AGENDA
CITY COUNCIL MEETING
CITY OF LEANDER, TEXAS

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

Thursday ~ November 29, 2012 at 7:00 PM

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. Open meeting, Invocation, Pledges of Allegiance

2. Roll Call

3. Staff Comments:

4. Citizen Comments: Three (3) minutes allowed per speaker
   Please turn in speaker request form before the meeting begins.

5. Presentation from TxDOT to the Leander Police Department

CONSENT AGENDA: ACTION

6. Approval of the minutes: Regular Meeting: November 1, 2012
   Special Meeting: November 8, 2012

7. Second reading of an Ordinance for Zoning Case #12-Z-024: amending Ordinance #05-018, the Composite Zoning Ordinance for a parcel located at 1551 County Road 269, Leander, Williamson County, Texas

8. Consider approval of amendments to the Parks Rules and Regulations Ordinance

PUBLIC HEARING: ACTION

9. **a. Public Hearing** on Zoning Case # 12-Z-020: Consider a zoning change for 69.23 acres, more or less, for a parcel generally located at the northwest corner of Old 2243 West and US Hwy 183, approximately 600 feet west of N US Hwy 183 and 1,100 feet north or Old 2243 West from SFU-2-B, Single Family Urban, LC-2-B, Local Commercial and GC-3-C, General Commercial to SFL-2-B, Single Family Limited, SFC-2-B, Single Family Compact and SFU-2-B, Single Family Urban, Leander, Williamson County, Texas.
   Applicant: Jenn Dermanci on behalf of HEB Grocery Company

   b. Action on Zoning Case #12-Z-020: amending Ordinance 05-018, the Composite Zoning Ordinance for a parcel generally located at the northwest corner of Old 2243 West and US Hwy 183, Leander, Williamson County, Texas

10. a. **Public Hearing** on Zoning Case # 12-Z-027: Consider a zoning change for 0.881 acres, more or less, for a parcel generally located at the northwest corner of Osage Drive and Highland Trail from SFU-2-B, Single Family Urban to LO-1-A, Local Office, Leander, Williamson County, Texas Applicant: Mike Siefert on behalf of Lookout Development Group, LP
This item has been withdrawn by the applicant

PUBLIC HEARING: NO ACTION

11. First Public Hearing on the unilateral annexation of an area consisting of 10.01 acres, more or less, located in Williamson County, Texas, generally located west of Bagdad Road, south of the Falcon Oaks subdivision, and north of the Leander Public Library, including the abutting streets, roads, and rights-of-way. (Area A)

12. First Public Hearing on the unilateral annexation of an area consisting of 366.64 acres, more or less, located in Williamson County, Texas, generally located south of Hero Way, west of Ronald W Reagan Blvd, north of RM 2243, and east of County Road 269, including the abutting streets, roads, and rights-of-way. (Area B)

13. First Public Hearing on the unilateral annexation of an area consisting of 265.22 acres, more or less, located in Williamson County, Texas, generally located south of RM 2243, west of the Ridgmar Landing subdivision, north of County Road 271, and east of 183A, including the abutting streets, roads, and rights-of-way. (Area C)

14. First Public Hearing on the unilateral annexation of an area consisting of 213.4 acres, more or less, located in Williamson County, Texas, generally located west of Sections 2 and 3 of the Cold Springs subdivision, north of Blockhouse Creek, east of 183A, and south of E Crystal Falls Parkway, including the abutting streets, roads, and rights-of-way. (Area D)

15. First Public Hearing on the unilateral annexation of an area consisting of 0.07 acres, more or less, located in Williamson County, Texas, generally located south of the Hazlewood subdivision, west of Ronald W Reagan Blvd, north of Blockhouse Creek, and approximately 1 mile east of 183A, including the abutting streets, roads, and rights-of-way. (Area E)

16. First Public Hearing on the unilateral annexation of an area consisting of 22.38 acres, more or less, located in Williamson County, Texas, generally located west of Ronald W Reagan Blvd, 1-1/4 miles south of E Crystal Falls Pkwy, east of the Lakewood Country Estates Subdivision, and 4/10 of a mile north of County Road 180 (Area F)

17. First Public Hearing on the unilateral annexation of an area consisting of 97.94 acres, more or less, located in Williamson County, Texas, and generally located south of the Valley View subdivision, east of Ronald W Reagan Blvd, north of County Road 179, and west of County Road 175, including the abutting streets, roads, and rights-of-way. (Area G)

18. First Public Hearing on the unilateral annexation of an area consisting of 268.17 acres, more or less, located in Williamson County, Texas, and generally located south of County Road 179, east of Ronald W Reagan Blvd, approximately 0.4 miles north of County Road 180, and west of County Road 175, including the abutting streets, roads, and rights-of-way. (Area H)

19. First Public Hearing on the unilateral annexation of an area consisting of 30.79 acres, more or less, located in Williamson County, Texas, and generally located south of County Road 179, approximately 1 mile east of Ronald W Reagan Blvd, approximately 500 feet northwest of Acacia Dr, west of County Road 175, and including a portion of County Road 179, including the abutting streets,roads, and rights-of-way. (Area I)

REGULAR AGENDA

20. Consider Award of Construction Contract for the County Glen Improvements Project

21. Consider Amendment No. 2 for Task Order KFA-20 with K. Friese & Associates, Inc., for Professional Services for County Glen and Hernandos Loop Street and Drainage Improvements

22. Consider Dedication and Acceptance of Subdivision Infrastructure Improvements for Leander Independent School District Burleson Subdivision

23. Consider Dedication and Acceptance of Subdivision Infrastructure Improvements for Sarita Valley, Phase 2A, Subdivision

24. Consider an amendment to Section 2.07 of the Leander Personnel Policy dealing with Outside Employment

25. Consider acceptance of Planning & Zoning Commission Progress Report for October 2011 to October 2012

26. Consider a Resolution accepting the petition for annexation of a 0.781 acre parcel, more or less, Located in Williamson County, Texas, generally located on the north side of CR 179 from the Intersection of Sam Bass Road/CR 175 west along CR 179, including the abutting streets, Roadways and rights-of-way

27. Consider a Resolution accepting the petition for annexation of a 105.9301 acre parcel, more or less, located in Williamson County, Texas, generally located to the east of the intersection of Sam Bass Road/CR 175 and CR 179, including the abutting streets, roadways, and rights-of-way

28. Consider nominations and appointments to the Leander Public Arts Commission and the Economic Development Committee

29. Consider nomination and appointment of a council member to serve as liaison to the Parks and Recreation Advisory Board - This item sponsored by Mayor Fielder and Council Member Siebold

30. Consider setting a date for a work session to discuss the future plans for the TOD

31. Consider setting dates for the City Council Retreats for 2013

32. Council Members Closing Statements

33. 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 Meeting of the City Council of the City of Leander, Texas, was posted on the bulletin board at City Hall, in Leander, Texas, on the 21st day of November, 2012 by 5:00 pm pursuant to Chapter 551 of the Texas Government Code.

Debbie Haile

Debbie Haile, TRMC, City Secretary

MINUTES
REGULAR CITY COUNCIL MEETING
CITY OF LEANDER, TEXAS

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

Thursday ~ November 1, 2012 at 7:00 PM

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. Open meeting, Invocation, Pledges of Allegiance
   Mayor Fielder opened the meeting at 7:08 p.m.

   Mayor Fielder moved to item # 21 at this time

   Invocation delivered by Council Member Dishongh

2. Roll Call
   All present except Council Member Garcia

3. Staff Comments: **Bill Gardner, Fire Chief updated Council on the success of the Halloween Event at the Fire Dept. and the Firefighter for a Day Program**

4. Citizen Comments: Three (3) minutes allowed per speaker
   Please turn in speaker request form before the meeting begins.
   Ronald Russell 5301 CR 279 – inquired about the plan for alignment of Bagdad Road in reference to his property

5. Proclamation designating November as "Hope Alliance Month" in the City of Leander
   This item sponsored by Mayor Pro Tem Cantwell
   Mayor Pro Tem Cantwell read the Proclamation and presented it to Patty Connor with Hope Alliance

CONSENT AGENDA: ACTION

6. Approval of the minutes: Regular Meeting: October 18, 2012

7. Approve recommendations from the City Manager for the compensation rates for the Municipal Judge and Associate Judge for FY 2012-13
   Motion made by Mayor Pro Tem Cantwell to approve. Second by Council Member Siebold. Motion passes, all voting "aye"

PUBLIC HEARING

8. First Public Hearing on annexation of a 1.26 acre tract, more or less, located in Williamson County, generally located to the southwest of the intersection of RM 2243 and Ronald W. Reagan Blvd., including the abutting streets, roadways and rights-of-way
No speakers

9. First Public Hearing on annexation of a 2.02 acre tract, more or less, located in Williamson County, generally located to the southwest of the intersection of RM 2243 and Ronald W. Reagan Blvd., including the abutting streets, roadways and rights-of-way
No speakers

PUBLIC HEARING: ACTION

10. **Public Hearing** on Zoning Case #12-Z-025: Consider a zoning change for 1.62 acres, more or less. For the property located at 17400 Ronald Reagan Blvd. from GC-2-B, General Commercial to GC-3-A, General Commercial, Leander, Williamson County, Texas.
Applicant: Stefan Pharis, on behalf of Vince Giaco
Applicant has requested that this application be postponed

Mayor Fielder announced that the applicant has requested a postponement.

Motion made by Council Member Navarrette to table this item. Second by Council Member Lynch. Motion passes, all voting "aye"

11. **a. Public Hearing:** on Zoning Case # 12-Z-024: Consider a zoning change for 1.00 acres, more or less, for the property located at 1551 County Road 269 from Interim zoning SFR-1-B, Single Family Rural to LI-4-D, Light Industrial, Leander, Williamson County, Texas.
Applicant: Jefferson H. Wand on behalf of Barry J. & Leticia Wand
Jim Bechtol, Director of Development Services explained

No speakers

b. Action on Zoning Case #12-Z-024: amending Ordinance #05-018, the Composite Zoning Ordinance for the property located at 1551 County Road 269, Leander, Williamson County, Texas
Motion made by Mayor Pro Tem Cantwell to approve. Second by Council Member Dishongh. Motion passes, all voting "aye"

REGULAR AGENDA

12. Consider first amendment to the Development Agreement for Nameless Valley Ranch
Jim Bechtol, Director of Development Services explained

Motion made by Council Member Siebold to approve. Second by Council Member Navarrette. Motion passes, all voting "aye"

13. Consider first amendment to the Facilities Agreements entered into initially by Lookout Partners, LP, (Lookout), a Texas Limited Partnership, and Key Deer Holdings, (Key-Deer) LP, a Texas Limited Partnership (Lookout and Key-Deer collectively, "Owner"), and the City of Leander
Jim Bechtol, Director of Development Services explained

Motion made by Council Member Siebold to approve. Second by Mayor Pro Tem Cantwell. Motion passes, all voting "aye"

14. Consider Development and Annexation Agreement for the Borho Tract
Jim Bechtol, Director of Development Services explained

Motion made by Mayor Pro Tem Cantwell to approve. Second by Council Member Lynch. Motion passes, all voting "aye"

15. Consider approval of a Drainage and Detention Basin Easement and Agreement between the City of Leander, Oryx Holdings, LLC, and DDC Merritt Legacy, Ltd. (Connelly's Crossing Subdivision)
Jim Bechtol, Director of Development Services explained

Motion made by Council Member Navarrette to approve. Second by Mayor Pro Tem Cantwell. Motion passes, all voting "aye"

16. Consider Escrow Agreement and Special Warranty Deed with Oryx Holdings, LLC for conveyance of land to the City
Jim Bechtol, Director of Development Services explained

Motion made by Mayor Pro Tem Cantwell to approve. Second by Council Member Lynch. Motion passes, all voting "aye"

17. Consider a Resolution Authorizing the Submission of a Project Nomination to the Statewide Transportation Enhancement Program
Steve Bosak, Parks & Recreation Director explained

Motion made by Council Member Dishongh to approve. Second by Council Member Lynch. Motion passes, all voting "aye"

18. Consider authorization for Mayor to execute documents for the Development Agreement between the City of Leander and Leander 183A Development II, LLC
Pix Howell, Urban Design Officer explained

Motion made by Council Member Siebold to approve. Second by Council Member Navarrette. Motion passes, all voting "aye"

19. Consider authorization for Mayor to execute documents related to the Development Agreement between the City of Leander and Leander 183A Development II, LLC, specifically , the Ordinance for Municipal Utility District (MUD) creation and its associated Facilities Agreement
Pix Howell, Urban Design Officer explained

Motion made by Council Member Cantwell to approve. Second by Council Member Siebold. Motion passes, all voting "aye"

20. Consider authorization for Mayor to execute Warranty Deed dedication for Rights-of-Way (ROW) for the US 183 – 183A intersection improvement from Williamson County
Pix Howell, Urban Design Officer explained

Motion made by Council Member Navarrette to approve. Second by Council Member Siebold. Motion passes, all voting "aye"

EXECUTIVE SESSION

21. Convene into executive session pursuant to Section 551.071, Tex. Gov't Code, and Section 1.05 Tex. Disciplinary Rules of Professional Responsibility to consult with legal counsel regarding the Memorandum of Understanding (MOU) by and between the Brushy Creek Regional Utility Authority and the Village of Volente
Council convened into executive session at 7:09 p.m.
Council reconvened into open session at 7: 20 p.m.

22. Reconvene into open session

23. Consider a Resolution approving the Memorandum of Understanding (MOU) by and between the Brushy Creek Regional Utility Authority and the Village of Volente

Motion made by Mayor Pro Tem Cantwell for council to accept and approve the Memorandum of Understanding between the Village of Volente and the Brushy Creek Utility Authority. Second by Council Member Navarrette. Motion passes, all voting "aye"

Mayor Fielder moved back to item # 1 at this time

24. Council Members Closing Statements
Council Members gave their closing statements

25. Adjournment
With there being no further business, the meeting adjourned at 8:00 p.m.

Attest:

Christopher Fielder, Mayor

Debbie Haile, TRMC, City Secretary

MINUTES
SPECIAL MEETING
LEANDER CITY COUNCIL

Thursday ~ November 8, 2012
6:00 PM

Pat Bryson Municipal Hall
201 N. Brushy Street
Leander, Texas

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. Open Meeting,
   Mayor Fielder opened the meeting at 6:00 p.m.

2. Roll Call
   All present except Mayor Pro Tem Cantwell

PUBLIC HEARING

3. Second Public Hearing on annexation of a 1.26 acre tract, more or less, located in Williamson County, generally located to the southwest of the intersection of RM 2243 and Ronald W. Reagan Blvd., including the abutting streets, roadways and rights-of-way
   No speakers

4. Second Public Hearing on annexation of a 2.02 acre tract, more or less, located in Williamson County, generally located to the southwest of the intersection of RM 2243 and Ronald W. Reagan Blvd., including the abutting streets, roadways and rights-of-way
   No speakers

REGULAR AGENDA

5. Consider authorization of a Special Use Permit for the 2012 Christmas Parade & Tree Lighting
   Steve Bosak, Parks & Recreation Director explained

   Motion made by Council Member Navarrette to approve. Second by Council Member Lynch. Motion passes, all voting "aye"

6. Consider an Ordinance establishing a Quiet Zone for the Railroad Crossing at Sonny Drive adjacent to U.S. Hwy. 183
   Wayne Watts, City Engineer explained

   Motion made by Council Member Dishongh to approve. Second by Council Member Siebold. Motion passes, all voting "aye"

7. Consider Award of Construction Contract for Crystal Falls Storage Tank & Pump Station Modifications
   Wayne Watts, City Engineer explained

   Motion made by Council Member Navarrette to approve. Second by Council Member Garcia. Motion passes, all voting "aye"

8. Consider a Resolution of the City Council of the City of Leander, Texas, requesting the LCRA to Implement an Emergency Order to Deviate from the Water Management Plan
Pat Womack, Public Works Director explained

Motion made by Council Member Siebold to approve. Second by Council Member Navarrette. Motion passes, all voting "aye"

9. Consider nominees and cast ballot for the Board of Directors of the Travis Central Appraisal District for the western part of Travis County
Motion made by Council Member Lynch to nominate Dwight Thompson to the Board of Directors for Travis Central Appraisal District. Second by Council Member Siebold. Motion passes, all voting "aye"

10. Consider directing the Ethics Commission to review and make changes as needed to Ordinance #01-009-00, the Ethics Ordinance, and send recommendations to the City Council for approval
Mayor Fielder explained

Motion made by Council Member Lynch to direct Ethics Commission to begin review of Ethics Ordinance and bring an update to council by the first meeting in January. Second by Mayor Fielder. Motion passes, all voting "aye"

11. Adjourn
With there being no further business, the meeting adjourned at 6:16 p.m.

Attest:

Christopher Fielder, Mayor

Debbie Haile, TRMC, City Secretary

AGENDA ITEM # 7

Executive Summary

November 29, 2012

Agenda Subject:	Zoning Case #12-Z-024: Second reading and consider action on the rezoning of one parcel located at 1551 County Road 269; 1.00 acres more or less; Parcels #R031289. Currently, the property is zoned, Interim SFR-1-B (Single Family Rural). The property is proposed to be zoned LI-4-D (Light Industrial) Leander, Williamson County, Texas.
Background:	This request is the final step in the rezoning process.
Origination:	Applicant: Jefferson H. Wand on behalf of Barry J & Leticia Wand
Financial Consideration:	None
Recommendation:	See Planning Analysis. The Planning & Zoning Commission unanimously recommended approval of the zoning request at the October 25, 2012 meeting. The City Council unanimously approved the zoning request at the November 1, 2012.
Attachments:	1. Planning Analysis 2. Current Zoning Map 3. Aerial Map 4. Letter of Intent 5. Ordinance
Prepared By:	Robin M. Griffin, AICP Planner 11/02/2012

PLANNING ANALYSIS

ZONING CASE 12-Z-024

GENERAL INFORMATION

Owner: Barry J & Leticia Wand

Current Zoning: Interim SFR-1-B (Single-Family Rural)

Proposed Zoning: LI-4-D (Light Industrial)

Size and Location: The property is located at 1551 CR 269 and is approximately 1.00 acre in size.

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 SFR-1-B	Established Single-Family Home (zoning application has been submitted for commercial zoning)
EAST	LI-4-D	Established Light Industrial Use (LES Construction)
SOUTH	LI-4-D	Established Light Industrial Use (LES Construction)
WEST	Interim SFR-1-B PUD/TOD	Undeveloped Property & Commercial Property

COMPOSITE ZONING ORDINANCE INTENT STATEMENTS

USE COMPONENTS:

LI – LIGHT INDUSTRIAL:

Features: Any use in GC plus commercial laundry, contractor storage yard, lumber yards, indoor manufacture, assembly and processing, mini-warehouse, RV, trailer and boat storage, testing and research, warehouse and distribution, wholesale, wrecker impoundment.

Intent: Development of a variety of light manufacturing, assembly and processing businesses, storage, warehouses and lumber sales. Access should be provided by an industrial or commercial collector street.

SITE COMPONENTS:

TYPE 4 (non-residential only):

Features: Accessory buildings up to 60% of primary building; drive-thru service; outdoor fueling and washing of vehicles; overhead service doors; maximum outdoor display; substantial outdoor storage; outdoor entertainment venues and animal boarding.

Intent:

(1) The Type 4 site component is intended to be utilized in combination with GC, LI or HI components where appropriate for moderately intense outdoor site requirements and a need to utilize the outdoor site area for significant outdoor display, storage and accessory buildings and similar permitted uses.

(2) This site component is intended only for industrial or heavy commercial uses and may be utilized only with GC, LI or HI use components.

(3) This site component is not intended for retail or office development not requiring the available limits of outdoor storage and accessory buildings or adjacent to residential neighborhoods where not adequately buffered from residential uses.

ARCHITECTURAL COMPONENTS:

TYPE D (non-residential only):

Features: 35% masonry (60% street facing); metal siding for remainder not facing a street; 2 or more architectural features.

Intent:

(1) This architectural component is intended only for industrial warehouse, heavy commercial service and other similar applications and shall be utilized only with GC, LI or HI use components.

(2) This component is not intended to be utilized with the majority of GC districts.

(3) This component is not intended for retail or office development or adjacent to residential neighborhoods where not adequately buffered from residential uses.

(4) This site component is discouraged along major thoroughfares and is intended to be utilized within industrial park development.

COMPREHENSIVE PLAN STATEMENTS:

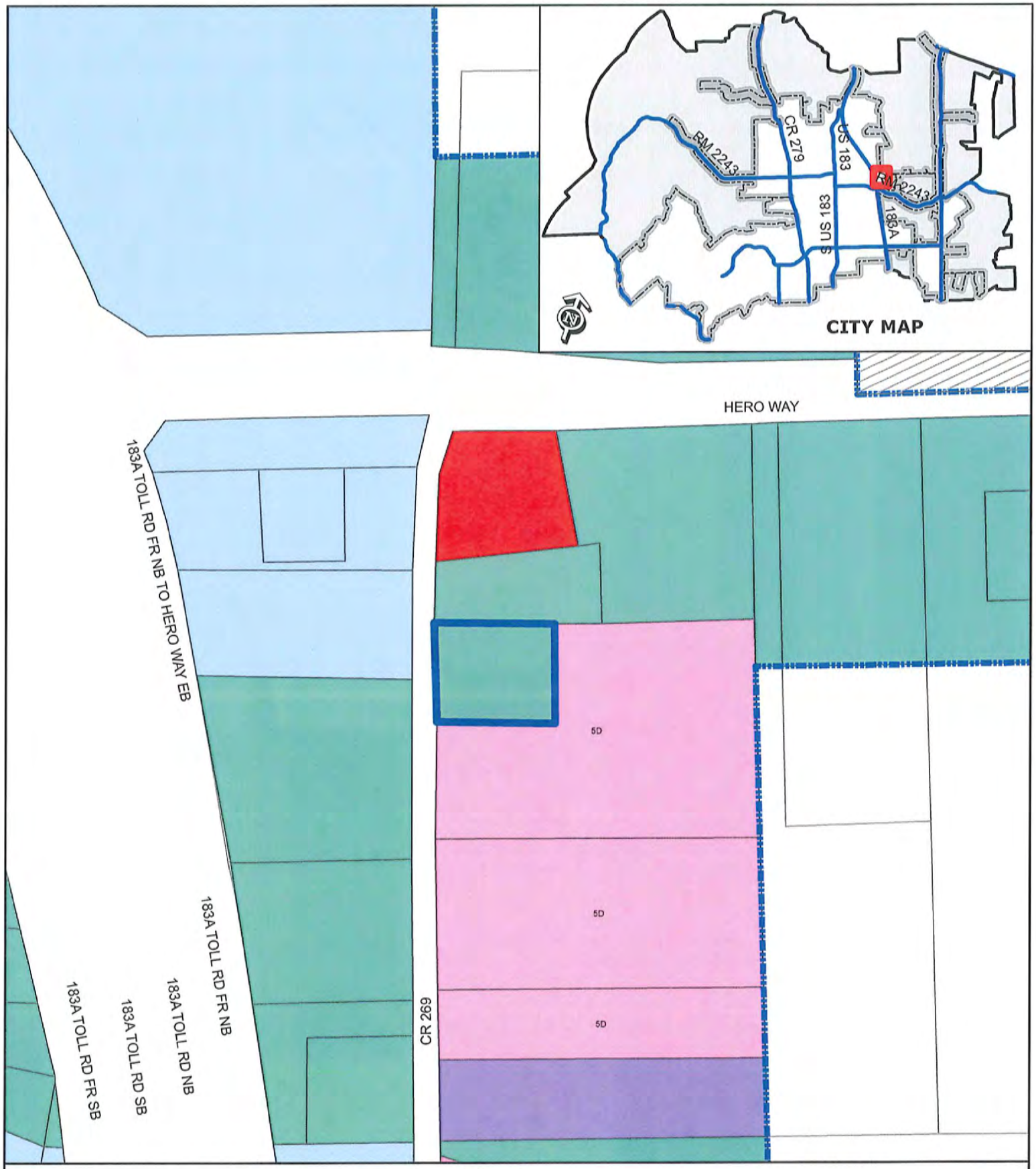
The following Comprehensive Plan statements may be relevant to this case:

- Provide Opportunities for coordinated, well-planned growth and development that are consistent with the Comprehensive Plan.
- Find suitable districts for industrial development so that the City may recruit additional employers and avoid locating industrial development near neighborhoods without adequate buffering.

ANALYSIS:

The subject property was part of the CR 269 Involuntary Annexation that was completed October 21, 2010. Upon annexation the property received an Interim SFR-1-B zoning designation. The property is currently utilized as single-family home.

The adjacent property to the north is currently utilized as a single-family home, however, they have submitted a rezoning application requesting a commercial district. The remaining properties to the south and east are established industrial uses. This area is predominately industrial and the proposed zoning change is consistent with surrounding zoning along this corridor.



ZONING CASE 12-Z-024

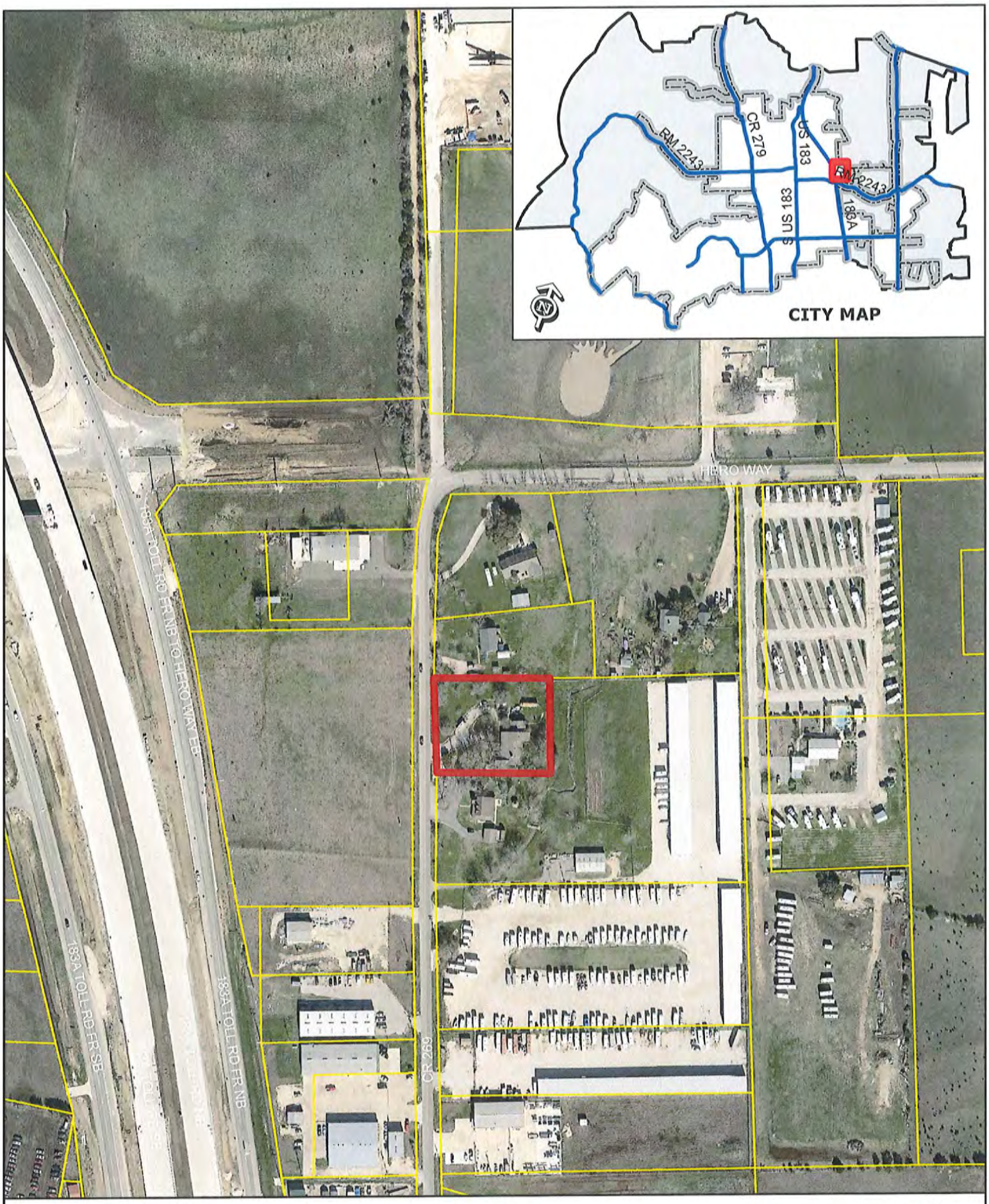
Attachment #2

Current Zoning Map
1551 CR 269

0 200
Feet

Subject Property
City Limits

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



ZONING CASE 12-Z-024, Attachment #3

Aerial Exhibit - Approximate Boundaries
1551 CR 269

0 200
Feet

Subject Property

ATTACHMENT #4

Sept 3, 2012

To: Whom it may concern

We are requesting a zoning change for 1551 County Road 269, Leander, TX, 78641 under the legal description of: AW0008 HARMON, E. D. SUR., ACRES 1.0.

Property physical description:
The property is gently sloping on the western side with a retaining wall approximately 2 foot high along the north east of the house. The front porch is level with the ground and the back porch is approximately 2 feet above ground, with granite steps. There are two structures on the property:: a single story, single family residence, 4 bedroom, 3 bathroom, 2 car garage, built in 1984, measuring approximately 2240 sq ft. there is also An 18' x 16' room in the attic, accessible by a staircase in the garage. There is also a tool storage shed, formerly a well house, near the southwest corner of the house.

Barry J Wand Leticia C. Wand
Barry J and Leticia C Wand..

ATTACHMENT #4

Sept 3, 2012

To: Whom it may concern

We are requesting a zoning change for 1551 County Road 269, Leander, TX, 78641 under the legal description of: AW0008 HARMON, E. D. SUR., ACRES 1.0.

Property physical description:
The property is gently sloping on the western side with a retaining wall approximately 2 foot high along the north east of the house. The front porch is level with the ground and the back porch is approximately 2 feet above ground, with granite steps. There are two structures on the property:: a single story, single family residence, 4 bedroom, 3 bathroom, 2 car garage, built in 1984, measuring approximately 2240 sq ft. there is also An 18' x 16' room in the attic, accessible by a staircase in the garage. There is also a tool storage shed, formerly a well house, near the southwest corner of the house.

Barry J Wand Leticia C. Wand
Barry J and Leticia C Wand..

ORDINANCE NO

ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING ONE PARCEL OF LAND FROM INTERIM SFR-1-B (SINGLE-FAMILY RURAL) TO LI-4-D (LIGHT INDUSTRIAL); 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 one parcel located at 1551 CR 269. The property is approximately 1.0 acre more or less in size and includes parcel #R031289. This parcel is hereby zoned LI-4-D (Light Industrial); Leander, Williamson County, Texas. (See Exhibit A).

Section 4. 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 1st day of November, 2012.
FINALLY PASSED AND APPROVED on this the 15th day of November, 2012.

THE CITY OF LEANDER, TEXAS

Christopher Fielder, Mayor

ATTEST:

Debbie Haile, City Secretary

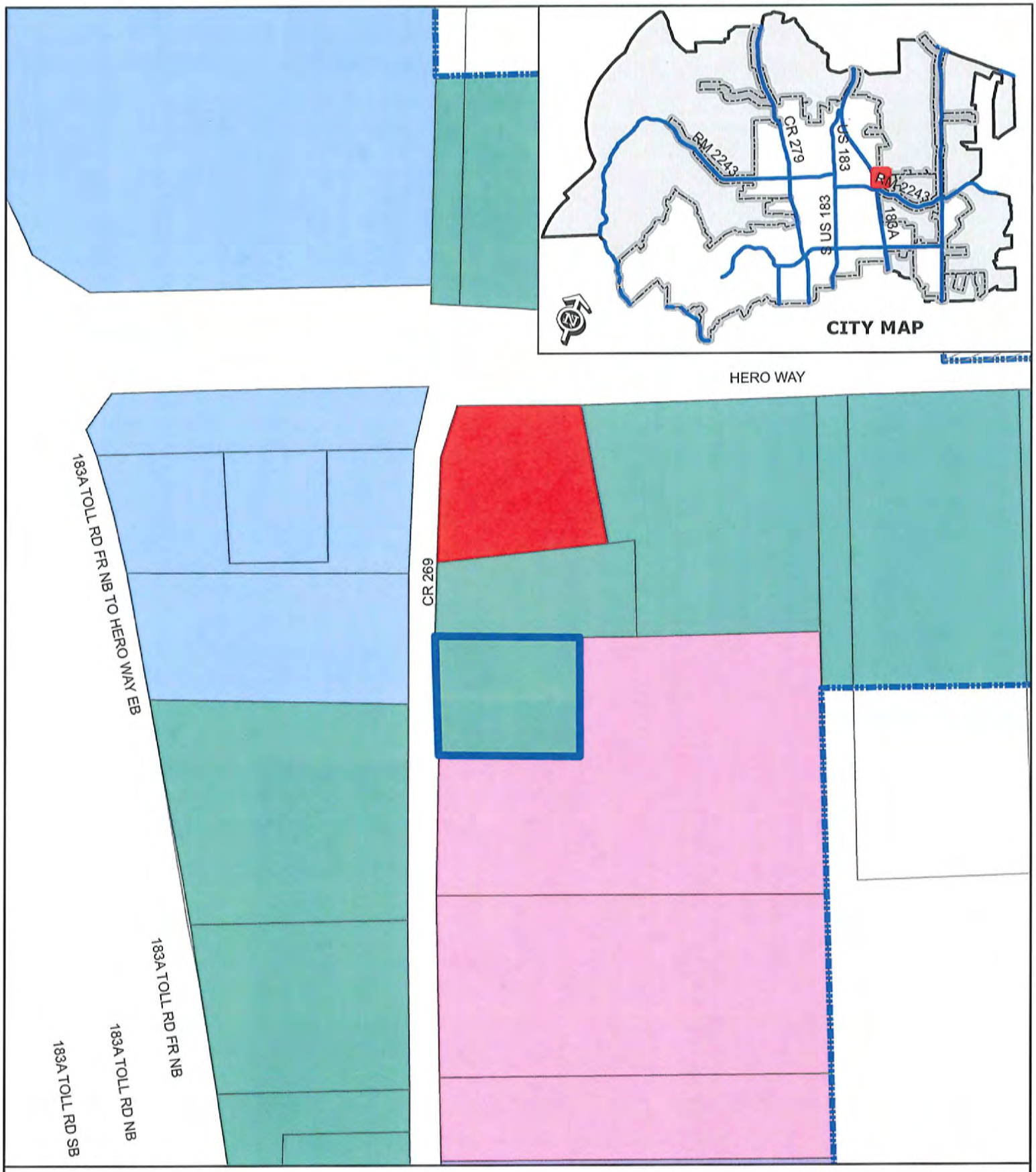


EXHIBIT A

Zoning Case 12-Z-024

1551 CR 269

Subject Property

City Limits

0 200 Feet

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

Executive Summary

November 29, 2012

Council Agenda Subject: Consideration of Approval for Amending the *Park Rules & Regulations Ordinance*

Background: Leander *Park Rules & Regulations* are established by Ordinance No. 05-036-00 and with the opening of the Mason Homestead, there is a need to amend the Ordinance to address to address pubic use of the facility. On November 5, 2012 the Parks & Recreation Advisory Board unanimously recommended forwarding the following Ordinance changes to the City Council for consideration.

Sec. 1.401 Definitions

- Add "Mason Homestead"

Sec. 1.434 Prohibited Activities at the Mason Homestead

- Smoking, tobacco use or pets inside the house
- Use of nails, staple guns or tacks to hang decorations
- Use of candles that are not contained in glass containers

Sec. 1.436 Hours of Operation

- Add: The Mason Homestead shall be available for rentals from 8:00 a.m. to midnight daily.

Origination: Parks & Recreation Department

Financial Consideration: None

Recommendation: Staff respectfully requests City Council approval of the amended Ordinance.

Attachments: Revisions to Ordinance No. 05-036-00

Redlined Park Rules & Regulations Ordinance with changes

Prepared by: Stephen Bosak, Parks & Recreation Director

REVISIONS TO ORDINANCE NO. 12-031-00 (PARK RULES & REGULATIONS)

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING ARTICLE 1, SECTION 1.400 OF THE CODE OF ORDINANCES, REGARDING PARKS AND RECREATION; ESTABLISHEING THE PARKS & RECREATION DEPARTMENT; MAKING FINDINGS OF FACT; PROVIDING SEVERABILITY, EFFECTIVE DATE, AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, Section 1.400 of the Code of Ordinances of the City of Leander (the "City"), regarding parks and recreation, should be amended and updated to meet the City's current needs; and

WHEREAS, the City Council finds that it is reasonable and necessary to regulate activities within the City's parks through the permitting process set forth in this ordinance to prevent damage to the parks, to avoid overlap of and conflict between scheduled events, and to maintain a safe and enjoyable environment for visitors;

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

Section 1. Findings of Fact. 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 Article 1.400. Article 1.400, Leander Code of Ordinances, is hereby amended to read as set forth in the attachment hereto entitled "Article 1.400 Park Regulations", attached hereto and incorporated in this ordinance as though fully transcribed herein for all purposes. Language that is stricken through in the attachment shall be deleted from Article 1.400 and underlined language shall be added to Article 1.400 as indicated in the attachment. All prior ordinances of the City dealing with or applicable to parks and recreation fees are hereby amended to the extent of any conflict herewith, and all ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

Section 3. Savings Clause. All rights and remedies of the City of Leander are expressly saved as to any and all violations of the provisions of any ordinances affecting use of parks and recreational facilities within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 4. Penalty Clause. Any person who shall violate any of the provisions of this Ordinance, or shall fail to comply therewith, or with any of the requirements thereof, within the City limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of five hundred dollars ($500.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.

Section 5. Effective Date. This ordinance shall take effect immediately from and after its passage.

Section 6. Open Meetings. 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, *Chapter 551, Texas Gov't. Code*.

PASSED AND APPROVED on this the 29th day of November 2012

ATTEST

CITY OF LEANDER, TEXAS

Debbie Haile, City Secretary

Christopher Fielder, Mayor

ARTICLE 1.400 – PARK REGULATIONS

Division 1: General Provisions

Sec. 1.401 Definitions

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them below, except where the context clearly indicates a different meaning.

Amplified Sound: Any sound projected or transmitted by artificial means, including, but not limited to amplifiers, loudspeakers and any similar devises.

Department or PARD: The Department of Parks & Recreation.

Director: The Director of the Department of Parks & Recreation.

In-Line Skate: A shoe or boot having a set of wheels aligned in a straight line fixed to the sole of the shoe or boot enabling the wearer to glide over any flat surface.

Metal Detector or Metal Detecting Device: A device that fives an audible or visual signal when its search head comes close to an embedded metallic object.

Mason Homestead: City owned property and buildings located at 1101 South Bagdad Road in Leander, Williamson County, Texas.

Park: Any land selected, obtained or acquired by the city for use as a public park, recreation or playground area, and any building, structure, of facility thereon, owned and maintained by the city as a public par, recreation or playground area, whether or not such land and buildings have been formally dedicated, except for the city golf course.

Park Curfew Hours: 10:01 p.m. until 5:59 a.m. daily

Skateboard: A short, narrow board mounted on wheels.

Skate Park: A park specifically designed and constructed for the purpose of recreational skateboarding and in-line skating.

Sec. 1.402 Establishment of Parks & Recreation Department

(a) The Leander Parks & Recreation Department is hereby established in the city of Leander Texas

(b) The city manager shall appoint a director who shall be responsible for the management and administration of the department. The director shall work at the pleasure of the city manager. The department may appoint and employ personnel as authorized in the annual budget of the city.

Sec. 1.403 Duties & Interpretive Powers of the Director

(a) The director shall be responsible for the management, administration and directing the activities of the department. The director shall oversee the operation and maintenance of all

city parks, facilities on city parks and equipment used in city parks. The director shall annually evaluate the department and all its employees and submit such evaluations to the city manager.

(b) The director shall have the power to interpret this article as necessary for administrative procedure and implementation; provided that this article shall not be construed, applied, interpreted, nor enforced in a manner to violate the first amendment rights of any person, and the director shall seek the advice and recommendation of the city attorney prior to taking any action to enforce any provision of this article with respect to any con-commercial speech or assembly by any person.

(c) Any city park, section, or part thereof, may be declared temporarily closed to the public by the director.

Sec. 1.404 Permit Required for Certain Activities

A permit is required to conduct any of the following city park activities. Permits are not transferable to other persons or organizations and city sponsored activities are exempt from permit requirements.

(a) An exhibit, dramatic performance, play motion picture, radio or television broadcast, fair, circus, petting zoo, musical event, or similar event;

(b) A public meeting, assembly, parade, ceremony address speech, political meeting or other gathering involving one hundred (100) or more persons;

(c) An activity using amplified sound;

(d) To sell, offer or solicit goods or merchandise, or to offer services for monetary gain;

(e) To post or affix any printed or written matter, sample or devise upon park property;

(f) To distribute printed or written matter that advertises or provides information about a business, commodity, service, product or other commercial activity; and

(g) Sale of alcohol is subject to City Council approval and compliance with Texas Alcoholic Beverage Commission requirements.

Sec. 1.405 Permit Applications

(a) Any person or organization seeking a permit shall make application to the director that includes the following information:

   a. The name, address email address and telephone number of applicant'
   b. The exact nature of the use or activity for which the permit is sought;
   c. The day and hours for which the permit is sought;
   d. The park or portion of the park desired to be used to carry out the proposed activity;
   e. An estimate of the anticipated attendance; and
   f. Other information deemed pertinent by the director.

(b) Applications shall be filed with the director for consideration no less than seven (7) working days before the date of the proposed use or activity.

Section 4.06 Permit Issuance

(a) A permit shall be issued unless:

   a. The proposed activity will unreasonably interfere with or detract from the public health, safety or welfare;

b. The applicant has damaged park property on a prior occasion and has not paid for the damage;
c. The conduct of the proposed activity or use is reasonably likely to result in or create a clear and present danger resulting in harm to the public or damage to the property;
d. The park or park facilities desired have already been reserved for another activity on the day and at the time requested in the application;
e. False or misleading information is contained in the application or required information is omitted;
f. The applicant has violated the terms of a prior permit issued under this article; or
g. The event would violate any federal, state or municipal law.

(b) The director may impose reasonable conditions on the granting of a permit, including but not limited to the following:

a. Place restrictions on fires, fireworks, amplified sound, sports, use of animals, equipment or vehicles, the number of persons to be present; the location of any bandstand or stage, or any other restriction that would reduce the likelihood of harm to persons or property;
b. Require the applicant to post a reasonable deposit of security for the repair of any damage to park property, the cost of cleanup, or both, which shall be returned if the users do not damage park property, leave the facility in a litter free condition and return equipment;
c. Require the applicant pay a reasonable fee to defray the cost of furnishing government funded security forces or special services;
d. Require the applicant to furnish additional sanitary and refuse facilities that may be necessary for the activity;
e. Require the permit to be in the possession of the applicant during the activity; and
f. Require the applicant's signature on a release approved by the city acknowledging that the city is held harmless from any damages to persons or property arising out of the permitted activity.

Sec. 1.407 Director's Action on Permit Applications; Appeal

Within seven (7) working days after submission of a complete permit application the director shall apprise the applicant in writing of the director's issuance or declination to issue the requested permit. If the director declines to issue the requested permit the director shall list the reasons for such declination. If the director attaches conditions to the issuance of a permit the director shall list such conditions. Any aggrieved person may appeal the director's decision within seven (7) working days by means of a written appeal to the city manager. The city manager shall consider the appeal and sustain or overrule the director's decision within seven (7) working days. The city manager's decision will be final.

Sec. 1.408 Permittee Bound by Park Rules; Permit Revocation

(a) A permittee is bound by all park rules, regulations and applicable city ordinances;

(b) The person to whom a permit is issued shall be liable for any loss, damage or injury to any person or property whatever by reason of the negligence of the person to whom such permit was issued

(c) The director shall have the authority to revoke a permit upon a finding of violation of any rule, ordinance, state or federal law, or upon the violation of any condition or restriction under which the permit was issued. The revocation of a permit is appealable to the city manager by means of a written appeal within seven (7) days of the revocation. The city manager shall consider the appeal and sustain or overrule the director's revocation within seven (7) days of the receipt of the written appeal. The city manager's decision will be final.

Sec. 1.409 Facility Reservations & Rentals

(a) City parks and facilities may be reserved for special activities or events. Rental fees are established by the city council and reservations may be obtained by contacting PARD. Reservations will not be confirmed until the applicant completes the application process and applicable rental fees and security deposits are received.

(b) Refundable deposits shall be returned within fifteen (15) working days after the reservation date if there has been no damage to the facilities other than normal wear and tear. If any damages beyond normal wear and tea have occurred, the amount of those damages will be deducted from such deposit. If any damages are to be deducted, the city shall notify the depositor in writing concerning such damages and the associated costs. If the amount of the damages exceeds the deposit amount the city shall notify the depositor, who shall be liable to the city for the excess and shall pay the balance due to the city within thirty (30) days of the date of such notice.

Sec. 1.410 – 1.430 Reserved

Division 2: Park Rules & Regulations

Sec. 1.431 General Provisions

(a) No person shall interfere with, annoy or disturb others in the use of a park. Any person creating such interference, annoyance or disturbance is subject to ejection from the park.

(b) All park facilities shall be available on a first-come, first-served basis to the general public except when such facilities are reserved.

(c) The city council shall establish fees for the use of park facilities.

Sec. 1.432 Prohibited Activities in City Parks

No person shall do or cause to be done any of the following in a city park:

(a) Use of possess glass containers;

(b) Deface, displace, damage or remove park property;

(c) Collect firewood;

(d) Drill or min on city–owned property;

(e) Indecent acts, cursing or swearing;

(f) Possess or discharge a gun, bow and arrow, air or gas weapon, paintball gun or marker, or any instrument with a propelling force, spring, air or gas;

(g) Operate or use any type of motor vehicle, motor assisted scooter or skateboard, including, but not limited to motorcycles, motorbikes and minibikes on any trail, sidewalk or park area not dedicated for such use. This section does not apply to the operation of vehicles used by the city or city contractors;

(h) Hit golf balls except in areas designated for that purpose;
(i) Dump or dispose of trash, garbage, brush or waste except that which is generated by park visitors;
(j) Overnight camping;
(k) Ride any animal except in areas designated for that purpose;
(l) Walk or bring any animal into a park without a leash except in a designated leash-free area;
(m)Fail to pick up and properly dispose of pet waste deposited by their pet;
(n) Wade or swim in areas other than swimming pools or waterplayscapes except in areas designated for those purposes;
(o) Ride or use bicycles or other wheeled vehicles in skate parks, or install, place or use obstacles or other modifications in skate parks;
(p) Use of a metal detector or metal detecting devise.

Sec. 1.434 Prohibited Activities at the Mason Homestead

- Smoking, tobacco use or pets inside the house
- Use of nails, staple guns or tacks to hang decorations
- Use of candles that are not contained in glass containers

Sec. 1.435 Reserved

Sec. 1.436 Hours of Operation

- City parks shall be open to the public from 6:00 a.m. to 10:00 p.m. daily.
- The Mason Homestead shall be available for rentals from 8:00 a.m. to midnight daily.

Sec. 1.437 Reserved

Sec. 1.438 Protection of Wild Animals

(a) No person shall capture, attempt to capture, hunt, molest, injure, trap, administer or set out any trap or harmful substance for any wild or domestic animal, reptile, bird or fish, nor remove or have in their possession the young, eggs or next of any animal, reptile or bird.
(b) Fishing activities must comply with the current federal, state and local guidelines and allowable only in designated fishing areas.

Sec. 1.439 – 1.441 Reserved

Sec. 1.442 Swimming Pools & Water Playscapes

(a) No child under twelve (12) years of age shall be permitted in a city swimming pool unless accompanied by an adult, except when such child is taking swim lessons from a proven competent person authorized by the city.
(b) Children under seven (7) years of age using a water playscape must be accompanied by a parent or a competent person authorized by the parent and responsible for the safety and conduct of the child.

Sec. 1.443 – 1.449 Reserved

Sec. 1.450 Fees Established

The city council hereby establishes fees as provided for in the fee schedule found in the appendix of this code for the use of city-owned parks and recreational facilities and the improvements thereon.

