

ORDINANCE NO. 2014-07

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 25th day of February, 2014, and the 11th day of March, 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 62.485 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 25th day of March, 2014.

PASSED, APPROVED, and ADOPTED on second reading this the 8th day of April, 2014.

APPROVED:

s/s Nina Woolard
Mayor Pro Tem

ATTEST:

s/s Lori A. Carroll
City Secretary

APPROVED AS TO FORM:

s/s Kirsten B. Cohoon
City Attorney

Exhibit A

MATKIN HOOVER
ENGINEERING & SURVEYING
8 Spencer Road, Suite 100, Boerne, Texas 78006
Phone: 830-249-0600 FAX: 830-249-0099

FIELD NOTES FOR A 5.198 ACRE TRACT OF LAND

BEING A 5.198 ACRE TRACT OF LAND LOCATED IN THE JOHN SMALL SURVEY NO. 183, ABSTRACT NO. 441, THE ROBERT CRITTENDEN SURVEY NO. 182, ABSTRACT NO. 128, KENDALL COUNTY, TEXAS, AND BEING THE REMAINING PORTION OF A CALLED 6.010 ACRE TRACT OF LAND RECORDED IN VOLUME 1178, PAGES 815-822, OFFICIAL RECORDS, KENDALL COUNTY, TEXAS. SAID **5.198 ACRE TRACT** BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point in the southeast boundary line of a called 32.609 acre tract of land recorded in Volume 607, Pages 405-410, Official Records, Kendall County, Texas, said point also being at a northwest corner of the remaining portion of a called 56.475 acre tract of land recorded in Volume 1070, Pages 590-605, Official Records, Kendall County, Texas, the north corner of the above mentioned remaining portion of the called 6.010 acre tract and for the north corner of the herein described tract;

THENCE, with multiple boundary lines of the remaining portion of the called 56.475 acre tract and multiple boundary lines of the remaining portion of the called 6.010 acre tract tract the following four (4) courses and distances:

South 25°34'49" East, a distance of **403.08 feet** to a calculated point for an exterior corner of the herein described tract;

South 68°02'26" West, a distance of **358.70 feet** to a calculated point for an interior corner of the herein described tract;

South 25°36'45" East, a distance of **200.00 feet** to a calculated point for an exterior corner of the herein described tract;

and **South 64°23'15" West**, a distance of **135.49 feet** to a calculated point at the east corner of a called Tract 2 (0.813 acres) recorded in Volume 1366, Pages 493-504, Official Records, Kendall County, Texas, said point also being the north corner of a called Tract 1 (0.993 acres) recorded in Volume 1366, Pages 493-504, Official Records, Kendall County, Texas, an exterior corner of the remaining portion of the called 56.475 acre tract, the south corner of the remaining portion of the called 6.010 acre tract and for the south corner of the herein described tract;

THENCE, with the northeast boundary line of the called Tract 2 and the southwest boundary line of the remaining portion of the called 6.010 acre tract the following two (2) courses and distances:

North 26°39'08 West, a distance of **571.77 feet** to a calculated point at the beginning of a curve to the left of the called Tract 2, the beginning of a curve to the left of the remaining portion of the called 6.010 acre tract and for the beginning of a curve to the left of herein

