SPECIAL CITY COUNCIL MEETING
CITY OF LEANDER, TEXAS

Pat Bryson Municipal Hall
201 North Brushy Street ~ Leander, Texas

Thursday ~ April 25, 2013 at 6:00 p.m.

Mayor – Christopher Fielder
Place 1 – Andrea Navarrette **Place 4 – Michell Cantwell (Mayor Pro Tem)**
Place 2 – Kirsten Lynch **Place 5 – Jason Dishongh**
Place 3 – Simon Garcia **Place 6 – David Siebold**
City Manager – Kent Cagle

1. Call to Order

2. Roll Call

PUBLIC HEARING: ACTION

3. **a. Public Hearing** on Zoning Case #13-Z-003: Consider a zoning change for 77.4790 acres, more or less for nineteen parcels located at 15900, 15880, 15860, 15840, 15800, 15780, 15750, 15700, 15670,15860, and 15400 Ronald W. Reagan Blvd. from interim zoning (upon annexation) SFR-1-B, Single Family Rural and SFS-2-B, Single Family Suburban to GC-3-B, General Commercial, GC-2-B, General Commercial, LC-2-B, Local Commercial, Lo-2-B, Local Office, SFC-2-B, Single Family Compact, and MF-2-B, Multi Family, Leander, Williamson County, Texas
Applicant: Peter Verdicchio, on behalf of Joseph Land & Cattle Company, Ltd.

   b. Action on Zoning Case #13-Z-003: amending Ordinance #05-018, the Composite Zoning Ordinance, for nineteen parcels located at 15900, 15880, 15860, 15840, 15800, 15780, 15750, 15700, 15670,15860, and 15400 Ronald W. Reagan Blvd., Leander, Williamson County, Texas

REGULAR AGENDA

4. First Reading of an Ordinance on voluntary annexation of four (4) tracts totaling 0.7107 acres, more or less, located in Williamson County, Texas, generally located approximately 500' south of CR 177, 400' east of Ronald W. Reagan Blvd, 1,900' north of CR 179 and 2,800' west of Valley View Dr.; including the abutting streets, roadways, and rights-of-way

5. First Reading of an Ordinance on voluntary annexation of 29.31 acre parcel, more or less, located in Williamson County, Texas, generally located south of CR 179, 1,400' west of CR 175, 400' northwest of Acacia Dr, and approximately 1 mile east of Ronald W. Reagan Blvd including the abutting streets, roadways, and rights-of-way

6. Adjournment

CERTIFICATION

This meeting will be conducted pursuant to the Texas Government Code Section 551.001 et seq. At any time during the meeting the Council reserves the right to adjourn into executive session on any of the above posted agenda items in accordance with the sections 551.071 [litigation and certain consultation with attorney], 551.072 [acquisition of interest in real property], 551.073 [contract for gift to city], 551.074 [certain personnel deliberations] or 551.076 [deployment/ implementation of security personnel or devices]. The City of Leander is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. **Please call the City Secretary at 512/ 528-2743 for information.** Hearing impaired or speech disabled persons equipped with telecommunications devices for the deaf may call 512/ 528-2800.I certify that the above agenda for this Joint Work Session of City Council and the Charter Review Commission of the City of Leander, Texas, was posted on the bulletin board at City Hall, in Leander, Texas, on the 18th day of April, 2013 by 5:00 pm pursuant to Chapter 551 of the Texas Government Code.

Debbie Haile

Debbie Haile, TRMC , City Secretary

Executive Summary

April 25, 2013

Agenda Subject: Zoning Case 13-Z-003: Hold a public hearing and consider action on the rezoning of nineteen parcels located at 15900, 15880, 15860,15840, 15800, 15780, 15750, 15700, 15670, 15860, and 15400 Ronald W Reagan Blvd for 77.4790 acres more or less; Parcels #R392170, R392171, R392172, R392173, R392174, R392175, R392176, R392177, R392178, R473458, R485239, R485240, R485241, R485242, R485243, R485244, R485245, R485246, R031552. Currently, a portion of the property is not zoned and upon annexation it will be zoned interim SFR-1-B (Single Family Rural) and the remainder of the property is currently zoned interim SFS-2-B (Single Family Suburban). The property is proposed to be zoned GC-3-B (General Commercial), GC-2-B (General Commercial), LC-2-B (Local Commercial), LO-2-B (Local Office), SFC-2-B, (Single Family Compact, and MF-2-B (Multi-Family); Leander, Williamson County, Texas.

Background: This request is the second step in the rezoning process.

Origination: Applicant: Peter Verdicchio, on behalf of Joseph Land & Cattle Company, Ltd.

Financial Consideration: None

Recommendation: See Planning Analysis. The Planning & Zoning Commission recommended approval of the following at the April 11, 2013 meeting with a 5 to 2 vote.

- 3.83 acres of SFC-2-A (Single Family Compact)
- 18.80 acres of MF-2-B (Multi-Family)
- 95' strip of SFC-2-A (Single-Family Compact) to the north of the MF-2-B (Multi-Family)
- 4.00 acres of LO-2-A (Local Commercial)
- 14.49 acres of GC-2-A (General Commercial)
- 2.66 acres GC-3-A (General Commercial)
- 13.53 acres LC-2-A (Local Commercial)
- 9.03 acres LC-2-A (Local Commercial)

- 2.74 acres LC-2-A (Local Commercial)
- 5.16 acres of LO-2-A (Local Office)
- 4.00 acres GC-3-A (General Commercial)
- No access to Valley View Circle is permitted except for emergency access.

Attachments:

1. Planning Analysis
2. Current Zoning Map
3. Aerial Map
4. Proposed Zoning Map
5. Planning & Zoning Recommendation Map
6. Letter of Intent
7. Ordinance
8. Minutes - Planning & Zoning Commission April 11, 2013

Prepared By: Robin M. Griffin, AICP, Planner 04/17/2013

PLANNING ANALYSIS

ZONING CASE 13-Z-003
RONALD W. REAGAN BLVD

GENERAL INFORMATION

Owner: Joseph Land & Cattle Company, Ltd.

Current Zoning: Interim SFR-1-B (Single-Family Rural) upon the completion of annexation
Interim SFS-2-B

Proposed Zoning: GC-3-B (General Commercial)
GC-2-B (General Commercial)
LC-2-B (Local Commercial)
LO-2-B (Local Office)
SFC-2-B (Single Family Compact)
MF-2-B (Multi-Family)

Size and Location: The subject property is located to the southeast of the intersection of Ronald W. Reagan Blvd and CR 177 and to the northeast of the intersection of Ronald W. Reagan Blvd and CR 179.

Staff Contact: Robin M. Griffin, AICP
Planner

ABUTTING ZONING AND LAND USE:

The table below lists the abutting zoning and land uses.

	ZONING	LAND USE
NORTH	Interim SFS-2-B	Established Single-Family Residential
EAST	Interim SFS-2-B	Established Single-Family Residential, Undeveloped Land
SOUTH	Interim SFR-1-B	Undeveloped Property zoned for Single-Family Residential
WEST	GC-2-B GC-3-B GC-3-C Interim SFR-1-B Interim SFS-2-B	Undeveloped Commercial Undeveloped Commercial Established Commercial Undeveloped Single-Family Residential Established Single-Family Residential

COMPOSITE ZONING ORDINANCE INTENT STATEMENTS

USE COMPONENTS:

GC – GENERAL COMMERCIAL:

Features: Any use in LC plus bar, nightclub, entertainment venues, hospital, hotel, liquor store, office/warehouse, vehicle and equipment sales, leasing and repair, furniture sales, pet shop, wholesale activities less than 3,500 sq. ft.

Intent: Development of small to large scale commercial, retail, and commercial service uses located in high traffic areas. Access to this component should be provided by an arterial street. The heaviest concentration of this component should be located at intersections of arterial streets.

LC – LOCAL COMMERCIAL:

Features: Any use in LO plus retail sales and services, restaurants, banks, nursery or greenhouse, grocery sales, pharmacies, fitness centers, dance and music academies, artist studio, colleges and universities, bed and breakfast. Hours of operation: 5:00 a.m. to 10:00 Sun.-Thurs., 5:00 a.m. to 11:00 p.m. Fri. and Sat.

Intent: Development of small scale, limited impact commercial, retail, personal services and office uses located in close proximity to their primary customers, which cater to the everyday needs of the nearby residents, and which may be located near residential neighborhoods. Access should be provided by a collector or higher classification street.

LO – LOCAL OFFICE:

Features: Office, assisted living, day care. Hours of operation: 7:00 a.m. to 10:00 Sun.-Thurs., 7:00 a.m. to 11:00 p.m. Fri. and Sat.

Intent: Development of small scale, limited impact office uses or similar uses which may be located adjacent to residential neighborhoods. Access should be provided by a collector or higher classification street. This component is intended to help provide for land use transitions from local or general commercial or from arterial streets to residential development.

SFC – SINGLE FAMILY COMPACT:

Features: 5,500 sq. ft. lot min.; 1,100 sq. ft. living area min.

Intent: Development of single-family detached dwellings on small lots and for other compatible and complimentary uses. The purpose of this component is to provide regulations to maintain and protect the City's single-family residences and neighborhoods in areas with small lot sizes. Such components are generally intended to offer variety in housing opportunities and in the fabric of the neighborhoods, and to be developed on a moderate scale with a maximum district size of seventy-five (75) acres.

MF – MULTI-FAMILY:

Features: Apartments (25 un./ac. if Type A; 18 un./ac. if Type B)

Intent: Development of multi-family dwelling structures. Such components are generally intended to serve as a buffer between single-family neighborhoods and more intensive uses such as commercial uses or arterial roadways. Such components are also intended to create more variety in housing opportunities and in the fabric of the community but are intended to be utilized in small areas to avoid large tracts devoted to strictly multi-family residential

development. The goal is to avoid more than twenty-five (25) acres of contiguous land having a Multi-Family component. Access should be provided by a collector or higher classification street.

SITE COMPONENTS:

TYPE 2:

Features: Accessory buildings greater of 10% of primary building or 120 sq. ft.; accessory dwellings for SFR, SFE and SFS; drive-thru service lanes; uses not to exceed 40,000 sq. ft.; multi-family provides at least 35% of units with an enclosed garage parking space.

Intent:

(1) The Type 2 site component may be utilized with non-residential developments that are adjacent to a residential district or other more restrictive district to help reduce potential negative impacts to the more restrictive district and to provide for an orderly transition of development intensity.

(2) The Type 2 site component is intended to be utilized for residential development not meeting the intent of a Type 1 site component and not requiring the additional accessory structure or accessory dwelling privileges of the Type 3 site component.

(3) This component is intended to be utilized with the majority of LO and LC use components except those that meet the intent of the Type 1 or Type 3 site component or with any use requiring drive-through service lanes.

(4) This component is generally not intended to be utilized with LI and HI use components except where such component is adjacent to, and not adequately buffered from, residential districts or other more restricted districts, and except as requested by the land owner.

TYPE 3:

Features: Accessory buildings up to 30% of primary building; accessory dwellings; drive-thru service; limited outdoor display and storage; outdoor fueling and washing of vehicles; overhead service doors, no indoor parking required.

Intent:

(1) A Type 3 site component is intended to be utilized with LO and LC use components where adjacent to less restricted districts to provide for a land use transition.

(2) This component is intended to be utilized with residential components where accessory dwellings or additional accessory structures are appropriate and are not provided for in the Type 1 or 2 site components.

(3) This component is intended to be combined with LO, LC, GC, LI and HI components where it is appropriate to utilize the outdoor site area for outdoor fuel sales, limited outdoor display and storage or accessory buildings.

ARCHITECTURAL COMPONENTS:

TYPE A:

Features: 85% masonry; 5 or more architectural features.

Intent:

(1) The Type A architectural component is intended to be utilized for high quality developments or to provide variety as an additional option for portions of a residential development and may be utilized in or adjacent to single-family uses.

(2) This component is intended to be utilized for single-family development that backs up to, or sides to, a major thoroughfare.

(3) Combined with appropriate use and site components, this component is intended to help provide for harmonious land use transitions by applying this component to a less restrictive use or site component adjacent to a more restrictive use or site component. This standard may be utilized to help ensure compatibility for non-residential uses, multi-family, two-family, townhouse or small lot residential development with adjacent property that is more restricted.
(4) This component is intended to be utilized for buildings requiring heights greater than those provided in other architectural components.
(5) This component may be utilized for any high profile development, for any property in a prominent location or at an important gateway to the community.
(6) This component is not intended to become an involuntary standard for the majority of a single-family subdivision, especially with SFR, SFE, SFS, SFU and SFC components.

TYPE B:
Features: 85% masonry 1st floor, 50% overall; 4 or more architectural features.
Intent:
(1) The Type B architectural component is intended to be utilized for the majority of residential development except that which is intended as a Type A architectural component.
(2) Combined with appropriate use and site components, this component is intended to help provide for harmonious land use transitions.
(3) This component may be utilized to raise the building standards and help ensure compatibility for non-residential uses adjacent to property that is more restricted.
(4) This component is intended for the majority of the LO and LC use components except those meeting the intent of the Type A or C architectural components.

