

22-01013

CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2022-03

AN ORDINANCE ANNEXING TWO TRACTS OF LAND PLUS AN ADJACENT PUBLIC RIGHT-OF-WAY THAT EXISTS AS PART OF CORONADO DRIVE, INTO THE CORPORATE LIMITS OF THE CITY OF KERRVILLE, TEXAS; SUCH PROPERTY MAKING UP APPROXIMATELY 16.85 ACRES AND GENERALLY LOCATED NORTH AND WEST OF THE 700 BLOCK OF CORONADO DRIVE; EACH PROPERTY MORE SPECIFICALLY DESCRIBED IN THIS ORDINANCE AND BEING LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY; ADOPTING A SERVICE AGREEMENT; ESTABLISHING THE ZONING FOR THE ANNEXED PROPERTY AS A SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT (R-1); REZONING AN ADJACENT TRACT OF LAND CURRENTLY LOCATED WITHIN THE CITY, BY CHANGING ITS ZONING TO AN R-1 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 approximately 16.85 acres, as more specifically described below, and includes a portion of existing right-of-way, all of which is collectively referred to herein as the "Property"; and

WHEREAS, the Property lies within the extraterritorial jurisdiction of the City; and

WHEREAS, a portion of the Property to be annexed, approximately 0.274 acres, exists as Coronado Drive, a road and corresponding right-of-way of Kerr County, Texas, which per Section 43.1056 of the Texas Local Government Code, the City may annex upon providing written notice of the annexation to the owner of the right-of-way, which the City has done; 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

Approved 1/25/2022
EFFECTIVE 2/11/2022

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 plus an additional tract which is located adjacent to said 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. The Property is made up of two tracts consisting of approximate 15.925 and .651 acres, plus an existing portion of public right-of-way, consisting of approximately .274 acres, and known as Coronado Drive, and as more specifically described in **Exhibit B**.

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 C**, 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 43.1056 of the Texas Local Government Code, the City has provided written notice to Kerr County of the annexation of the

right-of-way currently existing as Coronado Drive (±.274 acres), as depicted on the map found at **Exhibit A** and as more specifically described in **Exhibit B**.

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**. 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.

A. 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 Single-Family Residential Zoning District (R-1), which will allow the Property to be used in ways consistent with those land uses specified in that district.

B. The Zoning Code and the Official Zoning Map are amended to designate the following described property zoned as within a Single-Family Residential Zoning District (R-1):

Legal Description: Being approximately 1.499 acres out of Lot 61, Heights of Kerrville Subdivision, a subdivision, according to the plat filed Volume 8, Page 125 of the Kerr County real property records; and within the City of Kerrville, Kerr County, Texas; said tract more specifically described and depicted at Exhibit A.

SECTION SEVEN. AMENDMENT TO CITY BOUNDARY. The City Manager or designee is authorized and directed to amend the City’s Comprehensive Plan (*Kerrville 2050*), together with its *Future Land Use Map*, as necessary to make it consistent with the amendment(s) to the Zoning Code authorized by this Ordinance. Specifically, the Comprehensive Plan will be

revised to reflect that the Property is now "Neighborhood Residential", which change will match the adjacent residential development to the southwest.

SECTION EIGHT. EXHIBITS. All attached exhibits are incorporated herein as if fully included in the body of this Ordinance.

SECTION NINE. 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 TEN. 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 ELEVEN. 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 TWELVE. 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 THIRTEEN. 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 11
day of January A.D., 2022.

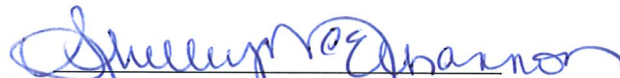
PASSED AND APPROVED ON SECOND READING, this the
25 day of JANUARY A.D., 2022.


Bill Blackburn, Mayor

APPROVED AS TO FORM:


Michael C. Hayes, City Attorney

ATTEST:


Shelley McElhannon, City Secretary

**FIELD NOTE DESCRIPTION OF A 15.925 ACRE
BEING PART OF THAT CERTAIN 328.55 ACRE
PARCEL WITHIN THE FLORENTINE LARA
SURVEY No. 123, ABSTRACT No. 225,
KERR COUNTY, TEXAS**

