

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, GRANTING ANNEXATION AND ANNEXING, FOR FULL PURPOSES, CITY OWNED LAND CONSISTING OF APPROXIMATELY 177.004-ACRES OF LAND AS DESCRIBED AS THE FIRST AND SECOND TRACTS DESCRIBED IN VOLUME 10761, PAGE 199, OUT OF THE WILLIAM CALDWELL SURVEY NO. 66, ABSTRACT NO. 162 AND THE JOHN LIESSE SURVEY NO. 18 ABSTRACT NO. 406 SAVE AND EXCEPT THEREFROM THAT CERTAIN LAND DESCRIBED UNDER DOCUMENT NO. 200711908 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY; EXTENDING THE BOUNDARIES OF THE CITY TO INCLUDE THE LAND; AND TO BE ZONED AGRICULTURE-CONSERVATION (A); BINDING THE LAND TO ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF THE CITY; APPROVING A SERVICE PLAN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Pflugerville, Texas (the “City”) desires to annex approximately 177.004 acres of land, more particularly described in Exhibit “A”, attached hereto and incorporated herein by reference; and

WHEREAS, pursuant to Chapter 43 Subchapter B of the Texas Local Government Code, the annexation area is contiguous to the annexing municipality, and is vacant and without residents; and

WHEREAS, the subject lands are owned by the City of Pflugerville and a portion of property that is approximately 243.7 acres of which approximately 66.696 acres are already located within the city limits leaving the balance of 177.004 acres the subject of the annexation; and

WHEREAS, the City Council approved a resolution on December 8, 2015 approving the schedule for annexation of the property; and

WHEREAS, the City Council held public hearings on January 12, 2016 and January 16, 2016 for all interested persons to attend; and

WHEREAS, the City has complied with all conditions precedent necessary to take this action, has properly noticed and conducted all public hearings and public meetings pursuant to the Texas Local Government Code and Texas Government Code, as applicable; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS:

Section 1. The Land is hereby annexed to the City, and the boundaries of the City are extended to include the Land within the corporate limits of the City. From and after the date of this ordinance, the Land shall be bound by the acts, ordinances, resolutions and regulations of the City.

Section 2. The City finds annexation of the Land to be in the public interest due to the property providing enhancements and greater public access, additional public right-of-way and open spaces and promotes economic growth of the Land and surrounding areas.

Section 3. The Tract shall be zoned Agriculture-Conservation (A) and ultimately be used for right-of-way, city and park land purposes.

Section 4. The service plan attached as Exhibit “B” is approved, and municipal services shall be extended to the Land in accordance therewith.

Section 5. The City Secretary is directed to file a certified copy of this ordinance in the office of the County Clerk of Travis County, Texas, and in the official records of the City.

Section 6. This ordinance will take effect upon its adoption by the City Council, and provided further that no objection to the annexation is interposed by the United States Attorney General within 60 days of the submission of the annexation pursuant to Section 5 of the Voting Rights Act of 1965, as amended.

Section 7. The City Council intends to annex the Land described in this Ordinance; but if there is included within the description of the Land annexed by this Ordinance any lands or area that may not be annexed by the City for any reason (“Excluded Lands”), then the Excluded Lands should be excluded and excepted from the Land annexed by this Ordinance as fully as if the Excluded Lands were expressly described in this Ordinance and the remainder of the Land were annexed to the City of Pflugerville.

PASSED AND APPROVED this _____ day of _____, 2016.

CITY OF PFLUGERVILLE, TEXAS

By: _____
Jeff Coleman, Mayor

ATTEST:

Karen Thompson, City Secretary

APPROVED AS TO FORM:

GEORGE E. HYDE, City Attorney
DENTON, NAVARRO, ROCHA, BERNAL, HYDE & ZECH, P.C.

