ORDINANCE NO. 2678

ORDINANCE ANNEXING PROPERTY

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, ANNEXING THE HEREINAFTER DESCRIBED PROPERTY TO THE CITY OF TERRELL, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE THE HEREINAFTER DESCRIBED PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF TERRELL, TEXAS; GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS; BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF SAID CITY; DECLARING CERTAIN LANDS TO BE ADJACENT TO THE CORPORATE LIMITS OF THE CITY; ADOPTING A SERVICE PLAN; PROVIDING FOR CHANGES TO THE OFFICIAL MAP OF THE CITY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Terrell, Texas ("City" or "Terrell"), is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, Chapter 43 of the Texas Local Government Code and the Charter of the City of Terrell, Texas, authorizes the annexation of property, subject to the laws of this state; and

WHEREAS, the initial area to be annexed consists of separate tracts ("the Property"), being approximately 220.08 acres of land in Kaufman County, Texas, and being more fully described by metes and bounds on Exhibit "A" attached hereto and by reference made a part hereof, and a map of the Property is attached hereto and incorporated by reference herein as Exhibit "B"; and

WHEREAS, the area to be annexed is presently located entirely within the extraterritorial jurisdiction of the City and is contiguous to existing city boundaries; and

WHEREAS, after proper notice was provided in accordance with Chapters 43 of the Texas Local Government Code, public hearings on the proposed annexation were held before the Terrell City Council on October 13, 2016, at 6:00 p.m. and on October 18, 2016, at 7:00 p.m., respectively; and

WHEREAS, an offer of a Non-Annexation and Development Agreement pursuant to §43.035 of the Texas Local Government Code has been made to all qualifying landowners within the area to be annexed; and

WHEREAS, certain qualified property owners have entered into such Non-Annexation and Development Agreements ("Agreements"), thereby postponing the annexation of their property for a period of three (3) years; and

WHEREAS, by operation of law, Texas Local Government Code, Section 43.035, all lands within the City's extraterritorial jurisdiction, before and after this Ordinance becomes effective, shall be deemed contiguous and adjacent to the City's corporate boundaries; and

WHEREAS, any tracts which are subject to executed Non-Annexation and Development Agreements will not be annexed into the City by this Ordinance, but the owners of such tracts have petitioned the City for voluntary annexation of such land when the Agreements terminate; and

WHEREAS, the City Council finds that the resultant area to be annexed by the City is accurately described in Exhibit "A" and depicted in Exhibit "B", save and except for any tracts which are the subject of the executed Non-Annexation and Development Agreements; and

WHEREAS, the City has prepared a service plan for the area to be annexed that meets the requirements of Texas Local Government Code §43.056, which was presented at the public hearings; and

WHEREAS, the execution of Non-Annexation and Development Agreements does not prevent the City from delivering full municipal services to the area in accordance with the service plan incorporated in this Ordinance; and

WHEREAS, the procedures prescribed by the Texas Local Government Code and the Charter of the City of Terrell, Texas, and the laws of this state have been duly followed with respect to the Property described in Exhibit "A" and depicted in Exhibit "B".

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

Section 1. That the Property described in Exhibit "A" and depicted on Exhibit "B", is hereby annexed to the City of Terrell, Kaufman County, Texas, and that the boundary limits of the City of Terrell, Texas, be and the same are hereby extended to include the Property described on Exhibit "A" and depicted in Exhibit "B", each of which exhibits is attached and incorporated by reference in this Ordinance, within the City limits of the City of Terrell, Texas, and the same shall hereafter be included within the territorial limits of the City, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the City of Terrell, Texas, and they shall be bound by the acts, ordinances, resolutions and regulations of said City.

Section 2. That land in the City's extraterritorial jurisdiction, before and after the effective date of this Ordinance, and depicted on Exhibit "B", hereby are deemed to be contiguous and adjacent to the corporate limits of the City for all purposes.

Section 3. That the service plan for the area is hereby adopted and attached as Exhibit "C".