Being a 15.925 acre parcel within that certain 328.55 acre tract of land situated in the Florentine Lara Survey No. 123, Abstract No. 225, Kerr County, Texas, being that same tract conveyed from TF-Hartman, LLC, a Texas limited liability company, and TF-Heights of Kerrville, LLC, a Texas limited liability company to Kerrville Heights, LLC, a Delaware limited liability company by a Special Warranty Deed executed the 3rd day of May, 2013, and recorded in Document No. 13-3157 of the Official Public Records of Kerr County, Texas; 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, S. 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 at the base of a fence corner post marking the northeast corner of Lot 8, Block 8, Village Glen Subdivision recorded in Volume 6, Page 240, Official Public Records of Kerr County, Texas identical to the south-southeast corner of the herein described parcel;

THENCE westerly with the northerly line of Lots 8,7,6,5,4,3,2,1 Block 8, said Village Glen Subdivision the following courses each point marked with a found 1/2 inch diameter steel rod; N44°54'14"W, 278.76 feet;

N44°34'53"W, 93.63 feet;

N45°09'45"W, 185.65 feet;

N44°57'36"W, 92.94 feet and;

THENCE with the northerly line of Lot 1, Block 8, Village Glen Subdivision, N44°55'11"W, 104.00 feet to a 1/2 inch diameter steel rod with plastic cap stamped "Mansfield" found at the base of a fence corner post at the northerly terminus of the easterly Right-of-Way of Glen View Drive, a fifty (50) foot wide public street marking the northwest corner of Lot 1, Block 8 of said Village Glen Subdivision;

THENCE across the said northerly terminus of said Glenn View Drive, N44°55'12"W, 49.97 feet to a 5/8 inch diameter steel rod found at the base of a fence corner post in the northwest Right-of-Way line of said Glen View Drive marking the east corner of Lot 11, Block 7 of the Village Glen Subdivision;

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THENCE westerly and northwesterly along the north and northeast lines of Lots 11, 10, 9, 8, 7, and Lot 6, Block 7 of said Village Glen subdivision the following courses each point marked with 5/8 inch or 1/2 inch diameter steel rod;

N44°57'17"W, 133.42 feet;

N44°24'39"W, 28.00 feet ;

N19°46'39"W, 244.93 feet and;

THENCE continuing northwesterly, N19°46'06"W, 134.12 feet to a 1/2 inch diameter steel rod found marking the northwest corner of Lot 6, Block 7 of said subdivision, said point identical to the southerly most corner of Lot 9, The Heights of Kerrville according to the plat filed in Volume 8, Page 125, Official Public Records of Kerr County, Texas for the southwesterly most corner of the herein described parcel;

THENCE northeasterly with the southeasterly line of Lots 9, and 8, of said The Heights of Kerrville Subdivision, N07°013'42"E, 390.19 feet to a Cotton Picker Spindle found marking an angle point for Lot 8, of said The Heights of Kerrville Subdivision identical to the northwesterly most corner of the herein described parcel;

THENCE southeasterly along the southwest line of said Lot 8, S22°20'31"E, 304.19 feet to a 1/2 inch diameter steel rod with plastic cap stamped "Matkin Hoover" found marking an angle point in the south line of said Lot 8, for an angle point of the herein described parcel;

THENCE with the southerly line of Lots 8, and 7, of said Subdivision, S45°07'02"E, 700.25 feet to a 1/2 inch diameter steel rod found marking the southeasterly most corner of said Lot 7, of said Subdivision for an angle point in the boundary of the herein described parcel;

THENCE northerly with the south-southeasterly line of said Lot 7, N35°50'51"E, 165.15 feet to a 1/2 inch diameter steel rod with a plastic cap stamped "Matkin Hoover" found marking an angle point in the easterly line of said Lot 7 for an angle point in the boundary of the herein described parcel;

THENCE continuing northerly with the southeasterly line of said Lot 7, N49°54'05"E, 109.82 feet to a 1/2 inch diameter steel rod with a plastic cap stamped "Matkin Hoover" found marking the common corner of Lots 7 and 1, said Subdivision, for an angle point in the boundary of the herein described parcel;

THENCE S84°32'52"E, 114.28 feet to a 1/2 inch diameter steel rod with a plastic cap stamped "Matkin Hoover" found being an angle point of Lot 1, for an angle point in the boundary of the herein described parcel;

THENCE southeasterly with the southwest line of said Lot 1, S45°06'10"E, 384.67 feet to a 1/2 inch diameter steel rod with a plastic cap stamped "Matkin Hoover" found in the northwest Right-of-Way



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line of Coronado Drive, a sixty (60) foot wide public street marking a point of curvature on said Right-of-Way marking the northeasterly most corner of the herein described parcel;

THENCE southwesterly along and with the said northwesterly Right-of-Way line of Coronado Drive., 111.16 feet along the arc of a curve concave to the northwest through a central angle of $11^{\circ}10'25''$ said curve having a radius of 570.00 feet and a chord of $S39^{\circ}35'00''W$, 110.98 feet to a Cotton Picker Spindle found in the said northwest Right-of-Way of Coronado Drive;

THENCE continuing with the said Right-of-Way line of Coronado Drive, $S44^{\circ}52'22''W$ 19.52 feet along said northwest Right-of-Way of Coronado Drive to an unmarked point from which a 1/2 inch diameter steel rod bears $S44^{\circ}52'22''W$, 5.08 feet.

