "A", attached hereto and made a part hereof for all purposes.

II.

The Tract lies wholly within Kendall County, Texas, and not within the boundaries of any incorporated city or town. The Tract lies wholly within the exclusive extraterritorial jurisdiction of the City of Boerne, Texas, as such term is determined pursuant to Chapter 42 V.T.C.A. Local Government Code.

III.

Property Owner is the holder of title to the Tract as shown by the Kendall County Tax Rolls and conveyances of record. No person or entity holds a lien on the Tract, except for Texas Bank, (as lender to Petitioner, "Lender") pursuant to that certain Deed of Trust dated January 16, 2018, and recorded in Volume 1617, page 552, of the Official Public Records of Kendall County, Texas, as Document No. 00318248.

IV.

The District was duly created by Act of May 24, 2017, 85th Legislature, Regular Session, Senate Bill 914 (codified at Texas Special District Local Laws Code Ann. §9072), in accordance with Article XVI, Section 59 and Article III, Section 52 of the Constitution of the State of Texas and operates pursuant to Chapters 49 and 54, Texas Water Code, as amended, to provide for:

- (1) the control, storage, preservation, and distribution of its storm water and floodwater, the water of its rivers and streams for irrigation, power and all other useful purposes;
- (2) the reclamation and irrigation of its arid, semiarid, and other land needing irrigation;
- (3) the reclamation and drainage of its overflowed land and other land needing drainage;
- (4) the conservation and development of its forests, water, and hydroelectric power;
- (5) the navigation of its inland and coastal water;
- (6) the control, abatement, and change of any shortage or harmful excess of water;
- (7) the protection, preservation, and restoration of the purity and sanitary condition of water within the state;
- (8) the preservation of all natural resources of the state;
- (9) the collection, transportation, processing, disposal, and control of all domestic, industrial, or communal wastes, whether fluids, solids, or composites,
- (10) to gather, conduct, divert, and control local storm water or other local harmful excesses of water; and
- (11) the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads, to the extent authorized by Article III, Section 52, of the Texas Constitution.

The District is empowered and authorized to purchase, construct, acquire, own, operate, maintain, repair, improve, or extend inside and outside its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary to accomplish the purposes of its creation.

V.

The general nature of the work to be done by and within the District at the present time is the (i) construction, maintenance and operation of a waterworks system for residential and commercial purposes; (ii) the construction, maintenance and operation of a sanitary sewer collection system; (iii) the control, abatement and amendment of the harmful excess of waters and the reclamation and drainage of overflowed lands within the District; (iv) the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads, to the extent authorized by Article III, Section 52, of the Texas Constitution; and (v) such other construction, installation,

maintenance, purchase and operation of such additional facilities, systems, plants and enterprises as shall be consonant with the purposes for which the District is organized.

VI.

There is a necessity for the improvements above described because the Tract is located within an area that is experiencing substantial and sustained residential and commercial growth, is urban in nature and is not supplied with adequate water, sanitary sewer, drainage facilities, road facilities and services. The health and welfare of the future inhabitants of the Tract require the acquisition and installation of an adequate waterworks, sanitary sewer, storm drainage and road system. The purchase, construction, extension, improvement, maintenance and operation of such waterworks, sanitary sewer, storm drainage and road systems will conserve and preserve the natural resources of this State by promoting and protecting the purity and sanitary condition of the State's waters and will promote and protect the public health and welfare of the community; therefore, a public necessity exists for the inclusion of the Tract within the District.

VII.

Said proposed improvements are practicable and feasible, in that the terrain of the Tract is of such a nature that a waterworks, sanitary sewer, storm drainage and road systems can be constructed at a reasonable cost; and said land will be rapidly developed for commercial, multi-family and residential purposes.

VIII.

A preliminary investigation has been instituted to determine the cost of the project attributable to the Tract, and it is now estimated by those filing this Petition, from such information as they have at this time, that the ultimate cost of the development contemplated will be approximately \$16,800,000.

WHEREFORE, the undersigned respectfully pray that this Petition be granted in all respects and that the City Council of the City of Boerne, Texas, adopt a resolution giving its written consent to the addition of the Tract to the District.

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RESPECTFULLY submitted this 5th day of February, 2018.

"DISTRICT"

KENDALL COUNTY WATER CONTROL AND
IMPROVEMENT DISTRICT NO. 3

By: 

Name: David Sawtelle

Title: Vice President

ADDRESS:

c/o Sanford Kuhl Hagan Kugle Parker Kahn L.L.P.
1980 Post Oak Boulevard, Suite 1380
Houston, Texas 77056

THE STATE OF TEXAS

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§

COUNTY OF KENDALL

This instrument was acknowledged before me on the 5th day of February, 2018, by David Sawtelle, as Vice President of the Board of Directors of Kendall County Water Control and Improvement District No. 3, a political subdivision of the State of Texas, on behalf of said political subdivision.


NOTARY PUBLIC, STATE OF TEXAS

(SEAL)



"PROPERTY OWNER"

BOERNEBAK, LLC,
a Texas limited company

By: 
Phil P. Bakke, President

THE STATE OF TEXAS

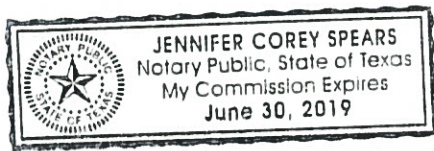
COUNTY OF Kendall

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This instrument was acknowledged before me on the 5th day of February, 2018, by **PHIL P. BAKKE**, President of **BOERNEBAK, LLC**, a Texas limited liability company, in the capacity herein stated.

