

**CITY OF DRIPPING SPRINGS**

**ORDINANCE NO.**

**18.250 ACRES OUT OF THE BENJAMIN F. HANNA NO. 28,  
ABSTRACT NO. 222, HAYS COUNTY, TEXAS**

**ANNEXATION ORDINANCE**

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS, TO VOLUNTARILY ANNEX BY REQUEST OF THE PROPERTY OWNER APPROXIMATELY 18.250 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 43.0671 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 February 2, 2021

**WHEREAS,** the area identified in Exhibit “A” 18.250 acres of the Benjamin F. Hanna Survey No. 28, Abstract No. 222, is adjacent and contiguous to the city limits; and

**WHEREAS,** the City Council granted the petition and allowed City staff to proceed with negotiating the service agreement with the property owner, in accordance with Section 43.0672 of Texas Local Government Code;

**WHEREAS,** the City Council conducted a public hearing and considered testimony regarding the annexation of the property, in accordance with Section 43.0673 of Texas Local Government Code on March 9, 2021;

**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 agreement was executed prior to the annexation approval in accordance with Section 43.0672 of Texas Local Government Code, and 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.

**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 \_\_\_\_\_ day of \_\_\_\_\_ 2021, by a vote of \_\_\_\_ (ayes) to \_\_\_\_ (nays) to \_\_\_\_ (abstentions) of the City Council of the City of Dripping Springs, Texas.

**THE CITY OF DRIPPING SPRINGS:**

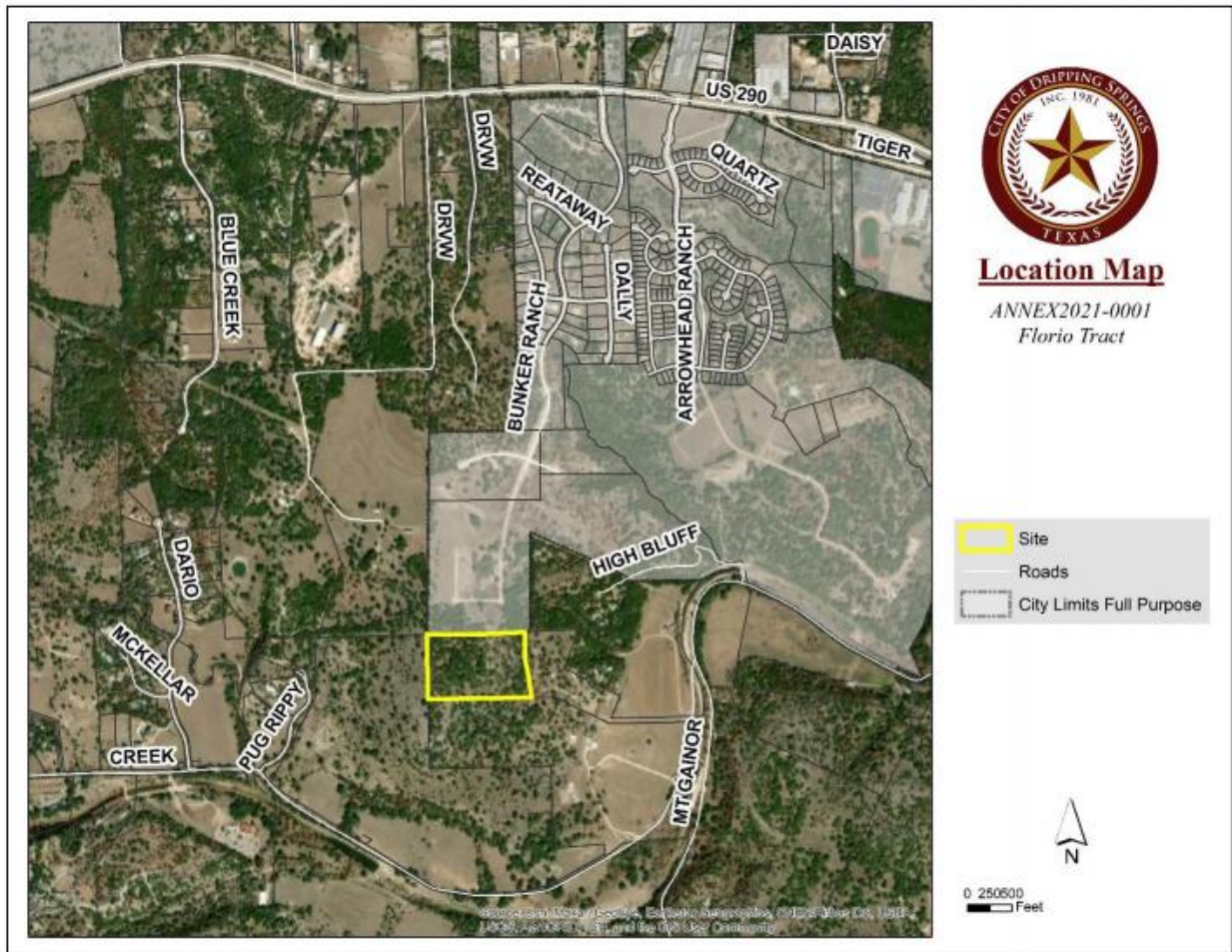
\_\_\_\_\_  
Bill Foulds Jr.