THENCE over and across said Coronado Drive, $N44^{\circ}53'09''W$, 60.05 feet to a 1/2 inch diameter steel rod found in the easterly Right-of-Way of said Coronado Drive from which a 1/2 inch diameter steel rod with plastic cap stamped "Matkin Hoover" found on the easterly Right-of-Way of said "Coronado Drive" bears $N45^{\circ}14'49''W$, 19.44 feet;

THENCE southeasterly along the common line of Lots 59 and 61 The Heights of Kerrville as recorded in Volume 8 Page 125 Official Public Records of Kerr County, Texas, $S44^{\circ}52'03''E$, 152.14 feet to a Cotton Picker Spindle found in the northwest line of Lot 13 Block 6 The Highlands Subdivision as recorded in Volume 2 Page 8 Official Public Records of Kerr County, Texas identical to the northeasterly corner of the herein described parcel;

THENCE southwesterly along the common line of Lots 13 and 12, Block 6 of said Highlands Subdivision, $S45^{\circ}12'39''W$, 187.41 feet to a point in the approximate city limit line;

THENCE over and across said Lot 61 along the approximate city limit line, $N44^{\circ}15'00''W$, 151.97 feet, to an unmarked point in the southeasterly Right-of-Way line of Coronado Drive from which a 1/2 inch steel rod bears $S45^{\circ}09'38''W$, 178.97 feet;

THENCE westerly over and across said Coronado Drive, $N45^{\circ}15'00''W$, 60.01 feet to an unmarked point in the westerly Right-of-Way line of Coronado Drive being the common line of said 328.55 ac parcel from which a 1/2 inch steel diameter rod found in the westerly Right-of-Way of Coronado Drive bears $S45^{\circ}11'20''W$ 179.50 feet;

THENCE continuing westerly departing the Right-of-Way line of said Coronado Drive, $N44^{\circ}15'00''W$, 301.32 feet to an unmarked point for an angle point in the approximate city limit line;


THENCE southerly along the city limit line, $S45^{\circ}21'00''W$, 434.86 feet to the Point of Beginning the whole of which contains 19.315 acres more or less.



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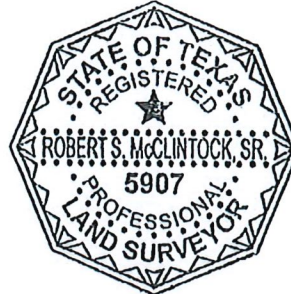
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KERRVILLE, TX 78028

Based upon a survey conducted on the ground
Under my direction and supervision July 9, 2021



Dated: 7/22/2021

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



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**FIELD NOTE DESCRIPTION OF A 0.651 ACRE PARCEL
BEING A PART OF LOT 61
THE HEIGHTS OF KERRVILLE SUBDIVISION
ACCORDING TO THE PLAT FILED IN VOLUME 8, PAGE 125
OFFICIAL PUBLIC RECORDS OF KERR COUNTY, TEXAS**

Being a 0.651 acre parcel of land in the Florentine Lara Survey No. 123, Abstract No. 225, Kerr County, Texas, being all of Lot 61 The Heights of Kerrville Subdivision, a subdivision of Kerr County, Texas of record in Volume 8, Page 125 Plat Records of Kerr County, Texas being that same tract conveyed from TF-Hartman, LLC, a Texas limited liability company, and TF-Heights of Kerrville, LLC, a Texas limited liability company to Kerrville Heights, LLC, a Delaware limited liability company, as recorded in Document No. 13-003157 of the Official Public Records of Kerr County, Texas; 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, S. 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 in the easterly Right-of-Way of "Coronado Drive" a 60 foot wide public right-of-way, the northwesterly corner of the herein described parcel from which a 1/2 inch diameter steel rod with plastic cap stamped "Matkin Hoover" found on the easterly Right-of-Way of said "Coronado Drive" bears N45°14'49"W, 19.44 feet;

