

AGENDA FOR THE KERRVILLE CITY COUNCIL MEETING

TUESDAY, JULY 13, 2021, 6:00 P.M.

CITY HALL COUNCIL CHAMBERS

701 MAIN STREET, KERRVILLE, TEXAS

The Community Vision

Kerrville will be a vibrant, welcoming and inclusive community that:

- *Respects and protects the natural environment that surrounds it;*
- *Seeks to attract economic growth and development;*
- *Provides opportunities for prosperity, personal enrichment and intellectual growth for people of all ages; and*
- *Does so while preserving the small-town charm, heritage, arts and culture of the community.*



Kerrville2050



CITY COUNCIL AGENDA
JULY 13, 2021, 6:00 PM
CITY HALL COUNCIL CHAMBERS
701 MAIN STREET, KERRVILLE, TEXAS



Citizens may speak to the City Council on posted agenda items. Prior to speaking, each speaker must fill out the speaker request form and submit it to the City Secretary. The speaker request form must be submitted before the item is called or read into record. Each speaker is limited to four minutes.

CALL TO ORDER:

INVOCATION AND PLEDGE OF ALLEGIANCE:

Led by Councilmember Kim Clarkson.

1 ANNOUNCEMENTS OF COMMUNITY INTEREST:

Announcement of items of community interest, including expressions of thanks, congratulations, or condolences; information regarding holiday schedules; honorary recognitions of city officials, employees, or other citizens; reminders about upcoming events sponsored by the city or other entity that is scheduled to be attended by city officials or employees; and announcements involving imminent threats to the public health and safety of the city. No action will be taken.

2 PRESENTATIONS:

- 2.A. Kerrville Kindness award - First United Methodist Church.
2.B. July 2021 as Parks and Recreation Month in the City of Kerrville.

3 VISITORS/CITIZENS FORUM:

Any citizen with business not scheduled on the agenda may speak to the City Council. Prior to speaking, each speaker must fill out the speaker request form and give it to the City Secretary. The speaker request form must be submitted to the City Secretary before the item is called or read into record. City Council may not discuss or take any action on an item but may place the issue on a future agenda. Each speaker is limited to four minutes.

4 CONSENT AGENDA:

These items are considered routine and can be approved in one motion unless a Councilmember asks for separate consideration of an item. It is recommended that the City Council approve the following items which will grant the Mayor or City Manager the authority to take all actions necessary for each approval:

- 4.A. Sale of City property located at 127 Village Dr., in accordance with state law.
Attachments:
[20210610_127 Village Location Map_Exhibit.pdf](#)
[20210610_City Property Map_Exhibit.pdf](#)
- 4.B. Resolution No. 32-2021. A Resolution selecting a grant writer/administrator to assist the City in its application and administration of a contract, if awarded, from the Texas Division of Emergency Management (TDEM) Hazard Mitigation Grant Program (HMGP) for DR-4586 February Winter Weather.
Attachments:
[20210713_Resolution_32-2021 Grant for Selection TDEM for HMGP.pdf](#)
- 4.C. Resolution No. 33-2021. A Resolution urging the Texas Department of Transportation-Aviation Division to reinstate previously awarded grant funding to the Kerrville-Kerr County Airport for projects which will help maintain the safety and continued use of the airport.
Attachments:
[20210713_Resolution_33-2021 TXDOT Aviation to reinstated awarded grant funding to Airport.pdf](#)
- 4.D. Execute change order decreasing the awarded amount for the Olympic Drive Extension project.
Attachments:
[20210713_Change Order_Olympic Drive Extension.pdf](#)
- 4.E. Minutes for the City Council workshop held June 22, 2021.
Attachments:
[20210713_Minutes_Council workshop 6-22-21 4pm.pdf](#)

4.F. Minutes for the City Council meeting held June 22, 2021.

Attachments:

[20210713_Minutes_Council regular meeting 6-22-21 6pm.pdf](#)

END OF CONSENT AGENDA.

5 PUBLIC HEARINGS AND RESOLUTIONS:

5.A. Resolution No. 30-2021. A Resolution granting a Conditional Use Permit to authorize a short-term rental unit on the property consisting of approximately 0.11 acres, comprising Lot 2, Block 7, Lowry Addition, a Subdivision within the City of Kerrville and more commonly known as 205 Starkey.

Attachments:

[20210713_Resolution_30-2021 CUP 205 Starkey STR.pdf](#)

[20210713_Letters_opposed 205 Starkey STR.pdf](#)

5.B. Resolution No. 31-2021. A Resolution granting a Conditional Use Permit to authorize Recreation Vehicle or Trailer Park on property consisting of Lot 2-R, Block 1, Freeman Fritts Addition, a Subdivision within the City of Kerrville, Kerr County, Texas; and more commonly known as 601 Spur 100.

Attachments:

[20210713_Resolution_31-2021 CUP 601 Spur 100.pdf](#)

[20210713_Letter_opposed 510 Spur 100.pdf](#)

6 PUBLIC HEARING AND ORDINANCES, FIRST READING:

6.A. Ordinance No. 2021-16. An Ordinance amending Ordinance No. 2020-19, which created a Planned Development District (PDD) pursuant to Chapter 60 of the Code of Ordinances, City of Kerrville, Texas, such chapter more commonly known as the City's Zoning Code; by changing the zoning and classification of a portion of the property, such property being Lot 2-A, Block 1, Martin Addition, a Subdivision within the City of Kerrville, Texas, and more commonly known as 3008 Riverside Drive; from being part of the PDD to a Single-Family Residential (R-1) Zoning District.

Attachments:

[20210713_Ordinance_2021-16 Zone change 3008 Riverside Drive.pdf](#)

KERRVILLE 6.B. Ordinance No. 2021-17. An Ordinance annexing an approximate 5.556 acre tract of land, said tract out of the James H. Cocke Survey No. 144, Abstract No. 95; the Thomas L. Waddell Survey No. 145, Abstract No. 354; and a portion that exists as part of Lehmann Dr. N., a Kerr county road; into the corporate limits of the City of Kerrville, Texas; said tract being located the extraterritorial jurisdiction of the City of Kerrville, Texas, Kerr County, Texas; and more commonly known as 160 and 170 Lehmann Drive; further describing the property to be annexed; adopting a service agreement for the property annexed; and establishing the zoning for the property annexed.

Attachments:

[20210713_Ordinance_2021-17 Annexation 160 and 170 Lehmann Drive.pdf](#)

7 CONSIDERATION AND POSSIBLE ACTION:

7.A. Written request by Charles Holt, Center Point Volunteer Fire Department, for the proposed creation of an Emergency Services District in Kerr County (Center Point Emergency Services District #3).

Attachments:

[20210713_Request_Creation of Emergency Services District Center Point.pdf](#)

8 ITEMS FOR FUTURE AGENDAS:

City Council may suggest items or topics for future agendas.

9 EXECUTIVE SESSION:

City Council may, as permitted by law, adjourn into executive session at any time to discuss any matter listed above if they meet the qualifications in Sections 551.071 (consultation with attorney), 551.072 (deliberation regarding real property), 551.073 (deliberation regarding gifts), 551.074 (personnel/officers), 551.076 (deliberation regarding security devices), and 551.087 (deliberation regarding economic development negotiations) of Chapter 551 of the Texas Government Code.

10 ACTION, IF ANY, ON ITEMS DISCUSSED IN EXECUTIVE SESSION:

ADJOURN.



**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Kerrville Kindness award - First United Methodist Church.

AGENDA DATE OF: July 13, 2021 **DATE SUBMITTED:** Jun 25, 2021

SUBMITTED BY: Shelley McElhannon

EXHIBITS:

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
N/A	N/A	N/A	N/A

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	No
Key Priority Area	N/A
Guiding Principle	N/A
Action Item	N/A

SUMMARY STATEMENT:

A citizen or entity who has impacted the City of Kerrville in a positive way.

Recipient: First United Methodist Church.

RECOMMENDED ACTION:

Recognize recipients.



**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: July 2021 as Parks and Recreation Month in the City of Kerrville.

AGENDA DATE OF: July 13, 2021 **DATE SUBMITTED:** Jun 18, 2021

SUBMITTED BY: Ashlea Boyle

EXHIBITS:

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
N/A	N/A	N/A	N/A

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	Yes
Key Priority Area	P - Parks / Open Space / River Corridor
Guiding Principle	P7. Promote and market all City parks and recreation amenities, including the Guadalupe River

Action Item

SUMMARY STATEMENT:

Since July 1985, America has celebrated July as Park and Recreation Month, a program of the National Recreation and Park Association (NRPA). The goal is to raise awareness of the vital impact that parks and recreation has on communities across the country. Parks and recreation services are vital for our communities, protecting open space and natural resources for all walks of life.

The theme for this year is "Our Park and Recreation Story". Parks are at the center of so many experiences and memories, moments that park and recreation professionals help make happen. Our local parks are often our first experiences in nature, our introduction to a favorite hobby or physical activity. Parks are places to gather with friends and family, spaces to celebrate life's special moments, spots of respite and healing, sites that connect us with essential community services and much more.

Kerrville Parks and Recreation's goal is to encourage the community to get outdoors, be

active, and play. Join us as we appreciate the parks and services that Kerrville has to offer and celebrate the selfless, passionate and essential work of park and recreation professionals who are providing the services that are vital to healthy living in our community.

RECOMMENDED ACTION:

Present proclamation.



**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Sale of City property located at 127 Village Dr., in accordance with state law.

AGENDA DATE OF: July 13, 2021 **DATE SUBMITTED:** Jun 09, 2021

SUBMITTED BY: Guillermo Garcia

EXHIBITS: [20210610_127 Village Location Map_Exhibit.pdf](#)
[20210610_City Property Map_Exhibit.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
\$0	\$0	\$0	N/A

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	Yes
Key Priority Area	C - Community / Neighborhood Character and Place Making
Guiding Principle	C2. Seek to attract a range of housing options to provide choices for people with a variety of ages, incomes, lifestyles, etc.
Action Item	C2.8 - Identify vacant lots and develop incentives/abatements for infill development where adequate utilities exist

SUMMARY STATEMENT:

The City of Kerrville's real estate policy allows for the disposal of real property such as the property located at 127 Village Dr. Kerrville, TX 78028 (Tax Parcel 22625).

History:

The property was originally deeded to the City of Kerrville in 1963 by Kerrville District Board of Hospitals and Homes of the Southwest Texas Methodist Conference. The City of Kerrville constructed a water tower on the property to provide the grantor water service for the immediate area. The water tower was removed on July 16, 2001. The City of Kerrville is able to provide water services by other means and does not have a current public purpose for the property. The property has since been maintained by the Parks Department.

City Policy regarding the Disposal of Real Property

When the City Manager and/or City Council has determined that any real estate (real property, easements, right-of-way) owned by the City is no longer needed, the property may be sold or disposed of in accordance with state and/or federal law. The City Manager shall seek approval from City Council for each disposition of real property unless the property interest involves the vacation of an easement, other than right-of-way, that the City is not using and has no plans to use. The City may terminate the sale procedures used at any time and may reinitiate the same or different procedures at a later date. When appropriate, appraisals will be conducted to ensure the City's interests are protected when disposing of real property.

Staff recommends the sale of real property via the sealed bid process as allowed by state law. This process is intended to garner fair market value for the City via a public process.

RECOMMENDED ACTION:

Authorize City Manager to sell City-owned property at 127 Village Drive.



Location Map

Legend

Location:
Abstract 1996, Survey 295
0.14-acre tract

Subject Properties




0 75 150 300

Scale In Feet

Exhibit

- Removed platted or separate instrument ROW dedications.
- Map does not depict most of the properties obtained from UGRA around Nimitz Lake because Kerr CAD does not have a boundary.





**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Resolution No. 32-2021. A Resolution selecting a grant writer/administrator to assist the City in its application and administration of a contract, if awarded, from the Texas Division of Emergency Management (TDEM) Hazard Mitigation Grant Program (HMGP) for DR-4586 February Winter Weather.

AGENDA DATE OF: July 13, 2021 **DATE SUBMITTED:** Jun 30, 2021

SUBMITTED BY: Megan Folkerts

EXHIBITS: [20210713_Resolution_32-2021 Grant for Selection TDEM for HMGP.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
N/A	N/A	N/A	N/A

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	Yes
Key Priority Area	E - Economic Development
Guiding Principle	E6. Support access to the infrastructure necessary to accommodate the future growth of housing and business (water, wastewater, power, communications, roads)
Action Item	N/A

SUMMARY STATEMENT:

The 2021 Hazard Mitigation Grant Program (HMGP) for DR-4586 February Winter Weather is a competitive grant program facilitated by the Texas Division of Emergency Management (TDEM). The grant application for 2021 has a due date of September 2021. The grant contract requires implementation by professionals experienced in the administration of federally-funded community development projects, but allows for grant funding to be utilized for grant administration if awarded. In order to identify qualified and responsive providers for these services a Request for Proposals (RFP) process for administration services was issued in June 2021 and has been completed in accordance with Texas CDBG requirements. Proposals were received by the due date in early July 2021 and have been reviewed to determine the most qualified and responsive providers

for professional services. The selection committee, which included the City Manager as a designated voice of the City Council for such matters, recommends that Traylor and Associates, Inc. be awarded a contract to provide Texas HMGP application and project-related Administration Services for the 2021 Hazard Mitigation Grant Program for DR-4586 February Winter Weather. Any and all contracts or commitments made with Traylor and Associates, Inc. as a services provider are dependent on the successful negotiation of a contract with the service provider.

RECOMMENDED ACTION:

Approve Resolution No. 32-2021 and authorize the City Manager to finalize and execute a contract with the provider.

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 32-2021**

A RESOLUTION SELECTING A GRANT WRITER/ADMINISTRATOR TO ASSIST THE CITY IN ITS APPLICATION AND ADMINISTRATION OF A CONTRACT, IF AWARDED, FROM THE TEXAS DIVISION OF EMERGENCY MANAGEMENT (TDEM) HAZARD MITIGATION GRANT PROGRAM (HMGP) FOR DR-4586 FEBRUARY WINTER WEATHER

WHEREAS, the City of Kerrville (“City”) and its citizens sustained significant damages as a result of the February Winter Weather event; and

WHEREAS, the repair and/or replacement of damages caused by or as a result of the February Winter Weather event, and other projects, as eligible, needed and determined by the City, is of vital importance to the citizens of the City; and

WHEREAS, the City desires assistance in application preparation and, if awarded, the subsequent implementation and administration of the funding from the Texas Division of Emergency Management (TDEM) Hazard Mitigation Grant Program (HMGP) for DR-4586; and

WHEREAS, the City has sought proposals from administrative consultants for Application Preparation and Project Administration; and

WHEREAS, the City performed these solicitations in compliance with guidance for subrecipients under federal law (2 CFR Part 200); and

WHEREAS, the proposals received by the due date have been reviewed to determine the most qualified and responsive providers.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

The City Council has reviewed and hereby formally selects the firm of: Traylor and Associates, Inc. as the administrative consultant for application preparation, project administration, and project-related management services, if awarded, for funding from the Texas Division of Emergency Management (TDEM) Hazard Mitigation Grant Program (HMGP) for DR-4586 February Winter Weather.

**PASSED AND APPROVED ON this the _____ day of _____ A.D.,
2021.**

Bill Blackburn, Mayor

ATTEST:

Shelley McElhannon, City Secretary

APPROVED AS TO FORM:

Michael C. Hayes, City Attorney



**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Resolution No. 33-2021. A Resolution urging the Texas Department of Transportation-Aviation Division to reinstate previously awarded grant funding to the Kerrville-Kerr County Airport for projects which will help maintain the safety and continued use of the airport.

AGENDA DATE OF: July 13, 2021 **DATE SUBMITTED:** Jul 08, 2021

SUBMITTED BY: Mary Rohrer

EXHIBITS: [20210713_Resolution_33-2021 TXDOT Aviation to reinstated awarded grant funding to Airport.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
N/A	N/A	N/A	N/A

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	No
Key Priority Area	N/A
Guiding Principle	N/A
Action Item	N/A

SUMMARY STATEMENT:

On June 22, 2021, the Airport was informed by TxDOT Aviation that state funding for previously approved critical pavement maintenance programs would be delayed. This funding is critical to maintain safety and use of runways, taxiways and apron at the airport. Delays would increase future costs.

RECOMMENDED ACTION:

Approved Resolution No. 33-2021 urging TxDOT to reinstate previously awarded grant funding.

CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 33-2021

A RESOLUTION URGING THE TEXAS DEPARTMENT OF TRANSPORTATION-AVIATION DIVISION TO REINSTATE PREVIOUSLY AWARDED GRANT FUNDING TO THE KERRVILLE-KERR COUNTY AIRPORT FOR PROJECTS WHICH WILL HELP MAINTAIN THE SAFETY AND CONTINUED USE OF THE AIRPORT

WHEREAS, by law, the Texas Department of Transportation-Aviation Division (“TxDOT”) is the agent of the state for a federal grant program (“Program”), and each political subdivision responsible for “applying for, receiving, and disbursing” funds for the benefit of general aviation airports must work through TxDOT with respect to seeking grant funds pursuant to the Program; and

WHEREAS, the Kerrville-Kerr County Joint Airport Board (“Board”) working for the betterment of the Kerrville-Kerr County Airport (“Airport”) and safety of the residents and visitors to the Airport, agreed that Program funding should be sought to make critical repairs to the apron in front of the Airport’s terminal building and provide asphalt refurbishment, striping, and repairs to the primary runway and taxiways at the Airport; and

WHEREAS, Program funds are critical to the ongoing pavement maintenance program implemented by TxDOT and required of the Airport by regulations of the Federal Aviation Administration (“FAA”) such that any delay in this critical maintenance will increase future costs; and

WHEREAS, the Board prepared and submitted cost estimates and Letters and Interest to TxDOT as required by both TxDOT and the FAA for funding pursuant to the Program for the Board’s proposed projects; and

WHEREAS, on July 30, 2020, the Airport Manager received notification from TxDOT that the Airport’s funding requests were accepted for the Surface Treatment and Marking of Runway 12-30 (as part of the Statewide Pavement Program) to include the Rehabilitation of the Airport Apron (approximately 25,000 square feet); and

WHEREAS, thereafter, the Board adopted its 2022 fiscal year budget and submitted it to the Kerr County Commissioners Court and City Council, which includes the approval for the use of Capital Funds needed to pay the 10% of funding match for the projects by TxDOT under the Program; and

WHEREAS, however, on June 22, 2021, the JAB received notice from TxDOT that the project funding had been cancelled and would move to later years; and

WHEREAS, the notice from TxDOT included no explanation or consideration given to the importance to the Airport, its safety of operations, or the constituents using the Airport;

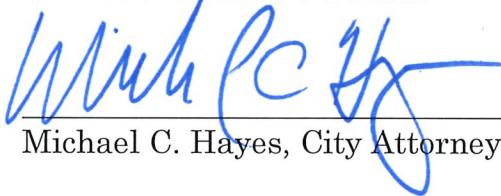
NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

City Council strongly urges TxDOT to reinstate the previously awarded grant funding pursuant to the Program for the Airport's projects, which Council believes is necessary to help maintain the safety and use of the Airport.

PASSED AND APPROVED ON this the _____ day of _____ A.D., 2021.

Bill Blackburn, Mayor

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

Shelley McElhannon, City Secretary



**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Execute change order decreasing the awarded amount for the Olympic Drive Extension project.

