

ORDINANCE NO. 30-1994

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 Chapter 43, Texas Local Government Code, 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 15th day of April, 1994, 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 27th and the 28th days of April, 1994, which dates were not more than forty (40) nor less than twenty (20) 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 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.

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PART 4: That, the City of Abilene's Service Plan for the proposed Prison Site Annexation area, attached hereto, 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 26th day of May, A.D. 1994.

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 31st day of May, 1994. 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 July 12, 1994, 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 14th day of July, 1994, to permit the public to be heard prior to the consideration of this ordinance for second and final reading.

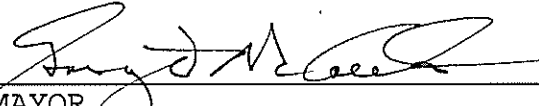
PART 7: That this ordinance shall become effective immediately upon final passage thereof.

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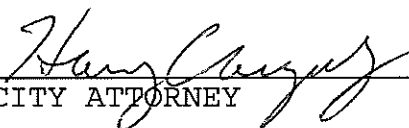
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PASSED ON SECOND AND FINAL READING, this 14th day of July, A.D.
1994.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

FIELD NOTES
ABILENE PRISON SITE
85.87 ACRE TRACT
OUT OF SECTION 3, BLIND ASYLUM LANDS
JONES COUNTY, TEXAS

Being all that certain lot, tract, or parcel of land out of Section 3, Blind Asylum Lands, Jones County, Texas, being more particularly described as follows:

Beginning at a 1/2 inch iron pin found in the South line of Texas F.M. Highway 3522 and being the Northeast corner of a 316.36 acre tract of land conveyed from the City of Abilene to the Texas Department of Criminal Justice, by Deed dated January 19, 1990, recorded in Volume 743, page 621, Deed Records of Jones County, Texas;

THENCE South 89 degrees 58 minutes 05 seconds East along said South line of Texas F.M. Highway 3522, a distance of 1.99 feet to a 1/2 inch iron pin for a point of curvature;

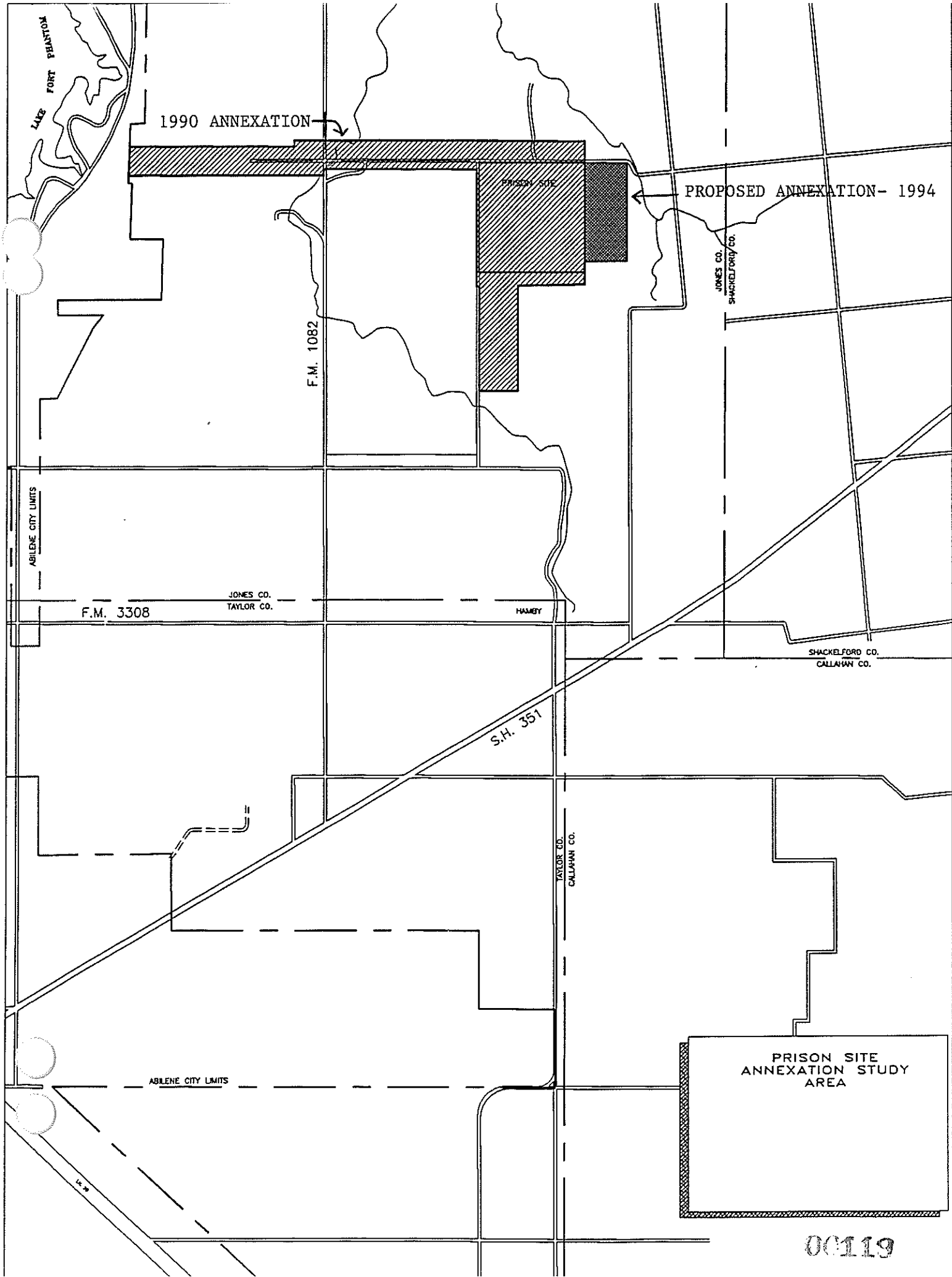
THENCE along said South line of Texas F.M. 3522 with a curve to the right having a radius of 1095.92 feet, a central angle of 40 degrees 58 minutes 24 seconds and a length of 819.47 feet to a 1/2 inch iron pin;

