

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2022-32**

AN ORDINANCE ANNEXING A TRACT OF LAND INTO THE CORPORATE LIMITS OF THE CITY OF KERRVILLE, TEXAS; SUCH PROPERTY MAKING UP APPROXIMATELY 11.93 ACRES AND GENERALLY LOCATED SOUTH OF THE INTERSECTION OF STATE HIGHWAY 27 AND COLVIN RANCH RD.; MORE COMMONLY KNOWN AS 5269 STATE HIGHWAY 27; SUCH PROPERTY MORE SPECIFICALLY DESCRIBED IN THIS ORDINANCE AND BEING LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF AND ADJACENT TO THE CITY LIMITS; ADOPTING A SERVICE AGREEMENT; ESTABLISHING THE ZONING FOR THE ANNEXED PROPERTY AS AN INDUSTRIAL AND MANUFACTURING (IM) ZONING DISTRICT; AND PROVIDING OTHER MATTERS RELATING TO THIS SUBJECT

WHEREAS, an 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 makes up a total of approximately 11.93 acres, as more specifically described below (the "Property"); and

WHEREAS, the Property lies within the extraterritorial jurisdiction of the City and adjacent to the City's limits; 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, 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 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. AMENDMENT TO CITY BOUNDARY. 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.

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 C** 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 an Industrial and Manufacturing (IM) Zoning District, which will authorize such property to be used in ways consistent with those land uses specified in that district.

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.

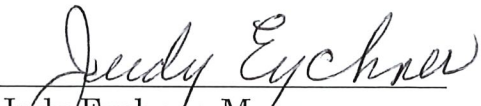
SECTION NINE. PENALTY. The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Article 1-1-7 of the Code of Ordinances of the City of Kerrville, Texas, which provides for a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00).

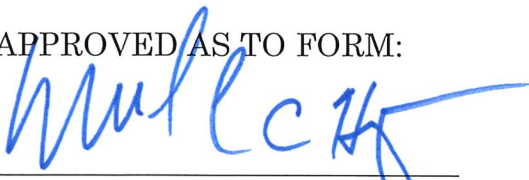
SECTION EIGHT. PUBLICATION OF ORDINANCE. In accordance with Section 3.07 of the City Charter and Texas Local Government Code §52.013(a), the City Secretary is hereby authorized and directed to publish the descriptive caption of this Ordinance in the manner and for the length of time prescribed by the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

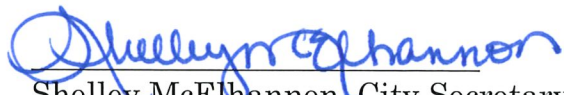
SECTION NINE. POST ANNEXATION ACTIONS. The City Manager or designee shall provide a certified copy of this Ordinance to the Texas Secretary of State, Kerr County, and Kerr Central Appraisal District and any other entity as may be required.

PASSED AND APPROVED ON FIRST READING, this the 08
day of November A.D., 2022.

PASSED AND APPROVED ON SECOND READING, this the
13 day of December A.D., 2022.


Judy Eychner, Mayor

APPROVED AS TO FORM:

Michael C. Hayes, City Attorney

ATTEST:

Shelley McElhannon, City Secretary



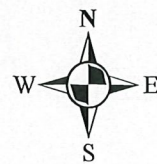
Location Map

Case # PZ-2022-034

Location:
5269 Highway 27

Legend

200' Notification Area ----
Subject Properties ———



0 150 300 600

Scale In Feet

EXHIBIT "A"

FIELD NOTE DESCRIPTION OF A 11.93 ACRE TRACT
BEING A PORTION OF A 172.58 ACRE TRACT
WITHIN THE F. RODRIGUEZ SURVEY No. 72, ABSTRACT No. 280
AND THE O.V. ROBINSON SURVEY No. 44, ABSTRACT No. 282
KERR COUNTY, TEXAS

Being an 11.93 acre portion of that certain 172.58 acre tract out of original survey number 44, abstract number 282 and original survey number 72, abstract number 280 according to the Special Warranty Deed with Vendor's Lien filed as Document Number 20-06214, Deed Records of Kerr County, Texas; more particularly described by its metes and bounds as follows:

