

CITY OF TERRELL, TEXAS

ORDINANCE NO. 2083

AN ORDINANCE TO THE CITY OF TERRELL, TEXAS, ANNEXING ADJACENT AND CONTIGUOUS TERRITORY, AS DESCRIBED IN EXHIBIT A AND AS DEPICTED IN EXHIBIT A.1, TO THE CITY OF TERRELL, TEXAS; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREA SHALL BECOME A PART OF THE CITY AND THAT THE OWNERS AND INHABITANTS THEREOF SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREAFTER ADOPTED; FURTHER PROVIDING FOR AMENDING AND CORRECTING THE OFFICIAL BOUNDARIES OF THE CITY AS HERETOFORE ADOPTED; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR SAID ORDINANCE TO TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE.

WHEREAS, the City of Terrell, Texas (the “CITY”), pursuant to Chapter 43 of the Texas Local Government Code and Section 1.04 of Article I of the Home Rule Charter of the City of Terrell, Texas, has instituted annexation proceedings to annex additional territory lying adjacent to the CITY, which territory is described in Exhibit A and depicted in Exhibit A.1, both of which are attached hereto and incorporated herein for all purposes; and

WHEREAS, two separate public hearings were conducted in accordance with Chapter 43 of the Texas Local Government Code, the first being held at 5:30 o’clock p.m. on August 21, 2001, at the Terrell City Hall, 201 E. Nash Street, Terrell, Texas 75160, and the second public hearing being held at 5:45 o’clock p.m. on August 21, 2001, at the Terrell City Hall, 201 E. Nash Street, Terrell, Texas 75160, and

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

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the CITY and in the territory proposed to be annexed by publication at least once in said newspaper not more than twenty (20) days nor less than ten (10) days prior to each public hearing; and

WHEREAS, all required statutory notices pursuant to the Chapter 43 of the Texas Local Government Code and Section 1.04 of Article I of the Home Rule Charter of the City of Terrell, Texas, have been accomplished; and

WHEREAS, in accordance with Chapter 43 of the Texas Local Government Code, a service plan, attached hereto as Exhibit B and incorporated herein for all purposes, was prepared by the City Manager, or his designee, which plan was made available for inspection and explained at the public hearings conducted as herein described; and

WHEREAS, annexation proceedings were instituted relative to the territory to be annexed on September 18, 2001, by the introduction of this annexation ordinance during a Regular Session of the City Council of the City of Terrell on said date; and

WHEREAS, Chapter 43 of the Texas Local Government Code requires the annexation of an area by a municipality to be completed within ninety (90) days after the date the governing body of the municipality institutes the annexation proceedings relative thereto, or those annexation proceedings are void; and

WHEREAS, the adoption of this annexation ordinance during a Regular Session of the City Council of the City of Terrell on October 2, 2001, will complete the annexation proceedings relative to the territory to be annexed within the ninety (90) day period stipulated by Chapter 43 of the Texas Local Government Code; and

WHEREAS, the territory to be annexed is contiguous and adjacent to the corporate limits of the City of Terrell and meets all applicable size and shape requirements of state law governing eligibility for annexation.

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

SECTION 1

All of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2

The property described in Exhibit A and depicted in Exhibit A.1, both of which are attached hereto and incorporated herein for all purposes, be and is hereby annexed and brought within the corporate limits of the City of Terrell, Kaufman County, Texas, and same is hereby made a part of the **CITY**.

SECTION 3

The service plan, attached hereto as Exhibit B and incorporated herein for all purposes was submitted in accordance with Chapter 43 of the Texas Local Government Code and is hereby approved as part of this Ordinance, and is made a part hereof.

SECTION 4

The property described in Exhibit A shall bear its pro rata share of the taxes levied by the **CITY**, and the inhabitants of the area herein annexed shall be entitled to all of the rights, privileges, and responsibilities of other citizens of the **CITY** and area hereby 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

The official map and boundaries of the **CITY** heretofore adopted and amended be and are hereby amended so as to include the property described in Exhibit A and depicted in Exhibit A.1 as part of the **CITY**.