AGENDA DATE OF: July 13, 2021 **DATE SUBMITTED:** Jun 01, 2021

SUBMITTED BY: Kyle Burow

EXHIBITS: [20210713_Change Order_Olympic Drive Extension.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
-\$64,108.71	\$194,672.29	\$2,600,000.00	70-19008

PAYMENT TO BE MADE TO: M5 Utilities, LLC

Kerrville 2050 Item?	Yes
Key Priority Area	E - Economic Development
Guiding Principle	E6. Support access to the infrastructure necessary to accommodate the future growth of housing and business (water, wastewater, power, communications, roads)
Action Item	E6.1 - Develop budgets and capital improvement plans that address the infrastructure required to accommodate both existing and future needs

SUMMARY STATEMENT:

In November 2019, the City contracted M5 Utilities, LLC to complete the extension of Olympic Drive from its current alignment off of Singing Wind Dr. through existing right-of-way (ROW) to Loop 534. In FY2019 the City Council authorized the City Manager to enter into a Interlocal Agreement with KISD and a project funding agreement with the Kerrville Economic Improvement Corporation (EIC) for the development of the Olympic Drive Extension project. As part of the Interlocal Agreement with KISD, the City would enter into and manage the contracts necessary to complete the design/engineering work, in addition to the construction contracts associated with the project. M5 Utilities, LLC was deemed substantially complete with the rehabilitation of the first group of streets in March 2021 and worked on punchlist items while opening the roads for public use. The project has now been fully completed and the closeout of the project involves a deductive change

order in the amount of \$64,108.71 for items not utilized by M5 Utilities, LLC to finalize contractual obligations for construction. State law and City policy requires any change order (additive or deductive) over \$50,000 be approved by the City Council.

RECOMMENDED ACTION:

Authorize the City Manager to execute a deductive change order.



CHANGE ORDER

PROJECT:	Olympic Drive and Loop 534 Improvements		
OWNER:	City of Kerrville	OWNER PROJ #	2019-12
CONTRACTOR:	M5 Utilities, LLC	CONTRACTOR #	
ENGINEER:	Civil Engineering Consultants	ENG. PROJ. #	E0626400
CHANGE ORDER NO.	2	CHANGE ORDER DATE:	6/2/2021
Make following additions/deletions or modifications to work described in the Contract Documents:			
	Description of Change	Cost	
1	Add Remobilization for Signal Work	\$900.00	
2	Remove heads (TxDOT requirement)	\$783.00	
3	Add 4 Section Heads (TxDOT Requirement)	\$2,742.00	
4	Black out striping	\$2,500.00	
5	TxDOT Reschedule Signal Work to replace heads	\$2,500.00	
6	Testing Backcharges	-\$1,740.00	
7	Deduct of Unused Quantities	-\$71,793.71	
TOTAL COST OF THIS CHANGE ORDER:			-\$64,108.71
<i>The compensation agreed to upon in this change order is full, complete and final payment for all costs the Contractor may incur as a result of or related to this change whether said costs are known, unknown, foreseen or unforeseen at this time, including without limitation, any cost for delay, extended overhead, ripple or impact cost, or any other affect on changed or unchanged work as a result of this Change Order.</i>			
Contract Cost and/or Time Impacts:			
Original Contract Amount	\$2,439,188.81		
Previously Approved Change Order Amount	\$5,380.68		
Adjusted Contract Amount	\$2,444,569.49		
Proposed Change Order Amount (this change order)	-\$64,108.71		
Revised Contract Amount	\$2,380,460.78		
Previous Contract Time	270		
Previous Substantial Completion Date	September 16, 2020		
Previous Final Completion Date	October 16, 2020		
Net Change in Contract Time	270		
Revised Contract Time	540		
Revised Substantial Completion Date	June 13, 2021		
Revised Final Completion Date	July 13, 2021		
Recommended by: (Architect/Engineer)			
By _____	Date _____		
Approved by: (Contractor)			
By _____	Date _____		
Approved by: (Owner)			
By _____	Date _____		



**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Minutes for the City Council workshop held June 22, 2021.

AGENDA DATE OF: July 13, 2021 **DATE SUBMITTED:** Jun 25, 2021

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20210713_Minutes_Council workshop 6-22-21 4pm.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
0	0	0	N/A

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	No
Key Priority Area	N/A
Guiding Principle	N/A
Action Item	N/A

SUMMARY STATEMENT:

Minutes for the City Council workshop held June 22, 2021 at 4:00 p.m. at the City Hall Council Chambers and Upstairs Conference Room.

RECOMMENDED ACTION:

Approve minutes as presented.

**CITY COUNCIL MINUTES
WORKSHOP, CITY HALL COUNCIL CHAMBERS**

**JUNE 22, 2021 4:00 PM
KERRVILLE, TEXAS**

CALL TO ORDER: On June 22, 2021 at 4:00 p.m., the City Council workshop was called to order by Mayor Bill Blackburn at the City Hall Council Chambers, 701 Main Street.

COUNCILMEMBERS PRESENT:

Bill Blackburn, Mayor
Kim Clarkson, Mayor Pro Tem, Councilmember Place 2
Roman Garcia, Councilmember Place 1
Judy Eychner, Councilmember Place 3
Brenda Hughes, Councilmember Place 4

COUNCILMEMBER ABSENT: None

CITY STAFF PRESENT:

E.A. Hoppe, City Manager	Guillermo Garcia, Executive Director Innovation
Mike Hayes, City Attorney	Eric Maloney, Fire Chief
Shelley McElhannon, City Secretary	Kim Meismer, Exec Director for General Op
	Drew Paxton, Planning Director

VISITORS PRESENT:

Charles Holt, Center Point Volunteer Fire Department

1. **PUBLIC COMMENTS:** No person(s) signed up to speak.

2. **INFORMATION AND DISCUSSION:**

2.A. Proposed creation of Center Point Emergency Services District requested by Charles Holt, Center Point Volunteer Fire Department.

E.A. Hoppe introduced Charles Holt. Charles Holt, E.A. Hoppe, and Eric Maloney presented information and responded to questions.

Mayor Blackburn made a motion the City Council adjourn into closed executive session under 551.071 (consultation with attorney), 551.072 (deliberation regarding real property, and 551.087 (deliberation regarding economic development negotiations) and Councilmember Roman Garcia seconded. The motion passed 5-0.

Mayor Blackburn recessed the meeting at 4:22 p.m., and reconvened in closed executive session in the Upstairs Conference room.

3. **EXECUTIVE SESSION:**

3.A. RBM-JSM, LLC, Plaintiff v. City of Kerrville Zoning Board of Adjustments and Drew Paxton, Defendants; Cause No. 19788A; 216th Judicial District Court, Kerr County, Texas. (551.071).

3.B. West Texas Aggregate, LLC, Air Quality Standard Permit for Permanent Rock and Concrete Crushers, Registration Number 163301. (551.071)

3.C. Economic Development Grant and Real Estate Purchase Agreement with Killdeer Mountain Manufacturing, Inc. (551.071, 551.072, 551.087)

3.D. Public Safety building. (551.071, 551.072)

3.E. Workforce Housing (551.071, 551.072, 551.087)

The closed executive session adjourned, Council returned to open session at 5:49 p.m.

4. ACTION ON ITEMS DISCUSSED IN EXECUTIVE SESSION IF ANY:

Councilmember Judy Eychner made a motion to authorize the City Manager to enter into an agreement to allow the City to conduct its due diligence on property, which may meet the City's needs for a public safety facility, seconded by Councilmember Brenda Hughes. The motion passed 5-0.

ADJOURN. The workshop was adjourned at 5:50 p.m.

APPROVED BY COUNCIL: _____

APPROVED:

ATTEST:

Bill Blackburn, Mayor

Shelley McElhannon, City Secretary



**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Minutes for the City Council meeting held June 22, 2021.

AGENDA DATE OF: July 13, 2021 **DATE SUBMITTED:** Jun 25, 2021

SUBMITTED BY: Shelley McElhannon

EXHIBITS: [20210713_Minutes_Council regular meeting 6-22-21 6pm.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
0	0	0	N/A

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	No
Key Priority Area	N/A
Guiding Principle	N/A
Action Item	N/A

SUMMARY STATEMENT:

Minutes for the City Council meeting held June 22, 2021 at 6:00 p.m. at the City Hall Council Chambers.

RECOMMENDED ACTION:

Approve minutes as presented.

**CITY COUNCIL MINUTES
REGULAR MEETING**

**KERRVILLE, TEXAS
JUNE 22, 2021**

On June 22, 2021, at 6:00 p.m. the meeting was called to order by Mayor Bill Blackburn at the City Hall Council Chambers, 701 Main Street. Pastor David Danielson with Impact Christian Fellowship provided the invocation and Councilmember Roman Garcia led the Pledge of Allegiance.

COUNCILMEMBERS PRESENT:

Bill Blackburn	Mayor
Kim Clarkson	Mayor Pro Tem, Councilmember Place 2
Roman Garcia	Councilmember Place 1
Judy Eychner	Councilmember Place 3
Brenda Hughes	Councilmember Place 4

COUNCILMEMBER ABSENT: None

CITY EXECUTIVE STAFF:

E.A. Hoppe	City Manager	Julie Behrens, Asst Finance Director
Mike Hayes	City Attorney	Stuart Cunyus, Public Information Officer
Shelley McElhannon	City Secretary	Drew Paxton, Chief Planner

VISITORS PRESENT:

Anne Burger-Entrekin, Hilltop Securities

A list of the citizen speakers present during the meeting is on file in the City Secretary's Office for the required retention period.

1. ANNOUNCEMENTS OF COMMUNITY INTEREST:

Items of interest to the community were presented by Stuart Cunyus.

2. PRESENTATIONS:

2A. Kerrville Christmas Lighting Corporation.

George Eychner presented a \$100,000 check to Light the Island to City Council and recognized donors and contributors. Mayor Blackburn presented the Kerrville Kindness award to the Kerrville Christmas Lighting Corporation, represented by Bradley Barnett, Rose Bradshaw, Allison Bueche, Julie Davis, George Ecyhner, Stephen Fine, David LaBrot, Sergio Marquez-Lopez, and Charlie McIlvain. The Economic Development Corporation will match the Kerrville Christmas Lighting Corporation's donation. Economic Development Corporation member was present and represented by Danny Almond.

3. VISITORS FORUM:

The following person(s) spoke:

- Mario Garcia
- Peggy McKay
- Martha Hix
- Jerry Wolff

Councilmember Kim Clarkson clarified issues brought up by Jerry Wolff. Councilmember Garcia instigated point of order.

4. CONSENT AGENDA:

Councilmember Judy Eychner made a motion to approve the Consent Agenda, seconded by Councilmember Garcia. The motion passed 5-0.

- 4A. Minutes for the City Council workshop held June 08, 2021.
- 4B. Minutes for the City Council meeting held June 08, 2021.
- 4C. Minutes for the City Council workshop held June 15, 2021.
- 4D. Minutes for the City Council special-joint workshop with Kerr County Commissioners and the Airport Board held June 16, 2021.

END OF CONSENT AGENDA.

5. ORDINANCES, SECOND READING:

5A. Ordinance No. 2021-14, second reading. An Ordinance annexing an approximate 149.519 and 2.775 acre tracts of land, both located within the Comanche Trace Residential Development, into the City of Kerrville, Texas and extending the boundary limits of the City so as to include such property within the City limits; approving a service agreement for the annexed property; and adopting the zoning for the annexed property as a Medium Density Residential District (R-2). An Ordinance amending the City's Fiscal Year 2021 budget to account for the disbursement of additional funds, the receipt of additional revenue, and the make other amendments as provided herein.

Shelley McElhannon read Ordinance No. 2021-14 caption into record.

The following person spoke:

- Jerry Wolff
- Trevor Hyde

Mike Hayes clarified and presented information, and responded to questions.

Councilmember Eychner moved to approve Ordinance No. 2021-14 on second reading, and Councilmember Clarkson seconded. The motion passed 5-0.

5B. Ordinance No. 2021-15, second reading. An Ordinance amending Chapter 60, Code of Ordinances, City of Kerrville, Texas; Chapter 60 more commonly known as the City's Zoning Code; by changing the zoning of a property known as 601 Spur 100 and consisting of Lot 2-R, Block 1, of the Freeman-Fritts addition, a Subdivision within the City of Kerrville, Kerr County, Texas; from a Public and institutional Zoning District (PI) to a Residential Mix Zoning District (RM); providing a cumulative clause; providing for severability; providing an effective date; and ordering publication.

Shelley McElhannon read Ordinance No. 2021-14 caption into record.

Councilmember Brenda Hughes moved to approve Ordinance No. 2021-15 on second reading, and Councilmember Eychner seconded. The motion passed 5-0.

6. CONSIDERATION AND POSSIBLE ACTION:

6A. Petition by Charles Holt, Center Point Volunteer Fire Department, for the proposed creation of an Emergency Services District in Kerr County (Center Point Emergency Services District #3).

E.A. Hoppe provided information, and advised no action will be taken during this meeting. The issue will be discussed at the July 13, 2021 City Council meeting. The following person spoke:

- Sandra Garcia, who declined when called to speak.

6B. Resolution No. 29-2021. A Resolution authorizing publication of notice of intention to issue certificates of obligation to finance land and improvements for certain municipal facilities, including public safety and judicial facilities.

Shelley McElhannon read Resolution No. 29-2021 caption into record.

E.A. Hoppe introduced the item and provided history, and introduced Anne Burger-Entrekin, who presented information. E.A. Hoppe and Anne Burger-Entrekin responded to questions.

The following persons spoke:

- Bill Morgan
- Mario Garcia
- Peggy McKay
- George Baroody
- Sandra Garcia

City Council provided comments.

Councilmember Garcia moved to deny the item. Mayor called for a second with no response. The motion failed for lack of second.

Councilmember Eychner moved to approve Resolution No. 29-2021, and Councilmember Clarkson seconded. The motion passed 4-1 with Mayor Blackburn, Councilmember Clarkson, Councilmember Eychner, and Councilmember Hughes voting in favor, and Councilmember Garcia opposed.

6C. Review of Declaration of local state of disaster due to a public health emergency, March 20, 2020.

E.A. Hoppe advised no changes to the Declaration.

7. ITEMS FOR FUTURE AGENDAS: None.

8. EXECUTIVE SESSION: N/A

ADJOURN. The meeting adjourned at 7:15 p.m.

APPROVED BY COUNCIL: _____

APPROVED:

Bill Blackburn, Mayor

ATTEST:

Shelley McElhannon, City Secretary



**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Resolution No. 30-2021. A Resolution granting a Conditional Use Permit to authorize a short-term rental unit on the property consisting of approximately 0.11 acres, comprising Lot 2, Block 7, Lowry Addition, a Subdivision within the City of Kerrville and more commonly known as 205 Starkey.

AGENDA DATE OF: July 13, 2021 **DATE SUBMITTED:** Jun 25, 2021

SUBMITTED BY: Drew Paxton

EXHIBITS: [20210713_Resolution_30-2021 CUP 205 Starkey STR.pdf](#)
[20210713_Letters_opposed 205 Starkey STR.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
\$0	\$0	\$0	N/A

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	No
Key Priority Area	N/A
Guiding Principle	N/A
Action Item	N/A

SUMMARY STATEMENT:

Proposal

Public hearing, consideration, and action to recommend a resolution to allow a Conditional Use Permit for Short Term Rental Unit on Lot 2, Block 7, Lowry Addition; and more commonly known as 205 Starkey Street.

Procedural Requirements

28 letters were mailed on 5/20/2021 to adjacent property owners. The public notice was published in the Kerrville Daily Times on 5/13/2021. At the time of drafting this Agenda Bill, three letters of opposition have been received.

Staff Analysis and Recommendation

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: R-1A Single Family Residential with Accessory Dwelling

Existing Land Use: Single Family Residence

Direction: North, South, West, East

Current Zoning: R-1A Single Family Residential with Accessory Dwelling

Existing Land Uses: Single Family Residences

Consistency with the Kerrville 2050 Comprehensive Plan:

The subject property and surrounding area are designated Transitional Residential (TR), Community Commercial (CC), Park and Open Space (PO), and Downtown (D) in the Kerrville 2050 Comprehensive Plan. Transitional Residential allows for small lot single family homes, single family detached homes, patio homes, townhomes, duplexes, condominiums and apartments. Community Commercial, primarily north of this location and closer to W Main St and Junction Hwy, allows for retail and commercial uses. Park and Open Space for this location are near Lowry Park, the Riverside Nature Center and other Guadalupe River amenities. This location is also in walking distance to the Downtown District, where allowable uses include retail, commercial, condominiums, apartments, offices, hotels, entertainment centers, service and office uses. Since the underlying zoning is not changing for the subject property, the request is consistent with the Kerrville 2050 Comprehensive Plan.

Thoroughfare Plan:

The subject property is located on a residential street.

Traffic Impact:

No traffic impact is anticipated.

Parking:

A Short Term Rental requires one (1) off street parking space per bedroom and one (1) additional off street parking space for a manager that does not live onsite. This rental has two (3) bedrooms and no onsite manager so three (4) off street parking spaces are required. The applicant has identified three (4) available off street parking spaces. Parking requirements can be met.

Case Summary:

The applicant is proposing to use an existing home as a Short Term Rental.

The subject property is located within an R-1A zoning district. As such, a Short Term

Rental requires a Conditional Use Permit.

A Short Term Rental is defined in the zoning code as follows:

Short-Term Rental Unit: A facility, used for the purpose of providing short-term lodging for compensation, architecturally designed to look like a single-family dwelling, occupied concurrently as the residence for the owner, operator, or manager of the property, or providing separate lodging units such as cabins, guest homes, or similar residential-scale structures, with no more than six (6) bedrooms total on the property, and offering meals only to those who receive lodging, and providing that all bedrooms used as a permanent residence shall count toward the maximum six (6) bedrooms of the short-term rental unit.

Required legal and public notices have been sent. Proposed CUP conditions have been drafted for consideration to address staff comments and any comments submitted by adjacent property owners and other interested citizens.

The applicant has identified the following amenities as in close proximity to the proposed Short Term Rental: Lowry Park Trailhead (River Trail); Riverside Nature Center; Grape Juice Restaurant; Guadalupe River; Arcadia Theater; Historic Downtown Kerrville; Kerrville Farmer's Market; Kerrville Urban Trail System; Pint & Plow Brewery; Louis Hays Park; Kerr Arts & Culture Center; Cailloux Theater; and the H.E. Butt Public Library.

Recommendation:

Because the Conditional Use Permit request is consistent with the Kerrville 2050 Comprehensive Plan, will meet all zoning regulations, and there are numerous amenities in close proximity to this proposed Short Term Rental location, staff recommends approval with consideration and inclusion of the attached Proposed CUP Conditions. The Planning and Zoning Commission heard from a couple of adjacent property owners. The neighbors' concerns were discussed in conjunction with the proposed conditions.

On June 3rd, the Planning and Zoning Commission recommended approval of the Conditional Use Permit with a unanimous vote.

Three opposition letters were received before the P&Z meeting, and since that time the applicant and citizens in opposition have met and resolved differences.

RECOMMENDED ACTION:

Approve Resolution No. 30-2021.

CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 30-2021

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO AUTHORIZE A SHORT-TERM RENTAL UNIT ON THE PROPERTY CONSISTING OF APPROXIMATELY 0.11 ACRES, COMPRISING LOT 2, BLOCK 7, LOWRY ADDITION, A SUBDIVISION WITHIN THE CITY OF KERRVILLE AND MORE COMMONLY KNOWN AS 205 STARKEY; SAID PROPERTY IS LOCATED WITHIN A SINGLE-FAMILY RESIDENTIAL WITH ACCESSORY DWELLING ZONING DISTRICT (R-1A); AND MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

WHEREAS, the owner of the property known as 205 Starkey and graphically depicted at **Exhibit A** (the “Property”), said exhibit being attached hereto and made a part hereof for all purposes, is requesting approval of a Conditional Use Permit (“CUP”) to authorize a short-term rental unit on the Property, which is located within a Single-Family Residential with Accessory Dwelling Unit Zoning District (R-1); and

WHEREAS, the City Planning and Zoning Commission (the “Commission”), in compliance with state law and the Zoning Code of the City of Kerrville, Texas (Chapter 60, Code of Ordinances) (“Zoning Code”), and in particular, the procedures for obtaining a CUP; having given the requisite notices by United States mail, publication, and otherwise; and after holding a public hearing and affording a full and fair hearing to all property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Commission recommends that City Council grant the CUP applied for and referenced herein, subject to the special conditions and restrictions set out hereinafter and applied to the Property; and

WHEREAS, City Council, in compliance with state law and the Zoning Code, and likewise having given the requisite notices and holding a public hearing on July 13, 2021, finds that the health, safety, and general welfare will be best served by the granting of the CUP as recommended by the Commission and referenced herein on the Property;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

SECTION ONE. A Conditional Use Permit is granted to permit the Property described as follows, and located within a Single-Family Residential with Accessory Dwelling Zoning District (R-1A), to be developed and used for a Short-Term Rental Unit (“STRU”) as that term is defined in and pursuant to the Zoning Code, such use subject to the provisions of this Resolution and other City ordinances and regulations:

Legal Description: approximately 0.11 acres of land, comprising Lot 2, Block 7 of the Lowry Addition, a

subdivision of Kerr County and the city of Kerrville, and being more specifically described and depicted on the site plan and location map found at **Exhibit A**.