EXHIBIT "A" DESCRIPTION OF THE PROPERTY

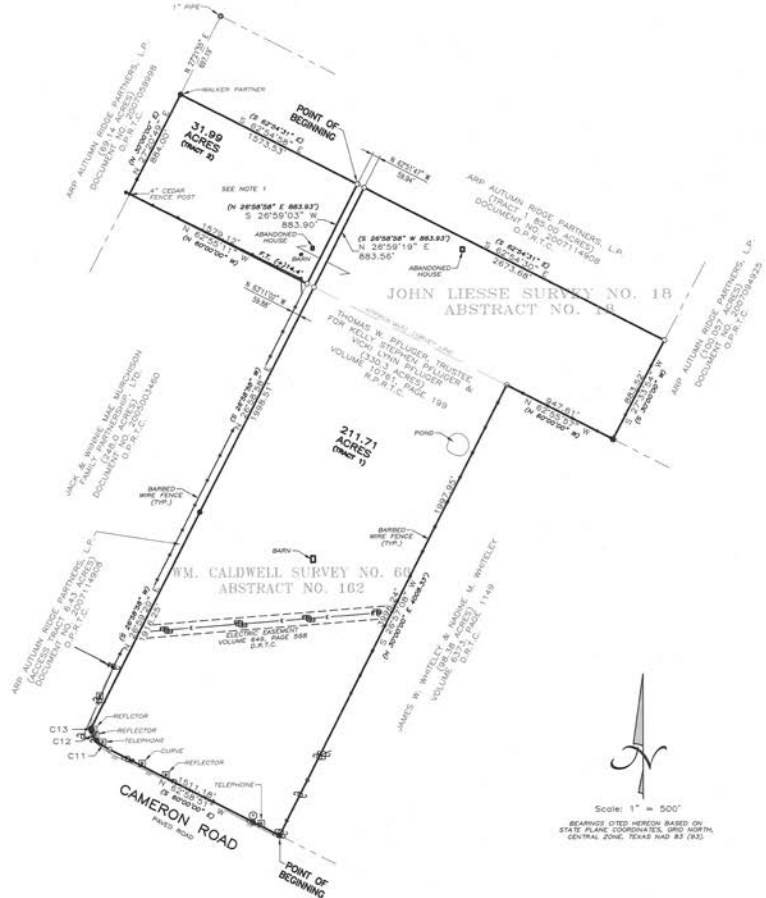
THE FIRST AND SECOND TRACTS DESCRIBED IN VOLUME 10761, PAGE 199, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS OUT OF THE WILLIAM CALDWELL SURVEY NO. 66, ABSTRACT NO. 162 AND THE JOHN LIESSE SURVEY NO. 18, ABSTRACT NO. 406, IN TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT THEREFROM THAT CERTAIN LAND DESCRIBED UNDER DOCUMENT NO. 2007114908, OF THE OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS (SEE ATTACHED SHEETS 1-3 OF 4).

JOB NO. 15421
DRAWN BY
F.C. COYNE

RESTRICTIVE COVENANTS
ONLY THOSE EASEMENTS AND THAT INFORMATION LISTED IN TITLE COMMITMENT BY NO. ABSTRACT 406, EFFECTIVE 04-11-01, AND AS RELATED AND DEPENDENT HEREON ARE CONSIDERED FOR THIS SURVEY.

IN THE FOLLOWING MATTERS AND ALL TERMS OF THE DOCUMENTS CREATING OR AMENDING ANY OF THE MATTERS:
ALL EASEMENTS GRANTED TO THE LANDS OUTLINED HEREIN AUTHORITY BY INSTRUMENT INCORPORATED BY REFERENCE AND ALL RIGHTS RESERVED BY INSTRUMENT INCORPORATED BY REFERENCE SHALL REMAIN UNIMPEALED, UNLESS OTHERWISE SPECIFIED, AND SHALL RUN WITH THE LAND.
THE TERMS, CONDITIONS AND PROVISIONS OF THAT CERTAIN INSTRUMENT NO. 2007114908, IN RECORDED UNDER DOCUMENT NO. 2007114908, S.P.A.T.C. SHALL APPLY TO THE LANDS DESCRIBED HEREIN AND SUBJECT TO THE OPERATIVE TRACT CONVEYANCE IN THIS TITLE COMMITMENT, THE RIGHTS OF ANY OTHER PARTY FOR ADDRESS AND BURDEN TO THE CEMETERY, RIGHTS OF HEREDITAS AND EASES MAY STILL APPLY.

