

PUBLIC NOTICE

CITY COUNCIL

A public hearing will be held by and before the City Council of the City of Abilene, Texas, on Friday, November 5, 1982, at 10:00 A.M. The hearing will take place on the grounds of Big Country Youth Services on Farm-to-Market Road 600. The hearing will be for all persons interested in the proposed annexation of 12 1/2 square miles, more or less, in the vicinity of Lake Ft. Phantom Hill in Jones and Taylor Counties. At said time and place, all such persons shall have the right to appear and be heard.

AGENDA

CITY COUNCIL

November 5, 1982  
10:00 A.M.

BIG COUNTRY YOUTH  
SERVICES FM 600

1. Call to Order.
2. INVOCATION - Councilman A. E. Fogle, Jr.
3. Public Hearing to discuss annexation.
4. Adjournment.

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the 1st day of November, 1982, at 9:00 o'clock A.M.

Kelly Beard, Assistant  
Assistant City Secretary

BIG COUNTRY YOUTH SERVICES  
ABILENE, TEXAS

The City Council of the City of Abilene, Texas, met at the Big Country Youth Services Facility on November 5, 1982, at 10:00 A.M., for an annexation public hearing. Mayor Elbert E. Hall was present and presiding, with Councilman Julian Bridges, Councilwoman Billie Proctor, Councilmen Juan C. Rodriguez, A. E. Fogle, Jr., L. D. Hilton, and Councilwoman Kathy Webster also present. Members of the Staff present were City Manager, Ed Seegmiller, City Planning & Community Development Director, Lee Roy George, and City Secretary Ruth Hodgkin.

Invocation by Councilman Fogle.

Mayor Hall welcomed the citizens of the area to the Big Country Youth Services Facility for the public hearing. He explained briefly the legal responsibility that the City has to hold a public hearing on an annexation site and asked that the citizens feel free to ask the Council or Staff any questions they might have.

Mr. Harvey Cargill, City Attorney, explained the calendar of events required for annexation procedures. On October 14, the Council had a service plan presented to it, and they preliminarily discussed the issues involved in the annexation. On November 4, the Council held a public hearing on the annexation proposal and November 5, the Council is required to hold another annexation public hearing on the annexation site. On December 2, the first reading of the annexation ordinance will be heard by the Council and the final action taken by the Council will be on January 13, 1983. Until the final vote occurs, the annexation area can be reduced or changed as the Council sees fit. The first reading of the annexation ordinance would allow the Council to reduce or change the size of the proposed area. However, once the Council makes that change, the size of the area may never be changed or increased again. Usually, though, the Council reserves that right until the final reading, which in this case, will be held on January 13, 1983.

Mr. Lee Roy George, Director of Planning and Community Development, reiterated what he presented to the Council on November 4, 1982, at the first public hearing on the proposed annexation. He explained that the cities draw their power to annex from the Texas Constitution. Initially, in 1912, it provided home rule cities the authority to annex land specified in their charter. The authority to annex is in Abilene's Charter (Article I, Section 4). In 1963, the Texas Legislature defined acceptable procedures for municipal annexation of territory and subsequent provisions of service to that territory. Basically, the City's authority provides: 1) the 1912 Constitutional Amendment and, 2) the 1963 Texas Municipal Annexation Act. The two primary reasons for a city to annex are: 1) for the expansion of the tax base, and, 2) for the control over location and equality of development that because of the City's logical desire to expand its tax base is likely to some day fall within the City limits.

He wanted to say to the citizens that on file at the Planning and Community Development Department office, the Staff has a service plan for servicing the area. It is available for anyone to get a copy of the plan for the area. It is required by the legislation that a city must do a service plan if it is going to provide service to the area to be annexed.

The City will probably not expand its tax base very much until the area is totally developed. Usually, the main reason that cities have annexed additional territory is really to protect the tax base. By annexing adjacent developable land, cities can insure that new housing, shopping, industrial centers, etc., are located within the City limits and are subject to property taxation by the City. This is important to a city, because Abilene receives 26 percent of the total City revenue through property taxes. If there is no annexation and subsequent new development, the City may be left with a declining tax base as older properties in the urban core depreciate over time. However, the physical responsibility to older areas usually makes it imperative that a city annex new territory on the urban fringe.

Mr. Brad Stone, Senior Planner, said in the Spring of 1982, the Council had a request for water service outside the City limits, but next to City water lines. Because so many properties in the vicinity had over the years been provided with water service, the Council felt obliged to also connect service to the similarly situated property owned by Mrs. McFadden. Since that time, similar requests have been made for water service along the same water line. The City Staff then undertook an analysis of development possibilities around the Lake and was particularly concerned over the quality and extent of future development that may emerge in the area.