Section 4. That the City Secretary is hereby directed to file with the County Clerk of Kaufman County, Texas, a certified copy of this Ordinance.

Section 5. That the official map and boundaries of the City and its extraterritorial jurisdiction as previously adopted, are amended to include the Property, as depicted on Exhibit "B", as a part of the corporate territory of the City of Terrell, Texas, and the extraterritorial jurisdiction is extended in accordance with law according, and the City Secretary is directed and authorized to perform or cause to be performed all acts necessary to correct the official map of the City to add such territory as required by law.

Section 6. That should this Ordinance for any reason be ineffective as to any part of the area hereby annexed to the City of Terrell, Texas, such ineffectiveness of this Ordinance as to any such part or parts of any such area shall not affect the effectiveness of this Ordinance as to the remainder of such area. That the City Council hereby declares it to be its purpose to annex to the City of Terrell, Texas, every part of the area described in Section 1 of this Ordinance. That provided, further, that if there is included within the description of the Property set out in Exhibit "A" of this Ordinance any lands or area which are presently part of and included within the lawful corporate limits of the City of Terrell, Texas, or which are not within the City of Terrell's jurisdiction to annex, the same is hereby excluded and excepted from the Property to be annexed hereby as fully as if such excluded and excepted area were expressly described herein.

Section 7. That this Ordinance shall take effect immediately upon its approval on second reading.

PASSED by an affirmative vote of the Terrell City Council this the 15th day of November, 2016, at 7:16 p.m.

ADOPTED by an affirmative vote of the Terrell City Council this the 6th day of December, 2016, at 7:06 p.m.

D. J. ORY, Mayor

ATTEST:

John Rounsavall, City Secretary

APPROVED AS TO FORM:

Mary Gayle Ramsey

Mary Gayle Ramsey, City Attorney

Ordinance # 2678

"EXHIBIT A"

LEGAL DESCRIPTION

STATE OF TEXAS

COUNTY OF KAUFMAN

Being a tract or parcel of land in the T.A. Waldrop Survey, Abstract 596, the E. Spivey Survey, Abstract 495, the J.H. Randle Survey, Abstract 422, and the M.T. Jones Survey, Abstract 259, Kaufman County, Texas, and being more particularly described as follows:

BEGINNING at a point for corner in the Southwest Right of Way of Farm to Market Road 1392, said corner being the East corner of the Eighth Tract recorded in Volume 1182, Page 620 of the Deed Records of Kaufman County;

THENCE S 43 deg. 30 min. 00 sec. West a distance of 1,945.00 feet to a point for corner;

THENCE S 38 deg. 35 min. 49 sec. West a distance of 1,273.53 feet to a point for corner;

THENCE S 06 deg. 45 min. 52 sec. West a distance of 1,263.53 feet to a point for corner, said point being the Northeast corner of a Tract deeded to Racetrac Petroleum in Volume 920 Page 228 of the Deed Records of Kaufman County, said point also being a point on the City Limits of Terrell;

THENCE S 43 deg. 47 min. 20 sec. West along the said City Limits of Terrell, and said Racetrac Petroleum Tract a distance of 1,017.83 feet to a point for corner;

THENCE N 46 deg. 12 min. 49 sec. West a distance of 1,716.40 feet to a point for corner;

THENCE N 44 deg. 38 min. 13 sec. East a distance of 1,305.86 feet to a point for corner;

THENCE N 47 deg. 00 min. 00 sec. West a distance of 50.97 feet to a point for corner;

THENCE N 43 deg. 00 min. 00 sec. East a distance of 631.23 feet to a point for corner;