(SEAL)


NOTARY PUBLIC, STATE OF TEXAS





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SPRING BRANCH, TX 78070
830.228.5788 P | 830.885.2170 F
WWW.MSENGR.COM | TBPLS #10044200

42.451 ACRE TRACT
16BCD001 42 ACRE TITLE

FN NO. 16BDC001
DECEMBER 1, 2016

FIELDNOTE DESCRIPTION

OF A 42.451 ACRE TRACT OUT OF THE ANTONIO CRUZ SURVEY NO. 170, ABSTRACT NO. 97, KENDALL COUNTY, TEXAS, BEING THAT 42.451 ACRE TRACT CONVEYED TO DIMITRI NICOLAS HADJOPULOS COINDREAU BY DEED OF RECORD IN VOLUME 1317, PAGE 299 OF THE OFFICIAL PUBLIC RECORDS OF KENDALL COUNTY, TEXAS, SAID 42.451 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING, AT A FOUND $\frac{1}{2}$ INCH IRON ROD IN THE EASTERLY RIGHT-OF-WAY LINE OF VALERIE LANE, BEING THE SOUTHWESTERLY CORNER OF THAT CERTAIN 10 ACRE TRACT CONVEYED TO GARTH GOMBERT AND TERRY GOMBERT AS DESCRIBED IN VOLUME 69, PAGE 431 OF THE DEED RECORDS OF KENDALL COUNTY, TEXAS, FOR THE NORTHWESTERLY CORNER OF SAID 42.451 ACRE TRACT AND **POINT OF BEGINNING** HEREOF;

THENCE, S $88^{\circ} 51' 24''$ E, LEAVING THE EASTERLY RIGHT-OF-WAY LINE OF VALERIE LANE, ALONG THE COMMON BOUNDARY LINE OF SAID 10 ACRE TRACT AND SAID 42.451 ACRE TRACT, A DISTANCE OF 1204.03 FEET TO A FOUND $\frac{1}{2}$ INCH IRON ROD WITH POLLOCK CAP IN THE WESTERLY RIGHT-OF-WAY LINE OF SCENIC LOOP ROAD, BEING THE NORTHEASTERLY CORNER OF SAID 42.451 ACRE TRACT AND HEREOF;

THENCE, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SCENIC LOOP ROAD, BEING THE EASTERLY LINE OF SAID 42.451 ACRE TRACT AND HEREOF, THE FOLLOWING COURSES:

S $01^{\circ} 22' 14''$ W, A DISTANCE OF 731.27 FEET TO A FOUND $\frac{1}{2}$ INCH IRON ROD;

S $00^{\circ} 41' 52''$ W, A DISTANCE OF 891.44 FEET TO A FOUND PK NAIL AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF SCENIC LOOP ROAD AND THE NORTHERLY RIGHT-OF-WAY LINE OF CORLEY ROAD, BEING THE SOUTHEASTERLY CORNER OF SAID 42.451 ACRE TRACT AND HEREOF;

THENCE, N $82^{\circ} 36' 27''$ W, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF CORLEY ROAD, A DISTANCE OF 90.95 FEET TO A FOUND $\frac{1}{2}$ INCH IRON ROD WITH CEC CAP MARKING THE SOUTHEASTERLY CORNER OF THAT CERTAIN 0.136 ACRE TRACT CONVEYED TO CPS ENERGY BY DEED OF RECORD IN VOLUME 1202, PAGE 991 OF SAID OFFICIAL PUBLIC RECORDS;

THENCE, LEAVING THE NORTHERLY RIGHT-OF-WAY LINE OF CORLEY ROAD, ALONG THE COMMON BOUNDARY LINE OF SAID 42.451 ACRE TRACT AND SAID 0.136 ACRE TRACT, THE FOLLOWING COURSES:

N 07° 18' 02" E, A DISTANCE OF 103.26 FEET TO A FOUND ½ INCH IRON ROD;

S 65° 49' 05" W, A DISTANCE OF 197.24 FEET TO A FOUND ½ INCH IRON ROD
IN THE NORTHERLY RIGHT-OF-WAY LINE OF CORLEY ROAD, BEING THE
SOUTHWESTERLY CORNER OF SAID 0.136 ACRE TRACT;

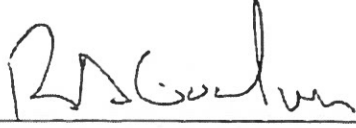
THENCE, N 82° 36' 45" W, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF CORLEY
ROAD, A DISTANCE OF 935.21 FEET TO A FOUND ½ INCH IRON ROD AT THE
INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF CORLEY ROAD AND THE
EASTERLY RIGHT-OF-WAY LINE OF VALERIE LANE, BEING THE SOUTHWESTERLY
CORNER OF SAID 42.451 ACRE TRACT AND HEREOF;

THENCE, N 00° 20' 44" E, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF VALERIE
LANE, A DISTANCE OF 1492.91 FEET TO THE **POINT OF BEGINNING**, CONTAINING
AN AREA OF 42.451 ACRES OF LAND, MORE OR LESS.

I, RICHARD A. GOODWIN, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO
HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED FROM
A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION.

A SURVEY EXHIBIT WAS PREPARED ON THIS SAME DATE. BASIS OF BEARING IS
NAD 83 TEXAS STATE PLANE COORDINATES, SOUTH CENTRAL ZONE.

SHERWOOD SURVEYING & SUE, LLC
P.O. BOX 992
SPRING BRANCH, TEXAS 78070
TBPLS FIRM #10044200

 12/1/16

RICHARD A. GOODWIN DATE
R.P.L.S. #4069 STATE OF TEXAS



UTILITIES RESIDENTIAL COMMERCIAL INDUSTRIAL
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