(NOTE: The following courses are based on a RTK/GNSS survey conducted on the ground, N.A.D.83 datum, Texas State Plane Coordinates, South Central Zone reduced to horizontal ground distances expressed in U.S. Survey feet. Where record or deed courses differ from the surveyed values, the record value is shown in parenthesis)

BEGINNING at a ½ inch diameter steel rod found on the southwesterly Right-of-Way of Texas State Highway No. 27 marking the northerly most corner of that certain 5.0 acre tract or parcel of S. Chapman as conveyed by the deed filed in Volume 1189, Page 80, Official Public Records of Kerr County, Texas being the northeasterly most corner of the herein described tract;

THENCE southerly along and with a barbed wire fence along the westerly line of said 5.0 acre tract, S00°54'18"E at 760.85 feet (S00°53'59"E, 760.99 feet) to a ½ inch diameter steel rod with plastic cap marked "Voelkel" found marking the southwest corner of said 5.0 acre tract identical to the northwest corner of Lot 2R, Block 1, "Kerrville Airport Commerce Park Phase I" according to the document filed in Volume 1427, Page 481, Official Public Records of Kerr County, Texas for an angle in the east line of the herein described tract;

THENCE continuing southerly with said wire fence along the west line of said Lot 2R, S00°54'09"E, (S00°53'59"E) 240.24 feet to a 5/8 inch diameter steel rod with cap stamped "WES RPLS 5907" set in the fence marking the southeast corner of the herein described tract;

THENCE westerly across open ground, S89°05'51"W, at 99.26 feet pass a 5/8 inch diameter steel rod with cap stamped "WES RPLS 5907" set marking the southwest corner of a variable width easement, continuing in total 109.18 feet to a 5/8 inch diameter steel rod with cap stamped "WES RPLS 5907" marking a reentrant corner in the herein described tract;

THENCE southerly along the west side of a wire fence more or less parallel, S01°28'12"E, 220.64 feet to a 5/8 inch diameter steel rod with cap stamped "WES RPLS 5907" set marking an angle point in the east line of the herein described tract;

THENCE southwesterly continuing more or less along the west side of said fence, S17°44'50"W, 202.67 feet to a 5/8 inch diameter steel rod with cap stamped "WES RPLS 5907" set marking an angle point in the southeast line of the herein described tract;

THENCE continuing southwesterly more or less along the west side of said fence, S29°47'59"W, 109.09 feet to a 5/8 inch diameter steel rod with cap stamped "WES RPLS 5907" set marking an angle point in the southeast line of the herein described tract;

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	PHONE: 830.217.7100	KERRVILLE, TX 78028
	WWW.WELLBORNEENGINEERING.COM	

THENCE southwesterly continuing more or less along the said fence, converging with said fence line, S34°42'07"W, 149.93 feet to a 5/8 inch diameter steel rod with cap stamped "WES RPLS 5907" set marking the southerly most corner of the herein described tract;

THENCE northwesterly along a barbed wire fence, N48°25'48"W, 841.18 feet to a ½ inch diameter steel rod with plastic cap marked "Voelkel" found at a point of intersection with the southeast line of that certain 6.21 acre tract or parcel of J. Roundtree identified as "Tract II" according to the deed filed in Volume 1742, Page 856, Official Public Records of Kerr County, Texas identical to the south-southwest corner of the herein described tract;

THENCE northeasterly between said "Tract II" and the herein described tract, N41°42'39"E, 18.53 feet to a ½ inch diameter steel rod with plastic cap marked "Voelkel" found marking the northeast corner of said "Tract II" for an angle point in the common boundary line;

THENCE with a barbed wire fence, N48°20'50"W, 47.96 feet (*N48°33'33"W, 47.76 feet*) to a 2 inch diameter steel fence post marking an angle point in said common boundary;

THENCE continuing with the said fence, N36°19'23"W, 16.84 feet (*N36°00'24"W, 16.73 feet*) to a 3 inch diameter steel fence post marking an angle point in said "Tract II" identical to the southwesterly corner of that certain 10.43 acre tract of Fox Tank according to the deed filed as Document Number 12-2266, Official Public Records of Kerr County, Texas being the southwesterly most corner of the herein described tract;

