ORDINANCE NO. 2014-57

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 28th day of October, 2014, and the 18th day of November, 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 5.174 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, APPROVED, and ADOPTED on second reading this the 16th day of December, 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

METES AND BOUNDS DESCRIPTION
25 Scenic Loop Road

Description of a 5.174 acre tract of land out of the Antonio Cruz Survey Number 170, Abstract Number 97, Kendall County, Texas, being that 4.776 acre tract described in deed recorded in Volume 1414, Page 1061, Kendall County Official Records and a 0.398 acre portion of Scenic Loop Road; said 5.174 acre tract being more fully described as follows:

Beginning at a ½" steel rod set[1] in an east line of Scenic Loop Road[2] for the northwest corner of this tract, said steel rod being the northwest corner of said 4.776 acre tract and the western southwest corner of the Hermann Mueller and Marga Anita Mueller 3.218 acre tract described in deed recorded in Volume 836, Page 750, Kendall County Official Records, and being South 00 degrees 18 minutes 14 seconds West, 40.03 feet of an existing ½" steel rod at the northwest corner of said Mueller 3.218 acre tract;

Thence, along a dilapidated fence with the north and east lines of said 4.776 acre tract and south and west lines of said Mueller tract, South 88 degrees 24 minutes 52 seconds East, 717.43 feet to a ½" steel rod set for the northeast corner of this tract and South 01 degrees 42 minutes 11 seconds East, 284.56 feet to an existing ½" steel rod in a north line of Enterprise Parkway[3] for the southeast corner of said 4.776 acre tract, a southwest corner of said Mueller tract and the southeast corner of the herein described tract;

Thence, with the south line of said 4.776 acre tract, a north line of Enterprise Parkway, the north line of a 0.047 of an acre right-of-way dedication as shown on Development Plat recorded in Volume 4, Pages 307-308, Kendall County Plat Records and crossing Scenic Loop Road, North 89 degrees 18 minutes 51 seconds West[4], at 706.03 feet an existing ½" steel rod being the northeast corner of said 0.047 of an acre Right-of-way dedication, at 718.09 feet a ½" steel rod set for the southwest corner of said 4.776 acre tract, a total distance of 773.99 feet to the east line of a Greenbelt and the west line of a 0.303 of an acre right-of-way dedication as shown on plat of Kendall Creek Estates, Phase I, recorded in Volume 4, Pages 312-313, Kendall County Plat Records, for the southwest corner of this tract, an existing ½" steel rod at the southeast corner of Lot 1, Block 6, Kendall Creek Estates, Phase I bears South 02 degrees 29 minutes 55 seconds East, 57.32 feet;

Thence, with the west line of said right-of-way dedication and the east line of Kendall Creek

Estates, Phase I, passing en route the east end of Sage Canyon, a 60 foot wide right-of-way in said subdivision and joining en route an east line of Kendall Creek Estates, Phase II as shown on plat recorded in Volume 4, Pages 380-381, Kendall County Plat Records, North 02 degrees 29 minutes 55 seconds West, at 234.90 feet an existing ½" steel rod at the common corner of Lots 2 and 3, Block 5, Kendall Creek Estates, Phase II, a total distance of 297.00 feet to the northwest corner of this tract;

Thence, crossing the above mentioned 0.303 of an acre right-of-way dedication and Scenic Loop Road, South 88 degrees 24 minutes 52 seconds East, 61.30 feet to the place of beginning and containing 5.174 acres of land.[5]

I, James E. Schwarz, a Registered Professional Land Surveyor, hereby certify that the above description is from a survey made on the ground under my supervision on March 25 and 27 and September 17, 2014. THIS DOCUMENT WAS PREPARED UNDER 22 TAC §663.21, DOES NOT REFLECT THE RESULTS OF A COMPLETE ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

Schwarz
Land Surveying & Development, Inc.
723 NORTH MAIN, BOERNE, TEXAS 78006
PHONE: (830) 816-8007 Metro FAX: (830) 249-3921