Amended October 4, 2007, June 10, 2010, July 5, 2012, November 29, 2012

Executive Summary

November 29, 2012

Agenda Subject:	Zoning Case 12-Z-020: Hold a public hearing and consider action on the rezoning of a parcel generally located at the northwest corner of Old 2243 W and US Hwy 183, approximately 600 feet west of N US Hwy 183 and 1,100 feet north of Old 2243 W; 69.23 acres more or less; Parcel #R031635. Currently the property is zoned SFU-2-B (Single-Family Urban), LC-2-B (Local Commercial) and GC-3-C (General Commercial) and is proposed to be zoned SFL-2-B (Single-Family Limited), SFC-2-B (Single-Family Compact), and SFU-2-B (Single-Family Urban), Leander, Williamson County, Texas.
Background:	This request is the second step in the rezoning process.
Origination:	Applicant: Jenn Dermanci on behalf of HEB Grocery Company.
Financial Consideration:	None
Recommendation:	See Planning Analysis. The Planning & Zoning Commission unanimously recommended approval at the November 8, 2012 meeting.
Attachments:	1. Planning Analysis 2. Current Zoning Map 3. Proposed Zoning 4. Aerial Map 5. Letter of Intent 6. Ordinance 7. Minutes – Planning & Zoning Commission November 8, 2012
Prepared By:	Robin M. Griffin, AICP Planner 11/13/2012

PLANNING ANALYSIS

ZONING CASE 12-Z-020

GENERAL INFORMATION

Owner: HEB Grocery Company

Current Zoning: SFU-2-B (Single-Family Urban)
LC-2-B (Local Commercial)
GC-3-C (General Commercial)

Proposed Zoning: SFL-2-B (Single-Family Limited)
SFC-2-B (Single-Family Compact)
SFU-2-B (Single-Family Urban)

Size and Location: The property is generally located at the northwest corner of Old 2243 W and US Hwy 183 (behind HEB), approximately 600 feet west of N US Hwy 183 and 1,100 feet north of Old 2243 W and is approximately 69.23 acres in size.

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	PUD/TOD	Undeveloped Transit Oriented Development Property
EAST	GC-3-C GC-4-C	Undeveloped commercial property Commercial Property (HEB)
SOUTH	GC-4-C LI-4-D MF-3-A	Commercial Property (HEB) Established Single-Family Home zoned for Light Industrial Established Senior Living Apartments
WEST	SFU-2-B	Established Single-Family Neighborhood (Estates of North Creek Ranch)

COMPOSITE ZONING ORDINANCE INTENT STATEMENTS

USE COMPONENTS:

SFU – SINGLE FAMILY URBAN:

Features: 7,200 sq. ft. lot min.; 1,200 sq. ft. living area min.

Intent: Development of single-family detached dwellings on moderate urban standard sized 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 moderate lot sizes. Such components are generally intended to offer variety in housing opportunities and in the fabric of the neighborhoods.

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.

SFL – SINGLE FAMILY LIMITED:

Features: 3,500 sq. ft. lot min.; 1,000 sq. ft. living area min.

Intent: Development of single-family detached dwellings on small lots, including zero lot line development, 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 where it is appropriate to have small lot sizes and reduced setbacks. This component is generally intended as follows:

(1) To provide an orderly transition to and create a buffer between larger lot neighborhoods and more intensive uses such as multi-family or commercial uses or arterial roadways.

(2) To create more variety in housing opportunities and in the fabric of neighborhoods.

(3) To be located in planned developments of greater than 100 acres and comprising less than twenty percent (20%) of the lots, or to provide infill opportunities in appropriate areas of the City such as in areas under transition.

(4) To include or be located within six hundred feet of parkland or other recreational open space. Lots that average less than forty feet in width along a block shall front on a street with a ROW of fifty-six (56) feet or greater and a pavement width of thirty-six (36) feet or greater unless access to garages on such lots is from an alley.

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.

ARCHITECTURAL 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:

- Plan for continued growth and development that improves the community's overall quality of life and economic viability.
- Establish high standards for development.

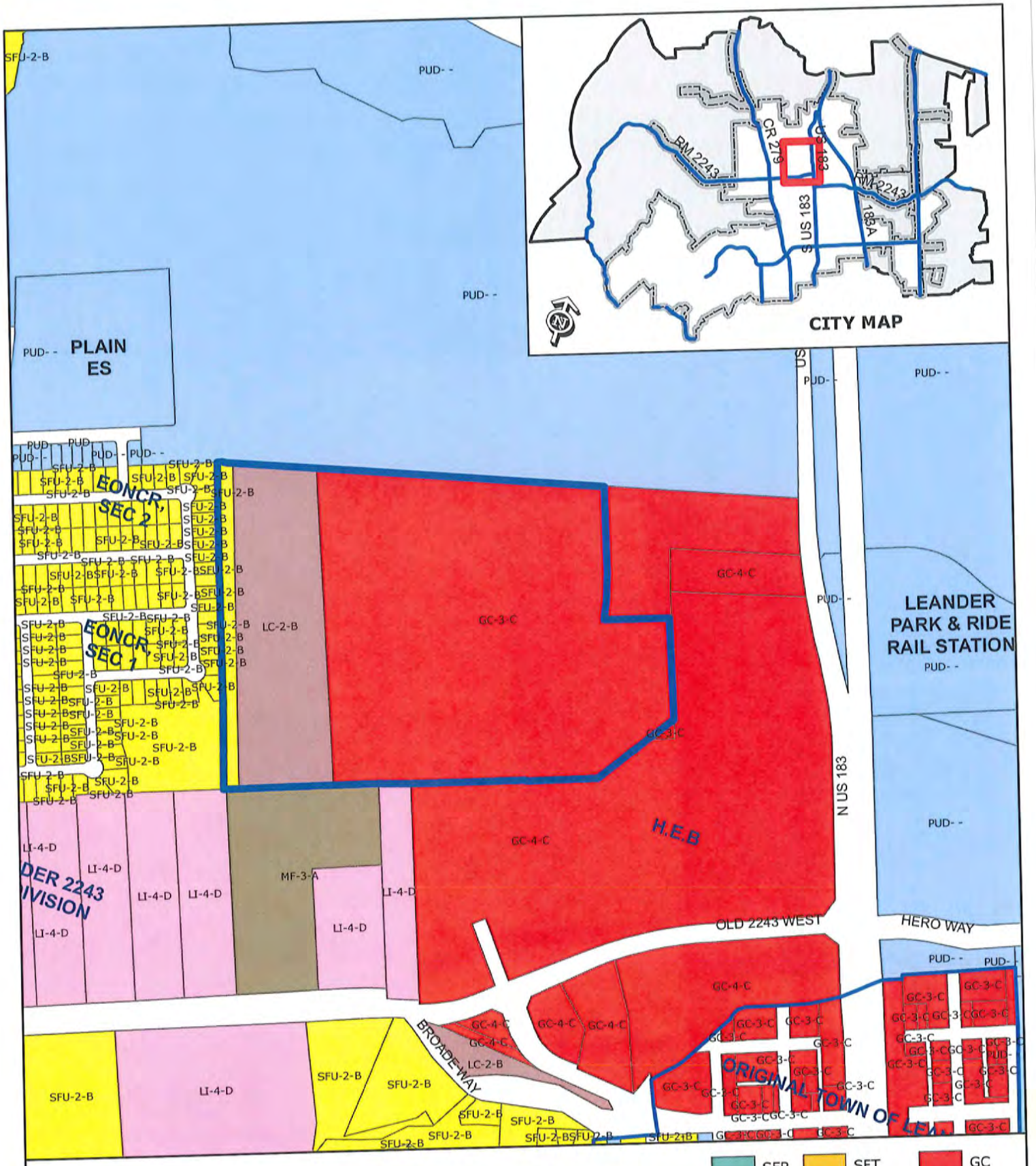
ANALYSIS:

The applicant is requesting the SFL-2-B (Single-Family Limited), SFC-2-B (Single-Family Compact), and SFU-2-B (Single-Family Urban) districts in order to develop a mixture of lot sizes in this proposed residential community. The proposal includes residential lot widths ranging from as narrow as 35' wide to 60' wide. The applicant has incorporated the mix of residential districts in a well integrated neighborhood plan providing a variety of lot sizes all within the same neighborhood.

The Comprehensive Plan Update establishes development nodes throughout the City of Leander. This property is located within a Town Center node. This 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 HEB shopping center and the Village at Leander Station Senior Apartment Complex are both located within this node and serve as a major commercial employer and apartments. The proposed residential neighborhood is located towards the edge of the node and serves as part of the transition to the established Estates of North Creek Neighborhood.

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

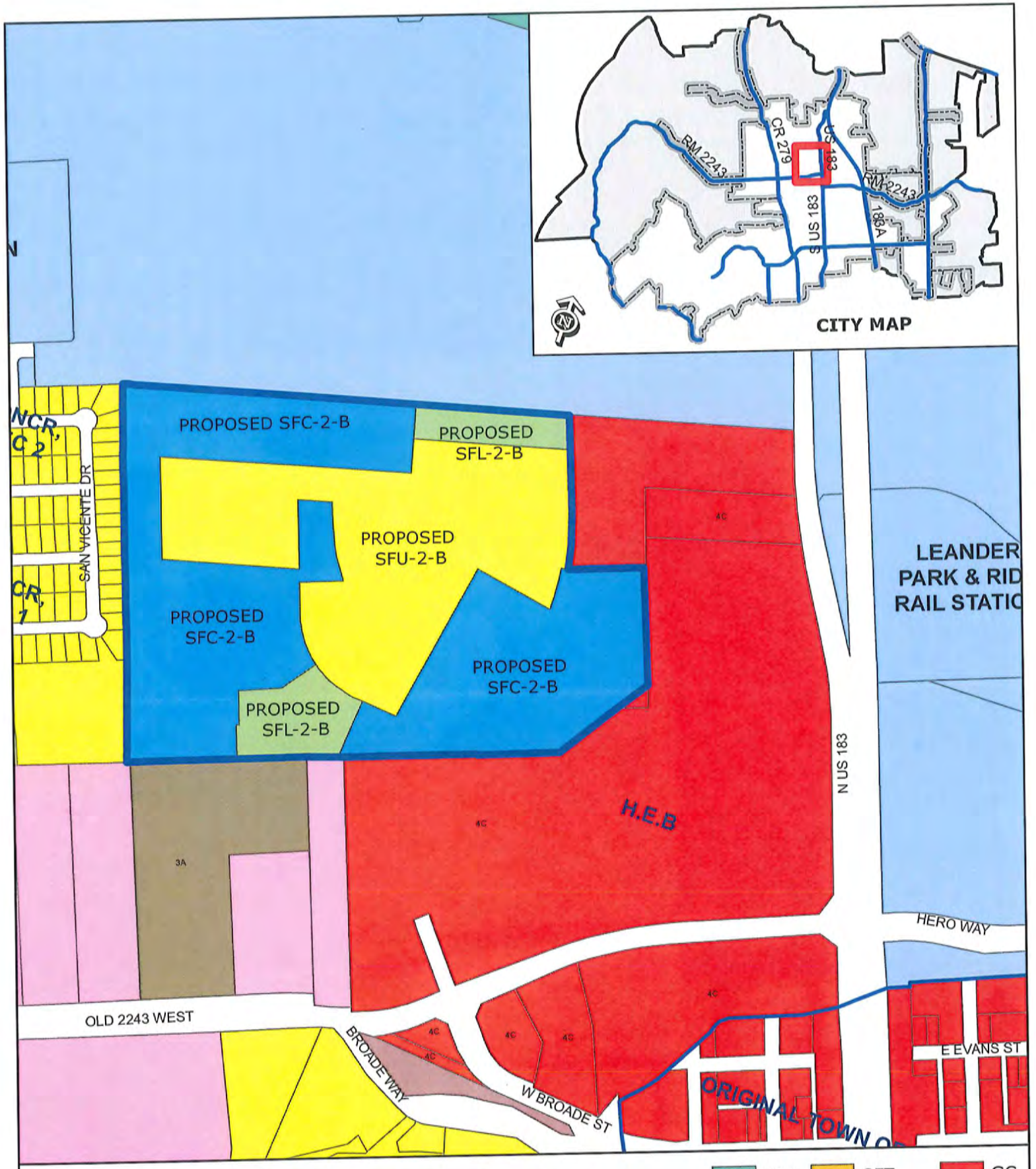


ZONING CASE 12-Z-020

Attachment #2

Current Zoning Map
Northside Meadows

0 200
Feet



ZONING CASE 12-Z-020

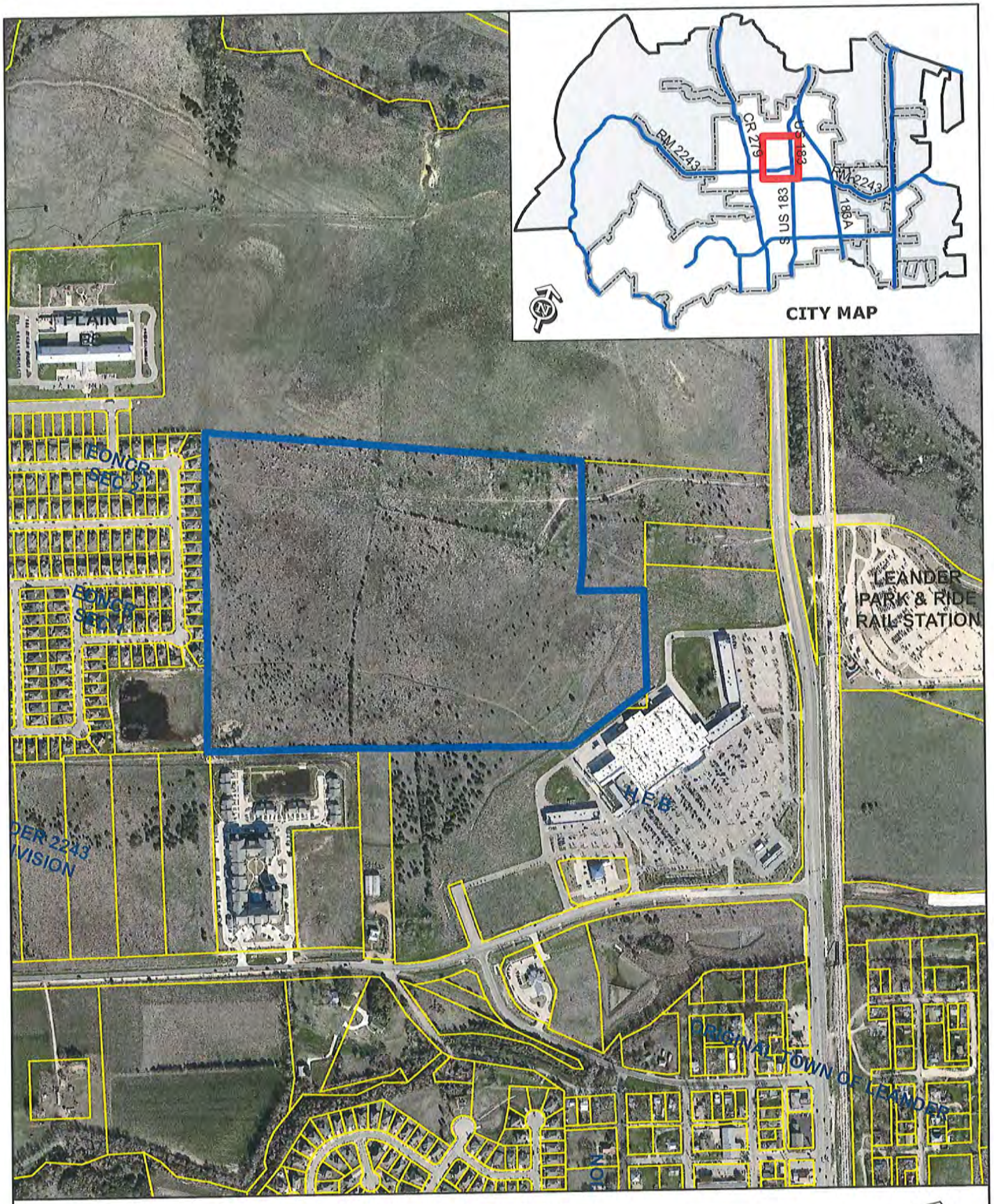
Attachment #3

Proposed Zoning Map
Northside Meadows

0 200
Feet

Subject Property

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



ZONING CASE 12-Z-020, Attachment #4

Aerial Exhibit - Approximate Boundaries
Northside Meadows

0 200
Feet

Subject Property

ATTACHMENT #5

DOUCET
& ASSOCIATES

7401B Hwy 71 W, Ste. 160
Austin, TX 78735
office: 512.583.2600
fax: 512.583.2601

DoucetandAssociates.com

LETTER OF INTENT

The intent of this zoning change is to rezone the property from retail/commercial to single-family residential. Currently a portion of the lot is local commercial and the rest is general commercial. The proposed zoning is single-family urban, single-family compact, and single-family limited. The intended rezone is not along a major thoroughfare making the property more attractive for residential than commercial. Also, the adjacent tract to the west is single-family urban so this rezone is consistent with surrounding zoning.

PHYSICAL DESCRIPTION OF PROPERTY

The subject tract has mild slopes with no significant features. There are very few trees on the site, mostly along the property lines and these are small and not dense. No waterways cross through the site. The tract has no existing structures, just a dirt access road.

ORDINANCE NO

ORDINANCE OF THE CITY OF LEANDER, TEXAS, AMENDING THE ZONING ORDINANCE BY REZONING ONE PARCEL OF LAND FROM SFU-2-B (SINGLE-FAMILY URBAN), LC-2-B (LOCAL COMMERCIAL), AND GC-3-C (GENERAL COMMERCIAL) TO SFL-2-B (SINGLE-FAMILY LIMITED), SFC-2-B (SINGLE-FAMILY COMPACT), AND SFU-2-B (SINGLE-FAMILY URBAN); 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 one parcel generally located at the northwest corner of Old 2243 W and US Hwy 183, approximately 600 feet west of N US Hwy 183 and 1,100 feet north of Old 2243 W. The property is approximately 69.23 acre more or less in size and includes parcel # R031635. This parcel is hereby zoned SFL-2-B (Single-Family Limited), SFC-2-B (Single-Family Compact) and SFU-2-B (Single-Family Urban); Leander, Williamson County, Texas. (See Exhibit A).

Section 4. 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 29th day of November, 2012.
FINALLY PASSED AND APPROVED on this the 6th day of December, 2012.

THE CITY OF LEANDER, TEXAS

Christopher Fielder, Mayor

ATTEST:

Debbie Haile, City Secretary

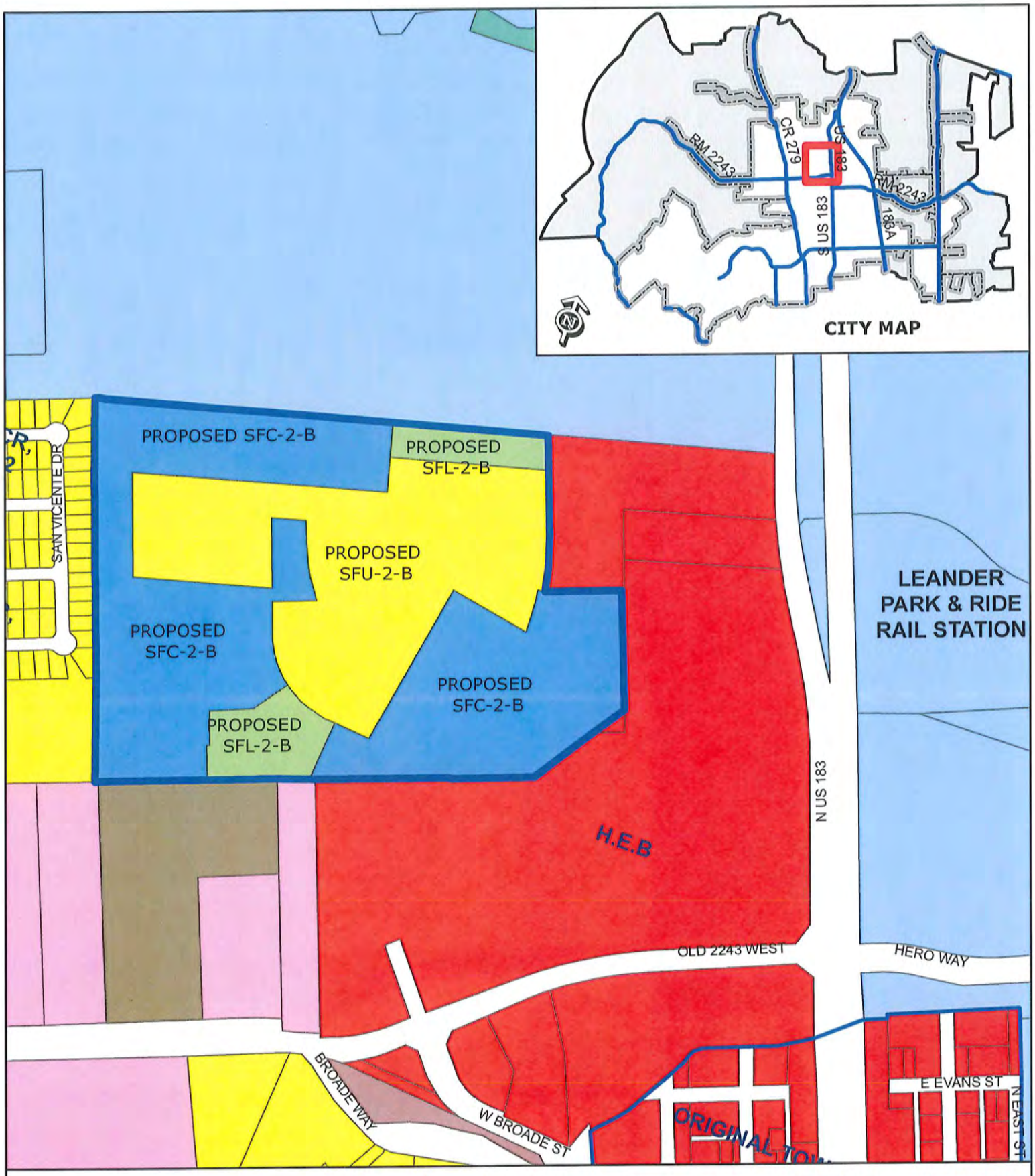


EXHIBIT A

Zoning Case 12-Z-020

Northside Meadows

Subject Property

0 200 Feet

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

Minutes

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

Thursday ~ November 8, 2012 at 7:00 pm

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

1. Call to Order
   Chairman Tovar called the meeting to order at 7:10 p.m.

2. Roll Call
   All Commissioners were present.

3. Approval of Minutes:
   Regular Planning & Zoning Meeting: October 25, 2012
   Motion made by Commissioner Abruzzese to approve the minutes, seconded by Commissioner Allen. Motion passed unanimously.

4. Citizen Communications - Three (3) minutes of time is allowed, per speaker
   No citizens wished to speak.

5. P & Z Commission Progress Report for Oct. 2011 to Oct. 2012
   A. Review and discuss Report
   B. Make any changes or deletions if necessary.
   C. Take action
   Motion made by Commissioner Seiler to approve the Progress Report, seconded by Commissioner Abruzzese. Motion passed unanimously.

6. Election of Chairman
   A. Nomination for position of Chairman
   B. Discussion of nominees
   C. Election of Chairman
   Motion made by Commissioner Sokol to elect Chairman Tovar for Chairman, seconded by Commissioner Stephenson. Motion passed unanimously.

7. Election of Vice Chairman
   A. Nomination for position of Vice Chairman
   B. Discussion of nominees
   C. Election of Vice Chairman
   Motion made by Commissioner Sokol to elect Commissioner Abruzzese for Vice Chairman, seconded by Commissioner Allen. Motion passed unanimously.

8. Election of Secretary
   A. Nomination for position of Secretary
   B. Discussion of nominees
   C. Election of Secretary
   Motion made by Commissioner Abruzzese to elect Ellen Pizalate for Secretary, seconded by Commissioner Sokol. Motion passed unanimously.

Public Hearing

9. Subdivision Case 12-FP-007: Hold a public hearing and consider action on the Sarita Valley, Phase 2A Final Plat for 10.33 acres more or less; WCAD Parcel #R513750; generally located to the northeast of the intersection of Sarita Drive and Ronald W. Reagan Blvd, more specifically to the northeast of Feather Reed Drive and Wedgescale Pass; Williamson County, Texas. Applicant/Agent: Don Walden on behalf of H4 Sarita Valley, LLC

   a) Staff Presentation

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

   b) Applicant Presentation

   Don Walden gave presentation on behalf of H4 Sarita Valley, LLC.

   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. Zoning Case 12-Z-020: Hold a public hearing and consider action on the rezoning of a parcel generally located at the northwest corner of Old 2243 W and US Hwy 183, approximately 600 feet west of N US Hwy 183 and 1,100 feet north of Old 2243 W; 69.23 acres more or less; Parcel #R031635. Currently the property is zoned SFU-2-B (Single-Family Urban), LC-2-B (Local Commercial) and GC-3-C (General Commercial) and is proposed to be zoned SFL-2-B (Single-Family Limited), SFC-2-B (Single-Family Compact), and SFU-2-B (Single-Family Urban), Leander, Williamson County, Texas. Applicant: Jenn Dermanci on behalf of HEB Grocery Company, LP.

a) Staff Presentation

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

b) Applicant Presentation

Sean Compton spoke on the purpose of the rezoning.

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 motion to approve, Commissioner Saenz seconded the motion. Motion passed unanimously.

11. Zoning Case 12-Z-026: Hold a public hearing and consider action on the rezoning of eleven parcels generally located at the southwest corner of RM 2243 and Ronald W. Reagan Blvd; 23.28 acres more or less; Parcels #R031239, R031247, R031271, R031272, R031274, R037215, R443611, R473637, R037219, R037220, R473626. Currently, a portion of the property is not zoned, upon annexation it will be zoned interim SFR-1-B (Single Family Rural). The portion located within the City is currently zoned interim SFS-2-B (Single-Family Suburban). The property is proposed to be zoned GC-3-C (General Commercial) and SFS-2-B (Single-Family Suburban) Leander, Williamson County, Texas. Applicant: Scott Foster on behalf of Beasley Tract, LP/Jeremy Smitheal and Williamson County / Dan A. Gattis.

a) Staff Presentation

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

b) Applicant Presentation

Steve Drenner spoke on the purpose of the rezoning.

c) Open Public Hearing

Chairman Tovar opened the public hearing
Vince Giaco – For
Dale Raveney – For
Vic Mahendru – For
B.J. Hogan – For
Maggie McLening – Against
John Sommerfeld – For
Jeff Griffith – Against
Ryan Tuttle – Against
Marci Cannon – For
Doug Launius – For
Swaram Mahendru – For
Nelson R. Shipman – For
Benny Latham – Against

Chairman Tovar called a ten minute break

John Sorrell – Against
Alan Adlock – Against
Larry Hupman – Against
Lisa Hupman – Against
Jeff Swindall – Against
Coral Swindall – Against
Joseph Greene – For
Bob Tesch – For
David Latimer – Against
Matt Tolber – Against
Marianne Lionandri - Against

d) Close Public Hearing

Chairman Tovar closed the public hearing.

e) Discussion

Discussion took place.

f) Consider Action

Commissioner Stephenson motion to approve the zoning request and increase the SFS-2-B portion to one hundred (100') feet in width, Commissioner Sokol seconded the motion. Motion passed unanimously.

12. Zoning Case 12-Z-027: Hold a public hearing and consider action on the rezoning of a portion of a parcel generally located at the northwest corner of Osage Drive and Highland Trail; 0.881 acres more or less; Parcel #R484296. Currently the property is zoned SFU-2-B (Single-Family Urban), and is proposed to be zoned LO-1-A (Local Office), Leander, Williamson County, Texas. Applicant: Mike Siefert on behalf of Lookout Development Group, LP.

a) Staff Presentation

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

b) Applicant Presentation

Mike Siefert spoke on the purpose of the rezoning.

c) Open Public Hearing

Chairman Tovar opened the public hearing.

d) Close Public Hearing

Chairman Tovar closed the public hearing.

e) Discussion

Discussion took place.

f) Consider Action

Commissioner Sokol motion to deny the zoning request, Commissioner Seiler seconded the motion. Motion passed unanimously.

13. Meeting Adjourned at 10:10

_____

Chairman Tovar

ATTEST: _____

Ellen Pizalate

Executive Summary

November 29, 2012

Agenda Subject:	Zoning Case 12-Z-027: Hold a public hearing and consider action on the rezoning of a portion of a parcel generally located at the northwest corner of Osage Drive and Highland Trail; 0.881 acres more or less; Parcel #R484296. Currently the property is zoned SFU-2-B (Single-Family Urban), and is proposed to be zoned LO-1-A (Local Office), Leander, Williamson County, Texas.
Background:	This request is the second step in the rezoning process.
Origination:	Applicant: Mike Siefert on behalf of Lookout Development Group, LP.
Financial Consideration:	None
Recommendation:	This zoning case was withdrawn by the applicant on November 14, 2012.
Attachments:	1. Withdrawal Letter 2. Petition from Citizens
Prepared By:	Robin M. Griffin, AICP Planner 11/14/2012

Robin Griffin

From: Mike Siefert [mike@mycrystalfalls.com]
Sent: Wednesday, November 14, 2012 2:42 PM
To: Robin Griffin
Cc: Jim Bechtol; Ellen Pizalate
Subject: Zoning Case 12-Z-027

Robin-

Per our discussion, please pull the above referenced zoning case from the City Council agenda.

Thank you,

Mike Siefert, P.E.
Vice President of Construction
The Lookout Development Group, Inc.
1001 Crystal Falls Pkwy.
Leander, Texas 78641
512.260.2066 (office)
512.709.8742 (cell)

"Best Master Planned Community", awarded by the Austin Business Journal
"Best Overall Community", awarded by the Austin Home Builders Association

Visit www.mycrystalfalls.com for more information

I am opposed to the Zoning Change from SFU at the Corner of Highland Trl and Osage. There should not be an office building there.

Name	Address	Registered Voter Yes or No
Randy Ballenger	2504 Highland C	Yes
Anita Naqvi / Ali Naqvi	2502 Highland Dr	Yes
Kelly Tapia	2508 Highland Tr.	Yes
Amy + Jason Ronig	2516 Highland Trail	Yes
Bentmaugan Schneider	2507 Highland Trail	yes
Jill + Tim Spencer	2509 Highland Trl	yes
Jrelle + Rich Afflitto	2512 Highland Trl	yes
Joan + Erwin	2513 Highland Trl	yes
Baaba + Fred Kumi	2518 Highland Trail	yes
Stan + Shirley Spencer	2517 Highland Trail	
Shawn Hendricks	2519 Highland Tr.	Yes
Gina Brenault	1808 Alamo Bound	yes
Kim Melanson	2511 Highland Trl	yes
Teresa Ford	1805 Alamo Bound	Yes

I am opposed to the Zoning Change from SFU at the Corner of Highland Trl and Osage. There should not be an office building there.

Name	Address	Registered Voter Yes or No
Danielle Williams	2001 Pow Wow	yes
Dave Williams	2001 Pow Wow	yes
Carol Root	1809 Alamo Bound	yes
Aaron Root	1809 Alamo Bound	yes
BERONICA LEE-BRAND	1802 ALAMO BOUND	YES
Erin Hernandez	2000 Pow wow	Yes
Angie Blair	2515 Highland Trl	Yes
Patty Kelley	2721 Tumbling River	Yes
Chris S[illegible]	2510 Highland Tr.	Yes
Andrew Willis	2719 Highland Trail	yes
RAYMOND ESTRADA (RME10197@GMAIL.COM)	2729 HIGHLAND TRAIL	YES
Reynaldo P Gonzalez	2727 Highland	yes
Jeri O'Conna	2724 Granite Creek	yes
[illegible]	1600 Buffalo Thunder	Yes
Christel Davis	1505 Granite Creek Dr	yes

I am opposed to the Zoning Change from SFU at the Corner of Highland Trl and Osage. There should not be an office building there.

Name	Address	Registered Voter Yes or No
Lupita Morin	2508 Grapevine Canyon Trl	Yes
Kelley Humphries	2000 Tall Chief	Yes
Ofelia G Mazia	2000 Cross Draw TRL	Yes
Bernice Escobedo	1921 Cross Draw Trl.	Yes
Javier L Mazia	2000 Cross Draw Trl	Yes
[illegible]	1920 Cross Draw TRL	YES
[illegible]	1923 Cross Draw Trl	Yes
[illegible]	1923 Cross Draw Trl	Yes
[illegible]	1916 Cross Draw Trl	Yes
[illegible]	1916 Cross Draw Trl	Yes
Nicole DeMoe	1919 Cross Draw Trail	Yes
[illegible]	1919 Cross Draw Tr.	Yes
Tom [illegible]	1919 Cross Draw	Yes
[illegible]	1921 Cross Draw	Yes

I am opposed to the Zoning Change from SFU at the Corner of Highland Trl and Osage. There should not be an office building there.

Name	Address	Registered Voter Yes or No
Dinh le	2514 Highland TRL Leander, TX 78641	
Tayla Blair	2515 Highland Trl	✓ Yes

Executive Summary

November 29, 2012

Council Agenda Subject: First Public Hearing on the unilateral annexation of an area consisting of 10.01 acres, more or less, located in Williamson County, Texas, generally located west of Bagdad Road, south of the Falcon Oaks subdivision, and north of the Leander Public Library, including the abutting streets, roads, and rights-of-way. (Area A).

Background: The Resolution setting the two public hearings for November 29, 2012 and December 6, 2012 was approved by the City Council on October 18, 2012. The first reading of the Ordinance is scheduled for January 3, 2012 and the second reading of the Ordinance is scheduled for January 17, 2012. This is an involuntary annexation whereas the property is to be annexed involuntarily into the city limits. Per State Law those properties with agricultural or wildlife exemptions have been offered Development Agreements to allow continuation of the extraterritorial jurisdiction status until such time the status of the land changes. A Municipal Services Plan was also provided to all affected property owners.

Origination: Development Services Department

Attachments: Resolution

Schedule

Overall location map

Area "A" ownership map

Letter to landowners

Prepared by: Jim Bechtol, Director of Development Services

RESOLUTION NO. 12-024-00

A RESOLUTION OF THE CITY OF LEANDER, TEXAS, COMMENCING THE ANNEXATION OF NINE (9) AREAS OF LAND, INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY; ALL AREAS BEING LOCATED IN WILLIAMSON COUNTY, TEXAS AND ARE ADJACENT AND CONTIGUOUS TO THE CITY LIMITS; AND PROVIDING OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Leander, Texas, (herein the "City") is a Texas home-rule city authorized to annex the properties more particularly described herein (the "subject properties") that are contiguous and adjacent to the corporate limits of the City;

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

WHEREAS, the subject properties are contiguous on at least two sides with the boundaries of the city limits or abut other jurisdictional boundaries, as more particularly shown in the exhibits attached hereto;

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

WHEREAS, after review and consideration of the subject properties, the City Council finds that the subject properties are exempt from the City's annexation plan pursuant to *§43.052 (h)(1)* of the *Tex. Loc. Gov't. Code*;

NOW, THEREFORE, BE IT RESOLVED 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. Proceedings. The annexations of all portions of the following-described subject properties and the abutting streets, roadways and rights-of-way, are hereby commenced:

(1) Area A. All that certain parcel or tract of land containing 10.01 acres, more or less, located in Williamson County, Texas, generally located west of Bagdad Road, south of the Falcon Oaks subdivision, and north of the Leander Public Library and being more particularly described and shown in Exhibit "A" attached hereto.

(2) Area B. All that certain parcel or tract of land containing 363.92 acres, more or less, located in Williamson County, Texas, generally located south of Hero Way, west of Ronald W Reagan Blvd, north of RM 2243, and east

of County Road 269 and being more particularly described and shown in Exhibit "A" attached hereto.

(3) Area C. All that certain parcel or tract of land containing 265.22 acres, more or less, located in Williamson County, Texas, generally located south of RM 2243, west of the Ridgmar Landing subdivision, north of County Road 271, and east of 183A and being more particularly described and shown in Exhibit "A" attached hereto.

(4) Area D. All that certain parcel or tract of land containing 213.40 acres, more or less, located in Williamson County, Texas, generally located west of Sections 2 and 3 of the Cold Springs subdivision, north of Blockhouse Creek, east of 183A, and south of E Crystal Falls Pkwy and being more particularly described and shown in Exhibit "A" attached hereto.

(5) Area E. All that certain parcel or tract of land containing 0.07 acres, more or less, located in Williamson County, Texas, generally located south of the Hazlewood subdivision, west of Ronald W Reagan Blvd, north of Blockhouse Creek, and approximately 1 mile east of 183A and being more particularly described and shown in Exhibit "A" attached hereto.

(6) Area F. All that certain parcel or tract of land containing 22.38 acres, more or less, located in Williamson County, Texas, generally located west of Ronald W Reagan Blvd, approximately 1.25 miles south of E Crystal Falls Pkwy, east of the Lakewood Country Estates subdivision, and approximately 0.4 miles north of County Road 180 and being more particularly described and shown in Exhibit "A" attached hereto.

(7) Area G. All that certain parcel or tract of land containing 115.35 acres, more or less, located in Williamson County, Texas, and generally located south of the Valley View subdivision, east of Ronald W Reagan Blvd, north of County Road 179, and west of County Road 175, and being more particularly described and shown in Exhibit "A" attached hereto.

(8) Area H. All that certain parcel or tract of land containing 268.17 acres, more or less, located in Williamson County, Texas, and generally located south of County Road 179, east of Ronald W Reagan Blvd, approximately 0.4 miles north of County Road 180, and west of County Road 175, and being more particularly described and shown in Exhibit "A" attached hereto.

(9) Area I. All that certain parcel or tract of land containing 30.79 acres, more or less, located in Williamson County, Texas, and generally located south of County Road 179, approximately 1 mile east of Ronald W Reagan Blvd, approximately 500 feet northwest of Acacia Drive, west of County Road 175, and being more particularly described and shown in Exhibit "A" attached hereto.

Two public hearings are set for the dates of November 29, 2012 and December 6, 2012. Notice of such hearings shall be published in accordance with Chapter 43, Texas Local Government Code, and the hearings shall be open to the public to accept public comment on the annexation request. Notice of the proposed annexation shall be mailed to service providers and to property owners within the subject properties. The City shall offer to make a development agreement with certain subject property owners in accordance with section 43.035 of the Texas Local Government Code. The draft service plan proposed to be applicable for the subject properties is attached as Exhibit "B".

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 18th day of October, 2012.

ATTEST:

Debbie Haile

Debbie Haile, City Secretary

CITY OF LEANDER, TEXAS

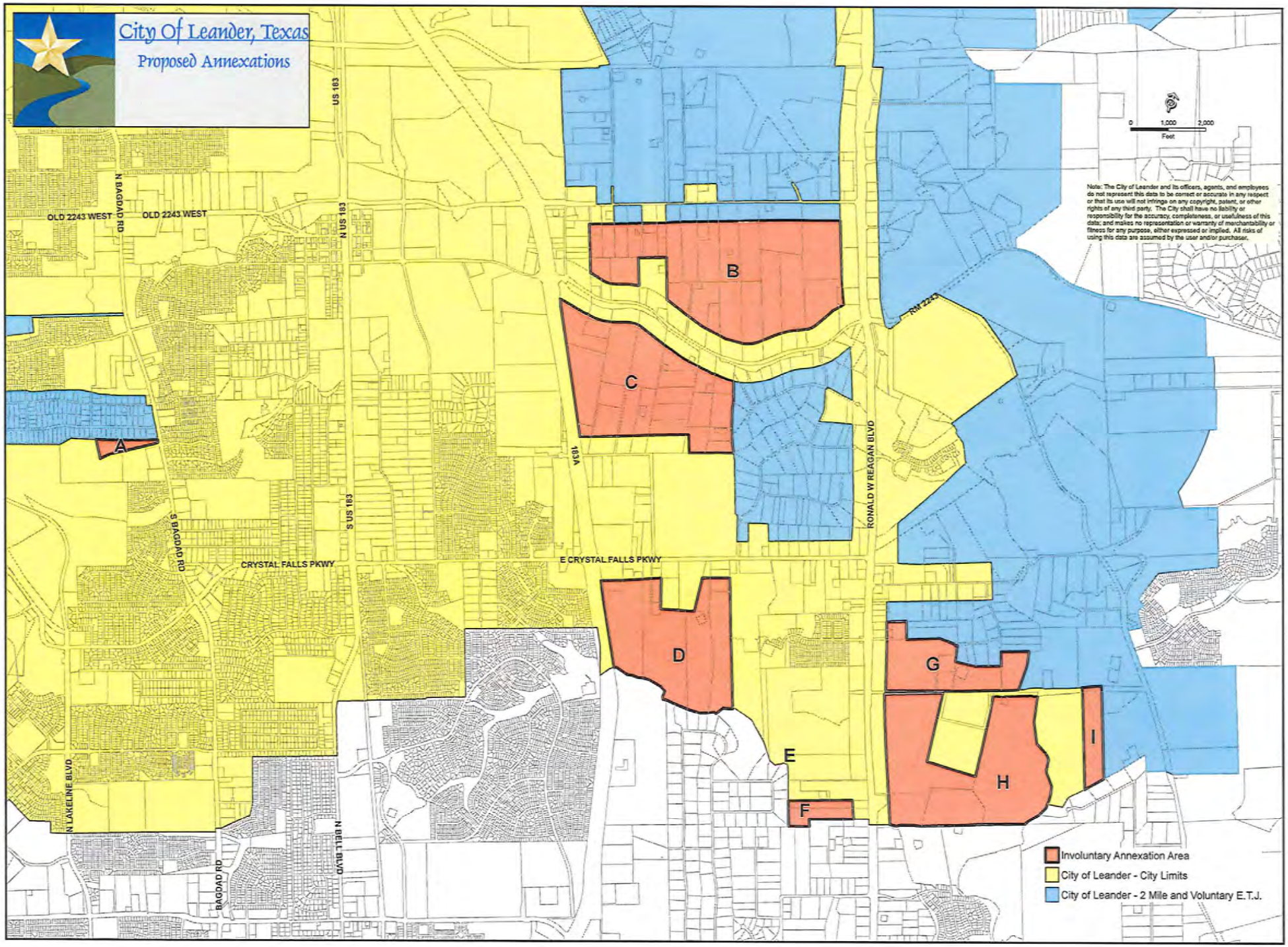
Christopher Fielder, Mayor

CITY OF LEANDER INCORPORATED 1978 ESTABLISHED 1882 STATE OF TEXAS

SCHEDULE FOR UNILATERAL ANNEXATIONS 2012

DATE	ACTION/EVENT	LEGAL AUTHORITY
October 18, 2012	**COUNCIL BY WRITTEN RESOLUTION** Directs notification to land owners; and sets two (2) Public Hearings: **November 29, 2012 and December 6, 2012**; 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 Oct. 26, 2012	**NOTICE TO** property owners & utility providers; offer Development Agreement to property owners	Loc. Gov't Code §§ 43.062(a), 43.035
Nov. 14, 2012* Publish notice of First Public Hearing **Nov. 21, 2012*** Publish notice of Second Public Hearings	**NEWSPAPER NOTICES** RE: FIRST AND SECOND PUBLIC HEARINGS; (If applicable 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)
Nov. 29, 2012*	**1st PUBLIC HEARING** AND PRESENT SERVICE PLAN (Not more than 40 days before the 1st reading of ordinance) *SPECIAL CALLED MEETING*	Not less than 20 days nor more than 40 days before reading of ordinance. Loc. Gov't Code, §§ 43.063(a) & 43.065.
December 6, 2012*	**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 **January 3, 2013***	**FIRST READING** OF ORDINANCE *REGULAR 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.
January 17, 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.
January 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.**


City Of Leander, Texas
Proposed Annexations
US 183
N US 183
S US 183
N BAGDAD RD
S BAGDAD RD
BAGDAD RD
OLD 2243 WEST
OLD 2243 WEST
CRYSTAL FALLS PKWY
E CRYSTAL FALLS PKWY
VC81
RONALD W REAGAN BLVD
RM 2243
N LAKELINE BLVD
N BELL BLVD
A
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C
D
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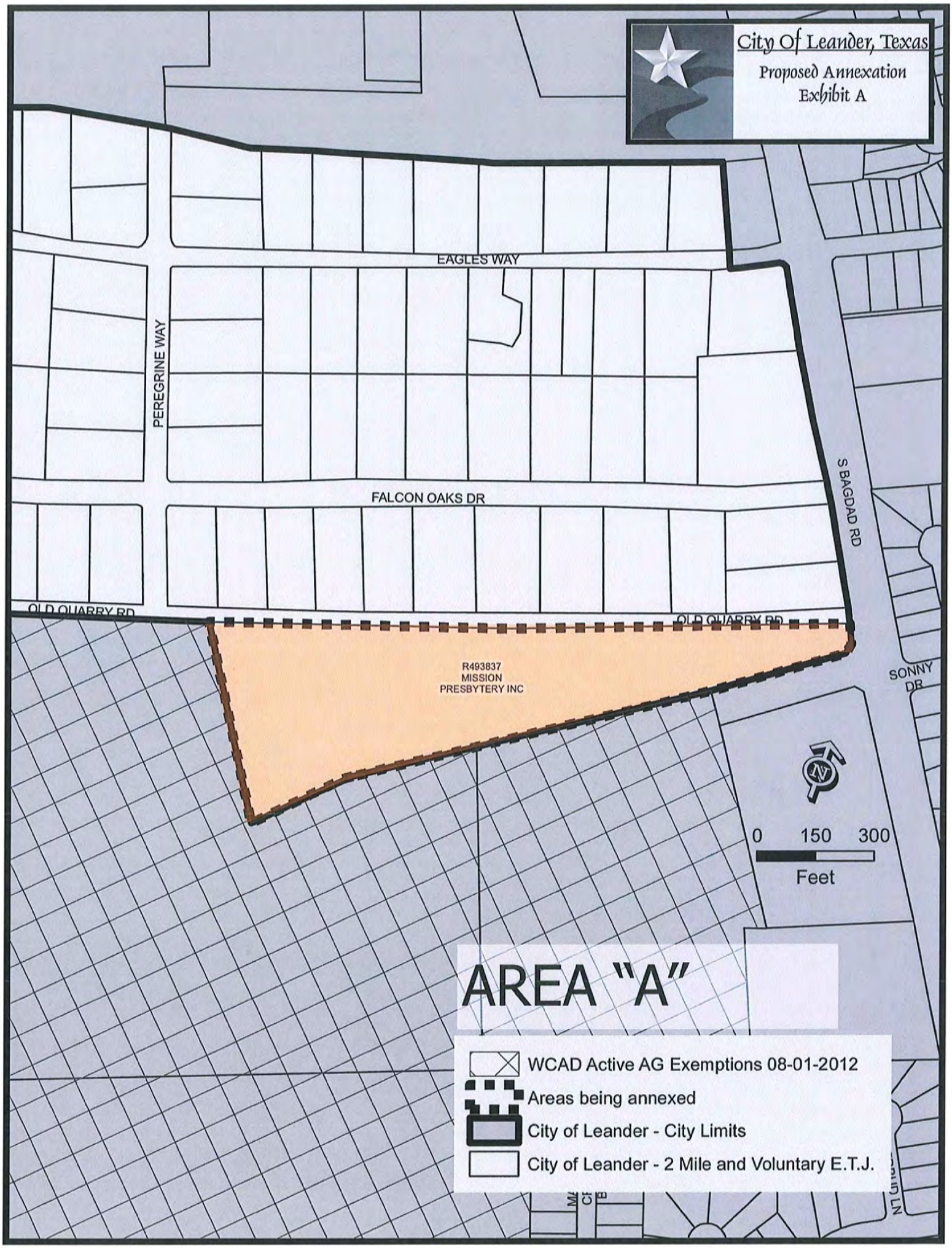
Feet
Note: The City of Leander and its officers, agents, and employees do not represent this data to be correct or accurate in any respect or that its use will not infringe on any copyright, patent, or other rights of any third party. The City shall have no liability or responsibility for the accuracy, completeness, or usefulness of this data; and makes no representation or warranty of merchantability or fitness for any purpose, either expressed or implied. All risks of using this data are assumed by the user and/or purchaser.
Involuntary Annexation Area
City of Leander - City Limits
City of Leander - 2 Mile and Voluntary E.T.J.


City Of Leander, Texas
Proposed Annexation
Exhibit A
EAGLES WAY
PEREGRINE WAY
FALCON OAKS DR
S BAGDAD RD
OLD QUARRY RD
OLD QUARRY RD
R493837
MISSION
PRESBYTERY INC
SONNY DR
0 150 300
Feet
AREA "A"
WCAD Active AG Exemptions 08-01-2012
Areas being annexed
City of Leander - City Limits
City of Leander - 2 Mile and Voluntary E.T.J.