THENCE northeasterly along a barbed wire fence between said 10.43 acre tract and the herein described tract, N65°50'56"E, 266.25 feet (*N65°51'11"E, 266.34 feet*) to a 3 inch diameter steel fence post marking an angle point in the common boundary between said tracts;

THENCE continuing along the said fence between said tracts, N79°41'38"E, 80.61 feet (*N79°49'06"E, 80.75 feet*) to a 3 inch diameter steel fence post marking an angle point in the common boundary between said tracts;

THENCE continuing along the said fence between said tracts, N80°29'03"E, 549.56 feet (*N80°30'24"E, 549.70 feet*) to a 3 inch diameter steel fence post marking the southeasterly corner of said 10.43 acre tract for an angle point in the west boundary of the herein described tract;

THENCE continuing northerly along and with said barbed wire fence on the east line of said 10.43 acre tract, N01°11'19"W, 748.77 feet (*N01°14'33"W, 749.19 feet*) to a ½ inch diameter steel rod with plastic cap marked "Voelkel" found in said fence marking an angle point in the common line between said 172.58 acre tract and said 10.43 acre tract for an angle point in the herein described tract;

THENCE leaving said fence between said 10.43 acre tract and said 172.58 acre tract, N36°37'13"E, 45.54 feet, (*N36°14'16"E, 45.65 feet*) to a ½ inch diameter steel rod with plastic cap marked "Voelkel" found marking an angle point in the said common boundary for an angle point in the herein described tract;

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KERRVILLE, TX 78028

THENCE northeasterly continuing between said parcels, N23°54'33"E, 62.09 feet, (N23°57'41"E, 62.09 feet) to a ½ inch diameter steel rod with plastic cap marked "Voelkel" found on the said southwest Right-of-Way of Texas State Highway 27 marking the northeasterly most corner of said 10.43 acre tract identical to the northerly most corner of said 172.58 acre tract for the northerly most corner of the herein described tract;

THENCE southeasterly along the said southwest Right-of-Way of Texas State Highway 27, S52°14'18"E, 64.26 feet, (S52°15'24"E, 64.26 feet) to the POINT of BEGINNING, the whole of which contains 11.93 acres more or less.

Based upon a survey conducted on the ground
Under my direction and supervision October 9, 2020



Dated: 12/29/2021

R. Scott McClintock, Sr.
Registered Professional Land Surveyor
State of Texas
Registration No. 5907



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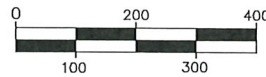
FIELD NOTES 11.93 ACRE PART OF A 172.58 ACRE TRACT KERR CO.

* LEGEND *

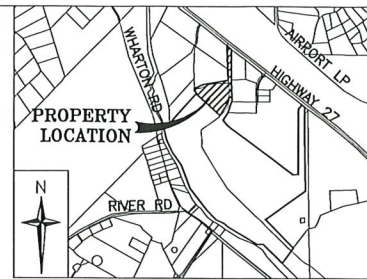
- FOUND 1/2" STEEL ROD W/CAP "VOELKEL"
 - FOUND FENCE CORNER AS NOTED
 - ⊙ SET 5/8" STEEL ROD W/CAP "WES RPLS 5907"
 - PO UTILITY POLE
- (COURSE VALUE PER DEED FILE NO. 16-6027 O.P.R.K.C.T.)
- PROPERTY LINE _____
- ADJOINER LOT LINE _____
- EASEMENT LINE _____
- ORIGINAL SURVEY LINE _____