COMPREHENSIVE PLAN STATEMENTS:

The following Comprehensive Plan statements may be relevant to this case:

- Provide Opportunities for coordinated, well-planned growth and development that are consistent with the Comprehensive Plan.
- Plan for continued growth and development that improves the community's overall quality of life and economic viability.
- Plan for future development that is compatible with existing residential neighborhoods.

ANALYSIS:

The applicant is proposing a mixed development project including commercial centers, multi-family, and a small amount of single-family compact zoning. This proposal provides for the largest concentration of GC-3-B (General Commercial) at the intersection of Ronald W. Reagan Blvd and CR 179 (two major thoroughfares. In addition, GC-3-B (General Commercial is also proposed along Ronald W. Reagan Blvd.

The GC (General Commercial) use component allows for the development of small to large scale commercial, retail and commercial service uses located in high traffic areas with access from an arterial street. In this situation, access will be provided to the site from Ronald W. Reagan Blvd,

an arterial street. The Composite Zoning Ordinance encourages this type of zoning at major intersections.

The LC (Local Commercial) use component allows for the development of small scale, limited impact commercial, retail, personal services, and office uses located in close proximity to their primary customers. The proposed location of the LC use component breaks up the proposed large scale commercial along Ronald W. Reagan Blvd.

The LO (Local Office) use component allows for the development of small scale, limited impact office uses or similar uses which are appropriate adjacent to residential neighborhoods. The proposed LO use component will provide a transition between the LC, GC and residential uses.

The MF (Multi-Family) use component provides for the development of multi-family dwelling structures. The intent of this component includes serving as a buffer between single-family neighborhoods and more intensive uses such as commercial or arterial roadways. The proposed Type B architectural component associated with this use component would allow for 18 units per acre. In addition, the Type 2 site component requires that at least 35% of the units have at least one garage parking space.

The SFC (Single-Family Compact) use component will continue the existing residential zoning located to the south and east of this project. This use component permits lots with a minimum width of 50 feet.

The proposed Type 3 site component associated with the GC use component permits the use of the outdoor site area for outdoor fuel sales, limited outdoor display and storage or accessory buildings. Permitted outdoor uses include:

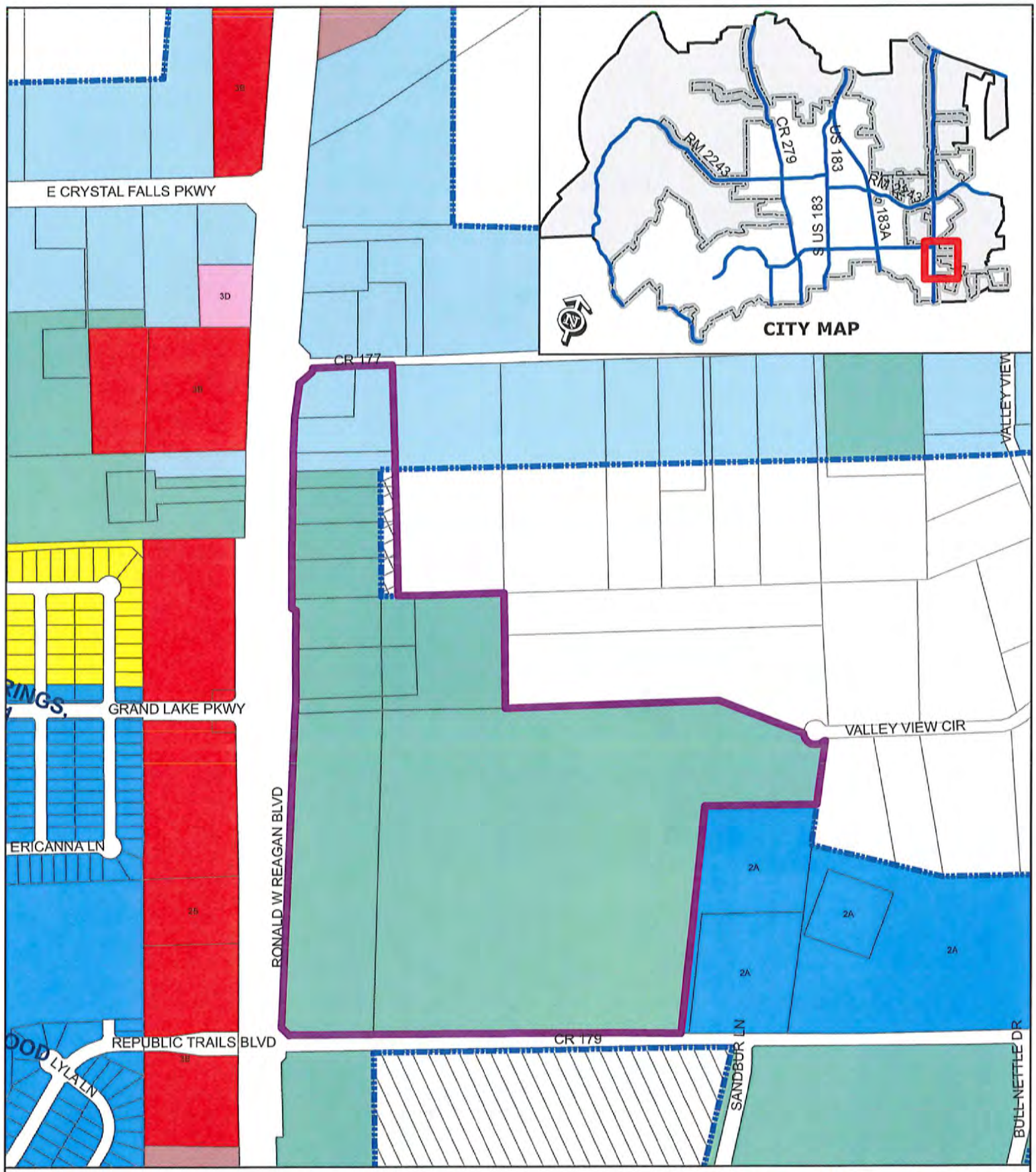
- Outdoor Display (limited 30% of the gross floor area of the primary structure)
- Outdoor Storage (limited 20% of the gross floor area of the primary structure)
- Outdoor Fuel Sales
- Overhead Commercial Doors
- Drive-Through Lanes (also permitted in Type 2)

The proposed Type 2 site component associated with the LO and LC use components does not permit outdoor storage, outdoor display, outdoor fuel sales, or overhead commercial service doors. Building size is limited to 40,000 gross square feet for individual users and a single building cannot exceed 60,000 gross square feet.

The Comprehensive Plan Update establishes development nodes throughout the City of Leander. The majority of the northern portion of the property is located within a Town Center node at the intersection of Ronald W. Reagan and CR 177 and the remaining southern portion is located within a Community Center node at the intersection of Ronald W. Reagan and CR 179.

This Town Center node is approximately one mile in radius and encourages density and a mix of uses including apartments, condominiums, major commercial, major retail, office and employment centers. This node plan encourages densities at major intersections and is not a requirement. The Community Center node is approximately one half mile in radius and encourages garden homes, condominiums, commercial/retail and employment. These nodes would reflect the character of the surrounding neighborhoods and might have a more suburban feel.

The proposed zoning request follows the intent statements of the Composite Zoning Ordinance and the Comprehensive Plan.



ZONING CASE 13-Z-003

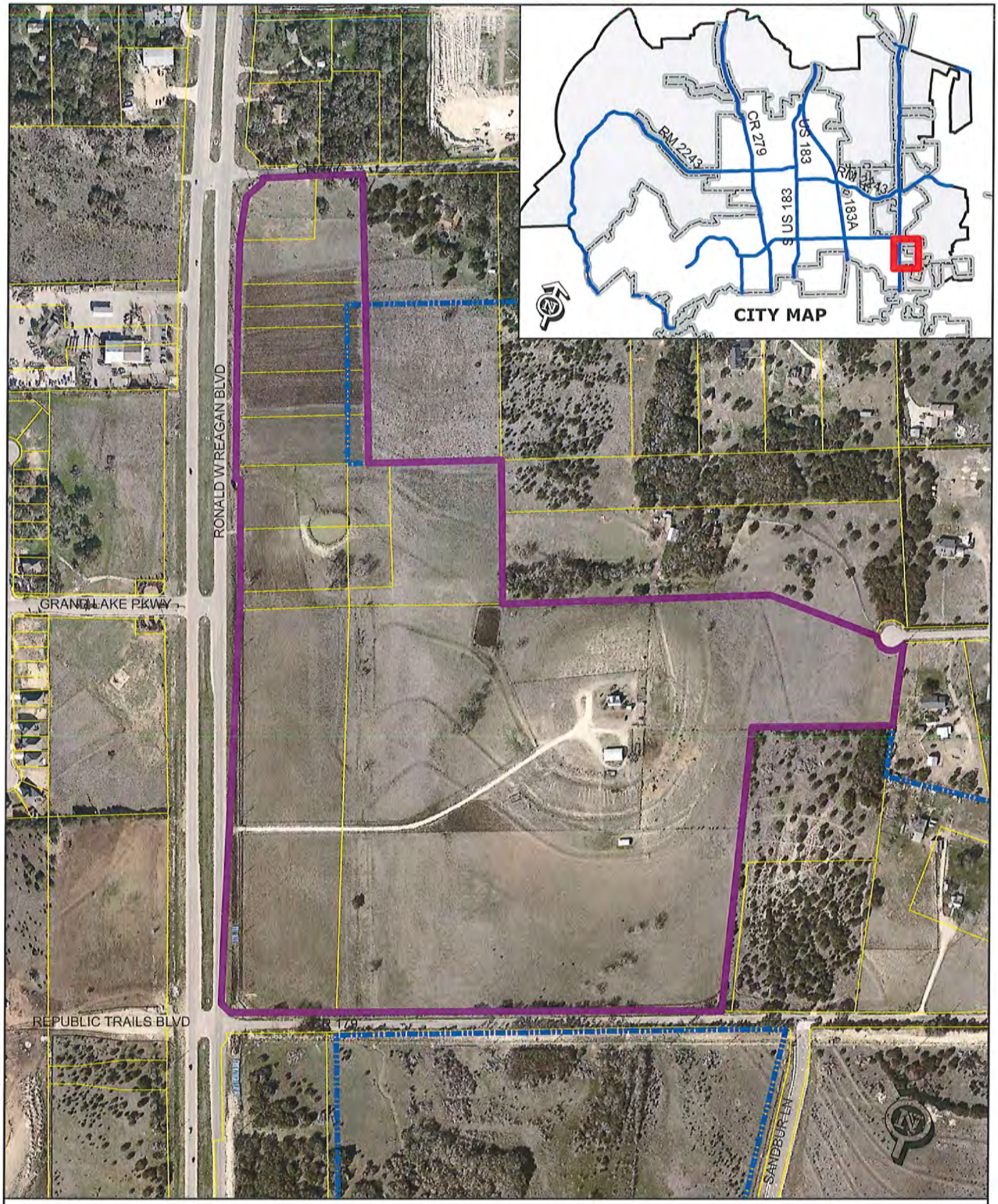
Attachment #2

Current Zoning Map
Leander Farm
Ronald W. Reagan Blvd

Subject Property
City Limits
Future Annexation Per DA
Involuntary Annexation
Voluntary Annexation

