

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 AND CONTIGUOUS TO 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 and contiguous to the City with the consent of the owner of the territory annexed;

WHEREAS, on July 6, 2004, a property owner of 70 acres of property filed a Petition for Annexation with the City of Abilene; and

WHEREAS, the Planning and Zoning Commission discussed said Petition for Annexation at its meeting of October 4, 2004, and recommended that a larger 1600 acre tract be studied and considered for annexation into the City of Abilene.

WHEREAS, the Council held public hearings on January 13, 2005 and January 18, 2005.

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

PART 1: That the territory set out on Exhibit "A", attached hereto and made a part of this ordinance for all purposes, lying adjacent to and contiguous to the present boundaries of the City of Abilene, Texas, is hereby added and annexed to the City of Abilene, Texas, and said territory described in Exhibit "A" shall 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 final passage, the property annexed shall be zoned as AO, Agricultural Open-space.

PART 3: That upon final passage hereof, 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 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 10th day of February, 2005.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 29th day of December, 2004, the same being for public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 24th day of February, 2005, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance to become effective as provided for ordinances of annexation in the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING, this the 24th day of February, 2005.

ATTEST:



CITY SECRETARY



MAYOR

APPROVED:



CITY ATTORNEY

EXHIBIT "A"

FIELD NOTES FOR PROPOSED ANNEXATION

MAPLE STREET TRACT:

Fieldnotes of a survey of 5.358 acres of land being a part of the west one-half of Section 8, Lunatic Asylum Land, Taylor County, Texas, and being more particularly described as follows;

NOTE: All bearings are based on grid north as tied to the Texas State Plane Coordinate System North Central Zone, NAD 27, occupying City of Abilene monument #17 and backsighting City of Abilene monument #18.

Beginning at a recovered 1/2" rebar in Maple Street, being called the northwest corner of said Section 8 B.A.L., and being a corner of the existing City Limits;

THENCE South 01 degrees 18 minutes 53 seconds West for a distance of 5285.64 feet along the west line of said Section 8 and the existing City Limits to a recovered 3/8 rebar representing the southwest corner of said Section 8 B.A.L. and a corner of the existing City Limits;

THENCE South 88 degrees 23 minutes 41 seconds East for a distance of 43.11 feet along the south line of said Section 8, L.A.L. and the existing City Limits to a set 1/2" rebar with red cap;

THENCE North 01 degrees 21 minutes 18 seconds East for a distance of 297.75 feet to a 1/2" rebar set on the north line of Volume 932, Page 261 and the south line of Volume 1565, Page 807 of the Deed Records of Taylor County, Texas;

THENCE North 01 degrees 20 minutes 54 seconds East for a distance of 784.92 feet to a 1/2" rebar with red cap set for the southwest corner of Lot 1, Block A, Hiller Subdivision, recorded in Plat Cabinet 3, Slide 238, Plat Records Taylor County, Texas;

THENCE North 01 degrees 17 minutes 01 seconds East for a distance of 100.02 feet to a recovered 3/8" rebar representing the northwest corner of the Hiller Subdivision recorded in Plat Cabinet 3, Slide 238 of the Plat Records, Taylor County, Texas and the south line of Volume 2218, Page 688 of the Deed Records of Taylor County, Texas;

THENCE North 01 degrees 25 minutes 12 seconds East for a distance of 111.37 feet to a recovered 1/2" rebar representing the southwest corner of Lot 1, Kings Hill Subdivision, Abilene, Taylor County, Texas as recorded in Cabinet 3, Slide 267 of the Plat Records of Taylor County, Texas;

THENCE North 01 degrees 19 minutes 56 seconds East for a distance of 1887.85 feet to a recovered 3/8 rebar in concrete representing the northwest corner of Lot 14, Continuation of Kings Hill Subdivision, recorded in Plat Cabinet 3, Slide 373, Plat Records, Taylor

County, Texas and the southeast corner of Volume 2775, Page 318 of the Deed Records of Taylor County, Texas ;