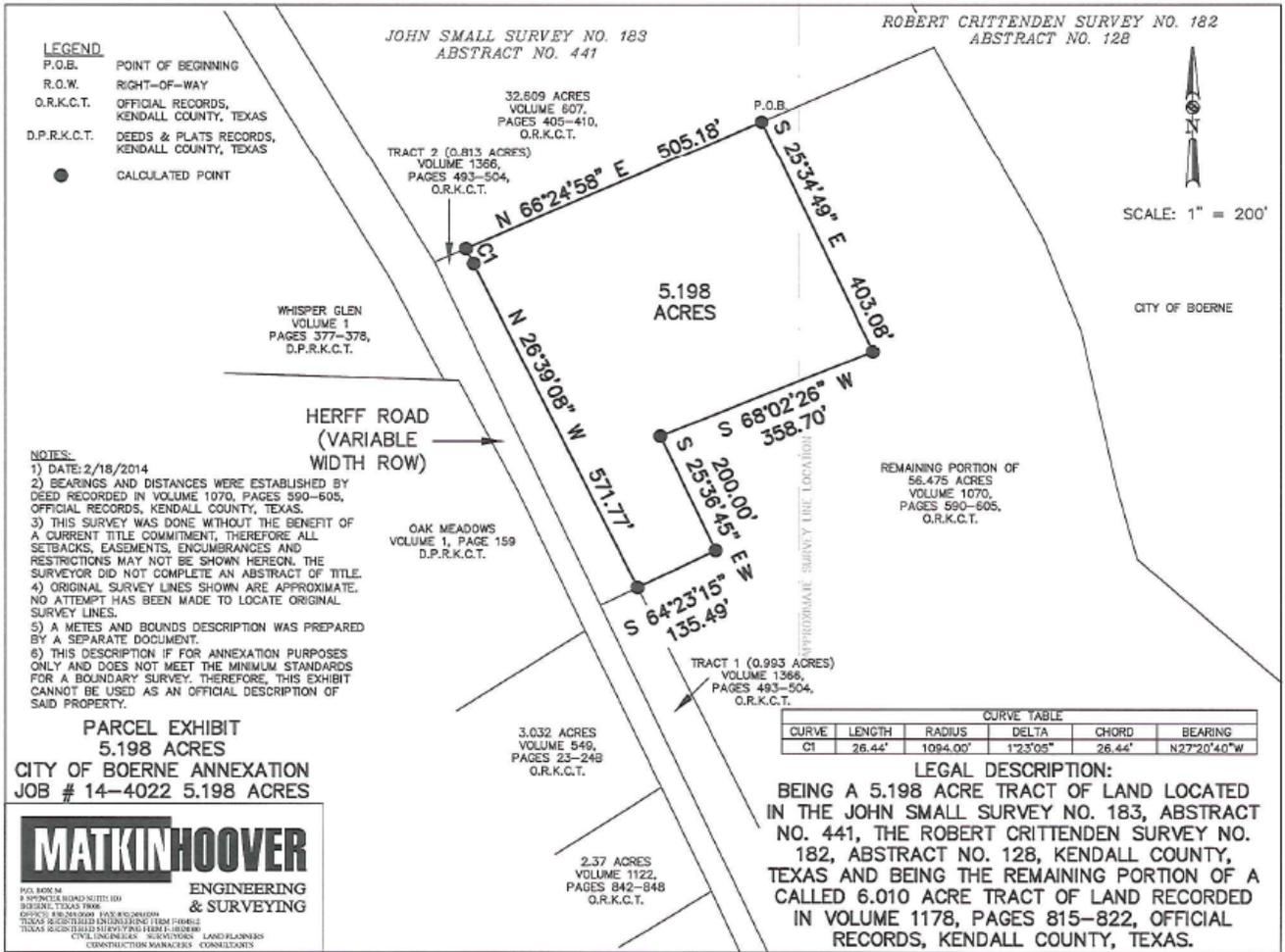
described tract, said curve to the left containing a radius of **1094.00 feet**, a delta of **01°23'05"**, a chord bearing of **North 27°20'40" West** and a chord distance of **26.44 feet**;

and with said curve to the left an arc distance of **26.44 feet** to a calculated point in the southeast boundary line of the called 32.609 acre tract, said point also being at the north corner of the called Tract 2, a northwest corner of the remaining portion of the called 6.010 acre tract and for the west corner of the herein described tract;

THENCE, North 66°24'58" East, with the southeast boundary line of the called 32.609 acre tract and the northwest boundary line of the remaining portion of the called 6.010 acre tract, a distance of **505.18 feet** to the **POINT OF BEGINNING** containing **5.198 acres** of land.

Note: The bearings and distances were established by deed recorded in Volume 1070, Pages 590-605, Official Records, Kendall County, Texas. A survey plat with same date accompanies this description.

Job # 14-4022 5.198 Acres



LEGEND
 P.O.B. POINT OF BEGINNING
 R.O.W. RIGHT-OF-WAY
 O.R.K.C.T. OFFICIAL RECORDS, KENDALL COUNTY, TEXAS
 D.P.R.K.C.T. DEEDS & PLATS RECORDS, KENDALL COUNTY, TEXAS
 ● CALCULATED POINT

NOTES:
 1) DATE: 2/18/2014
 2) BEARINGS AND DISTANCES WERE ESTABLISHED BY DEED RECORDED IN VOLUME 1070, PAGES 590-605, OFFICIAL RECORDS, KENDALL COUNTY, TEXAS.
 3) THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT, THEREFORE ALL SETBACKS, EASEMENTS, ENCUMBRANCES AND RESTRICTIONS MAY NOT BE SHOWN HEREON. THE SURVEYOR DID NOT COMPLETE AN ABSTRACT OF TITLE.
 4) ORIGINAL SURVEY LINES SHOWN ARE APPROXIMATE. NO ATTEMPT HAS BEEN MADE TO LOCATE ORIGINAL SURVEY LINES.
 5) A METES AND BOUNDS DESCRIPTION WAS PREPARED BY A SEPARATE DOCUMENT.
 6) THIS DESCRIPTION IS FOR ANNEXATION PURPOSES ONLY AND DOES NOT MEET THE MINIMUM STANDARDS FOR A BOUNDARY SURVEY. THEREFORE, THIS EXHIBIT CANNOT BE USED AS AN OFFICIAL DESCRIPTION OF SAID PROPERTY.