SFR, SFE, SFS, SFU, SFC, SFL, SFT, SFU/MH, TF, MF, LO, LC, GC, LI, HI, PUD

0 200 400
Feet

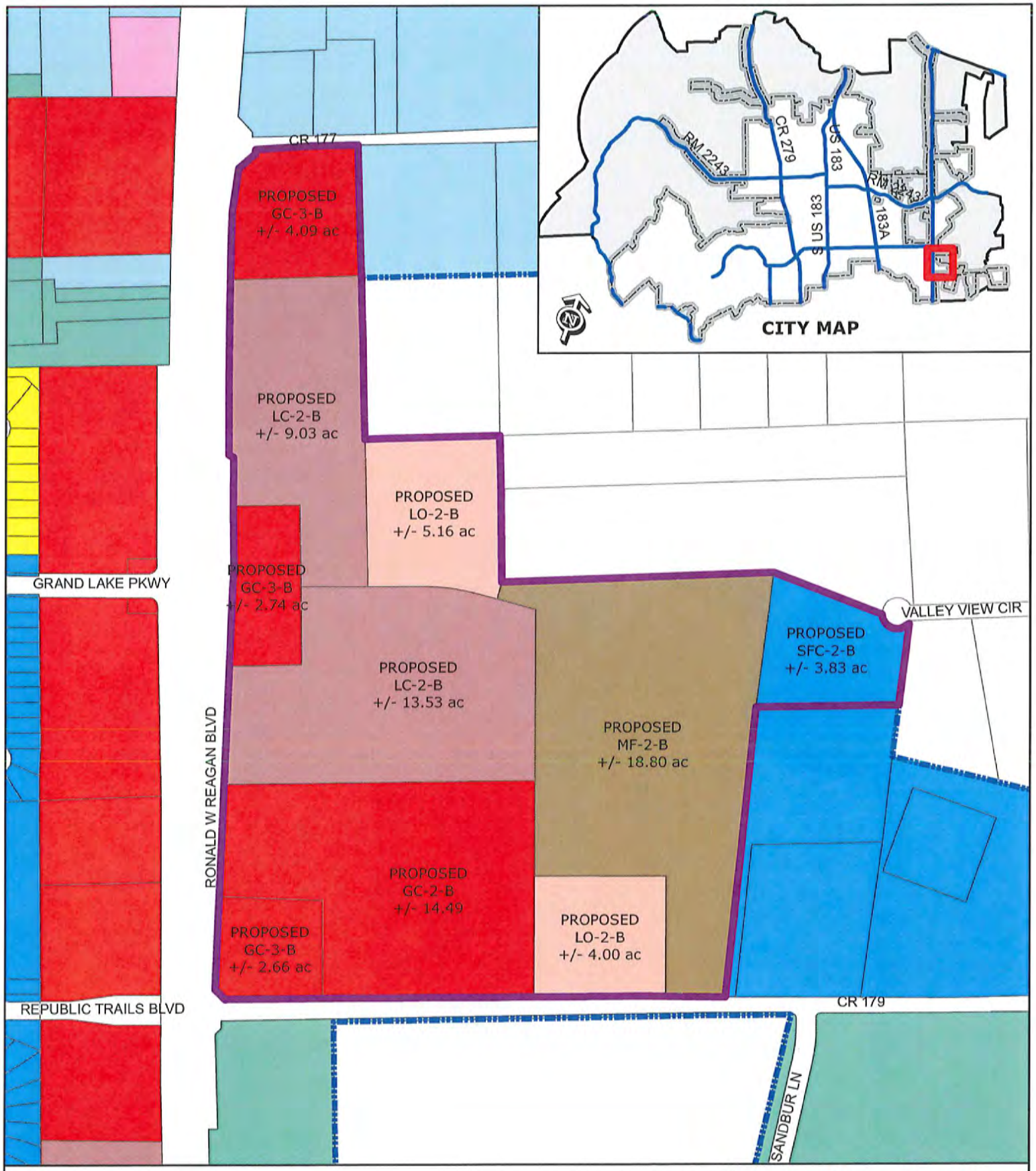


ZONING CASE 13-Z-003 Attachment #3

Subject Property

Aerial Exhibit - Approximate Boundaries
Leander Farm - Ronald W. Reagan Blvd

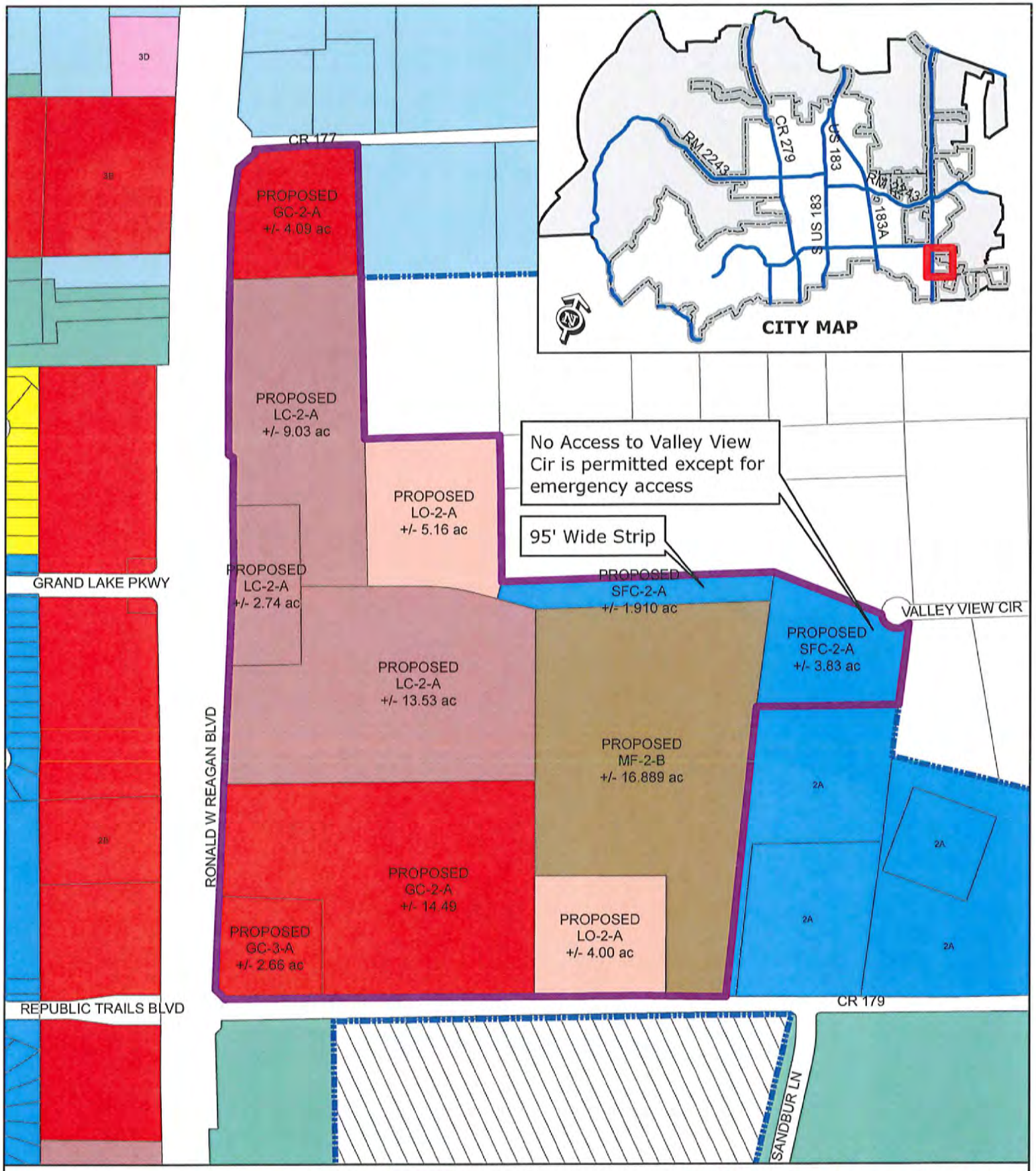
0 200
Feet



ZONING CASE 13-Z-003

Attachment #4

Proposed Zoning Map
Leander Farm
Ronald W. Reagan Blvd



ZONING CASE 13-Z-003

Attachment #6

P & Z Recommendation
Leander Farm
Ronald W. Reagan Blvd

Subject Property
City Limits
Future Annexation Per DA
Involuntary Annexation
Voluntary Annexation

SFR, SFE, SFS, SFU, SFC, SFL, SFT, SFU/MH, TF, MF, LO, LC, GC, LI, HI, PUD

0 200 400
Feet

March 18, 2013

City of Leander Planning Department
104 North Brushy Street
P.O. Box 319
Leander, TX 78646-0319

Re: Description of Property and Letter of Intent

The Leander Farm is a 77.48 acre tract of land located within the City of Leander and Williamson County, Texas. Approximately 24.6 acres of the property was annexed by the City of Leander upon the completed extension of Ronald Reagan Boulevard and is currently zoned SFR and SFS. A subsequent annexation, initiated by the City brought all but approximately 0.71 acres of the property within the city. The Applicant has submitted a request for voluntary annexation of the remaining 0.71 acres. The request is currently within the Annexation process.

It is the Applicant's intent and request to rezone the entire 77.48 acres with mix of commercial, office and Multi-Family along Ronald W Reagan Blvd and County Roads 177 and 179. A small area of land, approximately 3.8 acres has been identified as Single Family, sensitive to the existing adjoining residential uses that front Valley View Circle. Please see the included Requested Zoning Exhibit for an illustrative depiction of the requested zoning districts.

Leander Farm is conveniently located along Ronald Reagan Boulevard in the southeast portion of the City. With nearly half a mile (2,750 linear feet) of frontage and three median breaks along Ronald W Reagan Blvd (a primary regional road), as well as frontage on two secondary collectors (1,650 linear feet of frontage along County Road 179 and 300 linear feet of frontage along County Road 177) the property enjoys strong vehicular access and visibility. Additionally the property is located within one of the City of Leander's preferred growth corridors. Therefore the site a premium candidate for an employment focused, quality, higher intensity development.

Current site conditions are also favorable for the vision of a higher intensity development. The property consists of flat pasture lands with limited tree coverage.

Thank you for your consideration of this zoning change request. The Applicant believes this location has the potential to become a destination and gateway for Leander.

Sincerely,

Peter Verdicchio, LEED AP BD+C, ASLA
Principal

12357 Riata Trace Parkway
Suite A205
Austin, Texas 78727
t 512.246.7003
f 512.246.7703
www.secplanning.com

ORDINANCE NO #

ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING NINETEEN PARCELS OF LAND FROM INTERIM SFR-1-B (SINGLE-FAMILY RURAL) AND INTERIM SFS-2-B (SINGLE-FAMILY SUBURBAN) TO GC-3-B (GENERAL COMMERCIAL), GC-2-B (GENERAL COMMERCIAL), LC-2-B (LOCAL COMMERCIAL), LO-2-B (LOCAL OFFICE), SFC-2-B (SINGLE-FAMILY COMPACT), AND MF-2-B (MULTI-FAMILY); MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

Whereas, the owner of the property described herein after (the "Property") has requested that the Property be rezoned;

Whereas, after giving at least ten days written notice to the owners of land within two hundred feet of the Property, the Planning & Zoning Commission held a public hearing on the proposed rezoning and forwarded its recommendation on the rezoning to the City Council;

Whereas, after publishing notice of the public hearing at least fifteen days prior to the date of such hearing, the City Council at a public hearing has reviewed the request and the circumstances of the Property and finds that a substantial change in circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired;

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Amendment of Zoning Ordinance. Ordinance No. 05-018, as amended, the City of Leander Composite Zoning Ordinance (the "Zoning Ordinance" or "Code"), is hereby modified and amended by rezoning the Property as set forth in Section 3.

Section 3. Rezoned property. The Zoning Ordinance is hereby amended by changing the zoning district for nineteen parcels located at 15900, 15880, 15860,15840, 15800, 15780, 15750, 15700, 15670, 15860, and 15400 Ronald W Reagan Blvd. The property is approximately 77.479 acres more or less in size and includes parcels #R392170, R392171, R392172, R392173, R392174, R392175, R392176, R392177, R392178, R473458, R485239, R485240, R485241, R485242, R485243, R485244, R485245, R485246, and R031552. These parcels are hereby zoned GC-3-B (General Commercial), GC-2-B (General Commercial), LC-2-B (Local Commercial), LO-2-B (Local Office), SFC-2-B (Single-Family Compact), and MF-2-B (Multi-Family); Leander, Williamson County, Texas. (See Exhibit A).

Section 4. Severability. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof;

but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 5. Open Meetings. That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Loc. Gov't. Code.

PASSED AND APPROVED on First Reading this the 25th day of April, 2013.
FINALLY PASSED AND APPROVED on this the 2nd day of May, 2013.

THE CITY OF LEANDER, TEXAS

Christopher Fielder, Mayor

ATTEST:

Debbie Haile, City Secretary

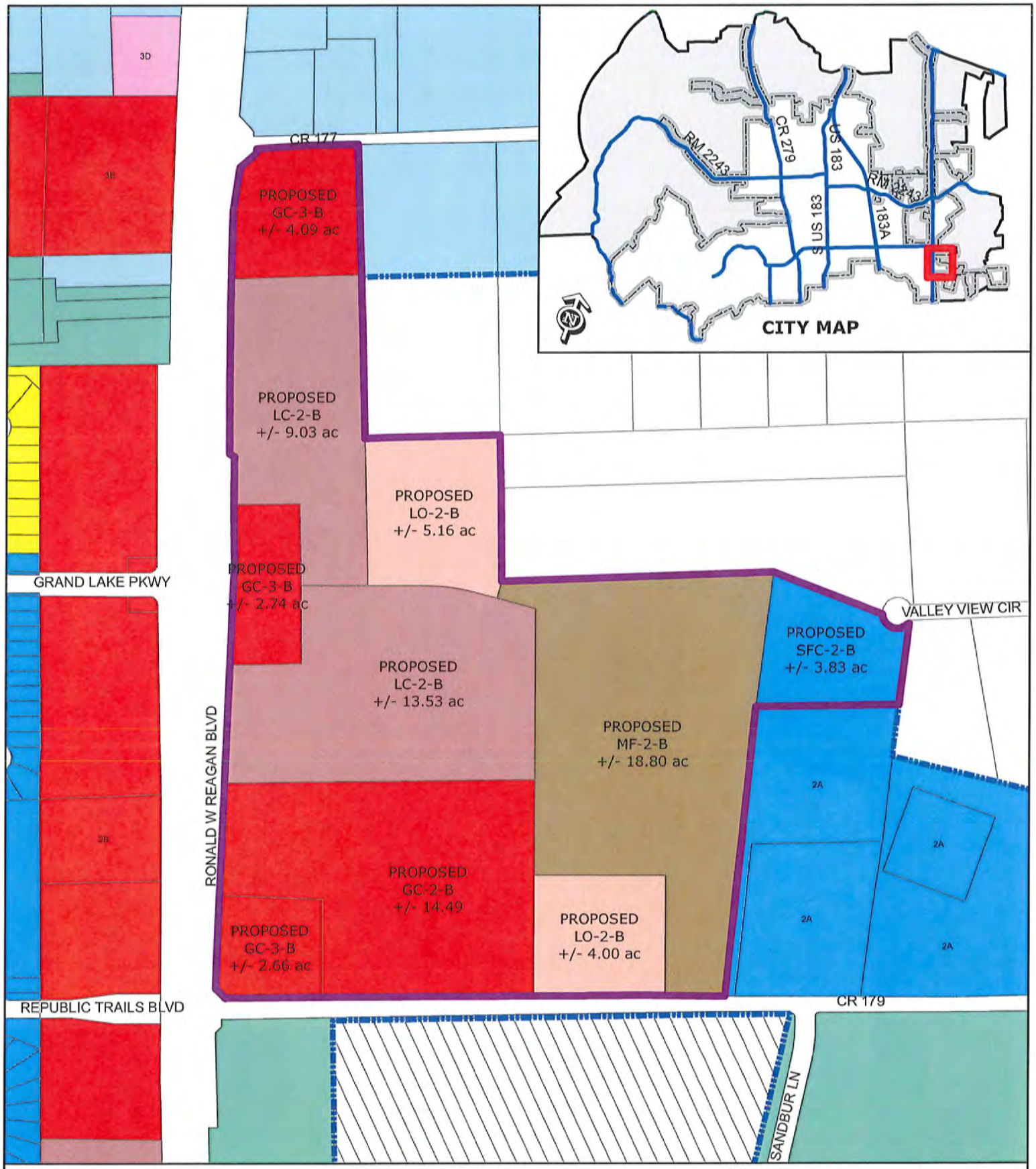


EXHIBIT A

Zoning Case 13-Z-003

Leander Farm
Ronald W. Reagan Blvd

Subject Property
Future Annexation Per DA
Involuntary Annexation
Voluntary Annexation

