

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 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 31st day of May, 1998, which date was not more than twenty (20) nor less than than (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 11th and the 16th days of June, 1998, 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 herein described shall hereafter be included within the present 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 (Agricultural 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 Fort Phantom 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 9 day of July, A.D. 1998.

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 12th day of July, 1998. 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.

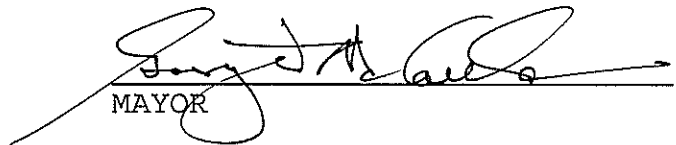
PART 6: That upon passage of this ordinance on first reading, the City Secretary is hereby directed to have published at least one (1) time in the Abilene Reporter News, a notice on August 2, 1998, that a public hearing will be held in the Council Chambers of the City Hall, in Abilene, Texas, at 9:00 A.M. on the 13th day of August, 1998, 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 13 day of August, A.D. 1998.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:

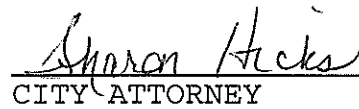

CITY ATTORNEY

EXHIBIT "A"

NUGENT ROAD ANNEXATION

Beginning at a point on the existing City Limits line, being the center of Elm Creek at the southwest corner of a called 24.451 acre tract of land described in Volume 806, Page 638 of the Deed Records of Taylor County, Texas.

THENCE down the center of Elm Creek, the existing City Limits line, to the west right-of-way line of Nugent Road;

THENCE North along the existing City Limits line and the west right-of-way line of Nugent Road for an approximate distance of 1127.9 feet to the northeast corner of said 24.451 acre tract;

THENCE N 79°43'W 1220.3 feet (called) along a fence line to an iron pin being the northwest corner of said 24.451 acre tract;

THENCE S 8°21'W 1199.2' (called) along a fence line to an iron pin;

THENCE S 12°29'E 270.5' (called) to the place of beginning.

JARMAN ROAD ANNEXATION

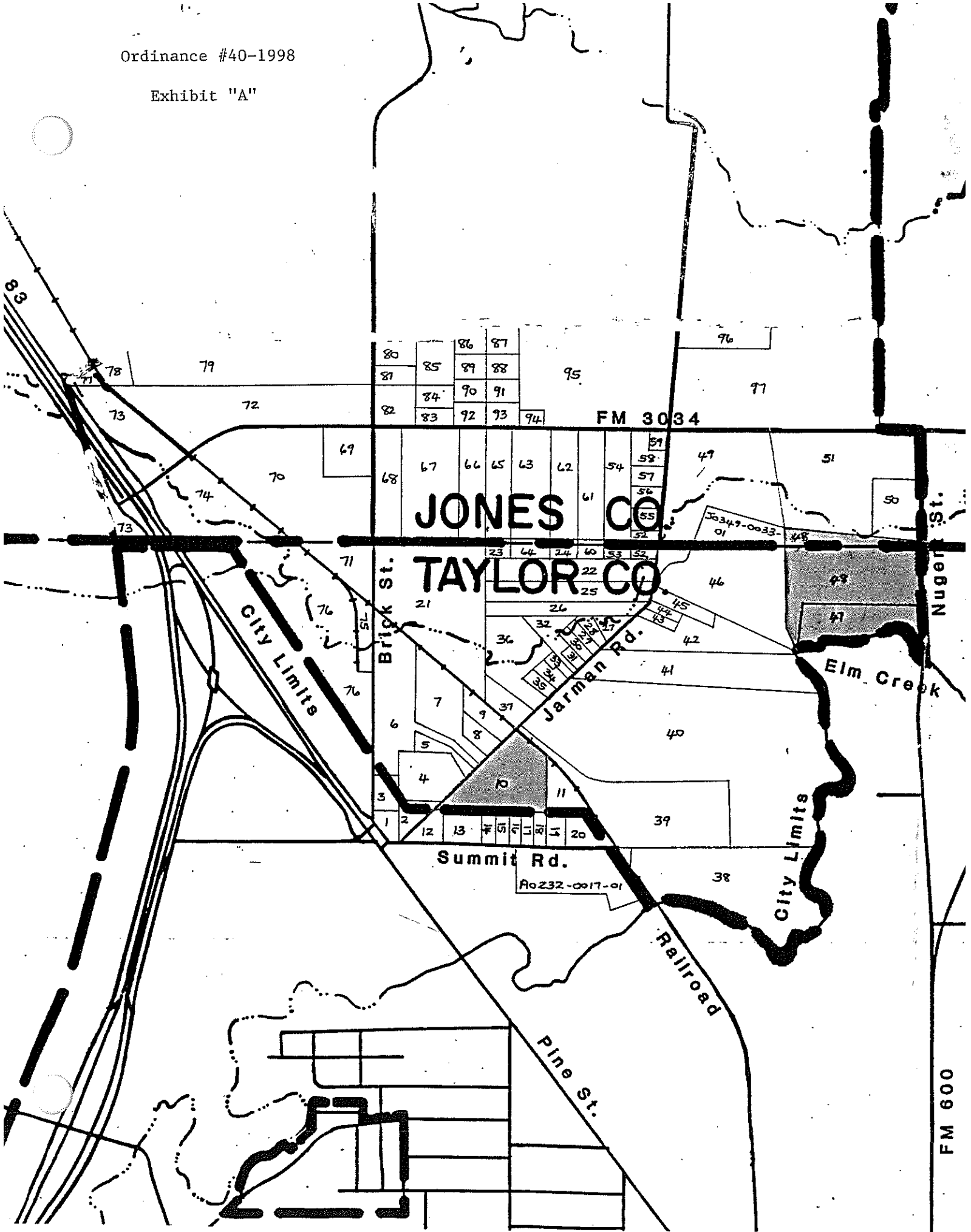
Beginning at a point being the intersection of the existing City Limits line and the Southeasterly right-of-way line of Jarman Road, and being 300 feet North of the North line of Summit Road;