THENCE South 48 degrees 59 minutes 41 seconds East along said South line of Texas F.M. 3522 a distance of 651.88 feet to a 1/2 inch iron pin set for the Northeast corner of this tract;

THENCE South 0 degrees 26 minutes 25 seconds East a distance of 2641.50 feet to a 1/2 inch iron pin set for the Southeast corner of this tract;

THENCE South 89 degrees 33 minutes 35 seconds West at distance of 1206.99 feet to a 1/2 inch iron pin set in the East line of the said 316.36 acre tract and being the Southwest corner of this tract;

THENCE North 0 degrees 26 minutes 25 seconds West along the East line of said 316.36 acre tract a distance of 3347.40 feet to the place of beginning containing 85.87 acres of land.



1990 ANNEXATION

PROPOSED ANNEXATION- 1994

PRISON SITE

F.M. 1082

F.M. 3308

S.H. 351

ABILENE CITY LIMITS

JONES CO.
TAYLOR CO.

HAMEY

SHACKELFORD CO.
CALLAHAN CO.

JONES CO.
SHACKELFORD CO.

TAYLOR CO.
CALLAHAN CO.

ABILENE CITY LIMITS

PRISON SITE
ANNEXATION STUDY
AREA

00119

SERVICE PLAN FOR
MIDDLETON PRISON SITE ANNEXATION

CITY OF ABILENE, TEXAS

DEPARTMENT OF
DEVELOPMENT SERVICES

April 1994

00120

SERVICE PLAN FOR
PRISON SITE ANNEXATION

Introduction

On February 10, 1994, the Abilene City Council directed that public hearings be conducted and that a Service Plan be prepared pertaining to possible annexation of the new Middleton Prison Site located adjacent to the French Robertson Unit.

Texas Local Government Code, Section 43.056, requires preparation of a service plan that provides for the extension of full municipal services to the area to be annexed, to be provided no later than 4-1/2 years after the effective date of annexation. The City will, however, provide as a minimum the following services in the annexed area within 60 days after the effective date of the annexation of the area:

- (1) police protection;
- (2) fire protection;
- (3) solid waste collection;
- (4) maintenance of water and wastewater facilities in the annexed area that are not within the service area of another water or wastewater utility;
- (5) maintenance of roads and streets, including road and street lighting;
- (6) maintenance of parks, playgrounds, and swimming pools;
and
- (7) maintenance of any other publicly owned facility, building, or service.

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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 for ten (10) years.

Police

Regular patrolling and responses to calls for assistance shall be provided following the effective date of annexation in accordance with the established standards of the City.

Fire Suppression

Abilene Fire Fighting personnel and equipment shall be available to residents and businesses following the effective date of annexation in accordance with the established standards of the City. The Fire Department shall also respond to complaints concerning (overgrown) weeds, following the effective date of annexation.

Fire Safety

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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 residential refuse collection service and the same options for commercial 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. These services will be provided upon request in accordance with the same rates and conditions applicable within the Abilene City limits that are in effect at the same time said service is provided. Where there is insufficient roadway access for the City's refuse collection vehicles, refuse collection shall be collected at the nearest location within which such vehicles can maneuver.

Streets

The City of Abilene will assume routine and emergency maintenance of all public streets not included within the State of Texas' Farm to Market or other highway systems, following the effective date of annexation. Construction of pavement, 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 & Traffic Signs

Street name signs will be installed following formal adoption of street names by City Council, if required. 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.

Installation of signs for new streets extended by subdividers shall be in accordance with the normal practice of the City's Traffic Engineering and Operations Division.

Water and Sewer Service

Individual connection with City existing water and sewer mains in the annexed area shall be available upon request, immediately following annexation, for areas not served by other water supply corporations. 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 as lots are platted in accordance with the Abilene subdivision regulations. The City shall, in accordance with Texas Local Government Code, Section 43.056 (c), extend water and wastewater service to any annexed area not within the service area of another water or wastewater utility.

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 adjacent to a subdivision.

Community Services

The City of Abilene has no immediate plans for acquisition and improvement of park and recreational facilities in the annexed area. The City's Parks Master Plan standards will be used to address future recreational needs within the annexed area.

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 Ordinance 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 Division will provide consultation with developers concerning code requirements and review plans for new and rehabilitated structures. On-site inspection of building

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improvements shall be provided for the same fees and with the same conditions applicable elsewhere within the City limits. Building Inspections 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 will be 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, the 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.

Acquisition and Construction of Capital Improvements

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In accordance with Texas Local Government Code, Section 43.056 (d), construction of capital improvements required for the provision of municipal services adequate to serve the annexed area shall begin

within two years after the effective annexation date. The construction of facilities required shall be accomplished in a continuous process and shall be completed as soon as reasonably possible.

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