SFR, SFE, SFS, SFU, SFC, SFL, SFT, SFU/MH, TF, MF, LO, LC, GC, LI, HI, PUD

0 200 400
Feet

MINUTES

PLANNING & ZONING COMMISSION MEETING
CITY OF LEANDER, TEXAS
Pat Bryson Municipal Hall ~ 201 North Brushy Street
Leander, Texas

Thursday ~ April 11, 2013 at 7:00 pm

Place 1 Michelle Stephenson
Place 2 Chris Tovar – Chair
Place 3 Ronald Abruzzese – Vice Chair
Place 4 Sid Sokol
Place 5 Richard Allen
Place 6 Betty Saenz
Place 7 Jeff Seiler

1. Call to Order
   Chairman Tovar called the meeting to order at 7:04 p.m.

2. Roll Call
   All Commissioners were present.

3. Approval of Minutes:
   Regular Planning & Zoning Meeting: March 28, 2013
   Motion made by Commissioner Seiler to approve the minutes, seconded by Commissioner Saenz. Motion passed unanimously

4. Presentation of Service Plaque to Exiting Chairman Chris Tovar.
   - 15 minute recess

Mayor Fielder presented the Service Plaque to Chairman Tovar.
A 15 minute recess was called by Chairman Tovar.

5. Citizen Communications - Three (3) minutes of time is allowed, per speaker

No Citizens wished to speak.

Public Hearing

6. Subdivision Case #12-CP-008: Hold a public hearing and consider action on the Kittie Hill Concept Plan for 145.26 acres more or less; WCAD Parcel #R031635; generally located approximately 1,300 feet to the northwest of the intersection of Ronald W. Reagan and Hero Way, Williamson County Texas.

a) Staff Presentation

Robin Griffin, Planner, stated that staff reviewed the request and it has staff approval.

b) Applicant Presentation

Alex Clarke spoke about the project.

c) Open Public Hearing

Chairman Tovar opened the public hearing
Mila Milliorn spoke against

d) Close Public Hearing

Chairman Tovar closed the public hearing

e) Discussion

Commissioners had discussion

f) Consider Action

Commissioner Seiler motion to approve with staff recommendation, Commissioner Allen seconded the motion. Motion passed unanimously.

7. Subdivision Case #12-PP-011: Hold a public hearing and consider action on the Borho Preliminary Plat for 106.00 acres more or less; WCAD Parcel #R031532; located to the east of the intersection of Sam Bass Rd and CR 179; south of Parkside at Mayfield Ranch; northwest of Williamson County Regional Park, Leander, Williamson County Texas.

a) Staff Presentation

Robin Griffin, Planner, stated that staff reviewed the request and it has staff approval.

b) Applicant Presentation

James Huffcut spoke about the project.

c) Open Public Hearing

Chairman Tovar opened the public hearing
No Citizens wished to speak

d) Close Public Hearing

Chairman Tovar closed the public hearing

e) Discussion

No discussion took place

f) Consider Action

Vice Chair Abruzzese motion to approve with staff recommendation, Commissioner Sokol seconded the motion. Motion passed unanimously.

8. Subdivision Case 13-FP-001: Hold a public hearing and consider action on the Cold Springs, Section 5 Final Plat for 31.19 acres more or less; WCAD Parcel #R089488; generally located to the southwest of the intersection of E Crystal Falls Pkwy and Grand Lake Parkway; Williamson County, Texas.

a) Staff Presentation

Robin Griffin, Planner, stated that staff reviewed the request and it has staff approval.

b) Applicant Presentation

Randy Nixon spoke about the project.

c) Open Public Hearing

Chairman Tovar opened the public hearing
No Citizens wished to speak

d) Close Public Hearing

Chairman Tovar closed the public hearing

e) Discussion

No discussion took place

f) Consider Action

Commissioner Sokol motion to approve with staff recommendation, Commissioner Stephenson seconded the motion. Motion passed unanimously.

9. Subdivision Case 13-FP-004: Hold a public hearing and consider action on the Sarita Valley, Phase 3 Final Plat for 31.19 acres more or less; WCAD Parcels #R512373, #R512372, #R515439, and #R515436; generally located to the northeast of the intersection of Sarita Drive and Ronald W. Reagan Blvd, more specifically to the northwest of the intersection of Silver Fountain Drive and Wedgescale Pass; Williamson County, Texas.

a) Staff Presentation

Robin Griffin, Planner, stated that staff reviewed the request and it has staff approval.

b) Applicant Presentation

Stephen Swan spoke about the project.

c) Open Public Hearing

Chairman Tovar opened the public hearing
No Citizens wished to speak

d) Close Public Hearing

Chairman Tovar closed the public hearing

e) Discussion

No discussion took place

f) Consider Action

Commissioner Sokol motion to approve with staff recommendation, Commissioner Stephenson seconded the motion. Motion passed unanimously.

10. Special Use Permit Case #13-SU-001: Hold a public hearing and consider action on a Special Use Permit for a temporary parking lot associated with the model home complex, located at 2233 Grand Lake Parkway; legally described as Lot 9, Block M, Cold Springs Section 1, Leander, Williamson County, Texas. Applicant: Agent Brent Baker (Vice President of Land) on behalf of Pulte (Stephen Teodecki).

a) Staff Presentation

Robin Griffin, Planner, discussed request & surrounding land uses.

b) Applicant Presentation

Steven Ashlock spoke on the purpose of the zoning.

c) Open Public Hearing

Chairman Tovar opened the public hearing
No Citizens wished to speak.

d) Close Public Hearing

Chairman Tovar closed the public hearing.

e) Discussion

Discussion took place.

f) Consider Action

Commissioner Stephenson motioned to approve with staff recommendation and conditions, Commissioner Saenz seconded the motion. Motion passed unanimously.

11. Zoning Case 13-Z-003: Hold a public hearing and consider action on the rezoning of nineteen parcels located at 15900, 15880, 15860,15840, 15800, 15780, 15750, 15700, 15670, 15860, 15400, Ronald W Reagan Blvd for 77.4790 acres more or less; Parcels #R392170, R392171, R392172, R392173, R392174, R392175, R392176, R392177, R392178, R473458, R485239, R485240, R485241, R485242, R485243, R485244, R485245, R485246, R031552. Currently, a portion of the property is not zoned and upon annexation it will be zoned interim SFR-1-B (Single Family Rural) and the remainder of the property is currently zoned interim SFS-2-B (Single Family Suburban). The property is proposed to be zoned GC-3-B (General Commercial), GC-2-B (General Commercial) LC-2-B (Local Commercial), LO-2-B (Local Office) SFC-2-B, (Single Family Compact), and MF-2-B (Multi-Family); Leander, Williamson County, Texas. Applicant: Peter Verdicchio, on behalf of Joseph Land & Cattle Company, Ltd.

a) Staff Presentation

Robin Griffin, Planner, discussed request & surrounding land uses.

b) Applicant Presentation

Peter Verdicchio spoke on the purpose of the zoning.

c) Open Public Hearing

Chairman Tovar opened the public hearing
Larre Thomas Jr. - concerns about multi-family and utilities
Jerry Adair – spoke against
Chuck Griffin – spoke against
Naomi Boyar – spoke against
Benjamin Beaty – spoke against

d) Close Public Hearing

Chairman Tovar closed the public hearing.

e) Discussion

Discussion took place.

f) Consider Action

Commissioner Seiler motioned to approve the following:

- **3.83 acres of SFC-2-A (Single Family Compact)**
- **18.80 acres of MF-2-B (Multi-Family)**
- **95' strip of SFC-2-A (Single-Family Compact) to the north of the MF-2-B (Multi-Family)**
- **4.00 acres of LO-2-A (Local Commercial)**
- **14.49 acres of GC-2-A (General Commercial)**
- **2.66 acres GC-3-A (General Commercial)**
- **13.53 acres LC-2-A (Local Commercial)**
- **9.03 acres LC-2-A (Local Commercial)**
- **2.74 acres LC-2-A (Local Commercial)**
- **5.16 acres LO-2-A (Local Commercial)**
- **4.00 acres GC-3-A (General Commercial)**
- **No access to Valley View Cir. is permitted except for emergency access.**

Commissioner Sokol seconded the motion. Motion passed 5 to 2 with Commissioner Stephenson and Chairman Tovar opposing.

12. Zoning Case 13-Z-006: Hold a public hearing and consider action on the rezoning of eight parcels located at 10760, 10824, 10850, 10860, & 10870 E. Crystal Falls Parkway for 131.42 acres more or less; Parcels #R031199, R432785, R051457,R432778, R051458, R031205, R031204 and R031206. Currently, the property is zoned interim SFR-1-B (Single Family Rural), interim SFS-2-B (Single-Family Suburban), LI-3-D (Light Industrial). The property is proposed to be zoned GC-3-C (General Commercial), LC-1-C (Local Commercial), SFC-2-B (Single Family Compact), SFU-2-B (Single Family Urban), LC-2-B (Local Commercial), Leander, Williamson County, Texas. Applicant: John Avery, Jr. on behalf of Richard & Linda Davis, CS Leander I, Ltd., David & Mary Brown, Robert & Eva Jean Waley, and Cathy L. Cluck.

a) Staff Presentation

Robin Griffin, Planner, discussed request & surrounding land uses.

b) Applicant Presentation

Blake Contine spoke on the purpose of the zoning.

c) Open Public Hearing

Chairman Tovar opened the public hearing
Serene Hart - For

d) Close Public Hearing

Chairman Tovar closed the public hearing.

e) Discussion

Discussion took place.

f) Consider Action

Commissioner Stephenson motioned to approve with the zoning as proposed except for 2.3 acres LC-1-C (Local Commercial) to LC-2-B (Local Commercial) and 7.8 acres GC-3-C (General Commercial) to GC-2-A (General Commercial) Commissioner Seiler seconded the motion. Motion passed 6 to 1 with Vice Chair Abruzzese opposing.

13. Work session to discuss amendments to the Composite Zoning Ordinance including:
    - Masonry wall requirements between commercial and resident properties
    - Classification of land uses

P&Z Commissioners discussed masonry walls heights and material use between commercial and residential properties. They also discussed the classification of land uses.

14. Meeting adjourned – **10:15 pm**

_____
Vice Chair Abruzzese

ATTEST:
_____
Ellen Pizalate P & Z Secretary

Executive Summary

April 25, 2013

Council Agenda Subject: First reading of ordinance on annexation of four (4) tracts totaling 0.7107 acres, more or less, located in Williamson County, Texas, generally located approximately 500' south of CR 177, 400' east of Ronald W. Reagan Blvd., 1,900' north of CR 179 and 2,800' west of Valley View Dr.; including the abutting streets, roadways, and rights-of-way.

Background: The Resolution setting the two public hearings for March 21, 2013 and April 4, 2013 was approved by City Council on February 7, 2013. The second reading of the Ordinance is scheduled for May 2, 2013. This is a voluntary annexation whereas the property owner is requesting the property to be annexed into the city limits.

Origination: Development Services Department

Attachments: Ordinance

Resolution

Petition for Annexation

Exhibit "A" – Property Descriptions

Exhibit "B" – Municipal Services Plan

Schedule for Voluntary Annexation

Prepared by: Jim Bechtol, Director of Development Services

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS ANNEXING FOUR TRACTS OF LAND TOTALING 0.7107 ACRES, MORE OR LESS, INTO THE CORPORATE LIMITS OF THE CITY, INCLUDING THE ABUTTING ROADWAYS AND RIGHTS-OF-WAY, AT THE REQUEST OF THE PROPERTY OWNER; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Leander, Texas, is a home rule municipality authorized by State law to annex territory lying adjacent and contiguous to the City;

WHEREAS, the owner(s) of the properties, as hereinafter described, made written request for the City to annex such properties in compliance with the *Tex. Loc. Gov't. Code*;

WHEREAS, the properties are adjacent and contiguous to the present city limits and are the remnant portions of tracts of land previously annexed by the City;

WHEREAS, the City Council heard and has decided to grant the owner's request that the City annex said properties;

WHEREAS, two separate public hearings were conducted prior to consideration of this Ordinance in accordance with *§43.063 of the Tex. Loc. Gov't. Code*;

WHEREAS, the hearings were conducted and held not more than forty (40) nor less than twenty (20) days prior to the institution of annexation proceedings;

WHEREAS, notice of the public hearings was published not more than twenty (20) nor less than ten (10) days prior to the public hearings;

WHEREAS, the City intends to provide services to the properties to be annexed according to the Service Plan attached hereto as Exhibit "B".