General Description: 205 Starkey, Kerrville, TX 78028.

SECTION TWO. In addition to the development and use regulations currently applicable to the Property, development and use of the Property is subject to the following additional conditions:

- A. Guest Notification:** The owner or operator of the Property shall post a “guest notification” in a conspicuous place within the rental unit on the Property, said notification attached as **Exhibit B**.
- B. Occupancy Taxes:** The owner or operator of the Property shall comply with the City’s occupancy tax requirements as found within Ch. 94, Division III, of the City’s Code of Ordinances.
- C. Sign:** The Property may not use more than one non-illuminated, on-site sign, in conjunction with the STRU. The sign may either be: (i) flush-mounted to one of the residential structures and may not exceed one-square foot in size; or, (ii) freestanding and placed in the front yard but no closer than 20 feet to any property line and may not exceed six square feet in size and three feet in height. Any such sign shall comply with the City’s Sign Code.
- D. Parking:** The Property must include at a minimum, one off-street parking space per bedroom, plus an additional space for the manager, if living off-site.
- E. Maximum Occupancy:** The Property is subject to a maximum occupancy of ten (10) guests, which may be lower per rules set by the owner or operator.
- F. Other Zoning Regulations:** The regulations set forth in this Resolution are in addition to those set forth in the Zoning Code, as may be amended or superseded. In the event of any irreconcilable conflict between this Resolution and the regulations set forth in the Zoning Code, the provisions of this Resolution will prevail.

SECTION THREE. This Resolution and the CUP granted herein are subject to termination in accordance with the Zoning Code.

SECTION FOUR. City Council finds and determines that its adoption of this Resolution promotes the health, safety, and general welfare of the public and is a proper valid exercise of the City's police powers.

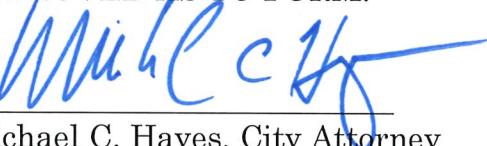
SECTION FIVE. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION SIX. This Resolution is effective upon adoption.

PASSED AND APPROVED ON this the _____ day of _____, A.D., 2021.

Bill Blackburn, Mayor

APPROVED AS TO FORM:



Michael C. Hayes, City Attorney

ATTEST:

Shelley McElhannon, City Secretary



Location Map

Case # PZ-2021-10

Location:
205 Starkey St

Legend
200' Notification Area
Subject Properties



0 75 150 300

Scale In Feet

MANSFIELD SURVEYING
P.O. BOX 3111
BANDERA, TX 78003
830-688-2786

SURVEY PREPARED FOR:
Kerr Co. Abstract & Title
GF No. 43408

SURVEY PLAT

0.115 ACRES OUT OF LOT 2, BLOCK 7 LOWRY ADDITION

KERR COUNTY, TEXAS

Line Table		
Id	Bearing	Distance
L1	S 45°48'38" E	49.89'

VOLUME 28, PAGE 113, PLAT RECORDS

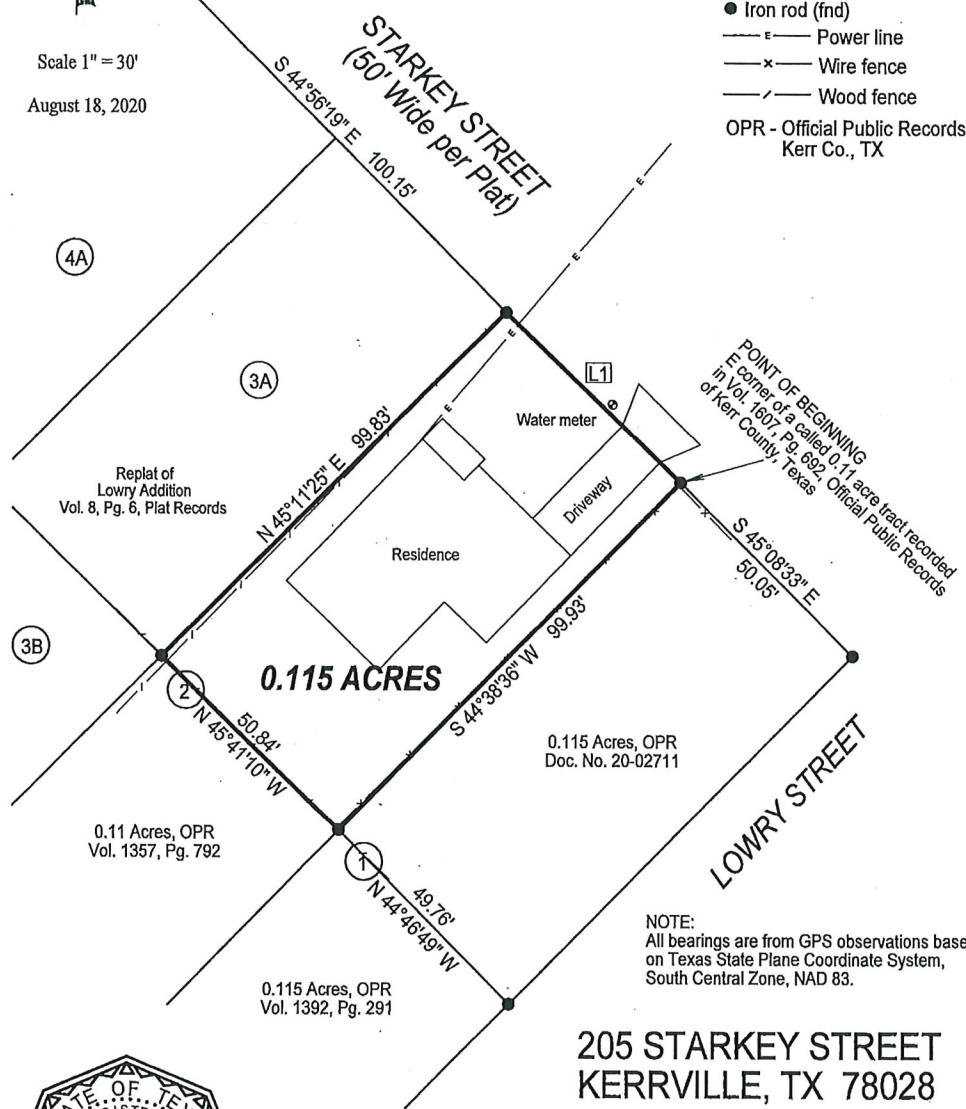


Scale 1" = 30'

August 18, 2020

LEGEND

- Iron rod (rnd)
 - E — Power line
 - x — Wire fence
 - / — Wood fence
- OPR - Official Public Records
Kerr Co., TX



I hereby certify that this survey was made on the ground and that
this plat correctly represents the facts found at the time of the survey,
and that to the best of my knowledge there are no visible overlapping
of improvements, visible easements of rights of way, boundary line conflicts,
or encroachments except as shown hereon.

R



SHORT TERM RENTAL CONDITIONAL USE PERMIT GUEST NOTIFICATION

CUP Resolution Number _____

This short term rental has been permitted by the City of Kerrville as a conditional use under the above referenced resolution within a residential neighborhood and requires all guests to be aware of the following:

Because this short term rental is located within a residential neighborhood, proper etiquette should be observed at all times. The conditional use permit was issued in an effort **“to preserve the health, safety, and general welfare of adjacent property and its occupants and to protect such property and occupants from excessive noise, vibration, dust, dirt smoke, fumes, gas, odor, traffic, explosion, glare, surface water drainage, offensive view, or other undesirable hazardous conditions....”**

As a guest, please be aware of the proximity of your neighbors and be respectful of their right to privacy, a quiet environment, and unobstructed access to their property. Loud music, loud parties and excessive noise should be avoided. Parking should be limited to onsite parking spaces provided by short term rental management. Place trash and recycling in the appropriate containers.

As per the Conditional Use Permit, the **maximum occupancy is ten (10) guests.** The Short Term Rental owner may have other occupancy restrictions for fewer guests, however, in no case shall guest occupancy exceed ten (10) guests.

If you should have any questions regarding this notification, please contact the short term rental management.

Thank you!

This Guest Notification should be posted by short term rental management in a location clearly visible by all guests and provided with check-in information. Posting of duplicate copies of this Guest Notification within each guest room is highly encouraged to clearly communicate the importance of proper etiquette within a residential neighborhood. Thank you!

**Russell Baehre
612 Sidney Baker Street
Kerrville, Texas 78028
830-896-5050**

May 26, 2021

Drew Paxton, AICP
Planning Director
Planning & Zoning Commission
Development Services Department
200 Sidney Baker Street
Kerrville, Texas 78028

RE: Case PZ-2021-10
My property address: 208 Palmer Street

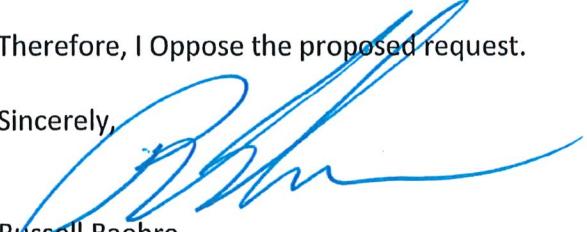
Dear Mr. Paxton and the Planning & Zoning Commission:

I strongly OPPOSE allowing a Conditional Use Permit for a Short Term Rental on Lot 2, Block 7, Lowry Addition; more commonly known as 205 Starkey Street.

Our current tenant is a single mom with two small children. Our concern is for their safety considering there will be different clientele all the time, with no set number of people, and excessive noise. It would be one thing if it was on the border of a commercial district, but it is in the middle of a residential neighborhood.

Therefore, I Oppose the proposed request.

Sincerely,


Russell Baehre

From: [charles.langran](#)
To: [Planning Division](#)
Subject: Case PZ-2021-10
Date: Sunday, May 30, 2021 8:08:38 PM

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am Charles Langran, owner of the property at 209 Starkey Street, Kerrville, Texas.

I am opposed to approval of the Conditional Use Permit for a Short Term Rental on Lot 2, Block 7, Lowry Addition also known as 205 Starkey Street.

It has been well documented in the last few years that short term rentals are becoming increasingly popular in numerous Texas communities. Short term rentals also create additional problems for nearby residents in these communities. Short term rentals frequently cause parking, noise and littering problems for the permanent residents in the neighborhoods; as well as attracting partiers and people that are often inconsiderate and unconcerned about the peace and well being of the nearby residents. Consequently, local Code Enforcement Officials are often burdened with additional enforcement demands from the community they strive to efficiently serve.

Therefore, in consideration of the above listed points, I am requesting the Kerrville Planning and Zoning Commission to deny approval of Case PZ-2021-10.

Respectfully,
Charles D. Langran

From: [anna ramirez](#)
To: [Planning Division](#)
Subject: Case#PZ-2021-10
Date: Wednesday, June 2, 2021 10:53:01 AM

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear P&Z,

I am opposed to 205 Starkey becoming a Short Term Rental.

Thank you,

Anna Ramirez
208 Starkey St
Kerrville, Tx 78028
210-744-7586

[Sent from Yahoo Mail for iPhone](#)



**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Resolution No. 31-2021. A Resolution granting a Conditional Use Permit to authorize Recreation Vehicle or Trailer Park on property consisting of Lot 2-R, Block 1, Freeman Fritts Addition, a Subdivision within the City of Kerrville, Kerr County, Texas; and more commonly known as 601 Spur 100.

AGENDA DATE OF: July 13, 2021 **DATE SUBMITTED:** Jun 25, 2021

SUBMITTED BY: Drew Paxton

EXHIBITS: [20210713_Resolution_31-2021 CUP 601 Spur 100.pdf](#)
[20210713_Letter_opposed 510 Spur 100.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
\$0	\$0	\$0	N/A

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	No
Key Priority Area	N/A
Guiding Principle	N/A
Action Item	N/A

SUMMARY STATEMENT:

Proposal

Public hearing, consideration and action to recommend a resolution to recommend a Conditional Use Permit for a Recreational Vehicle or Trailer Park on Freeman Fritts, Block 1, Lot 2-R, City of Kerrville, Kerr County, Texas; and more commonly known as 601 Spur 100.

Procedural Requirements

8 letters were mailed on 4/26/2021 to adjacent property owners. The public notice was published in the Kerrville Daily Times on 4/15/2021. One opposition letter has been received.

Staff Analysis and Recommendation

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: Residential Mix (RM)

Existing Land Uses: Former location of VA Dogs

Direction: North

Current Zoning: PI Public and Institutional

Existing Land Uses: Kerrville Landfill

Direction: South

Current Zoning: N/A

Existing Land Uses: County

Direction: West

Current Zoning: C-2 Light Commercial

Existing Land Uses: Animal Shelter

Direction: East

Current Zoning: R-M Residential Mix

Existing Land Uses: Single Family Residence

Consistency with the Kerrville 2050 Comprehensive Plan:

The subject property is located within an Agriculture and Outdoor Tourism Entertainment (AOT) district of the Kerrville 2050 Comprehensive Plan. The primary land uses for AOT are agriculture, outdoor tourism such as camping, hunting, and other nature-based recreational activities, and single-family homes. Because the type of development requested through the CUP, recreational vehicles and cabins, is associated with an outdoor and rural use, the requested zoning change and CUP appear to be consistent with the Kerrville 2050 Comprehensive Plan.

Thoroughfare Plan:

The subject property is located on Spur 100, a Primary Arterial.

Traffic Impact:

Traffic impact will be evaluated during project design phase.

Parking:

All parking requirements of the zoning code shall be met as development plans are finalized and will be approved prior to construction.

Case Summary:

Applicant is requesting a zoning change and Conditional Use Permit (CUP) to allow for the development of an RV park with cabins. This is the former location of VA Dogs and some of the existing infrastructure will be used to accommodate the new development.

Recommendation:

Because the requested CUP is consistent with future K2050 Agriculture and Outdoor Tourism zoning, it seems reasonable to grant this CUP request. Based on these circumstances staff recommends approval.

On May 6th, the Planning and Zoning Commission recommended approval of the Conditional Use Permit with a unanimous vote.

RECOMMENDED ACTION:

Approve Resolution No. 31-2021.

CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 31-2021

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO
AUTHORIZE RECREATIONAL VEHICLE OR TRAILER PARK
ON PROPERTY CONSISTING OF LOT 2-R, BLOCK 1, FREEMAN
FRITTS ADDITION, A SUBDIVISION WITHIN THE CITY OF
KERRVILLE, KERR COUNTY, TEXAS; AND MORE COMMONLY
KNOWN AS 601 SPUR 100; SAID PROPERTY IS LOCATED
WITHIN A RESIDENTIAL MIX (RM) ZONING DISTRICT; AND
MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS
AND RESTRICTIONS CONTAINED HEREIN**

WHEREAS, the owner of the property graphically depicted in the location map in **Exhibit A** (the “Property”), being attached hereto and made a part hereof for all purposes, is requesting approval of a Conditional Use Permit (CUP) to allow the Property located within a Residential Mix (RM) Zoning District to be used for a recreational or trailer park; and

WHEREAS, the City Planning and Zoning Commission and the City Council of the City of Kerrville, Texas, in compliance with state law and the Zoning Code of the City of Kerrville, Texas (Chapter 60, Code of Ordinances), and in particular, the approval of Conditional Use Permits, and the official zoning map; having given the requisite notices by United States mail, publication, and otherwise; and after holding due public hearings and affording a full and fair hearing to all property owners generally and particularly to those interested persons situated in the affected area and in the vicinity thereof, City Council, finds that the health, safety, and general welfare will be best served by the granting of a Conditional Use Permit, subject to the special conditions and restrictions set out hereinafter on the Property;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:**

SECTION ONE. A Conditional Use Permit is granted to permit the property described below and located within a Residential Mix (RM) Zoning District, to be developed and used for a recreational vehicle or trailer park, as that term is defined in and pursuant to the City’s Zoning Code (Chapter 60, Article XI), and such use is subject to the provisions of this Resolution and other City ordinances and regulations:

Legal Description: Being Lot 2-R, Block 1, of the Freeman Fritts subdivision, a subdivision of record located within the City of Kerrville, Kerr County, Texas; said Property being depicted at **Exhibit A**, attached hereto and made a part hereof for all purposes.

Address: 601 Spur 100, Kerrville, TX 78028.

SECTION TWO. In addition to the development and use regulations currently applicable to the Property, development and use of the Property is subject to the following additional conditions:

- A. Site Plan:** The development and use of the Property shall conform to the site plan, attached as **Exhibit B**.
- B. Inspections:** The operator shall allow and comply with all applicable inspections, to include acquiring building permits from the City.
- C. Parking:** All parking requirements of the Zoning Code shall be met as development plans are finalized and must be approved prior to construction.
- D. Fencing:** fencing shall comply with the City's Zoning Code.
- E. Other Zoning Regulations:** The regulations set forth in this Resolution are in addition to those set forth in the Zoning Code, as may be amended or superseded. In the event of any irreconcilable conflict between this Resolution and the regulations set forth in the Zoning Code, the provisions of this Resolution will prevail.

SECTION THREE. This Resolution and the Conditional Use Permit granted herein is subject to termination in accordance with the Zoning Code.

SECTION FOUR. City Council finds and determines that its adoption of this Resolution promotes the health, safety, and general welfare of the public and is a proper valid exercise of the City's police powers.

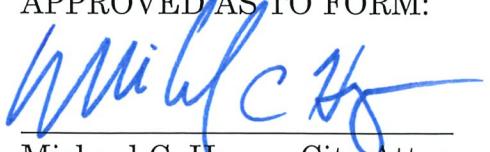
SECTION FIVE. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION SIX. This Resolution is effective upon adoption.

PASSED AND APPROVED ON this the _____ day of _____, A.D.,
2021.

