

ORDINANCE NO. 1580

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF LAMPASAS, LAMPASAS COUNTY, TEXAS, AND EXTENDING THE MUNICIPAL CORPORATE LIMITS OF SAID CITY TO INCLUDE THE DESCRIBED PROPERTY WITHIN THE CITY'S BOUNDARY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF THE ANNEXED PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING THOSE INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF THE CITY; AND ADOPTING A SERVICE PLAN FOR THE NEWLY ANNEXED PROPERTY.

WHEREAS, the City of Lampasas, Texas is a Home Rule municipal corporation that is duly organized and operating pursuant to its Home Rule Charter and the laws of Texas, and, thus, it is empowered to conduct both voluntary and unilateral annexations of territory, subject to the laws of this State; and

WHEREAS, on or about October 3, 2018, the owner of the Property described herein below, "Owner," voluntarily petitioned the City of Lampasas requesting that the City annex the Property possessed and controlled solely by the Owner, and upon which fewer than three qualified voters currently reside; and

WHEREAS, pursuant to Section 43.052 of the Local Government Code, this voluntary annexation is exempt from the requirements of inclusion in a municipal annexation plan because the property and annexation contains fewer than 100 separate tracts of land on which one or more residential dwellings are located on each tract; and

WHEREAS, the procedures prescribed by the Charter of the City of Lampasas, Texas, and the laws of this State have been duly followed with respect to the following described to-be annexed Property.

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

1. That the following-described Property is hereby annexed to the City of Lampasas, Lampasas County, Texas, and that the boundary limits of the City of Lampasas be and the same are hereby extended to include the described territory within the municipal corporate limits of the City of Lampasas, 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 Lampasas and they shall be bound by the acts, ordinances, resolutions, and regulations of said city.

ANNEXED TRACT:

Being 4.03 acres of land out of the James Easley Survey, Abstract No. 185, Lampasas County, Texas, and being that Tract I and Tract II described in an Independent Executor's Deed to Roy Taylor, et al, dated March 16, 2011 and recorded in Volume 477, Page 521 of the Deed Records of Lampasas County and described by metes and bounds as follows:

BEGINNING at 1/2" iron pin with a yellow plastic cap inscribed "Maples RPLS 5043" found in the east ROW of U.S. Highway 281 for the northwest corner of said Tract II and this tract;

THENCE: with the north line of this tract the following courses and distances:

1. N 68°47'02" E 103.94 feet to a 1/2" iron pin with a yellow plastic cap inscribed "Maples RPLS 5043" found for the northeast corner of said Tract I and the northwest corner of said Tract II,
2. N 69°00'28" E 150.96 feet to a 1/2" iron pin with no cap found for the northeast corner of said Tract I;

THENCE: S 36°25'35" E 496.73 feet to a 1/2" iron pin found for the northeast corner of that tract described in a Warranty Deed with Vendor's Lien to Andrew Garcia, Jr., et ex, dated September 17, 1991 and recorded in Volume 287, Page 295 of said deed records and being the southeast corner of said Tract I and this tract;

THENCE: with the south line of this tract the following courses and distances:

1. S 71°51'28" W 396.12 feet to a 1/2" iron pin with a yellow plastic cap inscribed "Maples RPLS 5043" found,
2. S 84°20'17" W 100.53 feet to a 1/2" iron pin with a yellow plastic cap inscribed "Maples RPLS 5043" found in the east line of U.S. Highway 281 for the northwest corner of that tract described in a deed to Andrew Garcia Jr., et ux, dated August 13, 2001 and recorded in Volume 370, Page 310 of said deed records and being the southwest corner of said Tract II and this tract;

THENCE: 444.93 feet along a curve to the right (delta=04°24'39", r=5779.65 feet, lc bears N 07°16'29" W 444.82 feet) to the Point of Beginning.

(the "Annexed "Property" or "Property")

2. A Service Plan for the Property is adopted and attached hereto as Exhibit A.
3. The City Secretary is hereby directed to file with the County Clerk of Lampasas, Texas, and/or any other appropriate official or agency, as required by law, a certified copy of this Ordinance.

PASSED by an affirmative vote of all members of the City Council on the first reading, this the 14th day of January, 2019.

PASSED by an affirmative vote of all members of the City Council on the second reading, this the 28th day of January, 2019.

APPROVED:

Misti Talbert
Misti Talbert, Mayor

ATTEST:

Christina Marez
Christina Marez, City Secretary

APPROVED AS TO FORM:

Jo-Christy Brown, City Attorney
[Signature of Attorney Provided on Separate Page, to be Attached]

Exhibit A
[Service Plan]

**CITY OF LAMPASAS
MUNICIPAL SERVICE PLAN
FOR VOLUNTARY ANNEXATION OF SPARSELY OCCUPIED
4.03 ACRES OF LAND
ADJACENT TO THE CITY'S MUNICIPAL LIMITS**

INTRODUCTION

The City Council of the City of Lampasas has directed that staff proceed with the voluntary annexation process of land generally comprised of the following:

Being 4.03 acres of land out of the James Easley Survey, Abstract No. 185, Lampasas County, Texas, and being that Tract I and Tract II described in an Independent Executor's Deed to Roy Taylor, et al, dated March 16, 2011 and recorded in Volume 477, Page 521 of the Deed Records of Lampasas County and which is described in metes and bounds on Exhibit "A" which is attached hereto and made a part hereof for all purposes.

