

CITY OF DRIPPING S

ORDINANCE NO. 2019-09

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS, TO VOLUNTARILY ANNEX BY REQUEST OF THE PROPERTY OWNER OF A SPARSELY OCCUPIED AREA APPROXIMATELY 14.018 ACRES OF LAND INTO THE INCORPORATED MUNICIPAL BOUNDARIES OF THE CITY OF DRIPPING SPRINGS, TEXAS INCLUDING THE FOLLOWING: FINDINGS OF FACT; EFFECTIVE DATE; REPEALER; SEVERABILITY; AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Dripping Springs (“City”) is a Type-A, General Law municipality located in Hays County, Texas with the rights and privileges thereto; and

WHEREAS, Section 43.028 of the Texas Local Government Code authorizes a Type-A general law municipality to extend the boundaries of the municipality and annex area adjacent to the municipality by petition of area landowners in accordance with the procedural rules prescribed by Texas Local Government Code Chapter 43; and

WHEREAS, the City received a written petition requesting the voluntary annexation of the area described in Exhibit “A” on November 26, 2018; and

WHEREAS, the area identified in Exhibit “A,” part of the Benjamin F. Hanna Survey, , is adjacent and contiguous to the city limits; and

WHEREAS, the area identified in Exhibit “A” is less than one-half mile in width; and

WHEREAS, the City Council granted the petition and called public hearings on December 11, 2018 by Resolution Number 2018-R44; and

WHEREAS, the City Council of the City of Dripping Springs (“City Council”) has conducted two public hearings, both held on February 12, 2019 regarding annexation of the area and has provided all required notices within the timeframes established under Chapter 43 of the Texas Local Government Code; and

WHEREAS, the City has prepared a service plan for the area to be annexed in accordance with Section 43.065 of the Texas Local Government Code providing for full municipal services to such area, which service plan was made available to the public and is attached hereto as Exhibit “B”; and

WHEREAS, the City Council deems it to be in the best interest of the citizens of the City to annex said territory into the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DRIPPING SPRINGS, TEXAS:

1. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of Dripping Springs, Texas, and are hereby approved and incorporated into the body of this Ordinance as if copied herein in their entirety.

2. ANNEXATION OF TERRITORY

- A.** The property in the area described in Exhibit "A", which is attached hereto and incorporated herein for all purposes, is hereby annexed and brought into the municipal boundaries (i.e., corporate limits) of the City of Dripping Springs, and is made an integral part, hereof.
- B.** The official map and boundaries of the City of Dripping Springs are hereby amended and revised so as to include the area annexed, and to reflect the expansion of the City's extraterritorial jurisdiction resulting from such annexation.
- C.** A service plan prepared in accordance with applicable provisions of state law pertaining to annexation is attached hereto as Exhibit "B" and incorporated herein for all intents and purposes.
- D.** The owners and inhabitants of the area herein annexed are entitled to all of the rights and privileges of other citizens of the City of Dripping Springs and are hereby bound by all acts, ordinances and other legal actions now in full force and effect and those that may be hereafter adopted or enacted.
- E.** Pursuant to Section 1.5, Exhibit A, Zoning Ordinance, City of Dripping Springs Code of Ordinance, the newly annexed property shall be zoned Agricultural (AG) until a zoning application is filed by the property owner and approved by the City.

3. EFFECTIVE DATE

This ordinance is effective and the annexation achieved herein shall be final and complete upon adoption of this Ordinance on the date set forth below.

4. FILING

- A.** The City Secretary is hereby instructed to include this Ordinance in the records of the City.
- B.** The City Secretary is hereby instructed to have prepared maps depicting the new municipal boundaries and extraterritorial jurisdiction.
- C.** The City Secretary is hereby instructed to file a certified copy of this Ordinance with the Hays County Clerk.
- D.** The City Secretary is hereby instructed to submit by certified mail a certified copy of the annexation ordinance a map of the entire city that shows the change in boundaries, with the

annexed portion clearly distinguished, resulting from the annexation to the Texas Comptroller's Office.

5. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

6. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

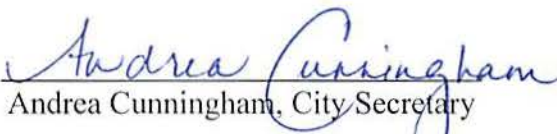
PASSED AND APPROVED this the 5th day of March 2019, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of the City of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:



Bill Foulds, Mayor Pro Tem

ATTEST:



Andrea Cunningham, City Secretary



Exhibit "A"

DESCRIPTION OF AREA TO BE ANNEXED (METES & BOUNDS TO FOLLOW)

13.127 acres of land out of the Benjamin F. Hanna Survey in Hays County, Texas, being that same property described in a Special Warranty Deed to Virginia Robinson by deed of record in Volume 4800, Page 601, Deed Records of Hays County, Texas; also to include .891 acres out of the Benjamin F. Hanna Survey No. 28, Abstract No. 222, being a variable right-of-way width west of U.S. Highway 290, adjacent to the 13.127 acres.

METES & BOUNDS

13.127 ACRES

**BENJAMIN F. HANNA SURVEY NO. 28, ABSTRACT NO. 222
HAYS COUNTY, TEXAS**

A DESCRIPTION OF 13.127 ACRES (APPROXIMATELY 571,802 SQ. FT.) IN THE BENJAMIN F. HANNA SURVEY NO. 28, ABSTRACT NO. 222, HAYS COUNTY, TEXAS, BEING ALL OF A 13.125 ACRE TRACT CONVEYED TO VIRGINIA LYNN PRIEST ROBINSON IN A SPECIAL WARRANTY DEED DATED OCTOBER 29, 2013, RECORD IN VOLUME 4800, PAGE 601 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID 13.127 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod with "Driftwood Surveying" cap found in the north right-of-way line of West U.S. Highway 290 (right-of-way width varies), recorded in Volume 185, Page 528 of the Deed Records of Hays County, Texas, being the southeast corner of a 42.248 acre tract conveyed to Janice Charlene Hataway, Julie Ann Duvall and Billie Charlene Ferrell Robinson, recorded in Volume 4800, Page 599 of the Official Public Records of Hays County, Texas, for the southwest corner hereof, from which a ½" iron rod with "Driftwood Surveying" cap found in the north right-of-way line of said West U.S. Highway 290, being the southwest corner of said 42.248 acre tract, bears with a curve to the left, having a radius of 5789.65 feet, a delta angle of 04°00'51", an arc length of 405.63 feet, and a chord which bears North 88°02'19" West, a distance of 405.55 feet;

THENCE North 00°08'18" East, departing the north right-of-way line of said West U.S. Highway 290, with the east line of said 42.248 acre tract, and the west line hereof, at 2.62 feet passing a ¼" Iron Pipe found, at 736.55 feet passing a ½" iron rod with "Driftwood Surveying" cap found, for a total distance of 2024.28 feet to a ½" iron rod with "Driftwood Surveying" cap found for the northeast corner of said 42.248 acre tract, being in the south line of Lot A, Settlers Point Phase 2, a subdivision in Hays county, Texas according to the map or plat thereof, recorded in Book 9, Page 105 of the Plat Records of Hays County, Texas, same being the northwest corner hereof;

THENCE South 70°33'26" East, a distance of 266.77 feet to a ½" iron rod found for the southeast corner of said Lot A, being in the west line of a 13.1 acre tract, described as Tract 1, recorded in Document No. 16010459 of the Official Public Records of Hays County, Texas, for the northeast corner hereof;

THENCE with the west line of said Tract 1 and the east line hereof the following two (2) courses and distances:

