

ORDINANCE NO. 2014-05

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 14th day of January, 2014, and the 28th day of January, 2014, 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 3.040 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.

WHEREAS, the City has prepared a Service Plan for said tract of land which is "Exhibit B", 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 11th day of February, 2014.

PASSED, APPROVED, and ADOPTED on second reading this the 25th day of February, 2014.

APPROVED:

s/s Michael D. Schultz
Mayor

ATTEST:

s/s Lori A. Carroll
City Secretary

APPROVED AS TO FORM:

s/s Kirsten B. Cohoon
City Attorney

Exhibit A

PFEIFFER LAND SURVEYING

918 Adler Street, Boerne, Texas 78006
Phone: 830-249-3385

FIELD NOTES FOR A 3.040 ACRE TRACT OF LAND

Being a 3.040 acre tract of land out of the John Small Survey No. 183, Abstract No. 441, Kendall County, Texas, said 3.040 acre tract of land also being all of that certain 3.032 acre tract of land recorded in Volume 549, Page 23, Official Records, Kendall County, Texas, said 3.040 acre tract of land being more particularly described by metes and bounds as follows:

Beginning at a 1/2" iron rod found with an orange "Bain Medina Bain" plastic cap at a corner on the westerly line of Herff Road for the north corner of the herein described tract and the north corner of the above referenced 3.032 acre tract;

Thence, with the southwest right-of-way line of Herff Road and the northeast line of said 3.032 acre tract, South 25 degrees 50 minutes 35 seconds East, a distance of 275.70 feet to a 60D nail set in a +/- 10" cedar post at the east corner of said 3.032 acre tract, the north corner of that certain 2.37 acre tract recorded in Volume 1122, Pages 842-848, Official Records, Kendall County, Texas and the east corner of the herein described tract;

Thence, departing the southwest right-of-way line of Herff Road with the southeast line of said 3.032 acre tract and the northwest line of said 2.37 acre tract, South 57 degrees 37 minutes 48 seconds West, a distance of 457.43 feet to a 1/2" iron rod found at the south corner of said 3.032 acre tract, the south corner of the herein described tract and the west corner of said 2.37 acre tract, said point bears North 35 degrees 16 minutes 29 seconds West, a distance of 17.22 feet from a 1/2" iron rod found at an angle of said 2.37 acre tract;

Thence, North 36 degrees 12 minutes 08 seconds West, a distance of 275.79 feet to a 1/2" iron rod found at the south corner of Lot 5, Oak Meadows Subdivision recorded in Volume 1, Page 159, Plat Records, Kendall County, Texas for the west corner of the herein described tract;

Thence, with the southeast line of Oak Meadows Subdivision, same being the southeast lines of Lots 1-5, North 57 degrees 45 minutes 49 seconds East, a distance of 487.02 feet to a 1/2" iron rod found at the east corner of said Lot 1;

Thence, North 57 degrees 58 minutes 59 seconds East, a distance of 20.19 feet to the Point of Beginning containing 3.040 acres.

Note: This description is based on an on the ground survey performed on October 10, 2013. The bearings are based on GPS observations. A survey drawing of the above described tract was prepared.



Wes Rexrode
Registered Professional Land Surveyor No.6001
Job Number: 194-13 (3.040 Acre Tract)

Exhibit B

MUNICIPAL SERVICE PLAN

For Annexation of 3.040 acres located at 32 Herff Road (PID 15819)

By Philip, Casey, James and Robert Carte

⌚ **POLICE PROTECTION**

The Boerne Police Department will provide regular and routine patrols in the area as part of its overall patrol activities. The department will respond to any calls for assistance to the area upon annexation. Animal Control services will be available to the area upon annexation.

⌚ **FIRE SERVICE**

Fire service to the area will be provided by the Boerne Volunteer Fire Department upon annexation.

Fire prevention activities will be provided by the Fire Marshal's office in the form of subdivision and building plan review and fire inspections of all commercial structures in the area.

⌚ **BUILDING INSPECTION - CODE ENFORCEMENT SERVICES**

Building inspection activities will be provided upon annexation. The Building Inspection Department will provide 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 Building Inspection Department will respond to requests for inspection of suspected City Code violations including, but not limited to, zoning, building codes, sign ordinance, and junk car ordinances.

⌚ **LIBRARY**

All residents of the newly annexed area will be eligible for library services at the Boerne Public Library.

⌚ **SOLID WASTE COLLECTION**

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

⌚ **PLANNING AND ZONING**

The planning and zoning jurisdiction of the City will extend to this area on the effective date of the annexation. The Planning and Zoning Commission will initiate permanent zoning of the newly annexed area as soon as possible after annexation.

⌚ **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.

⌚ **ELECTRIC SERVICE**

Electric service is provided by the City of Boerne and may be extended to and throughout the property by the petitioner according to City standards. The nearest electric primary line is located along the east side of Herff Road along the frontage of the subject property.

⌚ **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. The nearest current natural gas main of substantial size is located along the west side of Herff Road along the frontage of the subject property.

⌚ **WATER SERVICE**

Water service from the City of Boerne may be extended to and throughout the property by the petitioner according to City standards. The nearest current water main of substantial size is located along the west side of Herff Road near Hughs Street.

⌚ **SEWER SERVICE**

Sewer service from the City of Boerne may be extended to and throughout the property by the petitioner according to City Standards. The nearest current sewer main of substantial size is located along the east side of Herff Road along the frontage of the property.

⌚ **CAPITAL IMPROVEMENTS**

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.

PETITIONER'S ACKNOWLEDGMENT

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.

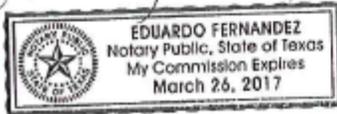
01.11.14
Date

Philip M. Carte
Printed Name

Philip M. Carte
Signature

This Municipal Service Plan was acknowledged before me on the 11 day of

January, 2014



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

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COUNTY OF KENDALL

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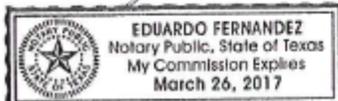
1.11.14
Date

Casey Carte
Printed Name

Casey Carte
Signature

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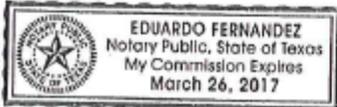
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Printed Name

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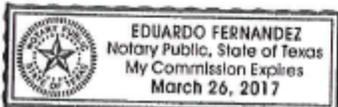
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