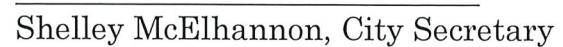
Bill Blackburn, Mayor

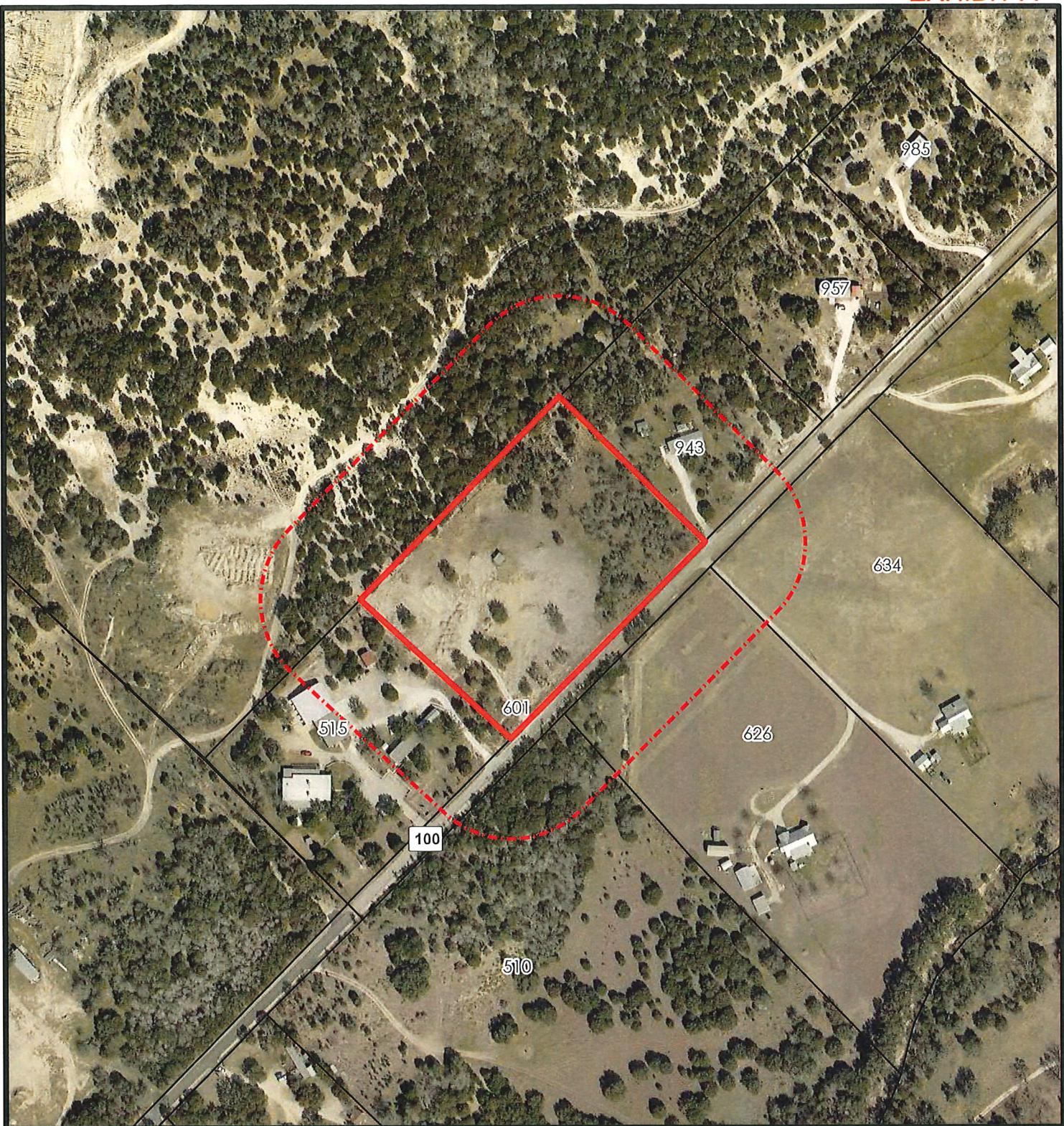
APPROVED AS TO FORM:

A blue ink signature of Michael C. Hayes, consisting of stylized initials and a surname.

Michael C. Hayes, City Attorney

ATTEST:

A blue ink signature of Shelley McElhannon, consisting of a surname and a middle name.



Location Map

Case # PZ-2021-6

Location:
601 Spur 100

Legend

200' Notification Area
Subject Properties



0 100 200 400

Scale In Feet

From: [Lupe Moreno](#)
To: [Steve Melander](#)
Subject: Case #pz-2021-6
Date: Thursday, May 6, 2021 12:27:40 PM

EXTERNAL EMAIL: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Steve
My name is Lupe Moreno and my address is 510 Spur 100 kerrville, TX.
I am opposed to the recreational or Trailer park permit. My concerns include septic issues and negative effects to my property value. You may reach me at (830) 377-0293 Thank you

--

Guadalupe Contractors

Lupe Moreno
1526A Ranchero Rd
Kerrville, TX 78028
Cell (830) 377-0293



**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Ordinance No. 2021-16. An Ordinance amending Ordinance No. 2020-19, which created a Planned Development District (PDD) pursuant to Chapter 60 of the Code of Ordinances, City of Kerrville, Texas, such chapter more commonly known as the City's Zoning Code; by changing the zoning and classification of a portion of the property, such property being Lot 2-A, Block 1, Martin Addition, a Subdivision within the City of Kerrville, Texas, and more commonly known as 3008 Riverside Drive; from being part of the PDD to a Single-Family Residential (R-1) Zoning District.

AGENDA DATE OF: July 13, 2021 **DATE SUBMITTED:** Jun 25, 2021

SUBMITTED BY: Drew Paxton

EXHIBITS: [20210713_Ordinance_2021-16 Zone change 3008 Riverside Drive.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
\$0	\$0	\$0	N/A

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	No
Key Priority Area	N/A
Guiding Principle	N/A
Action Item	N/A

SUMMARY STATEMENT:

Proposal

Public hearing, consideration, and action to recommend an ordinance to change the zoning from PDD 20-09, Planned Development District, to R-1, Single Family Residential, on Lot 2-A, Block 1, Martin Addition; and generally located 3008 Riverside Drive.

Procedural Requirements

11 letters were mailed on 5/20/2021 to adjacent property owners. The public notice was published in the Kerrville Daily Times on 5/13/2021. At the time of drafting this Agenda Bill,

no comments or opposition letters had been received.

Staff Analysis and Recommendation

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: PDD 20-09, Planned Development District

Existing Land Uses: Contracting Business

Direction: North

Current Zoning: PDD 20-09, Planned Development District

Existing Land Uses: Contracting Business

Direction: South

Current Zoning: R-1 Single-Family Residential

Existing Land Uses: Residential Development

Direction: West, East

Current Zoning: C-1 Neighborhood Commercial; PDD 20-09

Existing Land Uses: Vacant Land & Contracting Business

Consistency with the Kerrville 2050 Comprehensive Plan:

The subject property is currently identified in the Kerrville 2050 Comprehensive Plan as having a Transitional Residential designation. This area was designated as low density residential under the 2008 version of the future land use plan. The area is currently a mix of commercial and residential uses and logically will continue to be so. There is typically residential development along Riverside Drive, commercial development along Memorial Blvd. and Transitional Residential to the north of Memorial Blvd. The subject property is adjacent to existing residential development and surrounded by both commercial and residential development. As such, the proposed zoning change is consistent with current and future surrounding uses and the Kerrville 2050 Comprehensive Plan.

Thoroughfare Plan:

The subject property is located on a residential street.

Traffic Impact:

No traffic impact is anticipated.

Parking:

All zoning code parking requirements shall be met as development plans are finalized.

Parking requirements will be approved prior to construction.

Case Summary:

The applicant is requesting a zoning change from Planned Development District 20-09 to R-1 Single-Family Residential to allow for construction of a single-family home. The property has been replatted to separate the intended residential parcel which fronts Riverside Drive from the commercial parcel that fronts Memorial Blvd.

Surrounding current uses are a mix of residential and commercial development which is consistent with future land uses as identified in the K2050 Comprehensive Plan.

Recommendation:

Because the requested zoning change is consistent with current zoning and the future K2050 Comprehensive Plan, it seems reasonable to grant this zoning change request. Based on these circumstances, staff recommends the zoning change request.

On June 3rd, the Planning and Zoning Commission recommended the case for approval with a unanimous vote.

RECOMMENDED ACTION:

Approve Ordinance No. 2021-16 on first reading.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2021-16**

AN ORDINANCE AMENDING ORDINANCE NO. 2020-19, WHICH CREATED A PLANNED DEVELOPMENT DISTRICT (PDD) PURSUANT TO CHAPTER 60 OF THE CODE OF ORDINANCES, CITY OF KERRVILLE, TEXAS, SUCH CHAPTER MORE COMMONLY KNOWN AS THE CITY'S ZONING CODE; BY CHANGING THE ZONING AND CLASSIFICATION OF A PORTION OF THE PROPERTY, SUCH PROPERTY BEING LOT 2-A, BLOCK 1, MARTIN ADDITION, A SUBDIVISION WITHIN THE CITY OF KERRVILLE, TEXAS, AND MORE COMMONLY KNOWN AS 3008 RIVERSIDE DRIVE; FROM BEING PART OF THE PDD TO A SINGLE-FAMILY RESIDENTIAL (R-1) ZONING DISTRICT; PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; ORDERING PUBLICATION; AND PROVIDING OTHER MATTERS RELATING TO THE SUBJECT

WHEREAS, pursuant to Texas Local Government Code Sections 211.006 and 211.007, notice has been given to all parties in interest and citizens by publication in the official newspaper for the City of Kerrville, Texas ("City"), and otherwise, of a hearing held before the City Council on July 13, 2021, which considered a report of the City's Planning and Zoning Commission regarding its recommendations on an ordinance, the adoption of which will result in the change of a zoning district for a portion of a property known as 3008 Riverside Drive, specifically Lot 2-A, Block 1, Martin Addition; such change to result in the removal of this property from a Planned Development (zoning) District (PDD), as established by Ordinance No. 2020-09, to placement within a Single-Family Residential (R-1) Zoning District; and

WHEREAS, on July 13, 2021, City Council held a public hearing on the zoning change referenced above pursuant to the published notice and has considered the application, comments, reports, and recommendations of the Planning and Zoning Commission and staff, public testimony, and other relevant support materials;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

SECTION ONE. The Zoning Code for the City of Kerrville, Texas, and included within Chapter 60 of the Code of Ordinances of the City of Kerrville, Texas, and the *Official Zoning Map* and Ordinance No. 2020-09, be and the same are hereby amended to designate the following described property zoned as a Single-Family Residential (R-1) Zoning District:

All that certain tract or parcel of land, lying and being situated within the City of Kerrville, Texas, and being Lot 2-A, Block 1, Martin Addition, a subdivision of Kerr County, Texas; more particularly depicted at Exhibit A, attached hereto and made a part hereof for all purposes, and hereafter referred to as the "Property."

SECTION TWO. The City Manager or designee is authorized and directed to amend the City's *Official Zoning Map* to reflect the change in districts adopted herein and to take other actions contemplated by and in accordance with the City's Zoning Code.

SECTION THREE. The provisions of this Ordinance are cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this Ordinance, to include Ordinance No. 2020-09, are expressly repealed to the extent of any such inconsistency or conflict.

SECTION FOUR. The terms and provisions of this Ordinance shall be deemed to be severable in that if any portion of this Ordinance is declared to be invalid, the same shall not affect the validity of the other provisions of this Ordinance.

SECTION FIVE. Pursuant to Texas Local Government Code §52.013(a) and Section 3.07 of the City's Charter, the City Secretary is hereby authorized and directed to publish the descriptive caption of this Ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

SECTION SIX. This Ordinance shall become effective immediately upon the expiration of ten days following publication, as provided for by Section 3.07 of the City Charter.

PASSED AND APPROVED ON FIRST READING, this the _____ day of _____, A.D., 2021.

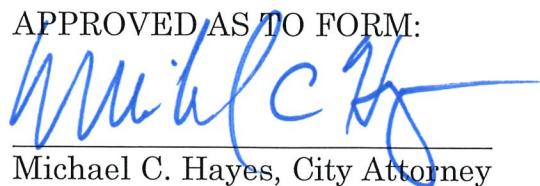
PASSED AND APPROVED ON SECOND AND FINAL READING, this the _____ day of _____, A.D., 2021.

Bill Blackburn, Mayor

ATTEST:

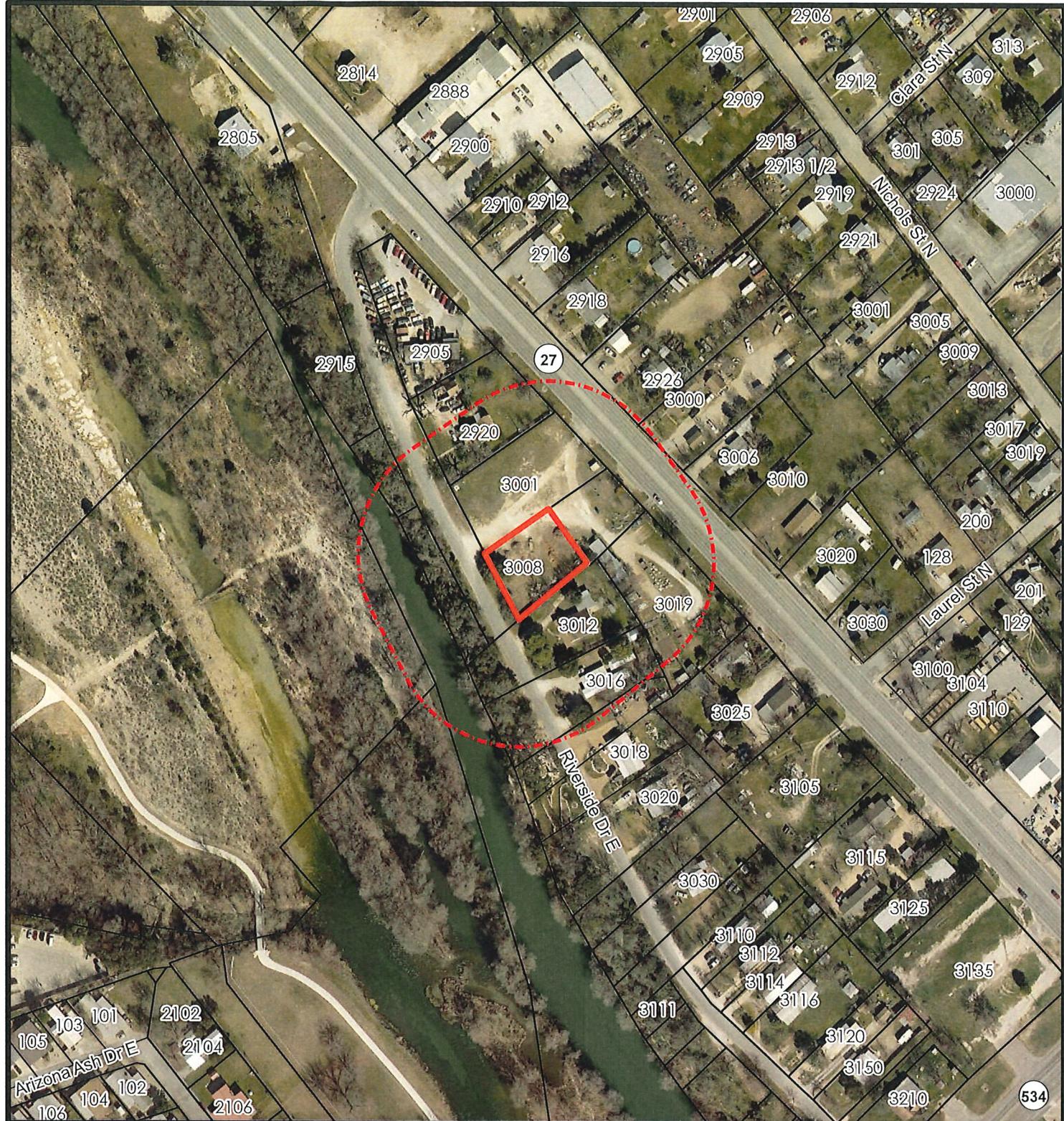
Shelley McElhannon, City Secretary

APPROVED AS TO FORM:

A handwritten signature in blue ink, appearing to read "Michael C. Hayes".

Michael C. Hayes, City Attorney

Attachment A



Location Map

Case # PZ-2021-9

Location:
3008 Riverside Dr

Legend

200' Notification Area Subject Properties



0 75 150 300

Scale In Feet



**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Ordinance No. 2021-17. An Ordinance annexing an approximate 5.556 acre tract of land, said tract out of the James H. Cocke Survey No. 144, Abstract No. 95; the Thomas L. Waddell Survey No. 145, Abstract No. 354; and a portion that exists as part of Lehmann Dr. N., a Kerr county road; into the corporate limits of the City of Kerrville, Texas; said tract being located the extraterritorial jurisdiction of the City of Kerrville, Texas, Kerr County, Texas; and more commonly known as 160 and 170 Lehmann Drive; further describing the property to be annexed; adopting a service agreement for the property annexed; and establishing the zoning for the property annexed.

AGENDA DATE OF: July 13, 2021

DATE SUBMITTED: Jun 25, 2021

SUBMITTED BY: Drew Paxton

EXHIBITS: [20210713_Ordinance_2021-17 Annexation 160 and 170 Lehmann Drive.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
\$0	\$0	\$0	N/A

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	Yes
Key Priority Area	H - Housing
Guiding Principle	H1. Provide a diverse range of housing options to meet the needs and desires of all age groups, income levels, and lifestyles
Action Item	H1.4 - Identify "catalyst" or target areas in existing neighborhoods and infill locations to accommodate preferred housing types (including workforce)

SUMMARY STATEMENT:

Proposal

Public hearing, consideration and action to recommend an ordinance for the City of Kerrville to annex into its incorporated limits with a zoning classification of R-3, Multifamily Residential, for approximately 5.556 acres of land including the adjacent roadway;

consisting of the property generally located at 160 & 170 Lehmann Drive.

Procedural Requirements

16 letters were mailed on 5/20/2021 to adjacent property owners. The public notice was published in the Kerrville Daily Times on 5/13/2021. At the time of drafting this Agenda Bill, no comments or opposition letters had been received.

Staff Analysis and Recommendation

Adjacent Zoning and Land Uses:

Subject Property

Current Zoning: County

Existing Land Use: Vacant Land

Direction: North

Current Zoning: C-2 Light Commercial

Existing Land Uses: Various Businesses

Direction: West, South

Current Zoning: County

Existing Land Uses: Vacant Land

Direction: East

Current Zoning: R-3 Multifamily Residential; R-2 Medium Density Residential

Existing Land Uses: Apartments and Single Family Residential

Consistency with the Kerrville 2050 Comprehensive Plan:

The subject property and surrounding area are within Strategic Catalyst Area 2 of the Kerrville 2050 Comprehensive Plan. Allowable place types are Estate Residential, Neighborhood Residential, Preservation Residential, Transitional Residential, Professional Services, Entertainment/Mixed Use, Agriculture and Outdoor Tourism. The request for senior housing with an R-3 zoning designation is consistent with the allowable place types, so this request is consistent with the Kerrville 2050 Comprehensive Plan.

Thoroughfare Plan:

The subject property is located on Lehmann Drive, a collector street.

Traffic Impact:

No traffic impact is anticipated.

Parking:

All off street parking requirements will be met through final project design and approval.

Case Summary:

The applicant is requesting annexation to allow for the use of City services. A request is also being made to zone the annexed property R-3 Multifamily Residential to allow construction of senior apartments. The zoning request is consistent with the K2050 Comprehensive Plan.

Required legal and public notices have been sent. No comments have been received.

Recommendation:

Because the request is consistent with the Kerrville 2050 Comprehensive Plan and meets all zoning and subdivision codes, staff recommends approval of the annexation and zoning change request.

On June 3rd, the Planning and Zoning Commission recommended approval of the annexation and zoning with a unanimous vote.

RECOMMENDED ACTION:

Approve Ordinance No. 2021-17 on first reading.