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

SECTION 1. That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. All portions of the following described properties, including the abutting roadways and rights-of-way (hereinafter referred to as the "Annexed Property"), not previously annexed into the City, are hereby annexed into the corporate limits of the City of Leander:

> **Tract 1.** All that certain tract or parcel of land being 0.12 acres, more or less, located in Williamson County, Texas, and being more particularly shown and described as "R473458" in the Exhibit "A" attached hereto and incorporated herein for all purposes.

Tract 2. All that certain tract or parcel of land being 0.2296 acres, more or less, located in Williamson County, Texas, and being more particularly shown and described as "R392173" in the Exhibit "A" attached hereto and incorporated herein for all purposes.

Tract 3. All that certain tract or parcel of land being 0.2342 acres, more or less, located in Williamson County, Texas, and being more particularly shown and described as "R392174" in the Exhibit "A" attached hereto and incorporated herein for all purposes.

Tract 4. All that certain tract or parcel of land being 0.1269 acres, more or less, located in Williamson County, Texas, and being more particularly shown and described as "R392175" in the Exhibit "A" attached hereto and incorporated herein for all purposes.

SECTION 3. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B".

SECTION 4. That the future owners and inhabitants of the Annexed Property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "B", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 5. That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the Annexed Property as part of the City of Leander.

SECTION 6. That the Annexed Property shall be temporarily zoned District "SFR-1-B" as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 7. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 8. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 9. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED on First Reading this ____ day of _____, 2013.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2013.

ATTEST:

_____

Debbie Haile, City Secretary

CITY OF LEANDER, TEXAS

_____

Christopher Fielder, Mayor

RESOLUTION NO. 13-003-00

A RESOLUTION OF THE CITY OF LEANDER, TEXAS, ACCEPTING THE PETITION FOR ANNEXATION OF FOUR TRACTS OF LAND CONSISTING OF 0.7107, MORE OR LESS,ACRES LOCATED IN WILLIAMSON COUNTY, TEXAS; SETTING AN ANNEXATION SCHEDULE; PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS,the owner of certain property located within Williamson County, Texas, has petitioned the City of Leander, Texas, (herein the "City"), a home-rule City, for annexation of said properties, more particularly described herein (the "subject properties"), into the City limits;

WHEREAS, the subject propertiesare contiguous and adjacent to the corporate limits of the City and the owner has made application for annexation;

WHEREAS, after review and consideration of such petition for annexation, the City Council finds that the propertiesare exempt from the City's annexation plan pursuant to § 43.052 (h)(2) of the *Local Government Code*; and,

WHEREAS, the petitioner has agreed and consented to the annexation of the subject properties by the City and further agreed to be bound by all acts, ordinances, and all other legal action now in force and effect within the corporate limits of the City and all those which may be hereafter adopted;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS, THAT:

Section1.Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2.Proceedings. The petition for annexation of the following properties, including the abutting streets, roadways, and rights of way,not previously annexed into the Cityand the draft services plan shown in Exhibit "B", submitted by Petitioner, are hereby accepted:

> **Tract 1.**All that certain tract or parcel of land being 0.12 acres, more or less, located in Williamson County, Texas, and being more particularly shown and described as "R473458" in the Exhibit "A" attached hereto and incorporated herein for all purposes.
>
> **Tract 2.**All that certain tract or parcel of land being 0.2296 acres, more or less, located in Williamson County, Texas, and being more particularly shown and described as "R392173" in the Exhibit "A" attached hereto and incorporated herein for all purposes.

Tract 3. All that certain tract or parcel of land being 0.2342 acres, more or less, located in Williamson County, Texas, and being more particularly shown and described as "R392174" in the Exhibit "A" attached hereto and incorporated herein for all purposes.

Tract 4. All that certain tract or parcel of land being 0.1269 acres, more or less, located in Williamson County, Texas, and being more particularly shown and described as "R392175" in the Exhibit "A" attached hereto and incorporated herein for all purposes.

Two public hearings are set for the dates of March 21, 2013 and April 04, 2013. Notice of such hearings shall be posted and the hearings shall be open to the public to accept public comment on the annexation request.

Section 3. Severability. Should any section or part of this Resolution be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Resolution are declared to be severable.

Section 4. Open Meetings. It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't.Code.*

PASSED AND APPROVED this the 7th day of February, 2013.

ATTEST:

Debbie Haile, City Secretary

THE CITY OF LEANDER, TEXAS

Christopher Fielder, Mayor

CITY OF LEANDER
STATE OF TEXAS

STATE OF TEXAS §
§
COUNTY OF WILLIAMSON §

REQUEST & PETITION TO THE CITY COUNCIL OF THE CITY OF LEANDER FOR ANNEXATION OF PROPERTY

WHEREAS, the undersigned is the owner of certain tracts of property located within Williamson County, Texas, such property more particularly described hereinafter by true and correct legal description (referred to herein as the "subject properties");

WHEREAS, the undersigned has sought the annexation of the subject properties by the City of Leander, Texas, (hereinafter sometimes referred to as "City"), in order to obtain the benefits of City services to the subject property by the City;

WHEREAS, the subject properties are contiguous and adjacent to the corporate limits of the City;

WHEREAS, the City, pursuant to *§43.021, Tex. Loc. Gov't. Code* and the request of the property owner, is authorized to annex the subject properties; and,

WHEREAS, the undersigned agrees and consents to the annexation of the subject properties by the City and further agrees to be bound by all acts, ordinances, and all other legal action now in force and effect within the corporate limits of the City and all those which may be hereafter adopted.

NOW THEREFORE, the undersigned by this Petition and Request:

SECTION ONE: Requests the City Council of the City to commence annexation proceedings and to annex into the corporate limits of the City of Leander, Texas, of all portions of the subject properties, including the abutting streets, roadways, and rights-of-way, not previously annexed into the City and further described as follows:

> **Tract 1.** All that certain tract or parcel of land being 0.12 acres, more or less, located in Williamson County, Texas, and being more particularly shown and described as "R473458" in the Exhibit "A" attached hereto and incorporated herein for all purposes.
>
> **Tract 2.** All that certain tract or parcel of land being 0.2296 acres, more or less, located in Williamson County, Texas, and being more particularly shown and described as "R392173" in the Exhibit "A" attached hereto and incorporated herein for all purposes.
>
> **Tract 3.** All that certain tract or parcel of land being 0.2342 acres, more or less, located in Williamson County, Texas, and being more particularly shown and described as "R392174" in the Exhibit "A" attached hereto and

incorporated herein for all purposes.

Tract 4. All that certain tract or parcel of land being 0.1269 acres, more or less, located in Williamson County, Texas, and being more particularly shown and described as "R392175" in the Exhibit "A" attached hereto and incorporated herein for all purposes.

SECTION TWO: Requests that after annexation the City provide such services as are legally permissible and provided by the City, including sanitation, water and general governmental services as set forth in the municipal services plan.

SECTION THREE: Acknowledges and represents having received, read and understood the attached "draft" Service Plan, attached hereto as Exhibit "B", (proposed to be applicable to and adopted for the subject property) and that such "draft" Service Plan is wholly adequate and acceptable to the undersigned who hereby requests the City Council to proceed with the annexation and preparation of a final Municipal Service Plan and publish notice and hold the requisite public hearings thereon, in accordance with the applicable laws of the State of Texas.

SECTION FOUR: Acknowledges that the undersigned understands and agrees that all city services to the subject properties will be provided by the City on the same terms and conditions as provided to other similarly situated areas of the City and as provided in the Municipal Service Plan.

SECTION FIVE: Agrees that a copy of this Request and Petition may be filed of record in the offices of the City of Leander and in the real property records of Williamson County, Texas, and shall be notice to and binding upon all persons or entities now or hereafter having any interest in the subject properties.

FILED, this 25 day of January 2013, with the City Secretary of the City of Leander, Williamson County, Texas.

Petitioner: Joseph Land & Cattle Company, Ltd.

By: JLCCGP, L.L.C. a Texas Limited Liability Company, its General Partner

By: _____
Name: Philip C. Joseph
Title: President

STATE OF TEXAS §

COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Philip C. Joseph, President of JLCCGP, L.L.C., a Texas limited liability company, General Partner of Joseph Land & Cattle Company, Ltd., owner of the subject properties and Petitioner herein, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that they had authority to bind the entity and that they executed the same for the purposes therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 25th day of January 2013.

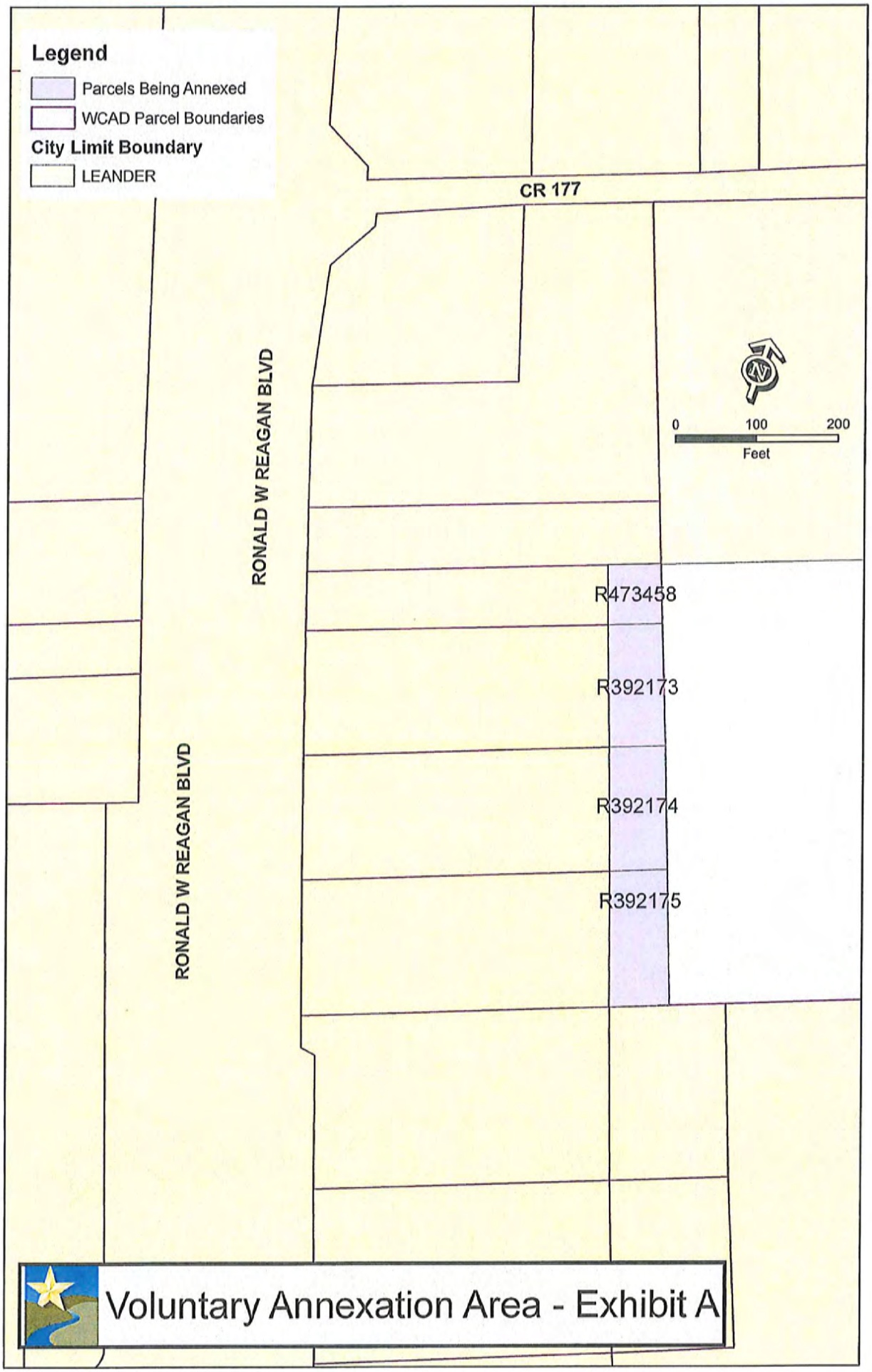
(SEAL)

Laurie Staton Roehrig
Notary Public - State of Texas

LAURIE STATON ROEHRIG
Notary Public, State of Texas
My Commission Expires
OCTOBER 28, 2013

Exhibit "A"