The area is described as sparsely occupied area of land.

INTENT

It is the intent of the City of Lampasas that this Service Plan shall provide for the delivery of full available municipal services to the annexed area in accordance with State law. The failure of this plan to describe any particular service shall not be deemed to be an attempt to omit the provision of such services from the annexed areas. The delivery of municipal services may be accomplished through any means permitted by law.

EFFECTIVE TERM

This Service Plan shall be in effect for a ten-year period commencing on the effective date of this annexation.

AMENDMENT OR RENEWAL

This Service Plan may be amended as provided by Texas Local Government Code, Section 43.056. Renewal of the Service Plan shall be at the sole option of the City Council.

SCHEDULE OF MUNICIPAL SERVICES TO BE PROVIDED:

FIRE

Existing Services: Currently, the City of Lampasas Fire Department (with limited staff), in conjunction and under agreement with the Lampasas County Volunteer Fire Department responds to this area, due to its close proximity to the City limits.

Services to be Provided: The City of Lampasas Fire Department and Lampasas County Volunteer Fire Department will continue to respond to the area after annexation. The level of staff available from the City of Lampasas Fire Department will be consistent with the existing level for staffing as provided for current City residents upon the effective date of the annexation. Primary fire response will be provided by the Fire Station located at 1107 East 4th Street. Adequate fire suppression activities can be afforded to the annexed area within the current budget appropriation. Fire prevention activities will be provided by the Fire Marshal's office, as needed.

POLICE

Existing Services: Currently, the area to be annexed is under the jurisdiction of the Lampasas County Sheriff's Department.

Services to be Provided: Upon annexation, the City of Lampasas Police Department will extend regular and routine patrols to the area. Law enforcement protection will be provided to this area in the same manner as it is currently provided to other similarly situated land within the corporate limits of the City. It is anticipated that the implementation of police patrol activities can be effectively accommodated within the current budget and staff appropriation.

EMERGENCY MEDICAL SERVICE

Existing: Emergency medical services to the area to be annexed are provided through a contracted provider administered by Lampasas County.

Services to be provided: The City of Lampasas does not provide emergency medical services. First responders from the Lampasas Fire Department/Lampasas Volunteer Fire Department will continue to respond to medical calls and assist the Lampasas County contracted emergency medical services provider. Emergency medical services will continue to be available to the area upon annexation through the contracted provider administered by Lampasas County.

BUILDING INSPECTION

Existing Services: Provide limited electrical and plumbing inspection services.

Services to be Provided: The Building and Planning Department will provide permit and inspection services upon the effective date of annexation. This includes issuing building, electrical and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes which regulate building construction within the City of Lampasas.

PLANNING AND ZONING

Existing Services: None.

Services to be Provided: The Building and Planning Department's responsibility for regulating development and land use through the administration of the City of Lampasas Zoning Ordinance will extend to this area on the effective date of the annexation. The property will also continue to be regulated under the requirements of the City of Lampasas Subdivision Ordinance.

These services can be provided within the department's current staff and appropriation plans and/or budget.

ENVIRONMENTAL HEALTH CODE ENFORCEMENT SERVICES

Existing Services: Lampasas County currently provides all county level health regulations and services applicable to the property.

Services to be Provided: Enforcement of the City of Lampasas' health and sanitation ordinances and regulations, including but not limited to, weed and brush ordinances, junked and abandoned vehicles ordinances and animal control ordinances, shall begin within these areas within sixty (60) days of the effective date of the annexation. These services can be provided within the department's current staff and appropriation plans and/or budget. Lampasas County will continue to enforce all county level health regulations and services applicable to the property, after annexation, pursuant to applicable State and local laws.

LIBRARY

Existing Services: Currently, the Public Library is open to county residents with increased user fees for services provided.

Services to be Provided: City resident fees will be applied for library use privileges and will be available to anyone residing in this area. These services can be provided within the department's current staff and appropriation plans and/or budget.

PARKS AND RECREATION

Existing Services: Currently, Park and Recreation facilities are open to all area citizens. Local associations and locally sponsored recreational events receive priority use of facilities.

Services to be Provided: Park and Recreation facilities will be available to with no difference in services or costs provided to existing City residents, upon the effective date of annexation.

STREET

Existing Services: The property is adjacent to and accessed by U.S. Highway 281, which is a State of Texas roadway. No other roadways abut or serve the property. The State of Texas maintains the roadway and rights of way. The adjacent roadway is already within the corporate boundaries.

Services to be Provided: The city does not anticipate any additional roadways will be needed now or within the future to provide services to the property. Street maintenance to the publicly owned street rights-of-way, not including state owned and maintained rights-of-way, will be provided by the City, upon the effective date of the annexation. Routine maintenance will be scheduled as part of the City's annual street maintenance program in accordance with the current policies and procedures. A monthly street maintenance fee will be applied within thirty (30) days of the effective date of annexation, the same rate structure as that of the existing City residents will be applied.