October 26, 2012

[Name]
[Address]

RE: Proposed Annexation

Dear Property Owner:

As you may already be aware, the City of Leander recently initiated the formal legislative process to expand its corporate boundaries by annexing parcels of land encompassing approximately 1289.31 acres, more or less, of land adjacent and contiguous to Leander's current city limits by involuntary annexation. The parcels are more particularly described in the descriptions and maps that are enclosed. You have been identified as an owner of record of property that will be affected by this annexation and will soon become part of the City of Leander. I am writing you today to be sure that you are properly informed of this fact and to briefly discuss some pertinent issues in this regard.

The Leander City Council has identified the need to create consistency and unity in regulation of future land use, platting and the provisions of municipal services as it relates to our growing and changing community. As a result, the City Council has initiated proceedings to close gaps in the city limits and make the city limits more uniform by annexing properties that are surrounded by the city limits or are bounded by the city limits on at least two sides.

The City Council has expressed a strong desire to protect and defend the interests of property owners – and to effectively manage growth and development in the areas commonly recognized as part of the Leander community. The application of City zoning, building, and land development regulations to any neighboring properties that are annexed as part of this process will, over the long term, help protect your property values. Most importantly, the annexation of holes or gaps in the City limits will provide uniformity in the provision of public safety services such as police, fire and EMS.

As a property owner, one issue that obviously comes to mind with an annexation is taxes. By becoming part of the City of Leander, your property will be annually assessed city property taxes. If you have an agricultural exemption, the exemption will not be affected. The City's proposed property tax rate for 2012-13 is $0.67042 per $100 valuation. However, your property will not be assessed City property taxes during 2013 as it will not be added to the tax rolls until January 1, 2014.

City services will be provided to your property in accordance with a *Municipal Services Plan* that will be formally adopted by City Council as part of this process. Included with this correspondence is a copy of a proposed *Municipal Services Plan* for your review.

If your land is appraised for ad valorem tax purposes as land for agricultural or wildlife management use under Subchapter C or D, Chapter 23, Tax Code, or as timber land under Subchapter E, Chapter 23, Tax Code, you are eligible to negotiate and enter a development agreement with the City (sample enclosed). Such an agreement provides for the continuation of the extraterritorial jurisdiction status of your land so long as the use of your land that entitles you to enter the agreement does not change. Should the use of your land change to a use other than agricultural, wildlife management or timber land, the agreement would automatically terminate and the land would be annexed into the City at such time, regardless of how the land is appraised for ad valorem tax purposes. Entering an agreement will authorize the enforcement of all regulations and planning authority of the City that do not interfere with the use of your land for agriculture, wildlife management, or timber land. Such regulations include building codes, nuisance regulations, animal control, and general health and sanitation regulations. If your property qualifies and you are interested in entering an agreement, please notify us at your earliest convenience. Acceptance of an agreement must be accomplished within thirty (30) days of the date this letter. Failure to notify the City will result in our understanding that the agreement has been declined.

Upon annexation, the land will be zoned to the "SFR-1-B" zoning district. Please note that this zoning designation allows for agricultural uses, including farming, ranching, pasturage and hunting. Such uses in existence at the time of annexation will be allowed to continue upon annexation. In addition, the *Municipal Services Plan* recognizes that the current uses of the property are grandfathered to the extent provided by state law.

To allow for public comment, questions, and general input on the annexation as proposed, the City Council has scheduled two (2) public hearings on this issue. The first public hearing will be held on **Thursday, November 29, 2012, at 7:00 PM** at a special called City Council meeting. The second will be held on **Thursday, December 6, 2012, at 7:00 PM**. Both public hearings will be held at the City Council Chambers, City Hall, 200 W. Willis, Leander, Texas. All interested parties are encouraged to attend and offer comment.

It is important that you have all the facts relating to these pending annexations and its potential impact on your property. I encourage you to contact our office to speak to staff with any questions or comments. Please contact me at (512) 528-2708.

Respectfully,

Jim Bechtol
Director of Development Services

Executive Summary

November 29, 2012

Council Agenda Subject: First Public Hearing on the unilateral annexation of an area consisting of 366.64 acres, more or less, located in Williamson County, Texas, generally located south of Hero Way, west of Ronald W Reagan Blvd, north of RM 2243, and east of County Road 269, including the abutting streets, roads, and rights-of-way. (Area B).

Background: The Resolution setting the two public hearings for November 29, 2012 and December 6, 2012 was approved by the City Council on October 18, 2012. The first reading of the Ordinance is scheduled for January 3, 2012 and the second reading of the Ordinance is scheduled for January 17, 2012. This is an involuntary annexation whereas the property is to be annexed involuntarily into the city limits. Per State Law those properties with agricultural or wildlife exemptions have been offered Development Agreements to allow continuation of the extraterritorial jurisdiction status until such time the status of the land changes. A Municipal Services Plan was also provided to all affected property owners.

Origination: Development Services Department

Attachments: Resolution

Schedule

Overall location map

Area "B" ownership map

Letter to landowners

Prepared by: Jim Bechtol, Director of Development Services

RESOLUTION NO. 12-024-00

A RESOLUTION OF THE CITY OF LEANDER, TEXAS, COMMENCING THE ANNEXATION OF NINE (9) AREAS OF LAND, INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY; ALL AREAS BEING LOCATED IN WILLIAMSON COUNTY, TEXAS AND ARE ADJACENT AND CONTIGUOUS TO THE CITY LIMITS; AND PROVIDING OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Leander, Texas, (herein the "City") is a Texas home-rule city authorized to annex the properties more particularly described herein (the "subject properties") that are contiguous and adjacent to the corporate limits of the City;

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

WHEREAS, the subject properties are contiguous on at least two sides with the boundaries of the city limits or abut other jurisdictional boundaries, as more particularly shown in the exhibits attached hereto;

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

WHEREAS, after review and consideration of the subject properties, the City Council finds that the subject properties are exempt from the City's annexation plan pursuant to *§43.052 (h)(1)* of the *Tex. Loc. Gov't. Code*;

NOW, THEREFORE, BE IT RESOLVED 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. Proceedings. The annexations of all portions of the following-described subject properties and the abutting streets, roadways and rights-of-way, are hereby commenced:

(1) Area A. All that certain parcel or tract of land containing 10.01 acres, more or less, located in Williamson County, Texas, generally located west of Bagdad Road, south of the Falcon Oaks subdivision, and north of the Leander Public Library and being more particularly described and shown in Exhibit "A" attached hereto.

(2) Area B. All that certain parcel or tract of land containing 363.92 acres, more or less, located in Williamson County, Texas, generally located south of Hero Way, west of Ronald W Reagan Blvd, north of RM 2243, and east

of County Road 269 and being more particularly described and shown in Exhibit "A" attached hereto.

(3) Area C. All that certain parcel or tract of land containing 265.22 acres, more or less, located in Williamson County, Texas, generally located south of RM 2243, west of the Ridgmar Landing subdivision, north of County Road 271, and east of 183A and being more particularly described and shown in Exhibit "A" attached hereto.

(4) Area D. All that certain parcel or tract of land containing 213.40 acres, more or less, located in Williamson County, Texas, generally located west of Sections 2 and 3 of the Cold Springs subdivision, north of Blockhouse Creek, east of 183A, and south of E Crystal Falls Pkwy and being more particularly described and shown in Exhibit "A" attached hereto.

(5) Area E. All that certain parcel or tract of land containing 0.07 acres, more or less, located in Williamson County, Texas, generally located south of the Hazlewood subdivision, west of Ronald W Reagan Blvd, north of Blockhouse Creek, and approximately 1 mile east of 183A and being more particularly described and shown in Exhibit "A" attached hereto.

(6) Area F. All that certain parcel or tract of land containing 22.38 acres, more or less, located in Williamson County, Texas, generally located west of Ronald W Reagan Blvd, approximately 1.25 miles south of E Crystal Falls Pkwy, east of the Lakewood Country Estates subdivision, and approximately 0.4 miles north of County Road 180 and being more particularly described and shown in Exhibit "A" attached hereto.

(7) Area G. All that certain parcel or tract of land containing 115.35 acres, more or less, located in Williamson County, Texas, and generally located south of the Valley View subdivision, east of Ronald W Reagan Blvd, north of County Road 179, and west of County Road 175, and being more particularly described and shown in Exhibit "A" attached hereto.

(8) Area H. All that certain parcel or tract of land containing 268.17 acres, more or less, located in Williamson County, Texas, and generally located south of County Road 179, east of Ronald W Reagan Blvd, approximately 0.4 miles north of County Road 180, and west of County Road 175, and being more particularly described and shown in Exhibit "A" attached hereto.

(9) Area I. All that certain parcel or tract of land containing 30.79 acres, more or less, located in Williamson County, Texas, and generally located south of County Road 179, approximately 1 mile east of Ronald W Reagan Blvd, approximately 500 feet northwest of Acacia Drive, west of County Road 175, and being more particularly described and shown in Exhibit "A" attached hereto.

Two public hearings are set for the dates of November 29, 2012 and December 6, 2012. Notice of such hearings shall be published in accordance with Chapter 43, Texas Local Government Code, and the hearings shall be open to the public to accept public comment on the annexation request. Notice of the proposed annexation shall be mailed to service providers and to property owners within the subject properties. The City shall offer to make a development agreement with certain subject property owners in accordance with section 43.035 of the Texas Local Government Code. The draft service plan proposed to be applicable for the subject properties is attached as Exhibit "B".

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 18th day of October, 2012.

ATTEST:

Debbie Haile

Debbie Haile, City Secretary

CITY OF LEANDER, TEXAS

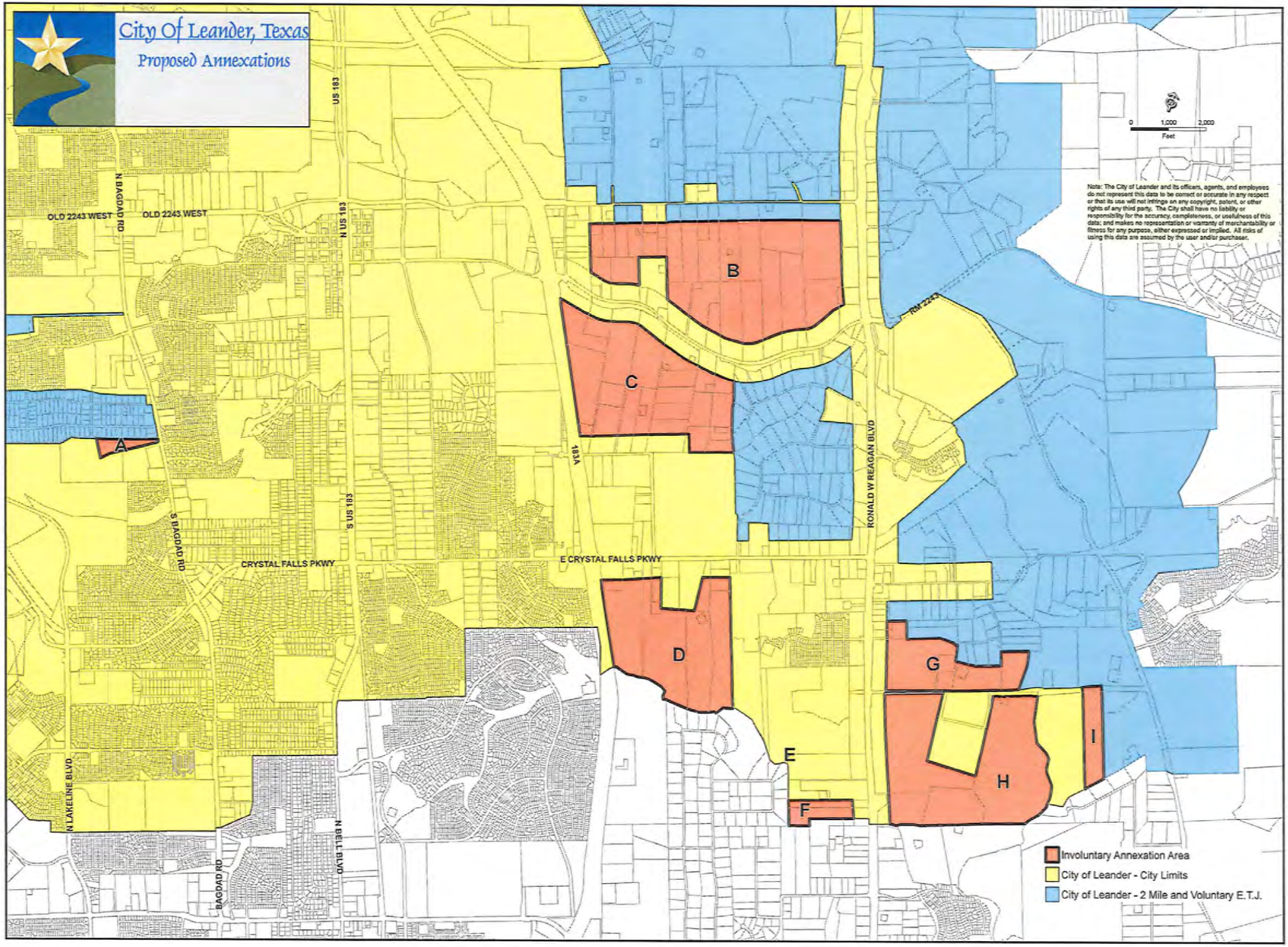
Christopher Fielder, Mayor

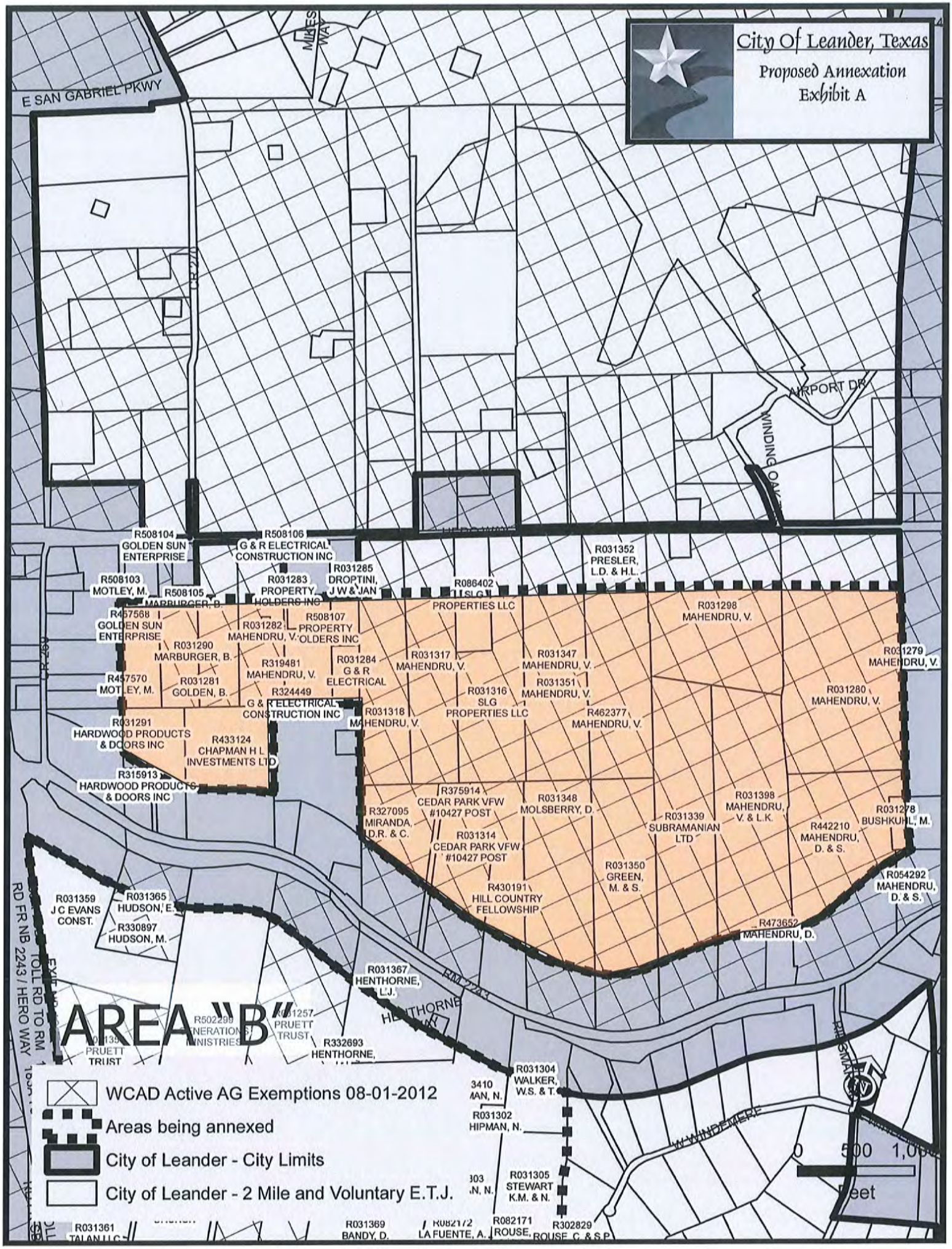
CITY OF LEANDER INCORPORATED 1978 ESTABLISHED 1882 STATE OF TEXAS

SCHEDULE FOR UNILATERAL ANNEXATIONS 2012

DATE	ACTION/EVENT	LEGAL AUTHORITY
October 18, 2012	**COUNCIL BY WRITTEN RESOLUTION** Directs notification to land owners; and sets two (2) Public Hearings: **November 29, 2012 and December 6, 2012**; 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 Oct. 26, 2012	**NOTICE TO** property owners & utility providers; offer Development Agreement to property owners	Loc. Gov't Code §§ 43.062(a), 43.035
Nov. 14, 2012* Publish notice of First Public Hearing **Nov. 21, 2012*** Publish notice of Second Public Hearings	**NEWSPAPER NOTICES** RE: FIRST AND SECOND PUBLIC HEARINGS; (If applicable 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)
Nov. 29, 2012*	**1st PUBLIC HEARING** AND PRESENT SERVICE PLAN (Not more than 40 days before the 1st reading of ordinance) *SPECIAL CALLED MEETING*	Not less than 20 days nor more than 40 days before reading of ordinance. Loc. Gov't Code, §§ 43.063(a) & 43.065.
December 6, 2012*	**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 **January 3, 2013***	**FIRST READING** OF ORDINANCE *REGULAR 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.
January 17, 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.
January 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.**


City Of Leander, Texas
Proposed Annexations
US 183
N US 183
S US 183
N BAGDAD RD
S BAGDAD RD
BAGDAD RD
OLD 2243 WEST
OLD 2243 WEST
CRYSTAL FALLS PKWY
E CRYSTAL FALLS PKWY
183A
RONALD W REAGAN BLVD
RM 2243
N LAKELINE BLVD
N BELL BLVD
A
B
C
D
E
F
G
H
I
0 1,000 2,000
Feet
Note: The City of Leander and its officers, agents, and employees do not represent this data to be correct or accurate in any respect or that its use will not infringe on any copyright, patent, or other rights of any third party. The City shall have no liability or responsibility for the accuracy, completeness, or usefulness of this data; and makes no representation or warranty of merchantability or fitness for any purpose, either expressed or implied. All risks of using this data are assumed by the user and/or purchaser.
Involuntary Annexation Area
City of Leander - City Limits
City of Leander - 2 Mile and Voluntary E.T.J.


City Of Leander, Texas
Proposed Annexation
Exhibit A
E SAN GABRIEL PKWY
MILES WAY
CR 270
AIRPORT DR
WINDING OAK
R508104 GOLDEN SUN ENTERPRISE
R508106 G & R ELECTRICAL CONSTRUCTION INC
R031285 DROPTINI, J W & JAN
R031352 PRESLER, L.D. & H.L.
R508103 MOTLEY, M.
R508105 MARBURGER, B.
R031283 PROPERTY HOLDERS INC
R086402 SLG PROPERTIES LLC
R457568 GOLDEN SUN ENTERPRISE
R031282 MAHENDRU, V.
R508107 PROPERTY HOLDERS INC
R031298 MAHENDRU, V.
R031290 MARBURGER, B.
R031317 MAHENDRU, V.
R031347 MAHENDRU, V.
R031279 MAHENDRU, V.
R457570 MOTLEY, M.
R031281 GOLDEN, B.
R319481 MAHENDRU, V.
R031284 G & R ELECTRICAL
R031351 MAHENDRU, V.
R031280 MAHENDRU, V.
R324449 G & R ELECTRICAL CONSTRUCTION INC
R031316 SLG PROPERTIES LLC
R031318 MAHENDRU, V.
R462377 MAHENDRU, V.
R031291 HARDWOOD PRODUCTS & DOORS INC
R433124 CHAPMAN H L INVESTMENTS LTD
R315913 HARDWOOD PRODUCTS & DOORS INC
R375914 CEDAR PARK VFW #10427 POST
R031348 MOLSBERRY, D.
R031398 MAHENDRU, V. & L.K.
R031278 BUSHKUHL, M.
R327095 MIRANDA, D.R. & C.
R031339 SUBRAMANIAN LTD
R442210 MAHENDRU, D. & S.
R031314 CEDAR PARK VFW #10427 POST
R031350 GREEN, M. & S.
R054292 MAHENDRU, D. & S.
R031359 J C EVANS CONST.
R031365 HUDSON, E.
R430191 HILL COUNTRY FELLOWSHIP
R330897 HUDSON, M.
R473652 MAHENDRU, D.
RD FR NB 2243 / HERO WAY
TOLL RD TO RM
R031367 HENTHORNE, L.J.
RM 2243
HENTHORNE
AREA "B"
R031257 PRUETT TRUST
R332693 HENTHORNE,
R031304 WALKER, W.S. & T.
R031302 HIPMAN, N.
W WINDEMERE
R031305 STEWART K.M. & N.
R031361
R031369 BANDY, D.
R082172 LA FUENTE, A.
R082171 ROUSE,
R302829 ROUSE, C. & S.P.
WCAD Active AG Exemptions 08-01-2012
Areas being annexed
City of Leander - City Limits
City of Leander - 2 Mile and Voluntary E.T.J.
0 500 1,000
Feet

October 26, 2012

[Name]
[Address]

RE: Proposed Annexation

Dear Property Owner:

As you may already be aware, the City of Leander recently initiated the formal legislative process to expand its corporate boundaries by annexing parcels of land encompassing approximately 1289.31 acres, more or less, of land adjacent and contiguous to Leander's current city limits by involuntary annexation. The parcels are more particularly described in the descriptions and maps that are enclosed. You have been identified as an owner of record of property that will be affected by this annexation and will soon become part of the City of Leander. I am writing you today to be sure that you are properly informed of this fact and to briefly discuss some pertinent issues in this regard.

The Leander City Council has identified the need to create consistency and unity in regulation of future land use, platting and the provisions of municipal services as it relates to our growing and changing community. As a result, the City Council has initiated proceedings to close gaps in the city limits and make the city limits more uniform by annexing properties that are surrounded by the city limits or are bounded by the city limits on at least two sides.

The City Council has expressed a strong desire to protect and defend the interests of property owners – and to effectively manage growth and development in the areas commonly recognized as part of the Leander community. The application of City zoning, building, and land development regulations to any neighboring properties that are annexed as part of this process will, over the long term, help protect your property values. Most importantly, the annexation of holes or gaps in the City limits will provide uniformity in the provision of public safety services such as police, fire and EMS.

As a property owner, one issue that obviously comes to mind with an annexation is taxes. By becoming part of the City of Leander, your property will be annually assessed city property taxes. If you have an agricultural exemption, the exemption will not be affected. The City's proposed property tax rate for 2012-13 is $0.67042 per $100 valuation. However, your property will not be assessed City property taxes during 2013 as it will not be added to the tax rolls until January 1, 2014.

City services will be provided to your property in accordance with a *Municipal Services Plan* that will be formally adopted by City Council as part of this process. Included with this correspondence is a copy of a proposed *Municipal Services Plan* for your review.

If your land is appraised for ad valorem tax purposes as land for agricultural or wildlife management use under Subchapter C or D, Chapter 23, Tax Code, or as timber land under Subchapter E, Chapter 23, Tax Code, you are eligible to negotiate and enter a development agreement with the City (sample enclosed). Such an agreement provides for the continuation of the extraterritorial jurisdiction status of your land so long as the use of your land that entitles you to enter the agreement does not change. Should the use of your land change to a use other than agricultural, wildlife management or timber land, the agreement would automatically terminate and the land would be annexed into the City at such time, regardless of how the land is appraised for ad valorem tax purposes. Entering an agreement will authorize the enforcement of all regulations and planning authority of the City that do not interfere with the use of your land for agriculture, wildlife management, or timber land. Such regulations include building codes, nuisance regulations, animal control, and general health and sanitation regulations. If your property qualifies and you are interested in entering an agreement, please notify us at your earliest convenience. Acceptance of an agreement must be accomplished within thirty (30) days of the date this letter. Failure to notify the City will result in our understanding that the agreement has been declined.

Upon annexation, the land will be zoned to the "SFR-1-B" zoning district. Please note that this zoning designation allows for agricultural uses, including farming, ranching, pasturage and hunting. Such uses in existence at the time of annexation will be allowed to continue upon annexation. In addition, the *Municipal Services Plan* recognizes that the current uses of the property are grandfathered to the extent provided by state law.

To allow for public comment, questions, and general input on the annexation as proposed, the City Council has scheduled two (2) public hearings on this issue. The first public hearing will be held on **Thursday, November 29, 2012, at 7:00 PM** at a special called City Council meeting. The second will be held on **Thursday, December 6, 2012, at 7:00 PM**. Both public hearings will be held at the City Council Chambers, City Hall, 200 W. Willis, Leander, Texas. All interested parties are encouraged to attend and offer comment.

It is important that you have all the facts relating to these pending annexations and its potential impact on your property. I encourage you to contact our office to speak to staff with any questions or comments. Please contact me at (512) 528-2708.

Respectfully,

Jim Bechtol
Director of Development Services

Executive Summary

November 29, 2012

Council Agenda Subject: First Public Hearing on the unilateral annexation of an area consisting of 265.22 acres, more or less, located in Williamson County, Texas, generally located south of RM 2243, west of the Ridgmar Landing subdivision, north of County Road 271, and east of 183A, including the abutting streets, roads, and rights-of-way. (Area C).

Background: The Resolution setting the two public hearings for November 29, 2012 and December 6, 2012 was approved by the City Council on October 18, 2012. The first reading of the Ordinance is scheduled for January 3, 2012 and the second reading of the Ordinance is scheduled for January 17, 2012. This is an involuntary annexation whereas the property is to be annexed involuntarily into the city limits. Per State Law those properties with agricultural or wildlife exemptions have been offered Development Agreements to allow continuation of the extraterritorial jurisdiction status until such time the status of the land changes. A Municipal Services Plan was also provided to all affected property owners.

Origination: Development Services Department

Attachments: Resolution

Schedule

Overall location map

Area "C" ownership map

Letter to landowners

Prepared by: Jim Bechtol, Director of Development Services

RESOLUTION NO. 12-024-00

A RESOLUTION OF THE CITY OF LEANDER, TEXAS, COMMENCING THE ANNEXATION OF NINE (9) AREAS OF LAND, INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY; ALL AREAS BEING LOCATED IN WILLIAMSON COUNTY, TEXAS AND ARE ADJACENT AND CONTIGUOUS TO THE CITY LIMITS; AND PROVIDING OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Leander, Texas, (herein the "City") is a Texas home-rule city authorized to annex the properties more particularly described herein (the "subject properties") that are contiguous and adjacent to the corporate limits of the City;

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

WHEREAS, the subject properties are contiguous on at least two sides with the boundaries of the city limits or abut other jurisdictional boundaries, as more particularly shown in the exhibits attached hereto;

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

WHEREAS, after review and consideration of the subject properties, the City Council finds that the subject properties are exempt from the City's annexation plan pursuant to *§43.052 (h)(1)* of the *Tex. Loc. Gov't. Code*;

NOW, THEREFORE, BE IT RESOLVED 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. Proceedings. The annexations of all portions of the following-described subject properties and the abutting streets, roadways and rights-of-way, are hereby commenced:

(1) Area A. All that certain parcel or tract of land containing 10.01 acres, more or less, located in Williamson County, Texas, generally located west of Bagdad Road, south of the Falcon Oaks subdivision, and north of the Leander Public Library and being more particularly described and shown in Exhibit "A" attached hereto.

(2) Area B. All that certain parcel or tract of land containing 363.92 acres, more or less, located in Williamson County, Texas, generally located south of Hero Way, west of Ronald W Reagan Blvd, north of RM 2243, and east

of County Road 269 and being more particularly described and shown in Exhibit "A" attached hereto.

(3) Area C. All that certain parcel or tract of land containing 265.22 acres, more or less, located in Williamson County, Texas, generally located south of RM 2243, west of the Ridgmar Landing subdivision, north of County Road 271, and east of 183A and being more particularly described and shown in Exhibit "A" attached hereto.

(4) Area D. All that certain parcel or tract of land containing 213.40 acres, more or less, located in Williamson County, Texas, generally located west of Sections 2 and 3 of the Cold Springs subdivision, north of Blockhouse Creek, east of 183A, and south of E Crystal Falls Pkwy and being more particularly described and shown in Exhibit "A" attached hereto.

(5) Area E. All that certain parcel or tract of land containing 0.07 acres, more or less, located in Williamson County, Texas, generally located south of the Hazlewood subdivision, west of Ronald W Reagan Blvd, north of Blockhouse Creek, and approximately 1 mile east of 183A and being more particularly described and shown in Exhibit "A" attached hereto.

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(7) Area G. All that certain parcel or tract of land containing 115.35 acres, more or less, located in Williamson County, Texas, and generally located south of the Valley View subdivision, east of Ronald W Reagan Blvd, north of County Road 179, and west of County Road 175, and being more particularly described and shown in Exhibit "A" attached hereto.

(8) Area H. All that certain parcel or tract of land containing 268.17 acres, more or less, located in Williamson County, Texas, and generally located south of County Road 179, east of Ronald W Reagan Blvd, approximately 0.4 miles north of County Road 180, and west of County Road 175, and being more particularly described and shown in Exhibit "A" attached hereto.

(9) Area I. All that certain parcel or tract of land containing 30.79 acres, more or less, located in Williamson County, Texas, and generally located south of County Road 179, approximately 1 mile east of Ronald W Reagan Blvd, approximately 500 feet northwest of Acacia Drive, west of County Road 175, and being more particularly described and shown in Exhibit "A" attached hereto.

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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 18th day of October, 2012.

ATTEST:

Debbie Haile

Debbie Haile, City Secretary

CITY OF LEANDER, TEXAS

Christopher Fielder, Mayor

SCHEDULE FOR UNILATERAL ANNEXATIONS 2012

DATE	ACTION/EVENT	LEGAL AUTHORITY
October 18, 2012	**COUNCIL BY WRITTEN RESOLUTION** Directs notification to land owners; and sets two (2) Public Hearings: **November 29, 2012 and December 6, 2012**; 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.
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Institution Date **January 3, 2013***	**FIRST READING** OF ORDINANCE *REGULAR 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.
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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	

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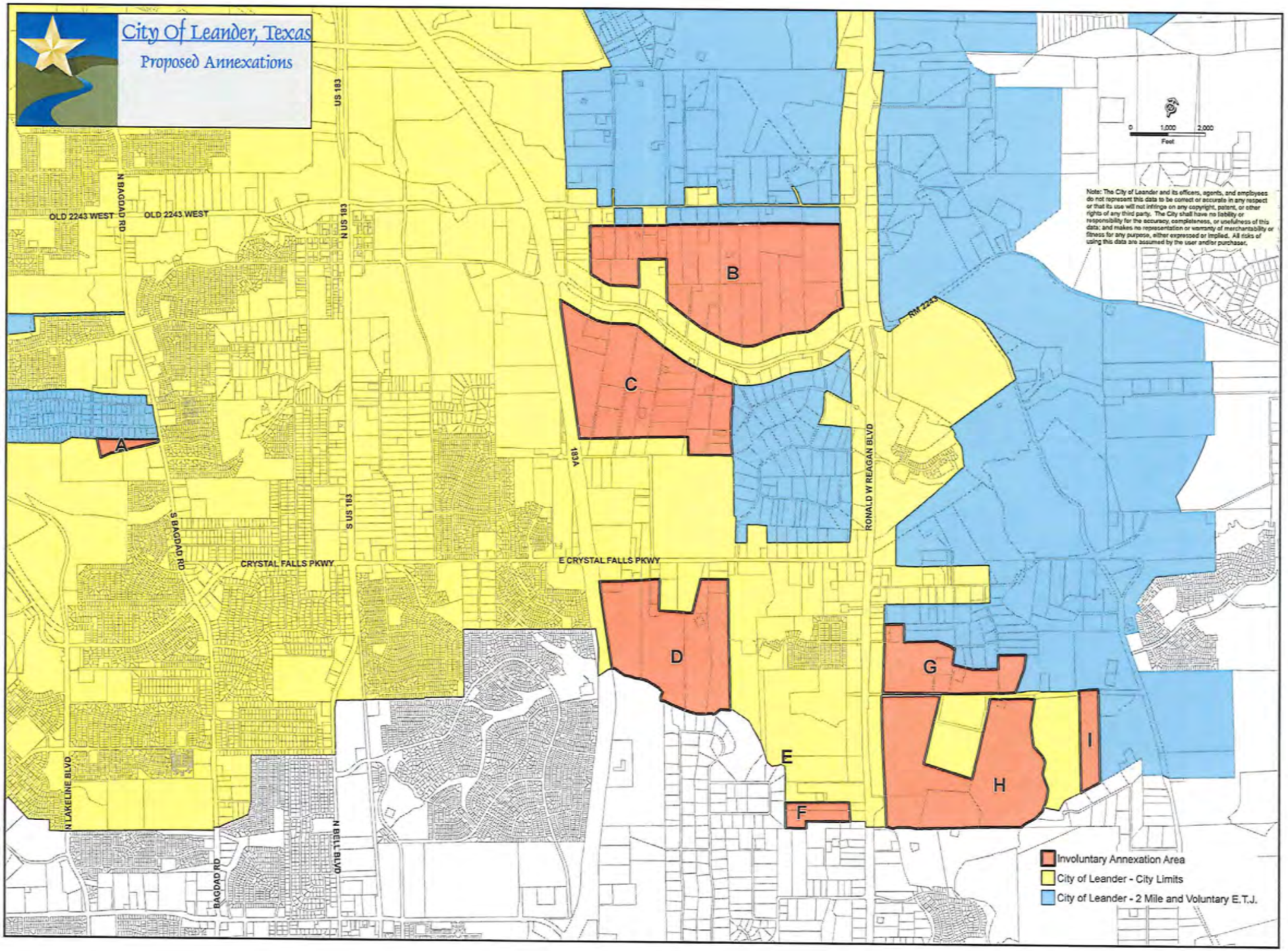
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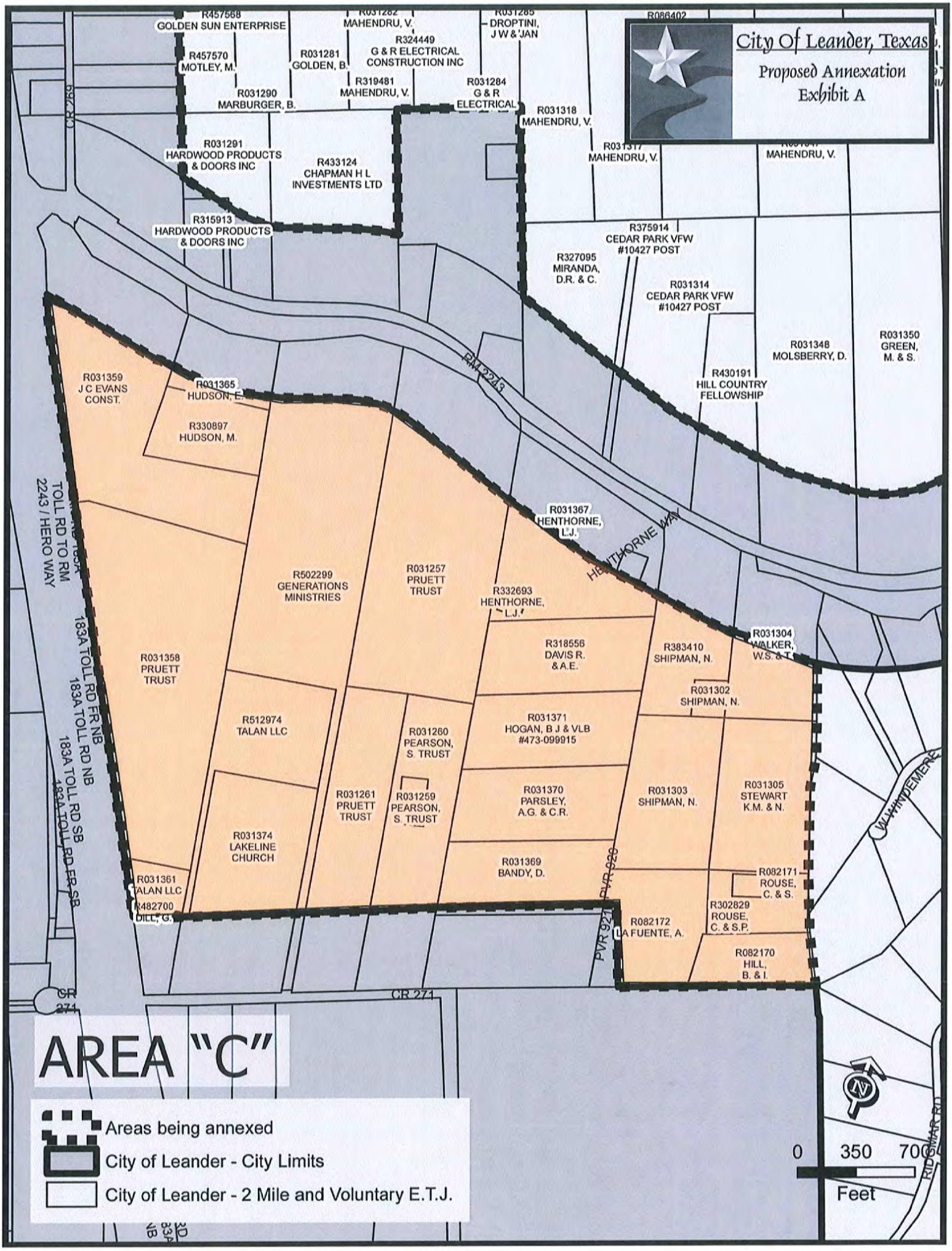
City Of Leander, Texas
Proposed Annexation
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R457568
GOLDEN SUN ENTERPRISE
R031282
MAHENDRU, V.
R031285
DROPTINI,
J W & JAN
R086402
R457570
MOTLEY, M.
R031281
GOLDEN, B.
R324449
G & R ELECTRICAL
CONSTRUCTION INC
R031290
MARBURGER, B.
R319481
MAHENDRU, V.
R031284
G & R
ELECTRICAL
R031318
MAHENDRU, V.
R031291
HARDWOOD PRODUCTS
& DOORS INC
R433124
CHAPMAN H L
INVESTMENTS LTD
R031317
MAHENDRU, V.
MAHENDRU, V.
R315913
HARDWOOD PRODUCTS
& DOORS INC
R375914
CEDAR PARK VFW
#10427 POST
R327095
MIRANDA,
D.R. & C.
R031314
CEDAR PARK VFW
#10427 POST
R031348
MOLSBERRY, D.
R031350
GREEN,
M. & S.
R430191
HILL COUNTRY
FELLOWSHIP
RM 2243
R031359
J C EVANS
CONST.
R031365
HUDSON, E.
R330897
HUDSON, M.
TOLL RD TO RM
2243 / HERO WAY
R031367
HENTHORNE,
L.J.
HENTHORNE WAY
R502299
GENERATIONS
MINISTRIES
R031257
PRUETT
TRUST
R332693
HENTHORNE,
L.J.
R318556
DAVIS R.
& A.E.
R383410
SHIPMAN, N.
R031304
WALKER,
W.S. & T.
R031358
PRUETT
TRUST
183A TOLL RD FR NB
183A TOLL RD NB
183A TOLL RD SB
183A TOLL RD FR SB
R031302
SHIPMAN, N.
R512974
TALAN LLC
R031260
PEARSON,
S. TRUST
R031371
HOGAN, B J & VLB
#473-099915
R031261
PRUETT
TRUST
R031259
PEARSON,
S. TRUST
R031370
PARSLEY,
A.G. & C.R.
R031303
SHIPMAN, N.
R031305
STEWART
K.M. & N.
WLAHNDEMERE
R031374
LAKELINE
CHURCH
R031369
BANDY, D.
PVR 920
R082171
ROUSE,
C. & S.
R031361
TALAN LLC
R482700
DILL, G.
R302829
ROUSE,
C. & S.P.
R082172
LA FUENTE, A.
PVR 921
R082170
HILL,
B. & I.
CR 271
CR 271
AREA "C"
Areas being annexed
City of Leander - City Limits
City of Leander - 2 Mile and Voluntary E.T.J.
0
350
700
Feet
RIDGWAY RD

October 26, 2012

[Name]
[Address]

RE: Proposed Annexation

Dear Property Owner:

As you may already be aware, the City of Leander recently initiated the formal legislative process to expand its corporate boundaries by annexing parcels of land encompassing approximately 1289.31 acres, more or less, of land adjacent and contiguous to Leander's current city limits by involuntary annexation. The parcels are more particularly described in the descriptions and maps that are enclosed. You have been identified as an owner of record of property that will be affected by this annexation and will soon become part of the City of Leander. I am writing you today to be sure that you are properly informed of this fact and to briefly discuss some pertinent issues in this regard.

The Leander City Council has identified the need to create consistency and unity in regulation of future land use, platting and the provisions of municipal services as it relates to our growing and changing community. As a result, the City Council has initiated proceedings to close gaps in the city limits and make the city limits more uniform by annexing properties that are surrounded by the city limits or are bounded by the city limits on at least two sides.

The City Council has expressed a strong desire to protect and defend the interests of property owners – and to effectively manage growth and development in the areas commonly recognized as part of the Leander community. The application of City zoning, building, and land development regulations to any neighboring properties that are annexed as part of this process will, over the long term, help protect your property values. Most importantly, the annexation of holes or gaps in the City limits will provide uniformity in the provision of public safety services such as police, fire and EMS.

As a property owner, one issue that obviously comes to mind with an annexation is taxes. By becoming part of the City of Leander, your property will be annually assessed city property taxes. If you have an agricultural exemption, the exemption will not be affected. The City's proposed property tax rate for 2012-13 is $0.67042 per $100 valuation. However, your property will not be assessed City property taxes during 2013 as it will not be added to the tax rolls until January 1, 2014.

City services will be provided to your property in accordance with a *Municipal Services Plan* that will be formally adopted by City Council as part of this process. Included with this correspondence is a copy of a proposed *Municipal Services Plan* for your review.

If your land is appraised for ad valorem tax purposes as land for agricultural or wildlife management use under Subchapter C or D, Chapter 23, Tax Code, or as timber land under Subchapter E, Chapter 23, Tax Code, you are eligible to negotiate and enter a development agreement with the City (sample enclosed). Such an agreement provides for the continuation of the extraterritorial jurisdiction status of your land so long as the use of your land that entitles you to enter the agreement does not change. Should the use of your land change to a use other than agricultural, wildlife management or timber land, the agreement would automatically terminate and the land would be annexed into the City at such time, regardless of how the land is appraised for ad valorem tax purposes. Entering an agreement will authorize the enforcement of all regulations and planning authority of the City that do not interfere with the use of your land for agriculture, wildlife management, or timber land. Such regulations include building codes, nuisance regulations, animal control, and general health and sanitation regulations. If your property qualifies and you are interested in entering an agreement, please notify us at your earliest convenience. Acceptance of an agreement must be accomplished within thirty (30) days of the date this letter. Failure to notify the City will result in our understanding that the agreement has been declined.

Upon annexation, the land will be zoned to the "SFR-1-B" zoning district. Please note that this zoning designation allows for agricultural uses, including farming, ranching, pasturage and hunting. Such uses in existence at the time of annexation will be allowed to continue upon annexation. In addition, the *Municipal Services Plan* recognizes that the current uses of the property are grandfathered to the extent provided by state law.

To allow for public comment, questions, and general input on the annexation as proposed, the City Council has scheduled two (2) public hearings on this issue. The first public hearing will be held on **Thursday, November 29, 2012, at 7:00 PM** at a special called City Council meeting. The second will be held on **Thursday, December 6, 2012, at 7:00 PM**. Both public hearings will be held at the City Council Chambers, City Hall, 200 W. Willis, Leander, Texas. All interested parties are encouraged to attend and offer comment.

It is important that you have all the facts relating to these pending annexations and its potential impact on your property. I encourage you to contact our office to speak to staff with any questions or comments. Please contact me at (512) 528-2708.

Respectfully,

Jim Bechtol
Director of Development Services

City of Leander

Executive Summary

November 29, 2012

Council Agenda Subject: First Public Hearing on the unilateral annexation of an area consisting of 213.4 acres, more or less, located in Williamson County, Texas, generally located west of Sections 2 and 3 of the Cold Springs subdivision, north of Blockhouse Creek, east of 183A, and south of E Crystal Falls Parkway, including the abutting streets, roads, and rights-of-way. (Area D).

Background: The Resolution setting the two public hearings for November 29, 2012 and December 6, 2012 was approved by the City Council on October 18, 2012. The first reading of the Ordinance is scheduled for January 3, 2012 and the second reading of the Ordinance is scheduled for January 17, 2012. This is an involuntary annexation whereas the property is to be annexed involuntarily into the city limits. Per State Law those properties with agricultural or wildlife exemptions have been offered Development Agreements to allow continuation of the extraterritorial jurisdiction status until such time the status of the land changes. A Municipal Services Plan was also provided to all affected property owners.

Origination: Development Services Department

Attachments: Resolution

Schedule

Overall location map

Area "D" ownership map

Letter to landowners

Prepared by: Jim Bechtol, Director of Development Services

RESOLUTION NO. 12-024-00

A RESOLUTION OF THE CITY OF LEANDER, TEXAS, COMMENCING THE ANNEXATION OF NINE (9) AREAS OF LAND, INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY; ALL AREAS BEING LOCATED IN WILLIAMSON COUNTY, TEXAS AND ARE ADJACENT AND CONTIGUOUS TO THE CITY LIMITS; AND PROVIDING OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Leander, Texas, (herein the "City") is a Texas home-rule city authorized to annex the properties more particularly described herein (the "subject properties") that are contiguous and adjacent to the corporate limits of the City;

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

WHEREAS, the subject properties are contiguous on at least two sides with the boundaries of the city limits or abut other jurisdictional boundaries, as more particularly shown in the exhibits attached hereto;

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

WHEREAS, after review and consideration of the subject properties, the City Council finds that the subject properties are exempt from the City's annexation plan pursuant to *§43.052 (h)(1)* of the *Tex. Loc. Gov't. Code*;

NOW, THEREFORE, BE IT RESOLVED 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. Proceedings. The annexations of all portions of the following-described subject properties and the abutting streets, roadways and rights-of-way, are hereby commenced:

(1) Area A. All that certain parcel or tract of land containing 10.01 acres, more or less, located in Williamson County, Texas, generally located west of Bagdad Road, south of the Falcon Oaks subdivision, and north of the Leander Public Library and being more particularly described and shown in Exhibit "A" attached hereto.

(2) Area B. All that certain parcel or tract of land containing 363.92 acres, more or less, located in Williamson County, Texas, generally located south of Hero Way, west of Ronald W Reagan Blvd, north of RM 2243, and east

of County Road 269 and being more particularly described and shown in Exhibit "A" attached hereto.

(3) Area C. All that certain parcel or tract of land containing 265.22 acres, more or less, located in Williamson County, Texas, generally located south of RM 2243, west of the Ridgmar Landing subdivision, north of County Road 271, and east of 183A and being more particularly described and shown in Exhibit "A" attached hereto.

(4) Area D. All that certain parcel or tract of land containing 213.40 acres, more or less, located in Williamson County, Texas, generally located west of Sections 2 and 3 of the Cold Springs subdivision, north of Blockhouse Creek, east of 183A, and south of E Crystal Falls Pkwy and being more particularly described and shown in Exhibit "A" attached hereto.

(5) Area E. All that certain parcel or tract of land containing 0.07 acres, more or less, located in Williamson County, Texas, generally located south of the Hazlewood subdivision, west of Ronald W Reagan Blvd, north of Blockhouse Creek, and approximately 1 mile east of 183A and being more particularly described and shown in Exhibit "A" attached hereto.

