

ORDINANCE NO. 22-1995

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 26th day of January, 1995, 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 8th and the 9th days of February, 1995, 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", Tracts I, II, III, IV 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 in Tracts I and IV; GC (General Commercial) District in Tract II and that any fireworks display presently in existence in Tract II shall be allowed to continue until August 30, 1998; and LC (Limited Commercial) District in Tract III.

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 Saddle Creek 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 9th day of March, A.D. 1995.

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 14th day of March, 1995. 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 May 1, 1995, 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 11th day of May, 1995, 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.

PASSED ON SECOND AND FINAL READING, this 11 day of May, A.D. 1995.

ATTEST:

  
CITY SECRETARY

  
MAYOR

APPROVED:

  
CITY ATTORNEY

TRACT I

BEING 130.66 acres out of a certain 306.92 acre tract, recorded in Volume 1065, Page 543, Deed Records, Taylor County, Texas, out of Section 22, Lunatic Asylum Lands, Abilene, Taylor County, Texas, and consisting of all of Section 2 & Section 3, Saddle Creek Estates, outside the city limits of Abilene, Save and Except the south part of Lots 120, 21 & 22, Block A, Section 2, Saddle Creek Estates, and all of Lots 10 & 11, Block A, and Lots 9 through 16, Block C, Section 4, and the west part of Lots 12 through 19, Block A, Section 4, to the east boundary line of the fill line, Saddle Creek Estates, and described within the metes and bounds as follows:

BEGINNING at a 1/2" iron rod by a corner post, on the east right-of-way of U.S. Highway 83-84, for the southwest corner of Lot 233, Block A, Section 2, Saddle Creek Estates, same being the southwest corner of said 306.92 acre tract and the northwest corner of a certain 368.31 acre tract.

THENCE N 0° 08' E 1022.91 feet to a 1/2" iron rod, by a corner post, for the northwest corner of Lot 226, Block B, Section 2, Saddle Creek Estates and a corner of said 306.92 acre tract;

THENCE S 88° 58' 45" E 1020.26 feet to a 3/8" iron rod, found, for a corner of said 306.92 acre tract, same being the southeast corner of a certain 7.195 acre tract;

THENCE N 1° 43' W 386.77 feet to a point on the west boundary line of Lot 17, Block B, Section 3, Saddle Creek Estates, from which the northwest corner of said Lot 17 bears N 1° 43' W 169.11 feet, said point being on the existing city limits line, and being 500 feet from the southeast right-of-way of FM 707, in a curve to the left;

THENCE along said curve to the left, having a partial delta of 14° 01' 17", a radius of 1695.92 feet, on a chord bearing of N 51° 40' 05" E 413.99 feet for an arc distance of 415.03 feet to a point on the south boundary line of a certain 6 acre tract, recorded in Volume 905, Page 326, Deed Records, Taylor County, Texas, and the north boundary line of Lot 16, Block B, Section 3, Saddle Creek Estates;

THENCE S 89° 35' 45" E 261.10 feet to a 1/2" iron rod, found, for the southeast corner of said 6 acre tract, and a corner of Lot 7, Block B, Section 2, Saddle Creek Estates;

THENCE N 0° 54' 10" E 353.42 feet to a point on the existing city limits line, in a curve to the left;

THENCE along said curve to the left, having a partial delta of  $13^{\circ}00'14''$ , a radius of 1695.92 feet on a chord bearing of  $N 23^{\circ}12'22'' E$  384.08 feet, for an arc distance of 384.91 feet to a point for the end of said curve, from which a concrete right-of-way marker on the east right-of-way of FM 707 bears  $N 73^{\circ}17'45'' W$  500 feet;

THENCE  $N 16^{\circ}42'15'' E$  567.18 feet to a point for the beginning of a curve to the right, from which a concrete right-of-way marker, on the east right-of-way of FM 707, bears  $N 73^{\circ}17'45'' W$  500 feet;

THENCE along the existing city limits line and said curve to the right, having a central angle of  $73^{\circ}36'45''$ , a radius of 595.73 feet, on a chord bearing of  $N 53^{\circ}30'37'' E$  713.82 feet for an arc distance of 765.39 feet to the end of said curve, from which a 1/2" iron rod, found, for a corner of Lot 5, Block A, Section 1, Saddle Creek Estates, bears  $N 0^{\circ}19' E$  50.00 feet and a concrete right-of-way marker on the south right-of-way of FM 707 bears  $N 0^{\circ}19' E$  500 feet;

THENCE  $S 89^{\circ}41' E$  334.41 feet to a point at the intersection of the existing city limits line and the fill line, shown in Lot 12, Block A, Section 4, Saddle Creek Estates;

THENCE along said fill line as follows:

$S 42^{\circ}23'38'' E$  419.73 feet,

$S 15^{\circ}36'02'' E$  381.78 feet,

$S 0^{\circ}47'39'' W$  1217.56 feet,

$S 44^{\circ}10'03'' W$  1119.95 feet to a point on the east boundary line of Lot 23, Block A, Section 2, Saddle Creek Estates;

