

ORDINANCE NO. 85-1985

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 15th day of September, 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 26th and the 27th days of September, 1985, 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.

PART 4: That, the City of Abilene's Service Plan for the proposed East 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 24th day of October, 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 25th day of October, 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 November 22, 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 5th day of December, 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. 85-1985

PASSED ON SECOND AND FINAL READING, this 5th day of December, A.D.
1985.

ATTEST:


Patricia Patton
CITY SECRETARY

David Stullbeman
MAYOR

APPROVED:

Henry Gaydel
CITY ATTORNEY

EXHIBIT A

FIELD NOTES FOR THE EAST 1985 ANNEXATION

Tract A

BEGINNING at a point on the existing City Limit Line (the north right-of-way line of the T & P Railroad Company right-of-way) from which the Northwest corner of Lot 2, Block A of the Martin Sprocket and Gear Subdivision, out of the Southeast one-quarter (SE 1/4) of Section 45, Blind Asylum Lands, Taylor County, Texas, bears S 26' 33" W, a distance of 100.0 feet;

THENCE S 26° 33' W at right angles to the North right-of-way line of T & P Railroad Company right-of-way a distance of 100.0 feet for a corner, said corner being on the South right-of-way line of the T & P Railroad Company right-of-way, also being the Northwest corner of Lot 2, Block A of the Martin Sprocket and Gear Subdivision, out of the Southeast one-quarter (SE 1/4) of Section 45, Blind Asylum Lands, Taylor County, Texas;

THENCE S 0° 23' E with the West Boundary Line of Lot 2, Block A of said Martin Sprocket and Gear Subdivision, a distance of 1260.9 feet for a corner;

THENCE S 32° 28' E, continuing with the West Boundary Line of Lot 2, Block A of said Martin Sprocket and Gear Subdivision, a distance of 731.3 feet for a corner;

THENCE S 6° 17' E, continuing with the West Boundary Line of Lot 2, Block A of said Martin Sprocket and Gear Subdivision, a distance of 464.03 feet for a corner, said corner being the Southeast corner of Block A of said Martin Sprocket and Gear Subdivision, also being on the North right-of-way line of Farm to Market Highway 18;

THENCE S 0° 45' W at right angles to the North right-of-way line of Farm to Market Highway 18, a distance of 100.0 feet for a corner, said corner being on the South right-of-way line of Farm to Market Highway 18;

THENCE N 89° 15' E with the South right-of-way line of Farm to Market Highway 18, an approximate distance of 1075 feet for a corner, said corner being the intersection of the South right-of-way line of Farm to Market Highway 18 and the East existing right-of-way line of an unnamed North-South County Road;

THENCE South with the East existing right-of-way line of an unnamed North-South County Road, an approximate distance of 2590 feet for a corner, said corner being the intersection of the East existing right-of-way line of an unnamed North-South County Road and the South Boundary Line of the North one-half (N 1/2) of Section 55, Blind Asylum Lands in Taylor County, Texas;

THENCE Easterly with the South Boundary Line of the North one-half (N 1/2) of Section 55, Blind Asylum Lands in Taylor County, Texas, an approximate distance of 5200 feet for a corner, said corner being the intersection of the South Boundary Line of the North one-half (N 1/2) of Section 55, Blind Asylum Lands in Taylor County, Texas, and the West existing right-of-way line of Elmdale Road;

THENCE North with the West existing right-of-way line of Elmdale Road an approximate distance of 3200 feet for a corner, said corner being the intersection of the West existing right-of-way line of Elmdale Road and the existing City Limit Line (the North right-of-way line of the T & P Railroad Company right-of-way).

THENCE in a Northwesterly direction with the existing City Limits Line being the North right-of-way line of T & P Railroad Company right-of-way, an approximate distance 6790 feet to the Place of Beginning.

EXHIBIT B

SERVICE PLAN FOR
EAST ANNEXATION

CITY OF ABILENE, TEXAS
DEPARTMENT OF PLANNING
AND DEVELOPMENT

SEPTEMBER 13, 1985

SERVICE PLAN FOR

EAST ANNEXATION

Introduction

On September 12, 1985, the Abilene City Council requested that public hearings be conducted to consider annexation of approximately 2.4 square miles to the City of Abilene. The land is generally located on the City's northeast side, in the vicinity of East Highway 80.

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 east of the Abilene City limits.

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 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.

Refuse Collection

The same twice weekly refuse collection service now provided within City limits and to some businesses in the East Annexation area will be available to other 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. These services will be provided upon request in accordance with rates and conditions 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 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 & Traffic Signs

The configuration of existing streets within the area will require between 4 to 6 street name signs and up to 4 traffic 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. 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 as lots are platted in accordance with the Abilene subdivision regulations.

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 plans for acquisition and improvement of park and recreational facilities in the annexed area. Residents of the annexed area may continue to use all existing city recreational facilities available to the general public. 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 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, 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.