THENCE southeasterly long the common line of Lots 59 and 61 The Heights of Kerrville as recorded in Volume 8 Page 125 Official Public Records of Kerr County, Texas, S44°52'03"E, 152.14 feet to a Cotton Picker Spindle found in the northwest line of Lot 13 Block 6 The Highlands Subdivision as recorded in Volume 2 Page 8 Official Public Records of Kerr County, Texas identical to the northeasterly corner of the herein described parcel;

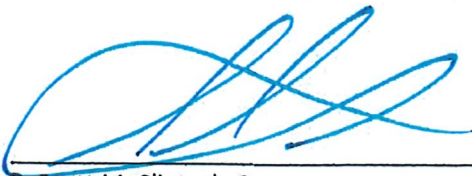
THENCE southwesterly along the common line of Lots 13 and 12 Block 6 of said Highlands Subdivision, S45°12'39"W, 187.41 feet to an unmarked point in the approximate city limit line;

THENCE over and across said Lot 61 along the approximate city limit line, N44°15'00"W, 151.97 feet, to a point in the southeasterly Right-of-Way line of said Coronado Drive;

THENCE northeasterly along said Right-of-Way, N45°09'21"E, 185.77 feet to the Point of Beginning the whole of which contains 0.651 acres more or less.

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Based upon a survey conducted on the ground
Under my direction and supervision May 7, 2021



Dated: 08/09/2021

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



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FIELD NOTES DESCRIPTION FOR A 0.651 ACRE TRACT

PG. [2]

