

2019 ANNEXATION CITY OF BOERNE, TEXAS MUNICIPAL SERVICE PLAN

Property Subject to the Plan: Being a 8.352 acre (363,826 square feet) tract of land situated in the John Small Survey No. 183, Abstract No. 441, Kendall County, Texas; containing all of that certain 7.963 acre tract described in instrument to Morningside Ministries Foundation, Inc., is recorded in Volume 1479, Page 827, also containing a portion of street right-of-way of Upper Balcones Road (variable width), 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.

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. The Planning and Zoning Commission will initiate permanent zoning of the newly annexed area as soon as possible after annexation.

5. LIBRARY

Free library uses, and privileges will be available to residents of the Annexation Area, pursuant to applicable policies and/or ordinances as may be amended.

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

Solid waste collection is contracted for by the City's contracted agent upon annexation. 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

The effects of this addition on drainage will be addressed under the provisions of the Subdivision Ordinance in effect at the time of platting.

Roads, streets and drainage improvements that have been properly platted, duly dedicated, and accepted by the City of Boerne and/or Kendall County shall be maintained by the Department of Public Works. 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.

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

The City of Boerne 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 from the City of Boerne may be extended to and throughout the property by the petitioner according to City standards. 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 Upper Balcones Road approximately 800 LF north of the annexation area.

11. WATER SERVICE

Water service from the City of Boerne may be extended to and throughout the property by the petitioner according to City standards. 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 currently located along Upper Balcones Road near the southwest corner of the annexation area.

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.

12. SEWER SERVICE

Sewer service from the City of Boerne may be extended to and throughout the property by the petitioner according to City Standards. 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 Upper Balcones Road approximately 650 LF south of the annexation area.

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.

C. CAPITAL IMPROVEMENTS PROGRAM

Cost of any utility mains and appurtenances or other necessary capital improvements necessary for development of the subject property will be borne entirely by the petitioner for this tract.

*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.

Date

Printed Name

Signature

This Municipal Service Plan was acknowledged before me on the _____ day of
_____, 20__.

Notary Public In and For the State of Texas

**A METES AND BOUNDS
DESCRIPTION OF A
8.352 ACRE TRACT OF LAND**

BEING a 8.352 acre (363,826 square feet) tract of land situated in the John Small Survey No. 183, Abstract No. 441, Kendall County, Texas; containing all of that certain 7.963 acre tract described in instrument to Morningside Ministries Foundation, Inc., is recorded in Volume 1479, Page 827 of the Official Public Records of Kendall County, also containing a portion of street right-of-way of Upper Balcones Road (variable width); and being more particularly described as follows:

BEGINNING at a 2-1/2 inch iron pipe found on the easterly right-of-way line of Upper Balcones Road, marking the western-most northwestern corner of said 7.963 acre tract and the southern-most corner of a called 0.696 acre tract described in instrument to Cisneros Interest, L.P. in Volume 1632, Page 166 of the Official Public Records of Kendall County;

THENCE, departing the easterly right-of-way line of Upper Balcones Road and along the common line between the said 7.963 acre tract and said 0.696 acre tract, the following two (2) courses and distances:

1. North 58°03'50" East, 245.34 feet to a 1/2 inch iron pipe found for corner;
2. North 0°44'42" West, 78.37 feet to a point for corner marking the northern-most northwest corner of said 7.963 acre tract on the southerly line of a called 3.101 acre tract described in instrument to Bergheim Holdings, L.P., recorded in Volume 1557, Page 317 of the Official Public Records Kendall County;

THENCE, along the common line between the said 7.963 acre tract and the said 3.101 acre tract, the following two (2) courses and distances:

1. South 89°34'04" East, 315.71 to a 2-1/2 inch iron rod found for corner;
2. South 89°52'21" East, 130.38 feet along the common line between the said 7.963 acre tract and the said 3.101 acre tract to a 1/2 inch iron rod found marking the northeastern-most corner of the said 7.963 acre tract, same being the northwestern corner of a called 34.24 acre tract of land described as Morningside Ministries, Boerne Campus III, plat of which recorded in Volume 8, Page 332-335 of the Plat Records of Kendall County;

THENCE, South 0°02'03" West, 574.21 feet along the common line between the said 7.963 acre tract and the said 34.24 acre tract to a 1/2 inch iron rod found for southeastern-most corner of said 7.963 acre tract;

THENCE, North 89°54'59" West, continuing along said common line; at a distance of 652.93 passing the southwestern-most corner of said 7.963 acre tract situated on the easterly right-of-way line of aforesaid Upper Balcones Road; continuing for a total distance of 701.44 feet to a point for corner on the westerly right-of-way line of said Upper Balcones Road;

THENCE, North 0°01'22" West, 367.79 feet along the westerly right-of-way line of said Upper Balcones Road to a point for corner;

THENCE, South 89°54'58" East, 48.66 feet, crossing the right of way of said Upper Balcones Road to the **POINT OF BEGINNING**, and containing 8.352 acres of land in Kendall County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System Grid, South Central Zone (FIPS 4203) (NAD'83). All distances are on the Grid and shown in U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