SECTION 6

The City Manager is hereby directed and authorized to perform or cause to be performed all acts necessary to effectuate this Ordinance, including any corrections to the official map of the City to add the territory hereby annexed as required by law.

SECTION 7

The City Manager is hereby directed and authorized to file a certified copy of this Ordinance with the necessary governmental agencies.

SECTION 8

If any section, subsection, sentence, phrase, or word be found to be illegal, invalid, unconstitutional or if any portion of said property is incapable of being annexed by the City of Terrell, Texas, for any reason whatsoever, the adjudication shall not affect another section, sentence, phrase, word, paragraph or provision of this Ordinance or the application of any other section, sentence, phrase, word, paragraph or provision to any other person or portion of said property, situation or circumstance, nor shall the adjudication affect any other section, sentence, phrase, word, paragraph or provision of any other ordinance of the City of Terrell, Texas. The City Council declares that it would have adopted the valid portions and applications of this Ordinance and would have annexed the valid property without the invalid part and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9

This Ordinance shall take effect and be in full force from and after its passage, as provided by the Revised Civil Statutes of the State of Texas and the Home Rule Charter of the City of Terrell, Texas.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, THIS 18TH DAY OF SEPTEMBER, 2001.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, THIS 2ND DAY OF OCTOBER 2001.

Henry C. Madgwick, Mayor

ATTEST:

John R. Rounsavall, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Mary Gayle Ramsey, City Attorney

**EXHIBIT A TO ORDINANCE NO. 2083
CITY OF TERRELL**

BEING all that certain tracts or parcel of land in the Ransom Sowell Survey, A-443, Kaufman County, Texas, and being a part of that called 388.5 acre tract as conveyed from Mattie McCord to James Carter McCord, as recorded in Volume 422, Page 50, and being all that called 79 acre tract as conveyed from Emmett J. Dalton to James Carter McCord, as recorded in Volume 479, Page 117, of the Deed Records of Kaufman County, Texas, and being more particularly described as follows:

BEGINNING at the north corner of said 388.5 acre tract, said point being in the centerline of Airport Road, a ½" iron rod set for witness near a fence corner bears South 47°28'10"W, 23.64 feet;

THENCE S43°49'24"E, along the centerline of Airport Road, a distance of 1367.80 feet to a ½" iron rod set for corner;

THENCE S46°52'37"E, continuing along the centerline of Airport Road, a distance of 244.39 feet to a ½" iron rod set for corner;

THENCE S43°58'58"E, continuing along the centerline of Airport Road, a distance of 2471.22 feet to the north corner of said 79 acre tract, a ½" iron rod set for witness near a fence corner bears S47°26'15"W, 28.53 feet;

THENCE 42°45'26"E, continuing along the centerline of Airport Road, a distance of 2391.03 feet to a point for corner in the westerly R.O.W. of Interstate Highway 20 Service Road, a ½" iron rod set for witness bears S73°59'00"W, 26.04 feet;

THENCE S73°59'00"W, along said Service Road, a distance of 184.13 feet to a concrete monument found for corner;

THENCE S32°29'00"W, continuing along said Service Road, a distance of 392.95 feet to a ½" iron rod set for corner;

THENCE S66°23'00"W, continuing along said Service Road, a distance of 333.03 feet to a ½" iron rod set for corner;

THENCE N85°24'00"W, along the northerly R.O.W. of Interstate Highway 20, a distance of 308.06 feet to a ½" iron rod set for corner;

THENCE N72°14'42"W, continuing along the northerly R.O.W. of Interstate Highway 20, a distance of 1599.99 feet to a concrete monument found for corner;

THENCE N71°11'18"W, continuing along the northerly R.O.W. of Interstate Highway 20, a distance 501.02 feet to a concrete monument found for corner;

THENCE N72°16'00"W, continuing along the northerly R.O.W. of Interstate Highway 20, a distance of 4100.84 feet to a ½" iron rod set for corner on the east bank of Kings Creek;