(6) Area F. All that certain parcel or tract of land containing 22.38 acres, more or less, located in Williamson County, Texas, generally located west of Ronald W Reagan Blvd, approximately 1.25 miles south of E Crystal Falls Pkwy, east of the Lakewood Country Estates subdivision, and approximately 0.4 miles north of County Road 180 and being more particularly described and shown in Exhibit "A" attached hereto.

(7) Area G. All that certain parcel or tract of land containing 115.35 acres, more or less, located in Williamson County, Texas, and generally located south of the Valley View subdivision, east of Ronald W Reagan Blvd, north of County Road 179, and west of County Road 175, and being more particularly described and shown in Exhibit "A" attached hereto.

(8) Area H. All that certain parcel or tract of land containing 268.17 acres, more or less, located in Williamson County, Texas, and generally located south of County Road 179, east of Ronald W Reagan Blvd, approximately 0.4 miles north of County Road 180, and west of County Road 175, and being more particularly described and shown in Exhibit "A" attached hereto.

(9) Area I. All that certain parcel or tract of land containing 30.79 acres, more or less, located in Williamson County, Texas, and generally located south of County Road 179, approximately 1 mile east of Ronald W Reagan Blvd, approximately 500 feet northwest of Acacia Drive, west of County Road 175, and being more particularly described and shown in Exhibit "A" attached hereto.

Two public hearings are set for the dates of November 29, 2012 and December 6, 2012. Notice of such hearings shall be published in accordance with Chapter 43, Texas Local Government Code, and the hearings shall be open to the public to accept public comment on the annexation request. Notice of the proposed annexation shall be mailed to service providers and to property owners within the subject properties. The City shall offer to make a development agreement with certain subject property owners in accordance with section 43.035 of the Texas Local Government Code. The draft service plan proposed to be applicable for the subject properties is attached as Exhibit "B".

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 18th day of October, 2012.

ATTEST:

Debbie Haile

Debbie Haile, City Secretary

CITY OF LEANDER, TEXAS

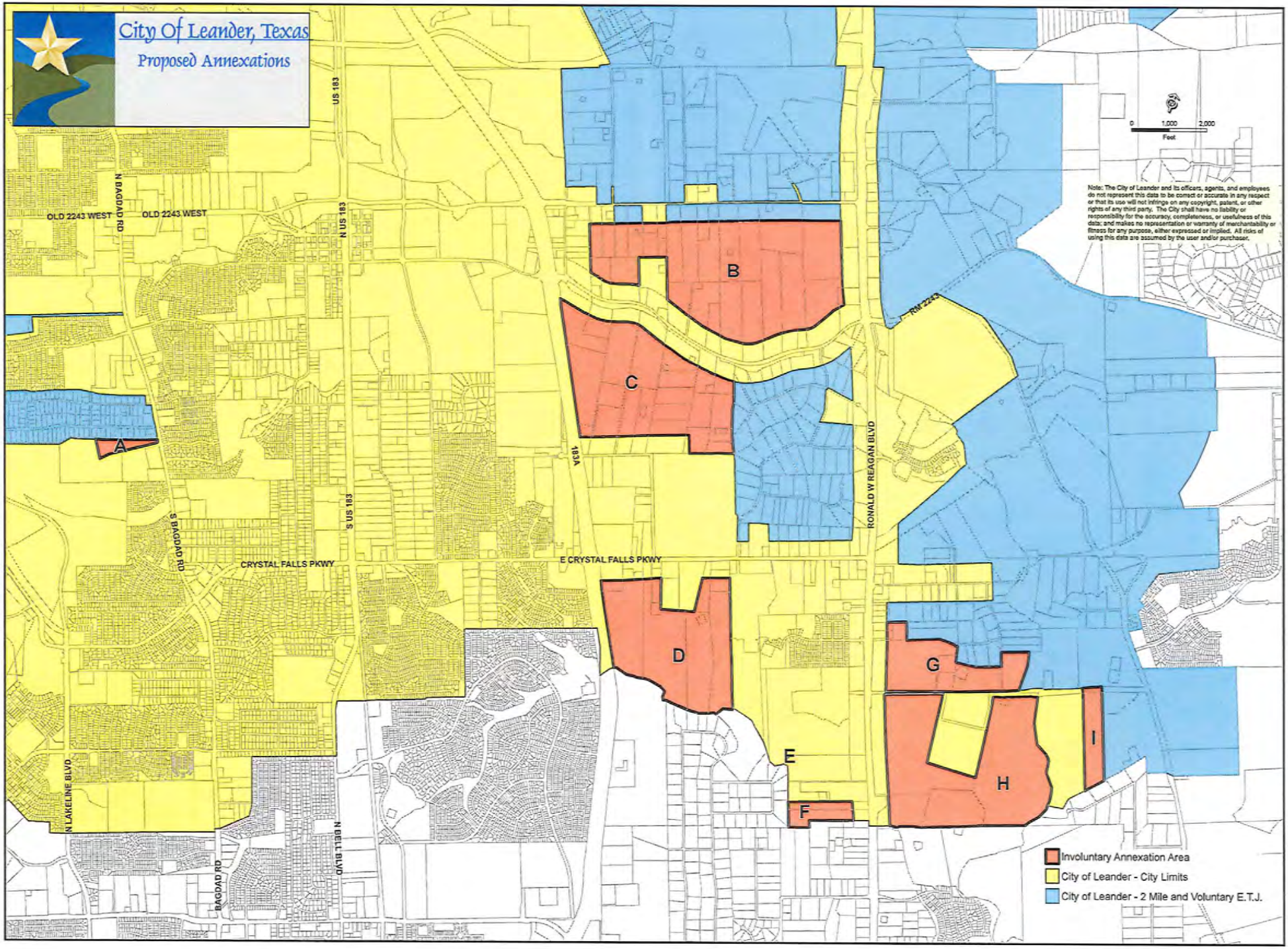
Christopher Fielder, Mayor

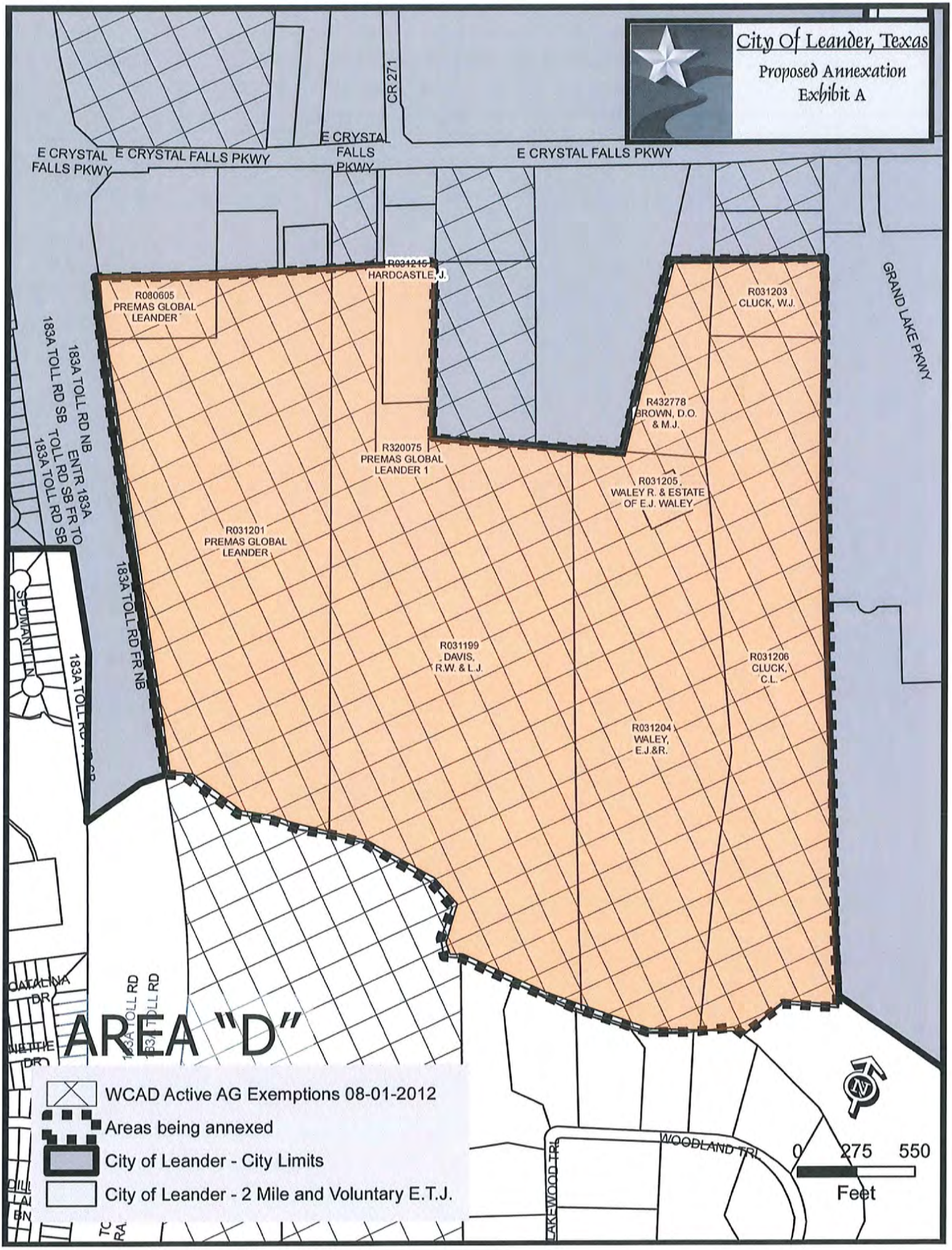
CITY OF LEANDER
ESTABLISHED 1882 INCORPORATED 1928
STATE OF TEXAS

SCHEDULE FOR UNILATERAL ANNEXATIONS 2012

DATE	ACTION/EVENT	LEGAL AUTHORITY
October 18, 2012	**COUNCIL BY WRITTEN RESOLUTION** Directs notification to land owners; and sets two (2) Public Hearings: **November 29, 2012 and December 6, 2012**; 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 Oct. 26, 2012	**NOTICE TO** property owners & utility providers; offer Development Agreement to property owners	Loc. Gov't Code §§ 43.062(a), 43.035
Nov. 14, 2012* Publish notice of First Public Hearing **Nov. 21, 2012*** Publish notice of Second Public Hearings	**NEWSPAPER NOTICES** RE: FIRST AND SECOND PUBLIC HEARINGS; (If applicable 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)
Nov. 29, 2012*	**1st PUBLIC HEARING** AND PRESENT SERVICE PLAN (Not more than 40 days before the 1st reading of ordinance) *SPECIAL CALLED MEETING*	Not less than 20 days nor more than 40 days before reading of ordinance. Loc. Gov't Code, §§ 43.063(a) & 43.065.
December 6, 2012*	**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 **January 3, 2013***	**FIRST READING** OF ORDINANCE *REGULAR 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.
January 17, 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.
January 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.**


City Of Leander, Texas
Proposed Annexations
US 183
N US 183
S US 183
N BAGDAD RD
S BAGDAD RD
OLD 2243 WEST
OLD 2243 WEST
CRYSTAL FALLS PKWY
E CRYSTAL FALLS PKWY
183A
RONALD W REAGAN BLVD
RM 2243
N LAKELINE BLVD
N BELL BLVD
BAGDAD RD
A
B
C
D
E
F
G
H
I
0 1,000 2,000
Feet
Note: The City of Leander and its officers, agents, and employees do not represent this data to be correct or accurate in any respect or that its use will not infringe on any copyright, patent, or other rights of any third party. The City shall have no liability or responsibility for the accuracy, completeness, or usefulness of this data; and makes no representation or warranty of merchantability or fitness for any purpose, either expressed or implied. All risks of using this data are assumed by the user and/or purchaser.
Involuntary Annexation Area
City of Leander - City Limits
City of Leander - 2 Mile and Voluntary E.T.J.


City Of Leander, Texas
Proposed Annexation
Exhibit A
E CRYSTAL FALLS PKWY
E CRYSTAL FALLS PKWY
E CRYSTAL FALLS PKWY
E CRYSTAL FALLS PKWY
CR 271
GRAND LAKE PKWY
R031215
HARDCASTLE, J.
R080605
PREMAS GLOBAL
LEANDER
R031203
CLUCK, W.J.
R432778
BROWN, D.O.
& M.J.
R320075
PREMAS GLOBAL
LEANDER 1
R031205
WALEY R. & ESTATE
OF E.J. WALEY
R031201
PREMAS GLOBAL
LEANDER
R031199
DAVIS,
R.W. & L.J.
R031206
CLUCK,
C.L.
R031204
WALEY,
E.J.&R.
183A TOLL RD NB
183A TOLL RD SB
ENTR 183A
TOLL RD SB FR TO
183A TOLL RD SB
183A TOLL RD FR NB
SPUMANTI LN
CATALINA
DR
WOODLAND TRL
LAKEWOOD TRL
AREA "D"
WCAD Active AG Exemptions 08-01-2012
Areas being annexed
City of Leander - City Limits
City of Leander - 2 Mile and Voluntary E.T.J.
0
275
550
Feet

October 26, 2012

[Name]
[Address]

RE: Proposed Annexation

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Respectfully,

Jim Bechtol
Director of Development Services

Executive Summary

November 29, 2012

Council Agenda Subject: First Public Hearing on the unilateral annexation of an area consisting of 0.07 acres, more or less, located in Williamson County, Texas, generally located south of the Hazlewood subdivision, west of Ronald W Reagan Blvd, north of Blockhouse Creek, and approximately 1 mile east of 183A, including the abutting streets, roads, and rights-of-way. (Area E).

Background: The Resolution setting the two public hearings for November 29, 2012 and December 6, 2012 was approved by the City Council on October 18, 2012. The first reading of the Ordinance is scheduled for January 3, 2012 and the second reading of the Ordinance is scheduled for January 17, 2012. This is an involuntary annexation whereas the property is to be annexed involuntarily into the city limits. Per State Law those properties with agricultural or wildlife exemptions have been offered Development Agreements to allow continuation of the extraterritorial jurisdiction status until such time the status of the land changes. A Municipal Services Plan was also provided to all affected property owners.

Origination: Development Services Department

Attachments: Resolution
Schedule
Overall location map
Area "E" ownership map
Letter to landowners

Prepared by: Jim Bechtol, Director of Development Services

RESOLUTION NO. 12-024-00

A RESOLUTION OF THE CITY OF LEANDER, TEXAS, COMMENCING THE ANNEXATION OF NINE (9) AREAS OF LAND, INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY; ALL AREAS BEING LOCATED IN WILLIAMSON COUNTY, TEXAS AND ARE ADJACENT AND CONTIGUOUS TO THE CITY LIMITS; AND PROVIDING OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Leander, Texas, (herein the "City") is a Texas home-rule city authorized to annex the properties more particularly described herein (the "subject properties") that are contiguous and adjacent to the corporate limits of the City;

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

WHEREAS, the subject properties are contiguous on at least two sides with the boundaries of the city limits or abut other jurisdictional boundaries, as more particularly shown in the exhibits attached hereto;

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

WHEREAS, after review and consideration of the subject properties, the City Council finds that the subject properties are exempt from the City's annexation plan pursuant to *§43.052 (h)(1)* of the *Tex. Loc. Gov't. Code*;

NOW, THEREFORE, BE IT RESOLVED 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. Proceedings. The annexations of all portions of the following-described subject properties and the abutting streets, roadways and rights-of-way, are hereby commenced:

(1) Area A. All that certain parcel or tract of land containing 10.01 acres, more or less, located in Williamson County, Texas, generally located west of Bagdad Road, south of the Falcon Oaks subdivision, and north of the Leander Public Library and being more particularly described and shown in Exhibit "A" attached hereto.

(2) Area B. All that certain parcel or tract of land containing 363.92 acres, more or less, located in Williamson County, Texas, generally located south of Hero Way, west of Ronald W Reagan Blvd, north of RM 2243, and east

of County Road 269 and being more particularly described and shown in Exhibit "A" attached hereto.

(3) Area C. All that certain parcel or tract of land containing 265.22 acres, more or less, located in Williamson County, Texas, generally located south of RM 2243, west of the Ridgmar Landing subdivision, north of County Road 271, and east of 183A and being more particularly described and shown in Exhibit "A" attached hereto.

(4) Area D. All that certain parcel or tract of land containing 213.40 acres, more or less, located in Williamson County, Texas, generally located west of Sections 2 and 3 of the Cold Springs subdivision, north of Blockhouse Creek, east of 183A, and south of E Crystal Falls Pkwy and being more particularly described and shown in Exhibit "A" attached hereto.

(5) Area E. All that certain parcel or tract of land containing 0.07 acres, more or less, located in Williamson County, Texas, generally located south of the Hazlewood subdivision, west of Ronald W Reagan Blvd, north of Blockhouse Creek, and approximately 1 mile east of 183A and being more particularly described and shown in Exhibit "A" attached hereto.

(6) Area F. All that certain parcel or tract of land containing 22.38 acres, more or less, located in Williamson County, Texas, generally located west of Ronald W Reagan Blvd, approximately 1.25 miles south of E Crystal Falls Pkwy, east of the Lakewood Country Estates subdivision, and approximately 0.4 miles north of County Road 180 and being more particularly described and shown in Exhibit "A" attached hereto.

(7) Area G. All that certain parcel or tract of land containing 115.35 acres, more or less, located in Williamson County, Texas, and generally located south of the Valley View subdivision, east of Ronald W Reagan Blvd, north of County Road 179, and west of County Road 175, and being more particularly described and shown in Exhibit "A" attached hereto.

(8) Area H. All that certain parcel or tract of land containing 268.17 acres, more or less, located in Williamson County, Texas, and generally located south of County Road 179, east of Ronald W Reagan Blvd, approximately 0.4 miles north of County Road 180, and west of County Road 175, and being more particularly described and shown in Exhibit "A" attached hereto.

(9) Area I. All that certain parcel or tract of land containing 30.79 acres, more or less, located in Williamson County, Texas, and generally located south of County Road 179, approximately 1 mile east of Ronald W Reagan Blvd, approximately 500 feet northwest of Acacia Drive, west of County Road 175, and being more particularly described and shown in Exhibit "A" attached hereto.

Two public hearings are set for the dates of November 29, 2012 and December 6, 2012. Notice of such hearings shall be published in accordance with Chapter 43, Texas Local Government Code, and the hearings shall be open to the public to accept public comment on the annexation request. Notice of the proposed annexation shall be mailed to service providers and to property owners within the subject properties. The City shall offer to make a development agreement with certain subject property owners in accordance with section 43.035 of the Texas Local Government Code. The draft service plan proposed to be applicable for the subject properties is attached as Exhibit "B".

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 18th day of October, 2012.

ATTEST:

Debbie Haile

Debbie Haile, City Secretary

CITY OF LEANDER, TEXAS

Christopher Fielder, Mayor

CITY OF LEANDER INCORPORATED 1978 ESTABLISHED 1882 STATE OF TEXAS

SCHEDULE FOR UNILATERAL ANNEXATIONS 2012

DATE	ACTION/EVENT	LEGAL AUTHORITY
October 18, 2012	**COUNCIL BY WRITTEN RESOLUTION** Directs notification to land owners; and sets two (2) Public Hearings: **November 29, 2012 and December 6, 2012**; 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 Oct. 26, 2012	**NOTICE TO** property owners & utility providers; offer Development Agreement to property owners	Loc. Gov't Code §§ 43.062(a), 43.035
Nov. 14, 2012* Publish notice of First Public Hearing **Nov. 21, 2012*** Publish notice of Second Public Hearings	**NEWSPAPER NOTICES** RE: FIRST AND SECOND PUBLIC HEARINGS; (If applicable 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).
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Nov. 29, 2012*	**1st PUBLIC HEARING** AND PRESENT SERVICE PLAN (Not more than 40 days before the 1st reading of ordinance) *SPECIAL CALLED MEETING*	Not less than 20 days nor more than 40 days before reading of ordinance. Loc. Gov't Code, §§ 43.063(a) & 43.065.
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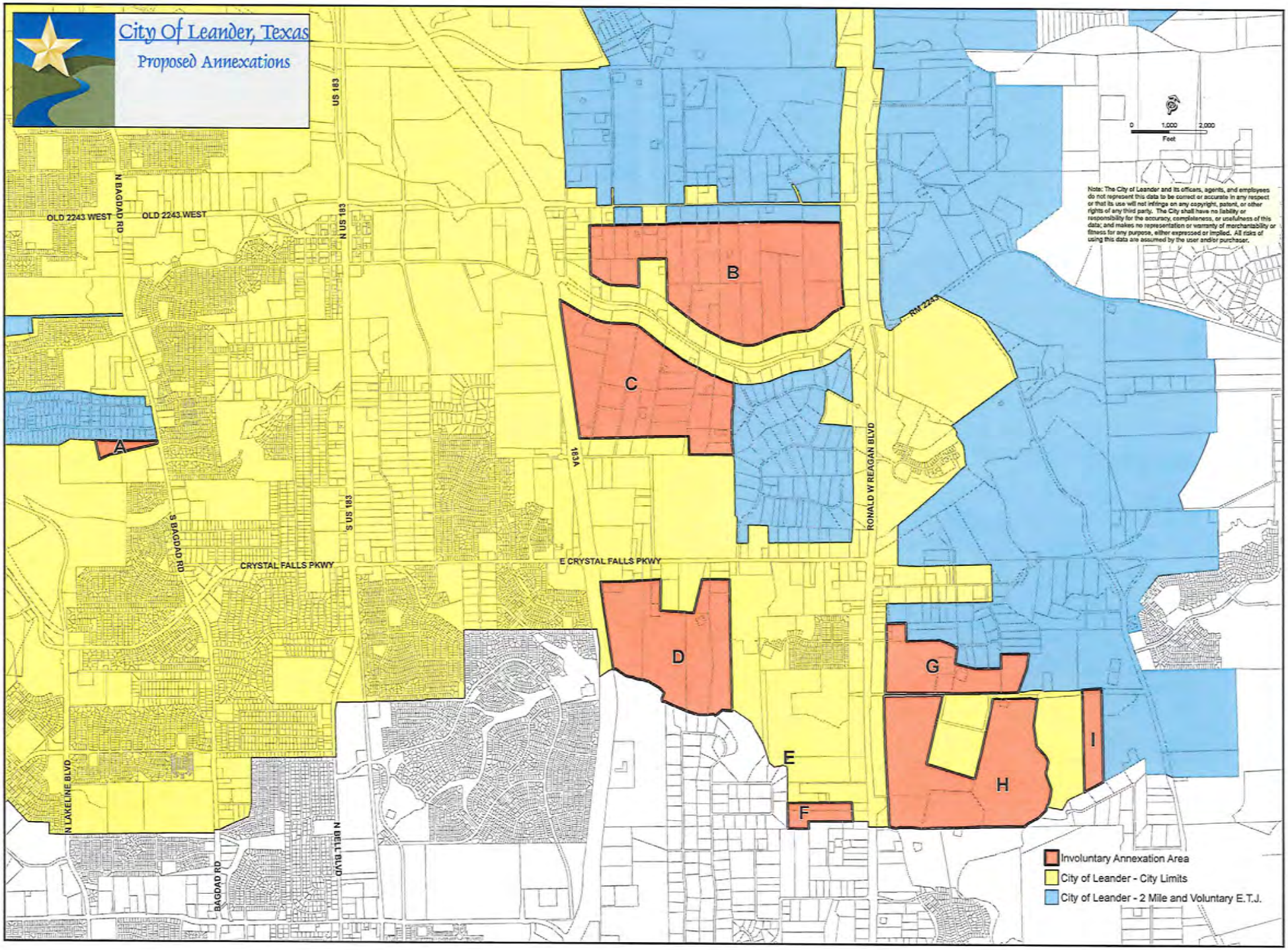
Within 30 days of Second Reading	**CITY SENDS COPY OF MAP** showing boundary changes to County Voter Registrar in a format that is compatible with mapping format used by registrar	Elec. Code §42.0615
Upon receipt of DOJ Preclearance or 60 days after DOJ's receives submission	**IMPLEMENT ANNEXATION** 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.**


City Of Leander, Texas
Proposed Annexations
US 183
N US 183
S US 183
N BAGDAD RD
S BAGDAD RD
OLD 2243 WEST
OLD 2243 WEST
CRYSTAL FALLS PKWY
E CRYSTAL FALLS PKWY
183A
RONALD W REAGAN BLVD
RM 2243
N LAKELINE BLVD
BAGDAD RD
N BELL BLVD
A
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C
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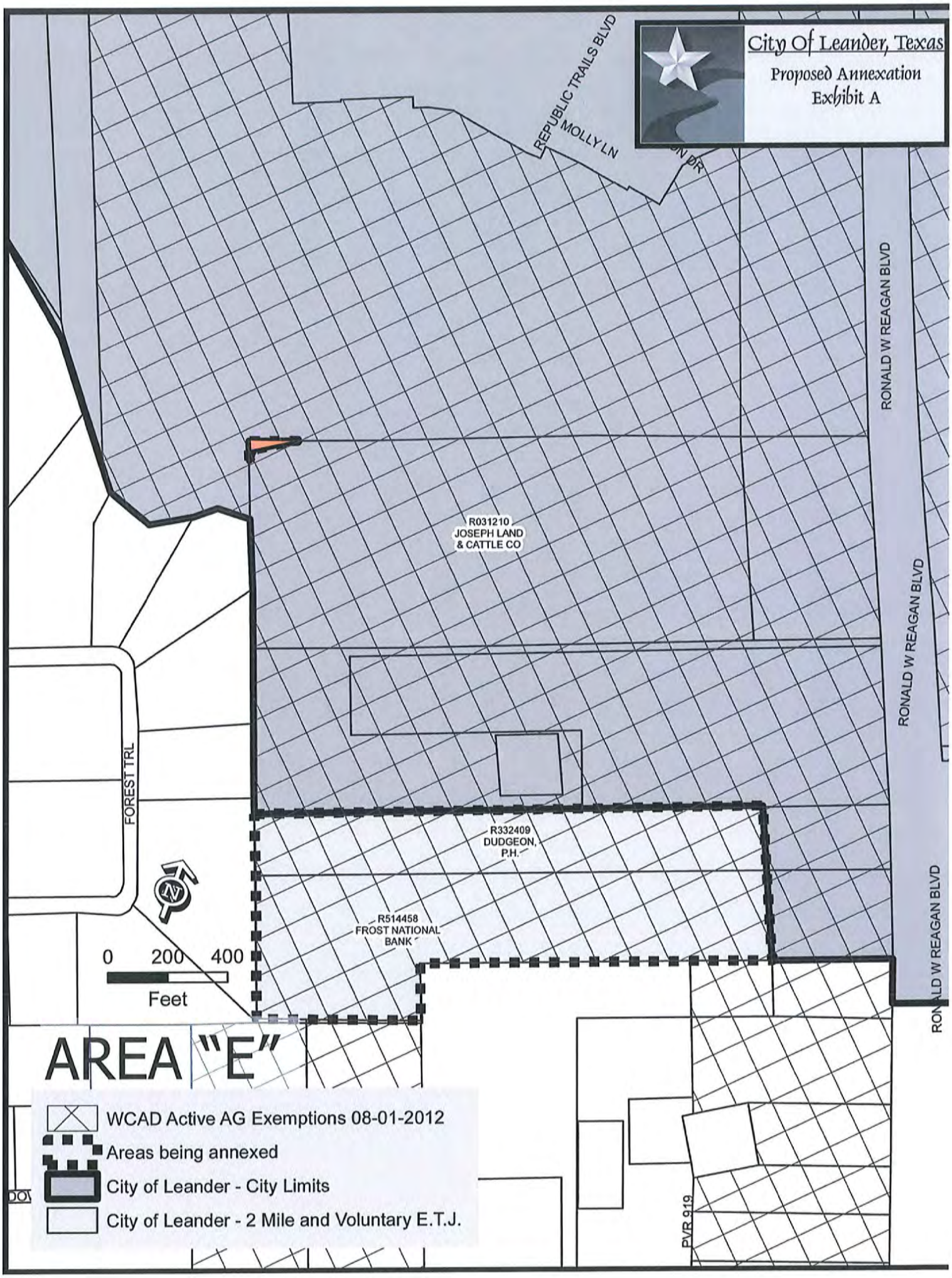
Involuntary Annexation Area
City of Leander - City Limits
City of Leander - 2 Mile and Voluntary E.T.J.


City Of Leander, Texas
Proposed Annexation
Exhibit A
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RONALD W REAGAN BLVD
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R031210
JOSEPH LAND
& CATTLE CO
FOREST TRL
R332409
DUDGEON,
P.H.
R514458
FROST NATIONAL
BANK
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Feet
AREA "E"
WCAD Active AG Exemptions 08-01-2012
Areas being annexed
City of Leander - City Limits
City of Leander - 2 Mile and Voluntary E.T.J.
PVR 919

October 26, 2012

[Name]
[Address]

RE: Proposed Annexation

Dear Property Owner:

As you may already be aware, the City of Leander recently initiated the formal legislative process to expand its corporate boundaries by annexing parcels of land encompassing approximately 1289.31 acres, more or less, of land adjacent and contiguous to Leander's current city limits by involuntary annexation. The parcels are more particularly described in the descriptions and maps that are enclosed. You have been identified as an owner of record of property that will be affected by this annexation and will soon become part of the City of Leander. I am writing you today to be sure that you are properly informed of this fact and to briefly discuss some pertinent issues in this regard.

The Leander City Council has identified the need to create consistency and unity in regulation of future land use, platting and the provisions of municipal services as it relates to our growing and changing community. As a result, the City Council has initiated proceedings to close gaps in the city limits and make the city limits more uniform by annexing properties that are surrounded by the city limits or are bounded by the city limits on at least two sides.

The City Council has expressed a strong desire to protect and defend the interests of property owners – and to effectively manage growth and development in the areas commonly recognized as part of the Leander community. The application of City zoning, building, and land development regulations to any neighboring properties that are annexed as part of this process will, over the long term, help protect your property values. Most importantly, the annexation of holes or gaps in the City limits will provide uniformity in the provision of public safety services such as police, fire and EMS.

As a property owner, one issue that obviously comes to mind with an annexation is taxes. By becoming part of the City of Leander, your property will be annually assessed city property taxes. If you have an agricultural exemption, the exemption will not be affected. The City's proposed property tax rate for 2012-13 is $0.67042 per $100 valuation. However, your property will not be assessed City property taxes during 2013 as it will not be added to the tax rolls until January 1, 2014.

City services will be provided to your property in accordance with a *Municipal Services Plan* that will be formally adopted by City Council as part of this process. Included with this correspondence is a copy of a proposed *Municipal Services Plan* for your review.

If your land is appraised for ad valorem tax purposes as land for agricultural or wildlife management use under Subchapter C or D, Chapter 23, Tax Code, or as timber land under Subchapter E, Chapter 23, Tax Code, you are eligible to negotiate and enter a development agreement with the City (sample enclosed). Such an agreement provides for the continuation of the extraterritorial jurisdiction status of your land so long as the use of your land that entitles you to enter the agreement does not change. Should the use of your land change to a use other than agricultural, wildlife management or timber land, the agreement would automatically terminate and the land would be annexed into the City at such time, regardless of how the land is appraised for ad valorem tax purposes. Entering an agreement will authorize the enforcement of all regulations and planning authority of the City that do not interfere with the use of your land for agriculture, wildlife management, or timber land. Such regulations include building codes, nuisance regulations, animal control, and general health and sanitation regulations. If your property qualifies and you are interested in entering an agreement, please notify us at your earliest convenience. Acceptance of an agreement must be accomplished within thirty (30) days of the date this letter. Failure to notify the City will result in our understanding that the agreement has been declined.

Upon annexation, the land will be zoned to the "SFR-1-B" zoning district. Please note that this zoning designation allows for agricultural uses, including farming, ranching, pasturage and hunting. Such uses in existence at the time of annexation will be allowed to continue upon annexation. In addition, the *Municipal Services Plan* recognizes that the current uses of the property are grandfathered to the extent provided by state law.

To allow for public comment, questions, and general input on the annexation as proposed, the City Council has scheduled two (2) public hearings on this issue. The first public hearing will be held on **Thursday, November 29, 2012, at 7:00 PM** at a special called City Council meeting. The second will be held on **Thursday, December 6, 2012, at 7:00 PM**. Both public hearings will be held at the City Council Chambers, City Hall, 200 W. Willis, Leander, Texas. All interested parties are encouraged to attend and offer comment.

It is important that you have all the facts relating to these pending annexations and its potential impact on your property. I encourage you to contact our office to speak to staff with any questions or comments. Please contact me at (512) 528-2708.

Respectfully,

Jim Bechtol
Director of Development Services

Executive Summary

November 29, 2012

Council Agenda Subject: First Public Hearing on the unilateral annexation of an area consisting of 22.38 acres, more or less, located in Williamson County, Texas, generally located west of Ronald W Reagan Blvd, 1-1/4 miles south of E Crystal Falls Pkwy, east of the Lakewood Country Estates Subdivision, and 4/10 of a mile north of County Road 180 (Area F).

Background: The Resolution setting the two public hearings for November 29, 2012 and December 6, 2012 was approved by the City Council on October 18, 2012. The first reading of the Ordinance is scheduled for January 3, 2012 and the second reading of the Ordinance is scheduled for January 17, 2012. This is an involuntary annexation whereas the property is to be annexed involuntarily into the city limits. Per State Law those properties with agricultural or wildlife exemptions have been offered Development Agreements to allow continuation of the extraterritorial jurisdiction status until such time the status of the land changes. A Municipal Services Plan was also provided to all affected property owners.

Origination: Development Services Department

Attachments: Resolution

Schedule

Overall location map

Area "F" ownership map

Letter to landowners

Prepared by: Jim Bechtol, Director of Development Services

RESOLUTION NO. 12-024-00

A RESOLUTION OF THE CITY OF LEANDER, TEXAS, COMMENCING THE ANNEXATION OF NINE (9) AREAS OF LAND, INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY; ALL AREAS BEING LOCATED IN WILLIAMSON COUNTY, TEXAS AND ARE ADJACENT AND CONTIGUOUS TO THE CITY LIMITS; AND PROVIDING OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Leander, Texas, (herein the "City") is a Texas home-rule city authorized to annex the properties more particularly described herein (the "subject properties") that are contiguous and adjacent to the corporate limits of the City;

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

WHEREAS, the subject properties are contiguous on at least two sides with the boundaries of the city limits or abut other jurisdictional boundaries, as more particularly shown in the exhibits attached hereto;

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

WHEREAS, after review and consideration of the subject properties, the City Council finds that the subject properties are exempt from the City's annexation plan pursuant to *§43.052 (h)(1)* of the *Tex. Loc. Gov't. Code*;

NOW, THEREFORE, BE IT RESOLVED 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. Proceedings. The annexations of all portions of the following-described subject properties and the abutting streets, roadways and rights-of-way, are hereby commenced:

(1) Area A. All that certain parcel or tract of land containing 10.01 acres, more or less, located in Williamson County, Texas, generally located west of Bagdad Road, south of the Falcon Oaks subdivision, and north of the Leander Public Library and being more particularly described and shown in Exhibit "A" attached hereto.

(2) Area B. All that certain parcel or tract of land containing 363.92 acres, more or less, located in Williamson County, Texas, generally located south of Hero Way, west of Ronald W Reagan Blvd, north of RM 2243, and east

of County Road 269 and being more particularly described and shown in Exhibit "A" attached hereto.

(3) Area C. All that certain parcel or tract of land containing 265.22 acres, more or less, located in Williamson County, Texas, generally located south of RM 2243, west of the Ridgmar Landing subdivision, north of County Road 271, and east of 183A and being more particularly described and shown in Exhibit "A" attached hereto.

(4) Area D. All that certain parcel or tract of land containing 213.40 acres, more or less, located in Williamson County, Texas, generally located west of Sections 2 and 3 of the Cold Springs subdivision, north of Blockhouse Creek, east of 183A, and south of E Crystal Falls Pkwy and being more particularly described and shown in Exhibit "A" attached hereto.

(5) Area E. All that certain parcel or tract of land containing 0.07 acres, more or less, located in Williamson County, Texas, generally located south of the Hazlewood subdivision, west of Ronald W Reagan Blvd, north of Blockhouse Creek, and approximately 1 mile east of 183A and being more particularly described and shown in Exhibit "A" attached hereto.

(6) Area F. All that certain parcel or tract of land containing 22.38 acres, more or less, located in Williamson County, Texas, generally located west of Ronald W Reagan Blvd, approximately 1.25 miles south of E Crystal Falls Pkwy, east of the Lakewood Country Estates subdivision, and approximately 0.4 miles north of County Road 180 and being more particularly described and shown in Exhibit "A" attached hereto.

(7) Area G. All that certain parcel or tract of land containing 115.35 acres, more or less, located in Williamson County, Texas, and generally located south of the Valley View subdivision, east of Ronald W Reagan Blvd, north of County Road 179, and west of County Road 175, and being more particularly described and shown in Exhibit "A" attached hereto.

(8) Area H. All that certain parcel or tract of land containing 268.17 acres, more or less, located in Williamson County, Texas, and generally located south of County Road 179, east of Ronald W Reagan Blvd, approximately 0.4 miles north of County Road 180, and west of County Road 175, and being more particularly described and shown in Exhibit "A" attached hereto.

(9) Area I. All that certain parcel or tract of land containing 30.79 acres, more or less, located in Williamson County, Texas, and generally located south of County Road 179, approximately 1 mile east of Ronald W Reagan Blvd, approximately 500 feet northwest of Acacia Drive, west of County Road 175, and being more particularly described and shown in Exhibit "A" attached hereto.

Two public hearings are set for the dates of November 29, 2012 and December 6, 2012. Notice of such hearings shall be published in accordance with Chapter 43, Texas Local Government Code, and the hearings shall be open to the public to accept public comment on the annexation request. Notice of the proposed annexation shall be mailed to service providers and to property owners within the subject properties. The City shall offer to make a development agreement with certain subject property owners in accordance with section 43.035 of the Texas Local Government Code. The draft service plan proposed to be applicable for the subject properties is attached as Exhibit "B".

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 18th day of October, 2012.

ATTEST:

Debbie Haile

Debbie Haile, City Secretary

CITY OF LEANDER, TEXAS

Christopher Fielder, Mayor

CITY OF LEANDER
INCORPORATED 1874
ESTABLISHED 1887
STATE OF TEXAS

SCHEDULE FOR UNILATERAL ANNEXATIONS 2012

DATE	ACTION/EVENT	LEGAL AUTHORITY
October 18, 2012	**COUNCIL BY WRITTEN RESOLUTION** Directs notification to land owners; and sets two (2) Public Hearings: **November 29, 2012 and December 6, 2012**; 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 Oct. 26, 2012	**NOTICE TO** property owners & utility providers; offer Development Agreement to property owners	Loc. Gov't Code §§ 43.062(a), 43.035
Nov. 14, 2012* Publish notice of First Public Hearing **Nov. 21, 2012*** Publish notice of Second Public Hearings	**NEWSPAPER NOTICES** RE: FIRST AND SECOND PUBLIC HEARINGS; (If applicable 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).
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Institution Date **January 3, 2013***	**FIRST READING** OF ORDINANCE *REGULAR 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.
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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
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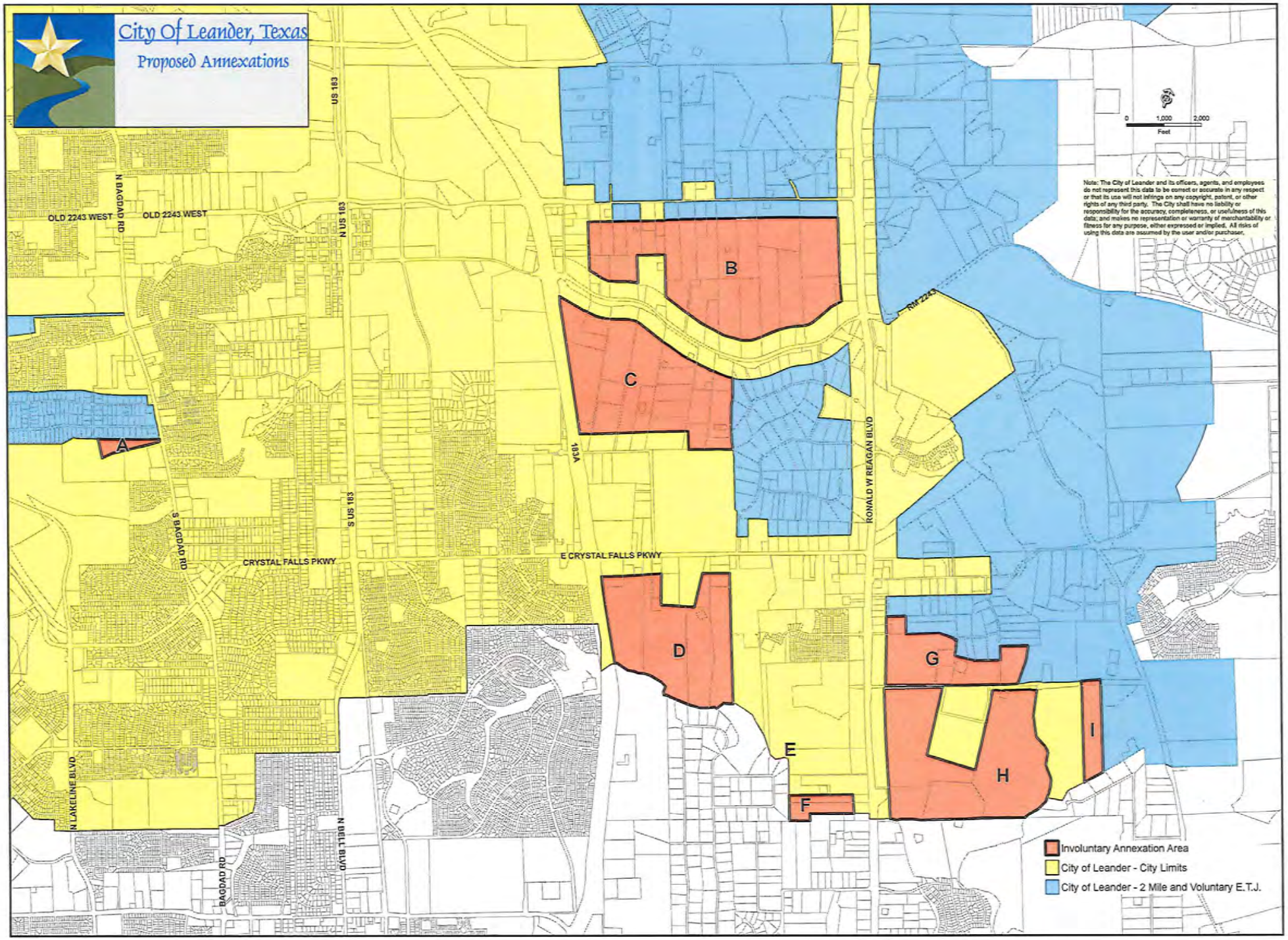
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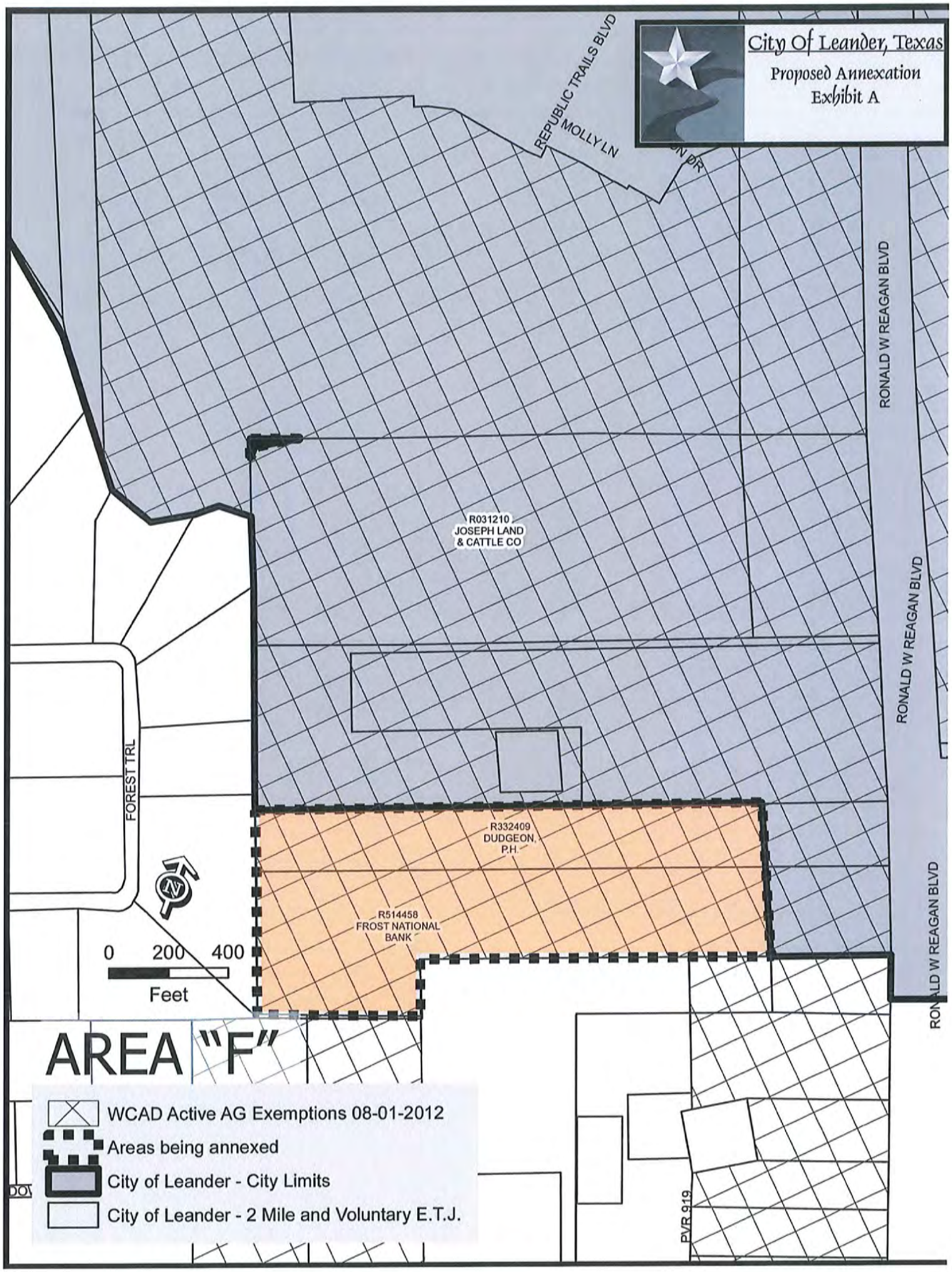
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AREA "F"
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Areas being annexed
City of Leander - City Limits
City of Leander - 2 Mile and Voluntary E.T.J.
PVR 919

October 26, 2012

[Name]
[Address]

RE: Proposed Annexation

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Respectfully,

Jim Bechtol
Director of Development Services

Executive Summary

November 29, 2012

Council Agenda Subject: First Public Hearing on the unilateral annexation of an area consisting of 97.94 acres, more or less, located in Williamson County, Texas, and generally located south of the Valley View subdivision, east of Ronald W Reagan Blvd, north of County Road 179, and west of County Road 175, including the abutting streets, roads, and rights-of-way. (Area G).

Background: The Resolution setting the two public hearings for November 29, 2012 and December 6, 2012 was approved by the City Council on October 18, 2012. The first reading of the Ordinance is scheduled for January 3, 2012 and the second reading of the Ordinance is scheduled for January 17, 2012. This is an involuntary annexation whereas the property is to be annexed involuntarily into the city limits. Per State Law those properties with agricultural or wildlife exemptions have been offered Development Agreements to allow continuation of the extraterritorial jurisdiction status until such time the status of the land changes. A Municipal Services Plan was also provided to all affected property owners.