NOTE:
IT IS DECLARED TO THIS SURVEYOR AT THIS TIME WHETHER OR NOT TRACT 2 HAS ACCESS TO A PUBLIC ROAD, THE PUBLIC ACCESS THAT RELATES TO ANY AUTUMN RIDGE PARTNERS, L.P. SURVEY AREA DOES NOT RELATE TO 6.62 ACRES FOR PUBLIC USE, THERE IS NO EVIDENCE OF A ROAD BEING USED FOR HEREDITAS AND BURDEN TO THE TRACT 2.



| LEGEND | |
|--------|---|
| ● | 1/2" BROWN PAPER W/ CAP STAMPED FOR 1/4" MONUMENTS, OTHERWISE NOTED |
| ○ | 1/2" BROWN BLOT W/ PLASTIC |
| □ | PLASTIC |
| ■ | RECORD COPY |
| ▲ | TRAIL |
| ■ | SECTION CORNER |
| ■ | CORNER OF TRACT |
| ■ | TRAIL |
| ■ | COUNTY CORNER |
| ■ | PLAT CORNER |
| ■ | RECORDS OF TRACTS |
| ■ | RECORDS OF TRACTS |
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(NO RECORDS)

| CURVE TABLE | | | | | |
|-------------|-----------|---------|---------|---------|---------------|
| NUMBER | DELTA | RADIUS | ARC | CHORD | DIRECTION |
| C11 | 18°34'09" | 424.74' | 131.17' | 130.60' | N 54°23'47" W |
| C12 | 24°28'38" | 206.77' | 88.10' | 87.49' | N 28°28'00" W |
| C13 | 2°28'03" | 282.41' | 15.64' | 15.65' | N 06°18'28" W |

FENCE 303 (R) WITH A PLUS (+) SIGN INDICATE FENCE ROSE THE PROPERTY LINE.
FENCE 303 (R) WITH A MINUS (-) SIGN INDICATE FENCE OUTSIDE THE PROPERTY LINE.



Scale: 1" = 500'
BEARINGS CITED HEREON BASED ON STATE PLANE COORDINATES, USED NORTH CENTRAL ZONE, TEXAS MAD 83 (N3)