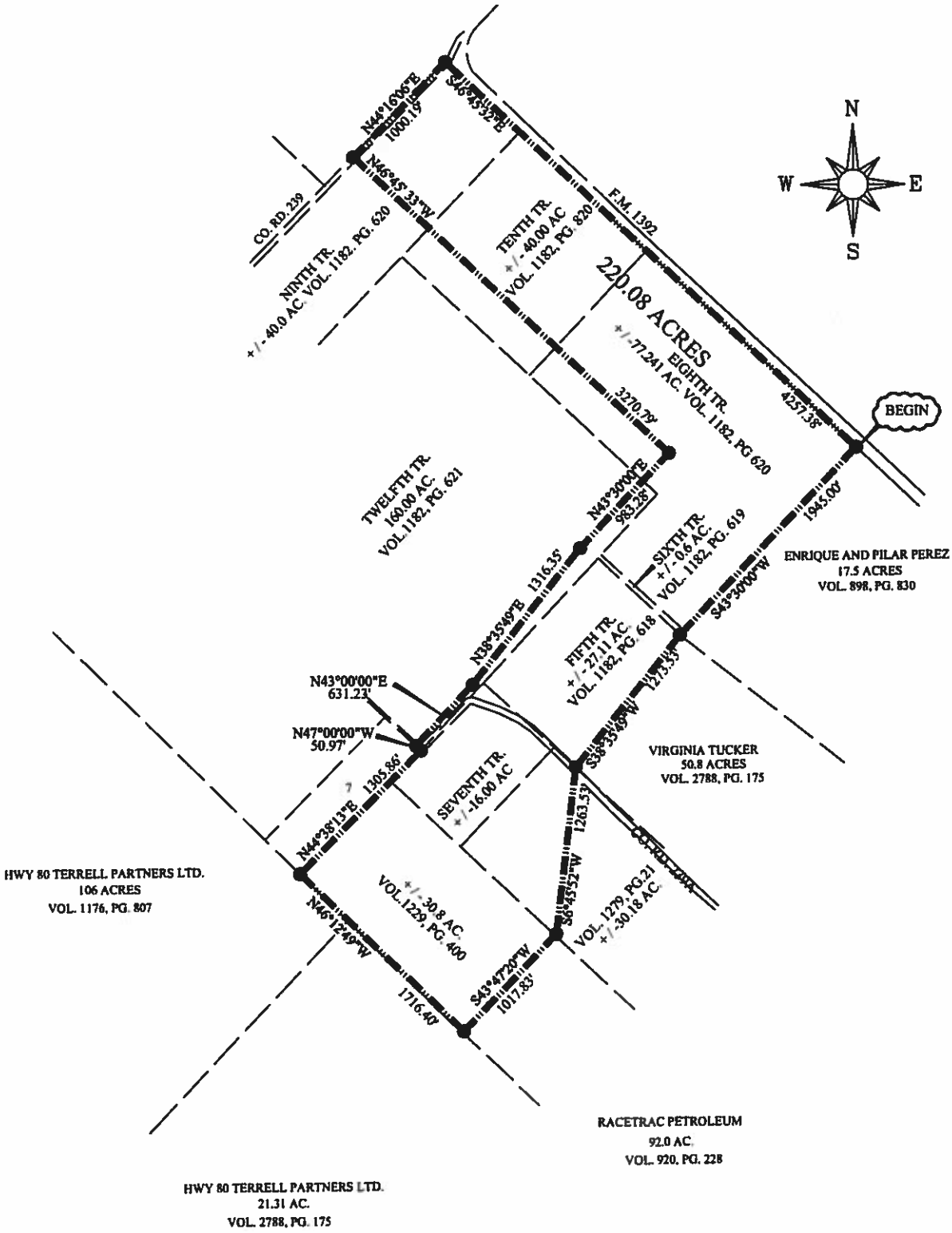
THENCE N 38 deg. 35 min. 49 sec. East a distance of 1,316.35 feet to a point for corner;

THENCE N 43 deg. 30 min. 00 sec. East a distance of 983.28 feet to a point for corner;

THENCE N 46 deg. 45 min. 33 sec. West a distance of 3,270.79 feet to a point for corner;

THENCE N 44 deg. 16 min. 06 sec. East a distance of 1,000.19 feet to a point for corner in the Southwest Right of Way of Farm to Market Road 1392;

THENCE S 46 deg. 45 min. 32 sec. East a distance of 4,257.38 feet along the Southwest Right of Way of Farm to Market Road 1392 to the **POINT OF BEGINNING** and containing 220.08 acres of land More or Less.