STORM WATER MANAGEMENT

Existing Services: State of Texas Road and Drainage Maintenance; Lampasas County

Services to be Provided: The City of Lampasas Street Department will provide maintenance on any existing drainage system that falls under the City's responsibilities, i.e., those not maintained by the State of Texas, upon the effective date of annexation. Routine maintenance will be scheduled as part of the City's annual street maintenance program in accordance with current policies and procedures. Developer will provide storm water drainage at its own expense and the plans for same will be inspected by the City Engineers at time of completion. The City will then maintain the public drainage facilities associated with the annexed area, if any, upon approval and dedication to the City.

ELECTRIC SERVICE

Existing Services: Currently, the City of Lampasas serves electrical power to the area to be annexed for a fee that is greater than that of the residents of the City.

Services to be Provided: The City of Lampasas will continue to provide electric service to the annexed area. Within thirty (30) days of the effective date of annexation, the same rate structure as similarly situated users/properties within the City limits will be applied.

STREET LIGHTING

Existing Service: None

Services to be Provided: The City of Lampasas will coordinate any request for improved street lighting in accordance with standard policy and as plans, appropriations and budget allow.

TRAFFIC ENGINEERING

Existing Services: Roadway signage as provided by the State of Texas; and Lampasas County.

Services to be Provided: The City's Street Department will be able to provide, after the effective date of annexation, any additional traffic control devices as may be necessary for safety and traffic control of the annexed property not including state owned and maintained roadways or rights-of-way. If necessary, the Building Official will provide all properties involved with City street designations and numeric addresses that comply with the City's street system, within 90 days of the effective date of annexation.

WATER SERVICE

Existing Services: The City of Lampasas currently provides public water supply system to the property at an out of city rate as established by the City's fee schedule.

Services to be Provided: The City of Lampasas public water supply will continue to provide water service to the area in accordance with the applicable codes, fees and City policy. After

annexation, water service shall be provided in accordance with extension ordinances and City policies applicable to in-city properties. Extension of service, if any new ones are required in the future, shall comply with City codes and ordinances and State law. Within thirty (30) days of the effective date of annexation, the same rate structure as that of the similarly situated properties within the City limits will be applied.

SANITARY SEWER SERVICE

Existing Services: The property is currently served by the City of Lampasas sanitary sewer system with fees assessed as an out of city customer based upon an adopted user fee schedule.

Services to be Provided: Sanitary sewer service to the area of proposed annexation will be continue to be provided in accordance with applicable City codes, fees and policies. Within thirty (30) days of the effective date of annexation, the same rate structure for similarly situated users/properties within the City limits will be applied.

SOLID WASTE SERVICES

Existing Services: Rural service providers.

Service to be Provided: Solid waste collection services will be made available to the area of annexation in accordance with the City's present ordinance, fee schedule and agreement with solid waste providers as those agreements apply to the businesses and residents in the annexed area. Solid waste collection services will be administered in accordance with section 43.056 of the Texas Local Government Code.

MISCELLANEOUS

All other applicable municipal services will be provided to the newly annexed area in accordance with the City of Lampasas' established policies governing extension of municipal services to newly annexed areas.

CAPITAL IMPROVEMENTS, AVAILABILTY AND LEVEL OF SERVICE

The annexed area will be included with all other areas of the City for future planning for any new or expanded facilities, functions, and services to be funded by future capital improvements programs. The priorities assigned by these plans are driven by a desire to maintain an equitable level of service to all areas of the City with the same population density, land used and topography characteristics. Nothing in this plan shall require the city to provide a uniform level of municipal services to each area of the city, including the annexed area, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

FIELD NOTES
JOB NO. 141029

4.03 ACRES

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BEGINNING at 1/2" iron pin with a yellow plastic cap inscribed "Maples RPLS 5043" found in the east ROW of U.S. Highway 281 for the northwest corner of said Tract II and this tract;

THENCE: with the north line of this tract the following courses and distances:

1. N 68°47'02" E 103.94 feet to a 1/2" iron pin with a yellow plastic cap inscribed "Maples RPLS 5043" found for the northeast corner of said Tract I and the northwest corner of said Tract II,
2. N 69°00'28" E 150.96 feet to a 1/2" iron pin with no cap found for the northeast corner of said Tract I;

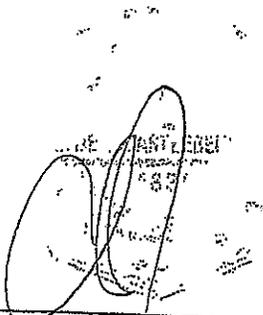
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THENCE: with the south line of this tract the following courses and distances:

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THENCE: 444.93 feet along a curve to the right ($\Delta=04^{\circ}24'39''$, $r=5779.65$ feet, lc bears N $07^{\circ}16'29''$ W 444.82 feet) to the Point of Beginning.

Bearings based on Texas State Plane Coordinate System, Central Zone NAD 83(93).



11/07/14

Clyde C. Castleberry, Jr.
Registered Professional Land Surveyor No. 4835

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