Some of the development features that presently exist in the area are: 113 residences, a restaurant, auto salvage yard, an egg farm, and one church. Most of the activities are found beside two FM highways, which have portions of the two main water lines running parallel to them. The Water Department has estimated there to be 57 water customers outside the City limits. There are some limitations to the volume of future development that may some day be anticipated. Primarily, there are no sewers in the vicinity, nor are there any plans to have them extended. There exists some topographical characteristics that will make it very difficult to extend sewers into the area. Regardless, of whether the City annexes the area, some degree of incremental lot by lot subdivision will occur as well as additional requests for City water services. When property owners do make such requests, they will have to expect to plat their property in compliance with City subdivision regulations. Besides, insuring that the land is accurately described by map, enforcement of platting requirements will also help prevent development of land in designated floodway areas, will provide space for sufficient expansion of streets and will insure that new parcels created by subdividing old parcels will be large enough to accommodate adequately designed septic systems. As long as the City does not annex the area, it has no obligation to permit extension of the existing water lines.

Some problems in not annexing the area are: 1) Zoning or construction code compliance is not required outside City limits. Without appropriate zoning limitations on development density, the numbers of homes and businesses may begin to prematurely make excessive demands on the limited capacity of water lines in the area. 2) Annexation also implies extension of municipal services to the area included within the area. Many services are already available to the area or are being provided to property very close to the proposed area, such as, Police, Fire, and Refuse Collection. Even though the proposed area is large, the expansion of services could be realized with minimum cost to the City.

Some of the specific services that may be available to residents include Police protection, which should require very little increase in operating cost; firefighting personnel and equipment, which should require little or no increase in operating cost since they already respond to the area; refuse collection with comparable rates and service to City users; maintenance of some roads--the State or County will be responsible for FM roads and gravel roads; street name signs for approximately 11 streets; additional water line connections shall be available upon request; recreational facilities are available for anyone, not just those living inside City limits; and, animal control will be provided for the area. Altogether during the year following the annexation, the cost to the City for expansion of services are estimated to be no more than \$5,000 to \$7,000. Property tax revenues are estimated to be \$34,000. Therefore, the City Staff recommends the annexation of the Ft. Phantom Hill area.

Mr. Stone explained on City maps where residences were located, water lines were extended, and the uses of some of the properties, as well as properties eligible for other water supply sources. He pointed out to the Council again the areas that may be eliminated from the proposed area as an alternative.

Mr. George repeated Mr. Richard Petree's (Taylor County Tax Assessor Collector) statement, that if the Council annexed this area before the end of 1982, the tax on the area would be due in October of 1983. If the Council waits until early 1983 to annex, the tax will be due in 1984. The total revenue estimated to come from the area will be about \$22,000.

Councilman Bridges asked if those people who are paying double water rates in the area would pay the normal City rates after the area is annexed. Mr. Stone said they would have their rates reduced to normal City rates. Councilman Bridges asked also what the difference was in platting for persons living inside the City limits and the people living out of the City limits but within the ETJ. Mr. George said the subdivision regulations implies that there should be adequate amount of area for streets for service of the area to be platted--not about what kind of development that may occur on that property. He said there were a few health codes that extend out in the ETJ also. None of the City's construction codes would be applicable in the ETJ.

Mr. Cargill said that so long as the area is used for agricultural activity, the codes mentioned will not be applicable. However, should subdivision occur after annexation, all construction codes will become applicable.

Mayor Hall opened public hearing on the proposed annexation area.

Mr. Truitt Lambert, 758 Diamond Lake Drive, appeared again requesting that the City annex his 1,400 acres located in the southeastern portion of the proposed area. He said he would like to develop his property and he must have City water to do so. He pointed out that Buck Creek runs near his property. He asked that the Council, on their way back to Abilene, go through this area. He said that Buck Creek has an unbearable odor because of the Buck Creek Treatment Plant.

Mr. Casey Moore, who owns property just north of Mr. Lambert, said he was also in favor of annexation. He said people come out and dump trash near his property, shoot guns, and use a 4-wheel drive track at all hours of the night. He felt that if the City annexed the area, it would provide better Police and Fire protection. He said he even has a fire hydrant on his land. He agreed with Mr. Lambert that Buck Creek odor is bad.

