

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 23rd day of February, 1990, 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 7th and the 8th days of March, 1990, 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 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 12th day of April, A.D. 1990.

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 15th day of April, 1990. 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 13, 1990, 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 24th day of May, 1990, 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.

ORDINANCE NO. 24-1990

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PASSED ON SECOND AND FINAL READING, this 24th day of May, A.D.  
1990.

ATTEST:

  
\_\_\_\_\_  
CITY SECRETARY

  
\_\_\_\_\_  
MAYOR

APPROVED:

  
\_\_\_\_\_  
CITY ATTORNEY

EXHIBIT "A"

Option B

PRISON SITE AREA ANNEXATION FIELD NOTES

Field notes of a description for the annexation of the prison site and adjacent areas being located in Jones County, Texas, and being more particularly described as follows:

BEGINNING at a point being located on the west right-of-way of F.M. Highway 1082 and 300 feet south of and perpendicular to the centerline of a public road known as County Road 303, being the north line of Section 4, B.A.L., from which the northwest corner of said Section 4, B.A.L. bears north 300 feet and west 50 feet;

THENCE East approximately 5360 feet parallel to the centerline of said County Road 303 to a point on the west right-of-way of said County Road 302 being situated on the east line of said Survey #4;

THENCE South approximately 4,380 feet along the west right-of-way of said County Road 302 to a point;

THENCE East approximately 50 feet to the east right-of-way of said County Road 302;

THENCE South approximately 3360 feet along the east right-of-way of said County Road 302;

THENCE East 1000 feet to a point being 500 feet east of and perpendicular to the east right-of-way of said County Road 302;

THENCE North parallel to the east right-of-way of said County Road 302 for a distance of approximately 3360 feet to the south line of a 316 acre parcel of land dedicated for a future prison site;

THENCE East along the south line of said 316 acre parcel of land for an approximate distance of 2725 feet to a 3/8" x 12" nail representing the southeast corner of said 316 acre parcel of land;

THENCE North along the east line of said 316 acre parcel of land for an approximate distance of 5380 feet to a point being located 700 feet north of and perpendicular to the centerline of County Road 303, being located along the north line of Section 3, B.A.L., Jones County, Texas;

THENCE West parallel to the north right-of-way of said County Road 303 for a distance of approximately 10,135 feet to a point being located 1000 feet west of and perpendicular to the west right-of-way of F.M. Highway 1082;

THENCE South parallel to the west right-of-way of said F.M. Highway 1082 for an approximate distance of 200 feet to a point being located 500 feet north of and perpendicular to the centerline of said County Road 303;