THENCE  $S 28^{\circ}05'09'' E$  148.83 feet to a 3/8" iron rod, found, for the southeast corner of said Lot 23, on the north boundary line of said 368.31 acre tract;

THENCE  $S 86^{\circ}46'45'' W$  822.22 feet to a 3/8" iron rod, by a corner post, for a corner of said 368.31 acre tract and the southwest corner of Lot 25 and a corner of Lot 26, Block A, Section 2, Saddle Creek Estates, and a corner of said 306.92 acre tract;

THENCE  $S 2^{\circ}55'15'' W$  443.97 feet to a 3/8" iron rod, found, by a corner post for a corner of said 368.31 acre tract;

THENCE  $N 89^{\circ}58'15'' W$  1663.13 feet to the POINT OF BEGINNING, and containing 130.66 acres of land, more or less.

TRACT II

Fieldnotes of a survey of 2.31 acres of land being located in Section 22 L.A.L., Taylor County, Texas. Said land is a part of that land by deed as recorded in Volume 2012, Page 95 of the Deed Records of Taylor County, Texas and being more particularly described as follows;

Beginning at the north west corner of Lot 226, Block B, Section 2, Saddle Creek Estates, and also being on the east right of way of U.S. Highway 83-84;

THENCE South 88 degrees 58 minutes 45 seconds East for a distance of 673.46 feet along the north line of said Block B, Section 2, Saddle Creek Estates to the southeast corner of said land as shown in Volume 2012, Page 95;

THENCE North 01 degrees 45 minutes 00 seconds East for a distance of 218.15 feet along the east line of said tract of land described in Volume 2012, Page 95 to the existing City Of Abilene City Limits line being 500 feet from perpendicular to the south right of way of F.M. Highway 707;

THENCE along a curve to the right having a radius of 1695.92 feet and an arc length of 568.76 feet, being subtended by a chord of South 81 degrees 24 minutes 48 seconds West for a distance of 566.10 feet along the City of Abilene city limits;

THENCE North 89 degrees 52 minutes 00 seconds West for a distance of 119.98 feet along the City of Abilene city limits to the east right of way of U. S. Highway 83-84;

THENCE South 00 degrees 08 minutes 00 seconds West for a distance of 121.81 feet along the east right of way of U. S. Highway 83-84 to the place of beginning and containing 2.31 acres more or less.

TRACT III

Fieldnotes of a survey of 2.34 acres of land being located in Section 22 L.A.L., Taylor County, Texas. Said land is a part of that 7.195 acre tract of land by deed as recorded in Volume 1615, Page 612 of the Deed Records of Taylor County, Texas and being more particularly described as follows;

Beginning at an interior corner of Block B, Section 3, Saddle Creek Estates, and an interior corner of Lot 19, Block B, Section 3, Saddle Creek Estates, and also being the southeast corner of said 7.195 acre tract of land;

THENCE North 01 degrees 45 minutes 00 seconds East for a distance of 386.66 feet along the east line of said 7.195 acre tract of land to the existing City of Abilene City Limits line being 500 feet from perpendicular to the south right of way of F. M. Highway 707;

THENCE along a curve to the right having a radius of 1695.92 feet and an arc length of 388.35 feet, being subtended by a chord of South 65 degrees 14 minutes 44 seconds West for a distance of 387.50 feet along the City of Abilene City Limits to the west property line of said 7.195 acre tract of land;

THENCE South 01 degrees 45 minutes 00 seconds West for a distance of 218.15 feet along the west property line of said 7.195 acre tract to the north line of Block B, Section 2, Saddle Creek Estates and the south west corner of said 7.195 acre tract of land;

THENCE South 88 degrees 58 minutes 45 seconds East for a distance of 346.80 feet to the place of beginning and containing 2.34 acres more or less.

TRACT IV

Fieldnotes of a survey of 0.96 acre of land being located in Section 22, L.A.L., Taylor County, Texas. Said land is a part of that 6 acre tract of land described in a deed as recorded in Volume 905, Page 326 of the Deed Records of Taylor County, Texas and being more particularly described as follows;