Kaufman County, Texas, and being a part of that called 388.5 acre tract as conveyed from Mattie McCord to James Carter McCord, as recorded in Volume 422, Page 50, and being all that called 79 acre tract as conveyed from Emmett J. Dalton to James Carter McCord, as recorded in Volume 479, Page 117, of the Deed Records of Kaufman County, Texas, and being more particularly described as follows:

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THENCE S46 °52'37"E, continuing along the centerline of Airport Road, a distance of 244.39 feet to a ½" iron rod set for corner;

THENCE S43°58'58"E, continuing along the centerline of Airport Road, a distance of 2471.22 feet to the north corner of said 79 acre tract, a ½" iron rod set for witness near a fence corner bears S47°26'15"W, 28.53 feet;

THENCE 42 °45'26"E, continuing along the centerline of Airport Road, a distance of 2391.03 feet to a point for corner in the westerly R.O.W. of Interstate Highway 20 Service Road, a ½" iron rod set for witness bears S73 °59'00"W, 26.04 feet;

THENCE S73 °59'00"W, along said Service Road, a distance of 184.13 feet to a concrete monument found for corner;

THENCE S32 °29'00"W, continuing along said Service Road, a distance of 392.95 feet to a ½" iron rod set for corner;

THENCE S66 °23'00"W, continuing along said Service Road, a distance of 333.03 feet to a ½" iron rod set for corner;

THENCE N85 °24'00"W, along the northerly R.O.W. of Interstate Highway 20, a distance of 308.06 feet to a ½" iron rod set for corner;

THENCE N72 °14'42"W, continuing along the northerly R.O.W. of Interstate Highway 20, a distance of 1599.99 feet to a concrete monument found for corner;

THENCE N71 °11'18"W, continuing along the northerly R.O.W. of Interstate Highway 20, a distance 501.02 feet to a concrete monument found for corner;

THENCE N72 °16'00"W, continuing along the northerly R.O.W. of Interstate Highway 20, a distance of 4100.84 feet to a ½" iron rod set for corner on the east bank of Kings Creek;

THENCE along the east bank of Kings Creek the following courses:

- 1.) N12°12'46"E, a distance of 39.07 feet to bend;
- 2.) N32°50'53"E, a distance of 64.54 feet to bend;
- 3.) N35°10'15"E, a distance of 97.77 feet to bend;
- 4.) S35°14'07"E, a distance of 53.13 feet to bend;
- 5.) S19°58'19"E, a distance of 49.88 feet to bend;
- 6.) S62°52'20"E, a distance of 32.20 feet to bend;
- 7.) S87°31'15"E, a distance of 83.08 feet to bend;
- 8.) N53°03'01"E, a distance of 39.75 feet to bend;
- 9.) N36°14'12"E, a distance of 83.57 feet to bend;
- 10.) N3°58'37"E, a distance of 158.84 feet to bend;
- 11.) N48°30'08"W, a distance of 147.86 feet to bend;
- 12.) N87°31'18"E, a distance of 193.86 feet to bend;
- 13.) N59°11'40"E, a distance of 116.18 feet to bend;
- 14.) N19°11'39"E, a distance of 120.14 feet to bend;
- 15.) N74°05'35"W, a distance of 84.71 feet to bend;
- 16.) S65°56'23"W, a distance of 100.66 feet to bend;
- 17.) N2°43'23"W, a distance of 122.95 feet to bend;
- 18.) N56°53'48"E, a distance of 73.07 feet to bend;
- 19.) N9°16'35"E, a distance of 92.22 feet to bend;
- 20.) N55°41'14"W, a distance of 169.83 feet to bend;
- 21.) N15°56'42"W, a distance of 63.43 feet to bend;
- 22.) N4°41'33"E, a distance of 62.34 feet to bend;
- 23.) N70°50'49"E, a distance of 93.56 feet to bend;
- 24.) N29°45'35"E, a distance of 84.86 feet to bend;
- 25.) N3°55'17"W, a distance of 63.98 feet to bend;
- 26.) N5°44'32"E, a distance of 164.08 feet to bend;
- 27.) N15°01'51"E, a distance of 130.80 feet to bend;
- 28.) N77°34'25"E, a distance of 75.93 feet to bend;
- 29.) N51°03'07"E, a distance of 79.44 feet to bend;
- 30.) N88°18'50"E, a distance of 134.17 feet to bend;
- 31.) N55°45'06"E, a distance of 63.28 feet to bend;
- 32.) N4°25'04"E, a distance of 88.43 feet to bend;
- 33.) N39°52'22"E, a distance of 137.06 feet to bend;
- 34.) N15°26'37"E, a distance of 102.25 feet to a ½" iron rod set for corner on the east bank of said Kings Creek;