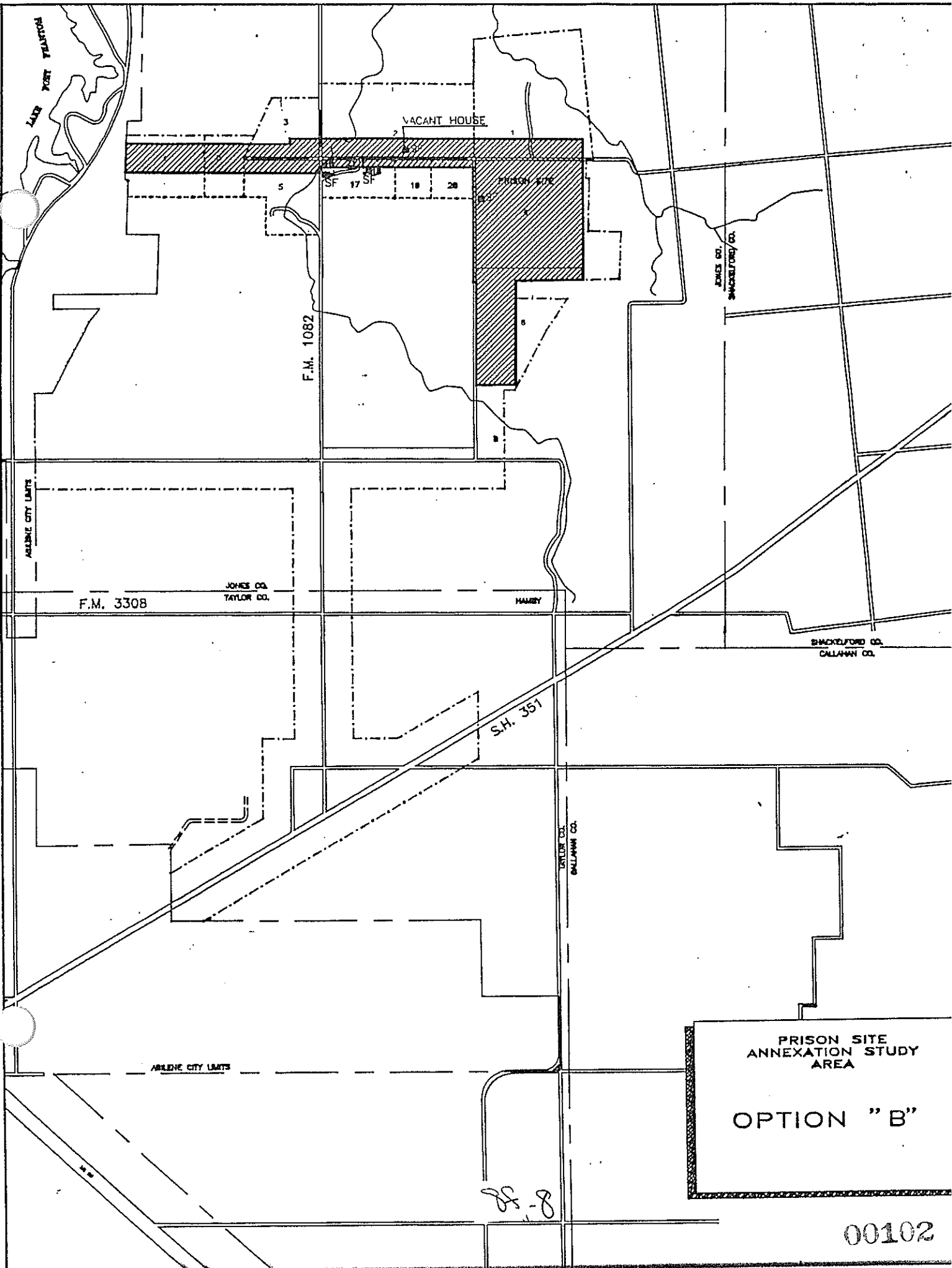
THENCE West parallel to the centerline of said County Road 303 for an approximate distance of 5650 feet to a point on the existing easterly city limits of the City of Abilene;

THENCE South along said city limits for a distance of 1000 feet to a point being located 500 feet south of and perpendicular to the extended center line of said County Road 303;

THENCE East parallel to the centerline of said County Road 303 for an approximate distance of 6650 feet to a point on the west right-of-way of F.M. Highway 1082;

THENCE North approximately 200 feet along the west right-of-way of said F.M. Highway 1082 to the place of beginning and containing approximately 825 acres of land.

-END-



VACANT HOUSE

PRISON SITE

F.M. 1082

F.M. 3308

S.H. 351

JONES CO.  
TAYLOR CO.

SMACKFORD CO.  
CALLAHAN CO.

PRISON SITE  
ANNEXATION STUDY  
AREA

OPTION "B"

00102

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SERVICE PLAN FOR  
PRISON SITE ANNEXATION

CITY OF ABILENE, TEXAS  
DEPARTMENT OF PLANNING  
AND DEVELOPMENT

March 1990

28-9

00103



SERVICE PLAN FOR  
PRISON SITE ANNEXATION

Introduction

On January 11, 1990, the Abilene City Council directed that public hearings be conducted and that a Service Plan be prepared pertaining to possible annexation of approximately 9.6 square miles of land generally located northeast of the City in the vicinity of a new prison site. On March 7 and 8, 1990, the City Council held public hearings on the proposed annexation with the final public hearing on May 24, 1990.

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 is required, however, to 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.

The service plan was available for inspection by landowners and other interested parties both at the required public hearings and at the City Planning office. City Staff has been available to answer questions or receive comments from the general public. According to State law, 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.

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00105

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 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 or other highway systems, 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

Provision of street name and traffic signs shall be made at the expense of City Government following formal adoption of street names by City Council if required.

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 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

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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 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 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 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-

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