1. South 02°03'52" East, a distance of 1229.04 feet to a ¾" Iron Pipe found;
2. South 01°51'23" East, a distance of 223.57 feet to a ½" Iron Pipe found for the southwest corner of said Tract 1, being the northwest corner of a 2.93 acre tract, recorded in Document No. 9924936 of the Official Public Records of Hays County, Texas;

THENCE with the west line of said 2.93 acre tract and the east line hereof the following two (2) courses and distances:

1. South 01°56'56" East, a distance of 182.51 feet to a 60d Nail found in a 10" Live Oak;
2. South 00°49'18" East, a distance of 113.68 feet to a calculated point for the southwest corner of said 2.93 acre tract, being the northwest corner of a 1.07 acre tract, recorded in Volume 4265, Page 739 of the Deed Records of Hays County, Texas;

THENCE with the west line of said 1.07 acre tract and the east line hereof the following three (3) courses and distances:

1. South 00°49'18" East, a distance of 94.41 feet to a 60d Nail found in a 19" Live Oak;
2. South 11°55'24" West, a distance of 89.13 feet to a 60d Nail found in a 17" Live Oak;
3. South 00°18'39" East, at 32.79 feet passing a ¾" Iron Pipe found, for a total distance of 34.65 feet to a ½" Iron Rod found in the north right-of-way line of said West U.S. 290, being the southwest corner of said 1.07 acre tract, for the southeast corner hereof;

THENCE with a curve to the left, having a radius of 5789.65 feet, a delta angle of 02°58'19", an arc length of 300.32 feet, and a chord which bears North 84°32'44" West, a distance of 300.29 feet to the **POINT OF BEGINNING**, containing 13.127 acres (approximately 571,802 square feet) of land, more or less.

Surveyed on the ground on May 23, 2018.

Bearing Basis: Grid bearings of the Texas Coordinate System of 1983, South Central Zone (4203), US Survey Feet, based on GPS solutions from The National Geodetic Survey (NGS) On-line Positioning User Service (OPUS).

Attachments: Survey Drawing No. 1413-001-EX1.



Bryan D. Newsome
 Registered Professional Land Surveyor
 State of Texas No. 5657
 TBPLS Firm No. 10124500

ROW Metes and Bounds

0.891 ACRES

**BENJAMIN F. HANNA SURVEY NO. 28, ABSTRACT NO. 222
HAYS COUNTY, TEXAS**

A DESCRIPTION OF 0.891 ACRES (APPROXIMATELY 38,822 SQ. FT.) IN THE BENJAMIN F. HANNA SURVEY NO. 28, ABSTRACT NO. 222, HAYS COUNTY, TEXAS, BEING A PORTION OF WEST U.S. HIGHWAY 290 (RIGHT-OF-WAY VARIES), ADJACENT TO A 13.125 ACRE TRACT CONVEYED TO VIRGINIA LYNN PRIEST ROBINSON IN A SPECIAL WARRANTY DEED DATED OCTOBER 29, 2013, RECORD IN VOLUME 4800, PAGE 601 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS AND ADJACENT TO THE AMENDING PLAT OF BUNKER RANCH PHASE 1, A SUBDIVISION IN HAYS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN DOCUMENT NO. 18003443 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS; SAID 0.891 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod with "Driftwood Surveying" cap found in the north right-of-way line of West U.S. Highway 290 (right-of-way width varies), recorded in Volume 185, Page 528 of the Deed Records of Hays County, Texas, being the southeast corner of a 42.248 acre tract conveyed to Janice Charlene Hataway, Julie Ann Duvall and Billie Charlene Ferrell Robinson, recorded in Volume 4800, Page 599 of the Official Public Records of Hays County, Texas, same being the southwest corner of said 13.125 acre tract, for the northwest corner hereof, from which a ½" iron rod with "Driftwood Surveying" cap found in the north right-of-way line of said West U.S. Highway 290, being the southwest corner of said 42.248 acre tract, bears with a curve to the left, having a radius of 5789.65 feet, a delta angle of 04°00'48", an arc length of 405.63 feet, and a chord which bears North 88°02'18" West, a distance of 405.55 feet, and from which a ¾" iron pipe found in the west line of said 13.125 acre tract, same being the east line of said 42.248 acre tract, bears North 00°08'18" East, a distance of 2.62 feet;