THENCE in a Northeasterly direction along the Southeasterly right-of-way line of Jarman Road for a distance of approximately 1420 feet to an iron pin being the Southwesterly right-of-way line of the Ft. Worth-Denver Railroad;

THENCE in a Southeasterly direction for a distance of 282.7 feet to an iron pin being the Northeast corner of a 16.22 acre tract described in Volume 2016, Page 29 of the official Public Records of Taylor County, Texas;

THENCE in a Southerly direction for a distance of approximately 800 feet;

THENCE in a Westerly direction along the existing City Limits line to the place of beginning.



JONES CO
TAYLOR CO

City Limits

City Limits

FM 3034

Summit Rd.

FM 600

Elm Creek

Railroad

Pine St.

Brick St.

Jarman Rd.

Nugent St.

Annexation Service Plan

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.

Fire Protection:

Fire protection will be available to residents of the newly annexed area effective on the date of annexation. All fire protection will be in accordance with the standards established by the City of Abilene Fire Department. However, due to the road configurations and conditions in the area the average response time will be approximately eight minutes, as opposed to four minutes for the rest of Abilene. Services will include the availability of the City Fire Marshall as well as response to complaints regarding weeds and overgrowth.

The City Fire Department currently responds to many emergencies within the area proposed for annexation. Although annexation will not make a noticeable impact on the current emergency response capabilities, any substantial development in the area will warrant an expansion of service from Fire Station #4 and #5.

Police Protection:

Police protection will be available to residents of the newly annexed area effective on the date of annexation in accordance with the established standards of the City. Annexation will not place extra demands on the Patrol Division and at this time no additional police staffing is required. Any future increase in budget for both capital items and operations will be a function of growth in numbers of businesses and population in the area.

Community Services:

The nearest park to the area proposed for annexation is Seabee Park, which is classified as a community park. There are no neighborhood or district parks within the area. The nearest district parks are Will Hair and Sears Parks; North Park is the nearest neighborhood park. The City of Abilene has no immediate park expansion plans in the annexed area. Any acquisition and improvement of park land will be done in accordance with the Parks Master Plan. Residents of the annexed area may continue to use all existing city recreational facilities available to the

general public.

Services provided by the City of Abilene's Animal Control Services shall be available to the residents of the 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 Investigation and Flood Service Inspection.

Refuse Collection

The same twice weekly residential refuse collection service now provided within the City limits will be available to those in the annexed area immediately following the effective date of annexation. Businesses in the area will have the same options for commercial refuse collection services that is now provided within the City limits. Service will be provided in accordance with the same rates and conditions applicable within the Abilene City limits. Where there is insufficient roadway access for the City's refuse collection vehicles, refuse shall be collected at the nearest location within which such vehicle 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, immediately following the effective date of annexation.

Based upon the current condition, the following maintenance actions will be required after annexation. Potholes will be patched in the paved portions of Brick Street and Jarman Road; the gravel portions of these roads will be graded. The concrete low water crossing on Brick Street will be replaced as it is in very poor condition. The fore mentioned maintenance will bring both the paved and unpaved portions of these roads into a condition consistent with other City maintained rural section roads. Additional improvements will also be programmed for both roads. On the unpaved portions the gravel base will be removed and replaced with a base of crushed limestone. A single course penetration pavement surface will then be applied. All weak areas of pavement will be repaired and a standard chip seal will be applied.

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, possible involving assessments to adjacent property, as the need is determined by the 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 Lights:

Installation of street lighting consistent with the City's policy will be available immediately

following annexation.

Street Name and Traffic Signs:

Traffic signs, pavement markings, and other traffic control devices will be installed on City maintained roadways as the need is established, consistent with the policies and procedures employed by the City. Provision of street name signs shall be made at the expense of City Government following formal adoption of street names by City Council. Installation of signs for any new streets extended into the area shall be in accordance with the normal practice of the City of Abilene Traffic Engineering and Operations Division.

Water and Sewer Services:

Currently residents in the area receive water from Hawley WSC and there is no water and sewer system maintenance required by Abilene. Future water service will be provided as lots are platted in accordance with the Abilene subdivision regulations. Immediately following annexation individuals will be connected to existing water mains in the annexed area upon request. However, customers must share the expense of water service extensions. Service shall be available at the same rates and conditions applicable to other customers within City limits.

Waste water service can only be provided to a very small portion of the annexation area which parallels Neas Road; no sewer service is available to the remaining area. Since no gravity sewer is available in the area, sewer service could be provided through a series of lift stations. However, this would not be cost effective and an extensive study would be required to develop a sanitary sewer system.

Extensions 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 developers in oversizing mains for future development either in or beyond the area immediately adjacent to a subdivision.

Building Inspection:

Enforcement of the City's construction codes will be provided within the area immediately following annexation. The Building Inspections 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 Inspection will also be responsible for issuing permits for manufactured housing installation, permits for demolitions and responding to complaints concerning dilapidated structures in the annexed area.

Land Use Regulations:

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 the 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 annexation area shall begin within two years after the effective date of annexation. The construction of facilities required shall be accomplished in a continuous process and be completed within a period of four and a half years after the date of annexation.