DESCRIPTION OF THE SUBJECT PROPERTIES



Voluntary Annexation Area - Exhibit A

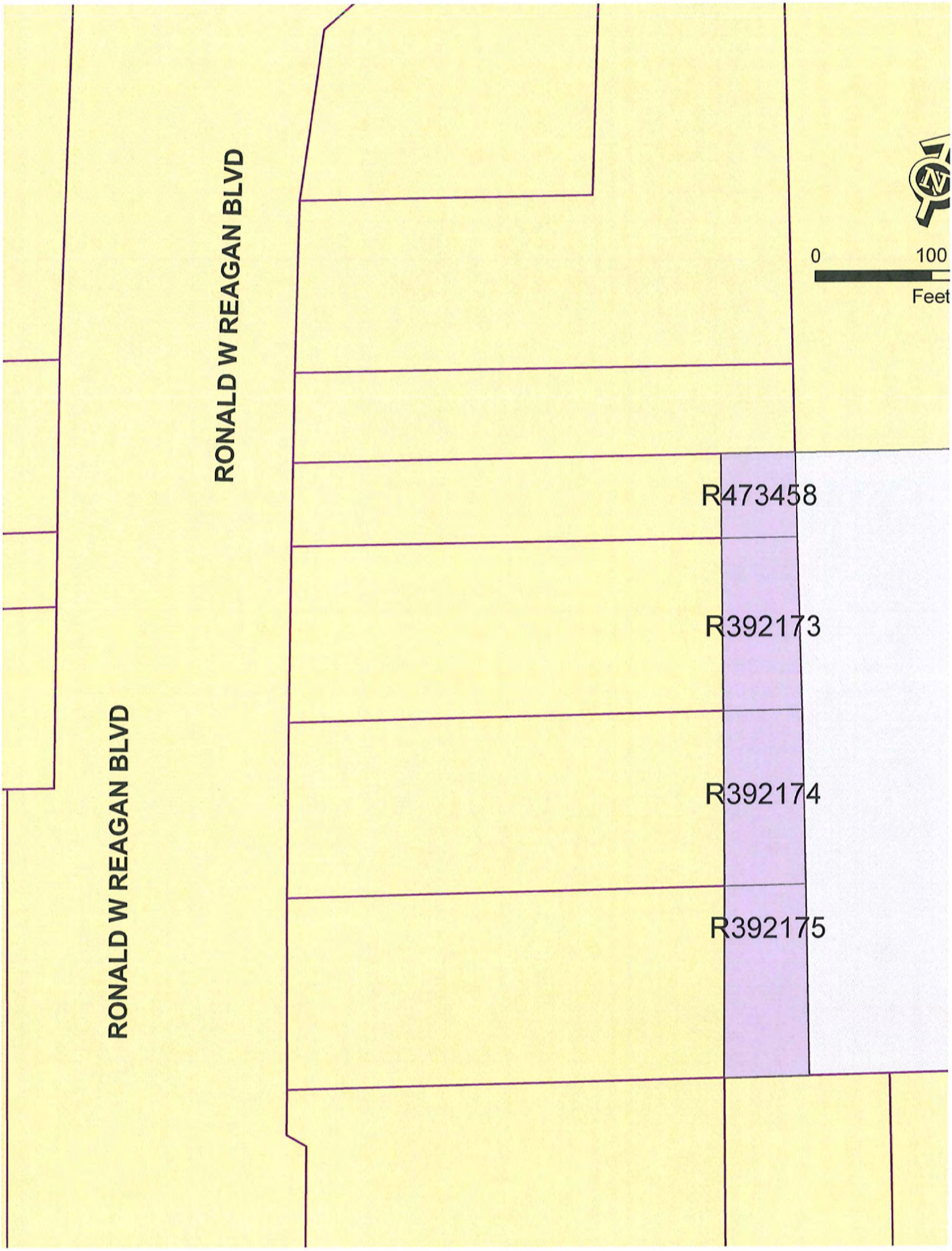

RONALD W REAGAN BLVD
RONALD W REAGAN BLVD
R473458
R392173
R392174
R392175
0
100
Feet

Exhibit "B"

MUNICIPAL SERVICES PLAN
FOR PROPERTY TO BE
ANNEXED INTO THE CITY OF LEANDER

WHEREAS, the City of Leander, Texas (the "City") intends to institute annexation proceedings for tracts of land described more fully hereinafter (referred to herein as the "subject property");

WHEREAS, *Section 43.056, Loc. Gov't. Code*, requires a service plan be adopted with the annexation ordinance;

WHEREAS, the subject property is not included in the municipal annexation plan and is exempt from the requirements thereof;

WHEREAS, infrastructure provided for herein and that existing are sufficient to service the subject property on the same terms and conditions as other similarly situated properties currently within the City limits and no capital improvements are required to offer municipal services on the same terms and conditions as other similarly situated properties within the City; and

WHEREAS, it is found that all statutory requirements have been satisfied and the City is authorized by *Chapt. 43, Loc. Gov't. Code*, to annex the subject property into the City;

NOW, THEREFORE, the City agrees to provide the following services for the subject property on the effective date of annexation:

(1) **General Municipal Services.** Pursuant to the requests of the owner and this Plan, the following services shall be provided immediately from the effective date of the annexation:

A. Police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City.

B. Fire protection and Emergency Medical Services as follows:

Fire protection by the present personnel and equipment of the City fire fighting force and the volunteer fire fighting force with the limitations of water available. Radio response for Emergency Medical Services with the present personnel and equipment.

C. Solid waste collection services as follows:

Solid waste collection and services as now being offered to the citizens of the City.

D. Animal control as follows:

Service by present personnel, equipment and facilities or by contract with a third party, as provided within the City.

E. Maintenance of parks and playgrounds within the City.

F. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities.

G. Maintenance of other City facilities, buildings and service.

H. Land use regulation as follows:

On the effective date of annexation, the zoning jurisdiction of the City shall be extended to include the annexed area, and the use of all property therein shall be grandfathered; and shall be temporarily zoned "SFR-1-B" with the intent to rezone the subject property upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject property at future times in response to requests submitted by the landowner(s) or authorized city staff.

(2) **Scheduled Municipal Services.** Due to the size and vacancy of the subject property, the plans and schedule for the development of the subject property, the following municipal services will be provided on a schedule and at increasing levels of service as provided in this Plan:

A. Water service and maintenance of water facilities as follows:

(i) Inspection of water distribution lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject properties, or portions thereof as applicable, or absent a water CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the City's water utility system, the subject properties' owner shall construct the internal water lines and pay the costs of line extension and construction of such facilities necessary to provide water service to the subject properties as required in City ordinances. Upon acceptance of the water lines within the subject properties and any off-site improvements, water service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City; subject to all the ordinances, regulations and policies of the City in effect from time to time. The system will be accepted and maintained by the City in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for

service. The continued use of a water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject properties' owner requests and is able to connect to the City's water utility system.

B. Wastewater service and maintenance of wastewater service as follows:

(i) Inspection of sewer lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a wastewater CCN for the subject properties, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. If connected to the City's wastewater utility system, the subject properties' owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject properties as required in City ordinances. Upon acceptance of the wastewater lines within the subject properties and any off-site improvements, wastewater service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

C. Maintenance of streets and rights-of-way as appropriate as follows:

(i) Provide maintenance services on existing public streets within the subject property and other streets that are hereafter constructed and finally accepted by the City. The maintenance of the streets and roads will be limited as follows:

(A) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.; and

(B) Routine maintenance as presently performed by the City.

(ii) The City will maintain existing public streets within the subject property, and following installation and acceptance of new roadways by the City as provided by city ordinance, including any required traffic signals, traffic signs, street markings, other

traffic control devices and street lighting, the City will maintain such newly constructed public streets, roadways and rights-of-way within the boundaries of the subject property, as follows:

(A) As provided in C(i)(A)&(B) above;

(B) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies;

(C) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards; and

(D) Installation and maintenance of street lighting in accordance with established policies of the City;

(iii) The outer boundaries of the subject property abut existing roadways. The property owner agrees that no improvements are required on such roadways to service the property.

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: None. Upon development of the subject property or redevelopment, the landowner will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject property the same as similarly situated properties.

(4) **Term.** If not previously expired, this service plan expires at the end of ten (10) years.

(5) **Property Description.** The legal description of the subject property is as set forth in exhibits attached to the Annexation Ordinance to which this Service Plan is attached.

SCHEDULE FOR VOLUNTARY ANNEXATION – Philip Joseph (Leander Farm) +/- 0.7107 Acres

DATE	ACTION/EVENT	LEGAL AUTHORITY
February 7, 2013	**COUNCIL BY WRITTEN RESOLUTION** Directs notification to land owners; and sets two (2) Public Hearings **March 21, 2013 and April 4, 2013**; Council directs development of service plan for area to be annexed.	Loc. Gov't Code, §§ 43.063 & 43.065; Public Hearings: are on or after the 40th day but before 20th day before institution of proceedings.
By Feb. 15, 2013	**NOTICE TO** property owners & utility providers	Loc. Gov't Code § 43.062(a)
March 6, 2013* Publish notice of First Public Hearing **March 20, 2013*** Publish notice of Second Public Hearings	**NEWSPAPER NOTICES** RE: FIRST AND SECOND PUBLIC HEARINGS; (If applicable, certified Notice to Railroad) **SCHOOL DISTRICT NOTICE** (notify each school district of possible impact) POST NOTICE ON WEB SITE and MAINTAIN UNTIL COMPLETE	Not less than 10 days nor more than 20 days before 1st and 2nd public hearings. Loc. Gov't Code, §43.063 (c).
Ten days after the date the first notice of Public Hearing is published	LAST DAY FOR SUBMISSION OF WRITTEN PROTEST BY RESIDENTS (10 days after first newspaper notice)	Site hearing required if 10% of adult residents of tracts protest within 10 days after 1st newspaper notice. Loc. Gov't Code, § 43.063 (b)
March 21, 2013*	**1st PUBLIC HEARING** AND PRESENT SERVICE PLAN (Not more than 40 days before the 1st reading of ordinance) *REGULAR MEETING*	Not less than 20 days nor more than 40 days before reading of ordinance. Loc. Gov't Code, §§ 43.063(a) & 43.065.
April 4, 2013*	**2nd PUBLIC HEARING** AND PRESENT SERVICE PLAN (At least 20 days before 1st reading of ordinance.) *REGULAR MEETING*	Not less than 20 days nor more than 40 days before reading of ordinance. Loc. Gov't Code, §§ 43.063(a) & 43.065.
Institution Date **April 25, 2013***	**FIRST READING** OF ORDINANCE *SPECIAL CALLED MEETING*	Date of institution of proceedings. Not less than 20 days from the second public hearing nor more than 40 days from the first public hearing.
May 2 , 2013 Or at a special called meeting after the First Reading	**SECOND-FINAL READING** OF ORDINANCE *REGULAR MEETING*	Not more than 90 days after 1st reading of Ordinance § 43.064.
May 31, 2013 Or as soon as documents are received from City	FILE FOR VOTING RIGHTS ACT **PRECLEARANCE**	42 U.S.C. §1973c; Loc. Gov't Code, §43.906;
Within 30 days of Second Reading	**CITY SENDS COPY OF MAP** showing boundary changes to County Voter Registrar in a format that is compatible with mapping format used by registrar	Elec. Code §42.0615
Upon receipt of DOJ Preclearance or 60 days after DOJ's receives submission	**IMPLEMENT ANNEXATION** for voting purposes (Upon preclearance from Justice Dept.) **Send certified copy of ordinance and maps** to State Comptroller and any franchise holders	42 U.S.C. §1973c.
After DOJ Preclearance	**CITY PROVIDES CERTIFIED COPY OF ORDINANCE AND MAPS TO:** 1. County Clerk 2. County Appraisal District 3. County Tax Assessor Collector 4. 911 Addressing 5. Sheriff's Office 6. City Department Heads	

***Dates in BOLD are MANDATORY dates to follow this schedule. Please advise if deviation.**

***Newspaper notices to paper by 10 a.m. the preceding Friday**

Executive Summary

April 25, 2013

Council Agenda Subject: First reading of ordinance on annexation of 29.31 acre parcel, more or less, located in Williamson County, Texas, generally located south of CR 179, 1,400' west of CR 175, 400' northwest of Acacia Dr, and approximately 1 mile east of Ronald W Reagan Blvd including the abutting streets, roadways, and rights-of-way.

Background: The Resolution setting the two public hearings for March 21, 2013 and April 4, 2013 was approved by City Council on February 7, 2013. The second reading of the Ordinance is scheduled for May 2, 2013. This is a voluntary annexation whereas the property owner is requesting the property to be annexed into the city limits.

Origination: Development Services Department

Attachments: Ordinance

Resolution

Petition for Annexation

Exhibit "A" – Property Descriptions

Exhibit "B" – Municipal Services Plan

Schedule for Voluntary Annexation

Prepared by: Jim Bechtol, Director of Development Services

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS ANNEXING 29.31 ACRES OF LAND, MORE OR LESS, INTO THE CORPORATE LIMITS OF THE CITY, INCLUDING THE ABUTTING ROADWAYS AND RIGHTS-OF-WAY, AT THE REQUEST OF THE PROPERTY OWNER; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Leander, Texas, is a home rule municipality authorized by State law to annex territory lying adjacent and contiguous to the City;

WHEREAS, the owner(s) of the property, as hereinafter described, made written request for the City to annex such property in compliance with the *Tex. Loc. Gov't. Code*;

WHEREAS, the property is adjacent and contiguous to the present city limits;

WHEREAS, the City Council heard and has decided to grant the owner's request that the City annex said property;

WHEREAS, two separate public hearings were conducted prior to consideration of this Ordinance in accordance with *§43.063 of the Tex. Loc. Gov't. Code*;

WHEREAS, the hearings were conducted and held not more than forty (40) nor less than twenty (20) days prior to the institution of annexation proceedings;

WHEREAS, notice of the public hearings was published not more than twenty (20) nor less than ten (10) days prior to the public hearings;

WHEREAS, the City intends to provide services to the property to be annexed according to the Service Plan attached hereto as Exhibit "B".