ORDINANCE 2022-03

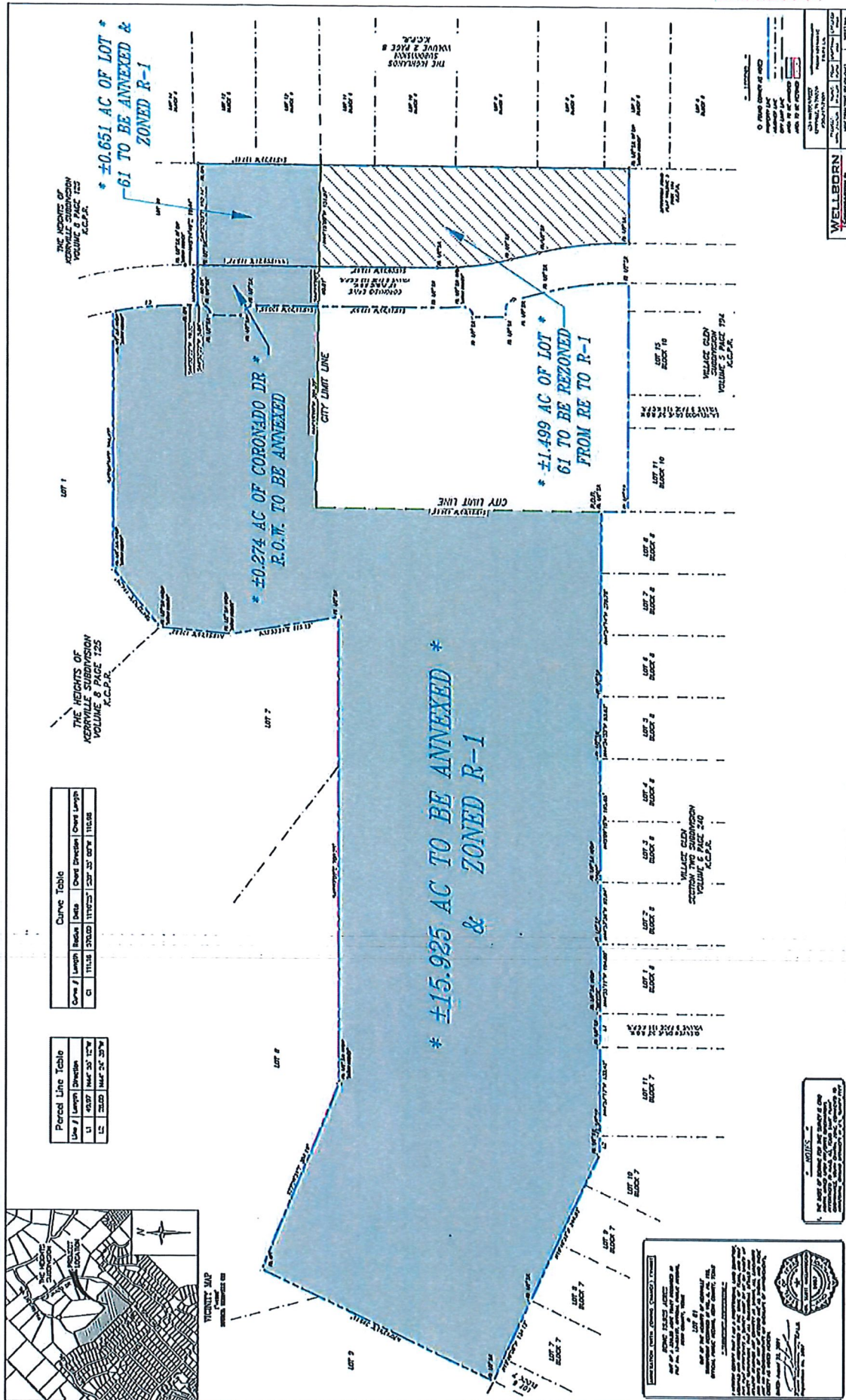
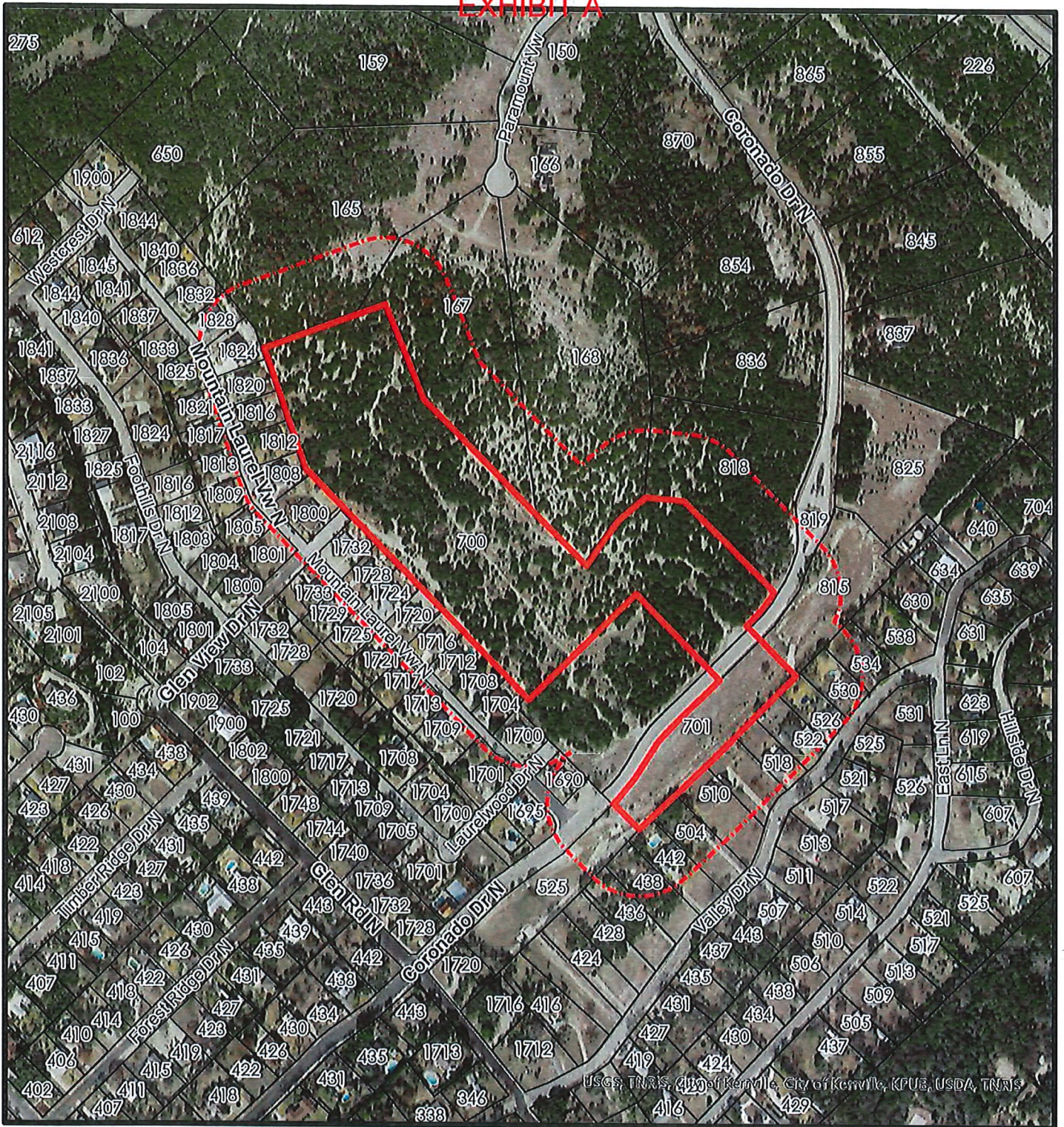


EXHIBIT A



Location Map

Case # PZ-2021-20

Location:

700 & 701 Coronado Drive

Legend

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



0 150 300 600
Scale In Feet

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.