Origination: Development Services Department

Attachments: Resolution

Schedule

Overall location map

Area "G" ownership map

Letter to landowners

Prepared by: Jim Bechtol, Director of Development Services

RESOLUTION NO. 12-024-00

A RESOLUTION OF THE CITY OF LEANDER, TEXAS, COMMENCING THE ANNEXATION OF NINE (9) AREAS OF LAND, INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY; ALL AREAS BEING LOCATED IN WILLIAMSON COUNTY, TEXAS AND ARE ADJACENT AND CONTIGUOUS TO THE CITY LIMITS; AND PROVIDING OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Leander, Texas, (herein the "City") is a Texas home-rule city authorized to annex the properties more particularly described herein (the "subject properties") that are contiguous and adjacent to the corporate limits of the City;

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

WHEREAS, the subject properties are contiguous on at least two sides with the boundaries of the city limits or abut other jurisdictional boundaries, as more particularly shown in the exhibits attached hereto;

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

WHEREAS, after review and consideration of the subject properties, the City Council finds that the subject properties are exempt from the City's annexation plan pursuant to *§43.052 (h)(1)* of the *Tex. Loc. Gov't. Code*;

NOW, THEREFORE, BE IT RESOLVED 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. Proceedings. The annexations of all portions of the following-described subject properties and the abutting streets, roadways and rights-of-way, are hereby commenced:

(1) Area A. All that certain parcel or tract of land containing 10.01 acres, more or less, located in Williamson County, Texas, generally located west of Bagdad Road, south of the Falcon Oaks subdivision, and north of the Leander Public Library and being more particularly described and shown in Exhibit "A" attached hereto.

(2) Area B. All that certain parcel or tract of land containing 363.92 acres, more or less, located in Williamson County, Texas, generally located south of Hero Way, west of Ronald W Reagan Blvd, north of RM 2243, and east

of County Road 269 and being more particularly described and shown in Exhibit "A" attached hereto.

(3) Area C. All that certain parcel or tract of land containing 265.22 acres, more or less, located in Williamson County, Texas, generally located south of RM 2243, west of the Ridgmar Landing subdivision, north of County Road 271, and east of 183A and being more particularly described and shown in Exhibit "A" attached hereto.

(4) Area D. All that certain parcel or tract of land containing 213.40 acres, more or less, located in Williamson County, Texas, generally located west of Sections 2 and 3 of the Cold Springs subdivision, north of Blockhouse Creek, east of 183A, and south of E Crystal Falls Pkwy and being more particularly described and shown in Exhibit "A" attached hereto.

(5) Area E. All that certain parcel or tract of land containing 0.07 acres, more or less, located in Williamson County, Texas, generally located south of the Hazlewood subdivision, west of Ronald W Reagan Blvd, north of Blockhouse Creek, and approximately 1 mile east of 183A and being more particularly described and shown in Exhibit "A" attached hereto.

(6) Area F. All that certain parcel or tract of land containing 22.38 acres, more or less, located in Williamson County, Texas, generally located west of Ronald W Reagan Blvd, approximately 1.25 miles south of E Crystal Falls Pkwy, east of the Lakewood Country Estates subdivision, and approximately 0.4 miles north of County Road 180 and being more particularly described and shown in Exhibit "A" attached hereto.

(7) Area G. All that certain parcel or tract of land containing 115.35 acres, more or less, located in Williamson County, Texas, and generally located south of the Valley View subdivision, east of Ronald W Reagan Blvd, north of County Road 179, and west of County Road 175, and being more particularly described and shown in Exhibit "A" attached hereto.

(8) Area H. All that certain parcel or tract of land containing 268.17 acres, more or less, located in Williamson County, Texas, and generally located south of County Road 179, east of Ronald W Reagan Blvd, approximately 0.4 miles north of County Road 180, and west of County Road 175, and being more particularly described and shown in Exhibit "A" attached hereto.

(9) Area I. All that certain parcel or tract of land containing 30.79 acres, more or less, located in Williamson County, Texas, and generally located south of County Road 179, approximately 1 mile east of Ronald W Reagan Blvd, approximately 500 feet northwest of Acacia Drive, west of County Road 175, and being more particularly described and shown in Exhibit "A" attached hereto.

Two public hearings are set for the dates of November 29, 2012 and December 6, 2012. Notice of such hearings shall be published in accordance with Chapter 43, Texas Local Government Code, and the hearings shall be open to the public to accept public comment on the annexation request. Notice of the proposed annexation shall be mailed to service providers and to property owners within the subject properties. The City shall offer to make a development agreement with certain subject property owners in accordance with section 43.035 of the Texas Local Government Code. The draft service plan proposed to be applicable for the subject properties is attached as Exhibit "B".

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 18th day of October, 2012.

ATTEST:

Debbie Haile

Debbie Haile, City Secretary

CITY OF LEANDER, TEXAS

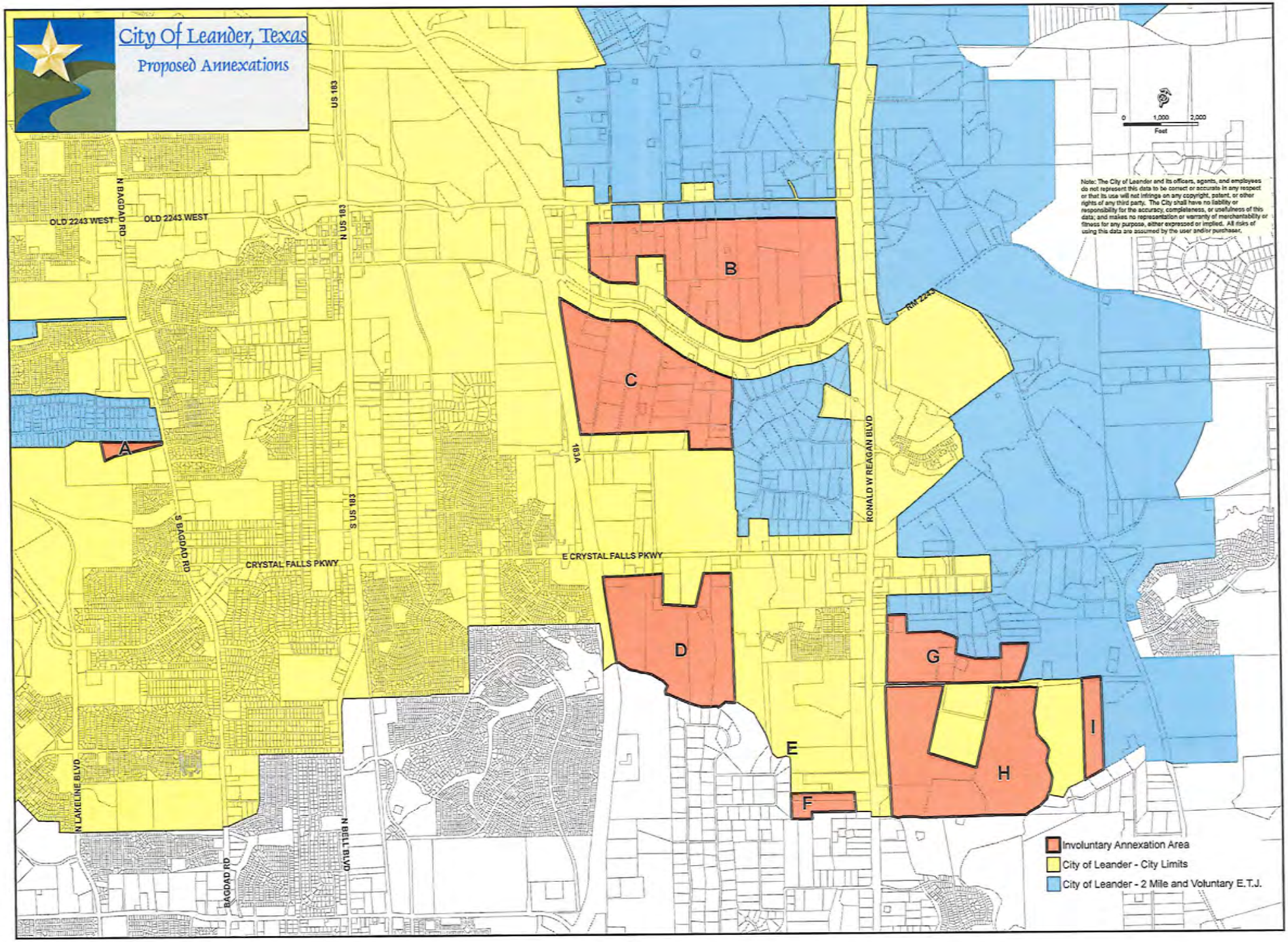
Christopher Fielder, Mayor

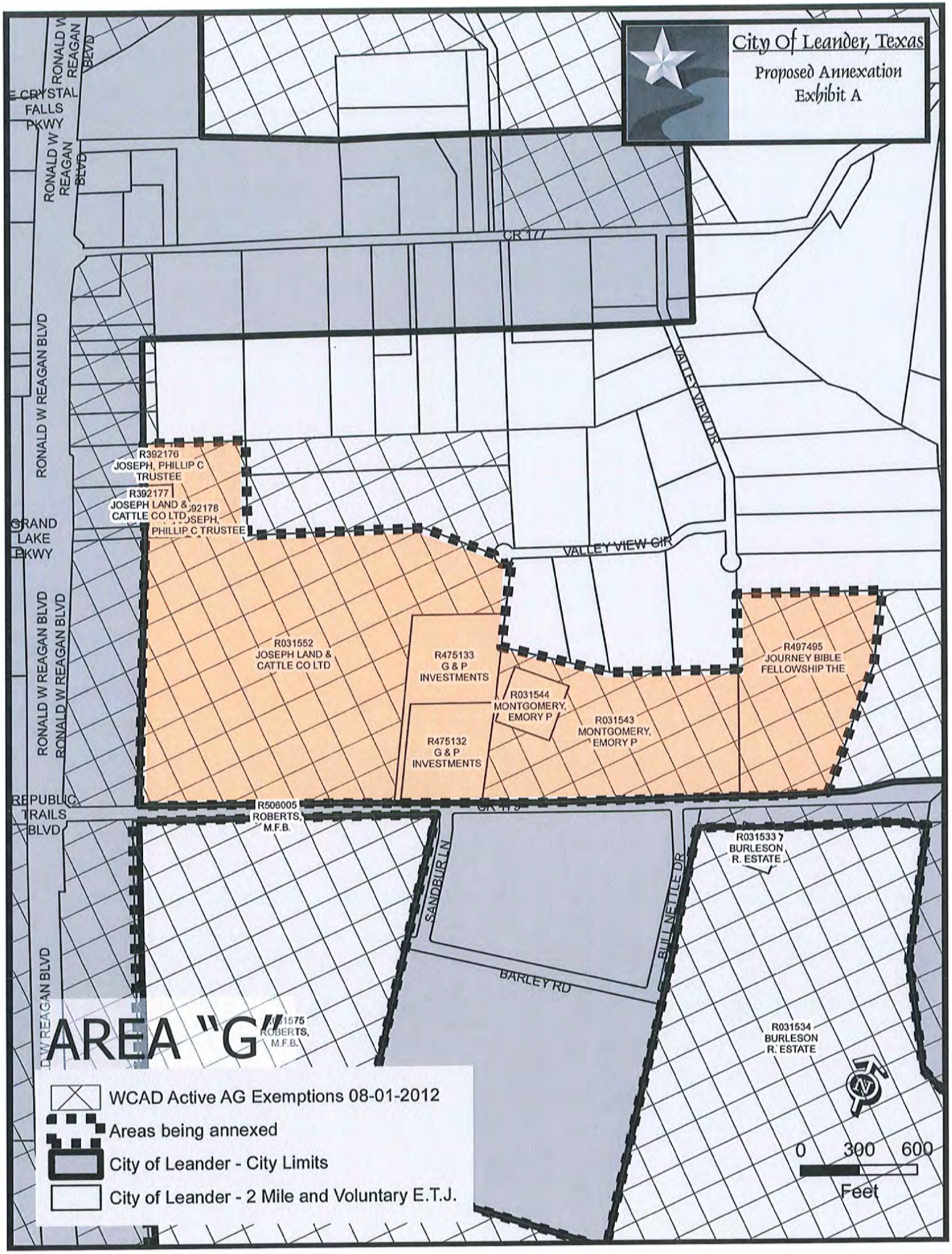
CITY OF LEANDER INCORPORATED 1979 ESTABLISHED 1882 STATE OF TEXAS

SCHEDULE FOR UNILATERAL ANNEXATIONS 2012

DATE	ACTION/EVENT	LEGAL AUTHORITY
October 18, 2012	**COUNCIL BY WRITTEN RESOLUTION** Directs notification to land owners; and sets two (2) Public Hearings: **November 29, 2012 and December 6, 2012**; 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 Oct. 26, 2012	**NOTICE TO** property owners & utility providers; offer Development Agreement to property owners	Loc. Gov't Code §§ 43.062(a), 43.035
Nov. 14, 2012* Publish notice of First Public Hearing **Nov. 21, 2012*** Publish notice of Second Public Hearings	**NEWSPAPER NOTICES** RE: FIRST AND SECOND PUBLIC HEARINGS; (If applicable 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)
Nov. 29, 2012*	**1st PUBLIC HEARING** AND PRESENT SERVICE PLAN (Not more than 40 days before the 1st reading of ordinance) *SPECIAL CALLED MEETING*	Not less than 20 days nor more than 40 days before reading of ordinance. Loc. Gov't Code, §§ 43.063(a) & 43.065.
December 6, 2012*	**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 **January 3, 2013***	**FIRST READING** OF ORDINANCE *REGULAR 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.
January 17, 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.
January 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.**


City Of Leander, Texas
Proposed Annexations
US 183
N US 183
S US 183
N BAGDAD RD
S BAGDAD RD
BAGDAD RD
OLD 2243 WEST
OLD 2243 WEST
CRYSTAL FALLS PKWY
E CRYSTAL FALLS PKWY
183A
RONALD W REAGAN BLVD
RM 2243
N LAKELINE BLVD
N BELL BLVD
A
B
C
D
E
F
G
H
I
0 1,000 2,000
Feet
Note: The City of Leander and its officers, agents, and employees do not represent this data to be correct or accurate in any respect or that its use will not infringe on any copyright, patent, or other rights of any third party. The City shall have no liability or responsibility for the accuracy, completeness, or usefulness of this data; and makes no representation or warranty of merchantability or fitness for any purpose, either expressed or implied. All risks of using this data are assumed by the user and/or purchaser.
Involuntary Annexation Area
City of Leander - City Limits
City of Leander - 2 Mile and Voluntary E.T.J.


City Of Leander, Texas
Proposed Annexation
Exhibit A
RONALD W REAGAN BLVD
E CRYSTAL FALLS PKWY
CR 177
VALLEY VIEW DR
VALLEY VIEW CIR
R392176
JOSEPH, PHILLIP C
TRUSTEE
R392177
JOSEPH LAND &
CATTLE CO LTD
R392178
JOSEPH,
PHILLIP C TRUSTEE
GRAND LAKE PKWY
R031552
JOSEPH LAND &
CATTLE CO LTD
R475133
G & P
INVESTMENTS
R031544
MONTGOMERY,
EMORY P
R031543
MONTGOMERY,
EMORY P
R475132
G & P
INVESTMENTS
R497495
JOURNEY BIBLE
FELLOWSHIP THE
REPUBLIC TRAILS BLVD
R506005
ROBERTS,
M.F.B.
SANDBUR LN
BULLNETTLE DR
BARLEY RD
R031533
BURLESON
R. ESTATE
R031534
BURLESON
R. ESTATE
AREA "G"
WCAD Active AG Exemptions 08-01-2012
Areas being annexed
City of Leander - City Limits
City of Leander - 2 Mile and Voluntary E.T.J.
0 300 600
Feet

October 26, 2012

[Name]
[Address]

RE: Proposed Annexation

Dear Property Owner:

As you may already be aware, the City of Leander recently initiated the formal legislative process to expand its corporate boundaries by annexing parcels of land encompassing approximately 1289.31 acres, more or less, of land adjacent and contiguous to Leander's current city limits by involuntary annexation. The parcels are more particularly described in the descriptions and maps that are enclosed. You have been identified as an owner of record of property that will be affected by this annexation and will soon become part of the City of Leander. I am writing you today to be sure that you are properly informed of this fact and to briefly discuss some pertinent issues in this regard.

The Leander City Council has identified the need to create consistency and unity in regulation of future land use, platting and the provisions of municipal services as it relates to our growing and changing community. As a result, the City Council has initiated proceedings to close gaps in the city limits and make the city limits more uniform by annexing properties that are surrounded by the city limits or are bounded by the city limits on at least two sides.

The City Council has expressed a strong desire to protect and defend the interests of property owners – and to effectively manage growth and development in the areas commonly recognized as part of the Leander community. The application of City zoning, building, and land development regulations to any neighboring properties that are annexed as part of this process will, over the long term, help protect your property values. Most importantly, the annexation of holes or gaps in the City limits will provide uniformity in the provision of public safety services such as police, fire and EMS.

As a property owner, one issue that obviously comes to mind with an annexation is taxes. By becoming part of the City of Leander, your property will be annually assessed city property taxes. If you have an agricultural exemption, the exemption will not be affected. The City's proposed property tax rate for 2012-13 is $0.67042 per $100 valuation. However, your property will not be assessed City property taxes during 2013 as it will not be added to the tax rolls until January 1, 2014.

City services will be provided to your property in accordance with a *Municipal Services Plan* that will be formally adopted by City Council as part of this process. Included with this correspondence is a copy of a proposed *Municipal Services Plan* for your review.

If your land is appraised for ad valorem tax purposes as land for agricultural or wildlife management use under Subchapter C or D, Chapter 23, Tax Code, or as timber land under Subchapter E, Chapter 23, Tax Code, you are eligible to negotiate and enter a development agreement with the City (sample enclosed). Such an agreement provides for the continuation of the extraterritorial jurisdiction status of your land so long as the use of your land that entitles you to enter the agreement does not change. Should the use of your land change to a use other than agricultural, wildlife management or timber land, the agreement would automatically terminate and the land would be annexed into the City at such time, regardless of how the land is appraised for ad valorem tax purposes. Entering an agreement will authorize the enforcement of all regulations and planning authority of the City that do not interfere with the use of your land for agriculture, wildlife management, or timber land. Such regulations include building codes, nuisance regulations, animal control, and general health and sanitation regulations. If your property qualifies and you are interested in entering an agreement, please notify us at your earliest convenience. Acceptance of an agreement must be accomplished within thirty (30) days of the date this letter. Failure to notify the City will result in our understanding that the agreement has been declined.

Upon annexation, the land will be zoned to the "SFR-1-B" zoning district. Please note that this zoning designation allows for agricultural uses, including farming, ranching, pasturage and hunting. Such uses in existence at the time of annexation will be allowed to continue upon annexation. In addition, the *Municipal Services Plan* recognizes that the current uses of the property are grandfathered to the extent provided by state law.

To allow for public comment, questions, and general input on the annexation as proposed, the City Council has scheduled two (2) public hearings on this issue. The first public hearing will be held on **Thursday, November 29, 2012, at 7:00 PM** at a special called City Council meeting. The second will be held on **Thursday, December 6, 2012, at 7:00 PM**. Both public hearings will be held at the City Council Chambers, City Hall, 200 W. Willis, Leander, Texas. All interested parties are encouraged to attend and offer comment.

It is important that you have all the facts relating to these pending annexations and its potential impact on your property. I encourage you to contact our office to speak to staff with any questions or comments. Please contact me at (512) 528-2708.

Respectfully,

Jim Bechtol
Director of Development Services

Executive Summary

November 29, 2012

Council Agenda Subject: First Public Hearing on the unilateral annexation of an area consisting of 268.17 acres, more or less, located in Williamson County, Texas, and generally located south of County Road 179, east of Ronald W Reagan Blvd, approximately 0.4 miles north of County Road 180, and west of County Road 175, including the abutting streets, roads, and rights-of-way. (Area H).

Background: The Resolution setting the two public hearings for November 29, 2012 and December 6, 2012 was approved by the City Council on October 18, 2012. The first reading of the Ordinance is scheduled for January 3, 2012 and the second reading of the Ordinance is scheduled for January 17, 2012. This is an involuntary annexation whereas the property is to be annexed involuntarily into the city limits. Per State Law those properties with agricultural or wildlife exemptions have been offered Development Agreements to allow continuation of the extraterritorial jurisdiction status until such time the status of the land changes. A Municipal Services Plan was also provided to all affected property owners.

Origination: Development Services Department

Attachments: Resolution

Schedule

Overall location map

Area "H" ownership map

Letter to landowners

Prepared by: Jim Bechtol, Director of Development Services

RESOLUTION NO. 12-024-00

A RESOLUTION OF THE CITY OF LEANDER, TEXAS, COMMENCING THE ANNEXATION OF NINE (9) AREAS OF LAND, INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY; ALL AREAS BEING LOCATED IN WILLIAMSON COUNTY, TEXAS AND ARE ADJACENT AND CONTIGUOUS TO THE CITY LIMITS; AND PROVIDING OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Leander, Texas, (herein the "City") is a Texas home-rule city authorized to annex the properties more particularly described herein (the "subject properties") that are contiguous and adjacent to the corporate limits of the City;

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

WHEREAS, the subject properties are contiguous on at least two sides with the boundaries of the city limits or abut other jurisdictional boundaries, as more particularly shown in the exhibits attached hereto;

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

WHEREAS, after review and consideration of the subject properties, the City Council finds that the subject properties are exempt from the City's annexation plan pursuant to *§43.052 (h)(1)* of the *Tex. Loc. Gov't. Code*;

NOW, THEREFORE, BE IT RESOLVED 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. Proceedings. The annexations of all portions of the following-described subject properties and the abutting streets, roadways and rights-of-way, are hereby commenced:

(1) Area A. All that certain parcel or tract of land containing 10.01 acres, more or less, located in Williamson County, Texas, generally located west of Bagdad Road, south of the Falcon Oaks subdivision, and north of the Leander Public Library and being more particularly described and shown in Exhibit "A" attached hereto.

(2) Area B. All that certain parcel or tract of land containing 363.92 acres, more or less, located in Williamson County, Texas, generally located south of Hero Way, west of Ronald W Reagan Blvd, north of RM 2243, and east

of County Road 269 and being more particularly described and shown in Exhibit "A" attached hereto.

(3) Area C. All that certain parcel or tract of land containing 265.22 acres, more or less, located in Williamson County, Texas, generally located south of RM 2243, west of the Ridgmar Landing subdivision, north of County Road 271, and east of 183A and being more particularly described and shown in Exhibit "A" attached hereto.

(4) Area D. All that certain parcel or tract of land containing 213.40 acres, more or less, located in Williamson County, Texas, generally located west of Sections 2 and 3 of the Cold Springs subdivision, north of Blockhouse Creek, east of 183A, and south of E Crystal Falls Pkwy and being more particularly described and shown in Exhibit "A" attached hereto.

(5) Area E. All that certain parcel or tract of land containing 0.07 acres, more or less, located in Williamson County, Texas, generally located south of the Hazlewood subdivision, west of Ronald W Reagan Blvd, north of Blockhouse Creek, and approximately 1 mile east of 183A and being more particularly described and shown in Exhibit "A" attached hereto.

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(8) Area H. All that certain parcel or tract of land containing 268.17 acres, more or less, located in Williamson County, Texas, and generally located south of County Road 179, east of Ronald W Reagan Blvd, approximately 0.4 miles north of County Road 180, and west of County Road 175, and being more particularly described and shown in Exhibit "A" attached hereto.

(9) Area I. All that certain parcel or tract of land containing 30.79 acres, more or less, located in Williamson County, Texas, and generally located south of County Road 179, approximately 1 mile east of Ronald W Reagan Blvd, approximately 500 feet northwest of Acacia Drive, west of County Road 175, and being more particularly described and shown in Exhibit "A" attached hereto.

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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 18th day of October, 2012.

ATTEST:

Debbie Haile

Debbie Haile, City Secretary

CITY OF LEANDER, TEXAS

Christopher Fielder, Mayor

CITY OF LEANDER INCORPORATED 1978 ESTABLISHED 1882 STATE OF TEXAS

SCHEDULE FOR UNILATERAL ANNEXATIONS 2012

DATE	ACTION/EVENT	LEGAL AUTHORITY
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By Oct. 26, 2012	**NOTICE TO** property owners & utility providers; offer Development Agreement to property owners	Loc. Gov't Code §§ 43.062(a), 43.035
Nov. 14, 2012* Publish notice of First Public Hearing **Nov. 21, 2012*** Publish notice of Second Public Hearings	**NEWSPAPER NOTICES** RE: FIRST AND SECOND PUBLIC HEARINGS; (If applicable 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).
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Nov. 29, 2012*	**1st PUBLIC HEARING** AND PRESENT SERVICE PLAN (Not more than 40 days before the 1st reading of ordinance) *SPECIAL CALLED MEETING*	Not less than 20 days nor more than 40 days before reading of ordinance. Loc. Gov't Code, §§ 43.063(a) & 43.065.
December 6, 2012*	**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 **January 3, 2013***	**FIRST READING** OF ORDINANCE *REGULAR 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.
January 17, 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.
January 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	

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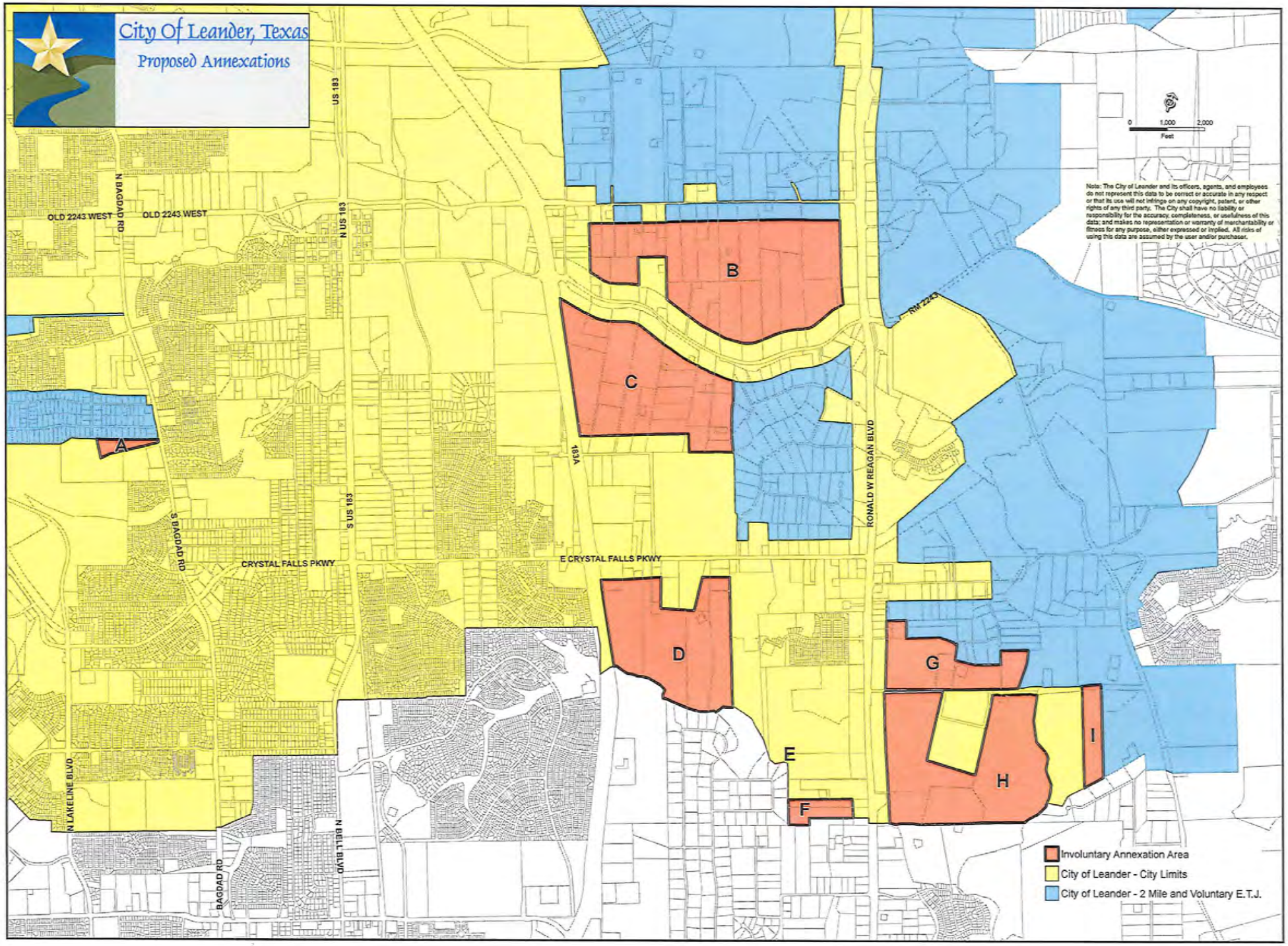
City Of Leander, Texas
Proposed Annexations
US 183
N US 183
S US 183
N BAGDAD RD
OLD 2243 WEST
OLD 2243 WEST
S BAGDAD RD
CRYSTAL FALLS PKWY
E CRYSTAL FALLS PKWY
183A
RONALD W REAGAN BLVD
RM 2243
N LAKELINE BLVD
BAGDAD RD
N BELL BLVD
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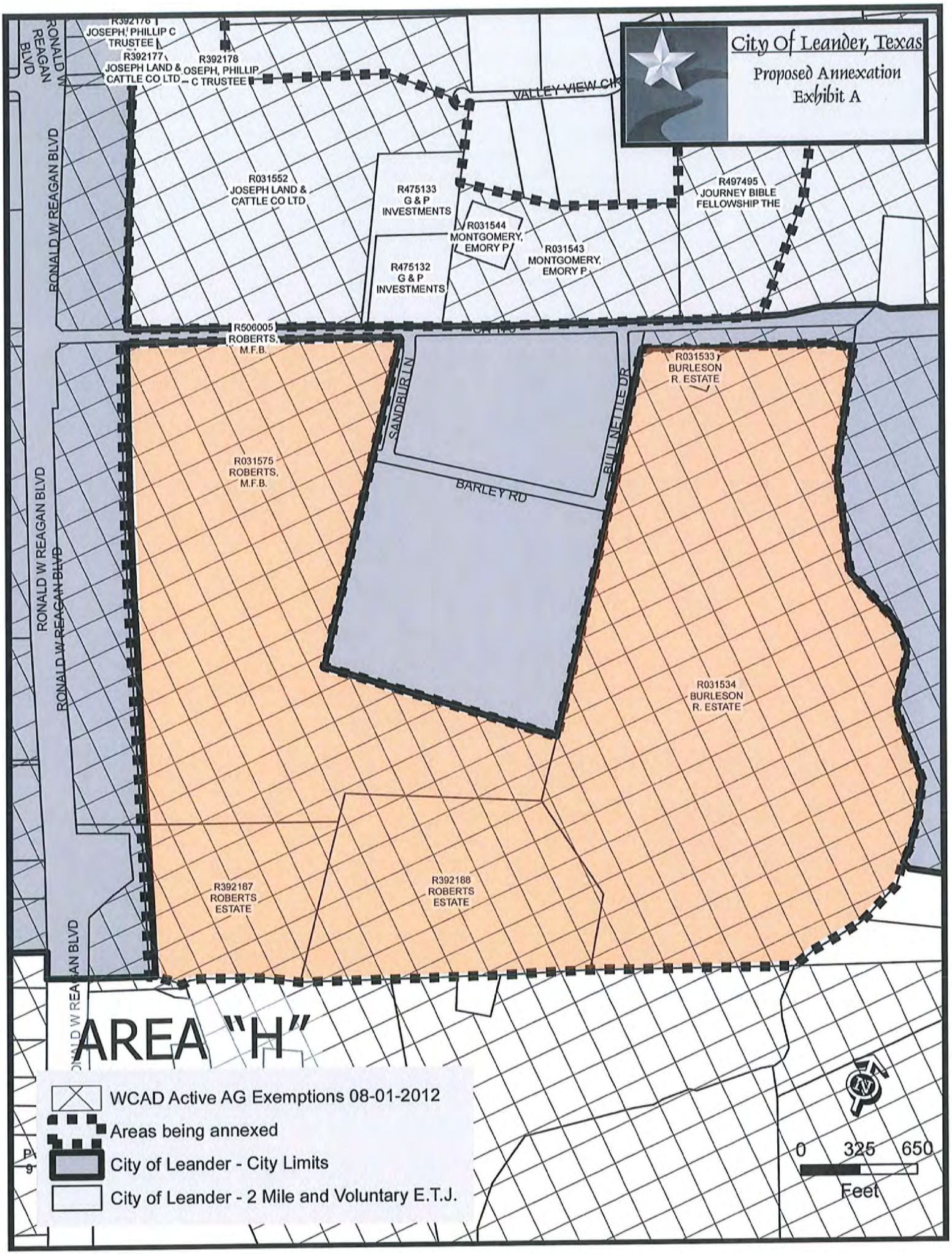
Involuntary Annexation Area
City of Leander - City Limits
City of Leander - 2 Mile and Voluntary E.T.J.


City Of Leander, Texas
Proposed Annexation
Exhibit A
R392176
JOSEPH, PHILLIP C
TRUSTEE
R392177
JOSEPH LAND &
CATTLE CO LTD
R392178
OSEPH, PHILLIP
C TRUSTEE
RONALD W REAGAN BLVD
VALLEY VIEW CIR
R031552
JOSEPH LAND &
CATTLE CO LTD
R475133
G & P
INVESTMENTS
R031544
MONTGOMERY,
EMORY P
R031543
MONTGOMERY,
EMORY P
R475132
G & P
INVESTMENTS
R497495
JOURNEY BIBLE
FELLOWSHIP THE
R506005
ROBERTS,
M.F.B.
SANDBUR LN
BULL NETTLE DR
R031533
BURLESON
R. ESTATE
R031575
ROBERTS,
M.F.B.
BARLEY RD
R031534
BURLESON
R. ESTATE
R392187
ROBERTS
ESTATE
R392188
ROBERTS
ESTATE
AREA "H"
WCAD Active AG Exemptions 08-01-2012
Areas being annexed
City of Leander - City Limits
City of Leander - 2 Mile and Voluntary E.T.J.
0
325
650
Feet

October 26, 2012

[Name]
[Address]

RE: Proposed Annexation

Dear Property Owner:

As you may already be aware, the City of Leander recently initiated the formal legislative process to expand its corporate boundaries by annexing parcels of land encompassing approximately 1289.31 acres, more or less, of land adjacent and contiguous to Leander's current city limits by involuntary annexation. The parcels are more particularly described in the descriptions and maps that are enclosed. You have been identified as an owner of record of property that will be affected by this annexation and will soon become part of the City of Leander. I am writing you today to be sure that you are properly informed of this fact and to briefly discuss some pertinent issues in this regard.

The Leander City Council has identified the need to create consistency and unity in regulation of future land use, platting and the provisions of municipal services as it relates to our growing and changing community. As a result, the City Council has initiated proceedings to close gaps in the city limits and make the city limits more uniform by annexing properties that are surrounded by the city limits or are bounded by the city limits on at least two sides.

The City Council has expressed a strong desire to protect and defend the interests of property owners – and to effectively manage growth and development in the areas commonly recognized as part of the Leander community. The application of City zoning, building, and land development regulations to any neighboring properties that are annexed as part of this process will, over the long term, help protect your property values. Most importantly, the annexation of holes or gaps in the City limits will provide uniformity in the provision of public safety services such as police, fire and EMS.

As a property owner, one issue that obviously comes to mind with an annexation is taxes. By becoming part of the City of Leander, your property will be annually assessed city property taxes. If you have an agricultural exemption, the exemption will not be affected. The City's proposed property tax rate for 2012-13 is $0.67042 per $100 valuation. However, your property will not be assessed City property taxes during 2013 as it will not be added to the tax rolls until January 1, 2014.

City services will be provided to your property in accordance with a *Municipal Services Plan* that will be formally adopted by City Council as part of this process. Included with this correspondence is a copy of a proposed *Municipal Services Plan* for your review.

If your land is appraised for ad valorem tax purposes as land for agricultural or wildlife management use under Subchapter C or D, Chapter 23, Tax Code, or as timber land under Subchapter E, Chapter 23, Tax Code, you are eligible to negotiate and enter a development agreement with the City (sample enclosed). Such an agreement provides for the continuation of the extraterritorial jurisdiction status of your land so long as the use of your land that entitles you to enter the agreement does not change. Should the use of your land change to a use other than agricultural, wildlife management or timber land, the agreement would automatically terminate and the land would be annexed into the City at such time, regardless of how the land is appraised for ad valorem tax purposes. Entering an agreement will authorize the enforcement of all regulations and planning authority of the City that do not interfere with the use of your land for agriculture, wildlife management, or timber land. Such regulations include building codes, nuisance regulations, animal control, and general health and sanitation regulations. If your property qualifies and you are interested in entering an agreement, please notify us at your earliest convenience. Acceptance of an agreement must be accomplished within thirty (30) days of the date this letter. Failure to notify the City will result in our understanding that the agreement has been declined.

Upon annexation, the land will be zoned to the "SFR-1-B" zoning district. Please note that this zoning designation allows for agricultural uses, including farming, ranching, pasturage and hunting. Such uses in existence at the time of annexation will be allowed to continue upon annexation. In addition, the *Municipal Services Plan* recognizes that the current uses of the property are grandfathered to the extent provided by state law.

To allow for public comment, questions, and general input on the annexation as proposed, the City Council has scheduled two (2) public hearings on this issue. The first public hearing will be held on **Thursday, November 29, 2012, at 7:00 PM** at a special called City Council meeting. The second will be held on **Thursday, December 6, 2012, at 7:00 PM**. Both public hearings will be held at the City Council Chambers, City Hall, 200 W. Willis, Leander, Texas. All interested parties are encouraged to attend and offer comment.

It is important that you have all the facts relating to these pending annexations and its potential impact on your property. I encourage you to contact our office to speak to staff with any questions or comments. Please contact me at (512) 528-2708.

Respectfully,

Jim Bechtol
Director of Development Services

City of Leander

Executive Summary

November 29, 2012

Council Agenda Subject: First Public Hearing on the unilateral annexation of an area consisting of 30.79 acres, more or less, located in Williamson County, Texas, and generally located south of County Road 179, approximately 1 mile east of Ronald W Reagan Blvd, approximately 500 feet northwest of Acacia Dr, west of County Road 175, and including a portion of County Road 179, including the abutting streets, roads, and rights-of-way. (Area I).

Background: The Resolution setting the two public hearings for November 29, 2012 and December 6, 2012 was approved by the City Council on October 18, 2012. The first reading of the Ordinance is scheduled for January 3, 2012 and the second reading of the Ordinance is scheduled for January 17, 2012. This is an involuntary annexation whereas the property is to be annexed involuntarily into the city limits. Per State Law those properties with agricultural or wildlife exemptions have been offered Development Agreements to allow continuation of the extraterritorial jurisdiction status until such time the status of the land changes. A Municipal Services Plan was also provided to all affected property owners.

Origination: Development Services Department

Attachments: Resolution

Schedule

Overall location map

Area "I" ownership map

Letter to landowners

Prepared by: Jim Bechtol, Director of Development Services

RESOLUTION NO. 12-024-00

A RESOLUTION OF THE CITY OF LEANDER, TEXAS, COMMENCING THE ANNEXATION OF NINE (9) AREAS OF LAND, INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY; ALL AREAS BEING LOCATED IN WILLIAMSON COUNTY, TEXAS AND ARE ADJACENT AND CONTIGUOUS TO THE CITY LIMITS; AND PROVIDING OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Leander, Texas, (herein the "City") is a Texas home-rule city authorized to annex the properties more particularly described herein (the "subject properties") that are contiguous and adjacent to the corporate limits of the City;

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

WHEREAS, the subject properties are contiguous on at least two sides with the boundaries of the city limits or abut other jurisdictional boundaries, as more particularly shown in the exhibits attached hereto;

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

WHEREAS, after review and consideration of the subject properties, the City Council finds that the subject properties are exempt from the City's annexation plan pursuant to *§43.052 (h)(1)* of the *Tex. Loc. Gov't. Code*;

NOW, THEREFORE, BE IT RESOLVED 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. Proceedings. The annexations of all portions of the following-described subject properties and the abutting streets, roadways and rights-of-way, are hereby commenced:

(1) Area A. All that certain parcel or tract of land containing 10.01 acres, more or less, located in Williamson County, Texas, generally located west of Bagdad Road, south of the Falcon Oaks subdivision, and north of the Leander Public Library and being more particularly described and shown in Exhibit "A" attached hereto.

(2) Area B. All that certain parcel or tract of land containing 363.92 acres, more or less, located in Williamson County, Texas, generally located south of Hero Way, west of Ronald W Reagan Blvd, north of RM 2243, and east

of County Road 269 and being more particularly described and shown in Exhibit "A" attached hereto.

(3) Area C. All that certain parcel or tract of land containing 265.22 acres, more or less, located in Williamson County, Texas, generally located south of RM 2243, west of the Ridgmar Landing subdivision, north of County Road 271, and east of 183A and being more particularly described and shown in Exhibit "A" attached hereto.

(4) Area D. All that certain parcel or tract of land containing 213.40 acres, more or less, located in Williamson County, Texas, generally located west of Sections 2 and 3 of the Cold Springs subdivision, north of Blockhouse Creek, east of 183A, and south of E Crystal Falls Pkwy and being more particularly described and shown in Exhibit "A" attached hereto.

(5) Area E. All that certain parcel or tract of land containing 0.07 acres, more or less, located in Williamson County, Texas, generally located south of the Hazlewood subdivision, west of Ronald W Reagan Blvd, north of Blockhouse Creek, and approximately 1 mile east of 183A and being more particularly described and shown in Exhibit "A" attached hereto.

(6) Area F. All that certain parcel or tract of land containing 22.38 acres, more or less, located in Williamson County, Texas, generally located west of Ronald W Reagan Blvd, approximately 1.25 miles south of E Crystal Falls Pkwy, east of the Lakewood Country Estates subdivision, and approximately 0.4 miles north of County Road 180 and being more particularly described and shown in Exhibit "A" attached hereto.

(7) Area G. All that certain parcel or tract of land containing 115.35 acres, more or less, located in Williamson County, Texas, and generally located south of the Valley View subdivision, east of Ronald W Reagan Blvd, north of County Road 179, and west of County Road 175, and being more particularly described and shown in Exhibit "A" attached hereto.

(8) Area H. All that certain parcel or tract of land containing 268.17 acres, more or less, located in Williamson County, Texas, and generally located south of County Road 179, east of Ronald W Reagan Blvd, approximately 0.4 miles north of County Road 180, and west of County Road 175, and being more particularly described and shown in Exhibit "A" attached hereto.

(9) Area I. All that certain parcel or tract of land containing 30.79 acres, more or less, located in Williamson County, Texas, and generally located south of County Road 179, approximately 1 mile east of Ronald W Reagan Blvd, approximately 500 feet northwest of Acacia Drive, west of County Road 175, and being more particularly described and shown in Exhibit "A" attached hereto.

Two public hearings are set for the dates of November 29, 2012 and December 6, 2012. Notice of such hearings shall be published in accordance with Chapter 43, Texas Local Government Code, and the hearings shall be open to the public to accept public comment on the annexation request. Notice of the proposed annexation shall be mailed to service providers and to property owners within the subject properties. The City shall offer to make a development agreement with certain subject property owners in accordance with section 43.035 of the Texas Local Government Code. The draft service plan proposed to be applicable for the subject properties is attached as Exhibit "B".

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 18th day of October, 2012.

ATTEST:

Debbie Haile, City Secretary

CITY OF LEANDER, TEXAS

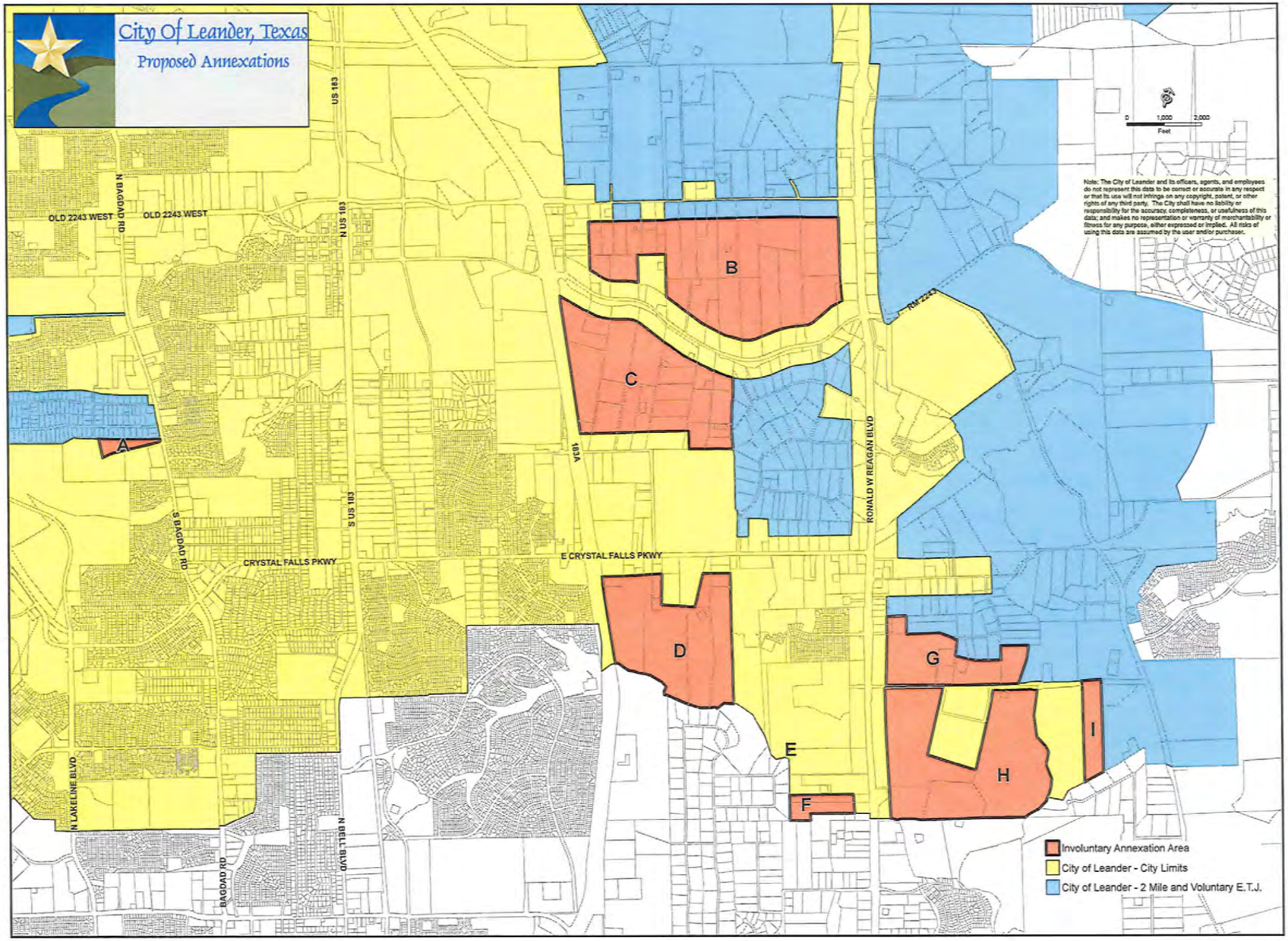
Christopher Fielder, Mayor

CITY OF LEANDER
ESTABLISHED 1882
INCORPORATED 1974
STATE OF TEXAS

SCHEDULE FOR UNILATERAL ANNEXATIONS 2012

DATE	ACTION/EVENT	LEGAL AUTHORITY
October 18, 2012	**COUNCIL BY WRITTEN RESOLUTION** Directs notification to land owners; and sets two (2) Public Hearings: **November 29, 2012 and December 6, 2012**; 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 Oct. 26, 2012	**NOTICE TO** property owners & utility providers; offer Development Agreement to property owners	Loc. Gov't Code §§ 43.062(a), 43.035
Nov. 14, 2012* Publish notice of First Public Hearing **Nov. 21, 2012*** Publish notice of Second Public Hearings	**NEWSPAPER NOTICES** RE: FIRST AND SECOND PUBLIC HEARINGS; (If applicable 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)
Nov. 29, 2012*	**1st PUBLIC HEARING** AND PRESENT SERVICE PLAN (Not more than 40 days before the 1st reading of ordinance) *SPECIAL CALLED MEETING*	Not less than 20 days nor more than 40 days before reading of ordinance. Loc. Gov't Code, §§ 43.063(a) & 43.065.
December 6, 2012*	**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 **January 3, 2013***	**FIRST READING** OF ORDINANCE *REGULAR 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.
January 17, 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.
January 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.**


City Of Leander, Texas
Proposed Annexations
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Note: The City of Leander and its officers, agents, and employees do not represent this data to be correct or accurate in any respect or that its use will not infringe on any copyright, patent, or other rights of any third party. The City shall have no liability or responsibility for the accuracy, completeness, or usefulness of this data; and makes no representation or warranty of merchantability or fitness for any purpose, either expressed or implied. All risks of using this data are assumed by the user and/or purchaser.
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OLD 2243 WEST
OLD 2243 WEST
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US 183
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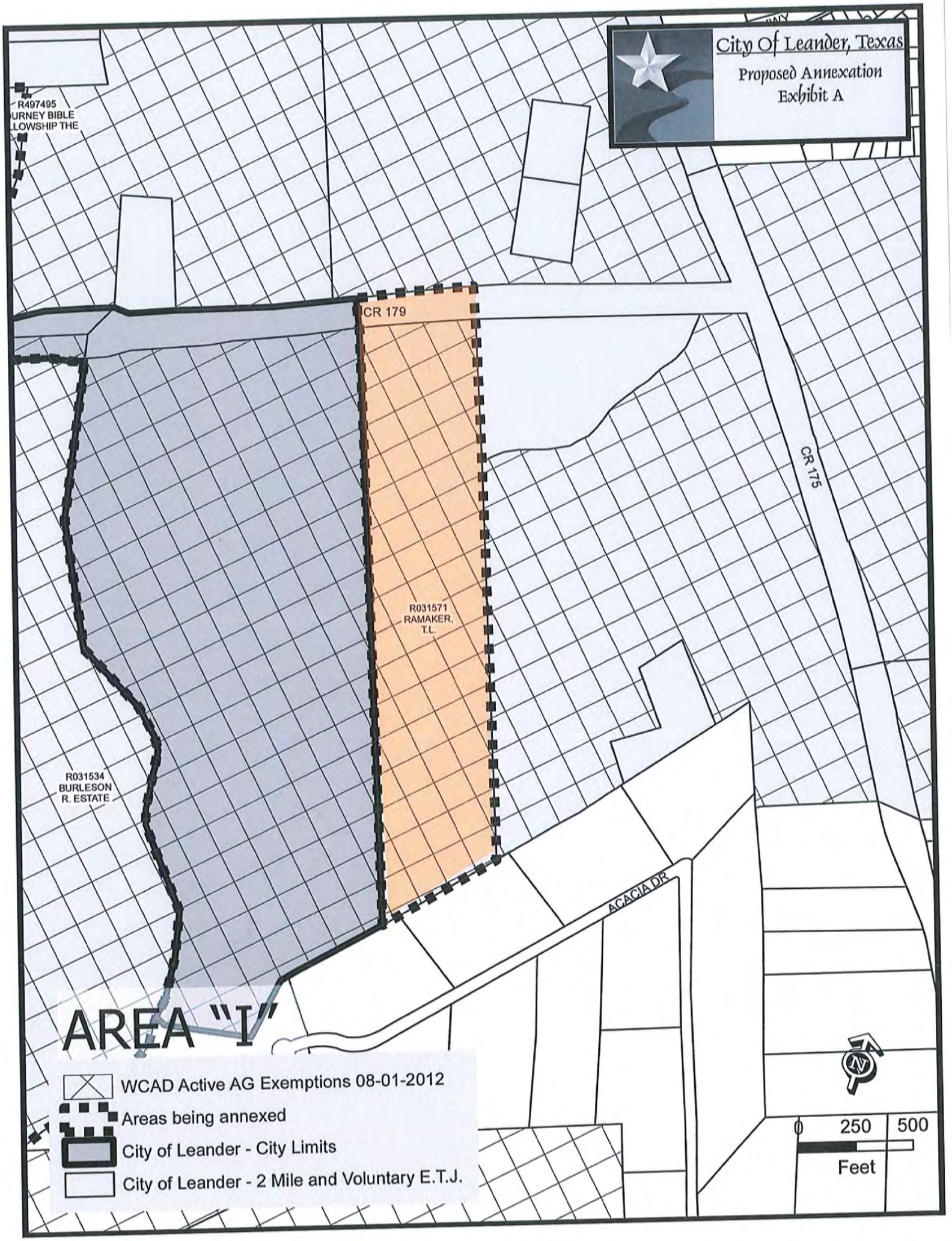
183A
S BAGDAD RD
CRYSTAL FALLS PKWY
E CRYSTAL FALLS PKWY
RONALD W REAGAN BLVD
RM 2243
N LAKELINE BLVD
BAGDAD RD
N BELL BLVD
Involuntary Annexation Area
City of Leander - City Limits
City of Leander - 2 Mile and Voluntary E.T.J.