PARCEL EXHIBIT
5.198 ACRES
CITY OF BOERNE ANNEXATION
JOB # 14-4022 5.198 ACRES

MATKINHOOPER
 ENGINEERING & SURVEYING
 1101 KAY ST
 SUITE 100
 BOERNE, TEXAS 78009
 (817) 291-1100
 TEXAS REGISTERED SURVEYOR # 12844
 CIVIL ENGINEER # 12844
 LAND PLANNERS
 CONSTRUCTION MANAGERS CONSULTANTS

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
C1	26.44'	1094.00'	1°23'05"	26.44'	N27°20'40"W

LEGAL DESCRIPTION:
 BEING A 5.198 ACRE TRACT OF LAND LOCATED IN THE JOHN SMALL SURVEY NO. 183, ABSTRACT NO. 441, THE ROBERT CRITTENDEN SURVEY NO. 182, ABSTRACT NO. 128, KENDALL COUNTY, TEXAS AND BEING THE REMAINING PORTION OF A CALLED 6.010 ACRE TRACT OF LAND RECORDED IN VOLUME 1178, PAGES 815-822, OFFICIAL RECORDS, KENDALL COUNTY, TEXAS.

MATKIN HOOVER

ENGINEERING & SURVEYING

8 Spencer Road, Suite 100, Boerne, Texas 78006
Phone: 830-249-0600 FAX: 830-249-0099

FIELD NOTES FOR A 55.483 ACRE TRACT OF LAND

BEING A 55.483 ACRE TRACT OF LAND LOCATED IN THE JOHN SMALL SURVEY NO. 183, ABSTRACT NO. 441, THE ROBERT CRITTENDEN SURVEY NO. 182, ABSTRACT NO. 128, KENDALL COUNTY, TEXAS, AND BEING THE REMAINING PORTION OF A CALLED 56.475 ACRE TRACT OF LAND RECORDED IN VOLUME 1070, PAGES 590-605, OFFICIAL RECORDS, KENDALL COUNTY, TEXAS. SAID 55.483 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point in the southwest boundary line of a City of Boerne Tract, at the southeast corner of a called 32.609 acre tract of land recorded in Volume 607, Pages 405-410, Official Records, Kendall County, Texas, said point also being the north corner of the above mentioned remaining portion of a called 56.475 acre tract, and for the north corner of the herein described tract;

THENCE, with multiple boundary lines of a City of Boerne Tract, and multiple boundary lines of the remaining portion of the called 56.475 acre tract the following eight (8) courses and distances:

South 29°36'00" East, a distance of **345.02 feet** to a calculated point for an angle of the herein described tract;

South 22°11'14" East, a distance of **161.41 feet** to a calculated point for an angle of the herein described tract;

South 12°39'27" East, a distance of **244.57 feet** to a calculated point for an angle of the herein described tract;

South 15°46'34" East, a distance of **125.82 feet** to a calculated point for an angle of the herein described tract;

South 49°13'36" East, a distance of **622.41 feet** to a calculated point for an angle of the herein described tract;

South 67°02'24" East, a distance of **672.02 feet** to a calculated point for an angle of the herein described tract;

South 21°52'43" East, a distance of **362.36 feet** to a calculated point for an angle of the herein described tract;

and **South 09°14'57" West**, a distance of **1103.03 feet** to a calculated point in the northeast boundary line of a called 500.0 acre tract of land recorded in Volume 1135, Pages 273-281, Official Records, Kendall County, Texas, said point also being the south corner of the remaining portion of the called 56.475 acre tract and for the south corner of the herein described tract;

THENCE, with the multiple boundary lines of the called 500.0 acre tract, and multiple boundary lines of the remaining portion of the called 56.475 acre tract the following two (2) courses and distances:

North 43°45'46" West, a distance of **606.08 feet** to a calculated point for an angle of the herein described tract;

and **North 84°41'51" West**, a distance of **381.69 feet** to a calculated point at the southwest corner of a called 6.010 acre tract of land recorded in Volume 1070, Pages 580-589, Official Records, Kendall County, Texas, said point also being at an angle point of the remaining portion of the called 56.475 acre tract, and for an angle of the herein described tract;