ORDINANCE 2022-03

**FIELD NOTE DESCRIPTION OF A 0.274 ACRE
BEING A PART OF A RIGHT-OF-WAY
DESIGNATED AS CORONADO DRIVE
THE HEIGHTS OF KERRVILLE SUBDIVISION
ACCORDING TO THE PLAT FILED IN VOLUME 8, PAGE 125
OFFICIAL PUBLIC RECORDS OF KERR COUNTY, TEXAS**

Being a 0.274 acre parcel within that certain 328.55 acre tract of land situated in the Florentine Lara Survey No. 123, Abstract No. 225, Kerr County, Texas, being a part of Coronado Dr. a sixty (60) foot public Right-of-Way in The Heights of Kerrville Subdivision, a subdivision of Kerr County, Texas of record in Volume 8, Page 125 Plat Records of Kerr County, Texas being that same tract conveyed from TF-Hartman, LLC, a Texas limited liability company, and TF-Heights of Kerrville, LLC, a Texas limited liability company to Kerrville Heights, LLC, a Delaware limited liability company, as recorded in Document No. 13-003157 of the Official Public Records of Kerr County, Texas; 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, S. 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)

COMMENCING at a Cotton Picker Spindle found in the northwesterly Right-of-Way line of Coronado Drive, a sixty (60) foot wide public street, proceeding S44°52'22"W 19.52 feet along said northwest Right-of-Way of Coronado Drive to an unmarked point being **Point of Beginning** of the herein described tract;

THENCE continuing with the said Right-of-Way line of Coronado Drive, S44°52'22"W, 5.08 feet to a 1/2 inch diameter steel rod found in the Right-of-Way line of Coronado Dr. marking a point of curvature to the right;

THENCE continuing along and with said Right-of-Way, 23.44 feet along the arc of a curve concave to the north through a central angle of 89°32'02" said curve having a radius of 15.00 feet and a chord of S89°52'32"W, 21.13 feet to a 1/2 inch diameter steel rod found in the said northwest Right-of-Way of Coronado Drive;

THENCE following said Right-of-Way line of Coronado Drive, S45°20'26"W, 50.00 feet to a 1/2 inch diameter steel rod found marking the point of curvature to the right;

THENCE continuing with the Right-of-Way line of said Coronado Drive, 23.61 feet along the arc of a curve concave to the west through a central angle of 90°10'08" said curve having a radius of 15.00 feet

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and a chord of S00°07'32"E, 21.24 feet to a 1/2 inch diameter steel rod found at a point of tangency in the said northwest Right-of-Way of Coronado Drive;

THENCE progressing with said Right-of-Way line of said Coronado Dr., S45°11'20"W, 100.05 feet to an unmarked point in the Right-of-Way line of Coronado Dr. at the approximate city limit line;

THENCE over and across said Coronado Drive, S45°15'00"E, 60.01 feet to a point in the easterly Right-of-Way line of Coronado Drive identical to the southwesterly line of Lot 61, The Heights of Kerrville according to the plat filed in Volume 8, Page 125, Official Public Records of Kerr County, Texas;

THENCE northeasterly with Coronado Drive, N45°09'47"E, 185.77 feet to a 1/2 inch diameter steel rod found in the southeast Right-of-Way of Coronado Drive for the southeast corner said of Lot 59, identical to the northerly most corner of said Lot 61 The Heights of Kerrville identical to the east corner of the herein described tract;

THENCE over and across said Coronado Drive, N44°53'09"W, 60.05 feet to the Point of Beginning the whole of which contains 0.274 acres more or less.

Based upon a survey conducted on the ground
Under my direction and supervision May 7, 2021



Dated: 08/09/2021

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



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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 Exhibits A & B

NOTE: Exhibits are not attached to this document

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.

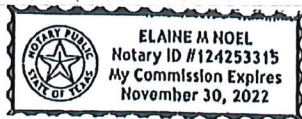
Signed: *Scott Kerner*

THE STATE OF TEXAS

COUNTY OF ~~KERR~~ *Dallas*

BEFORE ME, the undersigned authority, on this day personally appeared *Scott Kerner*, 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 *6th* day of *July*, 20*21*.