City Of Leander, Texas
Proposed Annexation
Exhibit A
R497495
URNEY BIBLE
LOWSHIP THE
CR 179
CR 175
R031571
RAMAKER,
T.L.
R031534
BURLESON
R. ESTATE
ACACIA DR
AREA "I"
WCAD Active AG Exemptions 08-01-2012
Areas being annexed
City of Leander - City Limits
City of Leander - 2 Mile and Voluntary E.T.J.
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Feet

October 26, 2012

[Name]
[Address]

RE: Proposed Annexation

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Respectfully,

Jim Bechtol
Director of Development Services

Executive Summary

November 29, 2012

Council Agenda Subject: Consideration of Award of Construction Contract for the County Glen Improvements Project

Background: Bids were received and opened on Thursday, October 18, 2012, for the County Glen Improvements Project. The proposed work consists of the reconstruction and rehabilitation the roadway and open drainage systems of Hernando's Loop and County Glen from U.S. Hwy. 183 to Bagdad Road. Five bid proposals were received as shown in the attached bid tabulation. BPI Environmental Services, Inc. is the low bidder with a bid of $1,635,663.11, and Aaron Concrete Contractors, LP, was the second low bidder with a bid of $1,862,475.20. The City Staff and the project's engineering consultant have reviewed the project histories, qualifications, and references of the first and second low bidders. The first low bidder, BPI Environmental Services, Inc., failed to demonstrate construction experience for even one successfully completed project of comparable size, scope, and complexity within the last five years (see attached BPI project list). A minimum of three such projects similar to this project is desired. The second low bidder, Aaron Concrete Contractors, LP, has extensive experience with projects of comparable size, scope, and complexity within the last five years (see attached Aaron Concrete project list). The consultant's recommendation of award letter is attached.

Origination: Wayne S. Watts, P.E., CFM, City Engineer

Financial Consideration: $1,430,000.00 from 2010 Bonds (GL# 53-01-8327); the balance of $432,475.20 will be reassigned from GL# 53-01-8385 ($300,000 budgeted for Old F.M. 2243 Design Engineering) and General Fund Reserves for a total of $1,862,475.20.

Recommendation: Staff recommends award of the construction contract for County Glen Improvements Project to Aaron Concrete Contractors, LP, in the amount of $1,862,475.20.

Attachments: (1) Bid Tabulation, (2) BPI project list, (3) Aaron Concrete project list, (4) Engineer's recommendation of award

Prepared by: Wayne S. Watts, P.E., CFM, City Engineer

CITY OF LEANDER - COUNTY GLEN ROADWAY IMPROVEMENTS
BID TABULATION - OCTOBER 18, 2012

				BIDDERS									
				BPI Environmental Services, Inc. P.O. Box 341839 Lakeway, Texas 78734 (512) 288-5522		Aaron Concrete Contractors, LP. P.O. Box 27107 Austin, Texas 78755 (512) 926-7326 #307		Patin Construction LLC 3800 West 2nd. Street Taylor, Texas 76574 (512) 259-1071		Ross Construction, Inc. P.O. Box 93188 Austin, Texas 78709 (512) 288-5344		Austin Engineering Co., Inc. P.O. Box 342349 Austin, Texas 78734 (512) 327-1464	
				Addendum	Bid Bond	Addendum	Bid Bond	Addendum	Bid Bond	Addendum	Bid Bond	Addendum	Bid Bond
				1	Y	1	Y	1	Y	1	Y	1	Y
				Y		Y		Y		Y		Y	
BASE BID ITEMS													
Item	Description	Unit	Qty	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
TCP-1	BARRICADES, SIGNS AND TRAFFIC HANDLING	MO	9	$2,527.05	$22,743.45	$1,300.00	$11,700.00	$2,000.00	$18,000.00	$2,500.00	$22,500.00	$10,000.00	$90,000.00
TCP-2	TEMP H.M.A.C. 2 INCHES, TYPE B	TON	136	$55.00	$7,480.00	$85.00	$11,560.00	$100.00	$13,600.00	$255.00	$34,680.00	$170.00	$23,120.00
TCP-3	WATER-FILLED TRAFFIC BARRIER (FURN & INSTALL)	LF	60	$16.98	$1,018.80	$12.00	$720.00	$20.00	$1,200.00	$15.00	$900.00	$125.00	$7,500.00
TCP-4	WATER-FILLED TRAFFIC BARRIER (MOVE & RESET)	LF	60	$17.40	$1,044.00	$12.00	$720.00	$15.00	$900.00	$15.00	$900.00	$95.00	$5,700.00
TCP-5	WATER-FILLED TRAFFIC BARRIER (REMOVE)	LF	60	$10.00	$600.00	$12.00	$720.00	$10.00	$600.00	$10.00	$600.00	$125.00	$7,500.00
RDWY-1	PREPARING ROW	STA	73	$749.92	$54,744.16	$870.00	$63,510.00	$2,700.00	$197,100.00	$440.00	$32,120.00	$1,500.00	$109,500.00
RDWY-2	EXCAVATION (ROADWAY)	CY	9,269	$11.58	$107,335.02	$18.00	$166,842.00	$20.00	$185,380.00	$29.10	$269,727.90	$30.00	$278,070.00
RDWY-3	EMBANKMENT (FINAL)(ORD COMP)(TY B)	CY	672	$23.90	$16,060.80	$22.00	$14,784.00	$5.00	$3,360.00	$15.00	$10,080.00	$25.00	$16,800.00
RDWY-4	FL BS (CMP IN PLC)(TY A GR 2)(FNAL POS	CY	5,159	$28.50	$147,031.50	$56.00	$288,904.00	$45.00	$232,155.00	$35.00	$180,565.00	$52.00	$268,268.00
RDWY-5	Tack Coat	GAL	2,514	$4.20	$10,558.80	$4.00	$10,056.00	$4.40	$11,061.60	$5.00	$12,570.00	$4.50	$11,313.00
RDWY-6	PRIME COAT (MC-30)	GAL	2,761	$4.50	$12,424.50	$4.00	$11,044.00	$4.75	$13,114.75	$5.00	$13,805.00	$4.50	$12,424.50
RDWY-7	SURFACE H.M.A.C. 2 INCHES, TYPE C	TON	2,199	$86.75	$190,763.25	$85.00	$186,915.00	$91.00	$200,109.00	$99.75	$219,350.25	$95.00	$208,905.00
RDWY-8	INTERMEDIATE H.M.A.C. 2 INCHES, TYPE C	TON	1,584	$80.40	$127,353.60	$90.00	$142,560.00	$84.00	$133,056.00	$93.00	$147,312.00	$96.00	$152,064.00
RDWY-9	INTERMEDIATE H.M.A.C. 4 INCHES, TYPE B	TON	131	$220.00	$28,820.00	$82.00	$10,742.00	$220.00	$28,820.00	$255.00	$33,405.00	$100.00	$13,100.00
RDWY-10	INTERMEDIATE H.M.A.C. 6 INCHES, TYPE B	TON	675	$125.50	$84,712.50	$78.00	$52,650.00	$132.00	$89,100.00	$145.00	$97,875.00	$98.00	$66,150.00
RDWY-11	CONC CURB (RIBBON)(MOD)	LF	15,305	$6.31	$96,574.55	$7.30	$111,726.50	$10.00	$153,050.00	$15.00	$229,575.00	$9.30	$142,336.50
RDWY-12	MAILBOX INSTALL (TEMORARY AND FINAL)	EA	54	$189.22	$10,217.88	$210.00	$11,340.00	$350.00	$18,900.00	$500.00	$27,000.00	$1,100.00	$59,400.00
RDWY-13	DRIVEWAYS (CONC)	SY	1,066	$44.62	$47,564.92	$56.00	$59,696.00	$50.00	$53,300.00	$81.00	$86,346.00	$80.00	$85,280.00
RDWY-14	ADJUST EXISTING VALVE BOX	EA	26	$435.29	$11,317.54	$400.00	$10,400.00	$350.00	$9,100.00	$450.00	$11,700.00	$450.00	$11,700.00
RDWY-15	SANITARY SEWER (ADJUST MANHOLE)	EA	21	$252.85	$5,309.85	$530.00	$11,130.00	$500.00	$10,500.00	$650.00	$13,650.00	$700.00	$14,700.00
RDWY-16	ADJUST/RELOCATE FIRE HYDRANT	EA	1	$4,500.00	$4,500.00	$1,700.00	$1,700.00	$4,500.00	$4,500.00	$3,500.00	$3,500.00	$1,000.00	$1,000.00
PM-1	REFL PAV MRK TY I (W) 24"(SLD)(090MIL)	LF	251	$6.95	$1,744.45	$15.00	$3,765.00	$13.50	$3,388.50	$20.00	$5,020.00	$16.50	$4,141.50
PM-2	RAISED PAVEMENT MARKING, CLASS E, TYPE II-B (BLUE)	EA	10	$15.00	$150.00	$12.00	$120.00	$10.50	$105.00	$15.00	$150.00	$12.50	$125.00
PM-3	INSTALL SIGNS	EA	5	$450.00	$2,250.00	$500.00	$2,500.00	$450.00	$2,250.00	$520.00	$2,600.00	$540.00	$2,700.00
PM-4	REMOVE AND RELOCATE SIGNS WITH NEW FOUNDATION	EA	8	$385.00	$3,080.00	$420.00	$3,360.00	$385.00	$3,080.00	$445.00	$3,560.00	$460.00	$3,680.00
DRN-1	CONC BOX CULV (8 FT X 3 FT)	LF	41	$484.89	$19,880.49	$500.00	$20,500.00	$480.00	$19,680.00	$675.00	$27,675.00	$820.00	$33,620.00
DRN-2	CONC BOX CULV (4 FT X 2 FT)	LF	64	$245.23	$15,694.72	$260.00	$16,640.00	$187.00	$11,968.00	$290.00	$18,560.00	$560.00	$35,840.00
DRN-3	WINGWALL (PW)(HW=5 FT)	EA	2	$8,006.49	$16,012.98	$8,300.00	$16,600.00	$6,500.00	$13,000.00	$5,500.00	$11,000.00	$15,750.00	$31,500.00
DRN-4	HEADWALL (CH-PW-A-S)(DES= 2)	EA	2	$4,557.33	$9,114.66	$2,500.00	$5,000.00	$6,500.00	$13,000.00	$2,500.00	$5,000.00	$3,380.00	$6,760.00
DRN-5	CMP (GAL STL 30 IN)	LF	40	$65.64	$2,625.60	$67.00	$2,680.00	$75.00	$3,000.00	$69.00	$2,760.00	$390.00	$15,600.00
DRN-6	CMP AR (GAL STL DES 2)	LF	129	$37.19	$4,797.51	$54.00	$6,966.00	$100.00	$12,900.00	$60.00	$7,740.00	$180.00	$23,220.00
DRN-7	RC PIPE (ARCH)(CL IV)(DES 2)	LF	224	$143.59	$32,164.16	$166.00	$37,184.00	$140.00	$31,360.00	$200.00	$44,800.00	$350.00	$78,400.00
DRN-8	RC PIPE (ARCH)(CL IV)(DES 3)	LF	402	$157.10	$63,154.20	$172.00	$69,144.00	$150.00	$60,300.00	$200.00	$80,400.00	$272.50	$109,545.00
DRN-9	RC PIPE (ARCH)(CL IV)(DES 4)	LF	783	$208.19	$163,012.77	$235.00	$184,005.00	$210.00	$164,430.00	$240.00	$187,920.00	$316.00	$247,428.00
DRN-10	4 SIDED AREA INLET	EA	1	$3,151.46	$3,151.46	$2,000.00	$2,000.00	$2,050.00	$2,050.00	$4,500.00	$4,500.00	$1,650.00	$1,650.00
DRN-11	SET (TY I)(S= 4 FT)(HW=3 FT)(6:1)(P)	EA	8	$6,476.28	$51,810.24	$3,200.00	$25,600.00	$2,500.00	$20,000.00	$3,500.00	$28,000.00	$6,955.00	$55,640.00
DRN-12	SET (TY II)(DES 3)(CMP)(6:1)	EA	2	$832.63	$1,665.26	$1,600.00	$3,200.00	$2,500.00	$5,000.00	$1,540.00	$3,080.00	$1,460.00	$2,920.00
DRN-13	SET (TY II)(DES 3)(RCP)(4:1)(C)	EA	16	$1,646.21	$26,339.36	$1,100.00	$17,600.00	$2,500.00	$40,000.00	$3,600.00	$57,600.00	$1,080.00	$17,280.00
DRN-14	SET (TY II)(DES 4)(RCP)(4:1)(C)	EA	19	$2,389.31	$45,396.89	$1,700.00	$32,300.00	$2,500.00	$47,500.00	$3,900.00	$74,100.00	$1,080.00	$20,520.00
DRN-15	SET (TY II)(DES 2)(RCP)(4:1)(C)	EA	8	$788.06	$6,304.48	$1,300.00	$10,400.00	$2,500.00	$20,000.00	$3,500.00	$28,000.00	$820.00	$6,560.00
DRN-16	SET (TY II)(DES 2)(CMP)(4:1)(C)	EA	13	$576.68	$7,496.84	$900.00	$11,700.00	$2,500.00	$32,500.00	$900.00	$11,700.00	$680.00	$8,840.00
DRN-17	RIPRAP (CONC)(5 IN)	CY	7	$354.93	$2,484.51	$490.00	$3,430.00	$150.00	$1,050.00	$400.00	$2,800.00	$510.00	$3,570.00
EC-1	FURNISHING AND PLACING TOPSOIL (4")	SY	17,199	$2.60	$44,717.40	$2.00	$34,398.00	$2.25	$38,697.75	$2.50	$42,997.50	$3.50	$60,196.50
EC-2	CELL FBR MLCH SEED(PERM)(RURAL)(CLAY)	SY	17,199	$0.24	$4,127.76	$0.20	$3,439.80	$0.33	$5,675.67	$0.50	$8,599.50	$0.65	$11,179.35
EC-3	CELL FBR MLCH SEED(TEMP)(WARM)	SY	8,600	$0.21	$1,806.00	$0.20	$1,720.00	$0.27	$2,322.00	$0.50	$4,300.00	$0.65	$5,590.00

CITY OF LEANDER - COUNTY GLEN ROADWAY IMPROVEMENTS
BID TABULATION - OCTOBER 18, 2012

				BIDDERS									
				BPI Environmental Services, Inc. P.O. Box 341839 Lakeway, Texas 78734 (512) 288-5522		Aaron Concrete Contractors, LP. P.O. Box 27107 Austin, Texas 78755 (512) 926-7326 #307		Patin Construction LLC 3800 West 2nd, Street Taylor, Texas 76574 (512) 269-1071		Ross Construction, Inc. P.O. Box 93188 Austin, Texas 78709 (512) 288-5344		Austin Engineering Co., Inc. P.O. Box 342349 Austin, Texas 78734 (512) 327-1464	
				Addendum	Bid Bond	Addendum	Bid Bond	Addendum	Bid Bond	Addendum	Bid Bond	Addendum	Bid Bond
				1	Y	1	Y	1	Y	1	Y	1	Y
				Y		Y		Y		Y		Y	
BASE BID ITEMS													
Item	Description	Unit	Qty	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
EC-4	CELL FBR MLCH SEED(TEMP)(COOL)	SY	8,600	$0.21	$1,806.00	$0.20	$1,720.00	$0.27	$2,322.00	$0.50	$4,300.00	$0.65	$5,590.00
EC-5	TEMPORARY SEDIMENT CONTROL FENCE	LF	4,278	$1.31	$5,604.18	$2.00	$8,556.00	$1.85	$7,914.30	$2.00	$8,556.00	$2.10	$8,983.80
EC-6	VEGETATIVE WATERING	MG	517	$38.67	$19,992.39	$46.00	$23,782.00	$50.00	$25,850.00	$40.00	$20,680.00	$24.00	$12,408.00
EC-7	TREE PROTECTION	LF	619	$3.50	$2,166.50	$2.10	$1,299.90	$2.85	$1,764.15	$4.00	$2,476.00	$2.40	$1,485.60
EC-8	TREE PLANKING	EA	11	$136.82	$1,505.02	$140.00	$1,540.00	$125.00	$1,375.00	$300.00	$3,300.00	$150.00	$1,650.00
EC-9	ROCK FILTER DAMS (INSTALL) (TY 2)	LF	148	$19.51	$2,887.48	$22.00	$3,256.00	$18.75	$2,775.00	$20.00	$2,960.00	$24.00	$3,552.00
EC-10	TREE REMOVAL (4"-12" DIA)	EA	1	$1,361.40	$1,361.40	$550.00	$550.00	$350.00	$350.00	$500.00	$500.00	$300.00	$300.00
EC-11	TREE REMOVAL (12"-18" DIA)	EA	3	$1,284.73	$3,854.19	$1,100.00	$3,300.00	$450.00	$1,350.00	$800.00	$2,400.00	$800.00	$2,400.00
EC-12	TREE REMOVAL (18"-24" DIA)	EA	3	$1,373.29	$4,119.87	$1,600.00	$4,800.00	$55.00	$165.00	$1,300.00	$3,900.00	$1,200.00	$3,600.00
MOB-1	MOBILIZATION	LS	1	$75,209.22	$75,209.22	$120,000.00	$120,000.00	$100,000.00	$100,000.00	$133,500.00	$133,500.00	$60,000.00	$60,000.00
	Total - Base Bid			$1,635,663.11		$1,862,475.20		$2,074,028.72		$2,293,595.15		$2,471,305.75	

Denotes Mathematical Error on Original Bid Form

(BPI) County Glen Road Improvements

- Provide construction experience within the last 5 years as a general contractor for a minimum of 3 successfully complete projects of comparable size, scope and complexity of the Work described in the Contract Documents. These can be projects that satisfy all three requirements (size, scope and complexity) or a different project demonstrating each requirement.

Wells Fargo CPG Contact: Sam Sutherland 512-344-7351

Wells Fargo Austin Locations: (Amounts over 5 Years) $2million

Asphalt patch work, Asphalt Paving, Striping, Powerwashing, Sweeping, Concrete and Drainage work

Wells Fargo San Antonio: (Bandera Location) Contract Amount: $61,785.00

Asphalt Overlay Parking Lot, Drainage Work, Concrete

Travis County Contact: Kurt Neilson (South District Manager 512-844-7480)

Travis County Road Improvements Volente Contract Amount: $30,215.48

Excavation, Sub-grade Prep, Embankment and Road Grader Work

Travis County South East Metro (Projects Total) Contract Amount: $126,912.57

Concrete, Drainage, Roadwork, Erosion Controls and Excavation

Travis County Moya Park Contract Amount: $42,910.22

Mass Excavation, Demo, Seeding, Concrete work, Gabions and Grading

Travis County Reimers Ranch Contract Amount: 28,610.00

Drainage Work, Gabions, Re-veg and Erosion Controls

- The resumes for the Project Manager and Superintendent who will be assigned the project. The resumes must demonstrate that these individuals have worked on at least three similar projects (comparable size, scope and complexity of the Work described in the Contract Documents) in the capacity of Project Manager, Superintendent or other responsible supervisory capacity within the last 10 years.

PROJECT MANAGER

Gabriel Cosme
Texas A&M University, '03
B.S. Agricultural Systems Management

Over 10 Years Management Experience

Project History

Project: SH45/I35 Interchange in Round Rock, 2003-2005
Position Held: Project Engineer and Assistant Bridge Superintendent
Employer: Archer Western Contractors
Scope: 103 Million Project, Bridge Fly Overs, Concrete Paving, Asphalt Paving, Excavation, Flex Base, Retaining Walls, MSE Walls, Drainage Structures and Flatwork, Landscaping, Soil Erosion, and Toll Plazas, Traffic Control

Project: FM 511 in Brownsville, 2006-2008
Position Held: Structures General Manager
Employer: CAB-COS Contractors
Scope: 3 Million Project, Drainage Utilities, Excavation, Headwalls, RCP Pipe, Box Culverts, Concrete Paving, Sidewalks, and SET's, Traffic Control

Project: Brownsville Sports Park, 2008
Position Held: Structures General Manager
Employer: CAB-COS Contractors
Scope: 1.5 Million Box Culvert, Excavation, Backfill, Concrete Box Culvert and Walls, Traffic Control

SUPERINTENDENT

Edward Cosme
Mercedes High School, '88
Over 20 Years Foreman and Superintendent Experience

Project History

Project: FM 511 in Brownsville, 2006-2008
Position Held: General Foreman
Employer: CAB-COS Contractors
Scope: 3 Million Project, Drainage Utilities, Excavation, Headwalls, RCP Pipe, Box Culverts, Concrete Paving, Sidewalks, and SET's, Traffic Control

Project: Brownsville Sports Park, 2008
Position Held: General Foreman
Employer: CAB-COS Contractors
Scope: 1.5 Million Box Culvert, Excavation, Backfill, Concrete Box Culvert and Walls, Traffic Control

Project: Willacy County U.S. 77
Position Held: General Foreman
Employer: CAB-COS Contractors
Scope: Concrete Paving, Concrete Box Culvert and Walls, Traffic Control, Drainage Structures, Cross Drainage SET's and Pipe Culverts, Excavation, Backfill and Compaction

- A list of the major work items intended to be subcontracted out.
    1. Tack Coat
    2. Prime Coat (MC-30)
    3. Surface H.M.A.C. 2 Inches, Type C
    4. Intermediate H.M.A.C. 2 Inches, Type C
    5. Intermediate H.M.A.C. 4 Inches, Type B
    6. Intermediate H.M.A.C. 6 Inches, Type B
    7. Adjust/Relocate Fire Hydrant
    8. Refl Pav Mrk Ty I (W) 24" (Sld)(090 Mil)
    9. Raised Pavement Marking, Class E, Type II-B (Blue)
    10. Install Signs
    11. Remove and Relocate Signs with New Foundations
    12. Barricades Signs and Traffic Handling
    13. Temp HMAC 2 Inches Type B
    14. Water-Filled Traffic Barrier (Furn&Install)
    15. Water-Filled Traffic Barrier (Move&Reset)
    16. Water-Filled Traffic Barrier (Remove)

- **Skaggs Property Water Quality Pond Improvements**
  - **Contract Value = $112,445.00**
  - **Owner: Tim Skaggs**
  - **Contact: Tim Skaggs**
    - **Owner**
    - **Phone: (512) 750-9151**
  - **Construction Scope**
    - Rock Berms
    - Tree Protections
    - Soil Retention Blankets
    - RipRap (Conc)(4")
    - Headwalls
    - 18" RCP Pipe
    - Water Quality Pond
    - Stone Rip Rap 12-18"
    - Stone Access Road
    - Seeding
    - Concrete Splitter Boxes
    - Gabions (Galv)
    - WQ Riser Structure
    - Temporary Sediment Control Fence
    - Sand Filtration System

- McKinney Falls Parkway Pedestrian Way
  - Contract Value = $566,207.74
  - Owner: Travis County
  - Contact: Nick Santhavi
    - Travis County Engineering Inspection Specialist
    - Phone: (512) 266-3314
  - Construction Scope
    - Preparing ROW
    - Removing Conc (Driveways)
    - Removing Conc (Curb and Gutter)
    - Excavation (Rdwy)
    - Embankment (Final) (Dens Cont) (Ty B)
    - Road Grader Work (Ord Comp)
    - Furnishing and Placing Topsoil (4")
    - Cell Fbr Mulch (Perm Urban Clay)
    - Soil Retention Blankets (Cl 1)(Ty A)
    - Retaining Wall (Conc Block)
    - Retaining Wall (Conc Block)(Mod)
    - Rail (Handrail)(Ty A)
    - Mobilization
    - Barricades, Signs, and Traffic Handling
    - Conc Curb & Gutter (Ty II)
    - Driveways (Conc)
    - Curb Ramps (Ty 7)
    - Conc Sidewalks (5")
    - Gate (Remove)
    - Gate (Special)
    - Relocate SM Rd Sn Sup & Am Ty 10BWG
    - Refl Pav Mark Ty I (W) 4" (Sld)(100Mil)
    - Filter Curb Inlet Protection (Existing Inlet)
    - Silt Fence
    - Traffic Signal Pull Boxes (Adjust)

BPI Environmental Services, Inc.

Project References:

- 183A Toll Road in Cedar Park
  - Contract Value = 3 Million
  - Owner: CTRMA
  - Contact: Ginny Burcham
    - HNTB (Owners Representative)
    - Phone: (512) 923-4894
  - Construction Scope
    - Cl C Conc (Retaining Wall)(With Footing Excavation)
    - Cl C Conc (Misc)
    - Cl C Conc (Slab)
    - Retain Wall (Special)
    - RipRap (Conc)(4")
    - RipRap (MowStrip)(4")
    - RipRap (MowStrip)(5")
    - Driveways (Conc)
    - Turnouts (Conc)
    - Conc SW (4")(1.5' Band)
    - MTL W-Beam Gd Fence (Tim Post)
    - Terminal Anchor Section
    - Mtl Beam Gd Fence (Thrie Beam)
    - Removing Metal Beam Guard Fence
    - Removing Terminal Anchor Section
    - Guardrail End Treatment (Install)
    - Compost Manuf Topsoil (Bos)(4")
    - Broadcast Seed (Perm)(Urban)(Clay)
    - Cell Fbr Mulch Seed (Perm)(Rural)(Clay)
    - Cell Fbr Mulch Seed (Perm)(Urban)(Clay)
    - Rock Filter Dams (Install)(Ty 3)
    - Rock Filter Dams (Remove)
    - Construction Exits (Install)(Ty 1)
    - Construction Exits (Remove)
    - Sandbags for Erosion Control
    - Sandbags for Erosion Control (18")
    - Colored Textured Concrete
    - Temporary Sediment Control Fence
    - Sand Filtration System
    - Cell Fbr Mulch Seed (Temp) (Warm)
    - Cell Fbr Mulch Seed (Temp) (Cool)
    - Soil Retention Blankets (CL1)(Ty C)
    - Soil Retention Blankets (CL2)(Ty F)
    - Riprap (Stone Protection)(12 In)
    - Riprap (Stone Protection)(18 In)
    - Riprap (Stone Protection)(24 In)
    - Gabions (Galv)
    - Gabions (Galv)
    - WQ Riser Structure
    - Rock Filter Dams (Install)(Ty 1)
    - Rock Filter Dams (Install)(Ty 2)

Aaron Concrete: Completed Roadway Projects

Completed Projects	Owner	Owner Contact	Street/ Concrete/ Misc Work	Initial Contract Amount	Final Contract Amount	Contract Time	Start Date	Sub-Stantial Completion	Final Completion
Travis Co. - FM-969	TXDOT	Mike McKissick 512-997-2209	Prep ROW Remove Conc Rdwy Excav/Embank HMAC Misc Conc	$ 398,287.40	$ 358,961.24	57 Wrk Days	Sep-11	Nov-11	Nov-11
Williamson Co. - FM-1660	Williamson Co.	Clayton Weber 512-744-9082	Prep ROW Rdwy Excav/Embank HMAC Misc Conc	$ 374,290.88	$ 366,143.42	90 Cal Days	Jul-11	Sep-11	Sep-11
Willaimson Co. - US-79	TXDOT	Mike McKissick 512-997-2209	Prep ROW Rdwy Excav/Embank Lime Trt Subgr/Flex Base HMAC Misc Conc	$ 403,644.15	$ 341,653.59	68 Wrk Days	Jul-11	Sep-11	Sep-11
MD Anderson - Loop Rd.	MD Anderson	Harold Goodson	Prep ROW Rdwy Excav/Embank Lime Trt Subgr/Flex Base HMAC Storm Sewer/SET Rdwy Lighting	$ 1,530,000.00	$ 1,568,141.73	365 Cal Days	May-10	Jun-11	Oct-12
Travis Co. - FM-734	TXDOT	Mike McKissick 512-997-2209	Prep ROW Rdway Excav/Embank Salv Existing Base Cement Trt Flex Base HMAC Conc C&G MBGF	$ 7,482,979.00	$ 7,478,059.00	294 Wrk Days	Nov-11	Oct-12	Nov-12

Aaron Concrete: Completed Roadway/Utility Projects

Completed Projects	Owner	Owner Contact	Engineer Contact	Utility Installation	Street/ Concrete/ Misc Work	Initial Contract Amount	Final Contract Amount	Contract Time	Start Date	Sub-Stantial Completion	Final Completion
Reicher Ranch Rd	City of Austin	Greg Johnston (512) 974-3067			Cement Treat Subgr - 10,973 SY HMAC - 1,163 TON MBGF - 250 LF	$ 196,238.00	$ 205,493.80	9 Wrk Days	Sep-11	Oct-11	Oct-11
Group 12 BGA	City of Austin	Rick Colburn (512) 974-7089		5,200 lf of 6",8",12" Waterline 1,800 lf of 6", 8" Wastewater 1000 lf of 18",24",30", 36" RCP	Roadway Excav-12,500 CY Lime Sub-Grade--10,500 SY HMAC Type A and B-- 10,500 SY HMAC Type C --9,800 SY Curb and Gutter--2,350 LF Sidewalk--6,250 SF	$ 3,950,450.00	$ 4,086,289.00	360 Cal Days	04/2006	05/2007	06/2007
Downtown Alley Reconstuction	City of Austin	Adewale Adufeye (512) 974-2000			Roadway Excav-3,360 CY Flex Base--2,200 TN Concrete Paving--18,000 SY	$ 463,340.00	$ 480,584.00	180 Cal Days	09/2007	12/2007	01/2008
Group 4 Stassney	City of Austin	Brett Clemons (512) 974-2000		1,545 lf of 6",8",12" Waterline	Roadway Excav-5,600 CY Lime Sub-Grade--6,800 SY HMAC Type A and B-- 7,850 SY HMAC Type C --6,800 SY Curb and Gutter--180 LF Sidewalk--4,300 SF	$ 749,516.00	$ 649,964.00	300 Cal Days	04/2010	10/2010	11/2010
Group 4 Montopolis	City of Austin	Rick Colburn (512) 974-7089		3,710 lf of 6",8",12",16" Waterline 9 ea. Wastewater Manhole Adjustments	Roadway Excav-15,000 CY Lime Sub-Grade--24,800 SY Flex Base--8,310 CY HMAC Type A and B-- 7,534 SY HMAC Type C --15,600 SY Curb and Gutter--6,902 LF Sidewalk--18,844 SF Concrete Driveways--15,300 SF Concrete Paving--6,734 SF	$ 3,352,426.00	$ 3,490,530.00	357 Cal Days	5/2010	2/2011	3/2011
Group 11 Burleson Reconstruction and Utility Adjustments	City of Austin	Rick Colburn (512) 974-7089		6,591 lf of 6", 8" Waterline 15 ea. Wastewater Manhole Adjustments 2,504 lf of 18",24",30",36" RCP	Roadway Excav-5,998 CY Lime Sub-Grade--20,106 SY Flex Base--3,027 CY HMAC Type C --2,320 TN Curb and Gutter--2,815 LF Sidewalk--4,265 SF Concrete Driveways--10,220 SF	$ 1,820,349.00	$ 2,212,661.00	277 Cal Days	06/2010	07/2011	08/2011
Old US 183 Waterline Improv and 2012 Street Rehabilitation	City of Cedar Park	TJ Dawkins (512) 401-5586	Davis Engineering Charles Davis (512) 267-5393	600 lf of 8" Waterline 1" and 2" Services	Milling--8,300 SY Seal Coat--8,300 SY HMAC Type D--15,250 SY Cement Stabilization--8,500 SY	$ 396,698.00	$ 465,010.00	52 Cal Days	07/2012	8/2012	08/2012

Aaron Concrete: Current Project List

CURRENT PROJECT LIST	Owner	Owner Contact	Engineer Contact	Value of Contract	Value Remaining	NTP	
Hopkins Waterline and Drainage Improvements	City of San Marcos	Janae Ryan (512) 393-8149	Brown & Gay Engr John Buser (512) 879-0412	$ 430,300.00	$ 175,000.00		
Old US 183 Water Line Improvements and 2012 Street Rehabilitation	City of Cedar Park	TJ Dawkins (512) 401-5586	Davis Engineering Charles Davis (512) 267-5393	$ 479,000.00	$ 279,000.00		
FM-734	TxDot	John Wagner (512) 832-9599		$ 7,800,000.00	$ 2,800,000.00		Retired Area Engineer Wrong Number
RM 2341	TxDot	Howard Lyons (512) 756-2316		$ 7,000,000.00	$ 1,700,000.00		
County Rd 138	Williamson County	Robert Daigh (512) 943-3330	Tiffany McDonnell (512) 744-9082	$ 2,470,871.00	$ 2,470,871.00	8/21/2012	

K FRIESE
& ASSOCIATES, INC.

November 14,2012

Mr. Wayne Watts, P.E.
City Engineer
City of Leander
200 W. Willis St.
Leander, Texas 78641

RE: County Glen Roadway Improvements

Dear Mr. Watts,

On October 18, 2012 at 2:00 PM bids were received and opened at 200 W. Willis Street, Leander, Texas for the County Glen Roadway Improvement project. Five bids were received as shown in the summary tabulation below. A detailed tabulation of unit price items is attached to this letter.

BPI Environmental Services, Inc. - $1,635,663.11
Aaron Concrete Contractors, LP. - $1,862,475.20
Patin Construction LLC - $2,074,028.72
Ross Construction, Inc. - $2,293,595.15
Austin Engineering Co., Inc. - $2,471,305.75

Several bids contained mathematical errors and each was interpreted as Unit Price governs. Unit Price governs is the standard method of correcting bids for mathematical errors. These errors are highlighted on the attached bid tabulation. None of these interpretations impacts the order of the low bidders.

The low bidder was BPI Environmental Services, Inc. and the second low bidder was Aaron Concrete Contractors, LP. We have reviewed the qualifications submitted by the low bidder and second low bidder and verified project references. BPI Environmental Services, Inc. has not demonstrated project experience for projects of comparable size, scope and complexity. We therefore recommend that the contract be awarded to the second lowest bidder, Aaron Concrete Contractors, LP., in the amount of $1,862,475.20.

Should you have any questions, please feel free to contact me.

Sincerely,

Charlotte A. Gilpin, PE
Project Manager

Attachments: Bid Tabulation
CC: ALL Bidders

CITY OF LEANDER - COUNTY GLEN ROADWAY IMPROVEMENTS
BID TABULATION - OCTOBER 18, 2012

				BIDDERS									
				BPI Environmental Services, Inc. P.O. Box 341839 Lakeway, Texas 78734 (512) 288-5522		Aaron Concrete Contractors, LP. P.O. Box 27107 Austin, Texas 78755 (512) 926-7326 #307		Patin Construction LLC 3800 West 2nd. Street Taylor, Texas 76574 (512) 269-1071		Ross Construction, Inc. P.O. Box 93188 Austin, Texas 78709 (512) 288-5344		Austin Engineering Co., Inc. P.O. Box 342349 Austin, Texas 78734 (512) 327-1464	
				Addendum	Bid Bond	Addendum	Bid Bond	Addendum	Bid Bond	Addendum	Bid Bond	Addendum	Bid Bond
				1	Y	1	Y	1	Y	1	Y	1	Y
				Y		Y		Y		Y		Y	
BASE BID ITEMS													
Item	Description	Unit	Qty	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
TCP-1	BARRICADES, SIGNS AND TRAFFIC HANDLING	MO	9	$2,527.05	$22,743.45	$1,300.00	$11,700.00	$2,000.00	$18,000.00	$2,500.00	$22,500.00	$10,000.00	$90,000.00
TCP-2	TEMP H.M.A.C. 2 INCHES, TYPE B	TON	136	$55.00	$7,480.00	$85.00	$11,560.00	$100.00	$13,600.00	$255.00	$34,680.00	$170.00	$23,120.00
TCP-3	WATER-FILLED TRAFFIC BARRIER (FURN & INSTALL)	LF	60	$16.98	$1,018.80	$12.00	$720.00	$20.00	$1,200.00	$15.00	$900.00	$125.00	$7,500.00
TCP-4	WATER-FILLED TRAFFIC BARRIER (MOVE & RESET)	LF	60	$17.40	$1,044.00	$12.00	$720.00	$15.00	$900.00	$15.00	$900.00	$95.00	$5,700.00
TCP-5	WATER-FILLED TRAFFIC BARRIER (REMOVE)	LF	60	$10.00	$600.00	$12.00	$720.00	$10.00	$600.00	$10.00	$600.00	$125.00	$7,500.00
RDWY-1	PREPARING ROW	STA	73	$749.92	$54,744.16	$870.00	$63,510.00	$2,700.00	$197,100.00	$440.00	$32,120.00	$1,500.00	$109,500.00
RDWY-2	EXCAVATION (ROADWAY)	CY	9,269	$11.58	$107,335.02	$18.00	$166,842.00	$20.00	$185,380.00	$29.10	$269,727.90	$30.00	$278,070.00
RDWY-3	EMBANKMENT (FINAL)(ORD COMP)(TY B)	CY	672	$23.90	$16,060.80	$22.00	$14,784.00	$5.00	$3,360.00	$15.00	$10,080.00	$25.00	$16,800.00
RDWY-4	FL BS (CMP IN PLC)(TY A GR 2)(FNAL POS	CY	5,159	$28.50	$147,031.50	$56.00	$288,904.00	$45.00	$232,155.00	$35.00	$180,565.00	$52.00	$268,268.00
RDWY-5	Tack Coat	GAL	2,514	$4.20	$10,558.80	$4.00	$10,056.00	$4.40	$11,061.60	$5.00	$12,570.00	$4.50	$11,313.00
RDWY-6	PRIME COAT (MC-30)	GAL	2,761	$4.50	$12,424.50	$4.00	$11,044.00	$4.75	$13,114.75	$5.00	$13,805.00	$4.50	$12,424.50
RDWY-7	SURFACE H.M.A.C. 2 INCHES, TYPE C	TON	2,199	$86.75	$190,763.25	$85.00	$186,915.00	$91.00	$200,109.00	$99.75	$219,350.25	$95.00	$208,905.00
RDWY-8	INTERMEDIATE H.M.A.C. 2 INCHES, TYPE C	TON	1,584	$80.40	$127,353.60	$90.00	$142,560.00	$84.00	$133,056.00	$93.00	$147,312.00	$96.00	$152,064.00
RDWY-9	INTERMEDIATE H.M.A.C. 4 INCHES, TYPE B	TON	131	$220.00	$28,820.00	$82.00	$10,742.00	$220.00	$28,820.00	$255.00	$33,405.00	$100.00	$13,100.00
RDWY-10	INTERMEDIATE H.M.A.C. 6 INCHES, TYPE B	TON	675	$125.50	$84,712.50	$78.00	$52,650.00	$132.00	$89,100.00	$145.00	$97,875.00	$98.00	$66,150.00
RDWY-11	CONC CURB (RIBBON)(MOD)	LF	15,305	$6.31	$96,574.55	$7.30	$111,726.50	$10.00	$153,050.00	$15.00	$229,575.00	$9.30	$142,336.50
RDWY-12	MAILBOX INSTALL (TEMORARY AND FINAL)	EA	54	$189.22	$10,217.88	$210.00	$11,340.00	$350.00	$18,900.00	$500.00	$27,000.00	$1,100.00	$59,400.00
RDWY-13	DRIVEWAYS (CONC)	SY	1,066	$44.62	$47,564.92	$56.00	$59,696.00	$50.00	$53,300.00	$81.00	$86,346.00	$80.00	$85,280.00
RDWY-14	ADJUST EXISTING VALVE BOX	EA	26	$435.29	$11,317.54	$400.00	$10,400.00	$350.00	$9,100.00	$450.00	$11,700.00	$450.00	$11,700.00
RDWY-15	SANITARY SEWER (ADJUST MANHOLE)	EA	21	$252.85	$5,309.85	$530.00	$11,130.00	$500.00	$10,500.00	$650.00	$13,650.00	$700.00	$14,700.00
RDWY-16	ADJUST/RELOCATE FIRE HYDRANT	EA	1	$4,500.00	$4,500.00	$1,700.00	$1,700.00	$4,500.00	$4,500.00	$3,500.00	$3,500.00	$1,000.00	$1,000.00
PM-1	REFL PAV MRK TY I (W) 24"(SLD)(090MIL)	LF	251	$6.95	$1,744.45	$15.00	$3,765.00	$13.50	$3,388.50	$20.00	$5,020.00	$16.50	$4,141.50
PM-2	RAISED PAVEMENT MARKING, CLASS E, TYPE II-B (BLUE)	EA	10	$15.00	$150.00	$12.00	$120.00	$10.50	$105.00	$15.00	$150.00	$12.50	$125.00
PM-3	INSTALL SIGNS	EA	5	$450.00	$2,250.00	$500.00	$2,500.00	$450.00	$2,250.00	$520.00	$2,600.00	$540.00	$2,700.00
PM-4	REMOVE AND RELOCATE SIGNS WITH NEW FOUNDATION	EA	8	$385.00	$3,080.00	$420.00	$3,360.00	$385.00	$3,080.00	$445.00	$3,560.00	$460.00	$3,680.00
DRN-1	CONC BOX CULV (8 FT X 3 FT)	LF	41	$484.89	$19,880.49	$500.00	$20,500.00	$480.00	$19,680.00	$675.00	$27,675.00	$820.00	$33,620.00
DRN-2	CONC BOX CULV (4 FT X 2 FT)	LF	64	$245.23	$15,694.72	$260.00	$16,640.00	$187.00	$11,968.00	$290.00	$18,560.00	$560.00	$35,840.00
DRN-3	WINGWALL (PW)(HW=5 FT)	EA	2	$8,006.49	$16,012.98	$8,300.00	$16,600.00	$6,500.00	$13,000.00	$5,500.00	$11,000.00	$15,750.00	$31,500.00
DRN-4	HEADWALL (CH-PW-A-S)(DES= 2)	EA	2	$4,557.33	$9,114.66	$2,500.00	$5,000.00	$6,500.00	$13,000.00	$2,500.00	$5,000.00	$3,380.00	$6,760.00
DRN-5	CMP (GAL STL 30 IN)	LF	40	$65.64	$2,625.60	$67.00	$2,680.00	$75.00	$3,000.00	$69.00	$2,760.00	$390.00	$15,600.00
DRN-6	CMP AR (GAL STL DES 2)	LF	129	$37.19	$4,797.51	$54.00	$6,966.00	$100.00	$12,900.00	$60.00	$7,740.00	$180.00	$23,220.00
DRN-7	RC PIPE (ARCH)(CL IV)(DES 2)	LF	224	$143.59	$32,164.16	$166.00	$37,184.00	$140.00	$31,360.00	$200.00	$44,800.00	$350.00	$78,400.00
DRN-8	RC PIPE (ARCH)(CL IV)(DES 3)	LF	402	$157.10	$63,154.20	$172.00	$69,144.00	$150.00	$60,300.00	$200.00	$80,400.00	$272.50	$109,545.00
DRN-9	RC PIPE (ARCH)(CL IV)(DES 4)	LF	783	$208.19	$163,012.77	$235.00	$184,005.00	$210.00	$164,430.00	$240.00	$187,920.00	$316.00	$247,428.00
DRN-10	4 SIDED AREA INLET	EA	1	$3,151.46	$3,151.46	$2,000.00	$2,000.00	$2,050.00	$2,050.00	$4,500.00	$4,500.00	$1,650.00	$1,650.00
DRN-11	SET (TY I)(S= 4 FT)(HW= 3 FT)(6:1)(P)	EA	8	$6,476.28	$51,810.24	$3,200.00	$25,600.00	$2,500.00	$20,000.00	$3,500.00	$28,000.00	$6,955.00	$55,640.00
DRN-12	SET (TY II)(DES 3)(CMP)(6:1)	EA	2	$832.63	$1,665.26	$1,600.00	$3,200.00	$2,500.00	$5,000.00	$1,540.00	$3,080.00	$1,460.00	$2,920.00
DRN-13	SET (TY II)(DES 3)(RCP)(4:1)(C)	EA	16	$1,646.21	$26,339.36	$1,100.00	$17,600.00	$2,500.00	$40,000.00	$3,600.00	$57,600.00	$1,080.00	$17,280.00
DRN-14	SET (TY II)(DES 4)(RCP)(4:1)(C)	EA	19	$2,389.31	$45,396.89	$1,700.00	$32,300.00	$2,500.00	$47,500.00	$3,900.00	$74,100.00	$1,080.00	$20,520.00
DRN-15	SET (TY II)(DES 2)(RCP)(4:1)(C)	EA	8	$788.06	$6,304.48	$1,300.00	$10,400.00	$2,500.00	$20,000.00	$3,500.00	$28,000.00	$820.00	$6,560.00
DRN-16	SET (TY II)(DES 2)(CMP)(4:1)(C)	EA	13	$576.68	$7,496.84	$900.00	$11,700.00	$2,500.00	$32,500.00	$900.00	$11,700.00	$680.00	$8,840.00
DRN-17	RIPRAP (CONC)(5 IN)	CY	7	$354.93	$2,484.51	$490.00	$3,430.00	$150.00	$1,050.00	$400.00	$2,800.00	$510.00	$3,570.00
EC-1	FURNISHING AND PLACING TOPSOIL (4")	SY	17,199	$2.60	$44,717.40	$2.00	$34,398.00	$2.25	$38,697.75	$2.50	$42,997.50	$3.50	$60,196.50
EC-2	CELL FBR MLCH SEED(PERM)(RURAL)(CLAY)	SY	17,199	$0.24	$4,127.76	$0.20	$3,439.80	$0.33	$5,675.67	$0.50	$8,599.50	$0.65	$11,179.35
EC-3	CELL FBR MLCH SEED(TEMP)(WARM)	SY	8,600	$0.21	$1,806.00	$0.20	$1,720.00	$0.27	$2,322.00	$0.50	$4,300.00	$0.65	$5,590.00

CITY OF LEANDER - COUNTY GLEN ROADWAY IMPROVEMENTS
BID TABULATION - OCTOBER 18, 2012

				BIDDERS									
				BPI Environmental Services, Inc.		Aaron Concrete Contractors, LP.		Patin Construction LLC		Ross Construction, Inc.		Austin Engineering Co., Inc.	
				P.O. Box 341839 Lakeway, Texas 78734 (512) 288-5522		P.O. Box 27107 Austin, Texas 78755 (512) 926-7326 #307		3800 West 2nd. Street Taylor, Texas 76574 (512) 259-1071		P.O. Box 93188 Austin, Texas 78709 (512) 288-5344		P.O. Box 342349 Austin, Texas 78734 (512) 327-1464	
				Addendum	Bid Bond	Addendum	Bid Bond	Addendum	Bid Bond	Addendum	Bid Bond	Addendum	Bid Bond
				1	Y	1	Y	1	Y	1	Y	1	Y
				Y		Y		Y		Y		Y	
BASE BID ITEMS													
Item	Description	Unit	Qty	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
EC-4	CELL FBR MLCH SEED(TEMP)(COOL)	SY	8,600	$0.21	$1,806.00	$0.20	$1,720.00	$0.27	$2,322.00	$0.50	$4,300.00	$0.65	$5,590.00
EC-5	TEMPORARY SEDIMENT CONTROL FENCE	LF	4,278	$1.31	$5,604.18	$2.00	$8,556.00	$1.85	$7,914.30	$2.00	$8,556.00	$2.10	$8,983.80
EC-6	VEGETATIVE WATERING	MG	517	$38.67	$19,992.39	$46.00	$23,782.00	$50.00	$25,850.00	$40.00	$20,680.00	$24.00	$12,408.00
EC-7	TREE PROTECTION	LF	619	$3.50	$2,166.50	$2.10	$1,299.90	$2.85	$1,764.15	$4.00	$2,476.00	$2.40	$1,485.60
EC-8	TREE PLANKING	EA	11	$136.82	$1,505.02	$140.00	$1,540.00	$125.00	$1,375.00	$300.00	$3,300.00	$150.00	$1,650.00
EC-9	ROCK FILTER DAMS (INSTALL) (TY 2)	LF	148	$19.51	$2,887.48	$22.00	$3,256.00	$18.75	$2,775.00	$20.00	$2,960.00	$24.00	$3,552.00
EC-10	TREE REMOVAL (4"-12" DIA)	EA	1	$1,361.40	$1,361.40	$550.00	$550.00	$350.00	$350.00	$500.00	$500.00	$300.00	$300.00
EC-11	TREE REMOVAL (12"-18" DIA)	EA	3	$1,284.73	$3,854.19	$1,100.00	$3,300.00	$450.00	$1,350.00	$800.00	$2,400.00	$800.00	$2,400.00
EC-12	TREE REMOVAL (18"-24" DIA)	EA	3	$1,373.29	$4,119.87	$1,600.00	$4,800.00	$55.00	$165.00	$1,300.00	$3,900.00	$1,200.00	$3,600.00
MOB-1	MOBILIZATION	LS	1	$75,209.22	$75,209.22	$120,000.00	$120,000.00	$100,000.00	$100,000.00	$133,500.00	$133,500.00	$60,000.00	$60,000.00
	Total - Base Bid			$1,535,663.11		$1,862,475.20		$2,074,028.72		$2,293,595.15		$2,471,305.75	

Denotes Mathematical Error on Original Bid Form

Executive Summary

November 29, 2012

Council Agenda Subject: Consideration of Amendment No. 2 for Task Order KFA-20 with K. Friese & Associates, Inc., for professional services for County Glen and Hernando's Loop Street and Drainage Improvements

Background: Proposed Task Order KFA-20, Amendment No. 2, will provide for professional services for the bid phase and construction phase engineering services for "County Glen and Hernando's Loop Street and Drainage Improvements." Compensation for this work shall be on a time and materials basis not to exceed $34,212. The proposed work consists of the reconstruction and rehabilitation the roadway and open drainage system of County Glen from U.S. Hwy. 183 to Bagdad Road and Hernando's Loop. The proposed task order along with a detailed scope of work including supporting documentation is attached.