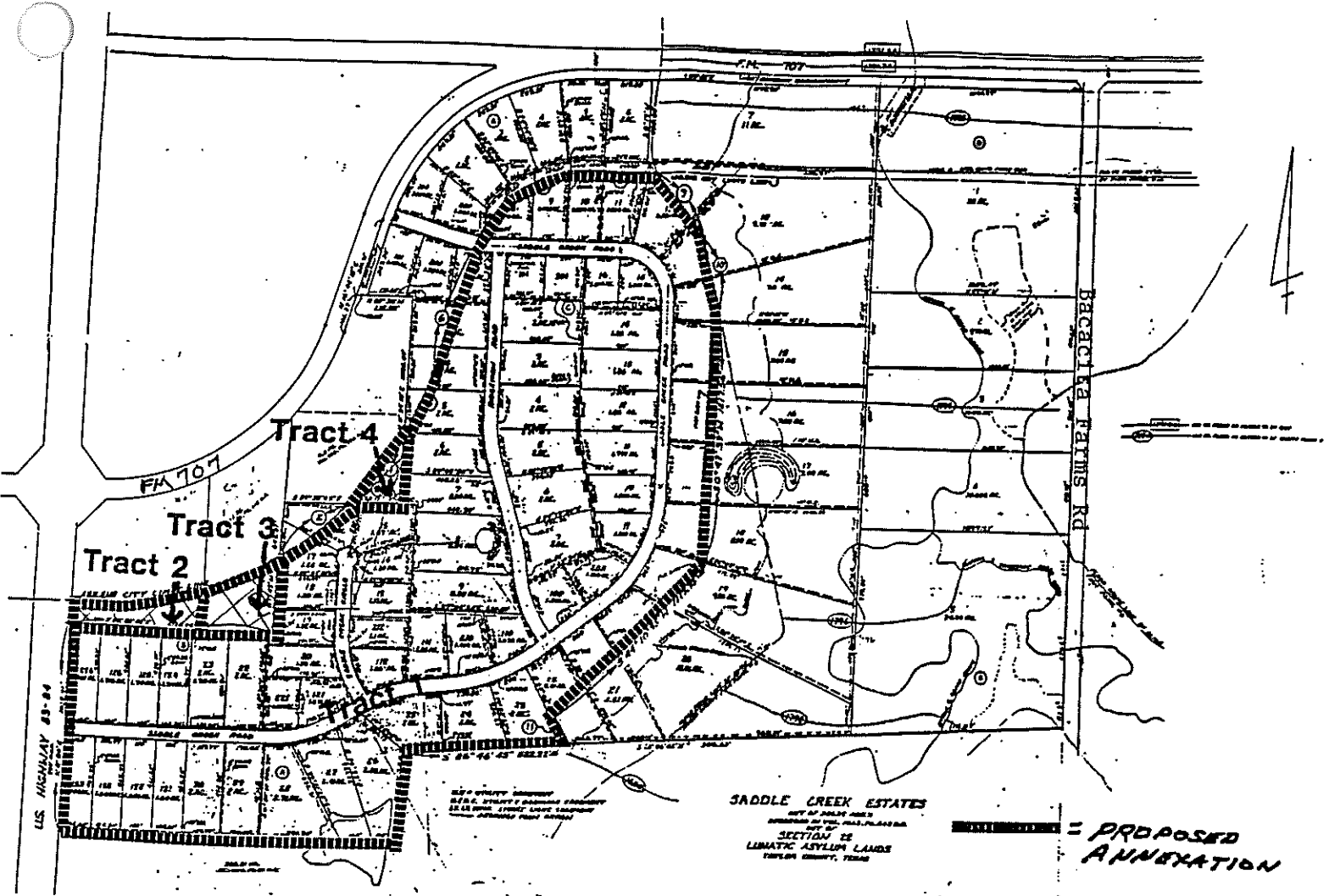
Beginning at a point on the current City of Abilene city limits being located 500 feet southeasterly from and perpendicular to the southeasterly right of way of FM Highway 707 and also being located on the easterly line of said 6 acre tract of land and a west line of Section 2, Saddle Creek Estates;

THENCE South 00 degrees 54 minutes 10 seconds West for a distance of 353.42 feet along the east line of said 6 acre tract and the west line of Section 2, Saddle Creek Estates to the most westerly south west corner of Lot 7, Block B, Section 3, Saddle Creek Estates;

THENCE North 89 degrees 35 minutes 45 seconds West for a distance of 261.10 feet along a north line of Block B, Section 3, Saddle Creek Estates to the existing City of Abilene City Limits being located 500 feet southeasterly from and perpendicular to the southeasterly right of way of FM Highway 707 and also being located on the south line of said 6 acre tract of land;

THENCE along a curve to the left having a radius of 1695.92 feet and an arc length of 442.49 feet, being subtended by a chord of North 37 degrees 10 minutes 58 seconds East for a distance of 441.23 feet along said City of Abilene City Limits to the place of beginning and containing 0.9618 acre of land.





SERVICE PLAN FOR  
SADDLE CREEK ESTATES ANNEXATION

CITY OF ABILENE, TEXAS

DEPARTMENT OF  
DEVELOPMENT SERVICES

January 1995

00117

SERVICE PLAN FOR  
SADDLE CREEK ESTATES ANNEXATION

Introduction

On December 15, 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 subdivision in southeast Abilene called Saddle Creek Estates per request on November 7, 1994, by the developer.

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.

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

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

### 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

Following annexation individual connection to existing City maintained water and sewer mains in the annexed area shall be available upon request in 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 in accordance with City of Abilene Subdivision Regulations and Article 5, Section 32 of the Municipal Code.

#### 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 Vector 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 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

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.

-END-