GRID



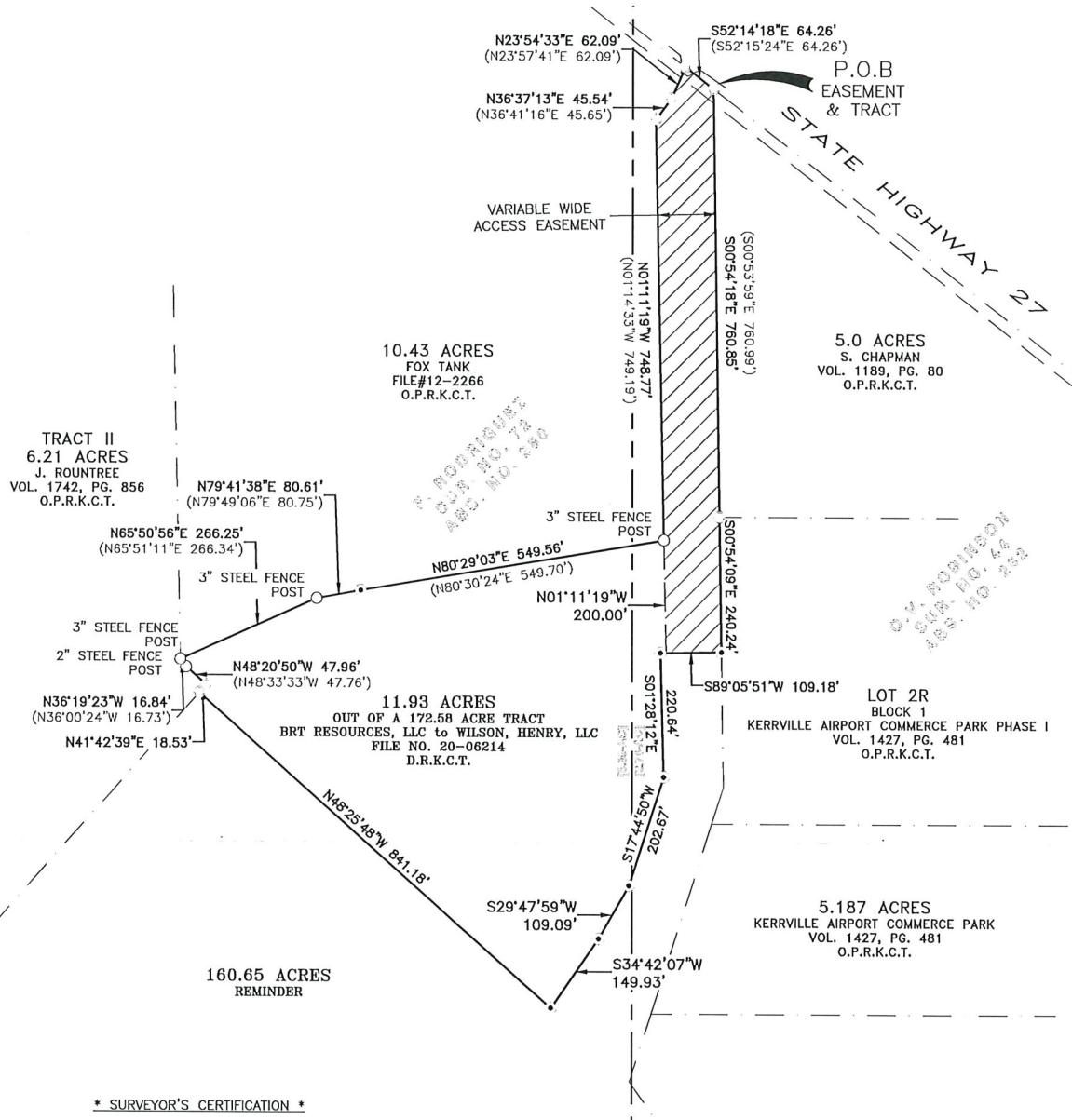
SCALE: 1"=200'



VICINITY MAP

1"=3000'

SOURCE: KERRVILLE GIS



* SURVEYOR'S CERTIFICATION *

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED AND REGISTERED IN THE STATE OF TEXAS, AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT ALL DIMENSIONAL DETAILS AND RELATIVE BEARINGS ARE CORRECT AS SHOWN, ALL EASEMENTS AND RIGHTS OF WAY OF RECORD ARE AS SHOWN, AND THERE ARE NO ENCROACHMENTS OR OVERLAPS OF IMPROVEMENTS, EXCEPT AS NOTED HEREON.

