

CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2023-01

AN ORDINANCE ANNEXING A TRACT OF LAND INTO THE CORPORATE LIMITS OF THE CITY OF KERRVILLE, TEXAS; SUCH PROPERTY MAKING UP APPROXIMATELY 4.45 ACRES AND GENERALLY LOCATED ADJACENT TO AND SOUTH OF KERRVILLE SCHREINER PARK; MORE COMMONLY KNOWN AS 2511 STATE HIGHWAY 173 (BANDERA HIGHWAY); 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 MIXED USE (MU) 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 4.45 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** 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 a Mixed Use (MU) 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 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 13 day of December A.D., 2022.

10 PASSED AND APPROVED ON SECOND READING, this the 10 day of January A.D., 2023.

Judy Eychner
Judy Eychner, Mayor

APPROVED AS TO FORM:

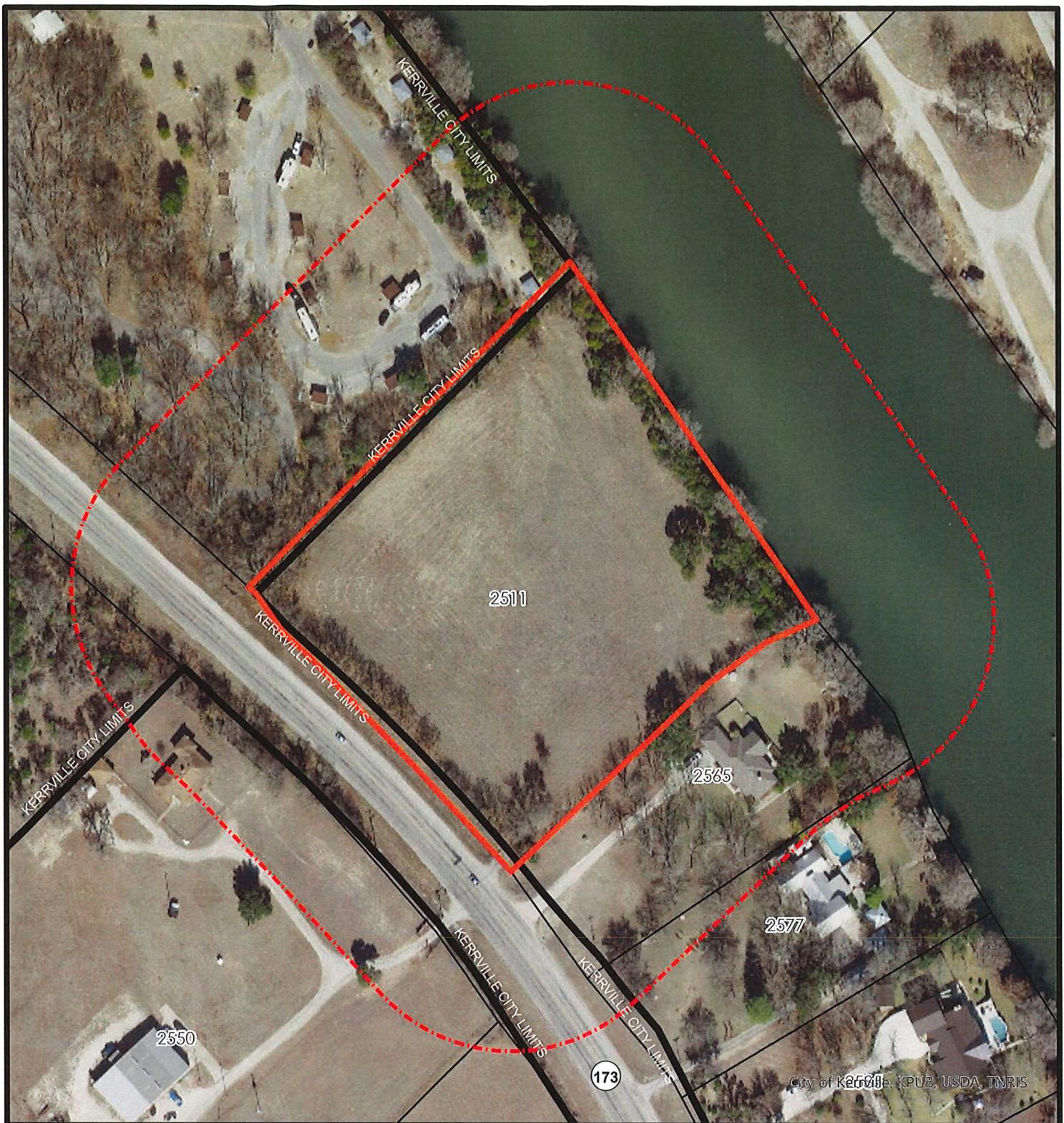
Michael C. Hayes

Michael C. Hayes, City Attorney

ATTEST:

Shelley McElhannon

Shelley McElhannon, City Secretary



Location Map

Case # PZ-2022-060

Location:
2511 Bandera Highway

Legend
200' Notification Area
Subject Properties



0 55 110 220

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.