John G. Mosier 2/8/2019

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8.352 ACRE TRACT
JOHN SMALL SURVEY NO. 183,
ABSTRACT NO. 441,
KENDALL COUNTY, TEXAS

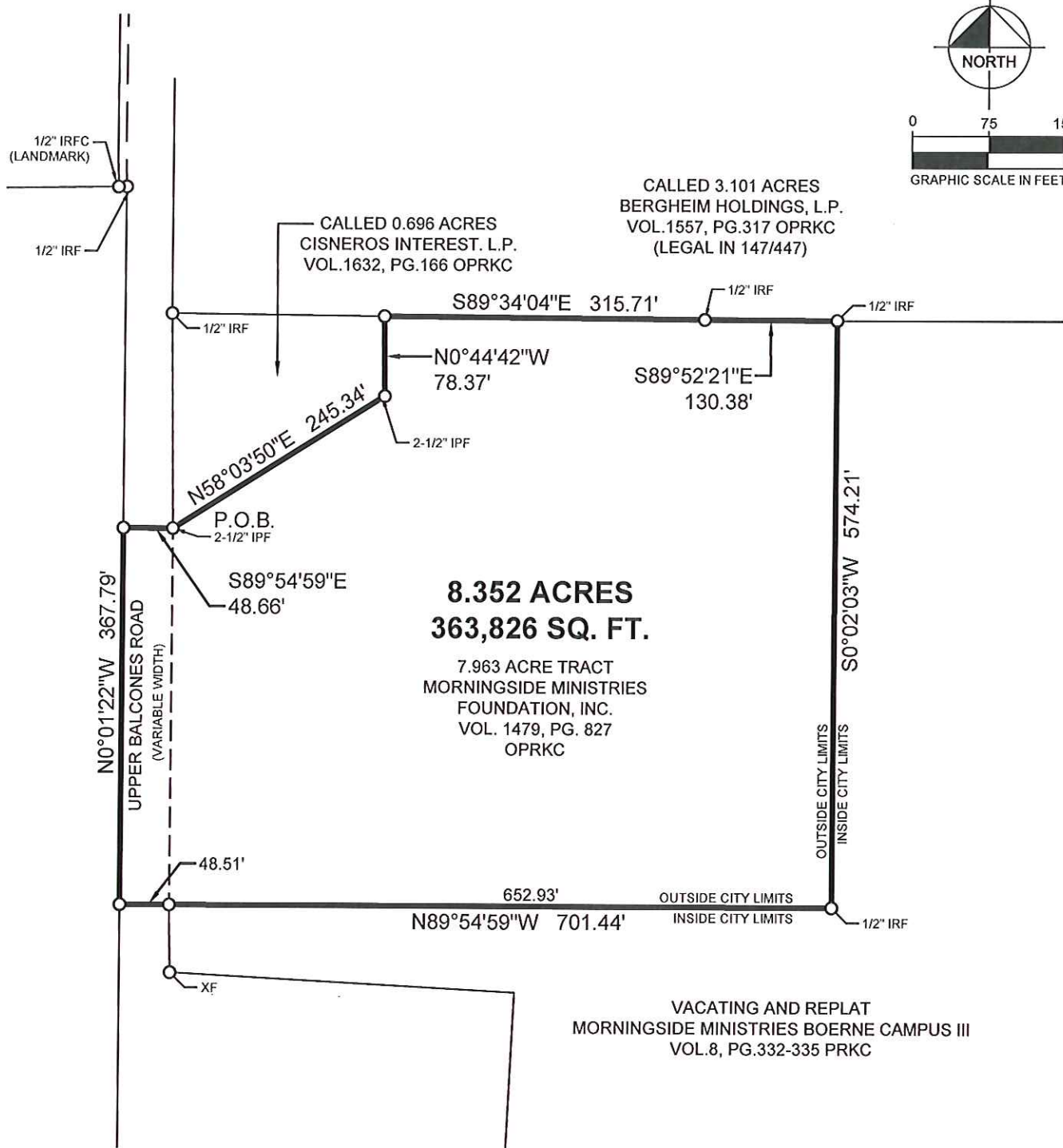
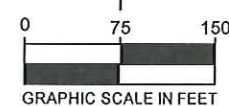
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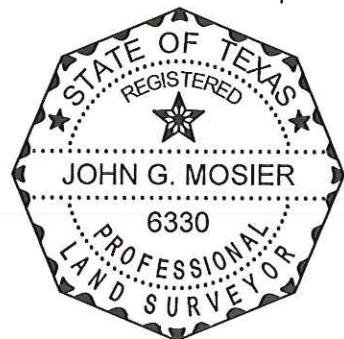
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	JAB	JGM	2/8/2019	068713801	1 OF 2



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VACATING AND REPLAT
MORNINGSIDE MINISTRIES BOERNE CAMPUS III
VOL.8, PG.332-335 PRKC

8.352 ACRE TRACT
JOHN SMALL SURVEY NO. 183,
ABSTRACT NO. 441,
KENDALL COUNTY, TEXAS

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1" = 150'	JAB	JGM	2/8/2019	068713801	2 OF 2