

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2023-08**

AN ORDINANCE ANNEXING A TRACT OF LAND INTO THE CORPORATE LIMITS OF THE CITY OF KERRVILLE, TEXAS; SUCH PROPERTY MAKING UP APPROXIMATELY 0.08 ACRES AND GENERALLY LOCATED ADJACENT TO AND SOUTH OF LEHMANN DRIVE IN THE AREA THAT LEHMANN DRIVE INTERSECTS WITH LENARD LANE; 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 A PUBLIC AND INSTITUTIONAL (PU) 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 0.08 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 to amend the City’s official boundary map in accordance with this annexation.

SECTION FOUR. PETITION FOR ANNEXATION. The petition for annexation concerning the Property is attached as **Exhibit B**, 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**. 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 part of a Public and Institutional (PU) Zoning District, which will authorize such property to be used in ways consistent with the land use specified in that district. Such district is depicted at **Exhibit D**.

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 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 24
day of January A.D., 2022.

14 PASSED AND APPROVED ON SECOND READING, this the
day of FEBRUARY A.D., 2023.

Judy Eychner
Judy Eychner, Mayor

APPROVED AS TO FORM:
Michael C. Hayes
Michael C. Hayes, City Attorney

ATTEST:
Shelley McElhannon
Shelley McElhannon, City Secretary



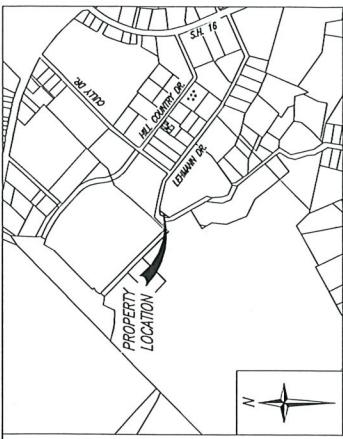
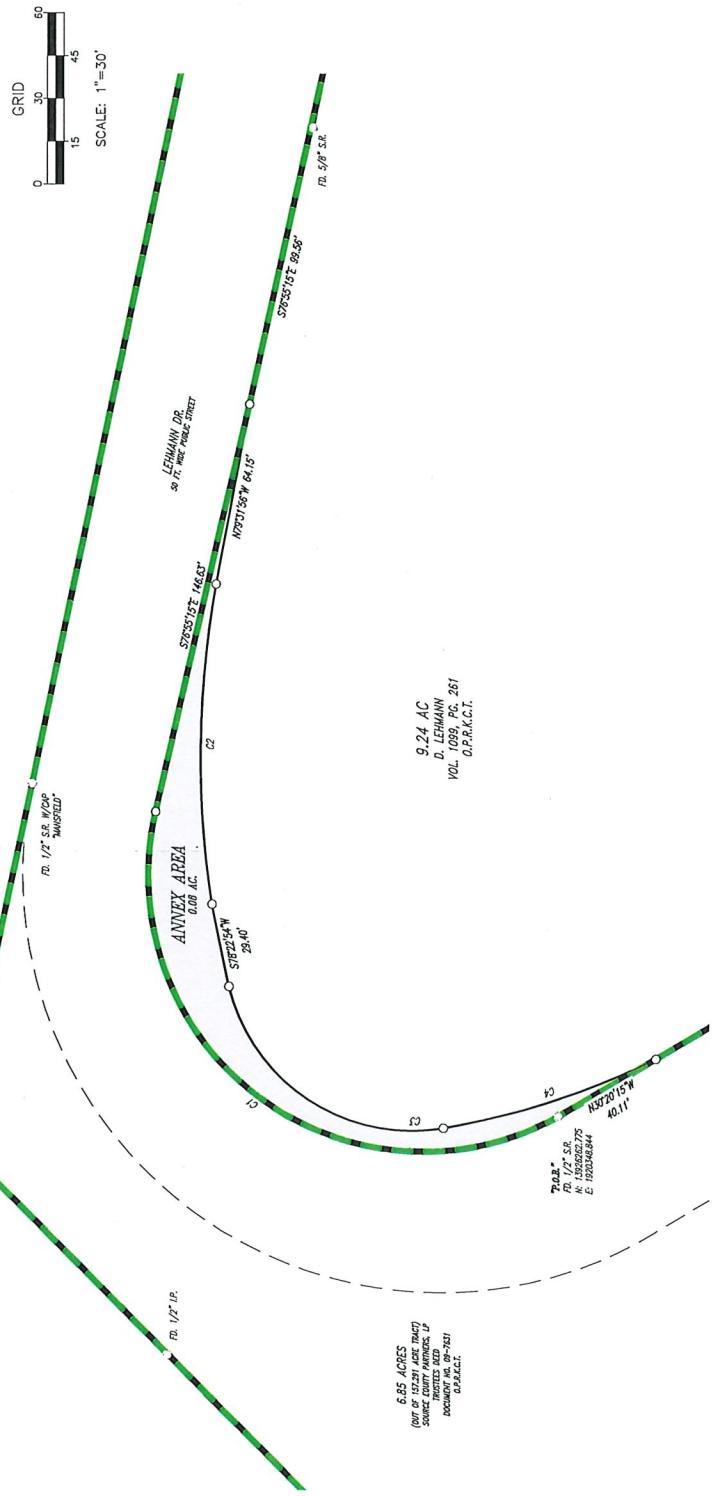