THENCE North 01 degrees 20 minutes 46 seconds East for a distance of 58.59 feet to a recovered 3/8" rebar representing the southwest corner of Lot 15, Continuation No. 2, Kings Hill Subdivision as recorded in Plat Cabinet 3, Slide 528, Plat Records, Taylor County, Texas, from which a recovered 1/2" rebar in concrete bears South 88 degrees 41 minutes 07 seconds East for a distance of 9.99 feet;

THENCE North 01 degrees 18 minutes 06 seconds East for a distance of 249.25 feet to a recovered rebar in concrete representing the northwest corner of Lot 16, Continuation No. 2, Kings Hill Subdivision as recorded in Cabinet 3, Slide 528, Plat Records, Taylor County, Texas;

THENCE North 01 degrees 18 minutes 55 seconds East for a distance of 1796.36 feet to a 1/2" rebar set on the north line of said Section 8 L.A.L., and being in Hardison Lane;

THENCE North 88 degrees 59 minutes 58 seconds West for a distance of 44.50 feet along the north line of said Section 8 L.A.L. to the place of beginning and containing 5.358 acres of land.

I, Gary D. Hudson, RPLS #4389, certify that this document represents a survey made on the ground this the 24th day of June, 2002.

WALDROP TRACT:

BEING 69.03 acres of land in the Lunatic Asylum Lands, Section 8, Abstract 805, Taylor County, Texas, being part of that 70.03 acre tract conveyed to Trans-Western Property Corporation by Warranty Deed With Vendor's Lien dated May 4, 2004 and recorded in Volume 2960, Page 441 of the Official Public Records of Taylor County, Texas. Said 69.03 acres is described more particularly in metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found in the East right-of-way line of Maple Street (County Road 125), and at the Northwest corner of said 70.03 acre tract, said point being located 183.37 feet N00°02'27"W of an iron rod found at the Southwest corner of Lot 16 of the Kings Hill Subdivision, Continuation No. 2 recorded in Plat Cabinet 3, Slide 528, Taylor County Plat Records said beginning point being the Southwest corner of a 7.587 acre tract conveyed to Gerald Wayne King as recorded in Volume 1891, Page 614 of said Official Public Records;

THENCE N89°59'47"E 699.51 feet to a 1/2 inch iron rod found at the most southerly Southeast corner of said 7.587 acre tract, same being an ell corner of said 70.03 acre tract;

THENCE N00°00'37"W 305.10 feet to a 1/2 inch iron rod found at an ell corner of said 7.587 acre tract and an exterior corner of said 70.03 acre tract;

THENCE N89°42'01"E 1945.87 feet to a 1/2 inch iron rod found at the Southwest corner of a 24.99 acre tract deeded to Garth McLeod in Volume 2841, page 266 of said Official Public Records and at the Northwest corner of a 404.12 acre tract deeded to S. Garth McLeod in Volume 2841, page 270 of said Official Public Records;

THENCE S00°17'52"E 1446.04 to a ½ inch iron rod found at the Southeast corner of said 70.03 acre tract, said point being an ell corner of said 404.12 acre;

THENCE S89°25'21"W, at 1893.39 feet an ell corner of said 70.03 acre tract, continuing a total distance of 1953.47 feet to a ¾ inch aluminum rod with 2 inch aluminum cap marked "J&M 4247" set for the most southerly Southwest corner of said 69.03 acre tract;

THENCE N00°00'26"E, at 30.70 feet an ell corner of said 70.03 acre tract, same being the Southeast corner of Lot 11 of Kings Hill Subdivision, Continuation No. 1 per plat recorded in Plat Cabinet 3, slide 373 of the Plat Records of Taylor County, Texas, and continuing a total distance of 895.48 feet to a ½ inch iron rod found at the Northeast corner of a 0.94 acre tract of land conveyed to Vernon Mische as recorded in Volume 3027, page 655, of said Official Public Records;

THENCE S89°59'55"W 699.51' along the north line of said 0.94 acre tract of land to a ½ inch iron rod found in said East right-of-way line of Maple Street and at the Northwest corner of said 0.94 acre tract;

THENCE N00°00'36"W 254.93 feet along said East right-of-way line of Maple Street to the place of beginning, bearings determined from GPS survey data, distances and areas being relative to horizontal surface measurements.