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2021-17**

AN ORDINANCE ANNEXING AN APPROXIMATE 5.556 ACRE TRACT OF LAND, SAID TRACT OUT OF THE JAMES H. COCKE SURVEY NO. 144, ABSTRACT NO. 95; THE THOMAS L. WADDELL SURVEY NO. 145, ABSTRACT NO. 354; AND A PORTION THAT EXISTS AS PART OF LEHMANN DR. N., A KERR COUNTY ROAD; INTO THE CORPORATE LIMITS OF THE CITY OF KERRVILLE, TEXAS; SAID TRACT BEING LOCATED THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF KERRVILLE, TEXAS, KERR COUNTY, TEXAS; AND MORE COMMONLY KNOWN AS 160 AND 170 LEHMANN DRIVE; FURTHER DESCRIBING THE PROPERTY TO BE ANNEXED; ADOPTING A SERVICE AGREEMENT FOR THE PROPERTY ANNEXED; AND ESTABLISHING THE ZONING FOR THE PROPERTY ANNEXED

WHEREAS, the owner of land has requested annexation by the City of Kerrville, Texas (“City”), pursuant to Local Government Code Section 43.0671; and

WHEREAS, the land to be annexed is a 5.556-acre tract of land, as more specifically described below; and

WHEREAS, all of the hereinafter-described property lies within the extraterritorial jurisdiction of the City; and

WHEREAS, in conjunction with the approval of this Ordinance, City Council also approves a service agreement for the property in accordance with Section 43.0672 of the Texas Local Government Code; and

WHEREAS, a portion of the land to be annexed exists as Lehmann Drive, a road and corresponding right-of-way of Kerr County, Texas, which per Section 43.1055 of the Texas Local Government Code, the City may annex on request of the governing body of the political subdivision that maintains the road or right-of-way, which the City has received from Kerr County pursuant to its order; and

WHEREAS, per Section 43.106 of the Texas Local Government Code, a city that proposes to annex any portion of a county road or territory that abuts a county road must also annex the entire width of the county road and the adjacent right-of-way on both sides of the county road; and

WHEREAS, Section 60-37 of the City's Zoning Code creates procedures for initial zoning of newly annexed areas; and

WHEREAS, having provided all required public notices, held all required public hearings at which persons with an interest in the matter were provided an opportunity to be heard, and complying with other requirements in Section 43.0673 of the Texas Local Government Code, City Council finds it to be in the public interest to adopt this Ordinance annexing the subject property, to approve a service agreement as required by state law, and to establish zoning regulations for the property;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

SECTION ONE. FINDINGS. City Council finds and declares the facts and recitations contained in the preamble of this Ordinance true and correct.

SECTION TWO. ANNEXATION. The property described and depicted in **Exhibit A** (the "Property") is annexed and incorporated into the corporate limits of the City of Kerrville, Texas, for all legal purposes.

SECTION THREE. City Council authorizes and directs the City Manager, or designee, to amend the City's official boundary map in accordance with the annexation taken in Section Two.

SECTION FOUR. PETITION FOR ANNEXATION. The petition for annexation concerning the Property is attached as **Exhibit B** and incorporated herein by reference, said petition, which triggered the process specified in Subchapter C-3, Chapter 43, Texas Local Government Code, authorizing the annexation of the Property. In addition and pursuant to Section 43.1055 of the Texas Local Government Code, Kerr County has consented to the annexation of Lehmann Drive, pursuant to its order found at **Exhibit C**, and such area as depicted on the map found at **Exhibit A**.

SECTION FIVE. AGREEMENT REGARDING SERVICES. Pursuant to Section 43.0672 of the Texas Local Government Code, the City has negotiated and hereby enters into a Service Agreement (the "Agreement") with the owner of land for the provision of services in the area. The Agreement is attached to this Ordinance as **Exhibit D** and by this reference is incorporated into it. Upon annexation of the Property, the City shall provide the Property with the municipal services set forth in the Agreement pursuant to the

schedule set forth therein, such services making up the City's full municipal services. The City shall have no obligation to provide services to the Property not listed in the Agreement.

SECTION SIX. ZONING. Upon the adoption of this Ordinance, and in accordance with Section 60-37 of the City's Zoning Code, the Property will be zoned as a Multifamily Residential (R-3) Zoning District, which will allow the Property to be used in ways consistent with those land uses specified in that district, and subject to change.

SECTION SEVEN. CUMULATIVE CLAUSE. The provisions of this Ordinance are to be cumulative of all Ordinances or parts of Ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION EIGHT. SEVERABILITY CLAUSE. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Ordinance. City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION NINE. PENALTY. The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Article 1-1-7 of the Code of Ordinances of the City of Kerrville, Texas, which provides for a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00).

SECTION TEN. PUBLICATION OF ORDINANCE. In accordance with Section 3.07 of the City Charter and Texas Local Government Code §52.013(a), the City Secretary is hereby authorized and directed to publish the descriptive caption of this Ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

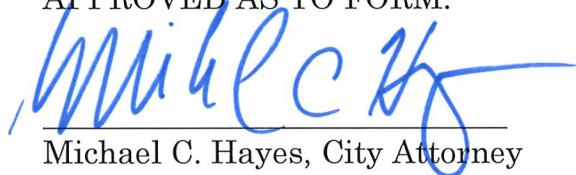
SECTION ELEVEN. POST ANNEXATION ACTIONS. The City Manager or designee shall provide a certified copy of this Ordinance to the Texas Secretary of State, Kerr County, and Kerr Central Appraisal District and any other entity as may be required.

PASSED AND APPROVED ON FIRST READING, this the _____
day of _____ A.D., 2021.

PASSED AND APPROVED ON SECOND READING, this the _____
day of _____ A.D., 2021.

Bill Blackburn, Mayor

APPROVED AS TO FORM:



A blue ink signature of Michael C. Hayes.

Michael C. Hayes, City Attorney

ATTEST:

Shelley McElhannon, City Secretary

FIELD NOTES FOR A 5.556 ACRE TRACT OF LAND
(ANNEXATION)

BEING A 5.556 ACRE TRACT OF LAND, MORE OR LESS, SITUATED IN KERR COUNTY, TEXAS, BEING APPROXIMATELY 3.30 ACRES OUT OF THE JAMES H. COCKE SURVEY NO. 144, ABSTRACT NO. 95, AND APPROXIMATELY 1.46 ACRES OUT OF THE THOMAS L. WADDEL SURVEY NO. 145, ABSTRACT NO. 354; SAID 5.556 ACRE TRACT OF LAND BEING ALL OF A CALLED 4.75 ACRE TRACT, CONVEYED TO OPG RIDGEHILL PARTNERS, LLC., RECORDED IN DOCUMENT NO. 20-09852, OFFICIAL PUBLIC RECORDS OF KERR COUNTY, TEXAS, AND A PORTION OF LEHMANN DRIVE RIGHT-OF-WAY, RECORDED IN Volume 1642, PAGE 806, OFFICIAL PUBLIC RECORDS OF KERR COUNTY, TEXAS, SAID 5.556 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Note: all bearings based on the Texas State Plane Coordinate System, South Central Zone 4204 (North American Datum of 1983, 2011 Adjustment);

BEGINNING at a 1-inch iron pipe found in the southwest right-of-way line of Lehmann Drive (50-foot wide right-of-way, no record found) marking the east corner of the herein described 4.76 acre tract of land and the north corner of a called 0.65 acre tract conveyed to Rocky Rhodes by General Warranty Deed recorded in Document No. 16-04816, of the Official Public Records of Kerr County, Texas (OPRKC), said point having coordinates of Northing: 13925658.34, Easting: 1921654.91 (USFT);

THENCE S 21°21'50" W, departing the southwest right-of-way line of Lehmann Drive, with the northwest line of the called 0.65 acre tract for a distance of **257.45 feet** (S 21°17'32" W, 257.28 feet) to a 1/2-inch iron rod found marking the southeast corner of the herein described tract, said point being at the west corner of the called 0.65 acre tract and being an angle point in the north line of a called 2.07 acre tract conveyed to Thomas M. Myers by Warranty Deed with Vendor's Lien recorded in Volume 1525, Page 577, OPRKC;

THENCE N 76°56'27" W, departing the northwest line of the called 0.65 acre tract, with the north line of the called 2.07 acre tract for a distance of **97.09 feet** (N 76°58'52" W, 97.13 feet) to a 1-inch iron pipe found marking a point for angle in the southwest line of the herein described tract, said point being at the north corner of the called 2.07 acre tract and being the east corner of a called 0.70 acre tract conveyed to Thomas M. Myers, Trustee, by Warranty Deed recorded in Volume 1520, Page 814, OPRKC;

THENCE N 76°49'48" W, with the north line of the called 0.70 acre tract for a distance of **130.57 feet** (N 76°52'14" W, 130.45 feet) to a 5/8-inch iron rod marking a point for angle in the southwest line of the herein described tract of land, said point being at the north corner of the called 0.70 acre tract and the east corner of a called 0.76 acre tract conveyed to Crittenden Investment Partnership by Warranty Deed recorded in Volume 964, Page 564, of the Real Property Records of Kerr County, Texas (RPRKC);

THENCE N 66°47'14" W, with the north line of the called 0.76 acre tract for a distance of **164.28 feet** (N 66°51'02" W, 164.19 feet) to a 1/2-inch iron rod found marking a point for angle in the southwest line of the herein described tract, said point being at the north corner of the called 0.76 acre tract and the east corner of a called 1.07 acre tract conveyed to Tango Homes, LLC., by Warranty Deed with Vendor's Lien recorded in Document No. 18-05869, OPRKC;

THENCE N 46°00'00" W, with the northeast line of the called 1.07 acre tract, passing at 147.96 feet the north corner of the called 1.07 acre tract and the east corner of a called 0.9997 acre tract conveyed to Billy Charles Mikeska by General Warranty Deed recorded in Volume 1107, Page 0001, RPRKC, continuing with the northeast line of the 0.9997 acre tract for a total distance of **299.41 feet** (N 46°05'55" W, 299.47 feet) to a 1-inch iron pipe found marking the west corner of the herein described tract, said point being the north corner of the called 0.9997 acre tract and a point for angle in the southeast line of a called 9.24 acre tract conveyed to David A. Lehmann and Wendy E. Lehmann by General Warranty Deed recorded in Volume 1099, Page 261, RPRKC;

THENCE N 51°21'09" E, with the southeast line of the called 9.24 acre tract for a distance of **105.72 feet** (N 51°16'44" E, 105.66 feet) to a 1/2-inch iron rod found marking a point for angle in the northwest line of the herein described tract, said point being a point for angle in the southeast line of the called 9.24 acre tract;

THENCE N 37°10'01" E, continuing with southeast line of the called 9.24 acre tract for a distance of **237.95 feet** (N 37°05'36" E, 237.74 feet) to a 1/2-inch iron rod with cap stamped "Voelkel" found for the north corner of the herein described tract, said point being the east corner of the called 9.24 acre tract and being the southwest line of said Lehmann Drive;

THENCE N 37°10'01" E, over and across Lehmann Drive, for a distance of 50.00' to a calculated point for corner in the northeast line of Lehmann Drive;

THENCE with the northeast line of Lehmann Drive, the following courses and distances:

- S 52°40'39" E, for a distance of 526.47' to a calculated point for angle;
- S 60°37'35" E, for a distance of 35.93' to a calculated point for angle;
- S 60°24'59" E, for a distance of 123.16' to a calculated point for corner;

THENCE S 20°44'39" W, departing the northeast line of Lehmann Drive, over and across Lehmann Drive, for a distance of 50.60' to a calculated point for corner in the southwest line of Lehmann Drive;

THENCE N 60°20'49" W, with the southwest line of Lehmann Drive, for a distance of 130.97' to the POINT OF BEGINNING, CONTAINING 5.556 ACRES of land, more or less, in Kerr County, Texas.



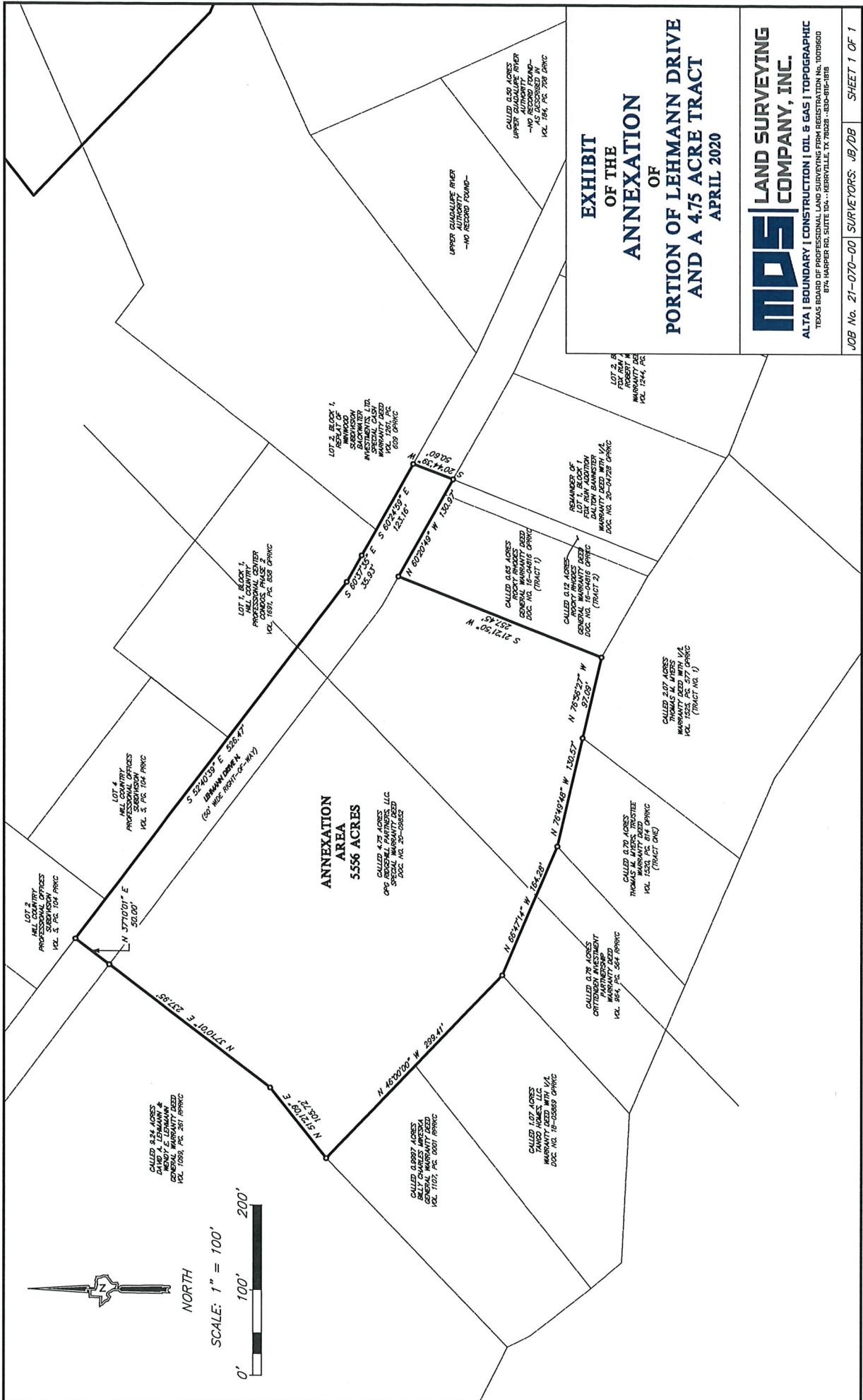


EXHIBIT B

PETITION REQUESTING ANNEXATION BY AREA LANDOWNERS

TO THE MAYOR OF THE GOVERNING BODY OF Kumville, TEXAS:

The undersigned owners of the hereinafter described tract of land, which is vacant and without residents, or on which fewer than three qualified voters reside, hereby petition your honorable Body to extend the present city limits so as to include as part of the City of Kumville, Texas, the following described territory, to wit:

BEING A 5.556 ACRE TRACT OF LAND, MORE OR LESS, SITUATED IN KERR COUNTY, TEXAS, BEING APPROXIMATELY 3.30 ACRES OUT OF THE JAMES H. COCKE SURVEY NO. 144, ABSTRACT NO. 95, AND APPROXIMATELY 1.46 ACRES OUT OF THE THOMAS L. WADDEL SURVEY NO. 145, ABSTRACT NO. 354; SAID 5.556 ACRE TRACT OF LAND BEING ALL OF A CALLED 4.75 ACRE TRACT, CONVEYED TO OPG RIDGEHILL PARTNERS, LLC., RECORDED IN DOCUMENT NO. 20-09852, OFFICIAL PUBLIC RECORDS OF KERR COUNTY, TEXAS, AND A PORTION OF LEHMANN DRIVE RIGHT-OF-WAY, RECORDED IN Volume 1642, PAGE 806, OFFICIAL PUBLIC RECORDS OF KERR COUNTY, TEXAS, SAID 5.556 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1-inch iron pipe found in the southwest right-of-way line of Lehmann Drive (50-foot wide right-of-way, no record found) marking the east corner of the herein described 4.76 acre tract of land and the north corner of a called 0.65 acre tract conveyed to Rocky Rhodes by General Warranty Deed recorded in Document No. 16-04816, of the Official Public Records of Kerr County, Texas (OPRKC), said point having coordinates of Northing: 13925658.34, Easting: 1921654.91 (USFT);

THENCE S 21°21'50" W, departing the southwest right-of-way line of Lehmann Drive, with the northwest line of the called 0.65 acre tract for a distance of **257.45 feet** (S 21°17'32" W, 257.28 feet) to a 1/2-inch iron rod found marking the southeast corner of the herein described tract, said point being at the west corner of the called 0.65 acre tract and being an angle point in the north line of a called 2.07 acre tract conveyed to Thomas M. Myers by Warranty Deed with Vendor's Lien recorded in Volume 1525, Page 577, OPRKC;

THENCE N 76°56'27" W, departing the northwest line of the called 0.65 acre tract, with the north line of the called 2.07 acre tract for a distance of **97.09 feet** (N 76°58'52" W, 97.13 feet) to a 1-inch iron pipe found marking a point for angle in the southwest line of the herein described tract, said point being at the north corner of the called 2.07 acre tract and being the east corner of a called 0.70 acre tract conveyed to Thomas M. Myers, Trustee, by Warranty Deed recorded in Volume 1520, Page 814, OPRKC;

THENCE N 76°49'48" W, with the north line of the called 0.70 acre tract for a distance of **130.57 feet** (N 76°52'14" W, 130.45 feet) to a 5/8-inch iron rod marking a point for angle in the southwest line of the herein described tract of land, said point being at the

north corner of the called 0.70 acre tract and the east corner of a called 0.76 acre tract conveyed to Crittenden Investment Partnership by Warranty Deed recorded in Volume 964, Page 564, of the Real Property Records of Kerr County, Texas (RPRKC);

THENCE N 66°47'14" W, with the north line of the called 0.76 acre tract for a distance of **164.28 feet** (N 66°51'02" W, 164.19 feet) to a 1/2-inch iron rod found marking a point for angle in the southwest line of the herein described tract, said point being at the north corner of the called 0.76 acre tract and the east corner of a called 1.07 acre tract conveyed to Tango Homes, LLC., by Warranty Deed with Vendor's Lien recorded in Document No. 18-05869, OPRKC;

THENCE N 46°00'00" W, with the northeast line of the called 1.07 acre tract, passing at 147.96 feet the north corner of the called 1.07 acre tract and the east corner of a called 0.9997 acre tract conveyed to Billy Charles Mikeska by General Warranty Deed recorded in Volume 1107, Page 0001, RPRKC, continuing with the northeast line of the 0.9997 acre tract for a total distance of **299.41 feet** (N 46°05'55" W, 299.47 feet) to a 1-inch iron pipe found marking the west corner of the herein described tract, said point being the north corner of the called 0.9997 acre tract and a point for angle in the southeast line of a called 9.24 acre tract conveyed to David A. Lehmann and Wendy E. Lehmann by General Warranty Deed recorded in Volume 1099, Page 261, RPRKC;

THENCE N 51°21'09" E, with the southeast line of the called 9.24 acre tract for a distance of **105.72 feet** (N 51°16'44" E, 105.66 feet) to a 1/2-inch iron rod found marking a point for angle in the northwest line of the herein described tract, said point being a point for angle in the southeast line of the called 9.24 acre tract;

THENCE N 37°10'01" E, continuing with southeast line of the called 9.24 acre tract for a distance of **237.95 feet** (N 37°05'36" E, 237.74 feet) to a 1/2-inch iron rod with cap stamped "Voelkel" found for the north corner of the herein described tract, said point being the east corner of the called 9.24 acre tract and being the southwest line of said Lehmann Drive;

THENCE N 37°10'01" E, over and across Lehmann Drive, for a distance of 50.00' to a calculated point for corner in the northeast line of Lehmann Drive;

THENCE with the northeast line of Lehmann Drive, the following courses and distances:

- S 52°40'39" E, for a distance of 526.47' to a calculated point for angle;
- S 60°37'35" E, for a distance of 35.93' to a calculated point for angle;
- S 60°24'59" E, for a distance of 123.16' to a calculated point for corner;

THENCE S 20°44'39" W, departing the northeast line of Lehmann Drive, over and across Lehmann Drive, for a distance of **50.60'** to a calculated point for corner in the southwest line of Lehmann Drive;

THENCE N 60°20'49" W, with the southwest line of Lehmann Drive, for a distance of 130.97' to the **POINT OF BEGINNING, CONTAINING 5.556 ACRES** of land, more or less, in Kerr County, Texas.