THENCE, departing a north boundary line of the called 500.0 acre tract, with the northeast boundary line of the called 6.010 acre tract, and the southwest boundary line of the remaining portion of the called 56.475 acre tract the following two (2) courses and distances:

North 27°50'38" West, a distance of **536.31 feet** to a calculated point for an angle of the herein described tract;

and **North 55°25'33" West**, a distance of **589.43 feet** to a calculated point in the northeast right-of-way line of Herff Road, said point being at the northwest corner of the called 6.010 acre tract, an angle point of the remaining portion of the called 56.475 acre tract and for an angle point of the herein described tract;

THENCE, **North 25°36'45" West**, with the northeast right-of-way line of Herff Road, and a southwest boundary line of the remaining portion of the called 56.475 acre tract, a distance of **108.45 feet** to a calculated point at the south corner of a called Tract 1 (0.993 acres) recorded in Volume 1366, Pages 493-504, Official Records, Kendall County, Texas, said point also being at the beginning of a curve to the left of the called Tract 1, the beginning of a curve to the left of the remaining portion of the called 56.475 acre tract and for the beginning of a curve to the left of the herein described tract, said curve to the left containing a radius of **565.00 feet**, a delta of **30°20'35"**, a chord bearing of **North 11°28'49" West**, and a chord distance of **295.73 feet**;

THENCE, departing the northeast right-of-way line of Herff Road, with the northeast boundary line of the called Tract 1 and the southwest boundary line of the remaining portion of the called 56.475 acre tract the following two (2) courses and distances:

with said curve to the left an arc distance of **299.22 feet** to a calculated point for a point of tangency of the herein described tract;

and **North 26°39'08" West**, a distance of **424.14 feet** to a calculated point at the south corner of the remaining portion of a called 6.010 acre tract recorded in Volume 1178, Pages 815-822, Official Records, Kendall County, Texas, said point also being at the east corner of Tract 2 (0.813 acres) recorded in Volume 1366, Pages 493-504, Official Records, Kendall County, Texas, the north corner of the called Tract 1, an exterior corner of the remaining portion of the called 56.475 acre tract and for an exterior corner of the herein described tract;

THENCE, with multiple boundary lines of the remaining portion of the called 6.010 acre tract and multiple boundary lines of the remaining portion of the called 56.475 acre tract the following four (4) courses and distances:

North 64°23'15" East, a distance of **135.49 feet** to a calculated point for an angle of the herein described tract;

North 25°36'45" West, a distance of **200.00 feet** to a calculated point for an angle of the herein described tract;

North 68°02'26" East, a distance of **358.70 feet** to a calculated point for an angle of the herein described tract;

and **North 25°34'49" West**, a distance of **403.08 feet** to a calculated point in the southeast boundary line of the called 32.609 acre tract, said point also being the north corner of the remaining portion of the called 6.010 acre tract, an exterior corner of the remaining portion of the called 56.475 acre tract and an exterior corner of the herein described tract;

THENCE, North 66°24'58" East, with the southeast boundary line of the called 32.609 acre tract and a northwest boundary line of the remaining portion of the called 56.475 acre tract, a distance of **294.26 feet** to the **POINT OF BEGINNING** containing **55.483 acres** of land.

Note: The bearings and distances were established by deed recorded in Volume 1070, Pages 590-605, Official Records, Kendall County, Texas. A survey plat with same date accompanies this description.

Job # 14-4022 55.483 Acres

Exhibit B

MUNICIPAL SERVICE PLAN

For Annexation of 62.485 acres located at 33 Herff Road (a portion of PID 15831, 12530 and 12531)

By Friends of Cibolo Wilderness

☪ **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 three-phased electric distribution lines are located along the east side of existing Herff Road (currently being widened).

⦿ **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 existing Herff Road (currently being widened).

⦿ **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 western ROW of existing Herff Road (currently being widened), from Hughes Street northward.

⦿ **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 existing Herff Road (currently being widened).

⦿ **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 ' ,

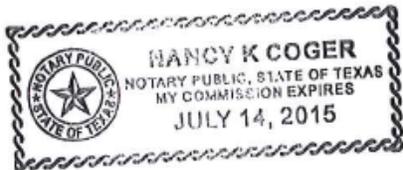
The undersigned acknowledge that the Municipal Service Plan has been read and the requirements and stipulations contained therein are understood.

3.4.14
Date

Carolyn Chizman Evans
Printed Name

Evans
Signature

This Municipal Service Plan was acknowledged before me on the 4th day of March, 2014.



Nancy K. Coeger
Notary Public In and For the State of Texas