EXHIBIT A



Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	224.23	96.90	132°35'05"	N36°54'31"E	177.44
C2	112.66	332.00	019°26'36"	N89°51'4"W	112.12
C3	99.44	66.00	086°19'28"	S33°17'17"W	90.30
C4	79.18	278.00	016°19'08"	S18°02'02"E	78.91

ANNEXATION EXHIBIT

PORTIONS OF A 9.24 ACRE TRACT RECORDED IN VOL 1099, PC
261, OFFICIAL PUBLIC RECORD KEEF COUNTY, TEXAS WITHIN KEEF
COUNTY, TEXAS
* SURVEYOR'S CERTIFICATION.

EASEMENTS AND RIGHTS OF
NO ENCROACHMENTS OR
DATED: JUNE 22, 2022

R. Scott McCormick, Sr., F.A.S.L.
Registration No. 5907



6211 WATER STREET T		wellbomberprinting.com	
KERRVILLE, TX 78028		FIRM ID: 024410	
830-21177100		T.B.P.E.L.S.	
PROJECT: WE5-21-168	SCALE: 1" = 30'	FIELD: AS-BM	DRAFTING: BM
LAST FIELD VISIT: 02/1/2021		CHECKED: PSW	
LAST TRANSFER: 02/1/2021			
1 of 1			

WELLBORN
ENGINEERING &
SURVEYING

EXHIBIT "A"

**FIELD NOTE DESCRIPTION OF A 0.08 ACRE TRACT
OUT OF THE JAMES A. COCKE SURVEY No. 144,
ABSTRACT No. 95, KERR COUNTY, TEXAS**

A 0.08 acre parcel being a portion of the James A. Cocke Survey No. 144, Abstract No. 95, , being a portion of 9.24 acres according to the conveying Deed filed in Volume 1099, Page 261, Official Public Records of Kerr County, Texas; the whole of which is more particularly described by its metes and bounds as follows:

(NOTE: The following courses are based on an 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 1/2 inch diameter steel rod found marking the point of curvature to the right in the southeast Right-of-Way line of Lehmann Drive a fifty (50) foot public right-of-way, identical to the westerly most corner of the herein described tract located by Texas State Plane Coordinates at North 13,926,262.775 feet and East 1,920,348.844 feet;

THENCE northwesterly along and with said Right-of-Way line of Lehmann Drive common with said 9.24 acre tract, 224.23 feet along the arc of a curve concave to the southeast through a central angle of 132°35'05", said curve having a radius of 96.90 feet and a chord of N36°54'31"E, 177.44 feet (*N36°48'W. 177.40 feet*) to an unmarked point for at a point of tangency in the southwesterly Right-of-Way line of said Lehmann Drive;

THENCE southeasterly continuing along Lehmann Drive, S76°55'15"E, 156.63 feet to an unmarked point for the easterly most corner of the herein described tract, from which a 5/8 inch diameter steel rod found in the southwest Right-of-Way bears S76°55'15"E, 99.56 feet;

THENCE northwesterly departing Lehmann Drive over and across said 9.24 acre parcel, N79°31'56"W, 64.15 feet to an unmarked point for a point of curvature to the left;

THENCE westerly along the southeast line of the herein described tract, 112.66 feet along the arc of a curve concave to the southeast through a central angle of 19°26'36", said curve having a radius of 332.00 feet and a chord of N89°15'14"W, 112.12 feet to an unmarked point for a point of tangency in the southeast line of the herein described tract;

THENCE southwesterly, S78°22'54"W, 29.40 feet to an unmarked point for a point of curvature to the left;



TBPELS FIRM NO. 10194410
PHONE: 830.217.7100
WWW.WELLBORNENGINEERING.COM

631 WATER STREET
KERRVILLE, TX 78028

EXHIBIT "A"