THENCE N47°28'10"E, along an old fence line, a distance of 2036.94 feet to the **POINT OF BEGINNING** and containing **376.634** acres of land.

SAVE, LESS AND EXCEPT approximately 3.4 acres situated within the right of way of Airport Road, also known as County Road No. 306, resulting in a net addition to the corporate area of 373.2 acres of land, more or less.

EXHIBIT B TO ORDINANCE NO. 2083

CITY OF TERRELL, TEXAS

SERVICE PLAN FOR ANNEXED AREA

ANNEXATION ORDINANCE NO: 2083
DATE OF ANNEXATION ORDINANCE: October 2, 2001
ACREAGE ANNEXED: 376.634

PROPERTY DESCRIPTION:

Kaufman County, Texas, and being a part of that called 388.5 acre tract as conveyed from Mattie McCord to James Carter McCord, as recorded in Volume 422, Page 50, and being all that called 79 acre tract as conveyed from Emmett J. Dalton to James Carter McCord, as recorded in Volume 479, Page 117, of the Deed Records of Kaufman County, Texas, and being more particularly described as follows:

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SAVE, LESS AND EXCEPT approximately 3.4 acres situated within the right of way of Airport Road, also known as County Road No. 306, resulting in a net addition to the corporate area of 373.2 acres of land, more or less.

Municipal Services to the acreage described above shall be furnished by or on behalf of the City of Terrell, Texas (the "City") at the following levels and in accordance with the following schedule:

A. POLICE PROTECTION

1. Police personnel and equipment from the Terrell Police Department shall be provided to the area annexed, at a level consistent with current methods and procedures presently provided to similar areas, on the effective date of this ordinance.
2. As development commences in these areas, sufficient police protection, including personnel and equipment will be provided to finish this area with the level of police services consistent with the characteristics of topography, land utilization and population density of the area.
3. Upon ultimate development, police protection will be provided at a level consistent with other similarly situated areas within the city limits.

B. FIRE PROTECTION/EMERGENCY MEDICAL SERVICES

1. Fire Protection and Emergency Medical Services (ERMS) from the City of Terrell shall be provided to the area annexed, at a level consistent with current methods and procedures presently provided to similar areas, on the effective date of this ordinance.
2. As development commences in these areas, sufficient fire protection and EMS, including personnel and equipment will be provided to furnish this area with the level of services consistent with the characteristics of topography, land utilization and population density of the area. It is anticipated that fire stations planned to serve areas currently within the City will be sufficient to serve areas now being considered for annexation.
3. Upon ultimate development, fire protection and EMS will be provided at a level consistent with other similarly situated areas within the city limits.

C. FIRE PREVENTION

The services of the City of Terrell Fire Department shall be provided to the area on the effective date of this ordinance.

D. SOLID WASTE COLLECTION

1. Solid waste collection shall be provided to the area annexed upon request on the effective date of this ordinance. The collection of refuse from individual properties shall be made in accordance with the usual Public Works Department scheduling.
2. As development commences in these areas, sufficient, solid waste collection will be provided to furnish the level of services consistent with the characteristics of topography, land utilization, and population density of the area.
3. Upon ultimate development, solid waste collection will be provided at a level consistent with other similarly situated areas within the city limits.