DATED: DECEMBER 28, 2021

R.Scott McClintock, Sr., R.P.L.S.
Registration No. 5907



BOUNDARY SURVEY

A 11.93 ACRE PARCEL
COMPRISED OF APPROXIMATELY 8.93 ACRES OUT OF
THE F. RODRIGUEZ SURVEY NO. 72, ABSTRACT NO.
280, AND 2.99 ACRES OUT OF THE O.V. ROBINSON
SURVEY NO. 44, ABSTRACT 282, PART OF A CERTAIN
172.58 ACRE TRACT DESCRIBED IN SPECIAL WARRANTY
DEED WITH VENDOR'S LIEN FILE NO. 20-06214, DEED
RECORDS OF KERR COUNTY, TEXAS

631 WATER STREET wellbornengineering.com
KERRVILLE, TX 78028 FIRM# 10194410
830-217-7100 T.B.P.E.L.S.

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PROJECT: WES: 20-139	SCALE: 1" = 200'	FIELD: JSM	DRAFTING: JSM	CHECKED: RSM
LAST FIELD VISIT: 04.27.2021				SHEET NO. 1 of 1
LAST DRAFT REVISION: 12.28.2021				

PETITION REQUESTING ANNEXATION BY AREA LANDOWNERS

TO THE MAYOR OF THE GOVERNING BODY OF KERRVILLE, 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 waive the requirement to be offered a development agreement pursuant to Section 43.016 of the Texas Local Government Code (where applicable); and petition your honorable Body to extend the present City limits so as to include as part of the City of Kerrville, Texas, the following described territory, to wit:

See Exhibit A

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.

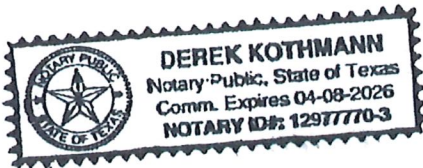
Signed: _____

THE STATE OF TEXAS

COUNTY OF KERR

BEFORE ME, the undersigned authority, on this day personally appeared EARL INGRAM, known to me to be the person(s) whose name(s) is subscribed to the foregoing instrument and acknowledged to me that he or she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 24 day of JUNE, 2022.



Notary Public in and for
Kerr County, Texas

EXHIBIT C
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 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 annexed area both adequate to serve the annexed 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 annexed 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 shall be made immediately to the area upon annexation. The adoption of zoning plan shall be in accordance with the procedures of the City's Zoning Code.	Immediately following annexation, zoning to be concurrent with annexation.
Fire Protection and Emergency Medical Services (EMS)	Fire protection and emergency medical services will be provided to the annexed area. The City will serve the annexed area from existing fire stations closest to the area of annexation. Emergency dispatch assignment of Fire Services resources to the annexed area would be the same as currently provided in areas of similar land use and population within the City.	Immediately following annexation

SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
Fire Prevention	The services of the City's 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 the City's Library facilities.	Immediately following annexation.
Parks and Recreation Facilities	The City will maintain park and recreation facilities located within the annexed area, if any, on the effective date of annexation on the same basis and at the same level as similar facilities are maintained throughout the City.	Immediately following annexation
Police Protection	Police Services will provide protection and law enforcement services to the annexed 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	<p>The City's Public Works Department will maintain existing 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:</p> <p>1. Emergency maintenance of streets to include repair of hazardous potholes, ice and snow monitoring of major thoroughfares necessary for traffic flow.</p>	Immediately following annexation

SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
	<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 annexed 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
Traffic Engineering	Traffic control devices and street markers shall be installed where deemed necessary by the City street department, except as provided by the Texas Department of Transportation.	Immediately following annexation

SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
Water Service	The City will provide for the maintenance of City-owned public water lines within the annexed area provided that the area is within the City's Certificate of Convenience and Necessity area as determined by the Public Utility Commission (PUC) beginning on the effective date of the annexation. 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 annexed area provided that the area is within the City's Certificate of Convenience and Necessity area as determined by the Public Utility Commission (PUC) beginning on the effective date of the annexation. 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

SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
Provision for Other City Services	Other City services that may be provided by the City such as planning, inspection, animal control, 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