

**ORDINANCE NO. 2019-29**

**AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF BOERNE, KENDALL COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY; AND ADOPTING A SERVICE PLAN (31001 Interstate 10, KAD No. 12292, VBM Boerne Land LLC – Toyota of Boerne, at the request of the City of Boerne)**

**WHEREAS**, Section 43 of the Texas Local Government Code City Charter of the City of Boerne, Texas, an incorporated city, authorizes the annexation of territory, subject to the laws of this state as of January 1, 2019;

**WHEREAS**, the City Council of the City of Boerne passed a resolution on April 16, 2019 to set public hearings for proposed annexation of certain properties by the City and authorizing the City Manager to prepare the necessary service plans for the areas in the City Extraterritorial Jurisdiction (“ETJ”) being considered for annexation into the corporate limits of the City of Boerne;

**WHEREAS**, the City of Boerne, preserved the right to conduct annexation proceeding in accordance with the applicable law as it existed on January 1, 2019, as preserved by House Bill 347 transition provision because the City of Boerne adopted a resolution to direct the City Manager to set public hearings and prepare a service plan for the area considered for annexation prior to the effective date of House Bill 347;

**WHEREAS**, the City held public hearings on May 28, 2019 and June 11, 2019 on properties proposed for annexation;

**WHEREAS**, an offer of a development agreement pursuant to §[43.035 and/or 43.033] of the Texas Local Government Code has been made and rejected.

**WHEREAS**, the procedures prescribed by Chapter 43 Texas Local Government Code and/or Charter of the City of Boerne, Texas, and the laws of this state have been duly followed with respect to the following described territory, to wit:

See Attached Exhibit “A”

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS:**

**Section 1.** The facts, findings, recitations contained in the preamble of this resolution hereby found and declared to be true and correct, and are incorporated by reference herein and expressly made part hereof, as it copied herein verbatim.

**Section 2.** That the heretofore described property is hereby annexed to the City of Boerne, Kendall County, Texas, and that the boundary limits of the City of Boerne be and the same are hereby extended to include the above described territory within the city limits of the City of Boerne, and the same shall hereafter be included within the territorial limits of said city, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the city of Boerne and they shall be bound by the acts, ordinances, resolutions, and regulations of said city.

**Section 3.** A service plan for the area is hereby adopted and attached as Exhibit B.

**The City Secretary is hereby directed to file with the County Clerk of Kendall County, Texas, a certified copy of this ordinance.**

PASSED AND APPROVED on this the first reading the 2<sup>nd</sup> day of July, 2019.

PASSED, APPROVED AND ADOPTED on this the second reading the \_\_\_\_ day of July, 2019.

APPROVED:

ATTEST:

\_\_\_\_\_  
Mayor

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

APPROVED AS TO FORM:

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