

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS, PROVIDING FOR THE EXTENSION OF THE BOUNDARY LIMITS OF THE CITY OF ABILENE, TEXAS, AND THE ANNEXATION OF CERTAIN TERRITORY LYING ADJACENT TO AND ADJOINING THE PRESENT BOUNDARY LIMITS OF THE CITY OF ABILENE.

WHEREAS, Section 4 of the Charter of the City of Abilene, Texas, provides that the City shall have the power, by ordinance, to fix and change the boundaries and limits of the City and to provide for the extension of said boundaries and limits and the annexation of additional territory lying adjacent to the City with or without the consent of the territory and inhabitants thereof annexed; and,

WHEREAS, notice of public hearings, pursuant to Article 970a, the Texas Municipal Annexation Act, was published in the Abilene Reporter-News, a newspaper having a general circulation in the property to be annexed and in the City of Abilene, Texas, on the 14th day of April, 1985, which date was not more than twenty (20) nor less than ten (10) days prior to the date of the public hearings on said annexation; and,

WHEREAS, public hearings before the City Council of the City of Abilene, Texas, where all interested persons were provided with an opportunity to be heard on said proposed annexations, were held at City Hall on the 25th and the 26th days of April, 1985, which dates were not more than twenty (20) nor less than ten (10) days prior to the institution of annexation proceedings (first reading of this ordinance); and,

WHEREAS, said territory lies adjacent to and adjoins the present boundaries of the City of Abilene, Texas; now, therefore,

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

PART 1: That the described land and territory set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes, lying adjacent to and adjoining the present boundaries of the City of Abilene, Texas, is hereby added and annexed to the City of Abilene, Texas, and said territory hereinafter described shall hereafter be included within the boundary limits of the City of Abilene, Texas, and the present boundary limits of the City of Abilene, at various points contiguous to the area

Ordinance No. 58-1985

hereinafter described in Exhibit "A," are altered and amended so as to include said area within the corporate limits of the City of Abilene, Texas.

PART 2: That upon passage hereof, the property hereinabove annexed shall be zoned as AO (Agriculture Open Space) District.

PART 3: That, upon final passage hereof and after the effective date of this ordinance, the annexed territory shall be a part of the City of Abilene, Texas, and the property situated therein shall bear its pro rata portion of the taxes levied by the City of Abilene and the inhabitants thereof shall be entitled to all of the rights and privileges of all the citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the City of Abilene.

PART 4: That, the City of Abilene's Service Plan for the proposed Southwest Annexation area, set out in Exhibit "B" attached hereto and made a part of this ordinance for all purposes, was made available to the inhabitants of the area to be annexed, and is hereby approved as a part of this ordinance.

PASSED ON FIRST READING, this the 23rd day of May, A.D. 1985.

PART 5: That upon passage of this ordinance on first reading, the City Secretary is hereby directed to publish this ordinance at least one (1) time in the Abilene Reporter-News on the 24th day of May, 1985. This ordinance shall not be considered for final passage until at least thirty (30) days have elapsed after said publication thereof in accordance with Section 4 of the Charter of the City of Abilene, Texas.

PART 6: That upon passage of this ordinance on first reading, the City Secretary is hereby directed to have published at least one (1) time in the Abilene Reporter-News, a notice on June 20, 1985, that a public hearing will be held in the Council Chambers of the City Hall in Abilene, Texas, at 9:00 A.M. on the 27th day of June, 1985, to permit the public to be heard prior to the consideration of this ordinance for second and final reading.

PART 7: That this ordinance shall become effective on the 2nd day of January, 1986.

Ordinance No. 58-1985

PASSED ON SECOND AND FINAL READING, this 27th day of June, A.D. 1985.

ATTEST:

Patricia Patton

CITY SECRETARY

David Stillerman

MAYOR

APPROVED:

Harry Caygill

CITY ATTORNEY

EXHIBIT "A"

FIELD NOTES

SOUTHWEST ANNEXATION

BEGINNING at a point, said point being the intersection of the existing City Limits line, being the centerline of Catclaw Creek, and a line 500.0 feet South of and measured at right angles to the South right of way line of Rebecca Lane;

THENCE in a Westerly direction with a line, being 500.0 feet South of and measured at right angles to the South right of way line of Rebecca Lane, as shown on a plat of the J. M. Cunningham Subdivision of the Jackson Blakemore Survey 97, Taylor County, Texas, and its projection, an approximate distance of 5,580 feet for a corner, said corner being the intersection of a line being 500.0 feet South of and measured at right angles to the South right of way line of Rebecca Lane, and a line 500.0 feet West of and measured at right angles to the West right of way line of an unnamed North-South County Road;