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

SECTION 1. That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. All portions of the following described property, including the abutting roadways and rights-of-way (hereinafter referred to as the "Annexed Property"), not previously annexed into the City, are hereby annexed into the corporate limits of the City of Leander:

> All portions of that certain tract or parcel of land being 29.31 acres, more or less, situated in the Anastasha Carr Survey, Abstract No. 122, located in Williamson County, Texas, and being more particularly shown and described in Exhibit "A" attached hereto and incorporated herein for all purposes.

SECTION 3. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B".

SECTION 4. That the future owners and inhabitants of the Annexed Property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "B", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 5. That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the Annexed Property as part of the City of Leander.

SECTION 6. That the Annexed Property shall be temporarily zoned District "SFR-1-B" as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 7. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 8. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 9. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED on First Reading this ____ day of _____, 2013.

FINALLY PASSED AND APPROVED on this ____ day of _____, 2013.

ATTEST:

_____

Debbie Haile, City Secretary

CITY OF LEANDER, TEXAS

_____

Christopher Fielder, Mayor

RESOLUTION NO. 13-002-00

A RESOLUTION OF THE CITY OF LEANDER, TEXAS, ACCEPTING THE PETITION FOR ANNEXATION OF A 29.31, MORE OR LESS,ACRE PARCEL OF LAND LOCATED IN WILLIAMSON COUNTY, TEXAS; SETTING AN ANNEXATION SCHEDULE; PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS,the owner of certain property located within Williamson County, Texas, has petitioned the City of Leander, Texas, (herein the "City"), a home-rule City, for annexation of said property, more particularly described herein (the "subject property"), into the City limits;

WHEREAS, the subject property is contiguous and adjacent to the corporate limits of the City and the owners have made application for annexation;

WHEREAS, after review and consideration of such petition for annexation, the City Council finds that the property is exempt from the City's annexation plan pursuant to § 43.052 (h)(2) of the *Local Government Code*; and,

WHEREAS, the petitioner has agreed and consented to the annexation of the subject property by the City and further agreed to be bound by all acts, ordinances, and all other legal action now in force and effect within the corporate limits of the City and all those which may be hereafter adopted;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS, THAT:

Section1.Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2.Proceedings. The petition for annexation of the following property, including the abutting streets, roadways, and rights of way,not previously annexed into the Cityand the draft services plan shown in Exhibit "B", submitted by Petitioner, are hereby accepted:

> All that certain tract or parcel of land being 29.31 acres, more or less, located in Williamson County, Texas, and being more particularly shown and described in the Exhibit "A" attached hereto and incorporated herein for all purposes.

Two public hearings are set for the dates of March 21, 2013 and April 04, 2013. Notice of such hearings shall be posted and the hearings shall be open to the public to accept public comment on the annexation request.

Section 3.Severability. Should any section or part of this Resolution be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or

inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Resolution are declared to be severable.

Section 4.Open Meetings. It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't.Code*.

PASSED AND APPROVED this the 7th day of February, 2013.

ATTEST:

Debbie Haile, City Secretary

THE CITY OF LEANDER, TEXAS

Christopher Fielder, Mayor

CITY OF LEANDER
ESTABLISHED 1882
INCORPORATED 1978
STATE OF TEXAS

STATE OF TEXAS §
§
COUNTY OF WILLIAMSON §

REQUEST & PETITION TO THE CITY COUNCIL OF THE CITY OF LEANDER FOR ANNEXATION OF PROPERTY

WHEREAS, the undersigned is the owner of a certain tract of property located within Williamson County, Texas, such property more particularly described hereinafter by true and correct legal description (referred to herein as the "subject property");

WHEREAS, the undersigned has sought the annexation of the subject property by the City of Leander, Texas, (hereinafter sometimes referred to as "City"), in order to obtain the benefits of City services to the subject property by the City;

WHEREAS, the subject property is contiguous and adjacent to the corporate limits of the City;

WHEREAS, the City, pursuant to *§43.021, Tex. Loc. Gov't. Code* and the request of the property owner, is authorized to annex the subject property; and,

WHEREAS, the undersigned agrees and consents to the annexation of the subject property by the City and further agrees to be bound by all acts, ordinances, and all other legal action now in force and effect within the corporate limits of the City and all those which may be hereafter adopted.

NOW THEREFORE, the undersigned by this Petition and Request:

SECTION ONE: Requests the City Council of the City to commence annexation proceedings and to annex into the corporate limits of the City of Leander, Texas, of all portions of the subject property, including the abutting streets, roadways, and rights-of-way, not previously annexed into the City and further described as follows,:

> All that certain tract or parcel of land being 29.31 acres, more or less, located in Williamson County, Texas, and being more particularly shown and described in the Exhibit "A" attached hereto and incorporated herein for all purposes.

SECTION TWO: Requests that after annexation the City provide such services as are legally permissible and provided by the City, including sanitation, water and general governmental services as set forth in the municipal services plan.

SECTION THREE: Acknowledges and represents having received, read and understood the attached "draft" Service Plan, attached hereto as Exhibit "B", (proposed to be applicable to and adopted for the subject property) and that such "draft" Service Plan is wholly adequate and acceptable to the undersigned who hereby requests the City Council to proceed with the annexation and preparation of a final Municipal Service Plan and publish notice and hold the requisite public hearings thereon, in accordance with the applicable laws of the State of Texas.

SECTION FOUR: Acknowledges that the undersigned understands and agrees that all city services to the subject property will be provided by the City on the same terms and conditions as provided to other similarly situated areas of the City and as provided in the Municipal Service Plan.

SECTION FIVE: Agrees that a copy of this Request and Petition may be filed of record in the offices of the City of Leander and in the real property records of Williamson County, Texas, and shall be notice to and binding upon all persons or entities now or hereafter having any interest in the subject property.

FILED, this 23 day of January 2013, with the City Secretary of the City of Leander, Williamson County, Texas.

Petitioner:

By: Tamara Ramaker
Tamara Ramaker, Owner

STATE OF TEXAS §
§
COUNTY OF WILLIAMSON §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Tamara "Tami" Ramaker, Owner of the subject property and Petitioner herein, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that they had authority to bind the entity and that they executed the same for the purposes therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 23rd day of Jan. 2013.

(SEAL)

NOTARY PUBLIC STATE OF TEXAS
CHRISTI C. HORNE
Notary Public, State of Texas
My Commission Expires
July 6, 2013

Christi C Horne
Notary Public - State of Texas

Exhibit "A"

DESCRIPTION OF THE SUBJECT PROPERTY

29.31 ACRES

ALL THAT CERTAIN TRACT OF LAND CONTAINING 29.50 ACRES OF LAND, MORE OR LESS, SITUATED IN THE ANASTASHA CARR SURVEY, ABSTRACT NO. 122, IN WILLIAMSON COUNTY, TEXAS, BEING THE SAME PROPERTY CONVEYED TO TAMARA . BARKLEY, IN WARRANTY DEED RECORDED IN DOCUMENT No. 2006005760 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, SAVE AND EXCEPT THAT CERTAIN 8.251 SQUARE FEET OF LAND CONVEYED TO WILLIAMSON COUNTY, TEXAS IN SPECIAL WARRANTY DEED RECORDED IN DOCUMENT No. 2008068649 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Begin at a 1/2" iron rod found (with Haynie Consultant cap) in the West Line of the said 29.50 Acre Tract, the same being the Southwest Corner of the said 8,251 Square Feet Tract;

THENCE across the said 29.50 Acre Tract and along the South Line of the said 8,251 Square Feet Tract the following three courses:

1. Northeasterly along the arc of a curve to the left, a distance of 56.82 feet to a 1/2" iron rod found (with Haynie Consultant cap), said curve having a radius of 5779.05 feet, a central angle of 00°33'48", and a chord bearing N.63°18'43"E., 56.81 feet

2. N.63°04'05"E. a distance of 69.07 feet to a 1/2" iron rod found (with Haynie Consultant cap) at a point on a non-tangent curve to the right;

3. Northeasterly along the arc of said curve, a distance of 386.66 feet, said curve having a radius of 5679.06 feet, a central angle of 03°54'03" and a chord bearing N.64°53'28"E., 386.58 feet to a steel cotton spindle found at the Northeast Corner of the said 29.50 Acre Tract and the Northwest Corner of that 54.10 Acre Tract conveyed to Peggy Simpson by deed recorded in Volume 2542, Page 834 of the Deed Records of Williamson County, Texas;

THENCE S.21°11'12"E., along the East Line of the 29.50 Acre Tract and the West Line of the said 54.10 Acre Tract, a distance of 2384.56 feet to a 1/2" iron rod found in the North Line of the Plat of Stonehurst, according to the plat thereof recorded in Cabinet C, Slides 251, 252 and 253 of the Plat Records of Williamson County, Texas, at the Southeast Corner of the said 29.50 Acre Tract and the Southwest Corner of the said 54.10 Acre Tract

THENCE S.41°49'57"W., along the North Line of the said Plat of Stonehurst and the South Line of the 29.50 Acre Tract, a distance of 573.54 feet to a 1/2" iron rod found at the Southwest Corner of the 29.50 Acre Tract;

THENCE N.21°10'59"W., along the West Line of the said 29.50 Acre Tract, a distance of 2605.97 feet to the said Point of Beginning.

Containing 29.31 acres, more or less.

COUNTY ROAD 179

PEGGY SIMPSON
54.10 ACRES
VOLUME 2542, PAGE 1134

29.31 acres

ROBERT G. KATUSAK &
CONCETTA KATUSAK
REMAINDER OF 104.98 ACRES
VOLUME 916, PAGE 667

LOT 33

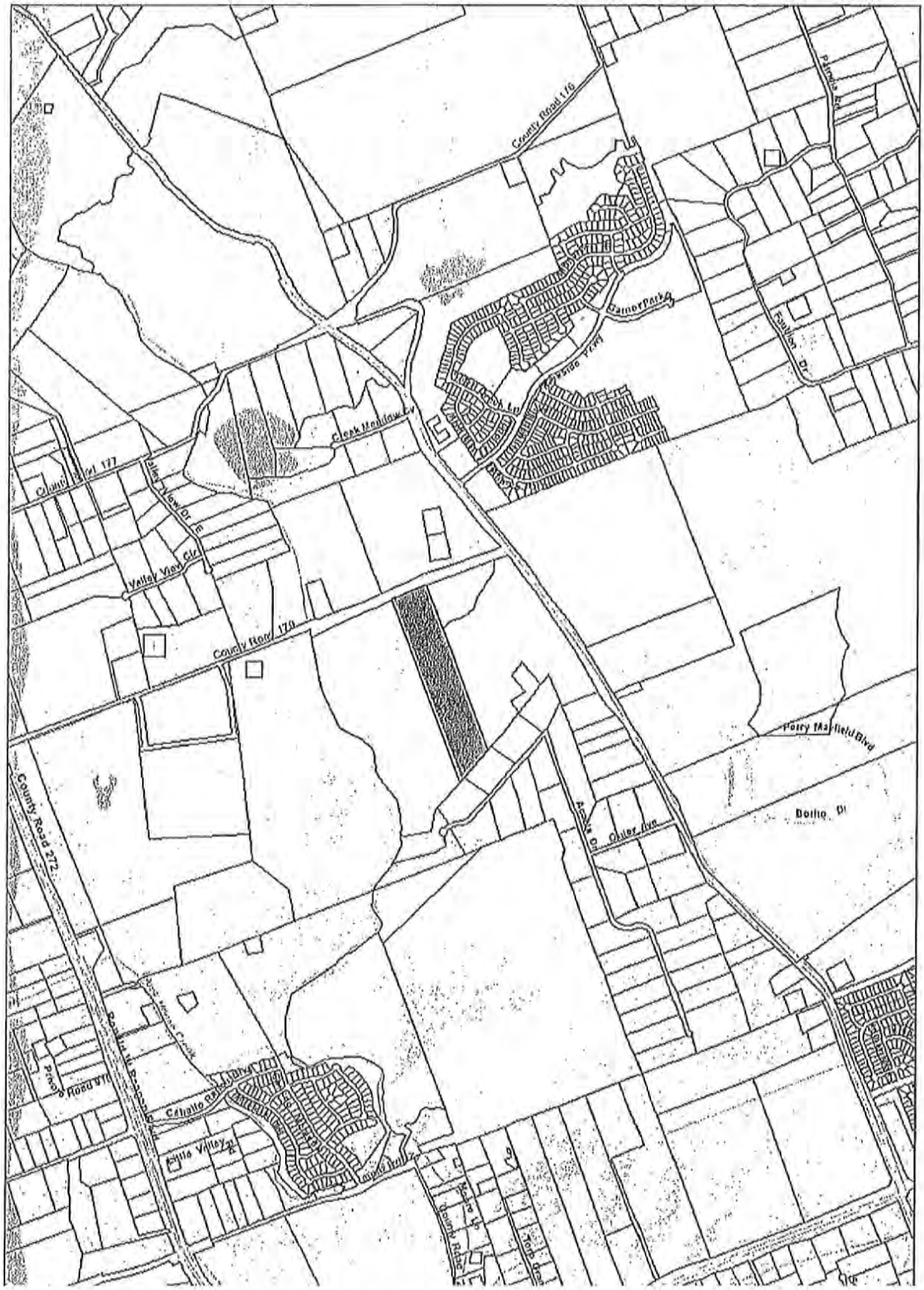
LOT 31

PLAT OF
STONEHURST
CABINET G, SLIDES 251-253

ACADIA DRIVE

LOT 33

RJ SURVEYING & ASSOCIATES, INC.