Origination: Wayne S. Watts, P.E., CFM, City Engineer

Financial Consideration: $34,212 from GL # 53-01-8327

Recommendation: Staff requests authorization of the City Manager to negotiate and execute Task Order KFA-20 Amendment No. 2.

Attachments: Draft Task Order KFA-20 Amendment No. 2 including scope of work and supporting documents

Prepared by: Terri Crauford, P.E., Assistant City Engineer

TASK ORDER AMENDMENT FOR PROFESSIONAL SERVICES

TASK ORDER AMENDMENT NO. 2 FOR TASK ORDER KFA-20

This will constitute authorization by the City of Leander, Texas (Owner), for K Friese & Associates, Inc., Austin, Texas (Engineer), to construction phase engineering services.

COUNTY GLEN AND HERNANDO'S LOOP STREET AND DRAINAGE REHABILITATION

A. AMENDMENT DESCRIPTION

This task order amendment includes bid phase and construction phase engineering services for the "County Glen Roadway Improvements" construction plans.

B. SCOPE OF SERVICES

KFA will assist the City of Leander with contract administration during the bid and construction phase of the project. We understand the City of Leander will provide required construction inspection services, and have assumed that the construction duration will be approximately 270 calendar days from from the construction of the project from notice to proceed from the City. Services to be performed by KFA are as follows:

1. KFA will assist the City of Leander with conducting a pre-bid conference.
2. KFA will assist the City of Leander with conducting a bid-opening conference.
3. Construction plan reproduction and distribution. KFA will incorporate addenda items in the construction plans as appropriate and reproduce and distribute the documents. For budgeting purposes we have assumed five full size (11"x17") sets of construction plans.
4. Attend pre-construction conference. KFA will attend a pre-construction conference with the City of Leander, Contractor, and other parties as appropriate, and prepare the meeting minutes.
5. Attend regular construction meetings. KFA will attend bi-weekly construction meetings with the City of Leander, Contractor, and other parties as appropriate. KFA will prepare and distribute the meeting minutes. For budgeting purposes we have assumed 20 meetings.
6. Site Visits. KFA will visit the site (coincident with the bi-weekly construction meetings) to check the progress of the work and verify general conformance with the project plans and technical specifications.
7. Submittal Review. KFA will maintain a log of all Contractor submittals, track review progress, review and approve submittals, and distribute submittals to the appropriate parties. For budgeting purposes we have assumed ten (10) submittals.
8. Pay Estimate Review. KFA will review the Contractor's pay estimates after approval by the City of Leander's on-site Inspector and make recommendations for payment. For budgeting purposes we have assumed ten (10) payment applications.
9. Preparation of Change Orders. KFA will review all Contractor's requests for Change Orders and prepare Change Orders as appropriate. For budgeting purposes we have assumed three (3) change orders.

10. Provide answers to requests for information (RFI's) from Contractor as related to possible conflicts and clarifications needed between plans and specifications. For budgeting purposes we have assumed ten (10) RFI's.
11. Contract Close-out. KFA will attend a final project walk-thru, document "punch list items", and issue an Engineer's Concurrence for Project Acceptance letter. KFA will also notify TCEQ and other jurisdictional agencies of project completion.
12. Record Drawings. KFA will use the Contractor's redline as-built drawings to document as-built conditions in the final record drawings. KFA will supply the City of Leander with one set of reproducible record drawings and provide one set of record drawings in electronic format.

C. ITEMS NOT INCLUDED IN THIS PROPOSAL

1. Coordination with TCEQ or TxDOT.
2. Agency review fees.

D. BASIS OF COMPENSATION

1. Availability of Funds - The City agrees that funds, to the extent required, are currently available and sufficient to complete the proposed engineering services authorized under this Proposal. All invoices submitted by the Engineer and approved by the City shall be paid within thirty (30) days of the invoice date. For any payments not made within thirty (30) days, a charge will be made monthly in the amount of one and one-half percent (1-1/2%) of the unpaid balance, beginning thirty (30) days from the date of the statements.

2. Compensation - The total compensation for Task Order No KFA-20 shall be on a time and material basis not to exceed of **$34,212**. A Manpower/Budget Estimate is attached as Exhibit 1. The City shall make payments to the Engineer for performing the engineering services described on a monthly billing basis in accordance with monthly statements submitted by the Engineer and approved by the City. Final payment shall be due upon completion of the services described.

APPROVED:	ACCEPTED:
CITY OF LEANDER, TEXAS	K FRIESE & ASSOCIATES, INC.
By _____	By _____
Kent Cagle City Manager	Karen A. Friese, P.E. President
Attest _____	Attest _____
Date _____	Date 10-8-12

EXHIBIT 1
KFA MANPOWER/BUDGET ESTIMATE

	Task	Principal Hours	Project Manager Hours	Project Engineer Hours	EIT Hours	CADD Technician Hours	Clerical Hours	Total Labor Hours	Total Labor Cost	Expenses Cost	Total Cost
	Bid and Construction Phase Services										
1	Pre-bid Conference			4				4	$464	$58	$522
2	Bid-Opening Conference			4				4	$464	$58	$522
3	Construction Plan Distribution			4			4	8	$704	$500	$1,204
4	Preconstruction Conference			4	4			8	$788	$58	$846
5	Construction Progress Meetings		8	80	40			128	$13,976	$577	$14,553
6	Site Visits							0	$0		$0
7	Submittal Review		4	5	10			19	$2,118		$2,118
8	Pay Estimate Review		4	10	20			34	$3,508		$3,508
9	Preparation of Change Orders		5	8	16	8		37	$3,750		$3,750
10	Respond to RFI's		2	10	20			32	$3,144		$3,144
11	Contract Close-out		4	8				12	$1,656	$58	$1,714
12	Record Drawings		2	4	8	8	4	26	$2,332		$2,332
	Totals	0	29	141	118	16	8	312	$32,904	$1,308	$34,212

Executive Summary

November 29, 2012

Council Agenda Subject: Consider Dedication and Acceptance of Subdivision Infrastructure Improvements for Leander Independent School District Burleson Subdivision

Background: The subdivision infrastructure improvements required for Leander Independent School District Burleson Subdivision have been installed, inspected, and found to be satisfactorily completed. All documentation required for acceptance of the subdivision has been received, including record drawings, statement of substantial completion prepared by a Professional Engineer licensed in the State of Texas, copies of all inspection reports and certified test results, electronic files of the improvements and final plat, affidavit of all bills paid, and a two-year term Maintenance Bond. The Maintenance Bond will commence its two year term upon City Council acceptance, as anticipated, on November 29, 2012, which will provide warranty and maintenance coverage for the infrastructure improvements through November 29, 2014. The Engineering Department will perform a formal inspection of the improvements approximately 30 days prior to the expiration of the Maintenance Bond to assure that any defects in materials, workmanship, or maintenance are corrected prior to expiration of the bond.

Origination: Wayne S. Watts, P.E., CFM, City Engineer

Financial Consideration: N/A

Recommendation: Staff recommends City Council's formal acceptance of the subdivision infrastructure improvements for Leander Independent School District Burleson Subdivision.

Attachments: Engineer's Concurrence Letters, Maintenance Bond, Affidavits of All Bills Paid, and Final Pay Estimates

Prepared by: Wayne S. Watts, P.E., CFM, City Engineer

TBPE Firm #F-474

ATKINS

Atkins North America, Inc.
6504 Bridge Point Parkway, Suite 200
Austin, Texas 78730

Telephone: +1.512.327.6840
Fax: +1.512.327.2453

www.atkinsglobal.com/northamerica

ENGINEER'S CONCURRENCE LETTER

Mr. Michael E. O'Neal & Mr. Milton Kokel
City of Leander
Engineering Department;
Construction Inspector

Date: 19 April 2012
Project Name: Leander Independent School District Burleson Subdivision Construction Plans (Street Improvements)
Address: Sandbur Lane, Barley Road, & Bull Nettle Drive (CR 179 just east of Ronald Reagan Blvd)
Site Plan Number: 10-PICP-001

Dear Michael & Milton,

On 19 April 2012, I, the undersigned professional engineer, made a visual inspection of the above referenced project. I or my representative have visited the site during construction and observed that the public road improvements; storm, water, and grading improvements were constructed in general conformance with the approved plans, with insignificant deviation. I, therefore, verify the adequate completion of site work associated with the public road and site improvements.

Conditional items that are underway and will be completed for full completion:

- Install Street Name Signs
- Vegetation will be established and then temporary irrigation along with E&S control will be removed.
- Complete comments and changes to Approved Construction Plans per City Staff in conjunction with owner approval.

Signature

By: _____
Jeffrey R. Scott, P.E.
TX PE # 97486

STATE OF TEXAS
JEFFREY R. SCOTT
97486
LICENSED
PROFESSIONAL ENGINEER

ATKINS Project # 100007040

MAINTENANCE BOND
Subdivision Improvements
Bond No. 8144-55-97

THE STATE OF TEXAS §

COUNTY OF WILLIAMSON §

KNOW ALL BY THESE PRESENTS, that Bartlett Cocke General Contractors, LLC, as Principal, whose address is 2550 South IH-35, Austin, Texas 78704 and Federal Insurance Company, 15 Mountain View Road, Warren, New Jersey 07059, a Corporation organized under the laws of the State of Indiana and duly authorized to do business in the State of Texas, as Surety, are held and firmly bound unto the City of Leander, Texas as Obligee, in the penal sum of One Hundred Thirty-Seven Thousand Seven Hundred Seventy-Four and 30/100 Dollars ($137,774.30) to which payment will and truly to be made we do bind ourselves, our and each of our heirs, executors, administrators, successors and assigns jointly and severally, firmly by these presents.

WHEREAS, the said Principal has constructed the public improvements identified in the Subdivision Improvement plans (including off-site improvements), City File No. 11-PICP-009; the installation and maintenance of the required erosion and sedimentation controls, tree protection, final restoration of distributed areas and for installation of the replacement trees as shown on the approved plans for the Burleson subdivision (the "improvements") pursuant to the ordinances of the Obligee, which ordinances are hereby expressly made a part hereof as though the same were written and embodied herein;

WHEREAS, said Obligee requires that the Principal furnish a bond conditioned to guarantee for the period of two (2) years after acceptance by the Obligee, against all defects in workmanship and materials which may become apparent during said period;

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH that, if the Principal keeps and perform the requirement of the Obligee's ordinances and this Maintenance Bond to maintain the improvements and keep the same in good repair and shall indemnify the Obligee for all loss that the Obligee may sustain by reason of any defective materials or workmanship which become apparent during the period of two (2) years from and after the date of acceptance by the Owner, then this obligation shall be void, otherwise to remain in full force and effect, and Owner shall have and cover from said Principal and Surety damages in the premises, as provided, and it is further agreed that this obligation shall be a continuing one against the Principal and Surety hereon, and that successive recoveries may be had thereon for successive breaches until the full amount shall have been exhausted; and it is further understood that the obligation herein to maintain said improvements shall continue throughout the maintenance period, and the same shall not be diminished in any manner from any cause during said time..

Principal agrees to repair or reconstruct the improvements in whole or in part at any time within the two year period to such extent as the Obligee deems necessary to properly correct all defects except for normal wear and tear. If the Principal fails to make the necessary corrections within ten days after being notified, the Obligee may do so or have done all said corrective work and shall have recovery hereon for all expenses thereby incurred. Principal will maintain and

keep in good repair the improvements for a period of two years from the date of acceptance; it being understood that the purpose of this Maintenance Bond is to cover all defective conditions arising by reason of defective material, work, or labor performed by said Principal or its subcontractors, and in the case the said Principal shall fail to do so within ten days after being notified, it is agreed that the Obligee may do said work and supply such materials, and charge the same against Principal and Surety on this obligation.

The Surety shall notify the Obligee at least fifteen (15) days prior to the end of the first full calendar year and prior to the lapse of this Maintenance Bond at the end of the second full calendar year.

Surety and Principal agree that whenever a defect or failure of the improvement occurs within the period of coverage under this Bond, the Surety and Principal shall provide a new maintenance bond or other surety instrument in a form acceptable to the Obligee and compliant with the Obligee's ordinances conditioned to guarantee for the period of one (1) year after the Obligee's acceptance of the corrected defect or failure, against all defects in workmanship and materials associated with the corrected defect or failure which may become apparent during said period, which shall be in addition to this Maintenance Bond.

The Surety agrees to pay the Obligee upon demand all loss and expense, including attorneys' fees, incurred by the Obligee by reason of or on account of any breach of this obligation by the Surety. Provided further, that in any legal action be filed upon this bond, venue shall lie in the county where the improvements are constructed.

This Bond is a continuing obligation and shall remain in full force and effect until cancelled as provided for herein.

Surety, for value received, stipulates and agrees that no change, extension of time, alteration or addition to the improvements, or the work to the performed thereon, or the plans, specifications or drawings accompanying the same, shall in any way affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the improvements, or the work to be performed thereon.

IN WITNESS WHEREOF, the said Principal and Surety have signed and sealed this instrument this 26th day of July 2012.

Bartlett Cocke General Contractors, LLC
Principal

By: _____
Harry A. Moeller
Title: Executive Vice President

Address: 2550 South IH-35
Austin, Texas 78704

Federal Insurance Company
Surety

By: _____
Paul W. Poettgen
Title: Attorney in Fact

Address: 15 Mountain View Road
Warren, New Jersey 07059

The name and address of the Resident Agent of Surety is:

Paul W. Poettgen, Harding-Conley-Drawert-Tinch Insurance Agency, Inc.

2161 NW Military Highway, Suite 210, San Antonio, Texas 78213 (210) 647-0134

(Seal)

Chubb Surety	POWER OF ATTORNEY	Federal Insurance Company Vigilant Insurance Company Pacific Indemnity Company	Attn: Surety Department 15 Mountain View Road Warren, NJ 07059

Know All by These Presents, That FEDERAL INSURANCE COMPANY, an Indiana corporation, VIGILANT INSURANCE COMPANY, a New York corporation, and PACIFIC INDEMNITY COMPANY, a Wisconsin corporation, do each hereby constitute and appoint Maryanna S. Christensen, Rick Jeter, Paul W. Poettgen and Rose M. Poettgen of San Antonio, Texas---------

each as their true and lawful Attorney- In- Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, bonds and undertakings and other writings obligatory in the nature thereof (other than bail bonds) given or executed in the course of business, and any instruments amending or altering the same, and consents to the modification or alteration of any instrument referred to in said bonds or obligations.

In Witness Whereof, said FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY have each executed and attested these presents and affixed their corporate seals on this 7th day of September, 2010.

Kenneth C. Wendel, Assistant Secretary

David B. Norris, Jr., Vice President

STATE OF NEW JERSEY
ss.
County of Somerset

On this 7th day of September, 2010 before me, a Notary Public of New Jersey, personally came Kenneth C. Wendel, to me known to be Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY, the companies which executed the foregoing Power of Attorney, and the said Kenneth C. Wendel, being by me duly sworn, did depose and say that he is Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY and knows the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of the By- Laws of said Companies; and that he signed said Power of Attorney as Assistant Secretary of said Companies by like authority; and that he is acquainted with David B. Norris, Jr., and knows him to be Vice President of said Companies; and that the signature of David B. Norris, Jr., subscribed to said Power of Attorney is in the genuine handwriting of David B. Norris, Jr., and was thereto subscribed by authority of said By-Laws and in deponent's presence.

Notarial Seal

KATHERINE J. ADELAAR
NOTARY PUBLIC OF NEW JERSEY
No 2316685
Commission Expires July 16, 2014

Notary Public

CERTIFICATION

Extract from the By- Laws of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY:

"All powers of attorney for and on behalf of the Company may and shall be executed in the name and on behalf of the Company, either by the Chairman or the President or a Vice President or an Assistant Vice President, jointly with the Secretary or an Assistant Secretary, under their respective designations. The signature of such officers may be engraved, printed or lithographed. The signature of each of the following officers: Chairman, President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Assistant Secretaries or Attorneys- In- Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached."

I, Kenneth C. Wendel, Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY

(the "Companies") do hereby certify that

(i) the foregoing extract of the By- Laws of the Companies is true and correct,
(ii) the Companies are duly licensed and authorized to transact surety business in all 50 of the United States of America and the District of Columbia and are authorized by the U.S. Treasury Department; further, Federal and Vigilant are licensed in Puerto Rico and the U.S. Virgin Islands, and Federal is licensed in American Samoa, Guam, and each of the Provinces of Canada except Prince Edward Island; and
(iii) the foregoing Power of Attorney is true, correct and in full force and effect.

Given under my hand and seals of said Companies at Warren, NJ this 26th day of July, 2012.

Kenneth C. Wendel, Assistant Secretary

IN THE EVENT YOU WISH TO NOTIFY US OF A CLAIM, VERIFY THE AUTHENTICITY OF THIS BOND OR NOTIFY US OF ANY OTHER MATTER, PLEASE CONTACT US AT ADDRESS LISTED ABOVE, OR BY Telephone (908) 903- 3493 Fax (908) 903- 3656
e-mail: surety@chubb.com

Policyholder Information Notice

IMPORTANT NOTICE

To obtain information or make a complaint:

You may call Chubb's toll-free telephone number for information or to make a complaint at

1-800-36-CHUBB

You may contact the Texas Department of Insurance to obtain information on companies, coverages, rights or complaints at

1-800-252-3439

You may write the Texas Department of Insurance

P.O. Box 149104
Austin, TX 78714-9104
FAX # (512) 475-1771
Web: http://www.tdi.state.tx.us
E-mail: ConsumerProtection@tdi.state.tx.us

PREMIUM OR CLAIM DISPUTES:

Should you have a dispute concerning your premium or about a claim you should contact the agent first. If the dispute is not resolved, you may contact the Texas Department of Insurance.

ATTACH THIS NOTICE TO YOUR POLICY:

This notice is for information only and does not become a part or condition of the attached document.

AVISO IMPORTANTE

Para obtener información o para someter una queja:

Usted puede llamar al número de teléfono gratis de Chubb's para información o para someter una queja al

1-800-36-CHUBB

Puede comunicarse con el Departamento de Seguros de Texas para obtener información acerca de compañías, coberturas, derechos o quejas al

1-800-252-3439

Puede escribir al Departamento de Seguros de Texas
P.O. Box 149104
Austin, TX 78714-9104
FAX # (512) 475-1771
Web: http://www.tdi.state.tx.us
E-mail: ConsumerProtection@tdi.state.tx.us

DISPUTAS SOBRE PRIMAS O RECLAMOS:

Si tiene una disputa concerniente a su prima o a un reclamo, debe comunicarse con el agente primero. Si no se resueve la disputa, puede entonces comunicarse con el departamento (TDI).

UNA ESTE AVISO A SU POLIZA:

Este aviso es solo para propósito de información y no se convierte en parte o condición del documento adjunto.

Burleson Subdivision Construction Plans
Actual Cost of Construction
19-Apr-12

BCGC
JNC

Cost Classification - Construction Costs

Item #	Item/Remarks	Unit	Unit Cost	Quantity	Costs	Subtotal	Cost Provided By
A	Erosion Control (pond)	1	$ 36,600.00	LS	$ 36,600.00	$ 36,600.00	BC
B	Earthwork	1	$ 477,002.00	LS	$ 477,002.00	$ 477,002.00	BC
C	Asphalt Paving	1	incl in earthwork	LS			BC
D	Site Concrete	1	$ 208,638.00	LS	$ 208,638.00	$ 208,638.00	BC
E	Striping and signage	1	$ 37,084.00	LS	$ 37,084.00	$ 37,084.00	BC
F	Utilities	1	$ 618,419.00	LS	$ 618,419.00	$ 618,419.00	BC
	SubTotal Costs					$ 1,377,743.00	

Notes/Assumptions:
1 Light pole construction cost not included.

STATE OF TEXAS
JEFFREY R. SCOTT
97486
LICENSED
PROFESSIONAL ENGINEER
19 Apr 2012

Executive Summary

November 29, 2012

Council Agenda Subject: Consider Dedication and Acceptance of Subdivision Infrastructure Improvements for Sarita Valley, Phase 2A, Subdivision

Background: The subdivision infrastructure improvements required for Sarita Valley, Phase 2A, Subdivision have been installed, inspected, and found to be satisfactorily completed. All documentation required for acceptance of the subdivision has been received, including record drawings, statement of substantial completion prepared by a Professional Engineer licensed in the State of Texas, copies of all inspection reports and certified test results, electronic files of the improvements and final plat, affidavit of all bills paid, and a two-year term Maintenance Bond. The Maintenance Bond will commence its two year term upon City Council acceptance, as anticipated, on November 29, 2012, which will provide warranty and maintenance coverage for the infrastructure improvements through November 29, 2014. The Engineering Department will perform a formal inspection of the improvements approximately 30 days prior to the expiration of the Maintenance Bond to assure that any defects in materials, workmanship, or maintenance are corrected prior to expiration of the bond.

Origination: Wayne S. Watts, P.E., CFM, City Engineer

Financial Consideration: N/A

Recommendation: Staff recommends City Council's formal acceptance of the subdivision infrastructure improvements for Sarita Valley, Phase 2A, Subdivision.

Attachments: Engineer's Concurrence Letters, Maintenance Bond, Affidavits of All Bills Paid, and Final Pay Estimates

Prepared by: Wayne S. Watts, P.E., CFM, City Engineer

Kimley-Horn
and Associates, Inc.

November 13, 2012

10415 Morado Circle
Building 1, Suite 300
Austin, TX 78759

Mr. Wayne Watts, P.E.
City Engineer
City of Leander
104 N. Brushy Street
Leander, Texas 78641

Re: ***Letter of Concurrence***
Sarita Valley – Phase IIA
Leander, Texas

Dear Mr. Watts:

Kimley-Horn and Associates, Inc. ("KHA") conducted a site visit on Tuesday, November 13, 2012 and confirmed that the proposed improvements, including the final punch-list items, have been constructed in general compliance with the Sarita Valley Phase II plans dated July 11, 2011. Items of construction included the underground water, wastewater, storm drainage, gas, and electrical conduit lines, as well as the proposed asphalt paving and concrete curb. Permanent water quality controls to serve phase IIa were constructed and accepted with the phase I construction.

Please let us know if you have any additional questions or comments.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

STATE OF TEXAS
BRIAN J. PARKER
90248
LICENSED
PROFESSIONAL ENGINEER

Brian Parker, P.E.
Vice President

Cc: Mr. Don Walden, Falconhead
Mr. Brian Carlock, Hillwood Residential
Mr. Ran Peschel, DNT Construction.

TEL 512 418 1771
FAX 512 418 1791

Bond NO. 1959372

MAINTENANCE BOND
Subdivision Improvements

THE STATE OF TEXAS §

COUNTY OF WILLIAMSON §

KNOW ALL BY THESE PRESENTS, that DNT Construction, LLC as Principal, whose address is 2300 Picadilly Dr., Round Rock, TX 78664 and The Hanover Insurance Company a Corporation organized under the laws of the State of New Hampshire, and duly authorized to do business in the State of Texas, as Surety, are held and firmly bound unto the City of Leander, Texas as Obligee, in the penal sum of Forty One Thousand Three Hundred Eighty Seven & 44/100's Dollars ($41,387.44) to which payment will and truly to be made we do bind ourselves, our and each of our heirs, executors, administrators, successors and assigns jointly and severally, firmly by these presents.

WHEREAS, the said Principal has constructed Sarita Valley Phase II A *(insert description of subdivision improvements)* (the "improvements") pursuant to the ordinances of the Obligee, which ordinances are hereby expressly made a part hereof as though the same were written and embodied herein;

WHEREAS, said Obligee requires that the Principal furnish a bond conditioned to guarantee for the period of two (2) years after acceptance by the Obligee, against all defects in workmanship and materials which may become apparent during said period;

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH that, if the Principal keeps and perform the requirement of the Obligee's ordinances and this Maintenance Bond to maintain the improvements and keep the same in good repair and shall indemnify the Obligee for all loss that the Obligee may sustain by reason of any defective materials or workmanship which become apparent during the period of two (2) years from and after the date of acceptance by the Owner, then this obligation shall be void, otherwise to remain in full force and effect, and Owner shall have and cover from said Principal and Surety damages in the premises, as provided, and it is further agreed that this obligation shall be a continuing one against the Principal and Surety hereon, and that successive recoveries may be had thereon for successive breaches until the full amount shall have been exhausted; and it is further understood that the obligation herein to maintain said improvements shall continue throughout the maintenance period, and the same shall not be diminished in any manner from any cause during said time..

Principal agrees to repair or reconstruct the improvements in whole or in part at any time within the two year period to such extent as the Obligee deems necessary to properly correct all defects except for normal wear and tear. If the Principal fails to make the necessary corrections within ten days after being notified, the Obligee may do so or have done all said corrective work and shall have recovery hereon for all expenses thereby incurred. Principal will maintain and keep in good repair the improvements for a period of two years from the date of acceptance; it being understood that the purpose of this Maintenance Bond is to cover all defective conditions arising by reason of defective material, work, or labor performed by said Principal or its subcontractors, and in the case the said Principal shall fail to do so within ten days after being

notified, it is agreed that the Obligee may do said work and supply such materials, and charge the same against Principal and Surety on this obligation.

The Surety shall notify the Obligee at least fifteen (15) days prior to the end of the first full calendar year and prior to the lapse of this Maintenance Bond at the end of the second full calendar year.

Surety and Principal agree that whenever a defect or failure of the improvement occurs within the period of coverage under this Bond, the Surety and Principal shall provide a new maintenance bond or other surety instrument in a form acceptable to the Obligee and compliant with the Obligee's ordinances conditioned to guarantee for the period of one (1) year after the Obligee's acceptance of the corrected defect or failure, against all defects in workmanship and materials associated with the corrected defect or failure which may become apparent during said period, which shall be in addition to this Maintenance Bond.

The Surety agrees to pay the Obligee upon demand all loss and expense, including attorneys' fees, incurred by the Obligee by reason of or on account of any breach of this obligation by the Surety. Provided further, that in any legal action be filed upon this bond, venue shall lie in the county where the improvements are constructed.

This Bond is a continuing obligation and shall remain in full force and effect until cancelled as provided for herein.

Surety, for value received, stipulates and agrees that no change, extension of time, alteration or addition to the improvements, or the work to the performed thereon, or the plans, specifications or drawings accompanying the same, shall in any way affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the improvements, or the work to be performed thereon.

IN WITNESS WHEREOF, the said Principal and Surety have signed and sealed this instrument this 12th day of November, 2012.

DNT Construction, LLC
Principal

By: DEAN TOMME

Title: VICE PRESIDENT
Address: 2300 Picadilly Dr
Round Rock, TX 78664

The Hanover Insurance Company
Surety

By:

Title: John W. Schuler, Attorney-in-Fact
Address:

10375 Richmond Avenue, Suite 1050
Houston, TX 77042

The name and address of the Resident Agent of Surety is:

Time Insurance Agency, Inc., 1405 East Riverside Drive, Austin, TX 78741

(Seal)

Bond No. 1959372

THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY
CITIZENS INSURANCE COMPANY OF AMERICA

POWERS OF ATTORNEY
CERTIFIED COPY

KNOW ALL MEN BY THESE PRESENTS: That THE HANOVER INSURANCE COMPANY and MASSACHUSETTS BAY INSURANCE COMPANY, both being corporations organized and existing under the laws of the State of New Hampshire, and CITIZENS INSURANCE COMPANY OF AMERICA, a corporation organized and existing under the laws of the State of Michigan, do hereby constitute and appoint

John W. Schuler, Tom Mulanax and/or Stephen R. Smith

of **Austin, TX** and each is a true and lawful Attorney(s)-in-fact to sign, execute, seal, acknowledge and deliver for, and on its behalf, and as its act and deed any place within the United States, or, if the following line be filled in, only within the area therein designated any and all bonds, recognizances, undertakings, contracts of indemnity or other writings obligatory in the nature thereof, as follows:

Any such obligations in the United States, not to exceed Ten Million and No/100 ($10,000,000) in any single instance

and said companies hereby ratify and confirm all and whatsoever said Attorney(s)-in-fact may lawfully do in the premises by virtue of these presents. These appointments are made under and by authority of the following Resolution passed by the Board of Directors of said Companies which resolutions are still in effect:

"RESOLVED, That the President or any Vice President, in conjunction with any Vice President, be and they are hereby authorized and empowered to appoint Attorneys-in-fact of the Company, in its name and as its acts, to execute and acknowledge for and on its behalf as Surety any and all bonds, recognizances, contracts of indemnity, waivers of citation and all other writings obligatory in the nature thereof, with power to attach thereto the seal of the Company. Any such writings so executed by such Attorneys-in-fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company in their own proper persons." (Adopted October 7, 1981 - The Hanover Insurance Company; Adopted April 14, 1982 - Massachusetts Bay Insurance Company; Adopted September 7, 2001 - Citizens Insurance Company of America)

IN WITNESS WHEREOF, THE HANOVER INSURANCE COMPANY, MASSACHUSETTS BAY INSURANCE COMPANY and CITIZENS INSURANCE COMPANY OF AMERICA have caused these presents to be sealed with their respective corporate seals, duly attested by two Vice Presidents, this **28th** day of **June 2012**.

THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY
CITIZENS INSURANCE COMPANY OF AMERICA

Robert Thomas, Vice President

Joe Brenstrom, Vice President

THE COMMONWEALTH OF MASSACHUSETTS)
COUNTY OF WORCESTER) ss.

On this **28th** day of **June 2012** before me came the above named Vice Presidents of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, to me personally known to be the individuals and officers described herein, and acknowledged that the seals affixed to the preceding instrument are the corporate seals of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, respectively, and that the said corporate seals and their signatures as officers were duly affixed and subscribed to said instrument by the authority and direction of said Corporations.

BARBARA A. GARLICK
Notary Public
Commonwealth of Massachusetts
My Commission Expires Sept. 21, 2018

Barbara A. Garlick, Notary Public
My Commission Expires September 21, 2018

I, the undersigned Vice President of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, hereby certify that the above and foregoing is a full, true and correct copy of the Original Power of Attorney issued by said Companies, and do hereby further certify that the said Powers of Attorney are still in force and effect.

This Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America.

"RESOLVED, That any and all Powers of Attorney and Certified Copies of such Powers of Attorney and certification in respect thereto, granted and executed by the President or any Vice President in conjunction with any Vice President of the Company, shall be binding on the Company to the same extent as if all signatures therein were manually affixed, even though one or more of any such signatures thereon may be facsimile." (Adopted October 7, 1981 - The Hanover Insurance Company; Adopted April 14, 1982 - Massachusetts Bay Insurance Company; Adopted September 7, 2001 - Citizens Insurance Company of America)

GIVEN under my hand and the seals of said Companies, at Worcester, Massachusetts, this 12th day of Nov., 20 12.

THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY
CITIZENS INSURANCE COMPANY OF AMERICA

Glenn Margosian, Vice President

APPLICATION AND CERTIFICATE FOR PAYMENT/ DNT Construction

TO (OWNER):
H4 Sarita Valley, LLC
3090 Olive St., Suite 300
Dallas, TX 75219

PROJECT:
Sarita Valley Phase 2A

APPLICATION NO: 5
Retainage
PERIOD TO: 10/15/2012

Distribution
$0.00
$ -
$ -

DNT Construction
P O Box 6210
Round Rock, Texas 78683

ENGINEER
Kimley-Horn and Associates, Inc.
10415 Morado Circle, Bldg 1, Ste 300
Austin, TX 78759

DNT CONSTRUCTION
INVOICE NO. 11-12-1250-4

CONTRACT DATE:

CHANGE ORDER SUMMARY			
Change orders approved in previous months by Owner		ADDITIONS	DEDUCTIONS
	TOTAL	$0.00	$0.00
Approved this Month			
Number	Date Approved		
1	8-Nov-12	$4,405.00	$0.00
2			
3			
4			
	TOTALS	$4,405.00	$0.00
Net change by Change Orders		$4,405.00	

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: DNT CONSTRUCTION

By: R Peschel Date: 11/8/12
, Project Manager

Application is made for Payment, as shown below, in connection with the Contract.
Continuation Sheet Attached

1 **ORIGINAL CONTRACT SUM**	$507,550.99
2 **Net change by Change Orders**	$4,405.00
3 **CONTRACT SUM TO DATE**	$511,955.99
4 **TOTAL COMPLETED & STORED TO DATE** (Column G on J703)	$ 511,955.99
5 **Retainage:**	
a. 10 % of Cpt Wk (Column D + E on J703)	
b. _10_% of Stored Mtl $ - (Column F on J703)	
Total Retainage (Line 5a + 5b or (Total in Column 1 of J703)	$0.00
6 **TOTAL EARNED LESS RETAINAGE** (Line 4 less 5 Total)	$511,955.99
7 **LESS PREVIOUS CERTIFICATES FOR PAYMENT** (Line 6 from prior Certificates)	$460,760.39
8 **CURRENT PAYMENT DUE**	$51,195.60
9 **BALANCE TO FINISH, PLUS RETAINAGE** (Line 3 less Line 6)	$0.00

State of: TEXAS County of: TRAVIS
Subscribed and sworn to before me this 8th day of November 2012
Notary Public: Yvonne C. Escobedo
My Commission expires: 5/14/2016

Yvonne C Escobedo
My Commission Expires
05/14/2016

ENGINEER CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Engineer certifies to the Owner that to the best of the Engineer's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED
(Attach explanation if amount certified differs from the amount applied for.)
ENGINEER
By: B. J. Parker Date: 11-12-12

STATE OF TEXAS
BRIAN J. PARKER
90248
LICENSED
PROFESSIONAL ENGINEER

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

Executive Summary

November 29, 2012

Council Agenda Subject: Consider amendment to Section 2.07 of the Leander Personnel Policy dealing with Outside Employment.

Background:

According to Leander Personnel Policy Section 2.07 – Outside Employment, any city employee that seeks outside employment shall provide City administration with an approved executed written waiver release from the outside employer. This waiver has prevented city employees from obtaining outside employment due to prospected employers reluctance to sign a written waiver release form without first consulting legal counsel. This often delays the process and many of the outside employers will not hire City employees.

Origination: Chief Greg Minton – Police Department

Financial Consideration: n/a

Recommendation: Staff recommends approval of amending Section 2.07 of the Leander Personnel Policy removing the required written waiver release form.

Attachments: City Personnel Policy Section 2.07 – Outside Employment, Leander Police Department Off-Duty Employment Policy (Pg. 7), Written waiver release form – Police Officer, Written waiver release form – Non-Police, TML Letter referencing outside employment for city police officers.

Prepared by: Chief Greg Minton – Police Department

Section 2.07. Outside Employment. Occasional and part-time outside work will be allowed if approved in writing by the department head or City Manager on a case-by-case basis, and if the work does not constitute a conflict of interest, does not interfere with the employee's performance of duties with the City, and does not involve the use of City time or equipment. Each department will establish procedures for this approval process. Police officers may engage in approved outside employment utilizing issue uniform and personal equipment. Police officer's use of other equipment, such as vehicles, will be subject to contracting for services and shall be approved by the City Attorney and City Manager. Full-time employees approved to hold outside employment may not work more than twenty-four (24) hours of outside employment in any workweek and such employment shall not interrupt, interfere with or be detrimental to the performance of the employee's duties. Police officers may not work more than sixty-six and one-half (66.5) total hours (regular + outside) per week unless emergency circumstances are declared by the City Manager. Any injury occurring while engaged in outside employment shall be reported immediately in writing to the City Manager. An injury occurring while engaged in outside employment may reduce the benefits otherwise granted by these policies. ~~Employees seeking outside employment must also provide City administration with an approved executed written waiver release from the outside employer.~~

Chapter 7 Time Sheets, Overtime, Compensatory Time, Leave

Policy

It is the policy of this department that all non-exempt employees shall complete biweekly time sheets, utilizing Incode.

Non-exempt employees shall not conduct "off-the-clock" or volunteer work for this department or any entity of the City of Leander.

Definitions

The following are definitions for the activity fields in Incode.

CARS/COFFEE: special OT for the event

CITY COUNCIL MEETING: special OT for the meeting

COMP TAKEN: total hours of compensatory overtime taken

CT BAILIFF HRS: when working as bailiff, OT only when over 80 hours

EMRGNCY LV: Emergency leave taken, as defined the city personnel policy

HOLIDAY: use only for banked holiday time – will be removed from Incode when all banked holiday time has been used

HOLIDAY – FLOATING: floating holiday time taken

HOLIDAY PD: holiday time paid, should be observed holiday for Monday – Friday employees and actual holiday for shift work (day will vary only for actual holidays falling on a weekend)

JURY DUTY: when out for jury duty

LISD OT: total hours worked at a LISD school function while not on regular duty

NARRATIVE: comments that are needed to explain overtime, school function overtime or other entries

REG – HRLY: total regular duty hours worked, does not include overtime hours worked for the city or at a school function

SICK LEAVE: total hours of sick time taken

STEP: STEP overtime

TRVEL TIME/NO WORK:

VACATION: total hours of vacation time taken

The following are definitions for the type of overtime

Approved OT: overtime that has been approved and will be paid as overtime if you have physically worked 80 hours. Any holiday, sick or vacation time used to bring your total to 80 hours will negate overtime pay.

Special OT: overtime that has been approved and will be overtime regardless of the hours worked; OpOr0022 is not needed,

Procedure

The City Personnel Policy Article 5 describes the city's attendance and leave policy. The accrual of overtime shall be subject to prior supervisory approval, and the unauthorized accrual shall constitute grounds for adverse personnel action regardless of the method agreed upon for the compensation for unauthorized overtime; all approved/unapproved bona fide overtime will be paid or compensated. Currently, the chief, captains and lieutenants are the only exempted employees.

7.1 Time Sheet Submission

Time sheets must be submitted in Incode by the last Friday of each pay period unless instructed otherwise by your supervisor. When entering time into Incode:

- Select the proper activity
- Select the proper department
- Enter the number of hours
- Add remarks in the "Narrative" as necessary for overtime

To calculate hours of work for overtime purposes, see Appendix 4, Calculation of Hours Worked, City Personnel Policy. Soft-time, hours not counted toward overtime, includes holiday time, vacation time, sick time, and any compensatory time utilized.[1] 22.1.11

Patrol Officers

Patrol officers have set schedules and must communicate changes to that schedule. In the time sheet submission includes notes if:

- Court testimony outside of normal duty schedule
- Leaving early, to flex time
- Staying late, include reason

An employee may be requested to flex out additional time accrued early enough in the pay period. This is subject to management decision for shift coverage.

[1] Reference: herein fulfills requirements of 29 USC 207 (o) relating to special provisions for public agencies under the Act. Applicable to "non-exempt" employees only, exempt employees (holding salaried executive/administrative positions) are not under the requirements set-out in these subsections. Such exempt employees shall not be subject to any hourly requirements for actual hours worked during any given work week. Exempt officers shall be accountable to management for reasonable job performance and expectations. (FLSA, and attendant case law)

Overtime Calculation
Civilian employees should calculate overtime based on a 40-hour work week, not an 8-hour day. Sworn officer employees should calculate overtime based on an 80 hour biweekly basis, not on an 8-hour day or a 40 hour week. Employees must declare anticipated overtime on city approved form, OpOr0022. A supervisor in your chain of command must approve all overtime before accrual. All compensation and overtime will be paid in compliance with the current city personnel policy. 22.1.1c.1

School Overtime
Use the following abbreviations in the narrative section of Incode to specify your overtime.

School Abbreviations	
Bagdad Elementary	BE
Jim Plain Elementary	JE
Pleasant Hill Elementary	PE
Whitestone Elementary	WE
Winkley Elementary	WKE
Leander Middle	LMS
Wiley Middle	WMS
Rouse High	RHS
Leander High	LHS

Gender	
Boys	B
Girls	G

Activity	
Volleyball	VB
Basketball	BKTB
Soccer	SOC
Baseball	BB
Football	FB
Dance	DAN
Track meet	TM
Softball	SB

Holiday Time
The city personnel policy states that holidays that fall on a Saturday or Sunday will be observed on the Friday before or Monday after, respectively. All police department employees working a Monday thru Friday schedule will utilize the observed city holiday dates. As such, all holiday time observed will be recorded in Incode as "HOLIDAY PD" on the observed date.

All police department employees working shift work will observe the holiday on the actual holiday. As such, all holiday time observed by shift workers will be recorded in Incode as "HOLIDAY PD" on the date of the actual holiday.

Note that employees working on a holiday will record their regular duty hours as "REG – HRLY" and their holiday time as "HOLIDAY PD." Therefore, there will be two entries on a holiday when working regular duty on that holiday.

Declaration of Outside Employment Hours
For all pay periods where you work outside employment, you must complete an Outside Employment Declaration of Hours form, Annex # 1. The total number of hours worked, regular duty + city OT + outside employment, per week should not be more than 66.5 hours

- Record weekly number of duty hours.

- Record weekly number of department paid overtime hours.
- Record weekly number of outside employment hours.
- Include the name of the outside employer(s) on the form.
- Sign the form.
- Submit the form when timesheets are due.

The declared off-duty work time is reviewed by the chief of police or designee each pay period. 22.3.4c

7.2 Breaks

Non-exempt officers work prescribed shifts without designated meal breaks. Non-exempt officers are paid for the whole shift. Meal breaks when taken may not exceed 30 minutes per shift, however, officers and supervisors shall remain available and break times are subject to being immediately terminated when police responses are needed.

7.3 Time-Off Request

Employees shall submit time-off requests on the prescribed form to immediate supervisors, OpOr0022. Granting of off duty time is subject to the department's ability to maintain sufficient personnel available to carry-on operation. Vacation time is to be granted if the supervisor can maintain sufficient personnel. Supervisors may deny this time if required number of personnel cannot be maintained if granted.

7.4 Scheduling

Supervisors charged with scheduling should be aware that departmental needs are primary when engaging in scheduling tasks. Personal needs are secondary but not totally discountable. Since scheduling and shift work usually go together, all supervisory efforts should be made to make this process as equitable for each employee as possible. Scheduling should include the following routine factors:

- Anticipated workloads for shifts
- Availability of personnel qualified to perform shift duties
- Availability of resources such as vehicles and other equipment
- Trends in criminal activities by time period or location
- Special or upcoming events such as festivals, holidays, etc
- Budget(s)

7.5 Workers' Compensation Guidelines

The Texas Workers' Compensation Act provides income, medical and death benefits to employees in Texas for injuries sustained in the course and scope of their employment. The state agency charged with the enforcement of this Act is the Texas Workers' Compensation Commission (TWCC). Under the Act, most employers carry insurance (which the City does and our underwriter is Texas Municipal League) which pays our benefits for work-related injuries according to the provisions of the Act.

~~Generally,~~ Supervisors should first understand that subordinate's injuries or conditions sustained within the course and scope of their duties should be immediately reported to the City Human Resource (HR) contact person. ~~Likewise,~~ The appropriate supervisor will reasonably ascertain if HR has executed TWCC-1 reporting such injury or condition. This reporting should be done based on knowledge of an injury or condition sustained on the job – not based on the immediate need for medical attention.

~~Generally,~~ Supervisors answering questions for subordinates should know the following information concerning compensation: Workers' compensation pays 70% of an employee's averaged salary. This averaged salary is done by the underwriter, usually a 6 week review. The remaining 30% may, if the employee wishes, be supplemented from the employee's paid leave time (compensatory, vacation, or sick leave).