Mr. Wendell Collett, who lives in the northwestern portion of the area, spoke against the annexation. He does not think the City can benefit the people living in the area. He said about three years ago his house burned because the Fire Department did not get out there in time. He said there are other problems like drunks, dope, fires, etc., there but the Police Department never responds in time.

Mrs. Woodrow Griffith, appeared again requesting that the City does not annex the area. She said they are farmers and are planning to continue to farm. She felt that the City has enough land within the limits now.

Mr. Alvin Jefferies, representing his daughters who own land near Mr. Collett, said that they are already paying Stamford Hospital taxes, Water District taxes, Hawley School taxes, and Abilene School District taxes. He does not want the City to annex and add another tax. He said he was afraid too that the City could not take on the added responsibility of servicing an area so far out of town.

Mr. Robert Manly, who owns about 700 acres just east of the WTU power plant, spoke against the annexation. He said WTU has set poles and lines through most of his property and he feels that no development could occur there. He farms most of his property and will continue to do so.

Mr. Charlie Norrell, who owns a farm bordering the Clear Fork of the Brazos, spoke against the annexation. He said since his farm borders the Brazos, he has no need for City water. Also, he said it is a mile to a mile and a half from the City water lines.

Mr. Marvin Smith, who owns property in the southwestern portion of the annexation area, appeared again requesting that the City not annex the area. He was representing Noel Petree and himself. He said the property is used mostly for farming and ranching and the property owners plan to continue to use it in that way. He said the people who would like to develop this area should have bought land in the City limits to start with--they had a choice just like he did when he preferred giving up some City services to be able to live in the country. He questioned the City's water supply potential. He was not sure that the City could supply

water to an area this large. Also, he said the police protection and fire protection in the area is at a minimum. There have been times when the police were called, but it was in excess of an hour responding to the call because they couldn't find the location. He said most of the property proposed to be annexed is in Jones County and the Fire Department has no working agreement with Jones County. He thought that the maintenance and expansion of City services would be more expensive than the City Staff expected and because of the cost, the City would probably tend to forget the people in the area. He pointed out to the Council that the City already has 100 square miles in the City limits. He said if the 12 square miles proposed for annexation is taken by the City, then the City will be expected to service 12 percent of its total City area with \$5,000 to \$7,000.

Mr. Seegmiller said that whether part of the area is in Jones County or not, the City will have the responsibility of protection both fire and police situations. He hoped that soon a fire station will be located where the north area of Abilene will be adequately protected. He said Jones County would not consent to an agreement with the Fire Department.

Mr. Billy Vinson, who owns the area around the Big Country Youth Services, spoke again requesting the City to not annex the area. He said the area was farm and ranch land and he has no intention of developing. He realized that the City was concerned with the people using septic tanks, but he said that the water shed from his land on north ran away from the Lake. He pointed out that if the City wants to annex more land, and would like to develop that land, then it needs to develop the land that it already owns around the Lake. He said as far as the water concern went, he has City water but he obtained it when the Nike Missile Site was built. He asked that if the City takes this area into the City limits, then for the Council to not forget the people--furnish them with all the services they are obligated to.

The owner of the Western Winds Cafe and Trailer Court said that all the conveniences necessary are in the area now--water, gas, electricity, etc. She said she could get water from several sources, such as, the City hook up, Hawley water line or a well. She asked that the City furnish the people with everything they need--gas, electricity, fire stations, police protection, etc., if it takes them into the City limits.

Mr. L. E. Weeks and his brother, Guy Weeks, spoke against the annexation. They both own land across from Seabee Park. Both have City water but would rather give up their City water than be annexed.

Mrs. Jewel Williams, who lives on FM 1082, has City water, but would get on the Hawley water line rather than be annexed.

Mr. Youngblood, who lives in the west portion of the area, opposed the annexation. He has farm and ranch land and would like to continue to farm. He has no intention of developing the land.

Mr. Richard Jones, who lives in the far northeast corner of the area, could see no reason why the City would like to annex the area. His property may not be in the annexation area, but he just doesn't understand why the City would want to annex land so far north of Abilene. He does not need City water because the Hawley water line is eventually going to meet his property.

Mrs. Moore said there would be no reason why the City would want her property in the City limits. There is no development possibilities for her property and she also has Hawley water.

Mrs. Griffith asked if the City does annex the property, will all citizens in the area have water available to them. Mr. George said that all citizens will be eligible for water. The lines will be paid for either by the subdivider or the single private property owner.

Mayor Hall closed the public hearing and adjourned the meeting at 12:15 p.m.

*Ruth A. Hedman*

*Ruth A. Hedman*