E. WATER SERVICE

1. Connection to existing city water mains for water service will be provided in accordance with existing City Policies. Upon connection to existing mains, water will be provided at rates established by City Ordinance.

2. As development commences within these areas, water mains will be extended in accordance with the provisions of the Subdivision Ordinances and/or other applicable ordinances and regulations. City participation in the costs of these extensions shall be in accordance with applicable City Ordinances and Regulations. Capacity shall be provided consistent with the characteristics of topography, land utilization, and population density of the area. The attached water facilities plan reflects the principal facilities currently planned by the City to provide for currently expected land utilization and population density, based on applicable City policies, ordinances and regulations.
3. Water mains installed or improved to City standards within the annexed area, which are located within dedicated easements, right-of-way, or any other acceptable location approved by the City Engineer, shall be maintained by the City of Terrell on the effective date of this ordinance.
4. Maintenance of private lines will be the responsibility of the owner or occupant.
5. Operation and maintenance of water facilities in the annexed area that are within the service area of another water utility will be the responsibility of that utility.

F. SANITARY SEWER SERVICE

1. Connection to existing city sanitary sewer mains for sewage service will be provided in accordance with existing City Policies. Upon connections existing mains, wastewater collection will be provided at rates established by City Ordinances.
2. As development commences in these areas, sanitary sewer mains will be extended in accordance with the provisions of the Subdivision Ordinance and/or other applicable ordinances and regulations, City participation in the costs of these extensions shall be in accordance with applicable City Ordinances and Regulations. Capacity shall be provided consistent with the characteristics of topography, land utilization, and population density of the area. The attached facilities plan reflects the principal facilities currently planned by the City to provide for currently expected land utilization and population density, based on applicable City policies, ordinances, and regulations.
3. Sanitary sewer mains and lift stations installed or improved to City Standards within the annexed area which are located within dedicated easement, right-of-ways, or any other acceptable location approved by the City Engineer, shall be maintained by the City of Terrell on the effective date of this ordinance.
4. Operation and maintenance of wastewater facilities in the annexed area that are within the service area of another water utility will be the responsibility for that utility.
5. Operation and maintenance of private wastewater facilities in the annexed area will be the responsibility of the owner.

G. STREETS

1. Emergency street maintenance shall be provided for publicly dedicated streets or roads within these Ares on the effective date of this ordinance. Routine maintenance will be scheduled as part of the City's annual street maintenance program in accordance with the then current policies and procedures defined by ordinance.

2. As development commences in these areas, all publicly dedicated streets shall be constructed to current City of Terrell standards. The regulations and ordinance regarding City participation, maintenance, and acceptance upon completion, shall apply. Maintenance will be provided at a level consistent with the characteristics of topography. Land utilization, and population density of the area.

H. PARKS AND RECREATION

1. Residents within the areas annexed may utilize all existing part and recreation facilities, on the effective date of this Ordinance. Fees for such usage shall be in accordance with current fees established by ordinance.
2. As development commences to these areas, additional park and recreation facilities shall be constructed based on Park policies defined in the Comprehensive Plan. The general planned locations and classification of parks will ultimately serve residents from the current city limits and residents from areas being considered for annexation.

I. ENVIRONMENTAL HEALTH AND CODE ENFORCEMENT SERVICES

1. Enforcement of current environmental health ordinances and regulations, including but not limited to, weed and brush ordinances, junked and abandoned vehicles ordinances, and animal control ordinances, shall begin with this area within sixty (60) days of the effective date of the annexation ordinance.
2. Inspection services, including but not limited to, the review of building plans, the issuance of permits and the inspection of all buildings, plumbing, mechanical, and electrical work to ensure compliance with City Codes and Ordinances will be provided within sixty (60) days of the effective date of this ordinance.
3. As development commences in this area, the City shall provide the level of Environmental Health and Code Enforcement Services as are furnished in other similarly situated areas throughout the City.

J. MISCELLANEOUS

Any publicly owned facility, building, or service located within the annexed area shall be maintained by the City on the effective date of the annexation ordinance.