THENCE southwesterly, 99.44 feet along the arc of a curve concave to the southeast through a central angle of $86^{\circ}19'36''$, said curve having a radius of 66.00 feet and a chord of $S33^{\circ}17'17''W$, 90.30 feet to an unmarked point for a point of curvature to the left;

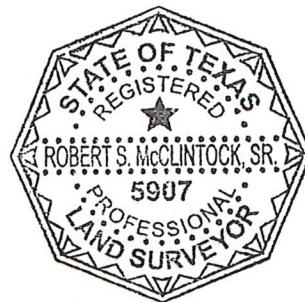
THENCE southeasterly, 79.18 feet along the arc of a curve concave to the northeast through a central angle of $16^{\circ}19'08''$, said curve having a radius of 278.00 feet and a chord of $S18^{\circ}02'02''E$, 78.91 feet to an unmarked point for a point of tangency in the northeasterly Right-of-Way line of said Lehmann Drive identical to the southerly most point in the herein described tract;

THENCE northwesterly along and with said Right-of-Way line of Lehmann Drive, $N30^{\circ}20'15''W$, 40.11 feet to the **Point of Beginning** the whole of which contains 0.08 acres more or less.

Based upon a survey conducted on the ground
Under my direction and supervision October 21, 2021


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

Dated: 06/22/2022



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TBPELS FIRM NO. 10194410
PHONE: 830.217.7100
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631 WATER STREET
KERRVILLE, TX 78028

EXHIBIT B

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: Joseph Piszcior

THE STATE OF TEXAS

COUNTY OF KERR

BEFORE ME, the undersigned authority, on this day personally appeared JOSEPH PISZCZOR, 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 26th day of OCTOBER, 2022

Amelia Hoppe
Notary Public in and for
Kerr County, Texas

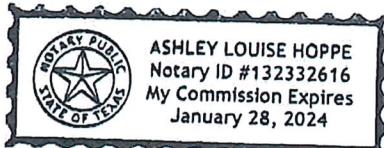


EXHIBIT C
ANNEXATION SERVICE PLAN

- 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

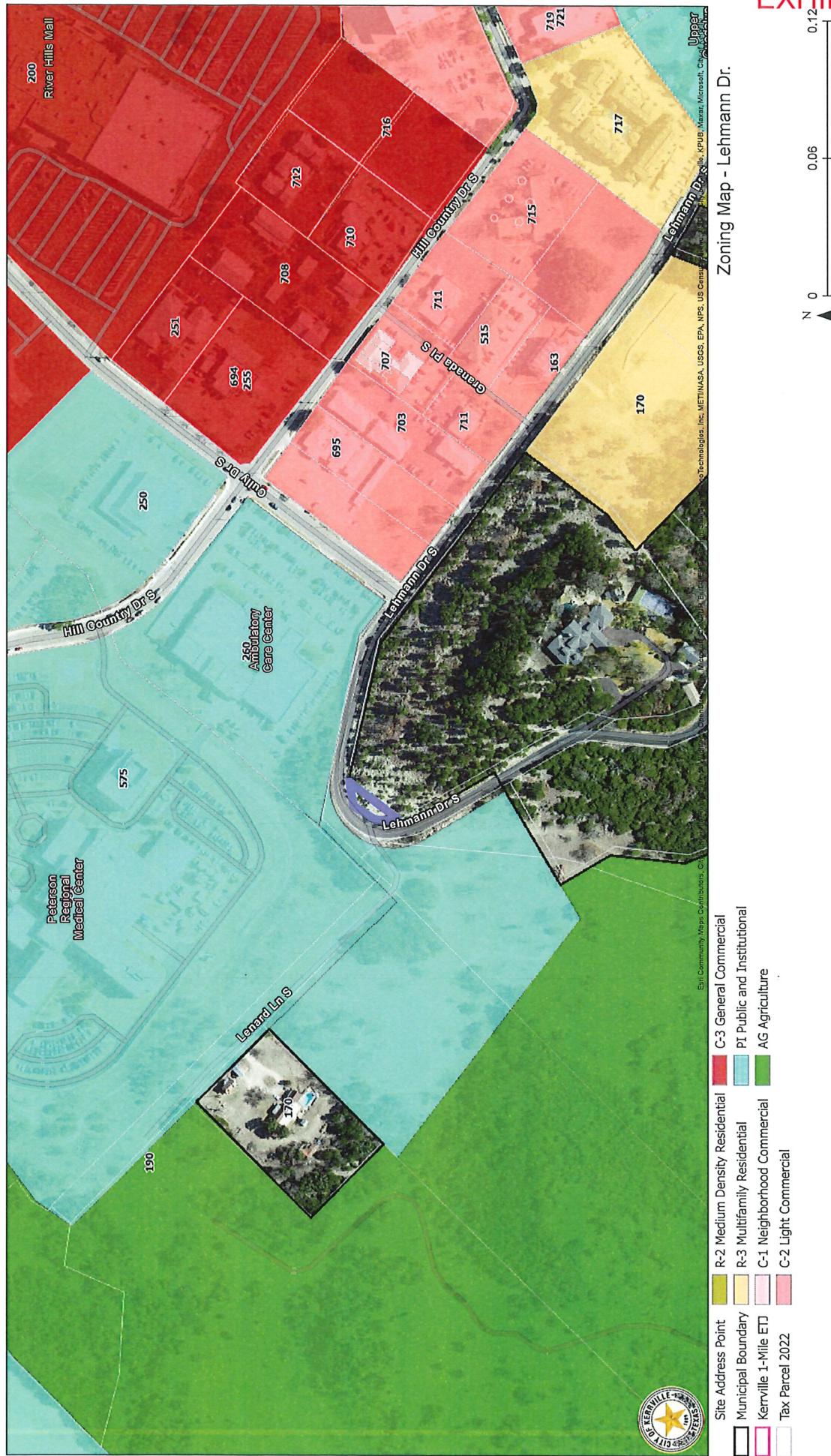
SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
Fire Prevention	The services of the City's Fire Marshall shall be provided to the area.	Immediately following annexation.
Library	Residents of the area, if any, will continue to be entitled to utilize the City's Library facilities.	Immediately following annexation.
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> <ol style="list-style-type: none"> 1. Emergency maintenance of streets to include repair of hazardous potholes, ice and snow monitoring of major thoroughfares necessary for traffic flow. 	Immediately following annexation