County Road 176
Gamer Park
Creek Meadow Cv
Valley View Cir
County Road 170
County Road 272
Perry Mayfield Blvd
Bolho Dr
Acacia Dr
Outer Ave
Cabello Ranch Blvd
Little Valley

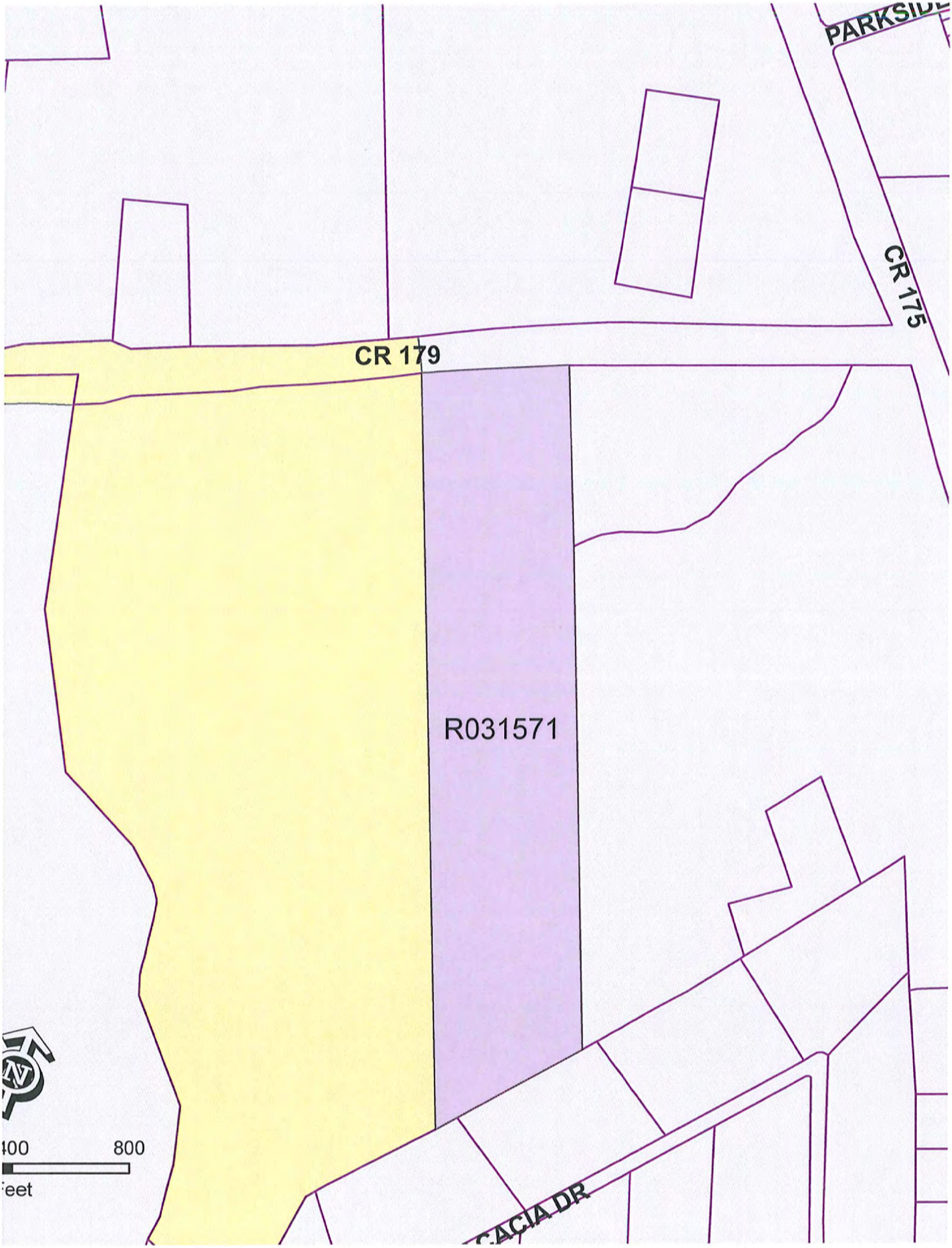

PARKSID
CR 175
CR 179
R031571
400
800
Feet
ACIA DR

Exhibit "B"

MUNICIPAL SERVICES PLAN
FOR PROPERTY TO BE
ANNEXED INTO THE CITY OF LEANDER

WHEREAS, the City of Leander, Texas (the "City") intends to institute annexation proceedings for a tract of land described more fully hereinafter (referred to herein as the "subject property");

WHEREAS, *Section 43.056, Loc. Gov't. Code*, requires a service plan be adopted with the annexation ordinance;

WHEREAS, the subject property is not included in the municipal annexation plan and is exempt from the requirements thereof;

WHEREAS, infrastructure provided for herein and that existing are sufficient to service the subject property on the same terms and conditions as other similarly situated properties currently within the City limits and no capital improvements are required to offer municipal services on the same terms and conditions as other similarly situated properties within the City; and

WHEREAS, it is found that all statutory requirements have been satisfied and the City is authorized by *Chapt. 43, Loc. Gov't. Code*, to annex the subject property into the City;

NOW, THEREFORE, the City agrees to provide the following services for the subject property on the effective date of annexation:

(1) **General Municipal Services.** Pursuant to the requests of the owner and this Plan, the following services shall be provided immediately from the effective date of the annexation:

A. Police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City.

B. Fire protection and Emergency Medical Services as follows:

Fire protection by the present personnel and equipment of the City fire fighting force and the volunteer fire fighting force with the limitations of water available. Radio response for Emergency Medical Services with the present personnel and equipment.

C. Solid waste collection services as follows:

Solid waste collection and services as now being offered to the citizens of the City.

D. Animal control as follows:

Service by present personnel, equipment and facilities or by contract with a third party, as provided within the City.

E. Maintenance of parks and playgrounds within the City.

F. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities.

G. Maintenance of other City facilities, buildings and service.

H. Land use regulation as follows:

On the effective date of annexation, the zoning jurisdiction of the City shall be extended to include the annexed area, and the use of all property therein shall be grandfathered; and shall be temporarily zoned "SFR-1-B" with the intent to rezone the subject property upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject property at future times in response to requests submitted by the landowner(s) or authorized city staff.

(2) **Scheduled Municipal Services.** Due to the size and vacancy of the subject property, the plans and schedule for the development of the subject property, the following municipal services will be provided on a schedule and at increasing levels of service as provided in this Plan:

A. Water service and maintenance of water facilities as follows:

(i) Inspection of water distribution lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject properties, or portions thereof as applicable, or absent a water CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the City's water utility system, the subject properties' owner shall construct the internal water lines and pay the costs of line extension and construction of such facilities necessary to provide water service to the subject properties as required in City ordinances. Upon acceptance of the water lines within the subject properties and any off-site improvements, water service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City; subject to all the ordinances, regulations and policies of the City in effect from time to time. The system will be accepted and maintained by the City in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for

service. The continued use of a water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject properties' owner requests and is able to connect to the City's water utility system.

B. Wastewater service and maintenance of wastewater service as follows:

(i) Inspection of sewer lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a wastewater CCN for the subject properties, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. If connected to the City's wastewater utility system, the subject properties' owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject properties as required in City ordinances. Upon acceptance of the wastewater lines within the subject properties and any off-site improvements, wastewater service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

C. Maintenance of streets and rights-of-way as appropriate as follows:

(i) Provide maintenance services on existing public streets within the subject property and other streets that are hereafter constructed and finally accepted by the City. The maintenance of the streets and roads will be limited as follows:

(A) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.; and

(B) Routine maintenance as presently performed by the City.

(ii) The City will maintain existing public streets within the subject property, and following installation and acceptance of new roadways by the City as provided by city ordinance, including any required traffic signals, traffic signs, street markings, other

traffic control devices and street lighting, the City will maintain such newly constructed public streets, roadways and rights-of-way within the boundaries of the subject property, as follows:

(A) As provided in C(i)(A)&(B) above;

(B) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies;

(C) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards; and

(D) Installation and maintenance of street lighting in accordance with established policies of the City;

(iii) The outer boundaries of the subject property abut existing roadways. The property owner agrees that no improvements are required on such roadways to service the property.

(3) **Capital Improvements.** Construction of the following capital improvements shall be initiated after the effective date of the annexation: None. Upon development of the subject property or redevelopment, the landowner will be responsible for the development costs the same as a developer in a similarly situated area under the ordinances in effect at the time of development or redevelopment. No additional capital improvements are necessary at this time to service the subject property the same as similarly situated properties.

(4) **Term.** If not previously expired, this service plan expires at the end of ten (10) years.

(5) **Property Description.** The legal description of the subject property is as set forth in exhibits attached to the Annexation Ordinance to which this Service Plan is attached.

SCHEDULE FOR VOLUNTARY ANNEXATION – RAMAKER +/- 29.31 ACRES

DATE	ACTION/EVENT	LEGAL AUTHORITY
February 7, 2013	**COUNCIL BY WRITTEN RESOLUTION** Directs notification to land owners; and sets two (2) Public Hearings **March 21, 2013 and April 4, 2013**; Council directs development of service plan for area to be annexed.	Loc. Gov't Code, §§ 43.063 & 43.065; Public Hearings: are on or after the 40th day but before 20th day before institution of proceedings.
By Feb. 15, 2013	**NOTICE TO** property owners & utility providers	Loc. Gov't Code § 43.062(a)
March 6, 2013* Publish notice of First Public Hearing **March 20, 2013*** Publish notice of Second Public Hearings	**NEWSPAPER NOTICES** RE: FIRST AND SECOND PUBLIC HEARINGS; (If applicable, certified Notice to Railroad) **SCHOOL DISTRICT NOTICE** (notify each school district of possible impact) POST NOTICE ON WEB SITE and MAINTAIN UNTIL COMPLETE	Not less than 10 days nor more than 20 days before 1st and 2nd public hearings. Loc. Gov't Code, §43.063 (c).
Ten days after the date the first notice of Public Hearing is published	LAST DAY FOR SUBMISSION OF WRITTEN PROTEST BY RESIDENTS (10 days after first newspaper notice)	Site hearing required if 10% of adult residents of tracts protest within 10 days after 1st newspaper notice. Loc. Gov't Code, § 43.063 (b)
March 21, 2013*	**1st PUBLIC HEARING** AND PRESENT SERVICE PLAN (Not more than 40 days before the 1st reading of ordinance) *REGULAR MEETING*	Not less than 20 days nor more than 40 days before reading of ordinance. Loc. Gov't Code, §§ 43.063(a) & 43.065.
April 4, 2013*	**2nd PUBLIC HEARING** AND PRESENT SERVICE PLAN (At least 20 days before 1st reading of ordinance.) *REGULAR MEETING*	Not less than 20 days nor more than 40 days before reading of ordinance. Loc. Gov't Code, §§ 43.063(a) & 43.065.
Institution Date **April 25, 2013***	**FIRST READING** OF ORDINANCE *SPECIAL CALLED MEETING*	Date of institution of proceedings. Not less than 20 days from the second public hearing nor more than 40 days from the first public hearing.
May 2 , 2013 Or at a special called meeting after the First Reading	**SECOND-FINAL READING** OF ORDINANCE *REGULAR MEETING*	Not more than 90 days after 1st reading of Ordinance § 43.064.
May 31, 2013 Or as soon as documents are received from City	FILE FOR VOTING RIGHTS ACT **PRECLEARANCE**	42 U.S.C. §1973c; Loc. Gov't Code, §43.906;
Within 30 days of Second Reading	**CITY SENDS COPY OF MAP** showing boundary changes to County Voter Registrar in a format that is compatible with mapping format used by registrar	Elec. Code §42.0615
Upon receipt of DOJ Preclearance or 60 days after DOJ's receives submission	**IMPLEMENT ANNEXATION** for voting purposes (Upon preclearance from Justice Dept.) **Send certified copy of ordinance and maps** to State Comptroller and any franchise holders	42 U.S.C. §1973c.
After DOJ Preclearance	**CITY PROVIDES CERTIFIED COPY OF ORDINANCE AND MAPS TO:** 1. County Clerk 2. County Appraisal District 3. County Tax Assessor Collector 4. 911 Addressing 5. Sheriff's Office 6. City Department Heads	

***Dates in BOLD are MANDATORY dates to follow this schedule. Please advise if deviation.**

***Newspaper notices to paper by 10 a.m. the preceding Friday**