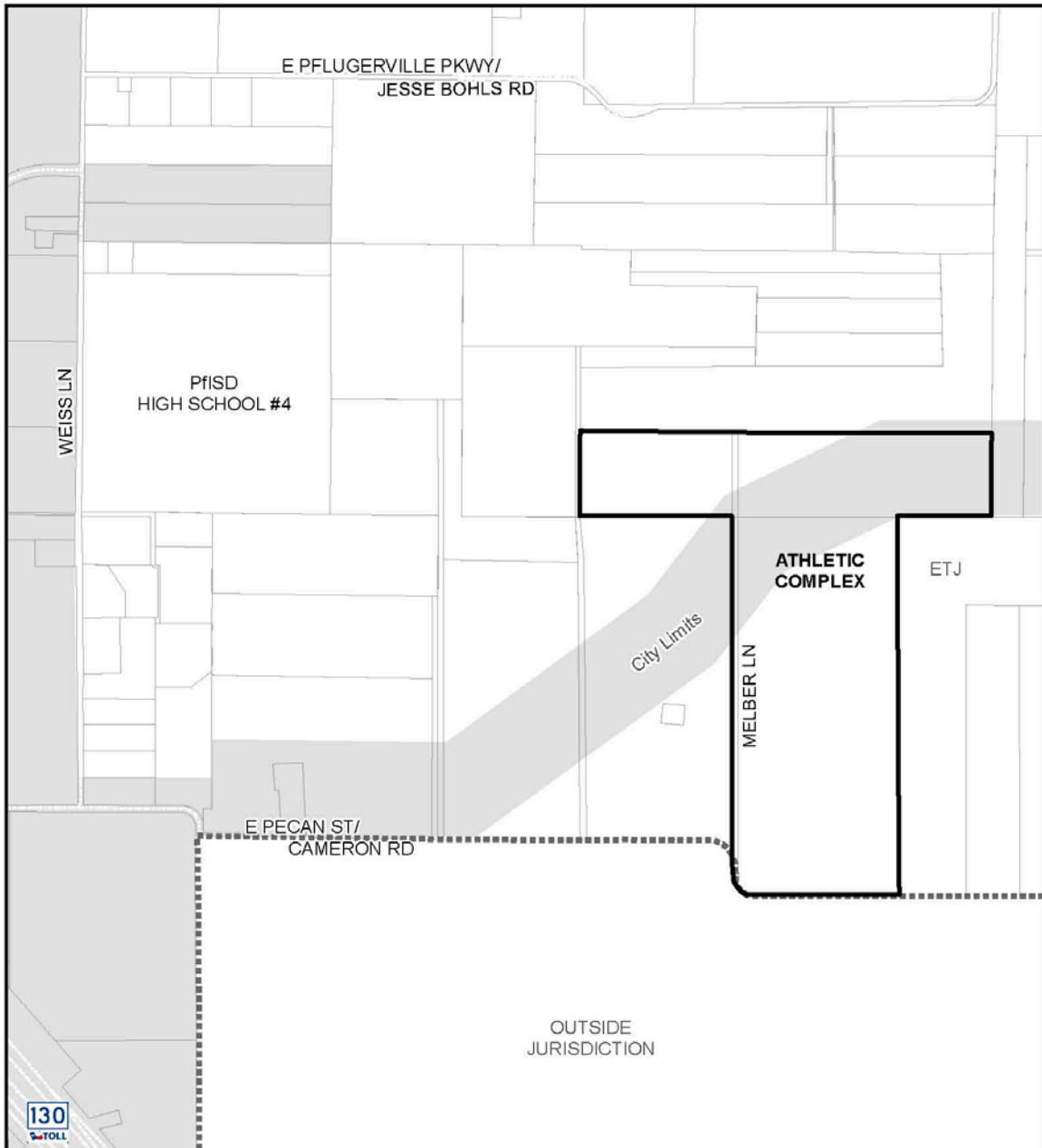
PAGE 4 OF 4

EXEMPT TO: INDEPENDENCE TITLE CO. / STANLEY TITLE COMPANY CO. / QW 1338884-070
STATE OF TEXAS
COUNTY OF WILLIAMSON
THIS SURVEY FOR TEXAS LAND SURVEYING, INC. WAS THIS DATE CALLED TO BE PERFORMED AS AN OUT-OF-STATE SURVEY UNDER A SUPERVISION OF THE PROFESSIONAL PLATTERED SURVEYOR AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THERE ARE NO DISCREPANCIES, CONFLICTS, SURFACES IN AREA, DISCREPANCIES, VICES, UTILITY LINES OR MARKS IN PLACE, AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED HIGHWAY, EXCEPT AS SHOWN HEREON.

Texas Land Surveying, Inc.
3513 Williams Drive, Suite 803 - Georgetown, Texas 78628
(512) 930-1600/(512) 930-9389 fax
www.texasland.com
TSP/LS FIRM NO. 10058200



© Copyright 2007 by Texas Land Surveying, Inc. This survey measures shall not be used for the surveying unless all of the information herein is used as intended and unless the surveyor is not responsible for the accuracy of the information herein. This survey was prepared by James W. Whitteley, State of Texas, License No. 46109, on this day of June, 2007.



Athletic Complex Annexation

Case Number:
ANX1511-02

Legend

- Annexation Area
- ETJ
- City Limits

0 1,000 2,000 Feet

N

When required the City of Pflugerville complies with Texas Local Government Code for public notifications. All notification addresses are derived from tax role information that is certified annually.

PFLUGERVILLE
TEXAS

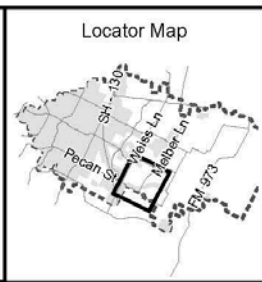


EXHIBIT “B”

SERVICE PLAN

SERVICE PLAN FOR PROPOSED ANNEXATION BY THE CITY OF PFLUGERVILLE, IN TRAVIS COUNTY, TEXAS

This service plan establishes a program under which the City of Pflugerville, Texas (the “City”), will provide full municipal services to the area described on the attached Exhibit “A” of the Service Plan (the “Annexed Area”), as required by § 43.065 of the Texas Local Government Code.