THENCE in a Northerly direction with a line 500.0 feet West of and measured at right angles to the West right of way line of an unnamed North-South County Road, an approximate distance of 575 feet for a corner, being the intersection of a line, being 500.0 feet West of and measured at right angles to the West right of way line of an unnamed North-South County Road and South boundary of William Scallorns Survey Number 46, in Taylor County, Texas;

THENCE in a Westerly direction along the South Boundary Line of the William Scallorns Survey Number 46 in Taylor County, Texas, an approximate distance of 5,400 feet for a corner, said corner being the Southwest corner of a certain 10 acre tract or parcel of land conveyed in a Deed to Wilbert E. Vance, et ux, from Malcolm Gray, as recorded in Volume 707, Page 101 of the Deed Records of Taylor County, Texas;

THENCE N 10° 56' W with the West Boundary Line of said Vance 10 acre tract or parcel of land, as described in Volume 707, Page 101 of the Deed Records of Taylor County, a distance of 1381 feet for a corner, said corner being the Northwest corner of said Vance 10 acre tract or parcel of land as described in Volume 707, Page 101 of the Deed Records of Taylor County, Texas, said corner also being on the South right-of-way line of U.S. Highway 277;

THENCE in a Northeasterly direction an approximate distance of 300 feet for a corner, said corner being the intersection of the North right-of-way line of U.S. Highway 277 and the West right-of-way line of an unnamed North-South County Road; said corner also being the Southeast corner of a certain 1.3 acre tract or parcel of land conveyed in a deed to William S. Perry from Gregory W. Ververs, et ux, as recorded in Volume 1167, Page 255 of the Deed Records of Taylor County, Texas;

THENCE in a Northerly direction with the West right-of-way line of said unnamed county road, also being the East Boundary line of said 1.3 acre Perry's tract or parcel of land and its projection, an approximate distance of 800 feet for a corner; said corner being the intersection of the West right-of-way line of said North-South unnamed county road and the South right-of-way of an East-West county road known as Church Road, also being the North Boundary Line of the William Scallorns Survey Number 46 in Taylor County, Texas.

THENCE in a Westerly direction along the South right-of-way of a county road known as Church Road, and the boundary line of William Scallorns Survey No. 46 in Taylor County, Texas, an approximate distance of 4,700 feet for a corner, said corner being the intersection on the existing City Limits line being the perimeter of Dyess Air Force Base Reservation and the North Boundary Line of William Scallorns Survey No. 46 in Taylor County, Texas;

THENCE North with the existing City Limits, being the perimeter of the Dyess Air Force Base Reservation, an approximate distance of 40.0 feet for a corner;

THENCE West with the existing City Limits line being the perimeter of the Dyess Air Force Base Reservation, an approximate distance of 236 feet for a corner;

THENCE North with the existing City Limits line, being the perimeter of the Dyess Air Force Base Reservation, an approximate distance of 2985 feet for a corner;

THENCE East with the existing City Limits Line, being the perimeter of the Dyess Air Force Base Reservation, an approximate distance of 2914.2 feet for a corner;

THENCE North with the existing City Limits line, being the perimeter of the Dyess Air Force Base Reservation an approximate distance of 600 feet for a corner, being the Southwest corner of a certain 118.16 acre tract or parcel of land;

THENCE N 89° 54' E with the existing City Limits line, the South line of a certain 118.16 acre tract, a distance of 2697.22 feet for a corner, said corner being the Southeast corner of a certain 118.16 acre tract or parcel of land;

THENCE N 0° 06' W with the existing City Limits line, being also the East Boundary Line of a certain 118.16 acre tract or parcel of land, a distance of 1597.29 feet for a corner;

THENCE East with the existing City Limits line along the South Boundary Line of Dyess Air Force Base water supply line, an approximate distance of 7500 feet for a corner, said corner being the intersection of the South Boundary Line of Dyess Air Force Base water supply line, and the East bank of Elm Creek;

THENCE in a Southwesterly direction with the existing City Limits being the meanders of the East bank of Elm Creek, an approximate distance of 3450 feet for a corner, said corner being the intersection of the East bank of Elm Creek and the North right of way line of Curry Lane;

THENCE in an Easterly direction with the existing City Limits line, being the North right of way line of Curry Lane, an approximate distance of 4270 feet for a corner, said corner being the intersection of the North right of way line of Curry Lane and the centerline of Catclaw Creek;

THENCE in a Southerly direction with the existing City Limits line, being the centerline meanders of Catclaw Creek, an approximate distance of 5280 feet to the PLACE OF BEGINNING.