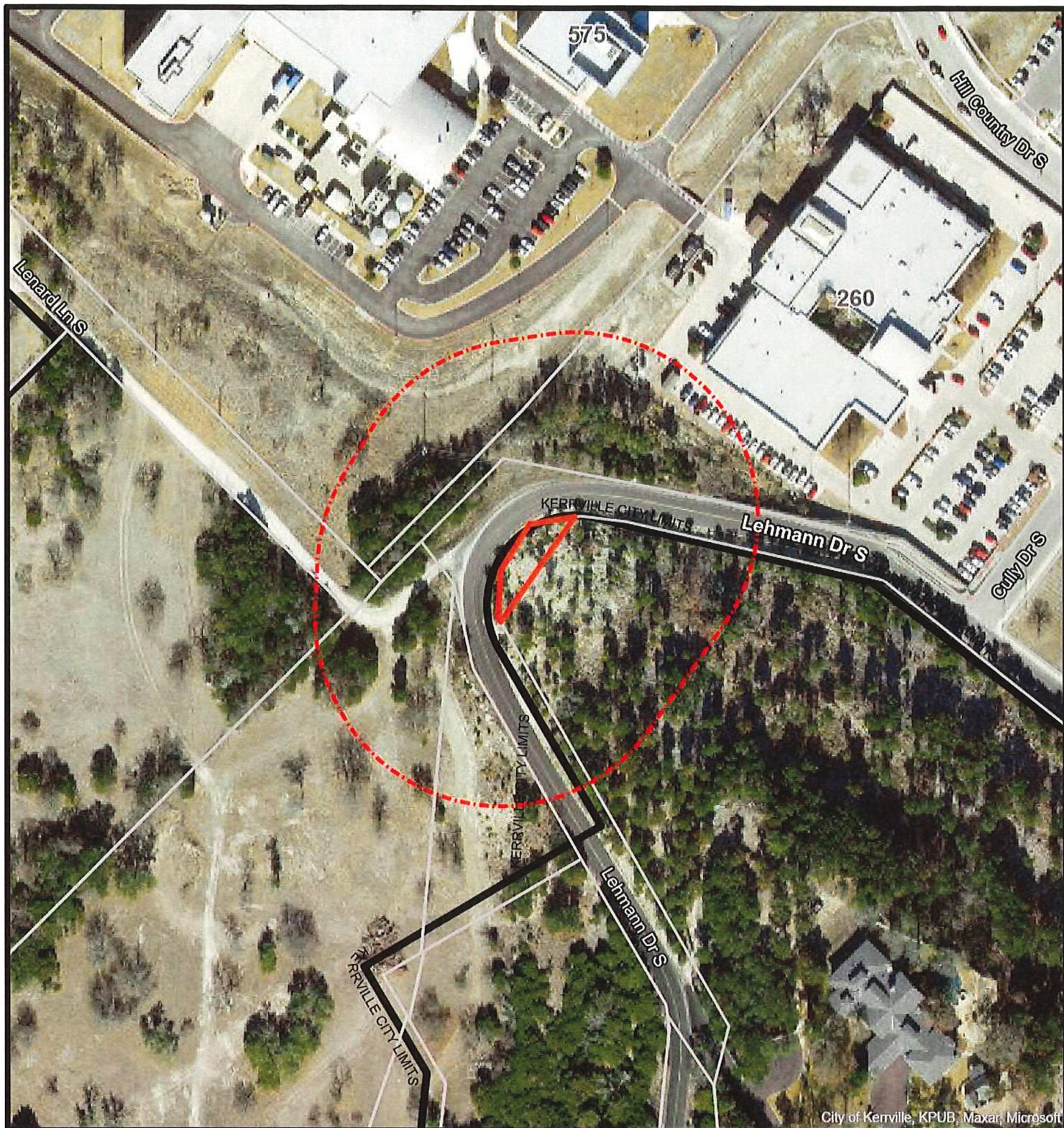
SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
	<p>2. Routine maintenance of public streets and rights-of-way performed within the City.</p> <p>3. Street sweeping services may occur based upon need and funding.</p> <p>4. Installation and maintenance of traffic signs, street markings, and other traffic 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	<p>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.</p>	As the property develops
Wastewater Service	<p>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.</p>	As the property develops

SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
Provision for Other City Services	<p>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.</p>	<p>Immediately following annexation</p>

EXHIBIT D





City of Kerrville, KPUB, Maxar, Microsoft

Location Map

Case #PZ-2022-72

Location:

KCAD ID# 529291

Legend

- Subject Properties
- 200 Feet Notification Area



0 50 100 200

Scale In Feet

11/10/2022

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only approximate relative locations.

FILED AND RECORDED

Document Number: 23-00982

Document Type: ORDINANCE

Filing and Recording Date: 2/21/2023 8:59:45 AM

Number of Pages: 16

GRANTOR CITY OF KERRVILLE

GRANTEE PUBLIC, THE

Returned To: CITY OF KERRVILLE
701 MAIN ST
KERRVILLE, TX 78028

I hereby certify that this instrument was FILED on the date and times stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Kerr County, Texas.



A handwritten signature in black ink, which appears to read "Jackie 'JD' Dowdy", is placed over a horizontal line.

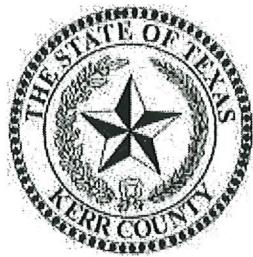
Jackie "JD" Dowdy, Clerk
Kerr County, Texas
By: DIANE RODRIGUEZ DEPUTY CLERK

NOTICE: It is a crime to intentionally or knowingly file a fraudulent court record or instrument with the Clerk.

DO NOT DESTROY - This document is part of the Official Public Record.

4000245

ORDINANCE 2023-08



Kerr County Clerk
700 Main Street
Kerrville TX 78028
830-792-2255

Customer CITY OF KERRVILLE
CITY OF KERRVILLE

TxId 4000245 2/21/2023 8:49 AM

Doc Number	GF Number	Document Type	Pages	Doc Fee Total
23-00982		ORDINANCE <i>NO. 2023-08</i>	16	\$82.00
23-00983		ORDINANCE <i>NO. 2023-09</i>	12	\$66.00
				Total Paid: \$148.00

Tender Information

Check #	Name on Check	Tender Type	Amount
0300	KESHA FRANCHINA	CREDIT CARD	\$148.00
			Total Paid: \$148.00

**All Transactions Approved****Bureau: 8088171 - Kerr County, TX Clerk**

Case Number or Name	Amount	Qty	Conv.	Result
			Fee	
Court Fees and Fines: kesha franchina	\$148.00	1	\$4.22	Approved
Payment ID: 100263452258				
Recordings				
Total Amounts + All Fees:	\$152.22			

BILLING INFORMATION

Payment will be billed to:

KESHA FRANCHINA

Card ending in ...0300 (Visa)

Processed at 02/21/2023 8:57:22 AM CST

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Certified Payments provides a service for consumers and businesses to make payments via their credit card for various types of services and taxes. By utilizing Certified Payments, you, the cardholder, are subject to the following terms and conditions. By submitting your payment through Certified Payments, you are agreeing to the terms and conditions listed in the Legal Notices link below. Please read all terms and conditions carefully.

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