I.

The City will provide the following municipal services to the Annexed Area at a level consistent with protection to other areas within the City:

- A. Police Protection. The City provides police service within its City limits, including routine patrols through the City and law enforcement services upon call. After annexation, police protection will be provided to the Annexed Area at a level consistent with the service to other areas of the City with similar population density. The City’s police services include neighborhood patrols, criminal investigations, crime prevention, community services and school programs.
- B. Fire Protection and Emergency Medical Service.
 - 1. Travis County Emergency Services District No. 2 (TCESD #2) includes the City and the Annexed Area. TCESD #2 will continue to provide fire protection service to the Annexed Area after annexation.
 - 2. The City fire marshal enforces the City fire code, investigates fires, and conducts fire prevention inspections within the City limits, and will provide these services within the Annexed Area after annexation.
 - 3. The City provides Emergency Medical Transport Services through an interlocal agreement with Travis County, Texas. After annexation, transport services will be provided to the Annexed Area at a level consistent with the service to other areas of the City with similar population density. Emergency Medical First Responder Services are provided by TCESD #2, and TCESD #2 will continue to provide such services to the Annexed Area after annexation.

II.

The City will provide the following municipal services to the Annexed Area on the same basis as it provides such services to other similarly situated areas of the City:

- A. Solid Waste Collection. The City provides residential solid waste collection services within the City limits for a fee under a contract between the City and a private refuse collection company. The residential solid waste collection services include garbage collection, recycling, and bulky item collection. This service will be provided for a fee to any person within the Annexed Area requesting the service after the date of annexation.

The City may not prohibit the collection of solid waste by a private provider or charge a fee for solid waste collection to any resident who continues to use the services of a private provider during the first two years following annexation. If a resident continues to use the services of a private provider during the two years following annexation, the City is not required to provide solid waste collection services to that resident.

- B. Maintenance. Routine maintenance of the following City-owned facilities, will be provided within the Annexed Area effective as of the date of annexation:
1. **Water and wastewater facilities** that are not within the service area of another water or wastewater utility. These facilities will include all internal water and wastewater distribution and collection lines owned by the City that are within the Annexed Area. The City maintains distribution and collection lines and handles all customer billing, service calls and complaints.
 2. **Public streets and right-of-ways**. The City provides street repairs, improvements, inspections, street lighting and traffic control devices. This City does not maintain private streets or private right-of-ways.
 3. **Publicly owned parks, playgrounds, and swimming pools**. The City will maintain and operate publicly owned land and facilities within the annexation area.
 4. **Other public easement, facilities or buildings**, including drainage facilities, such as drainage channels, storm sewers and detention ponds contained within dedicated public easements. The City maintains drainage facilities through regular mowing and cleaning or repair, as needed. The City will inspect the land and perform maintenance within improved channels and drainage facilities as required which includes but is not limited to mowing and the removal of debris. Any unacceptable conditions that exist in the drainage areas and are reported to the City of Pflugerville between scheduled inspections will be evaluated and resolved as necessary. A maintenance schedule for these areas can be obtained from the Public Works and Parks and Recreation Departments. If the City establishes a city-wide maintenance plan after the establishment of this service plan the city-wide service plan will replace the maintenance plan established in this service plan.
- C. Development Regulation. The City will enforce zoning, subdivision development, site development and building code regulations within the Annexed Area after annexation. Enforcement will be in accordance with City ordinances. Development plans and plats for projects within the Annexed Area will be reviewed for compliance with City standards and regulations.
- D. Other Services. City recreational facilities, including parks, will be available for use by residents on the same basis as those facilities are available to current City residents. City residents receive program preference for some City programs.

- A. Capital Improvements. As provided in Section 43.056(e) of the Local Government Code, the City will begin acquiring or constructing capital improvements necessary for providing municipal services adequate to serve the Annexed Area. The acquisition or construction will occur in accordance with applicable ordinances and regulations of the City.