Elaine M. Noel
Notary Public in and for
Kerr County, Texas

SERVICE AGREEMENT

This Services Agreement (the "Agreement") is entered into between the **CITY OF KERRVILLE, TX**, a Texas Home-Rule Municipal Corporation (the "City") and **KERRVILLE HEIGHTS, 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, the Parties find that, to date, 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. The 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 may 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.

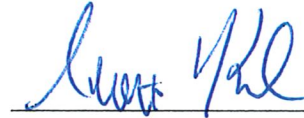
Section 15. Counterparts. This Agreement may be separately executed in individual counterparts and, upon execution, shall constitute one and same instrument.

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.

Section 17. Sections to Survive Termination. This Agreement shall survive its termination to the extent necessary for the implementation of the provisions related to water service to the Subject Property by the City.

EXECUTED this 22nd day of December, 2021.

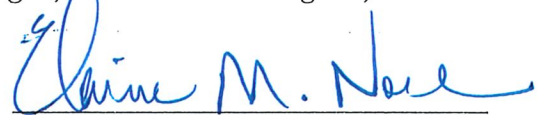
KERRVILLE HEIGHTS, LLC



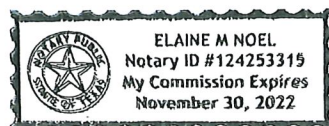
Scott Kocurek
Manager

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 22nd day of December, 2021, by Scott Kocurek, the Manager, of Kerrville Heights, 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:

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

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.

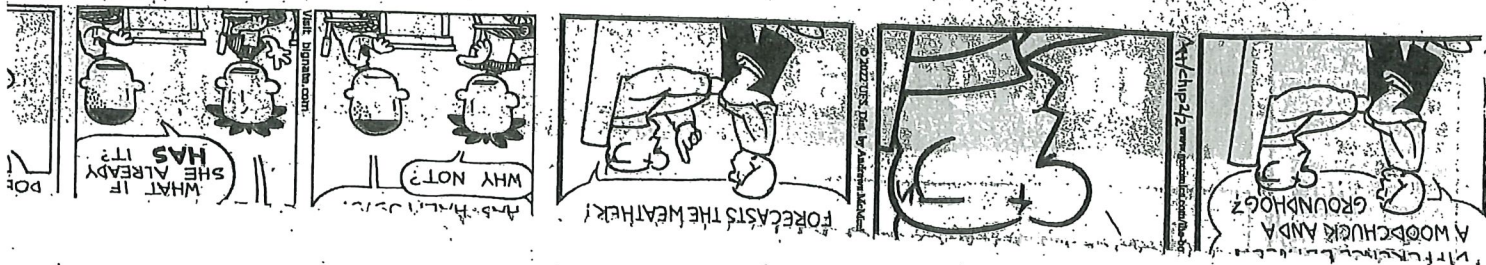
SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
Code Enforcement	The provisions of Code Enforcement services, including the application and enforcement of building, electrical, plumbing, and other related code requirements adopted by the City of Kerrville shall be made immediately to the area upon annexation. 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.
Parks and Recreation Facilities	The City will maintain park and recreation facilities located within the annexation 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 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

SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
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. 2. Routine maintenance of public streets and rights-of-way performed within the City. 3. Street sweeping services may occur based upon need and funding. 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>Immediately following annexation</p>

SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
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
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
Water Service	The City will provide for the maintenance of City-owned public water lines within the annexation area provided that the area is within the City's Certificate of Convenience and Necessity area as determined by the Texas Commission on Environmental Quality (TCEQ) 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

SERVICE	DETAILS OF SERVICE PROVIDED	TIMETABLE
Wastewater Service	The City will provide for the maintenance of sanitary sewer lines within the annexation area provided that the area is within the City's Certificate of Convenience and Necessity area as determined by the Texas Commission on Environmental Quality (TCEQ) 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
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



The Kerrville
DAILY TIMES
CLASSIFIEDS

Tuesday, February 1, 2022

Call: **896-7777**

Fax: (830)896-1150

E-mail: classifieds@dailytimes.com

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- Weekend Deadline | Friday 10:30 am

OFFICE HOURS:

8 a.m. to 5 p.m.

Monday through Friday

429 Jefferson Street, Kerrville, TX

830-896-7000

(R-3) ZONING DISTRICT, AND PROVIDING OTHER MATTERS RELATING TO THIS SUBJECT.

