

ORDINANCE NO. 009-04

AN ORDINANCE OF THE CITY OF DE LEON, TEXAS ANNEXING 78.2 ACRES, MORE OR LESS, OF LAND AND ABUTTING STREETS, ROADWAYS AND PUBLIC RIGHTS-OF-WAY ADJACENT AND CONTIGUOUS TO THE CITY; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of De Leon, Texas is a home-rule municipality authorized by State law to annex territory lying adjacent and contiguous to the City;

WHEREAS, the City is the owner of the property and has initiated annexation of such property in compliance with the *Tex. Loc. Gov't. Code*;

WHEREAS, the property is adjacent to the present City limits;

WHEREAS, the City Council finds that the property is exempt from the City's annexation plan pursuant to § 43.052 (h) of the *Local Government Code*;

WHEREAS, two separate public hearings were conducted prior to consideration of this Ordinance in accordance with § 43.063 of the *Tex. Loc. Gov't. Code*;

WHEREAS, the hearings were conducted and held not more than forty (40) nor less than twenty (20) days prior to the institution of annexation proceedings;

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

WHEREAS, the City intends to provide services to the property to be annexed according to the Service Plan attached hereto as Exhibit "B".

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DE LEON, TEXAS, THAT:

SECTION 1. All of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this ordinance as if copied herein in their entirety.

SECTION 2. That the following described property (hereinafter referred to as the "Annexed Property") is hereby annexed into the corporate limits of the City of De Leon:

All of a certain tract of land being 78.2 acres, more or less, located in the NW ¼ of Section 24, Block 1 of the H. & T.C. Ry. Co. Survey, ptd. To G.W. Buchan, Abstract 2081 in Comanche County, situated on the north side of State Highway 6, including the

abutting streets, roadways and rights-of-way save an except any portion of said tract currently within the city limits, as more particularly shown described in Exhibit "A".

SECTION 3. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B".

SECTION 4. That the future owners and inhabitants of the Annexed Property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "B", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 5. That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the Annexed Property as part of the City of De Leon.

SECTION 6. That the Annexed Property shall be grandfathered as the current use.

SECTION 7. That if any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 8. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 9. That it is hereby officially found and determined that the meeting at which this ordinance is 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, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED on First Reading this ____ day of _____, 2004.

FINALLY PASSED AND APPROVED on this the ____ day of _____, 2004.

ATTEST:

THE CITY OF DE LEON, TEXAS

Gail Neely, City Secretary

John R. Adcock, Mayor

EXHIBIT A

All that certain lot, tract or parcel of land in Comanche County, Texas, comprising 78.2 acres of land out of the north half of the northwest quarter of Section 24, Block 1, H. & T. C. Ry. Co. Survey, ptd. To G. W. Buchan, Abstract No. 2081, which is that part of said northwest quarter of Section 24, Block 1, H. & T. C. Ry. Co. Survey, situated on the north side of State Highway 6, and described by metes and bounds as follows:

BEGINNING at a mesquite corner post at the northwest corner of said Section No. 24;

THENCE South 18-30 West, 468.7 vrs. to a point in the north right of way line of State Highway 6 for the Southwest corner of this survey;

THENCE with said north right of way line South 74-48 east 370.4 vrs. to a concrete monument for a corner of said right of way;

THENCE north 15-12 east 7.2 vrs. to a concrete right of way marker;

THENCE south 74-48 east, 41.4 vrs. to a concrete marker;

THENCE South 72-27 east 168.5 vrs. to a concrete marker;

THENCE south 70-12 east 438.5 vrs. to a point in the east line of said northwest quarter section;

THENCE with the east line of said northwest quarter section, north 17-50 east 422 vrs. to the northeast corner of said northwest quarter section;

THENCE north 70-12 west 1.013 vrs. to the place of beginning and containing 78.2 acres of land, more or less.

Less and Except, however. All that certain 2.678 acres of land described in Warranty Deed dated October 31, 2001, executed by DeLeon Peach & Melon Committee to Kent Boswell, et ux, recorded in Volume 819, Page 283, Deed Records of Comanche County, Texas.

Exhibit "B"

**MUNICIPAL SERVICES PLAN
FOR PROPERTY TO BE
ANNEXED TO THE CITY OF DE LEON**

WHEREAS, the City of De Leon, Texas (the "City") intends to institute annexation proceedings for a tract of land described more fully hereinafter (referred to herein as the "subject property");

WHEREAS, *Section 43.056, Loc. Gov't. Code*, requires a service plan be adopted with the annexation ordinance; and

WHEREAS, it is found that all statutory requirements have been satisfied and the City is authorized by *Chapt. 43, Loc. Gov't. Code*, to annex the subject property into the City;

NOW, THEREFORE, the City agrees to provide the following services for the subject property on the effective date of annexation:

1. Police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City.

2. Fire protection and Emergency Medical Services as follows:

Fire protection by the present personnel and equipment of the volunteer fire fighting force with the limitations of water available. Radio response for Emergency Medical Services with the present personnel and equipment.

3. Solid waste collection services as follows:

Solid waste collection and services as now being offered to the citizens of the City, unless the continuous owner elects to use a privately owned solid waste management service provider for not more than 2 years from the anniversary date of the annexation.

4. Water service and maintenance of water facilities as follows:

Inspection of water distribution lines as provided by statutes of the State of Texas.

5. Wastewater service and maintenance of wastewater service as follows:

- (1) Inspection of sewer lines as provided by statutes of the State of Texas.

- (2) Sewer service will be provided by the City utility department on the same terms,

conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The system will be accepted and maintained by the City in accordance with its usual policies.

6. Maintenance of streets and rights-of-way as appropriate as follows:
 - (1) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.
 - (2) Routine maintenance as presently performed within City.
 - (3) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies.
 - (4) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards.
 - (5) Installation and maintenance of street lighting in accordance with established policies of the City.
7. Animal control as follows:

Service by present personnel, equipment and facilities or by contract with a third party, as provided within the City.
8. Maintenance of parks and playgrounds within the City.
9. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities.
10. Maintenance of other City facilities, buildings and service.

CAPITAL IMPROVEMENTS

Construction of the following capital improvements shall be initiated after the effective date of the annexation, and shall be substantially complete within 2 ½ years from the effective date of annexation:

The capital improvements planned for this area are as follows: NONE

TERM

If not previously expired, this service plan expires at the end of ten (10) years.

PROPERTY DESCRIPTION

The legal description of the subject property is as set forth in Exhibits "A" that are attached to the Annexation Ordinance to which this Service Plan is attached as Exhibit "B".