- B. Water and Wastewater Service. For portions of the Annexed Area not within the certificated service areas of the City or another utility, the City will extend water and wastewater service to such areas in accordance with the City's service extension policy as stated below, at the appropriate levels considering the topography, land use and population density of the property requesting service. In addition, unless consistent with the City's existing requirements for funding of extensions of water or wastewater service to areas within the current City limits, landowners within the Annexed Area will not be required to fund the capital improvements necessary to provide water and wastewater service under this service plan.

The portions of the Annexed Area that are currently within the certificated service areas of other water and wastewater utilities will continue to receive water and wastewater utility services from such utility providers after annexation.

CITY OF PFLUGERVILLE
WATER AND WASTEWATER SERVICE EXTENSION POLICY

A. GENERAL POLICY

- (1) This policy applies to customers requiring extensions to the City's sewer and water systems, including extensions to existing subdivisions that have not previously been served by City utilities, and excluding extensions to new subdivisions that are covered by the City's subdivision ordinance.
- (2)
 - (a) The City will extend a water distribution main up to 50 feet within a dedicated street, alley or easement, without additional cost to the customer above the standard connection charges.
 - (b) The City will extend lateral sewers or sewer mains only upon the payment of the actual costs of the extension by the customer as provided in this policy.
- (3) If a customer desires service which requires an extension of more than 50 feet of water mains, or an extension of lateral sewers or sewer mains, the customer may advance the funds required for the extension and receive a partial refund as future customers connect to the extension.
- (4) The City is not required to fund system extensions from surplus revenues, bond funds or other public funds, but reserves the right, at its discretion, to use these funds if they become available. Projects will be considered based upon the public health and well-being and the willingness of the customers involved to cost-participate. This funding must be approved by the City Council.

B. PROCEDURE

- (1) Customers desiring to advance funds for the City to extend its water or sewer systems to provide service to their property must make a written application to the City Manager stating the lot and block number, name of subdivision and street address of the property to be served and the service required. The application must be signed by all property owners initially requesting service and their signatures must be identified with the property they desire to be served.
- (2) Upon receipt of an application, the City Manager will direct the City Engineer to prepare a cost estimate for the extension to the requested point of service. The cost estimate must include estimated construction costs and repair costs for all streets and public utilities affected by the construction.
- (3) The estimated construction cost, plus the applicable meter deposits, impact fees and tap fees for each of the initial customers requiring the extension, must be deposited with the City before construction is initiated by the City. The City will pay for engineering, administration, field surveys and other similar contingencies related to the extension.
- (4) Each customer participating in a system extension under this policy must execute a written agreement with the City which describes the extension, specifies the total per-customer costs of the extension, and sets forth the names and addresses of each person to whom refunds are payable.

- (5) After all required funds are paid to the City, the customers may require that competitive bids be received from private contractors for the work; otherwise the City Manager will determine whether the work is to be let by competitive bid or performed by City personnel for the amount of the estimate.
- (6) If bids are received on the work, the amount of the deposit will be adjusted, by additional collections or refunds, to the actual contract price plus applicable meter deposits, impact fees and tap fees. These adjustments will be made before the work is begun.

C. ASSIGNMENT OF COSTS

If multiple customers cooperate to fund a system extension, the proportion of the project cost assigned to each participating customer will be determined according to the following formula:

$$(\text{customer's capacity in project} \div \text{total project capacity}) (\text{total project cost})$$

In addition to these extension costs, each customer must pay the applicable meter deposits, impact fees and tap fees, and must provide a sewer service line or water service line to the water meter or sewer tap.

D. SUBSEQUENT USER FEES

- (1) The City will require each new customer who connects to a line extension project financed by customers under this policy to pay all standard connection charges plus a subsequent user fee determined in accordance with paragraph C. As these subsequent user fees are collected by the City, refunds will be made to the customers who paid for the extension as provided in the written agreement required under paragraph B(4). Refunds will be made within 30 days after the subsequent user fees are paid to the City, and will be divided among the initial participants in the same proportion as their participation in the extension project.
- (2) No refunds will be made after 5 years from the date of completion of the project and no refunds of less than \$25 per participating customer will be made.