CITY OF TERRELL	Ordinance # 2678 EXHIBIT "B"	DATE: 8/19/2016 DRAWN: KW CHECK: REMARKS:

EXHIBIT C

CITY OF TERRELL, TEXAS

SERVICE PLAN FOR ANNEXED AREA

ANNEXATION ORDINANCE NO. 2678

ACREAGE ANNEXED: Approximately +/- 220 acres.

PROPERTY LEGAL DESCRIPTION: Approximately +/- 220 acres, in the T.A. Waldrop Survey, Abstract 596, the E. Spivey Survey, Abstract 495, the J.H. Randle Survey, Abstract 422, the M.T. Jones Survey, Abstract 259 Kaufman County, Texas and being more particularly described as follows in Exhibit "A".

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. GENERAL DESCRIPTION OF ANNEXATION AREA

The annexation area is located in a sparsely developed area with no residential structures and with most of the land in agricultural uses. There are no commercial businesses within the annexation area. Roadways and streets are currently under State and/or County controlled rights-of-way. Water is currently supplied, through Certificate of Convenience and Necessity's (CCN) by the High Point Water Supply District (WSC) along with a small area located in the most southern part of the annexation being in the Lawrence Water Supply District (WSC). There is an area within the annexation that is also served by the City of Terrell.

Sanitary sewer services are provided solely by on-site septic systems.

B. POLICE PROTECTION:

1. The Kaufman County Sheriff's Department currently provides police protection within the annexation area. Police personnel and equipment from the Terrell Police Department shall be provided to the area annexed on the effective date of the annexation. Services will be provided from 201 E. Nash Street initially and from 110 N. State Hwy 34 upon completion of the new Police Headquarters at a level consistent with current methods and procedures presently provided to similar areas within the corporate limits of the City. The level of police

protection provided by the Terrell Police Department will not be less than the level of services provided within the area prior to annexation.

2. As development commences in these areas, sufficient police protection, including personnel and equipment, will be provided to furnish this area with the level of police protection provided to other areas within the corporate limits of the City with similar characteristics of topography, land use and population density.

3. Upon ultimate development, police protection will be provided at a level consistent with other similarly situated areas within the city limits.

C. FIRE PROTECTION / EMERGENCY MEDICAL SERVICES:

1. Fire protection and Emergency Medical Services (EMS) currently are provided by EMS District 3 and by mutual aid agreement with the Terrell Volunteer Fire Department. The City of Terrell's Fire Department shall provide such services to the area annexed, at a level consistent with current methods and procedures presently provided to areas with similar population density, land use and topography within the corporate limits of the City, on the effective date of annexation. The level of fire protection and EMS services provided by the Terrell Fire Department will not be less than the level of services provided within the area prior to annexation.

2. As a 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 fire protection and EMS services provided to other areas within the corporate limits of the City with similar characteristics of topography, land use and population density. It is anticipated that fire stations planned and in conjunction with and in accordance with joint provisions of mutual aid agreements 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.

D. FIRE PREVENTION:

The services of the City of Terrell Fire Marshal shall be provided to the area on the effective date of annexation.

E. SOLID WASTE COLLECTION:

1. During the first year of annexation, the City of Terrell shall not prohibit the collection of solid waste in the area by a privately owned solid waste management service provider; or impose a fee for solid waste management services on a person who continues to use the services of a solid waste management service provider, provided the property owner has a valid contract with the private waste management company.

2. Solid waste collection shall be provided to the area annexed on the effective date of this ordinance. The collection of refuse from individual properties shall be made in accordance with the usual City of Terrell solid waste contract.

3. As development commences in these areas, sufficient solid waste collection will be provided to furnish the level of services to other areas within the city limits with similar characteristics of topography, land use, and population density.

4. Upon ultimate development, solid waste collection will be provided at a level consistent with other similarly situated areas within the city limits.