CITY OF KERRVILLE, TEXAS

ORDINANCE NO. 2022-05

AN ORDINANCE ANNEXING TWO TRACTS OF LAND PLUS AN ADJACENT PUBLIC RIGHT-OF-WAY THAT EXISTS AS PART OF LEHMANN DRIVE, INTO THE CORPORATE LIMITS OF THE CITY OF KERRVILLE, TEXAS; SUCH PROPERTY MAKING UP APPROXIMATELY 168.84 ACRES AND GENERALLY LOCATED ALONG THE WEST AND SOUTHWEST BORDERS OF PETERSON REGIONAL MEDICAL CENTER; SUCH PROPERTY MORE SPECIFICALLY DESCRIBED IN THIS ORDINANCE AND BEING LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY AND ADJACENT TO THE CITY LIMITS; ADOPTING A SERVICE AGREEMENT; ESTABLISHING THE ZONING FOR THE ANNEXED PROPERTY AS AGRICULTURE (AG) AND PUBLIC AND INSTITUTIONAL (PI) ZONING DISTRICTS; AND PROVIDING OTHER MATTERS RELATING TO THIS SUBJECT.

CITY OF KERRVILLE, TEXAS

ORDINANCE NO. 2022-03

AN ORDINANCE ANNEXING TWO TRACTS OF LAND PLUS AN ADJACENT PUBLIC RIGHT-OF-WAY THAT EXISTS AS PART OF CORONADO DRIVE, INTO THE CORPORATE LIMITS OF THE CITY OF KERRVILLE, TEXAS; SUCH PROPERTY MAKING UP APPROXIMATELY 16.85 ACRES AND GENERALLY LOCATED NORTH AND WEST OF THE 700 BLOCK OF CORONADO DRIVE; EACH PROPERTY MORE SPECIFICALLY DESCRIBED IN THIS ORDINANCE AND BEING LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY; ADOPTING A SERVICE AGREEMENT; ESTABLISHING THE ZONING FOR THE ANNEXED PROPERTY AS A SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT (R-1); REZONING AN ADJACENT TRACT OF LAND CURRENTLY LOCATED WITHIN THE CITY, BY CHANGING ITS ZONING TO AN R-1 ZONING DISTRICT; AND PROVIDING OTHER MATTERS RELATING TO THIS SUBJECT.

**Full-time
 Employment**

Childcare positions available at St. Peter's nursery for ages 0-4 yrs. Staff provides loving and safe environment for Sunday morning and Wednesday evenings.

Applicants should have a basic knowledge of the Bible and must be able to lift 30 lbs and pass a background check. Previous childcare experience

ORDINANCE 2022-03

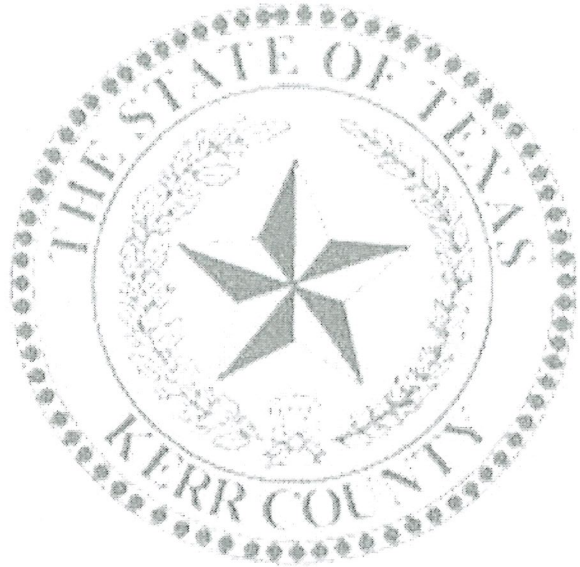
FILE AND RETURN TO:

CITY OF KERVILLE, TEXAS

CITY SECRETARY

701 MAIN STREET

KERRVILLE, TX 78028



Complete this form and return to:

Kerr County Clerk
Attn: Land Records
700 Main Street, RM 122
Kerrville, TX 78028

INCLUDE THIS FORM WITH YOUR RECORDS AND PAYMENT.

Call us with questions: 830-792-2255.



FILED AND RECORDED
At 1:36 o'clock P M
STATE OF TEXAS
COUNTY OF KERR

February 7, 2022

I hereby certify that this instrument was filed in the
numbered sequence on the date and time
stamped above by me and was duly recorded in
the Official Public Records of Kerr County Texas.
Jackie Dowdy County Clerk

Deane Rodriguez Deputy

ORDINANCE 2022-03