We certify that the above described tract of land is contiguous and adjacent to the City of Kerrville, Texas, and that this petition is signed and duly acknowledged by each and every person having an interest in said land.

Signed: DK

Signed: _____

Signed: _____

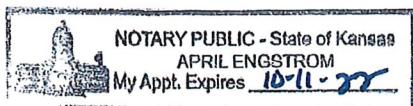
THE STATE OF TEXAS - Kansas

COUNTY OF Johnson

BEFORE ME, the undersigned authority, on this day personally appeared Matthew Gilliam, _____, and _____, known to me to be the persons whose names are subscribed to the foregoing instrument and each acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 20 day of April,
2021.

April Engstrom
Notary Public in and for
Johnson County, Texas. Kansas



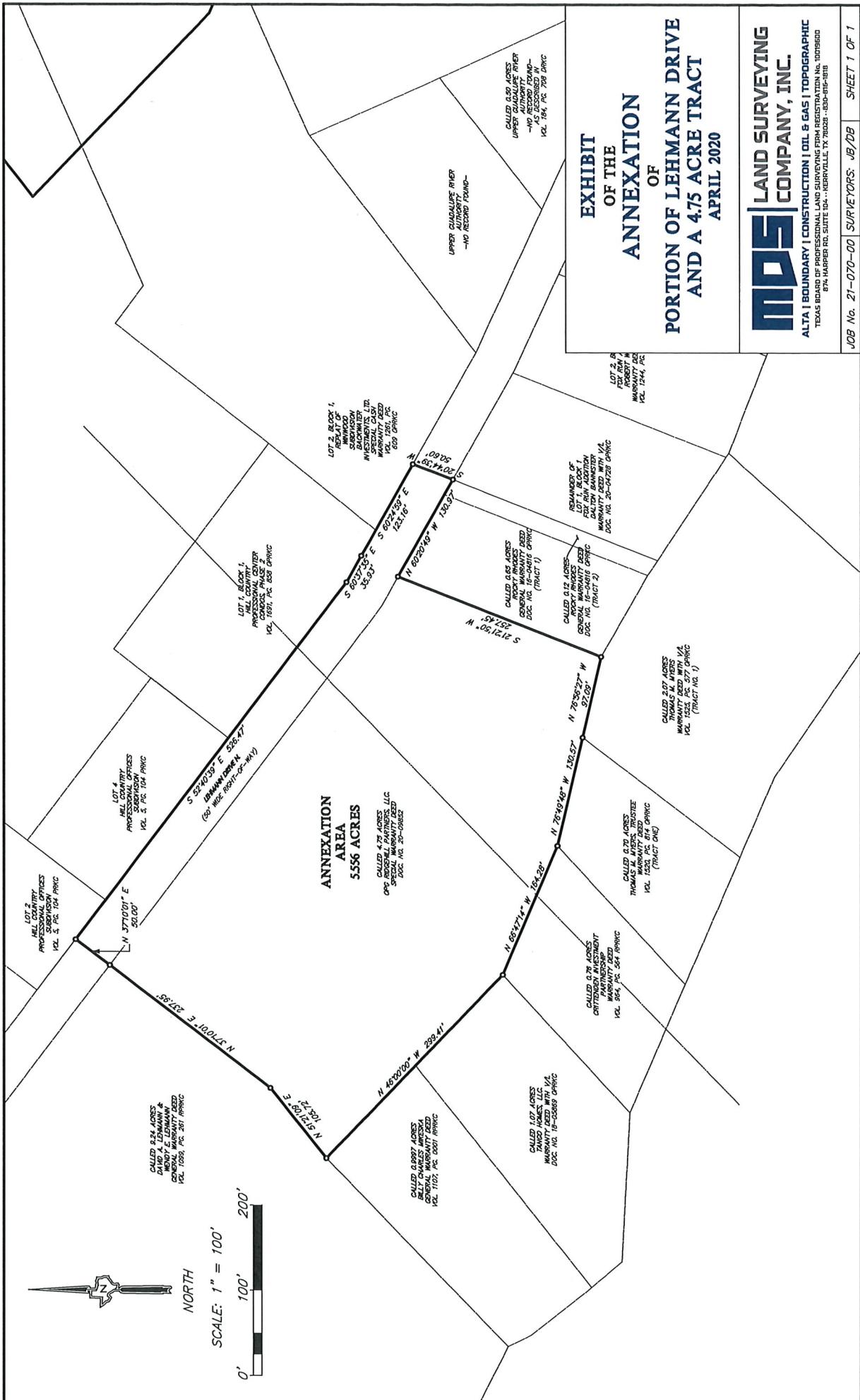


EXHIBIT B
ANNEXATION SERVICE PLAN

- I. INTRODUCTION:** This service plan for the extension of municipal services to the area to be annexed was developed in accordance with state law. Municipal facilities and services to the annexed area described above will be provided or made available on behalf of the City of Kerrville, Texas ("City") at the levels and schedule specified below.
- II. UNIFORM LEVEL OF SERVICES:** The City shall provide services by any of the methods by which it extends the services to any other area of the municipality, based upon differing characteristics of topography, land use, and population density, which may be considered a sufficient basis for providing differing levels of service.
- III. SPECIFIC FINDINGS:** City Council finds and determines that this Service Plan, as provided below, will provide full municipal services to the annexation area both adequate to serve the annexation area and commensurate with the levels of services provided in other parts of the City with the same or similar topography, land use, and population density, and it will not provide a lower level of service in the annexation area than were in existence at the time immediately preceding the effective date of annexation.

SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
Code Enforcement	The provisions of Code Enforcement services, including the application and enforcement of building, electrical, plumbing, and other related code requirements adopted by the City of Kerrville shall be made immediately applicable to the area upon annexation. The preparation of a zoning plan shall serve as a basis for the zoning of land following annexation. The adoption of the zoning plan shall be in accordance with the procedures of the City of Kerrville's Zoning Ordinance.	Immediately following annexation, zoning to be concurrent with annexation

SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
Fire Protection and Emergency Medical Services (EMS)	Fire protection and emergency medical services will be provided to the annexation area. The City will serve the annexation area from existing fire stations closest to the area of annexation. Emergency dispatch assignment of Fire Services resources to the annexation area would be the same as currently provided in areas of similar land use and population within the City.	Immediately following annexation
Fire Prevention	The services of the City of Kerrville Fire Marshall shall be provided to the area.	Immediately following annexation.
Library	Residents of the area, if any, will continue to be entitled to utilize all City of Kerrville Library facilities.	Immediately following annexation.
Police Protection	Police Services will provide protection and law enforcement services to the annexation area. The level of service will be at the same level as currently provided in areas of similar land use and population within the City. These services include the following: 1) regular patrol of the area, 2) handling of complaints and incidents, 3) traffic enforcement, and 4) special units, such as criminal investigations, narcotics, crime prevention, neighborhood services, and special weapons and tactics.	Immediately following annexation
Maintenance of Existing Roads & Streets	The City's Public Works Department will maintain any existing public roads and streets, drainage, and regulatory signs on the effective date of annexation. The same basis and level of services currently provided throughout the City will be adhered to as follows:	Immediately following annexation

SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
	<p>1. Emergency maintenance of streets to include repair of hazardous potholes, ice and snow monitoring of major thoroughfares necessary for traffic flow.</p> <p>2. Routine maintenance of public streets and rights-of-way performed within the City.</p> <p>3. Street sweeping services may occur based upon need and funding.</p> <p>4. Installation and maintenance of traffic signs, street markings, and other traffic control devices as the need is established by appropriate study and traffic standards. Private streets, including ingress/egress easements, access easements, common areas, common driveways and anything else which has not been specifically dedicated and accepted as public right-of-way, will not be maintained by the City. Public streets will be included in the City's preventive maintenance program. Preventive maintenance projects are prioritized and scheduled based on a variety of factors, including surface condition, transversibility, age, traffic volume, density of dwellings per block, adjacent street conditions and available funding. Any necessary rehabilitation or reconstruction will be considered on a citywide priority basis.</p>	
Solid Waste Collection	Solid Waste collection to the annexation area will be provided on the same basis and at the same level as provided throughout the City, in accordance with applicable law.	Immediately following annexation

SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
Traffic Engineering	Traffic control devices and street markers shall be installed on public roads and streets where deemed necessary by the City street department, except as provided by the Texas Department of Transportation.	Immediately following annexation
Water Service	The City will provide for the maintenance of City-owned public water lines within the annexation area. Water service is provided at the same level as currently provided in areas of similar topography, land use, and population within the City. The City's policy that water extensions are the responsibility of the developer of property will be applied in this area.	As the property develops
Wastewater Service	The City will provide for the maintenance of sanitary sewer lines within the annexation area. Sanitary sewer service is provided at the same level as currently provided in areas of similar topography, land use, and population within the City. The City's policy that sanitary sewer extensions are the responsibility of the developer of property will be applied to this area. Maintenance of all parts of the sewer system will begin as those parts are put into service. The sewer system will be maintained with the same frequency and level of effort as comparable parts of the system in other parts of the City.	As the property develops
Provision for Other City Services	Other City services that may be provided by the City such as planning, inspection, code enforcement, animal control, library, parks and recreation, municipal court, and general administration will be made available on the same basis and at the same level as provided throughout the City.	Immediately following annexation

EXHIBIT C

ORDER NO. 38707
ITEM 1.21

CONSENT TO ANNEXATION

Came to be heard this the 10th day of May, 2021, with a motion made by Commissioner Belew, seconded by Commissioner Harris, the Court unanimously approved by a vote of 5-0-0 to consent to an annexation request of 5.556 acres and relinquishing maintenance for a portion of Lehmann Drive into the City of Kerrville.

**APPROVE CONSENTING TO AN ANNEXATION REQUEST OF 5.556 ACRES
AND RELINQUISHING MAINTENANCE FOR A PORTION OF LEHMANN DRIVE
INTO THE CITY OF KERRVILLE.**

EXHIBIT D
(to Ord. No. 2021-17, Annexation/Zoning)

[NOTE: Ex. A referenced below is the same document as Ex. A attached to Ord. No. 2021-17 and thus, is not included here.]

SERVICE AGREEMENT

This Service Agreement (the "Agreement") is entered into between the **CITY OF KERRVILLE, TX**, a Texas Home-Rule Municipal Corporation (the "City") and **OPG RIDGEHILL PARTNERS, LLC** (the "Owner"). The City and the Owner are collectively referred to as the Parties.

WHEREAS, pursuant to a lawfully submitted petition for annexation from Owner, City intends to institute annexation proceedings for a tract(s) of land described more fully hereinafter (referred to herein as the "Subject Property"); and,

WHEREAS, *Section 43.0672 of the Tex. Loc. Gov't Code* requires a written agreement for the provision of services in the area first be entered into between City and Owner of the Subject Property; and,

WHEREAS, City and Owner agree each will benefit from the City's development restrictions and zoning requirements, as well as other municipal services provided by City which are good and valuable consideration for the Owner to request annexation and for the Parties to enter into this Agreement for City to provide the listed services upon annexation and in accordance with this Agreement; and,

WHEREAS, it is found that the statutory requirements have been satisfied and City is authorized by *Chapter 43, Tex. Loc. Gov't. Code*, to annex the Subject Property into the City;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Parties hereto agree as follows:

Section 1. Property Description. The legal description of the Subject Property is as set forth in **Exhibit A**, attached hereto and incorporated herein.

Section 2. Services. City will provide the services listed and specified in **Exhibit B**, attached hereto and incorporated herein, for the Subject Property on the effective date of annexation of the Subject Property.

Section 3. Owner's Obligations. Owner shall not file for approval a subdivision plat, site plan, or related development document with City for the Subject Property or portion thereof; or construct, or allow to be constructed,

any building or structure on the Subject Property or portion thereof until City has obtained authorization.

Section 4. Term. The term of this Agreement (the "Term") is ten (10) years from the Effective Date.

Section 5. Vested Rights Claims. This Agreement is not a permit for the purposes of Chapter 245, Texas Local Government Code.

Section 6. Authorization. All parties and officers signing this Agreement warrant to be duly authorized to execute this Agreement.

Section 7. Covenant Running with the Land. This Agreement shall run with the Subject Property, and this Agreement shall be recorded in the Official Public Records of Kerr County, Texas. Owner and City acknowledge and agree that this Agreement is binding upon City and Owner and their respective successors, executors, heirs, and assigns, as applicable, for the term of this Agreement.

Section 8. Severability. If any provision of this Agreement is held by a court of competent and final jurisdiction to be invalid or unenforceable for any reason, then the remainder of the Agreement shall be deemed to be valid and enforceable as if the invalid portion had not been included.

Section 9. Amendment and Modifications. This Agreement may be amended or modified only in a written instrument that is executed by both City and Owner after it has been authorized by the City Council.

Section 10. Gender, Number, and Headings. Words of any gender used in this Agreement shall be held and construed to include any other gender, and words in the singular number shall be held to include the plural, unless the context otherwise requires. The headings and section numbers are for convenience only and shall not be considered in interpreting or construing this Agreement.

Section 11. Governmental Immunity; Defenses. Nothing in this Agreement shall be deemed to waive, modify, or amend any legal defense available at law or in equity to either City or Owner, including governmental immunity, nor to create any legal rights or claims on behalf of any third party.

Section 12. Enforcement; Waiver. This Agreement may be enforced by Owner or the City by any proceeding at law or in equity. Failure to do so shall not be deemed a waiver to enforce the provisions of this Agreement thereafter.

Section 13. Effect of Future Laws. No subsequent change in the law regarding annexation shall affect the enforceability of this Agreement.

Section 14. Venue and Applicable Law. Venue for this Agreement shall be in Kerr County, Texas. This Agreement shall be construed under and in accordance with the laws of the State of Texas.

Section 15. Counterparts. This Agreement may be separately executed in individual counterparts and, upon execution, shall constitute one and same instrument.

Section 16. Effective Date. This Agreement shall be in full force and effect as of the date of approval of this Agreement by the City Council, from and after its execution by the parties.

EXECUTED this _____ day of _____, 2021.

**OPG RIDGEHILL
PARTNERS, LLC**

(printed name),

(title)

STATE OF KANSAS §

§

COUNTY OF JOHNSON §

§

This instrument was acknowledged before me on the _____ day of _____, 2021, by _____, the _____, of OPG RIDGEHILL PARTNERS, LLC.

Notary Public, State of Texas

CITY OF KERRVILLE, TX

E.A. Hoppe, City Manager

This instrument was acknowledged before me on the _____ day of _____, 2021, by E.A. Hoppe, City Manager, City of Kerrville, Texas.

Notary Public, State of Texas

Upon Recording, Return to:
City of Kerrville, Texas
City Secretary
City Hall, 701 Main Street
Kerrville, Texas 78028



**TO BE CONSIDERED BY THE CITY COUNCIL
CITY OF KERRVILLE, TEXAS**

SUBJECT: Written request by Charles Holt, Center Point Volunteer Fire Department, for the proposed creation of an Emergency Services District in Kerr County (Center Point Emergency Services District #3).

AGENDA DATE OF: July 13, 2021 **DATE SUBMITTED:** Jun 25, 2021

SUBMITTED BY: Eric Maloney

EXHIBITS: [20210713_Request_Creation of Emergency Services District Center Point.pdf](#)

Expenditure Required:	Remaining Budget Balance in Account:	Amount Budgeted:	Account Number:
0	0	0	N/A

PAYMENT TO BE MADE TO: N/A

Kerrville 2050 Item?	No
Key Priority Area	N/A
Guiding Principle	N/A
Action Item	N/A

SUMMARY STATEMENT:

Center Point Volunteer Fire Department (CPVFD) filed a written request on May 17th for consideration to establish an Emergency Services District (ESD) #3. The Center Point ESD #3 includes the current fire service area provided by CPVFD. The written request is required under Health & Safety Code Chapter 775.014 Creation of a District that includes Municipal Territories. CPVFD requires the consent of City Council to include a portion of the City of Kerrville's ETJ for the creation of the ESD#3.

Chief Holt presented this request to the City Council at their June 22nd Workshop. Both parties agreed to make revisions to the proposed ESD service area within the Kerrville Extraterritorial Jurisdiction (ETJ) and bring the item back at the July 13th City Council meeting for further review. The revised Boundary Description has been included in the attachment. Chief Holt advises the RV park located off of Colvin Ranch Road and River

Road (#520 on the map) has been left off of the map, but should be included.

RECOMMENDED ACTION:

Consider and discuss to approve the written request for the Emergency Services District #3 to include portions of the ETJ.

PETITION FOR CREATION OF
EMERGENCY SERVICES DISTRICT

THE STATE OF TEXAS § IN THE COMMISSIONER'S COURT

5

§ OF

5

COUNTY OF KERR § KERR COUNTY, TEXAS

TO THE HONORABLE COUNTY JUDGE AND COMMISSIONERS OF SAID COURT:

NOW COME 100 or more qualified voters who own taxable real property in Kerr County, Texas pursuant to Texas Health & Safety Code, Section 775.011, requesting the creation of an Emergency Services District and would respectfully show the following:

1

That the proposed Kerr County Emergency Services District No. 3 will be created and operated under the provisions of Article III, Section 48-e of the Constitution of Texas and Chapter 775 of the Health & Safety Code of the State of Texas.

11

That the name of the proposed District shall be "KERR EMERGENCY SERVICES DISTRICT NO. 3."

1

That the area of the District does not overlap with any existing emergency services district but will include portions of extraterritorial jurisdiction of The City

of Kerrville. The boundaries of the District are more particularly described by the description attached as Exhibit "A", which is attached hereto and incorporated herein for all purposes, and generally shown on the attached sketch in Exhibit "B".

IV.

The District will provide services in response to any emergency situation in accordance with the authority granted to emergency services districts under Chapter 775 of the Texas Health & Safety Code, including but not limited to the following services:

1. Fire Fighting services;
2. Fire Prevention services; and
3. Search and Rescue services.

V.

The creation of the District complies with Sections 775.020 and 775.0205 of the Texas Health & Safety Code. None of the land encompassed within the District is now included within any other Emergency District.

VI.

That Harry Holt, who resides at 156 Harry Holt Dr Center Point, Texas and Michael Earney, who resides at 161 Spanish Oak Lane Center Point, Texas, petitioners herein, agree and obligate themselves to pay the cost incident to the formation of the District, including the costs of publishing notices, election costs, and other necessary and incidental expenses, such cost not to exceed one hundred fifty (\$150.00) dollars for Kerr County.

VII.

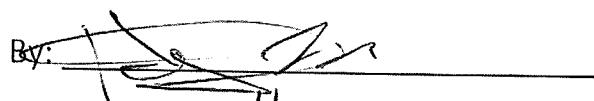
The city of Kerrville is the only municipality whose consent must be obtained under Section 775.014 of the Texas Health & Safety Code, Section 775.011, for the

creation of Kerr County Emergency Services District No. 3 are attached on Exhibit "C" respectively.

WHEREFORE, PREMISES CONSIDERED, petitioner prays that such notices be issued by the County Clerk of Kerr County as required by law; that a public hearing be held on this petition in the county; and, that upon such hearing, the Commissioners Court of Kerr County grant said petition and call a special election regarding the creation of the District on the next authorized uniform election date that allows sufficient time to comply with other requirements of law.

RESPECTFULLY SUBMITTED this 17 day of May, 2021.

PETITIONERS:

By: 
Printed Name: Harry A. Hall, Jr.