EXHIBIT B

SERVICE PLAN FOR ANNEXATION

OF AREA SOUTHEAST OF

THE DYESS AIR FORCE BASE

CITY OF ABILENE, TEXAS
DEPARTMENT OF PLANNING

APRIL 12, 1985

SERVICE PLAN FOR ANNEXATION
OF AREA SOUTHEAST OF THE DYESS
AIR FORCE BASE

Introduction

Vernon's Texas Civil Statutes, Article 970a, Municipal Annexation Act, Section 10, requires that a service plan be adopted by the governing body before such city may institute annexation proceedings. As required by Article 970a, this service plan has been prepared, prior to annexation proceedings, for an area southeast of the Dyess Air Force Base and located on the attached map.

This service plan shall be available for inspection by landowners and other interested parties both at the required public hearings and at the City Planning office. City Staff will be available to answer questions or receive comments from the general public. On completion of public hearings, if the Council decides to annex, the service plan shall be attached to the ordinance annexing the area and included as part of that ordinance.

On approval by the Abilene City Council, the plan shall be construed as a contractual obligation, not subject to amendment or repeal unless the City Council determines at a public hearing that changed conditions or subsequent occurrences make the plan unworkable or obsolete. If the City Council determines that all or part of the plan is unworkable or obsolete, the City Council may amend the plan to conform to changed conditions or subsequent occurrences. The service plan shall be valid

Police

Patrolling, radio responses to calls and other equipment will be provided on the effective date of annexation in accordance with the established standards of the City.

Fire Suppression

Fire protection by the present personnel and equipment of the City's fighting force will be provided on the effective date of annexation in accordance with the established standards of the City.

Fire Safety

The services of the City Fire Marshall shall be available to residents and businesses in the annexed area, following the effective date of annexation.

Refuse Collection

The same twice weekly refuse collection service now provided within City limits will be available to residents and businesses of the annexed area immediately following the effective date of annexation. Service will be provided in accordance with the same rates and conditions applicable within the Abilene City limits. Services for future residents and businesses will be provided upon request in accordance with rates and conditions in effect at the same time said service is provided.

Streets

There are three joint (City-State) projects underway within this area. The first is a bridge under construction on Rebecca Lane at Elm Creek, and the second is a bridge to be constructed on Curry Lane at Elm Creek. Upon completion, the City will be responsible for the maintenance of these two bridges following the effective date of annexation. The third project is the extension of F.M. 3438 (Dub Wright Blvd.) from Military Drive south to Highway 277. Upon completion of the extension, this will be an F.M. road maintained by the State.

Beyond these three projects, the City of Abilene will assume routine and emergency maintenance of all streets not included within the State of Texas' Farm to Market Highway System, following the effective date of annexation. Pavement installation, construction of curbs, and other major improvements to existing streets shall be provided by subdividers of adjacent land, in accordance with the City of Abilene subdivision regulations. The City Government may also participate in major street improvements, possibly involving assessments to adjacent property, as the need is determined by City Council and in accordance with state statute.

All new streets dedicated after annexation will be improved to City of Abilene subdivision and street design standards including paving, curbs and sidewalks.

Street Name Signs

The configuration of existing streets within the area will require at least ten street name signs within one year following annexation. Provision of signs shall be made at the expense of City Government following formal adoption of street names by City Council. Installation of signs for new streets extended by subdividers shall be in accordance with the normal practice of the City's Department of Traffic and Transportation.

Traffic Control

Upon completion of the extension of F.M. 3438 (Dub Wright Blvd.), signalization will be installed at the intersection of Highway 277 at the expense of City Government. In addition, all new traffic signs, pavement markings, and other control devices on City maintained roadways will be installed as the need is established by traffic standards employed by the City of Abilene.

Water and Sewer Service

Individual connection with existing water and sewer mains in the annexed area shall be available upon request, immediately following annexation. Service shall be available at the same rates and conditions applicable to other customers within City limits. Basic water and sewer service will be provided by the developers as lots are platted.

Extension of municipal water and sewer mains by subdividers or individual property owners shall be made in accordance with City of Abilene Subdivision Regulations and Article 5, Section 32 of the Municipal Code. The City reserves the right to participate with the developers in oversizing mains for future development either in or beyond the area immediately adjacent to a subdivision.

Community Services

The City of Abilene has no immediate plan for acquisition and improvement of park and recreational facilities in the annexed area. Residents of the annexed area may use all existing city recreational facilities on the effective date of annexation. The City's current standards and policies for recreational facilities including parks, playgrounds, swimming pools, etc., will be followed to include the newly annexed area as part of the City's overall park plan.

The City of Abilene's Animal Control Services, including dead animal collection, shall be available to the annexed area upon annexation.

Enforcement of the City's Health Ordinances and Regulations shall be provided within the annexed area as development occurs. Health services that would be provided as stipulated under existing City ordinance include Insect Control, Nuisance Investigations and Food Service Inspection.