THENCE with the north right-of-way line of said West U.S. Highway 290, the south line of said 13.125 acre tract, and the north line hereof, with a curve to the right, having a radius of 5789.65 feet, a delta angle of 02°58'19", an arc length of 300.32 feet, and a chord which bears South 84°32'44" East, a distance of 300.29 feet to a ½" iron rod with "Driftwood Surveying" cap found in the north right-of-way line of said West U.S. Highway 290, being the southeast corner of said 13.125 acre tract, same being the southwest corner of a 1.07 acre tract, recorded in Volume 4265, Page 739 of the Deed Records of Hays County, Texas, from which a ¾" iron pipe found in the east line of said 13.125 acre tract and the west line of said 1.07 acre tract, bears

North $00^{\circ}18'39''$ West, a distance of 1.85 feet;

THENCE South $02^{\circ}45'32''$ West, crossing said West U.S. Highway 290, a distance of 119.55 feet to a concrete monument found in the south right-of-way line of said West U.S. Highway 290, being the northeast corner of Lot 1, Block 2, The Amending Plat of Bunker Ranch Phase 1, a subdivision in Hays County, Texas, according to the map or plat thereof, recorded in Document No. 18003443 of the Official Public Records of Hays County, Texas, same being the northwest corner of a 361.83 acre tract conveyed to Forestar (USA) Real Estate Group Inc., record in Document No. 16009949 of the Official Public Records of Hays County, Texas;

THENCE with the south right-of-way line of said West U.S. Highway 290, the north line of said Bunker Ranch Phase 1, with a curve to the left, having a radius of 5679.58 feet, a delta angle of $02^{\circ}56'40''$, an arc length of 291.87 feet, and a chord which bears North $89^{\circ}02'07''$ West, a distance of 291.84 feet to a calculated point, from which a concrete monument found in the south right-of-way line of said West U.S. Highway 290 and the north line of said Bunker Ranch Phase 1, bears with a curve to the left, having a radius of 5679.58 feet, a delta angle of $01^{\circ}06'56''$, an arc length of 110.58 feet, and a chord which bears North $88^{\circ}56'05''$ West, a distance of 110.58 feet to a calculated point and South $88^{\circ}22'37''$ West, a distance of 670.74 feet;

THENCE North $00^{\circ}33'03''$ West, crossing said West U.S. Highway 290, a distance of 143.05 feet to the **POINT OF BEGINNING**, containing 0.891 acres (approximately 38,822 square feet) of land, more or less.

Surveyed on the ground on May 23, 2018.

Bearing Basis: Grid bearings of the Texas Coordinate System of 1983, South Central Zone (4203), US Survey Feet, based on GPS solutions from The National Geodetic Survey (NGS) On-line Positioning User Service (OPUS).

Attachments: Survey Drawing No. 1413-001-EX2.



Bryan D. Newsome
Registered Professional Land Surveyor
State of Texas No. 5657
TBPLS Firm No. 10124500

30 July 2018

Exhibit "B"

**MUNICIPAL SERVICE PLAN
CITY OF DRIPPING SPRINGS, TEXAS**

**14.018 ACRES OUT OF THE BENJAMIN F. HANNA SURVEY IN
HAYS COUNTY, TEXAS**

A. INTRODUCTION

The City of Dripping Springs has been petitioned to annex into the City of Dripping Springs the property described below. A map showing the location is attached as *Appendix "A."*

13.127 acres of land out of the Benjamin F. Hanna Survey in Hays County, Texas, being that same property described in a Special Warranty Deed to Virginia Robinson by deed of record in Volume 4800, Page 601, Deed Records of Hays County, Texas; also to include .891 acres out of the Benjamin F. Hanna Survey No. 28, Abstract No. 222, being a variable right-of-way width west of U.S. Highway 290, adjacent to the 13.127 acres.