F. WATER SERVICE:

1. The City presently does not provide water services within the annexed area. Existing water service is provided to the area by High Point Water Supply Corporation (WSC), Lawrence Water Supply Water Supply Corporation (WSC), and the City of Terrell. Existing water connections, water service providers and/or Certificates of Convenience and Necessity (CCN) shall remain in effect until such time the City takes action to provide these services in accordance with City policies and ordinances, any Memorandums of Agreement in effect, and State Law. Upon connection to existing City mains, treated water will be provided at uniform rates established by City Ordinance.

2. The City does not provide extension of water mains at its own expense to areas within the City. As development commences within the annexed area, water 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 to furnish the level of services to other areas within the city limits with similar characteristics of topography, land use, and population density.

3. Because of the current level of development within the annexed area and anticipated future land uses, it is estimated that such water facilities shall not be needed within the annexed area until sufficient development occurs to warrant the demand for additional capacity.
4. There are currently no City water mains in the annexed area to be maintained.

5. Operation and maintenance of water facilities in the annexed area that are currently within the service area of another water utility will be the responsibility of that utility unless an agreement exists between the City and the other water utility.

G. SANITARY SEWER SERVICE:

1. Currently, wastewater service in the annexed area is provided through private on-site sewage facilities (septic systems). Comparable wastewater services are provided within the city limits to other properties with similar population density, land use and topography. Upon connection to existing mains, sanitary sewer collection will be provided at uniform rates established by City Ordinances.

2. The City does not provide extension of wastewater mains at its own expense to areas within the City. As development commences in these areas, wastewater 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 to furnish the level of services to other areas within the city limits with similar characteristics of topography, land use, and population density.

3. Because of the current level of development within the annexed area and anticipated future land uses, it is estimated that such wastewater facilities shall not be needed within the annexed area until sufficient development occurs to warrant the demand for additional capacity.

4. There are currently no City wastewater mains in the annexed area to be maintained.

5. Operation and maintenance of private on-site sewage facilities (septic systems) in the annexed area will be the responsibility of the owner.

H. STREETS:

1. That portion of County Road 239 that falls within the annexed area shall be designated as a City street and shall be maintained in accordance with current City policies and procedures as defined by ordinance. F.M. 1392 shall remain as a State maintained (TXDOT) roadway right-of-way to be maintained by TXDOT.

2. Routine operation and maintenance of existing public roads and streets, including road and street lighting, within the annexed area will be provided on the effective date of annexation, according to schedule, as part of the City's annual street maintenance program in accordance with the then current policies and procedures defined by ordinance for other areas of the City with similar population density, land use and topography.

3. The City does not provide construction of roads serving new development at its own expense. It is not expected that new arterials are need within the area until sufficient development occurs to warrant the demand for additional capacity. As development commences in these areas, the City shall require that all publicly dedicated streets and access ways be constructed to current City of Terrell standards. The City's Subdivision Regulations and ordinances defining City participation, maintenance and acceptance upon completion, shall apply.

I. PARKS AND RECREATION:

1. Residents within the areas annexed may utilize all existing park and recreation facilities, on the effective date of annexation. Fees for such usage shall be in accordance with the current fees for other city residents, as established by ordinance.

2. As development commences in these areas, additional park and recreation facilities shall be constructed based on available funds and the adopted Park development policies defined in the Parks and Recreation Master Plan. The general planned locations and classifications of parks will ultimately serve residents from the current city limits and residents from the annexed area.

J. 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 within this area within sixty (60) days of the effective date of the annexation.

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 annexation.

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.

K. ZONING AND FUTURE LAND USES

1. Permanent zoning classifications and land uses within the annexed area shall be in accordance with the Terrell Comprehensive Plan, Future Land Use Map and Zoning Ordinance as adopted or amended and State Law.

L. MISCELLANEOUS:

1. There are no publicly owned facilities, buildings, or services located within the annexed area. The City shall maintain future City-owned facilities in accordance with standard policies and practices.

2. The provisions of this service plan will commence upon the effective date of an approved and adopted ordinance annexing this territory into the corporate limits of the City of Terrell.