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EXHIBIT "A"I. PROPERTY:

All that certain tract or parcel of land lying and being situated in the County of Kerr, State of Texas, and being 4.45 acres, more or less, and being more particularly described as:

Being all of a certain tract or parcel of land out of David Schuchard Survey No. 67, Abstract No. 299, in Kerr County, Texas; the same land conveyed as Tract No. 2 to the GMU Family Partnership, Ltd. from the George Milton Underwood IV Income Trust Two, et al, by a Special Warranty Deed executed the 7th day of July, 1998 and recorded in Volume 962 at Page 679 of the Real Property Records of Kerr County, Texas; and being more particularly described by metes and bounds as follows (record calls shown in parentheses):

BEGINNING at a 3/8" iron stake found for the west corner of the herein described tract and said Tract No. 2, 3.4 ft. N.59°24'04"W. from a three-way fence cornerpost in the northeast right-of-way line of State Highway No. 173, in the southeast line of 500 acres conveyed to the State of Texas from the City of Kerrville by a Warranty Deed executed the 10th day of December, 1934 and recorded in Volume 58 at Page 116 of the Deed Records of Kerr County, Texas; which point bears, approximately, 7332 ft. N.45°E. from the west corner of said Survey No. 67;

THENCE, with the common line between said Tract No. 2 and said 500 acres, north of and diverging from a fence, N.44°43'18"E., at 483.7 ft. passing 17.0 ft. northwest of a fence endpoint for reference, then continuing for a total distance of 504.20 ft. (N.44°44"E. 504.2 ft.) to an unmarked point on the southwest bank of the Guadalupe River for the north corner of the herein described tract, the northeasterly common corner of said Tract No. 2 and said 500 acres;

THENCE, with the northeast line of said Tract No. 2, along the southwest bank of said Guadalupe River, S.33°32'04"E. 435.76 ft. (S.33°30"E. 436.5 ft.) to an unmarked point for the east corner of the herein described tract and said Tract No. 2, which point bears 53.7 ft. N.67°34'49"W. from the north corner of 1.75 acres conveyed to Norman G. Sherman, et ux, from William Henry Ray, et al, by a Warranty Deed executed the 6th day of August, 1984 and recorded in Volume 301 at Page 420 of the Deed Records of Kerr County, Texas;

THENCE, with the southeast line of said Tract No. 2, northwest of and converging with the northwest line of said 1.75 acres, S.45°01'14"W., at 73.08 ft. (73.3 ft.) passing a 3/8" iron stake found for reference, then continuing for a total distance of 418.30 ft. (S.45°06'W. 418.3 ft.) to a 3/8" iron stake found at a fence cornerpost for the south corner of the herein described tract and said Tract No. 2, in the northeast right-of-way line of said State Highway No. 173, in a 02°54'35" curve concave to the southwest having a radius of 1969.26 ft. (1970.08 ft.);

THENCE, along a fence with the southwest line of said Tract No. 2, the northeast right-of-way line of said State Highway No. 173: 307.39 ft. (311.3 ft.) along an arc of said 02°54'35" curve subtended by a central angle of 08°56'36" [long chord = N.43°39'50"W. 307.07 ft.] to a concrete right-of-way marker found at its end; and N.48°08'08"W. 117.65 ft. (N.48°04'W. 114.7 ft.) to the PLACE OF BEGINNING containing 4.45 acres of land, more or less, within these metes and bounds.

II. EXCEPTIONS:

1. Standby fees, taxes and assessments by any taxing authority for the year 2006, and subsequent years, and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership, but not those taxes or assessments for prior years because of an exemption granted to a previous owner of the property under Section 11.13, TEXAS TAX CODE, or because of improvements not assessed for a previous tax year.
2. Visible and/or apparent utility easements.
4. Easements to Lower Colorado River Authority recorded in Volume 5, Page 609, Easement Records of Kerr County, Texas.
5. Any titles or rights asserted by anyone, including, but not limited to, persons, the public, corporation, governments or other entities,
 - a. to tidelands, or lands comprising the shores or beds of navigable to perennial rivers and streams, lakes, bays, gulf or oceans, or
 - b. to lands beyond the line of harbor or bulkhead lines as established or changed by any government, or
 - c. to filled-in lands, or artificial islands, or
 - d. to statutory water rights, including riparian rights, or
 - e. to the area extending from the line of mean low tide to the line of vegetation, or the rights of access to that area or easement along and across that area.
6. Fence encroachment on north boundary line as shown on survey dated January 12, 2000, prepared by Don Voelkel, RPLS.

Provisions herein which restrict the sale, rental or use of the described property because of color or race is invalid and unenforceable under Federal Law.
THE STATE OF TEXAS
COUNTY OF KERR
I hereby certify that this instrument was FILED in the File Number Sequence
on the date and at the time stamped herein by me and was duly RECORDED
in the Official Public Records of Kerr County, Texas on

July 21 2006


JAMES LIESE
COUNTY CLERK, KERR COUNTY, TEXAS

**PETITION REQUESTING ANNEXATION BY AREA LANDOWNERS
TO THE MAYOR OF THE GOVERNING BODY OF KERRVILLE, TEXAS.**

The undersigned owner of the hereinafter described tract of land, which is vacant and without residents, or contains 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: *Jamie Lee Dabke*

THE STATE OF TEXAS

COUNTY OF KERR

BEFORE ME, the undersigned authority, on this day personally appeared Jamie Lee Dabke, 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 10 day of September, 2023.

J. K. Kline

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"> <li data-bbox="551 1685 1171 1843">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>



City of Kerrville

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December 1, 2022

To Whom It May Concern,

Please allow this letter to serve as permission to release the City's Confidential Sales Tax Report, Hotel Occupancy Tax Reports, and any other financial or statistical report for the purpose of economic analysis, financial forecasting, and budgeting.

Requests for the report will be made using the Comptroller's Open Records Portal. Please release the report when requested to:

Julie Behrens
Director of Finance
julie.behrens@kerrvilletx.gov

Trina Rodriguez
Assistant Director of Finance
trina.rodriguez@kerrvilletx.gov

Thank you,

E.A. Hoppe
City Manager
City of Kerrville