B. MUNICIPAL SERVICES TO BE PROVIDED

1. POLICE PROTECTION

The City does not provide municipal police protection but has an agreement with Hays County for protection through the Hays County Sheriff's Office.

2. FIRE SERVICE

The City does not provide municipal fire services but this area is served by the North Hays County Volunteer Fire Department. Fire prevention activities will be provided by the Hays County Fire Marshal's Office.

3. BUILDING INSPECTION/CODE ENFORCEMENT SERVICES

The Building Inspection Department will provide Code Enforcement Services upon annexation. This includes issuing building, electrical, mechanical and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes which regulate building construction within the City of Dripping Springs.

4. LIBRARIES

The City does not own a municipal library. A community library is provided by the Dripping Springs Community Library.

5. ENVIRONMENTAL HEALTH & HEALTH CODE ENFORCEMENT SERVICES

The City has a septic system/on-site sewage facility ordinance. Complaints of ordinance or regulation violations within this area will be answered and investigated by City personnel, beginning with the effective date of the annexation ordinance.

6. PLANNING & ZONING

The planning and zoning jurisdiction of the City will be extended to this area on the effective date of the annexation ordinance. All services provided by the City will be extended to the area on the effective date of the annexation ordinance.

7. PARKS & RECREATION

All services and amenities associated with the City's Parks and Recreation activities will extend to this area on the effective date of the annexation ordinance.

8. STREET & DRAINAGE MAINTENANCE

The City will provide street and drainage maintenance to public streets in the area in accordance with standard City Policy as the area develops.

9. STREET LIGHTING

The City will provide street lighting to the area in accordance with standard City Policy as the area develops.

10. TRAFFIC ENGINEERING

The City will provide, as appropriate, street names signs, traffic control devices, and other traffic system design improvements to the area.

11. SANITATION/SOLID WASTE COLLECTION & DISPOSAL

The City does not directly provide municipal sanitation/solid waste collection and disposal services. However, the City has granted an exclusive franchise for these services to Waste Connections of Texas, which will be notified of all newly-annexed parcels.

12. WATER SERVICE

The City is a water provider however, the City will not be the water provider for this property. Water service is available from the Dripping Springs Water Supply Corporation.

