

ORDINANCE NO. 004-09ORDINANCE ANNEXING TERRITORY

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF DE LEON, COMANCHE COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY.

WHEREAS, the charter of the City of De Leon Texas, an incorporated city, authorizes the unilateral annexation of territory, subject to the laws of this state.

WHEREAS, the procedures prescribed by the charter of the City of De Leon, Texas, and the laws of this state have been duly followed with respect to the following described territory, to wit:

A portion of the NW ¼ Section 24, Block 1, H. & T.C. R.R. CO. Survey, Abstract No. 2081, being 109.65 acres lying East of the City of De Leon along State Highway 6 and including De Leon Community Park-Festival Park

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL (OR COMMISSION) OF THE CITY OF DE LEON TEXAS:

That the heretofore described property is hereby annexed to the City of De Leon, Comanche County, Texas, and that the boundary limits of the City of De Leon be and the same are hereby extended to include the above described territory within the city limits of the City of De Leon, and the same shall hereafter be included within the territorial limits of said city, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the City of De Leon and they shall be bound by the acts, ordinances, resolutions, and regulations of said city.

The City Clerk (or Secretary) is hereby directed to file with the County Clerk of Comanche Texas, a certified copy of this ordinance.

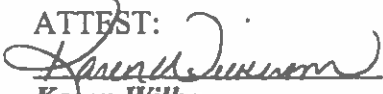
PASSED by an affirmative vote of all members of the City Council (or Commission), this the 26th day of March, 2009.

PASSED, APPROVED AND ADOPTED by an affirmative vote of all members of the City Council (or Commission), this the 9th day of April, 2009.

APPROVED:


Mayor Danny Owen

ATTEST:


Karen Wilkerson
City Administrator/Secretary

CITY OF DE LEON, TEXAS
ANNEXATION SERVICE PLAN

I. Area Annexed

On or about April 9, 2009, the City of De Leon, Texas, (the "City") shall annex the area described on Exhibit "A" (the "2009 Annexation Area") into the City's municipal boundaries.

II. Introduction

Pursuant to Section 43.056 of the Texas Local Government Code, the City hereby adopts the following service plan (the "Service Plan") for the 2009 Annexation Area. Municipal facilities and services to the 2009 Annexation Area shall be provided or made available on behalf of the City at the same level as provided in the remainder of the City on the effective date of annexation of the 2009 Annexation Area and in accordance with the following Service Plan.

III. Ad Valorem (Property Owner) Tax Services

A. Police Protection, Code Enforcement and Animal Control

1. Police Protection

The De Leon Police Department will provide protection and law enforcement services. These services shall include, but not be limited to: 911 service, normal patrols and responses; special units, such as traffic enforcement, criminal investigations, and narcotics as well as any community program that may be implemented in the future by the City.

2. Code Enforcement

Regular code enforcement services shall be provided.

3. Animal Control

Regular animal control services shall be provided.

B. Fire Protection

The De Leon Fire Department shall provide fire protection and prevention services. These services shall include: fire suppression and rescue, and assistance in providing emergency medical services.

C. Roads and Streets

The Public Works Department shall maintain public streets, over which the City has jurisdiction. These services shall include: emergency pavement repair; regular repair and maintenance of public streets.

The Public Works Department shall provide standard regulatory signage on City-maintained streets.

D. Parks and Recreation Facilities

City parks shall be accessible to all residents of the City.

IV. Utility (Rate-Based) Services

A. Solid Waste Collection

The City is the exclusive residential and commercial solid waste service provider within De Leon's city limits. Solid waste refuse collection services will be provided to all residents.

1. Residential Solid Waste Services.

The City shall provide residential solid waste services at the prevailing in-city residential rate.

2. Commercial Solid Waste Services.

Each commercial business will be provided with a commercial container, which is available in a variety of sizes and frequencies of collection, based on the waste type and volume generated.

B. Water/Wastewater Facilities

Water and wastewater facilities and services shall be provided by the City when a landowner or landowner's representative

- (a) submits a final plat and an approved engineering plan for infrastructure for the property; and
- (b) requests that water or waste water service be extended to the landowner's property.

The City shall install all infrastructure required to connect a landowner's property to the City's water and wastewater systems at the time of final plat approval pursuant to applicable City ordinances.

Property owners within the 2009 Annexation Area may elect to remain on their existing septic systems. Existing septic systems are legal and conforming as long as they comply with applicable local and state law. The City shall allow any resident of the 2009 Annexation Area the right to repair or upgrade an existing septic system in accordance with state law.

C. Drainage Services

The same standard of drainage maintenance provided to other residents of the City shall be provided to property owners.

V. Capital Improvements Program

The 2009 Annexation Area shall be incorporated into any capital improvements program or comprehensive plan developed by the City. Notwithstanding anything in this Service Plan, capital improvements in the 2009 Annexation Area shall be made according to sound municipal planning principles and practices.

VI. Use of Property

In accordance with Texas Local Government Code Section 43.002, Continuation of Land Use, all legal uses of property in the 2009 Annexation Area shall be allowed by the City to continue in the manner in which the property was being used on April 9, 2009. However, the City may impose regulations as described in Texas Local Government Code Section 43.002(c) on the annexed territory, at any time. Any person keeping animals on property within the annexed territory on April 9, 2009, in a manner which is prohibited within the City of De Leon by City ordinance, shall be allowed to continue such use, if such use is not a violation of law concerning the treatment of animals and does not create a nuisance or health and safety hazard, until the current owner of the property either 1) conveys possession, control or ownership of the property to another person; or 2) the current owner abandons the prohibited use for a period of six months.

VII. Term

This Service Plan shall be valid for 10 years. The Service Plan is eligible for renewal at the discretion of the City.

VIII. Amendments

The City Council may amend the Service Plan to conform to changed conditions or subsequent occurrences pursuant to the Texas Local Government Code or accommodate

significant changes in the population and density characteristics of the 2009 Annexation Area.

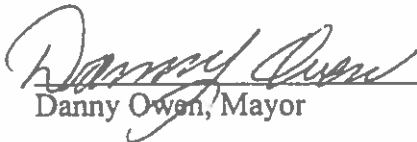
IX. Conflicts

In the event that any provision of this Service Plan conflicts with any other plan, comprehensive plan, or program of the City of De Leon, the provision contained in this Service Plan shall control.

X Staffing

Staffing of City services will be provided to the level necessary to provide equal services to all residents.

Adopted and approved on this the 9th day of April, 2007:



Danny Owen, Mayor

ATTEST:



Karen Wilkerson, City Secretary