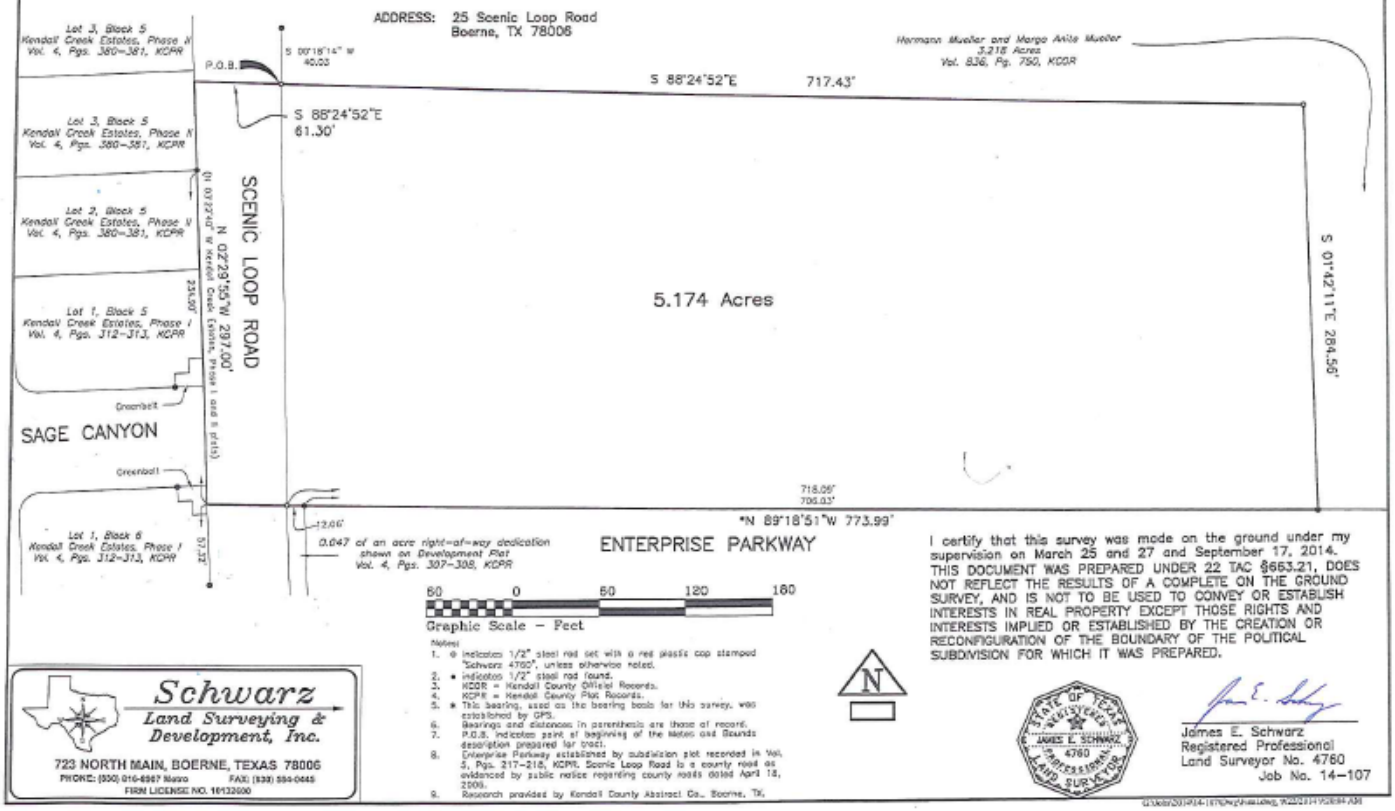
James E. Schwarz
Registered Professional
Land Surveyor No. 4760
Job No. 14-107
Firm No. 10132600

1. All ½" steel rods set have a red plastic cap stamped "SCHWARZ 4760".
2. Scenic Loop Road is a county road as evidenced by public notice regarding county roads dated April 18, 2006.
3. Enterprise Parkway, formerly known as Cold Motion Parkway, was established by plat recorded in Volume 5, Pages 217-218, Kendall County Plat Records.
4. This bearing, used as the bearing basis for this survey, was established by GPS.
6. A plat of this tract has been prepared.

September 22, 2014 (9:38am)

A 5.174 ACRE TRACT OF LAND OUT OF THE ANTONIO CRUZ SURVEY NO. 170, ABSTRACT NO. 97, KENDALL COUNTY, TEXAS, BEING THAT 4.776 ACRE TRACT DESCRIBED IN DEED RECORDED IN VOLUME 1414, PAGE 1061, KENDALL COUNTY OFFICIAL RECORDS AND A 0.398 OF AN ACRE PORTION OF SCENIC LOOP ROAD.

ADDRESS: 25 Scenic Loop Road
Boerne, TX 78006



Notes:

1. ⊕ indicates 1/2" steel rod set with a red plastic cap stamped "Schwarz 4760", unless otherwise noted.
2. ★ indicates 1/2" steel rod found.
3. KCOR = Kendall County Official Records.
4. KCPR = Kendall County Plat Records.
5. ★ This bearing, used as the bearing basis for this survey, was established by GPS.
6. Bearings and distances in parenthesis are those of record.
7. P.O.B. indicates point of beginning of the Metes and Bounds description prepared for tract.
8. Enterprise Parkway established by subdivision plat recorded in Vol. 5, Pgs. 217–218, KCPR. Scenic Loop Road is a county road as evidenced by public notice regarding county roads dated April 18, 2006.
9. Research provided by Kendall County Abstract Co., Boerne, TX.

I certify that this survey was made on the ground under my supervision on March 25 and 27 and September 17, 2014. THIS DOCUMENT WAS PREPARED UNDER 22 TAC §663.21, DOES NOT REFLECT THE RESULTS OF A COMPLETE ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

STATE OF TEXAS
REGISTERED
JAMES E. SCHWARZ
4760
PROFESSIONAL
LAND SURVEYOR

James E. Schwarz
Registered Professional
Land Surveyor No. 4760
Job No. 14–107

Schwarz
Land Surveying & Development, Inc.
723 NORTH MAIN, BOERNE, TEXAS 78006
PHONE: (830) 816-6967 Metro FAX: (830) 554-0445
FIRM LICENSE NO. 10132600

Exhibit B

MUNICIPAL SERVICE PLAN

For Annexation of 5.174 acres located at 25 Scenic Loop (PID 12236) By Russell and Stacey Noll

- **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 Bandera Electric Co-op, who holds the Certificate of Convenience and Necessity in the area of annexation.

- **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 Scenic Loop Road across from 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 north side of Enterprise Parkway adjacent to the subject property.

- **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 with sufficient capacity is located at the intersection of Sophia Circle and Scenic Loop Road north of the subject 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.

11/6/14
Date

Stacey Noll
Printed Name

Signature

This Municipal Service Plan was acknowledged before me on the 6th day of November, 2014.

SIRIA VARGAS
My Commission Expires
December 22, 2014

Notary Public In and For the State of Texas

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.

11/6/14 Russell Noll
Date Printed Name

Signature

This Municipal Service Plan was acknowledged before me on the 6th day of November, 2014

SIRIA VARGAS
My Commission Expires
December 22, 2014

Notary Public In and For the State of Texas

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