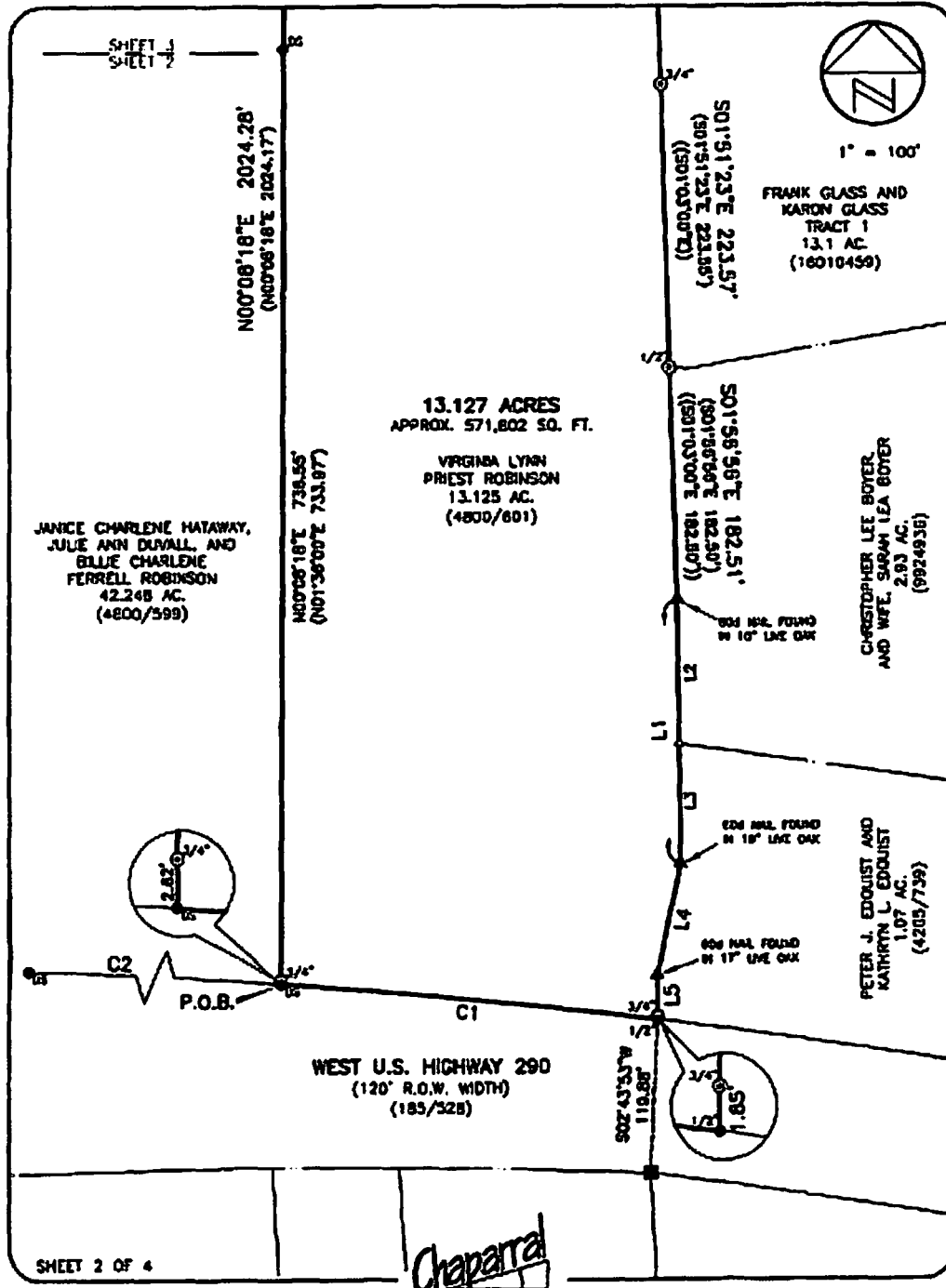
13. SEWER SERVICE

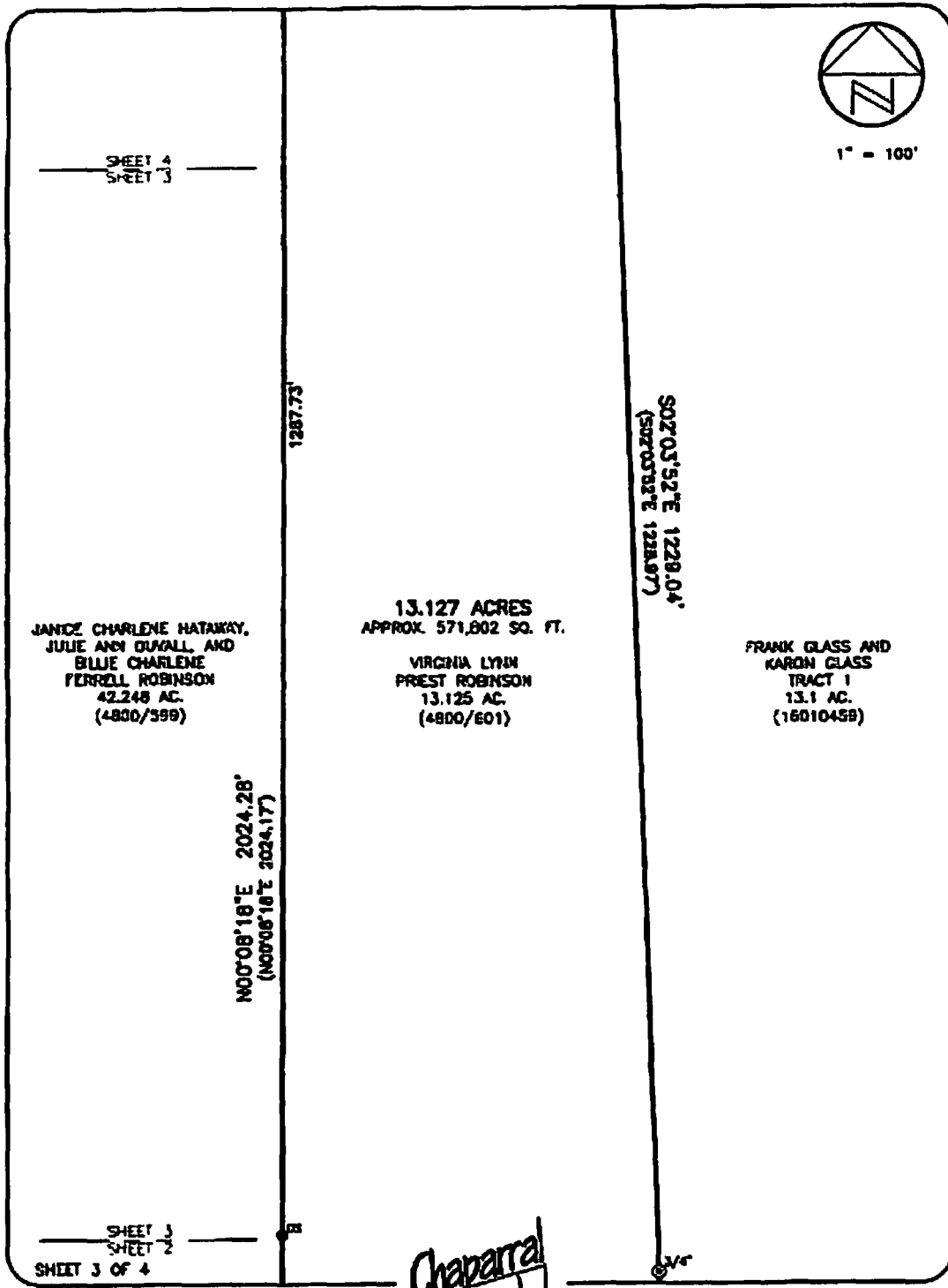
The City municipal sewage collection treatment and disposal system is limited in geographic scope and ability to serve. Newly-annexed parcels will be included in the Capital Improvements Plan as appropriate, and extended services when deemed feasible in light of topography and other relevant factors. In some instances, the owners of annexed property have expressly waived any demands for sewer service pursuant to development agreements.

14. MISCELLANEOUS

All other applicable municipal services will be provided to the area in accordance with policies established by the City of Dripping Springs.

Appendix "A"







1" = 100'

CHRISTOPHER MARTIN AND MELANIE MARTIN
REVOCABLE TRUST
(1859/201)

LOT A
SETTLERS POINT PHASE 2
(9/105)

ELISE M. WOOD
49.88 AC.
(2730/16)

BS
S70°33'28"E 266.77'
(S70°33'28"E 268.78')

JANICE CHARLENE HATAWAY,
JULIE ANN DURVALL, AND
BILLIE CHARLENE
FERRELL ROBINSON
42.248 AC.
(4800/588)

13.127 ACRES
APPROX. 571,802 SQ. FT.

VIRGINIA LYNN
PRIEST ROBINSON
13.125 AC.
(4800/601)

FRANK GLASS AND
KARON GLASS
TRACT 1
13.1 AC.
(16010459)

SHEET 4
SHEET 3

SHEET 4 OF 4

Chaparral