Building Inspection

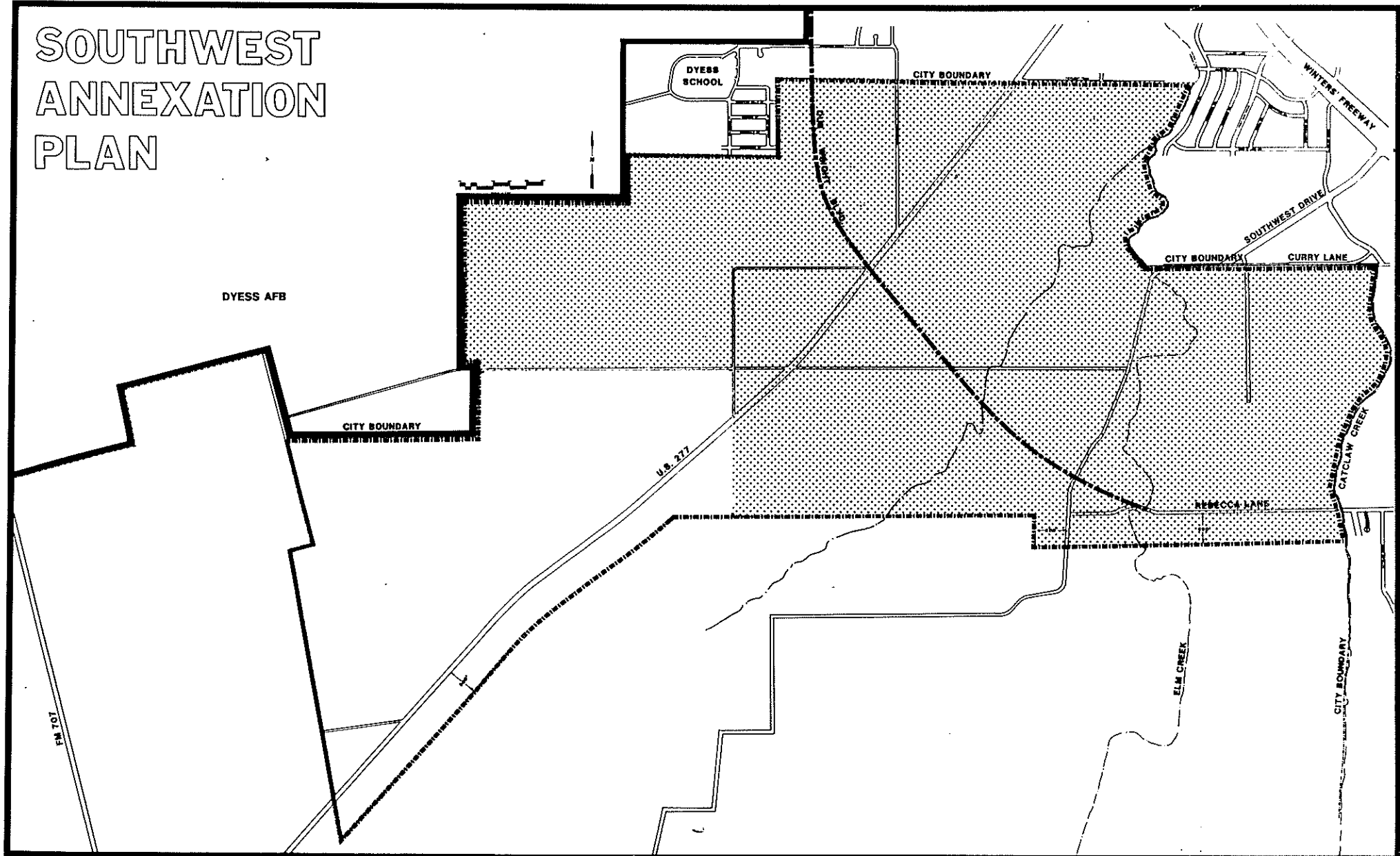
Enforcement of the City's construction codes will be provided within the annexed area immediately following annexation. The Building Inspection Department will provide consultation with developers concerning code requirements and review plans for new and rehabilitated structures. On-site inspection of building improvements shall be provided for the same fees and with the same conditions applicable elsewhere within the City limits. The Building Inspection Department will also be responsible for inspecting mobile home installation, issuing permits for demolition and responding to complaints concerning dilapidated structures in the annexed area.

Land Use Regulation

Subdivision of land within the annexed area is currently subject to City of Abilene Subdivision Regulations. These provisions will help ensure orderly development of land, reduction of flood potential, efficient operation of public facilities and services, and accurate description of property for tax purposes.

On the effective date of annexation, zoning jurisdiction of the City of Abilene shall be extended to include the annexed area, and all property therein shall be immediately zoned within the Agricultural Open Space (AO) District. This district may be viewed as a "holding zone" until the City Council approves a more intensive zoning classification in response to landowners' requests, and/or in accordance with an adopted development plan for that area.

SOUTHWEST ANNEXATION PLAN



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