This date, March 17, 2005, the foregoing field note description was prepared from a survey made on the ground under my supervision in November, 2004.

END

ANNEXATION SERVICE PLAN

Maple/Hardison/Colony Hill Area

Pursuant to the provisions of the Texas Local Government Code, Chapter 43, the following service plan is hereby adopted for the annexation of a 70-acre area, requested by the property owner, and a 5.38 acre strip of land for future right-of-way development as requested by the City of Abilene

Solid Waste Collection

Collection of refuse by the City of Abilene's Solid Waste Division will be available immediately upon annexation. However, residents of the area may continue to use the services of a solid waste hauler for a period of up to 2 years after the effective date of this annexation. Businesses and institutions may make arrangements for City or private refuse collection.

Police Protection

Police protection will begin immediately upon the effective date of annexation using existing personnel and resources.

Streets – Operation and Maintenance

Upon annexation, the City will provide for ongoing operation and maintenance of existing streets within the area, except those that will remain under the jurisdiction of the Texas Department of Transportation. Construction of new streets shall be done in a manner consistent with the City of Abilene's Subdivision Regulations and policies in place at the time of development.

Traffic Control Devices

Maintenance of existing traffic signs, pavement markings, and other traffic control devices begin following annexation. Additional traffic control devices will be installed as the need is established consistent with the policies and procedures employed by the City. Street name signs will be installed following formal adoption of street names by City Council if required.

Street Lights

Installation of street lighting consistent with the City's policy will be available following annexation.

Transit Services

The proposed development area is too remote from the urban core to receive a scheduled route transit service, which is consistent with service in other remote areas currently in the city limits. The ADA paratransit service will be available to the area, dependent on the qualification of residents to receive such services and their individual needs. The demand-response evening service will be available to the area upon annexation.

Fire Protection

Fire protection, including emergency response calls, will begin immediately upon the effective date of annexation, using existing personnel and equipment. Service will be provided consistent with the service provided to other low density development and subject to the limitations of the water supply system. An 18” water line with fire hydrants is located along the west side of Maple Street.

Parks, Recreation, and othe Community Services and Facilities

Immediately upon annexation, access to and use of all existing parks, recreation facilities and services, animal control services, library services, and public health services will be available to citizens in the annexed area subject to the same conditions and fees (if any) that currently apply to residents of the City.

In addition, Lake Kirby Park is immediately adjacent to the proposed annexation site to the west side of Maple St. This 133 acre park is currently under development and already has these facilities in place: public restrooms, four baseball fields, four softball fields, a fishing pier, boat ramp, outdoor pavilion, and paved access to the park and Lake Kirby. These facilities will be immediately accessible to residents of the proposed annexation area, as will any subsequent improvements made to the park in accordance with the Parks and Recreation Master Plan.

Water and Wastewater Facilities

An 18” City-owned water line exists along the west side of the annexation area. The Potosi Water Supply Corporation (WSC) has one connection to the 18” line from which the WSC provides water service to the area. Water service for existing and new development may be provided by the City or the Potosi WSC subject to the agreement with the WSC and subject to the terms of the US Department of Agriculture – Rural Utility Services (RUS) grants and loans, as well as any other applicable state or federal grant or loan programs.

The nearest City sewer lines are: (1) a 15” line in Ben Richey Dr. about 1800 feet east of Boys Ranch Rd. and (2) a 10” line in FM 1750, located approximately 700 feet north of the annexation area’s north boundary line. Existing development in the area will continue to be served by on-site septic systems consistent with other large-lot semi-rural development within the City. As new development occurs in the annexation area, the City will provide wastewater services to properties in accordance with the City’s development ordinances and utility extension policies in place at the time of development.

Upon completion and dedication of new water or wastewater facilities to the City, the City shall provide on-going operation and maintenance for those facilities. Facilities owned by the Potosi WSC will continue to be operated and maintained by the WSC, unless these facilities are acquired by the City per the agreement between the City and the WSC.