By: 
Printed Name: Michael Earney

Exhibit "A"

Description of Proposed Kerr County Emergency Services District No. 3
Boundary Description

Domingues & Assoc.
Professional Land Surveying

Charles Holt
Center Point Volunteer Fire Department
548 Kelly St.
Center Point, TX 78010

Page 1 of 12 - description of Center Point Volunteer Fire Department District

All that certain tract or parcel of land, lying and being situated in the County of Kerr; State of Texas; comprising 80.1 square miles, more or less, being the Center Point Volunteer Fire Department area of operation, which includes the town of Center Point, and several surrounding original land grants; and subject tract being more particularly described by metes and bounds, as follows, to wit:

BEGINNING at the easterly angle in the south line of Kerr County Line, for the north line of Bandera County, being in the southwest side of original Survey No. 571, Francis J. Staadt, Abstract No. 308, being the property of Spyglass Ranch, LP, of record in Volume 1545, page 27, in the Official Public Records of Kerr County, Texas, which previously was the E. W. Brown, Jr. property;

THENCE with the south line of Kerr County Line, for the north line of Bandera County, a direction of approximately N.85°W., a distance of approximately 7900 feet to the southwest corner of subject Center Point Volunteer Fire Department area of operation;

THENCE through original Survey No. 2, A. B. & M., Abstract No. 949, across that tract which was conveyed to Shaver Ranch, LLC, by instrument recorded under Clerk's File Number 14-7684, in the Official Public Records of Kerr County, Texas N.16°30'E., a distance of approximately 2500 feet;

THENCE across original Survey No. 1586, Casper Real, Abstract No. 944, original Survey No. 2, Walter Real, Abstract No. 864, original Survey No. 62, William T. Crook, Abstract No. 112, and other original grants, a direction of approximately N.51°30'E., a distance of approximately 15850 feet, continuing a direction of approximately N.62°02'E., a distance of approximately 17590 feet to the intersection of State Highway No. 2771 (lower Turtle Creek Road) and Heap Lane, being near the north corner of that tract which was conveyed to Kevin &

Brad Sutherlin, by instrument of record in Volume 1440, page 165, in the Real Property Records of Kerr County, Texas;

Page 2 of 12 - description of Center Point Volunteer Fire Department District

THENCE up said State Highway No. 2771, a direction of approximately North, a distance of approximately 1200 feet to the northeast side of State Highway No. 173, being the southwest line of Quail Run Estates, according to plat recorded in Volume 5, page 154, in the Plat Records of Kerr County, Texas, being near Covey Lane;

THENCE with a northeast line of said State Highway No. 173, a southwest line of said Quail Run Estates, and Eoff Subdivision, a direction of approximately N.25°W, a distance of approximately 1300 feet to Fritz Family Enterprises LTD tract at Oak Forest;

THENCE crossing said State Highway No. 173, and across that tract which was conveyed to Louis M. Howard, by instrument of record in Volume 1949, page 227, in the Official Public Records of Kerr County, Texas, and midway across that tract which was conveyed to Kerrville Trace, LLC, by instrument of record in Volume 1697, page 565, in the Official Public Records of Kerr County, Texas, a direction of approximately N.45°W, a distance of approximately 2200 feet, to the northwest line of said Kerrville Trace tract;

THENCE across said Kerrville Trace tract, across that tract which was conveyed to C. A. Winn Family Enterprises, LTD, by instrument recorded under Clerk's File Number 18-04862, in the Official Public Records of Kerr County, Texas, a direction of approximately N.38°E, a distance of approximately 4000 feet to the north corner of that tract which was conveyed to Jeffery Lawrence Wolff, by instrument recorded under Clerk's File Number 14-2474, in the Official Public Records of Kerr County, Texas, being on the southwest side of the Guadalupe River;

THENCE down the meanders of the Guadalupe River, being on the northeast side of River Bend Estates, the northeast side of that tract which was conveyed to William Scott Bockhoff, by instrument of record in Volume 1609, page 187, in the Official Public Records of Kerr County, Texas, a direction of approximately S.72°E, a distance of approximately 1800 feet, continuing a direction of approximately S.62°E., a distance of approximately 2100 feet, and continuing a direction of approximately S.22°E., a distance of approximately 1800 feet to the west corner of James Avery Craftsman, Inc, being Lot 1, Block 1, of Avery Airport Subdivision, according to plat recorded under Clerk's File Number

16-06575 in the Plat Records of Kerr County, Texas;

THENCE with the southwest line of said Avery Airport Subdivision, along the northeast bank of said Guadalupe River, a plat direction of S.9°06'18"E., a plat distance of 164.50 feet, continuing a plat direction of S.9°09'04"E., a plat distance of 204.67 feet, and continuing a plat direction of S.17°20'04"E., a plat distance of 438.75 feet to the north corner of that 7.57 acre tract which was conveyed from Richard B. Colvin and Nancy Colvin, to John G. Rountree, by deed recorded under

Page 3 of 12 - description of Center Point Volunteer Fire Department District

Clerk's File Number 12-4777, in the Official Public Records of Kerr County, Texas, which corner is located a plat distance of 85.90 feet, a plat direction of N.17°37'46"W., from the south corner of said Avery Airport Subdivision;

THENCE with the west line of said 7.57 acre Rountree tract, with the meanders of the northeast bank of said Guadalupe River, a deed direction of S.34°39'W., a deed distance of 117.37 feet, continuing a deed direction of S.18°36'W., a deed distance of 260.39 feet, continuing a deed direction of S.14°36'E., a deed distance of 159.24 feet, continuing a deed direction of S.22°01'W., a deed distance of 118.77 feet, continuing a deed direction of S.18°56'E., a deed distance of 275.16 feet, continuing a deed direction of S.24°12'E., a deed distance of 529.25 feet, and continuing a deed direction of S.13°35'E., a deed distance of 117.05 feet, to the south corner of said 7.57 acre Rountree tract, an east corner of that tract which was conveyed from BRT Resources, LLC, to Henry Wilson, LLC, by deed recorded under Clerk's File Number 20-06214, in the Official Public Records of Kerr County, Texas,

THENCE with the southwest line of said Henry Wilson tract, the meanders of the northeast bank of said Guadalupe River, a deed direction of S.10°30'51"E., a deed distance of 287.15 feet, continuing a deed direction of S.23°53'57"E., a deed distance of 314.74 feet, continuing a deed direction of S.37°15'53"E., a deed distance of 385.87 feet, continuing a deed direction of S.25°09'56"E., a deed distance of 280.31 feet, continuing a deed direction of S.19°10'45"E., a deed distance of 383.64 feet, continuing a deed direction of S.35°21'23"E., a deed distance of 354.54 feet, continuing a deed direction of S.39°50'53"E., a deed distance of 390.08 feet, continuing a deed direction of S.43°53'33"E., a deed distance of 295.95 feet, continuing a deed direction of S.62°36'08"E., a deed distance of 263.11 feet, continuing a deed direction of S.56°34'15"E., a deed distance of 298.77 feet, continuing a deed direction of S.57°09'12"E., a deed distance of 248.51 feet, continuing a deed direction of S.60°51'46"E., a deed

distance of 372.45 feet, continuing a deed direction of S.83°12'42"E., a deed distance of 161.07 feet, continuing a deed direction of S.49°33'49"E., a deed distance of 234.21 feet, continuing a deed direction of S.43°05'37"E., a deed distance of 232.64 feet, and continuing a deed direction of S.50°34'48"E., a deed distance of 195.80 feet, to the south corner of said Henry Wilson tract, the west corner of that tract which was conveyed from William B & Sherry Kaye Sturges to WSS Holdings, LLC, by deed recorded under Clerk's File Number 20-01904, in the Official Public Records of Kerr County, Texas;

THENCE with a southwest line of said WSS Holdings tract, the meanders of the northeast bank of said Guadalupe River, a deed direction of S.45°29'06"E., a deed distance of 1824.12 feet to the southwest corner of said WSS Holdings tract;

THENCE with a south line of said WSS Holdings tract, along the south side of Center Point Road, a deed direction of N.78°30'E., a deed distance of 520.34 feet, continuing a deed direction of N.83°55'26"E., a deed distance of 30.93 feet,

Page 4 of 12 - description of Center Point Volunteer Fire Department District

continuing a deed direction of S.87°26'E., a deed distance of 39.79 feet, continuing a deed direction of S.65°31'E., a deed distance of 215.13 feet, and continuing a deed direction of S.88°45'58"E., a deed distance of 246.98 feet to the southeast corner of said WSS Holdings tract, for a reentrant corner of that tract which was conveyed from Robert A and Virginia Cason to WSS Holdings LLC, by deed recorded under Clerk's File Number 20-02012, in the Official Public Records of Kerr County, Texas;

THENCE across said Cason to WSS Holdings tract, along said Center Point Road, a scaled direction of approximately S.71°E., a scaled distance of approximately 1140 feet to an east line of said Cason to WSS Holdings tract, the northwest corner of that tract which was conveyed from Bedrock Materials, LTD, to Greg & Lacy Frondorf, by deed recorded under Clerk's File Number 19-07575, in the Official Public Records of Kerr County, Texas, being in the "approximate center of said Centerpoint River Road";

THENCE with a northeast line of said Frondorf tract, the approximate center of Center Point River Road, a deed direction of S.29°16'05"E., a deed distance of 63.83 feet, continuing a deed direction of S.14°32'33"E., a deed distance of 80.03 feet, continuing a deed direction of S.6°51'22"E., a deed distance of 132.22 feet, continuing a deed direction of S.12°38'58"E., a deed distance of 71.73 feet, continuing a deed direction of S.38°48'28"E., a deed distance of 63.73 feet, continuing a deed direction of S.39°45'35"E., a deed distance of 827.61 feet,

continuing a deed direction of S.47°53'03"E., a deed distance of 120.62 feet, continuing a deed direction of S.57°16'07"E., a deed distance of 156.76 feet, continuing a deed direction of S.49°23'32"E., a deed distance of 128.72 feet, continuing a deed direction of S.43°40'53"E., a deed distance of 134.32 feet, and continuing a deed direction of S.39°25'10"E., a deed distance of 427.55 feet, to the northeast corner of said Frondorf tract, in the west line of that 19.65 acre tract which was conveyed from Bedrock Materials, Ltd., to Martin Marietta Materials, by deed of record in Volume 1214, page 283, in the Real Property Records of Kerr County, Texas, the east line of original Survey No. 43, John Matchett, Abstract No. 243, the east line of former Ernst Wellborn property, for the west line of original Survey No. 42, Henry Smith, Abstract No. 287, the west line of the former G. C. Sutherland property;

THENCE with the east line of said original Survey No. 43, Abstract No. 243, the west line of said original Survey No. 42, Abstract No. 287, being in Sutherland Lane, a deed direction of N.00°00'25"E., at a deed distance of 3557.49 feet, the northwest corner of said 19.65 acre tract, continuing a total distance of 3626.14 feet to where the centerline of State Highway No. 27 intersects the original grant line between said Survey No. 42 and said Survey No. 43, being at highway centerline Station 501+16.2 feet;

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THENCE with the centerline of said State Highway No. 27, a highway direction of S.46°45'E., a highway distance of 1324.5 feet, to the point of curvature of a circular curve to the left (counter-clockwise), at highway centerline PT Station 487+91.7 feet;

THENCE continuing with the centerline of said State Highway No. 27, along the arc of said circular curve to the left (counter-clockwise), having a radius of 2864.8 feet, for a distance along said curve of 1231.67 feet, to the end of curve, at highway centerline PC Station 475+60.0 feet;

THENCE continuing with the centerline of said State Highway No. 27, a highway direction of S.71°23'E., a highway distance of 2188.7 feet, to where the centerline of said State Highway No. 27, intersects the original grant line between said Survey No. 42, and original Survey No. 41, Charles Messer, Abstract No. 254, at highway centerline Station 453+71.3 feet;

THENCE with a west line of said original Survey No. 41, Charles Messer,

Abstract No. 254, an east line of said original Survey No. 42, Abstract No. 287, being along Coldwell Lane, a patent direction of North, a scaled distance of approximately 7240 feet to a reentrant corner of the Center Point Volunteer Fire Department area of operation;

THENCE across said of original Survey No. 42, Henry Smith, Abstract No. 287, and partly across original Survey No. 43, John Matchett, Abstract No. 243, a direction of West, a scaled distance of approximately 6146 feet to the southeast corner of Shady Grove, according to plat recorded in Volume 1, page 48, in the Plat Records of Kerr County, Texas;

THENCE with a south line of said Shady Grove, a north line of Kerrville Airport, a plat direction of S.89°50'W., a plat distance of 2195.2 feet, to a southwest corner of said Shady Grove;

THENCE with a west to southwest to west line of said Shady Grove, an east to northeast to east line of said Kerrville Airport, a plat direction of North, a plat distance of 160 feet, a reentrant corner of said Shady Grove, continuing a plat direction of N.48°30'W., a plat distance of 877 feet, continuing a plat direction of N.2°W., a plat distance of 730.7 feet, continuing a plat direction of East, a plat distance of 185.5 feet, and continuing a plat direction of N.1°W., a distance of 2581.3 feet to the northwest corner of said Shady Grove;

THENCE with a north line of said Shady Grove, a line of said Kerrville Airport, a plat direction of East, a distance of approximately 789.1 feet to the southwest corner of that tract which was conveyed to Kent J. Myers and Linda C. Myers, by instrument recorded under Clerk's File Number 19-05080, in the Official Public Records of Kerr County, Texas;

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THENCE with a west line of said Kent and Linda Myers tract, an east line of said Kerrville Airport, a deed direction of N.0°34'57"W., a distance of approximately 900 feet to a northwest corner of subject Center Point Volunteer Fire Department area of operation;

THENCE across original Survey No. 43, John Matchett, Abstract No. 243, and into original Survey No. 42, Henry Smith, Abstract No. 287, a direction of approximately East, a distance of approximately 6400 feet to a reentrant corner of subject Center Point Volunteer Fire Department area of operation;

THENCE with a west line of said subject Center Point Volunteer Fire Department

area of operation, being across the west end of Lazy Valley Country according to plat recorded in Volume 3, page 102, in the Plat Records of Kerr County, Texas, a direction of approximately North, a distance of approximately 6600 feet to a northwest corner of subject Center Point Volunteer Fire Department area of operation, being in original Survey No. 1423, H. W. & W. T. R. R. Co., Abstract No. 688, being in that tract which was conveyed to Chamberlain 5C's Ranch, LLC, by deed of record in Volume 1652, page 765, in the Official Public Records of Kerr County, Texas;

THENCE across part of said Chamberlain 5C's Ranch, LLC tract, a direction of approximately East, a distance of approximately 4500 feet to a reentrant corner in a west line of that tract which was conveyed to RBH Limited Partnership, by instrument recorded under Clerk's File Number 16-7514, in the Official Public Records of Kerr County, Texas;

THENCE with a west line of said RBH Limited Partnership tract, a deed direction of N.1°05'53"W. a distance of approximately 1200 feet to the north line of said RBH Limited Partnership tract, being north of Lazy Valley Road;

THENCE with a north line of said RBH Limited Partnership tract, along north side of Lazy Valley Road, a deed direction of S.87°37'32"E., a deed distance of 488.65 feet, continuing a deed direction of S.49°41'53"E., a deed distance of 534.30 feet, continuing a deed direction of S.57°59'34"E., a deed distance of 290.99 feet, continuing a deed direction of N.84°35'55"E., a deed distance of 88.71 feet, continuing a deed direction of N.84°43'55"E., a deed distance of 465.67 feet, continuing a deed direction of S.83°31'43"E., a deed distance of 688.76 feet, continuing a deed direction of N.74°55'47"E., a deed distance of 401.01 feet, and continuing a deed direction of N.59°38'23"E., a deed distance of 325.25 feet, to southwest corner of that tract which was conveyed to David P. Randal, by instrument of record in Volume 907, page 470, in the Real Property Records of Kerr County, Texas;

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THENCE continuing with a north line of said RBH Limited Partnership tract, a deed direction of S.43°40'47"E., a deed distance of 31.30 feet to the center of said Lazy Valley Road;

THENCE continuing with a north line of said RBH Limited Partnership tract, the

center of said Lazy Valley Road, a deed direction of S.68°15'06"E., a deed distance of 373.33 feet, continuing a deed direction of N.78°07'54"E., a deed distance of 453.50 feet, continuing a deed direction of N.38°49'54"E., a deed distance of 522.36 feet, and continuing a deed direction of N.82°34'59"E., a deed distance of 81.07 feet to the northeast corner of said RBH Limited Partnership tract, being in a west line of that tract which was conveyed from Francis Faltin to Dorothy Nell Faltin, et.al., by instrument, recorded under Clerk's File Number 20-09911, in the Official Public Records of Kerr County, Texas;

THENCE across said Dorothy Nell Faltin, et.al. tracts, with the meanders of the centerline of said Lazy Valley Road, a direction of approximately East, a distance of approximately 5000 feet to an east line of said Dorothy Nell Faltin, et.al. tract, the west line of that 320 acre tract of record in Volume 896, page 91, in the Real Property Records of Kerr County, Texas, the northwest corner of that tract which was conveyed from Joseph Salvaggio to Joseph C. & Jill Salvaggio, by instrument recorded under Clerk's File Number 16-5056, in the Official Public Records of Kerr County, Texas;

THENCE continuing with the centerline of said Lane Valley Road, the north line of said Joseph & Jill Salvaggio tract, the north line of that tract which was conveyed from Joseph Salvaggio to Joseph C. & Jill Salvaggio, by instrument recorded under Clerk's File Number 16-5055, in the Official Public Records of Kerr County, Texas, the north line of that tract which was conveyed from Joseph Salvaggio to Jack Estess by instrument of record in Volume 1126, page 290, in the Real Property Records of Kerr County, Texas, which was subsequently conveyed to Bradley Peterson by instrument of record in Volume 1799, page 553, in the Official Public Records of Kerr County, Texas, the north line of that tract which was conveyed from Jack Estess to Del Ray & Lynda O'Neill, by instrument of record in Volume 1356, page 575, in the Real Property Records of Kerr County, Texas, the north line of that tract which was conveyed to Margaret E. KcKinney, by instrument, recorded under Clerk's File Number 13-7861, in the Official Public Records of Kerr County, Texas, the north line of that tract which was conveyed to Rodney W. Jennings, by instrument, recorded under Clerk's File Number 12-05849, in the Official Public Records of Kerr County, Texas, a deed direction of N.71°03'00"E., a deed distance of 236.06 feet, continuing a deed direction of N.49°49'28"E., a deed distance of 190.01 feet, continuing a deed direction of N.76°05'31"E., a deed distance of 928.21 feet, continuing a deed direction of N.77°14'48"E., a deed distance of 702.77 feet, and continuing a deed direction of S.89°53'08"E., a deed distance of 1194.34 feet to where the centerline of said Lane Valley Road intersects the east line of said 320 acre tract of record in Volume 896, page 91, in the Real Property Records;

THENCE continuing with the meanders of the centerline of said Lane Valley Road, across that tract which was conveyed from Laura Lynn Pheiffer Rhodes to LTR Land Enterprises, LTD, by deed of record in Volume 1416, page 77, in the Real Property Records of Kerr County, Texas, a direction of approximately East, a distance of approximately 3000 feet to the northwest corner of that tract which was conveyed to Dean R. Davenport, by instrument, recorded under Clerk's File Number 18-07399, in the Official Public Records of Kerr County, Texas;

THENCE along the south side of said Lane Valley Road [deed- Cypress Creek School Road], the north line of said Dean R. Davenport tract, a deed direction of N.87°40'E., a deed distance of 148 feet, and continuing a deed direction of N.89°45'E., a deed distance of 268 feet to the northeast corner of said Dean R. Davenport tract, a northwest corner of that 115.72 acre tract which was conveyed from Roger W. Lux, to Davenport Ranch LTD, by instrument recorded under Clerk's File Number 18-04897, in the Official Public Records of Kerr County, Texas;