ATTEST:

\_\_\_\_\_  
Andrea Cunningham, City Secretary

**Exhibit "A"**  
**DESCRIPTION OF AREA TO BE ANNEXED (METES & BOUNDS TO FOLLOW)**

18.250 acres of land out of the Benjamin F. Hanna Survey No. 28, Abstract No. 222, in Hays County, Texas, being all of that certain (18.250 acres) tract of land as conveyed to The Overlook at Bunker Ranch, LLC filed by Instrument No. 20061246 of the Deed Records of Hays County, Texas.



## Metes and Bounds

### LEGAL DESCRIPTION

**BEING AN 18.250 ACRE TRACT OF LAND (INCLUDING A 60 SQUARE FOOT AREA IN CONFLICT) OUT OF THE BENJAMIN F. HANNA SURVEY NO. 28, ABSTRACT NO. 222, SITUATED IN HAYS COUNTY, TEXAS, BEING A PORTION OF A CALLED 34.26 ACRE TRACT CONVEYED TO CHARLES B. FLORIO AND KYLE FLORIO BY DEED OF RECORD IN VOLUME 5262, PAGE 573, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (O.P.R.H.C.T.); SAID 18.250 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**COMMENCING**, at a ½ inch iron rod found in the south line of a called 5.01 acre tract conveyed to Bobby Glenn Stevens and Dorrae Tubb Stevens by deed of record in Document No. 15011837, O.P.R.H.C.T. at the northerly common corner of said 34.26 acre tract and of a called 34.27 acre tract conveyed to Barbara Jean Johnson by deed of record in Volume 1055, Page 894, O.P.R.H.C.T.;

**THENCE**, along the common line of said 34.26 acre tract and of said 5.01 acre tract, S86°47'54"W, a distance of 543.83 feet to a ½ inch iron rod found at the southerly common corner of said 5.01 acre tract and of the remainder of a called 111.67 acre tract conveyed to Bunker Ranch, LLC by deed of record in Document No. 16020931, O.P.R.H.C.T.;

**THENCE**, along the common line of said 34.26 acre tract and said remainder of 111.67 acre tract, S86°01'29"W, a distance of 73.64 feet to a ½ inch iron rod with "CEC" cap set for the **POINT OF BEGINNING**, hereof;

**THENCE**, over and across said 34.26 acre tract, the following three (3) courses and distances:

1. S00°13'03"W, a distance of 308.03 feet to a set ½ inch iron rod with "CEC" cap;
2. S12°51'27"E, a distance of 164.56 feet to a set ½ inch iron rod with "CEC" cap;
3. S07°29'25"E, a distance of 266.18 feet to a ½ inch iron rod with "CEC" cap set in the common line of said 34.26 acre tract and of a called 74.00 acre tract conveyed to Robert A. Garland, Jr. and Amy L. Garland by deed of record in Document No. 14020704, O.P.R.H.C.T.;

**THENCE**, along the common line of said 34.26 acre tract and of said 74.00 acre tract, S89°02'53"W, a distance of 1,141.56 feet to a 5/8 inch iron rod with "Staudt Surveying" cap found in the east line of a called 603.70 acre tract conveyed to Anna Marie Widen Speir, et al, by deed of record in Document 00025671, O.P.R.H.C.T., at the westerly common corner of said 34.26 acre tract and of said 74.00 acre tract;

**THENCE**, along the common line of said 34.26 acre tract and of said 603.70 acre tract, N01°06'51"W, passing at 713.92 feet, an 8" cedar fence post found in the common line of said 603.70 acre tract and of a called 79.61 acre tract conveyed to P & H Family Limited Partnership No. 1 by deed of record in Document No. 00025538, O.P.R.H.C.T., from said fence post, a found ½ inch iron rod bears N86°15'32"E, a distance of 5.94 feet, and continuing an additional 11.21 feet (bounding area in conflict) for a total distance of 725.12 feet to a set ½ inch iron rod with "CEC" cap;

18.250 ACRES  
BUNKER RANCH  
DRIPPING SPRINGS, TX

PROJECT NO.: 181-500  
DECEMBER 23, 2020

**THENCE**, S89°22'34"E, passing at a distance of 5.01 feet (bounding area of conflict), a ½ inch iron rod found for the southwesterly corner of said remainder of 111.67 acre tract, continuing along the common line of said 34.26 acre tract and said remainder of 111.67 acre tract for a total distance of 242.11 feet to a found ½ inch iron rod;

**THENCE**, continuing with the common line of said 34.26 acre tract and said remainder of 111.67 acre tract, the following four (4) courses and distances:

1. N89°12'53"E, a distance of 336.81 feet to a found ½ inch iron rod;
2. N87°39'49"E, a distance of 260.74 feet to a found ½ inch iron rod;
3. N87°07'43"E, a distance of 173.46 feet to a found ½ inch iron rod;
4. N86°01'29"E, a distance of 72.88 feet to the **POINT OF BEGINNING**, and containing 18.250 acres (794,923 square feet, including 60 square feet in conflict) of land, more or less.

THE BASIS OF BEARING OF THIS SURVEY IS TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NSRS 2011(2012A), UTILIZING THE LEICA SMARTNET CONTINUALLY OPERATING REFERENCE NETWORK.

Witness my hand and seal this 23<sup>rd</sup> day of December, 2020.



Frank William Funk, R.P.L.S. 6803  
Civil & Environmental Consultants, Inc.  
3711 S. MoPac Expressway, Building 1, Suite 550  
Austin, TX 78746  
Texas Registered Surveying Firm No. 10194419



**Exhibit “B”**

**Municipal Services Agreement**

DRAFT