THENCE continuing with the south side of said Lane Valley Road, a north line of said 115.72 acre Davenport Ranch LTD tract, a deed direction of S.89°20'33"E., a deed distance of 1229.47 feet, continuing a deed direction of N.81°48'33"E., a deed distance of 44.56 feet, continuing a deed direction of N.89°32'28"E., a deed distance of 385.18 feet, and continuing a deed direction of N.89°40'10"E., a deed distance of 179.79 feet to the northeast corner of said 115.72 acre Davenport Ranch LTD tract, the northwest corner of that 107.02 acre tract which was conveyed from Roger Lux, to Davenport Ranch LTD, by instrument recorded under Clerk's File Number 18-04903, in the Official Public Records of Kerr County, Texas;

THENCE with an east line of said 115.72 acre Davenport Ranch LTD tract, a west line of said 107.02 acre Davenport Ranch LTD tract, a deed direction of S.2°48'29"E., a deed distance of 261.81 feet and continuing a deed direction of S.1°28'45"W., a deed distance of 2500.00 feet to the southeast corner of said 115.72 acre Davenport Ranch LTD tract, a southwest corner of said 107.02 acre Davenport Ranch LTD tract, in north line of 427.217 acre tract;

THENCE across original Survey No. 1, B. S. & F., Abstract No. 73, the division line between that tract which was conveyed from Roland Rex Bourland, to P Bar B ranch Partnership, by Partnership Agreement, and a west line of that 115.547 acre tract which was conveyed to Frank G. White, Jr., by instrument of record in Volume 672, page 96, in the Real Property Records of Kerr County, Texas, a

direction of approximately South, a distance of approximately 2500 feet (no deed information available) the southwest corner of said 115.547 acre tract, in Stoneleigh Road, to the northwest line of original Survey No. 568, Gustav Steves, Abstract No. 298, the northwest line of that tract which was conveyed from Wilhemina B. Eudy, to Greg D. & Darlene Sharp, by instrument of record in Volume 1227, page 275, in the Real Property Records of Kerr County, Texas;

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THENCE with the northwest line of said Sharp tract, being in said Stoneleigh Road [deed- Stone Leigh Road], a deed direction of S59°03'36"W., a distance of approximately 700 feet to the west corner of said Sharp tract, near the north corner of that tract which was conveyed to Phillip John Walton, by instrument of record in Volume 1807, page 630, in the Official Public Records of Kerr County, Texas;

THENCE with the southwest line of said Sharp tract, the northeast line of said Walton tract, a deed direction of S.34°41'22"E., a deed distance of 1685.24 feet to the south corner of said Sharp tract, the east corner of said Walton tract, being in a northwest line of that tract which was conveyed to Viola Barbara Klemstein, by instrument of record in Volume 1280, page 792, in the Real Property Records of Kerr County, Texas;

THENCE with the southeast line of said Sharp tract, a northwest line of said Klemstein tract, a deed direction of N.60°36'33"E., a distance of approximately 600 feet to a northeast corner in an east side of subject Center Point Volunteer Fire Department area of operation;

THENCE across original Survey No. 4, C. Bruns, Abstract No. 821, across said Klemstein tract, across that tract which was conveyed from Julie Heinen Family Trust to Deborah Juern Trust, by instrument recorded under Clerk's File Number 21-02996, in the Official Public Records of Kerr County, Texas, a direction of approximately South, a distance of approximately 6000 feet to the northeast corner of that tract which was conveyed from Carl Jeter to Rudolph Aue, III, by instrument of record in Volume 1175, page 459, in the Real Property Records of Kerr County, Texas, the southwest corner of Ranches on Sunset Ridge, according to plat recorded in Volume 8, page 1, in the Plat Records of Kerr County, Texas, the ostensible northwest corner of original Survey No. 33, George T. Howard, Abstract No. 192;

THENCE with an east line of said Rudolph Aue, III tract, a west line of said Ranches on Sunset Ridge, the ostensible west line of said original Survey No. 33, a deed direction of S.0°07'14"E., a deed distance of 4607.81 feet, continuing a

deed direction of S.0°00'34"E., a deed distance of 881.82 feet, continuing a deed direction of S.0°10'46"E., a deed distance of 1243.76 feet, continuing a deed direction of S.0°07'20"E., a deed distance of 989.69 feet to the west right of way line of Wilson Creek Road [deed- Roane Road], and continuing a deed direction of S.0°03'06"E., a deed distance of 131.31 feet to the southeast corner of said Rudolph Aue, III tract, which corner is located a deed distance of 60.00 feet, a deed direction of S.89°56'54"W., from the most southerly southwest corner of said Rudolph Aue, III tract;

THENCE with an east line of that Tract 2, which was conveyed from City South Management Corp., to J. W. Colvin, III, Trustee, et. al., by instrument of record in Volume 1290, page 15, in the Real Property Records of Kerr County, Texas, being west from said Wilson Creek Road, a deed direction of S.0°03'E., a deed distance of

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1805.49 feet, continuing a deed direction of S.0°21'W., a deed distance of 1566.38 feet, continuing a deed direction of S.0°09'W., a deed distance of 2660.62 feet, and continuing a deed direction of S.0°25'W., a deed distance of 94.01 feet to the southeast corner of said Colvin Tract 2, on the north side of State Highway No. 27;

THENCE crossing said State Highway No. 27, a direction of approximately South, a distance of approximately 100 feet to the northeast corner of that tract which was conveyed from J. W. Colvin, III, to David & Dafana Ebner, subsequently the tract was conveyed to Steven R. Summers, by instrument recorded under Clerk's File Number 11-06825, in the Official Public Records of Kerr County, Texas;

THENCE with the east line of said Summers tract, being west from Homilius Lane, a deed direction of S.0°03'14"W, a distance of 1291.93 feet, continuing a deed direction of S.57°22'56"W., a deed distance of 3.63 feet, and continuing a deed direction of S.0°47'49"W., a deed distance of 735.68 feet to the southeast corner of said Summers tract on the north side of the Guadalupe River;

THENCE crossing said Guadalupe River, a direction of approximately S.45°E., a distance of approximately 100 feet to the northeast corner of that tract which was conveyed from Stewart Morris, to SOTOL Investments, LLC, by instrument recorded under Clerk's File Number 17-5057, in the Official Public Records of Kerr County, Texas, the most northerly northwest corner of that tract which was conveyed to E. D. Cavin and Claudia Cavin by instrument record in Volume 240, page 181, in the Deed Records of Kerr County, Texas, which tract was

subsequently conveyed to Ernest D. Cavin, by instrument recorded under Clerk's File Number 17-08024, in the Official Public Records of Kerr County, Texas;

THENCE with the east line of SOTOL Investments tract, a west line of said Cavin tract, a deed direction of S.1°57'26"E., a deed distance of 3876.36 feet, and continuing a deed direction of S.2°06'50"E., a deed distance of 2313.80 feet to the southeast corner of said SOTOL Investments tract, a reentrant corner of said Cavin tract;

THENCE with a south line of said SOTOL Investments tract, a north line of said Cavin tract, a deed direction of S.88°10'16"W., a deed distance of 2050.67 feet to a southwest corner of said SOTOL Investments tract, a northwest corner of said Cavin tract;

THENCE across said SOTOL Investments tract an extension of south line, a deed direction of S.88°10'16"W., a calculated distance of 151.1 feet to a northwest line of said SOTOL Investments tract, a southeast line of that tract which was conveyed from Mary W Swayze estate to Swayze 4S, LLC, by instrument of record in Volume 1786, page 217, in the Official Public Records of Kerr County, Texas;

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THENCE with said northwest line of said SOTOL Investments tract, a southeast line of said Swayze 4S tract, a deed direction of S.54°46'46"W., a distance of approximately 1500 feet to a reentrant corner of subject Center Point Volunteer Fire Department area of operation;

THENCE across said SOTOL Investments tract, an average deed direction of S.0°14'E., a distance of approximately 4310 feet to area of operation corner;

THENCE continuing across said SOTOL Investments tract, and Lot 23, of Oak View Estates, according to plat recorded in Volume 4, page 85, in the Plat Records of Kerr County, Texas, a direction of approximately West, a calculated distance of 1369.1 feet to its intersection with a west line of said Lot 23, of Oak View Estates, for a reentrant corner of subject Center Point Volunteer Fire Department area of operation;

THENCE continuing across said Oak View Estates, across that tract which was conveyed from Faltin Ranch et. al., to Roger D. & Cynthia Cagle, by instrument

recorded under Clerk's File Number 14-7203, in the Official Public Records of Kerr County, Texas, a direction of approximately South, a distance of approximately 6000 feet, and continuing across said Cagle tract, across original Survey No. 1463, G. C. & S. F. R. R. Co., Abstract No. 751, across original Survey No. 25.4, Mrs. J. Klein, Abstract No. 588, across original Survey No. 385, Abstract No. 501, part of that tract which was conveyed from Warren Ingenuett to Marjorie H. Ingenuett, et. al., by instrument of record in Volume 728, page 499, in the Real Property Records of Kerr County, Texas, a direction of approximately S.27°W., a distance of approximately 12080 feet, to angle corner on east side of Elm Pass Ranch No. 2, and east side of Tract 87, of said Elm Pass Ranch No. 2, according to plat recorded in Volume 3, page 100, in the Plat Records of Kerr County, Texas;

THENCE with a southeast line of said Elm Pass Ranch No. 2, a plat direction of S.44°42'W. a plat distance of 1339.5 feet to the south corner of Tract 85, of said Elm Pass Ranch No. 2;

THENCE with a southwest line of said Tract 85 of Elm Pass Ranch No. 2, a plat direction of N.65°50'W., a plat distance of 500.0 feet to the west corner of said tract 85, for the south corner of Tract 84, of said Elm Pass Ranch No. 2;

THENCE across that tract which was conveyed to Doris R. Siebert, by instrument of record in Volume 527, page 76, in the Real Property Records of Kerr County, Texas, and Tract 19 and Tract 20 of Bandera Hills, according to plat recorded in Volume 3, page 140, in the Plat Records of Kerr County, Texas, a calculated direction of S.69°32'W., a calculated distance of 2295.1 feet to the southwest corner of said Tract 20, for the northwest corner of Tract 21 of said Bandera Hills, being where the center of Hahne Road intersects the center of Johnson Road;

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THENCE across said Bandera Hills, across that tract which was conveyed to Doris R. Siebert, by instrument of record in Volume 527, page 76, in the Real Property Records of Kerr County, Texas, across southeast corner of that tract which was conveyed to Dorothy Lee Shaw, by instrument of record in Volume 467, page 194, in the Real Property Records of Kerr County, Texas, a direction of approximately S.72°E., a distance of approximately 10000 feet to corner in that tract which was conveyed from Catherine Wyatt Barnard to Barnard Revocable Trust, by instrument recorded under Clerk's File Number 18-08343, in the Official Public Records of Kerr County, Texas;

THENCE across that tract which was conveyed to Charles Emmit Wyatt, Jr., by deed of record in Volume 1492, page 121, in the Real Property Records of Kerr County, Texas, subsequently conveyed to Boyle LTD by instrument recorded under Clerk's File Number 19-05106, in the Official Public Records of Kerr County, Texas, a direction of approximately S.45°W., a distance of approximately 3100 feet to the northeast line of original Survey No. 103.1, Andrew Elson, Abstract No. 1338, the southwest line of said Boyle LTD tract;

THENCE with the north line of original Survey No. 103.1, Andrew Elson, Abstract No. 1338, a direction of approximately N.45°W., a distance of approximately 2400 feet to the north corner of said original Survey No. 103.1, Andrew Elson, Abstract No. 1338, the west corner of said Boyle LTD tract;

THENCE with the northwest line of said original Survey No. 103.1, Andrew Elson, Abstract No. 1338, a southeast line of original Survey No. 356, J. Ramires, Abstract No. 284, a direction of approximately S.45°W., a distance of approximately 1600 feet to its intersection with a south line of said Kerr County Line, for a north line of said Bandera County;

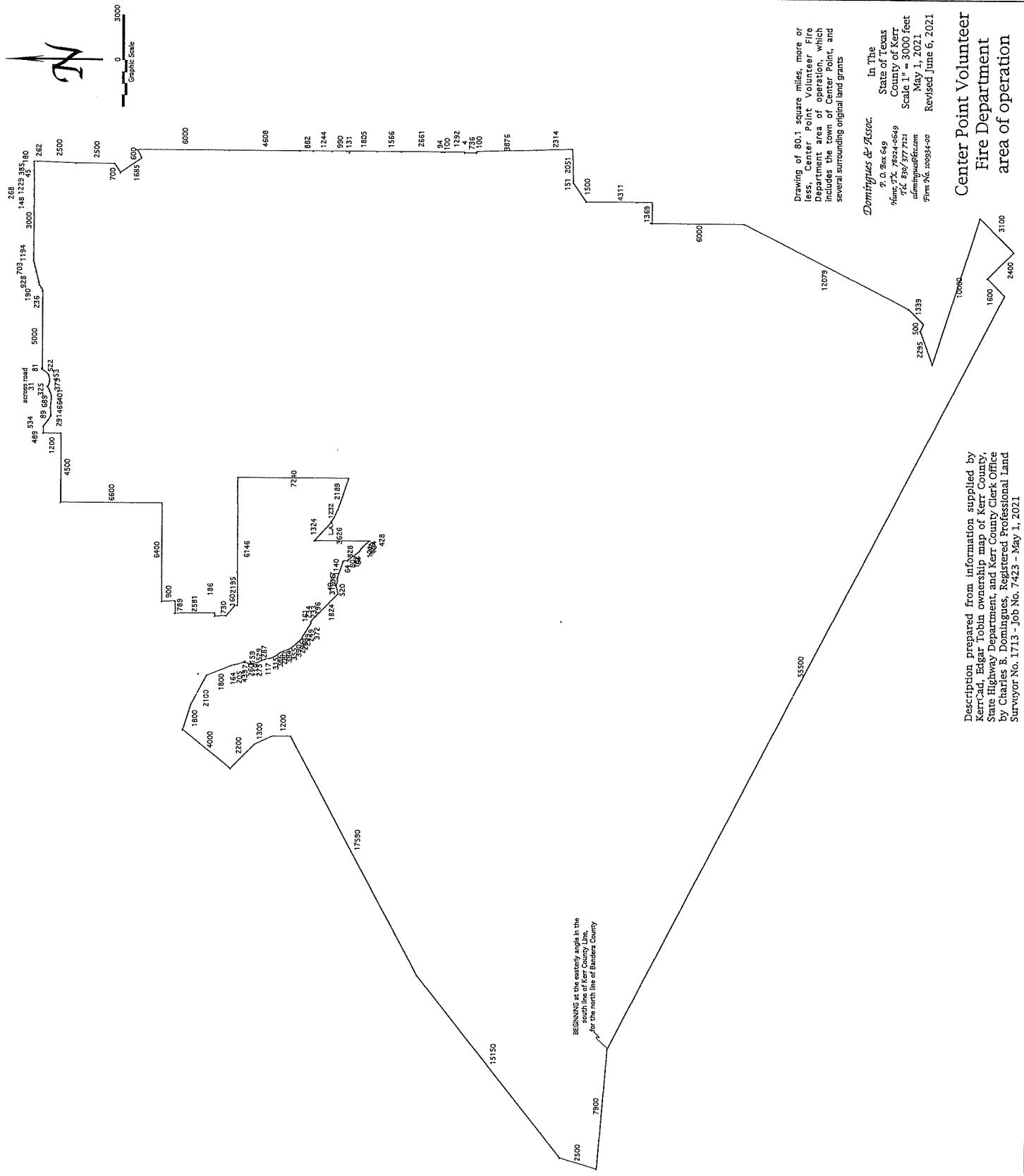
THENCE with a south line of said Kerr County Line, for a north line of said Bandera County, a direction of approximately S.62°30'E., a distance of approximately 55500 feet to the place of beginning.

Description prepared from information supplied by KerrCad, Edgar Tobin ownership map of Kerr County, State Highway Department, and Kerr County Clerk Office by Charles B. Domingues, Registered Professional Land Surveyor No. 1713 - Job No. 7423 – May 1, 2021

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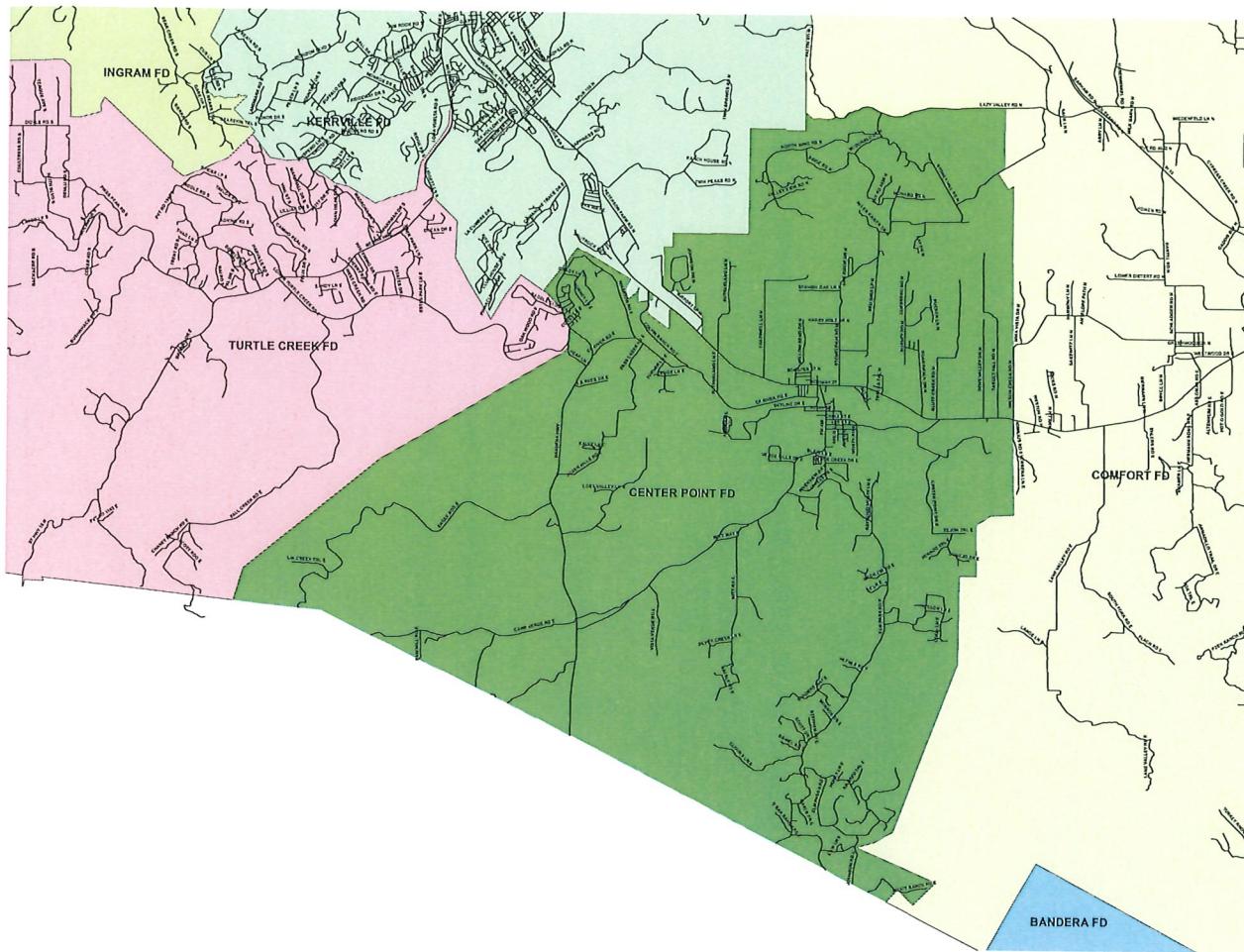
Exhibit "B"

Map of Proposed
Kerr County Emergency Services District No. 3



Description prepared from information supplied by Kerr Cad, Edgar Tobin ownership map of Kerr County, State Highway and Kerr County Clerk Office by Charles B. Domingues, Registered Professional Land Surveyor No. 1173 - Job No. 7423 - May 1, 2021

CENTER POINT VFD



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