Supervisors should know that even though immediate reporting is stressed, an employee may still be eligible for compensation under the Act for an injury sustained in the course and scope of duties and reported within 30 days to their supervisor. In cases where an occupational disease is the issue instances must be reported within one year after the employee knew (or should have known) the disease was related to employment. If the claim involves an exposure (not the disease itself) special forms will be needed. (Infectious Disease Exposure Report)

The following is a partial list of current forms and a brief explanation for their use:

- TWCC-1 Employer's First Report of Injury or Illness (example in annex)
- TWCC-1S Employers First Report of Injury (injury reported but not immediately, even if over 30 days file this report)
- TWCC-6 Supplemental Report of Injury (HR's responsibility)
- TWCC-41 Occupational Related Disease within one year
- LS-12 Occupational Exposure to Disease
- TWCC-53 Request to Change Doctor

If required, additional policy and procedures on worker's compensation is contained in the City Personnel Policy, section 5.11.

Protocol for Fleet Damage or Worker's Compensation Injuries

In the event of any on-duty injury, the employee must never give their own insurance card. Note that for any fleet collision above $50 damage, unless the vehicle is unoccupied, a drug test is required before the employee may return to work. To clarify, an incident, such as a scratch to a vehicle, is not considered a fleet (accident), but should still be reported immediately to your supervisor. Note that not all worker's compensation injuries will require drug testing, always discuss this with the HR director.

For a serious injury:

- Contact Williamson County EMS and follow the ambulance guidelines to insure the patient goes to the nearest specialty hospital.
    - Cedar Park is the preferred location for treatment.

    - Specific injuries may automatically override the preferred location.
- Notify your supervisor, appropriate command supervisor and HR director immediately.
- Use the letter in the packet (keep in your vehicle) for authorization of medical treatment authorization.
- Complete the employer's first report of injury or illness report in the packet (keep in your vehicle).

For minor injuries:

- Contact your supervisor, appropriate command supervisor and HR director immediately.
- If this occurs Monday – Friday from 0800 – 1700, bring the employee directly to the HR department after notification of all required people
    - HR will take the employee to Cedar Park Occupational Medicine Clinic for drug testing and treatment.
        - Note that alcohol testing (PBT) is done at the hospital when other drug testing is done
    - HR will notify the appropriate command supervisor:
        - if the employee can return to work immediately;
        - if further drug testing is required; or
        - if the employee has injuries which prevent the employee from immediately going back to work
- If this occurs after hours, holidays or weekends:
    - Follow HR director instructions.
    - Only someone in a supervisor's role (or higher) is allowed to take employee for drug testing and treatment in a situation after hours.
    - Cedar Park Occupational Medicine Clinic authorization for medical treatment, employers first report of injury or illness, and on-the-job injury billing and preauthorization procedures are included in the packet (keep in your vehicle).
- All injured employees must be released back to work in writing after medical treatment
- For fleets, a CR-3 and a memo are required. These must be forwarded to the appropriate command supervisor as soon as possible. The memo must be written by the employee involved in the fleet and must detail the incident.

If ever in doubt about a situation, always call your supervisor, who will notify the appropriate command supervisor and the HR director for proper protocol for any fleet damage and/or worker's compensation injuries. If an employee reports an injury but refuses treatment at the time of the accident, that employee must immediately get drug tested.

7.6 Outside Employment Request and Approval Process

Section 2.07, Outside Employment, of the City Personnel Policy addresses "Outside Employment." Peace officers must comply with statutory law that regulates certain

"outside employment" situations and such law(s) should always be taken into consideration when deciding outside employment. Such employment requires the chief of police's review and approval. 22.3.4a Long-term requests shall be submitted via email ~~in memo~~ form for approval, stating the specific aspects of the job to be performed. 22.3.4c Short-term requests may be approved verbally. The chief may revoke any verbal or written approval without notice or cause. 22.3.4c

Types of Off-Duty Employment 22.3.3
All employees shall avoid conflicts of interest in off-duty employment as noted in City Policy, §2.07. ~~Likewise,~~ Officers should avoid employment that, by the nature, would bring discredit to the department. Officers engaged in outside employment activities shall be held to the same policies and professional standards as in regular duty situations. 22.3.4b ~~Generally,~~ Command supervisors will coordinate and monitor outside employment activities for compliance with city and department policies and procedure. 22.3.4d Additionally, for any "personal security" work that may be requested/performed, part of the approval process will entail a background investigation on the individual to be protected. Such personal security requests may be denied based on negative background results.

Employees engaged in any outside employment shall be subject to emergency call and expected to return to their assigned duty if summoned. ~~Likewise,~~ Outside employment scheduling shall not conflict or interfere with the employee's routine performance of duties. Probationary employees should not be approved for outside employment under normal circumstances, especially peace officers who have not achieved the basic certification level of proficiency.

~~Once the job has been approved via memorandum, then a waiver must be completed by the affect employee and the employer. For an outside employment job with police powers, Annex # 2 must be completed, signed by both parties and notarized. A copy of the general liability insurance policy must be provided by the employer. For an outside civilian employment job, Annex # 3 must be completed, signed by both parties and notarized.~~

Annexes to follow
Annex # 1 Off-Duty Overtime Declaration of Hours
~~Annex # 2 Sworn Officer Job Release & Waiver of Claims~~
~~Annex # 3 Civilian Employment Job Release & Waiver of Claims~~

Outside Employment Declaration of Hours
Leander Police Department

Submit this form when timesheet is due

Employee:_____ Pay period ending Friday:_____

Week 1 of Pay Period

Total regular duty hours		OT paid by city		Outside employment hours		Total
_____	+	_____	+	_____	=	_____
						Can not exceed 66.5

Week 2 of Pay Period

Total regular duty hours		OT paid by city		Outside employment hours		Total
_____	+	_____	+	_____	=	_____
						Can not exceed 66.5

Off-duty employer name(s):_____

Employee signature:_____ Supervisor:_____

Complete this form only if you have outside employment
You must include hours reported on your timesheet for total hour calculation

-WAIVER FOR POLICE OFFICER-

RELEASE & WAIVER OF CLAIMS

This Release and Waiver of Claims is executed on this the ___ day of _____, 20___, by _____ (hereinafter the "Releaser"), who resides at _____, City of Leander, County of Travis, State of Texas and by _____ (hereinafter the "Employer"), which has is located at _____.

For and in consideration of being allowed to participate in additional work outside of the Releaser's position with the City of Leander, as a Police Officer, Releaser for himself, his heirs, executors, administrators and personal representatives, hereby releases, waives, discharges, and covenants not to sue the City of Leander, its officers, members and employees (hereinafter jointly and severally referred to as the "City") from all loss or damage, and any claim or damage therefore, on account of any injury to the person or property of Releaser, or any other person or property, or resulting in Releaser's death or injury, whether caused by negligence of City or otherwise while he is acting in the scope of duties and responsibilities for any employer other than the City of Leander.

For and in consideration of being permitted to employ Releaser in a private employment capacity _____ Employer, its officers, members and employees, hereby releases, waives and discharges and covenants not to sue the City of Leander, its officers, members and employees (hereinafter jointly and severally referred to as the "City") from all loss or damage, and any claim or damage therefore, on account of any injury to the person or property of Employer, or any other person or property, or resulting in any death or injury, whether caused by negligence of Releaser or of City or otherwise while Releaser is acting in the scope of duties and responsibilities for Employer.

Also, Releaser and Employer, for the consideration of being permitted to perform additional work outside the supervision of the City, hereby release and forever hold harmless the City, its employees and officers, in both their individual and official capacities, its successors, agents, representatives, servants, and any other related or affiliated persons, firms or corporations, of and from any and all manner of actions and causes of action, rights, suits, covenants, contracts, agreements, judgments, claims and demands, whether in law or in equity, including losses from any and every claim or demand of every kind and character which may be asserted by reason of any occurrence, injuries and/or damages or the effects or consequences thereof resulting from any actions or inactions of the Releaser during the performance of any additional or outside work with Employer.

Further, in consideration of the above permission to perform additional work through Employer, Releaser and Employer release and agree to indemnify and hold harmless the City. Releaser and Employer hereby undertake and assume all risks, if any, and hereby agree to indemnify and hold harmless the City against and from any claim asserted or liability imposed upon the City for personal injury or property damage to any person arising out of any actions or inactions of the Releaser during the performance of any additional or outside work with Employer. Employer shall at all times during the employment of Releaser maintain comprehensive general liability insurance from a company authorized to do business in the State of Texas with minimum amounts being Five-Hundred Thousand Dollars ($500,000.00) per occurrence of property damage or injury per person, and One-Million Dollars ($1,000,000.00) per occurrence personal injury. Copies of such insurance will be provided at the time of execution of this release and Employer will

immediately notify the City upon termination, for any reason, of coverage.

Releaser and Employer do hereby acknowledge by signing this Release that Releaser and Employer have read and fully understand the terms of the Release and that Releaser and Employer have executed this Release of their own free will. **CAUTION: READ CAREFULLY BEFORE SIGNING!**

_____

By: Releaser

STATE OF TEXAS §
COUNTY OF _____ §

BEFORE me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared _____, Releaser herein, known to me to be the person whose name is subscribed to the foregoing instrument, and that [s]he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

SWORN AND SUBSCRIBED BEFORE ME on this the _____ day of __ 2000.

(SEAL) _____

Notary Public-State of Texas

_____, EMPLOYER

_____

By[Print Name]:_____

Title:_____

STATE OF TEXAS §
COUNTY OF _____ §

BEFORE me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared _____, _____ of _____, Employer herein, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that [s]he has authority to bind the entity named herein and that [s]he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

SWORN AND SUBSCRIBED BEFORE ME on this the _____ day of ___ 200__.

(SEAL) _____

Notary Public-State of Texas

APPROVED:

_____

By:_____

Title:_____

WAIVER FOR NON-POLICE

RELEASE & WAIVER OF CLAIMS

This Release and Waiver of Claims is executed on this the ___ day of _____, 20___, by _____ (hereinafter the "Releasor"), who resides at _____, City of Leander, County of Williamson, State of Texas.

For and in consideration of being allowed to participate in additional work outside of the Releasor's position with the City of Leander, as a _____, Releasor for himself, his heirs, executors, administrators and personal representatives, hereby releases, waives, discharges, and covenants not to sue the City of Leander, its officers, members and employees (hereinafter jointly and severally referred to as the "City") from all loss of damage, and any claim or damage therefore, on account of any injury to the person or property of Releasor, or any other person or property, or resulting in Releasor's death or injury, whether caused by negligence of City or otherwise while he is acting in the scope of duties and responsibilities for any employer other than the City of Leander.

Also, Releasor, for the consideration of being permitted to perform additional work outside the supervision of Released Party, hereby releases and forever holds harmless the Released Party, its employees and officers, in both their individual and official capacities, its successors, agents, representatives, servants, and any other related or affiliated persons, firms or corporations, of and from any and all manner of actions and causes of action, rights, suits, covenants, contracts, agreements, judgments, claims and demands, whether in law or in equity, including losses from any and every claim or demand of every kind and character which may be asserted by reason of any occurrence, injuries and/or damages or the effects or consequences thereof resulting from the additional work herein permitted.

Further, in consideration of the above permission to perform additional work through another employer, Releasor releases and agrees to indemnify and hold harmless the Released Party. Releaser hereby undertakes and assumes all risk of dangerous conditions, if any, and hereby agrees to indemnify and hold harmless the Released Party against and from any claim asserted or liability imposed upon the Released Party for personal injury or property damage to any person arising out of any dangerous condition or defect directly or solely caused by the Releasor during the performance of any additional or outside work.

Releasor does hereby acknowledge by signing this Release that Releasor has read and fully understands the terms of the Release and that Releasor has executed this Release of its own free will. **CAUTION: READ CAREFULLY BEFORE SIGNING!**

_____

By: Releasor

STATE OF TEXAS §
COUNTY OF _____ §

BEFORE me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared _____, Releasor herein, known to me to be the person whose name is subscribed to the foregoing instrument, and that [s]he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

SWORN AND SUBSCRIBED BEFORE ME on this the _____ day of _ 20__.

(SEAL)

_____
Notary Public-State of Texas

APPROVED:

_____
By:_____
Title:_____

TML LETTER IN REFERENCE TO OUTSIDE EMPLOYMENT

October 19, 2012

Ms. Paige Saenz
City Attorney
City of Leander
Via e-mail

RE: Inquiry Regarding Coverage for Police Officers While Moonlighting

Dear Ms. Hignite:

You have inquired about the Risk Pool's coverage for police officers while moonlighting for private employers. A police officer engaged in off-duty employment has the exposure of injury to themselves, for which workers' compensation coverage is needed, and the exposure of liability claims brought against the officer by citizens who allege that the officer engaged in some type of misconduct. Whether the officer will be entitled to workers' compensation benefits or coverage under the Risk Pool's Law Enforcement Liability Coverage will depend on the specific facts surrounding each incident.

LAW ENFORCEMENT LIABILITY COVERAGE

In order to be covered under the terms of the Risk Pool's Law Enforcement Liability Coverage, the officer must qualify as a Covered Party. Covered Party is defined below and the applicable provision states as follows:

PART VI LAW ENFORCEMENT LIABILITY COVERAGE

II. COVERED PARTIES

Each of the following is a **Covered Party** under this Part of the Liability Coverage Document to the extent set forth below:

. . .

D. Any employee of the **Member** or authorized volunteer for whose acts the **Member** is legally liable, but only while carrying out their duties related to the **Member**'s law enforcement activities.

The duties of a police officer are determined by the applicable State statutes and by court cases which interpret those statutes. Even though an officer may be "off-duty" or employed in a

"private capacity" at the time reaction to some incident is required, it is possible that circumstances dictate that he or she act as a police officer in the furtherance of his or her official duties to the public, rather than as an employee of the private employer. In other words, coverage will depend on whether the officer's actions arose from the exercise of authority which the peace officer's commission confers upon them. For example, a peace officer who responds to the commission of a felony or breach of the peace would be acting in his or her official capacity as a police officer, even though the officer's involvement in the incident initially arose from the private employment. On the other hand, a police officer who, while working as a security guard, enforces some rule or regulation of the private employer, or who otherwise acts for the benefit of that employer rather than for the benefit of the general public to whom a duty is owed as a police officer, would not be considered a Covered Party.

There are additional questions raised when an officer performs off-duty employment outside the Member's City limits. It is questionable whether the officer taking action outside the Member's City limits would be considered a Covered Party. There are circumstances where the officer clearly would be covered, such as when engaged in hot pursuit which takes them outside the City limits, or if they are involved in some type of task force activity as part of their job duties as a police officer. Protecting persons and property in some other jurisdiction arising from an activity *not related to the law enforcement activities of the Member* may not be covered. In the few instances where that issue has been raised, the Risk Pool has provided the officer with a defense, subject to a reservation of rights. For this reason, it would be best if the officer makes certain that the private employer carries some type of coverage.

If the Member is sued because of an officer's off-duty activity, the Member clearly would be covered.

WORKERS' COMPENSATION

The Risk Pool does not have a Workers' Compensation Coverage Document. The Interlocal Agreement indicates that the Risk Pool will provide the statutory benefits prescribed by the Tex. Lab. Code §504.01 et seq. As with the Law Enforcement Liability Coverage, a police officer would have to be injured in the course and scope of his or her job duties before workers' compensation benefits would be applicable. In determining course and scope of employment, the Risk Pool would use the same analysis as indicated above. For example, a police officer privately employed as a security guard at a bank and shot while attempting to prevent a robbery would be entitled to workers' compensation benefits through the Risk Pool. If the same police officer slipped and fell on a slick floor and was injured while patrolling the premises of the bank, there would be no coverage because there was no specific event that triggered the officer's official duties.

Finally, a police officer who is injured while exercising the authority granted pursuant to Article 14.03(c) of the Code of Criminal Procedure is considered an employee of the State of Texas. That provision authorizes a police officer to effect an arrest outside their jurisdiction in certain circumstances. In those circumstances, workers' compensation benefits are paid by the State, rather than by the political subdivision that employs them. See Tex. Lab. Code §501.001.

CONCLUSION

The Risk Pool recognizes that police officers are not ordinary employees with regular hours of employment. They will be covered by the Risk Pool so long as the conduct for which they are sued arises out of some action on their part which triggers their duties as a police officer. The facts of each specific incident will have to be analyzed in light of the applicable State law which outlines those duties.

For the authority upon which the Risk Pool bases its coverage position, see: *Angel v. State*, 740 S.W.2d (Tex.Cr. App. 1987), *Vernon v. City of Dallas*, 638 S.W.2d5 (Tex.App. 1982), *Duran v. Furr's Supermarkets, Inc.* 921 S.W.2d (Tex.App. - El Paso 1996), *Britt v. State*, 768 S.W.2d 514 (Tes.App. - Fort Worth 1989), *City of Dallas v. Half Price Books, Etc.* 883 S.W.2d 374 (Tex.App. - Dallas 1994), *Hafdahl v. State* 805 S.W.2d (Tex.Cr.App. 1990) and *Harris, et al. v. Harris County*, 909 S.W.2d 135 (Tex.App. - Houston 1995).

Please feel free to call if you have any questions.

Sincerely,

Richard Evans

Richard Evans
Staff Attorney

RE:ma
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TML
INTERGOVERNMENTAL RISK POOL

Executive Summary

November 29, 2012

Agenda Subject:	Planning & Zoning Commission Progress Report for October 2011 to October 2012.
Background:	The Planning & Zoning Commission Progress Report is required to be submitted to the City Council on an annual basis.
Origination:	City of Leander Planning and Zoning Commission
Financial Consideration:	None
Recommendation:	The Planning & Zoning Commission unanimously recommended approval of the annual progress report at the November 8, 2012 meeting.
Attachments:	1. Annual Progress Report
Prepared By:	Jim Bechtol Director of Development Services 11/13/2012

PLANNING & ZONING COMMISSION ANNUAL PROGRESS REPORT

OCTOBER 2011 – OCTOBER 2012

GENERAL INFORMATION

The Planning and Zoning Commission is assigned the duties and powers by Section 14.108, number 10 of the Leander City Code to *"Submit each September a progress report to the City Council summarizing its activities, major accomplishments for the past year and a proposed work program for the coming year. The report shall contain for the year the attendance record of all members and the identity of commission officers."*

SPECIAL PROJECTS / TRAINING

- Paige Saenz, City Attorney facilitated a training session on laws and regulations governing the Planning & Zoning Commission.
- Participated in Video Session on the Open Meeting & Public Information Act Training.
- Staff held a workshop to discuss establishing rules for citizen communications during Planning & Zoning Commission meetings.
- Several Planning & Zoning Commissioners attended the annual American Planning Association Conference.

REVIEW ACTIVITY

The Planning and Zoning Commission reviewed the following:

Concept Plans – 3
Preliminary Plats – 4
Final Plats – 8
Short Form Plats – 3
Zoning Cases – 19
Special Use Permits – 1

ATTENDANCE RECORD

Total absences from October 2011 – October 2012 were as follows:

Michelle Stephenson, Place 1 – 4
Chris Tovar (Chairman), Place 2 – 4
Ronald Abruzzese, Place 3 – 1
Sid Sokol, Place 4 – 1
Richard Allen, Place 5 – 5
Betty Saenz, Place 6 – 3
Jeff Seiler, Place 7 – 1

Total meetings for the year – 22

PROPOSED WORK PROGRAM

1. Continue to review development projects in an expeditious manner.
2. Participate in training sessions to further knowledge of City Ordinances.
3. Planned Unit Development (PUD) workshop.
4. Mixed Use/Transit Oriented Development (TOD) workshop

Executive Summary

November 29, 2012

Council Agenda Subject: A Resolution accepting the petition for annexation of a 0.781 acre parcel, more or less, located in Williamson County, Texas, generally located on the north side of CR 179 from the intersection of Sam Bass Road/CR 175 west along CR 179 including the abutting streets, roadways, and rights-of-way.

Background: The Resolution sets the two public hearings for January 3, 2013 and January 17, 2013. The first reading of the Ordinance is scheduled for February 7, 2013 and the second reading of the Ordinance scheduled for February 21, 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: 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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF LEANDER, TEXAS, ACCEPTING THE PETITION FOR ANNEXATION OF A 0.781, MORE OR LESS, ACRE PARCEL, INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY, 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:

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

> All that certain tract or parcel of land, located in Williamson County, Texas, being 0.781 acre, more or less, and more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes.

Two public hearings are set for the dates of January 3, 2013 and January 17, 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 ___ day of _____, 2012.

ATTEST:

_____
Debbie Haile, City Secretary

THE CITY OF LEANDER, TEXAS

_____
Christopher Fielder, Mayor

ANNEXATION PETITION

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 Request and Petition:

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, located in Williamson County, Texas, being 0.781 acre, more or less, and more particularly described in 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 30 day of Oct, 2012, with the City Secretary of the City of Leander, Williamson County, Texas.

Petitioners

Peggy Borho Simpson

Peggy Borho Simpson

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 Peggy Borho Simpson, Petitioner herein, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he had authority to bind the entity and that he 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 30 day of Oct 2012.

(SEAL) MASON RYAN GIDDENS
Notary Public, State of Texas
My Commission Expires
September 20, 2016

Mason Ryan Giddens

Notary Public-State of Texas

EXHIBIT "A"

Property Description

FIELD NOTES

FOR A

20' ANNEXATION STRIP

A 0.781 acre, or 34,008 square feet more or less, tract of land, being out of a called 59.319 acre tract described in conveyance to Peggy Simpson in Partition Deed recorded in Volume 2542, Pages 838-843 of the Official Records of Williamson County, Texas, out of the Anastasha Carr Survey, Abstract 122, Williamson County, Texas. Said 0.781 acre tract being more fully described as follows, with bearings based on the North American Datum of 1983 (CORS 1996), from the Texas Coordinate System established for the Central Zone:

BEGINNING: At a found ½" iron rod with a cap marked "Haynie", at the southwest end of the cutback for the north right-of-way line of Williamson County Road 179, a variable width right-of-way and west right-of-way line of County Road 175, a variable width right-of-way, a southeast corner of said called 59.319 acre tract;

THENCE: Along and with the north right-of-way line of said Williamson County Road 179, the south line of said called 59.319 acre tract, the following calls and distances:

Southwesterly, along a non-tangent curve to the right, said curve having a radial bearing of N 23°50'58" W, a radius of 5679.58 feet, a central angle of 03°02'43", a chord bearing and distance of S 67°40'23" W, 301.82 feet, for an arc length of 301.86 feet to a found ½" iron rod with a cap marked "Haynie", a calculated point of tangency;

S 69°11'44" W, a distance of 532.14 feet to a calculated point of curvature;

Southwesterly, along a tangent curve to the left, said curve having a radius of 5779.58 feet, a central angle of 06°12'33", a chord bearing and distance of S 66°05'28" W, 626.02 feet, for an arc length of 626.33 feet to a calculated point of tangency;

S 62°59'12" W, a distance of 69.21 feet to a calculated point of curvature;

Southwesterly, along a tangent curve to the right, said curve having a radius of 5679.58 feet, a central angle of 01°41'25", a chord bearing and distance of S 63°49'54" W, 167.55 feet, for an arc length of 167.55 feet to a calculated point of non-tangency, at a southeast corner of a called 34.824 acre tract recorded in Volume 2542, Pages 838-843 of the Official Records of Williamson County, Texas, the southwest corner of said called 59.319 acre tract;

THENCE: N 20°16'42" W, departing the north right-of-way line of said Williamson County Road 179, along and with an east line of said called 34.824 acre tract, the west line of said called 59.319 acre tract, a distance of 20.08 feet to a calculated point of non-tangent curvature;

THENCE: Departing an east line of said called 34.824 acre tract, over and across said called 59.319 acre tract, the following calls and distances:

Northeasterly, along a non-tangent curve to the left, said curve having a radial bearing of N 25°20'28" W, a radius of 5659.58 feet, a central angle of 01°40'23", a chord bearing and distance of N 63°49'21" E, 165.26 feet, for an arc length of 165.26 feet to a calculated point of tangency;

N 62°59'12" E, a distance of 69.14 feet to a calculated point of curvature;

Northeasterly, along a tangent curve to the right, said curve having a radius of 5799.58 feet, a central angle of 06°12'33", a chord bearing and distance of N 66°05'28" E, 628.19 feet, for an arc length of 628.49 feet to a calculated point of tangency;

N 69°11'44" E, a distance of 532.14 feet to a calculated point of curvature;

Northeasterly, along a tangent curve to the left, said curve having a radius of 5659.58 feet, a central angle of 03°04'26", a chord bearing and distance of N 67°39'31" E, 303.60 feet, for an arc length of 303.63 feet to a calculated point on a barbed wire fence;

THENCE: S 39°18'14" E, along with said barbed wire fence, a distance of 12.36 feet to a found ½" iron rod with a cap marked "Haynie", on the aforementioned cutback;

THENCE: S 13°19'32" W, along and with said cutback, a distance of 10.15 feet to the POINT OF BEGINNING, and containing 0.781 of an acre in Williamson County, Texas. Said tract being described in accordance with a survey made on the ground and a survey description and map prepared under job number 50751-00 by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: October 9, 2012
JOB No.: 50751-00
DOC.ID.: N:\AUSTIN\50751-00\ESMT\FIELD NOTES\SIMPSON ANNEX.docx
TBPE Firm Registration #470
TBPLS Firm Registration #100288-00

STATE OF TEXAS
REGISTERED
G.E. BUCHANAN
4999
PROFESSIONAL
LAND SURVEYOR

LEGEND:

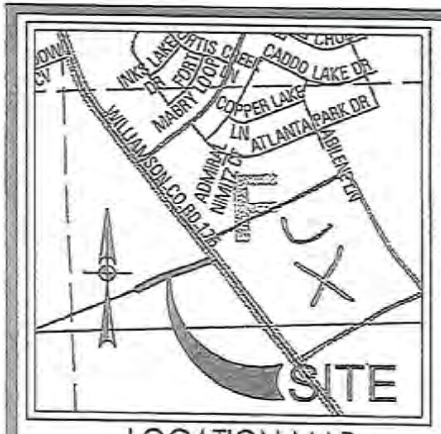
DR DEED RECORDS OF WILLIAMSON COUNTY, TEXAS
OR OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS
PR PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS

NOTES:

1. THE PROFESSIONAL SERVICES PROVIDED HEREWITH INCLUDE THE PREPARATION OF A FIELD NOTE DESCRIPTION.
2. THE BEARINGS ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 (CORS 1996), FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE.

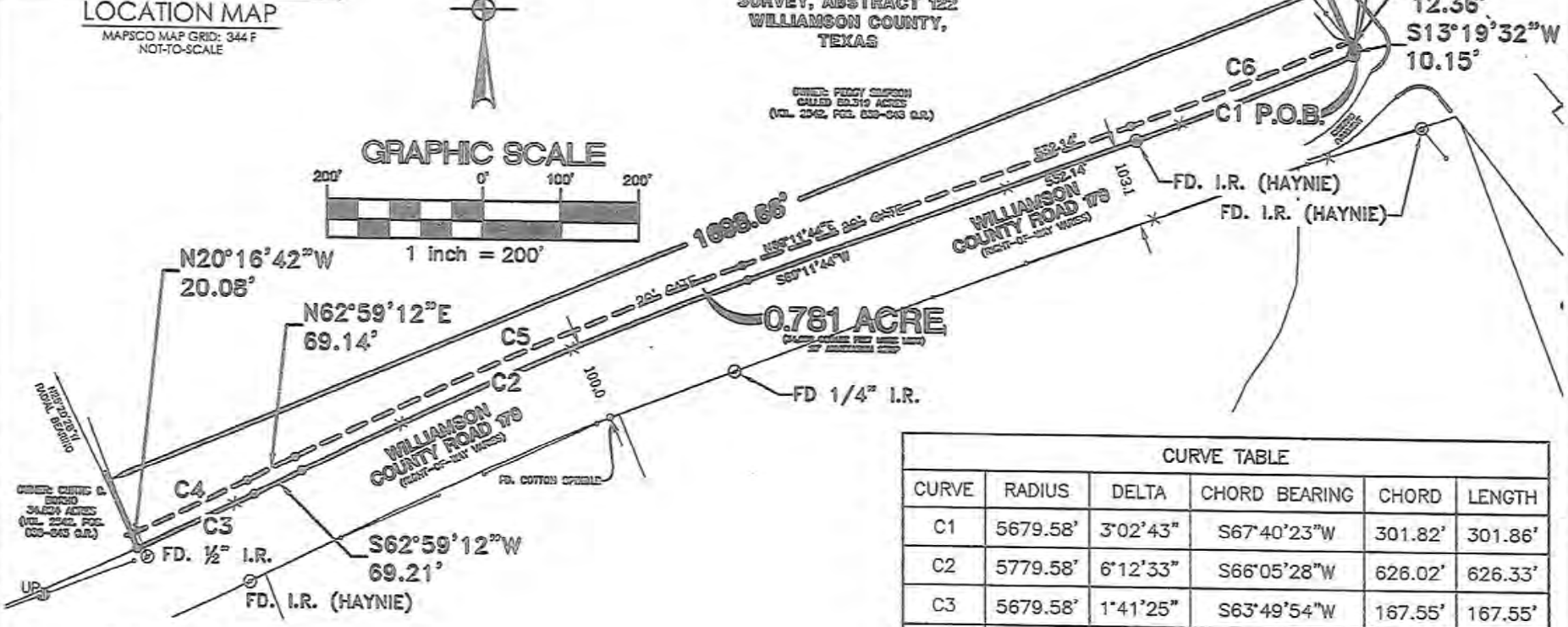
EXHIBIT
OF A
CONTIGUITY TRACT

A 0.781 ACRE, OR 34,008 SQUARE FEET MORE OR LESS, TRACT OF LAND, BEING OUT OF A CALLED 59.319 ACRE TRACT DESCRIBED IN CONVEYANCE TO PEGGY SIMPSON IN PARTITION DEED RECORDED IN VOLUME 2542, PAGES 838-843 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS, OUT OF THE ANASTASHA CARR SURVEY, ABSTRACT 122, WILLIAMSON COUNTY, TEXAS.



LOCATION MAP
MAPSCO MAP GRID: 344 F
NOT-TO-SCALE

GRAPHIC SCALE
200' 0' 100' 200'
1 inch = 200'



CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C1	5679.58'	3°02'43"	S67°40'23"W	301.82'	301.86'
C2	5779.58'	6°12'33"	S66°05'28"W	626.02'	626.33'
C3	5679.58'	1°41'25"	S63°49'54"W	167.55'	167.55'
C4	5659.58'	1°40'23"	N63°49'21"E	165.26'	165.26'
C5	5799.58'	6°12'33"	N66°05'28"E	628.19'	628.49'
C6	5659.58'	3°04'26"	N67°39'31"E	303.60'	303.63'

PAPE-DAWSON ENGINEERS

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OCTOBER 23, 2012

SHEET 1 OF 1
JOB No.: 50751-00

Date: Oct 23, 2012, 3:49pm User ID: WPrimeau
File: N:\AUSTIN\50751-00\ESMT\CONTIGUITY TRACT.dwg

EXHIBIT "B"

MUNICIPAL SERVICES PLAN
FOR PROPERTY TO BE
ANNEXED TO 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" or "the 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

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 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 property upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the property at future times in response to requests submitted by the landowners or authorized city staff.

(2) **Scheduled Municipal Services.** Due to the size of the Property and the plans and schedule for the development of the 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) The property owner shall construct the internal water lines and pay the costs of line extension and/or construct the facilities necessary to extend water service the property boundary as required in City ordinances and state law. Upon acceptance of the water lines within the subject property, 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. Requests for 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.

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) The property owner shall construct the internal sewer water lines and pay the costs of line extension and/or construct the facilities necessary to extend wastewater service the property boundary as required in City ordinances and state law. Upon acceptance of the sewer lines within the subject property, sewer 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 policies. Requests for new sewer 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 additional service is submitted shall govern the costs and request for service.

C. Maintenance, as appropriate, of existing public streets and rights-of-way that are within the maintenance jurisdiction of the City and other streets that are hereafter constructed and finally accepted by the City within the maintenance jurisdiction of the City as follows:

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

(ii) Routine maintenance as presently performed by the City;

(iii) 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;

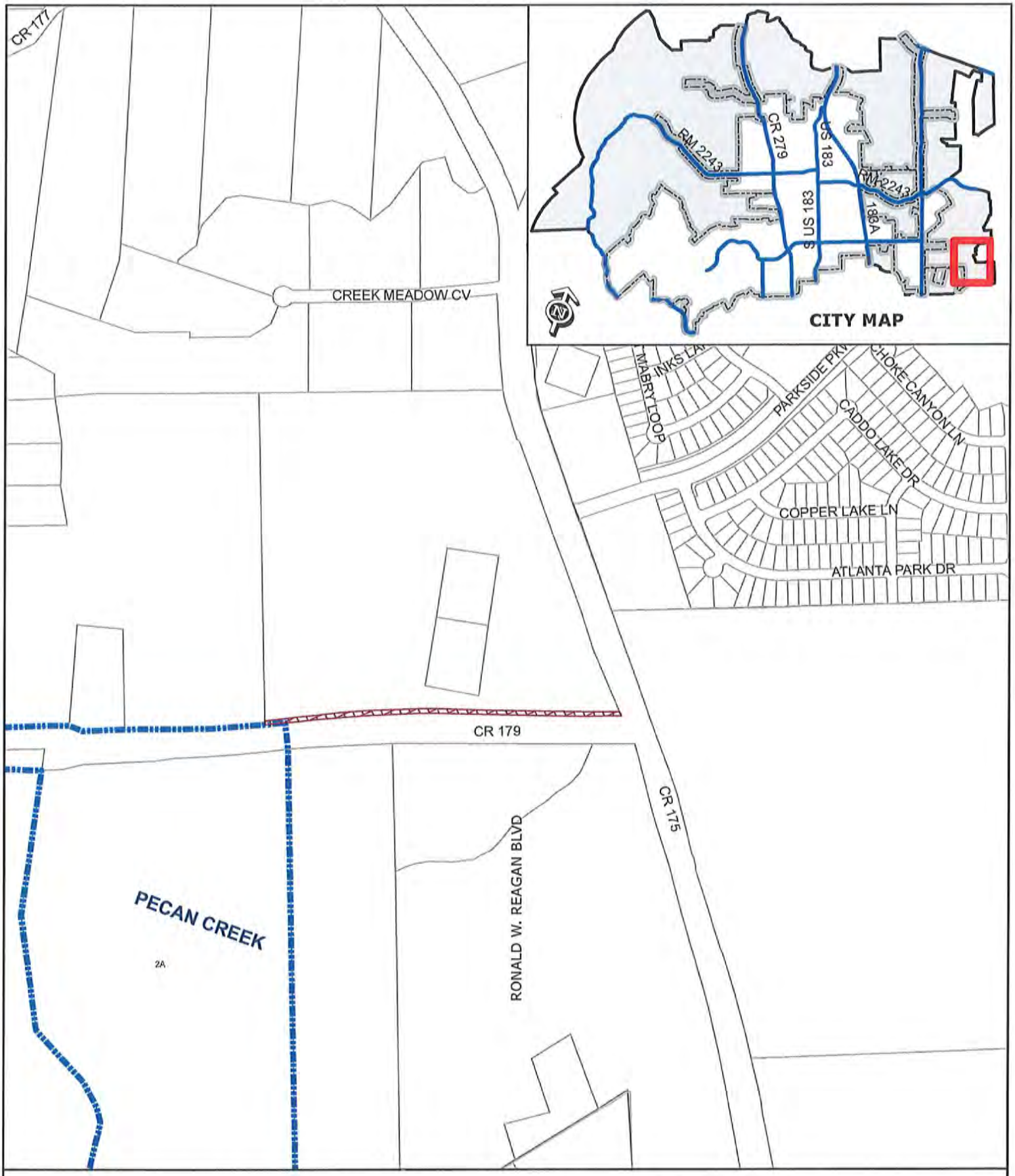
(iv) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards; and

(v) Installation and maintenance of street lighting in accordance with established policies of the City.

(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.



DEVELOPMENT & ANNEXATION EXHIBIT

Location Exhibit

Simpson Property

Simpson Annexation

City Limits

0 200

Feet

SCHEDULE FOR VOLUNTARY ANNEXATION - SIMPSON

DATE	ACTION/EVENT	LEGAL AUTHORITY
November 29, 2012	**COUNCIL BY WRITTEN RESOLUTION** Directs notification to land owners; and sets two (2) Public Hearings: **January 3, 2013 and January 17, 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 Dec. 3, 2012	**NOTICE TO** property owners & utility providers	Loc. Gov't Code § 43.062(a)
Dec. 19, 2012* Publish notice of First Public Hearing **January 2, 2013*** Publish notice of Second Public Hearings	**NEWSPAPER NOTICES** RE: FIRST AND SECOND PUBLIC HEARINGS; (If applicable 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)
January 3, 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.
January 17, 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 **February 7, 2013***	**FIRST READING** OF ORDINANCE *REGULAR 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.
February 21, 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.
March 15, 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

November 29, 2012

Council Agenda Subject: A Resolution accepting the petition for annexation of a 105.9301 acre parcel, more or less, located in Williamson County, Texas, generally located to the east of the intersection of Sam Bass Road/CR 175 and CR 179 including the abutting streets, roadways, and rights-of-way.

Background: The Resolution sets the two public hearings for January 3, 2013 and January 17, 2013. The first reading of the Ordinance is scheduled for February 7, 2013 and the second reading of the Ordinance scheduled for February 21, 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: 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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF LEANDER, TEXAS, ACCEPTING THE PETITION FOR ANNEXATION OF A 105.9301, MORE OR LESS, ACRE PARCEL, INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY, 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:

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

> All that certain tract or parcel of land, located in Williamson County, Texas, being 105.9301 acre, more or less, and more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes.

Two public hearings are set for the dates of January 3, 2013 and January 17, 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 ___ day of _____, 2012.

ATTEST:

_____
Debbie Haile, City Secretary

THE CITY OF LEANDER, TEXAS

_____
Christopher Fielder, Mayor

ANNEXATION PETITION

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 Request and Petition:

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, located in Williamson County, Texas, being 105.9301 acres, more or less, and more particularly described in 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 30 day of Oct 2012, with the City Secretary of the City of Leander, Williamson County, Texas.

Petitioners

Curtis Borho

Curtis Borho

Julie F. Borho

Julie Borho

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 Curtis Borho and Julie Borho, Petitioner herein, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he had authority to bind the entity and that he 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 30 day of Oct 2012.

(SEAL)

MASON RYAN GIDDENS
Notary Public, State of Texas
My Commission Expires
September 20, 2016

Mason Ryan Giddens

Notary Public-State of Texas

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 Peggy Simpson, Petitioner herein, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that she had authority to bind the

entity and that she 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 30 day of Oct 2012.

MASON RYAN GIDDENS
Notary Public, State of Texas
My Commission Expires
September 20, 2016

Mason Ryan Giddens
Notary Public-State of Texas

I hereby consent to annexation of the subject property.

Meritage Homes of Texas, LLC, a Texas limited liability company

By:_____
Name: Charlie Coleman
Title: _____

STATE OF TEXAS §
§
COUNTY OF _____ §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Charlie Coleman, _____ (title) of Meritage Homes of Texas, LLC, a Texas limited liability company, Petitioner herein, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he had authority to bind the entity and that he 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 __day of_____ 2012.

(SEAL)

_____
Notary Public-State of Texas

entity and that she 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 __day of _____ 2012.

(SEAL)

_____
Notary Public-State of Texas

I hereby consent to annexation of the subject property.

Meritage Homes of Texas, LLC, a Texas limited liability company

By: Charlie Coleman
Name: Charlie Coleman
Title: Division 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 Charlie Coleman, Division President (title) of Meritage Homes of Texas, LLC, a Texas limited liability company, Petitioner herein, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he had authority to bind the entity and that he 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 30 day of October 2012.

(SEAL)

Nga Tu Nguyen
Notary Public,
State of Texas
Comm. Exp. 09-12-15

Nga Tu Nguyen
Notary Public-State of Texas

EXHIBIT "A"

Property Description

FIELD NOTES

FOR

A 105.998 acre, or 4,617,263 square feet more or less, tract of land, being out of a called 107.462 acre tract described in conveyance to Curtis C. Borho in Partition Deed recorded in Volume 2542, Pages 838-843 of the Official Records of Williamson County, Texas, out of the Anastasha Carr Survey, Abstract 122, Williamson County, Texas. Said 105.998 acre tract being more fully described as follows, with bearings based on the North American Datum of 1983 (CORS 1996), from the Texas Coordinate System established for the Central Zone:

BEGINNING: At a found ½" iron rod with a cap marked "Haynie", on the east right-of-way line of Williamson County Road 175, a variable width right-of-way, the northwest corner of a 28.280 acre tract, recorded in Volume 2542, Pages 838-843 of the Official Records of Williamson County, Texas, the southwest corner of said 107.462 acre tract;

THENCE: Along and with the east right-of-way line of said Williamson County Road 175, the west line of said 107.462 acre tract, the following calls and distances:

N 34°37'32" W, a distance of 549.88 feet to a found ½" iron rod with a cap marked "Haynie";

S 50°02'23" W, a distance of 5.38 feet to a found ½" iron rod with a cap marked "Haynie";

N 37°09'17" W, a distance of 404.06 feet to a found ½" iron rod with a cap marked "Haynie";

N 18°27'47" W, a distance of 15.43 feet to a found ½" iron rod with a cap marked "Haynie";

N 37°06'10" W, a distance of 50.29 feet to a found ½" iron rod with a cap marked "Haynie";

N 55°41'02" W, a distance of 15.84 feet to a found ½" iron rod with a cap marked "Haynie";

N 37°26'24" W, a distance of 96.44 feet to a found ½" iron rod with a cap marked "Haynie";

N 38°17'56" W, a distance of 233.25 feet to a found ½" iron rod with a cap marked "Haynie";

N 39°25'12" W, a distance of 877.50 feet to a cut "X" in a concrete drain, the southwest corner of Lot 1A, Block A, a Drainage and Landscape Easement, dedicated in the Parkside at Mayfield Ranch Section 1 Subdivision recorded in Cabinet DD, Slides 325-326 of the Plat Records of Williamson County, Texas, the northwest corner of said called 107.462 acre tract;

THENCE: N 68°50'55" E, departing the east right-of-way line of said Williamson County Road 175, along and with the south line of said Parkside at Mayfield Ranch Section 1 Subdivision, the north line of said called 107.462 acre tract, a distance of 595.33 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson", the southwest corner of Lot 11, Block A of the Parkside at Mayfield Ranch Section 2 Subdivision recorded in Cabinet EE, Slides 4-5 of the Plat Records of Williamson County, Texas, the southeast corner of Lot 9 of said Block A;

THENCE: Along and with the south line of said Parkside at Mayfield Ranch Section 2 Subdivision, the north line of said called 107.462 acre tract, the following calls and distances:

N 68°50'55" E, a distance of 147.63 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";

N 68°28'37" E, a distance of 938.38 feet to a found ½" iron rod;

N 68°40'19" E, at a distance of 440.2 feet passing a found ½ iron rod with a cap marked RJ-Surveying, at the southeast corner of Lot 11, Block B of said Parkside at Mayfield Ranch Section 2 Subdivision, along and with the south line of a 229.556 acre tract recorded in Document No. 2007002997 of the Official Public Records of Williamson County, Texas, the north line of said called 107.462 acre tract, for a total distance of 820.29 feet to a found ½" iron rod, the northwest corner of a 54.10 acre tract recorded in Volume 2542, Pages 834-837 of the Official Records of Williamson County, Texas, the northeast corner of said called 107.462 acre tract;

THENCE: S 20°39'19" E, departing the south line of said 229.556 acre tract, along and with the west line of said 54.10 acre tract, the east line of said called 107.462 acre tract, a distance of 2138.36 feet to a found ½" iron rod, the northeast corner of the aforementioned 28.280 acre tract, the southeast corner of said called 107.462 acre tract;

THENCE: S 68°18'43" W, departing the west line of said 54.10 acre tract, along and with the north line of said 28.280 acre tract, the south line of said 107.462 acre tract, a distance of 1845.59 feet to the POINT OF BEGINNING and containing 105.998 acres in Williamson County, Texas. Said tract being described in accordance with a survey made on the ground and a survey description and map prepared under job number 50751-00 by Pape-Dawson Engineers, Inc.

PREPARED BY: Pape-Dawson Engineers, Inc.
DATE: September 20, 2012
JOB No.: 50751-00
DOC.ID.: N:\AUSTIN\50751-00\WORD\50751-00FN.docx
TBPE Firm Registration #470
TBPLS Firm Registration #100288-00

STATE OF TEXAS
REGISTERED
G.E. BUCHANAN
4999
PROFESSIONAL
LAND SURVEYOR

PAPE-DAWSON ENGINEERS

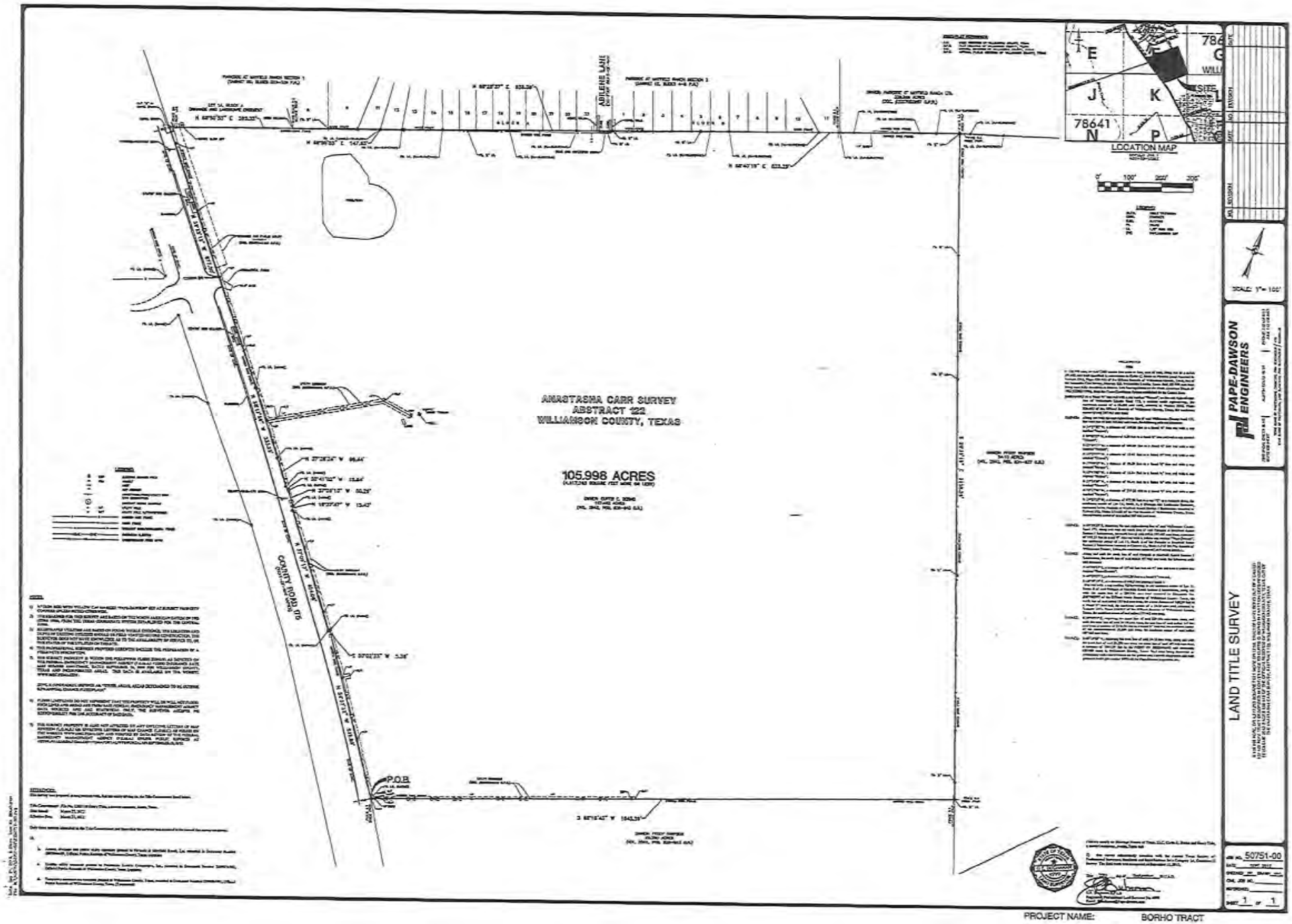

ANASTASHA CARR SURVEY
ABSTRACT 122
WILLIAMSON COUNTY, TEXAS
105.998 ACRES
ABILENE LANE
COUNTY ROAD 175
P.O.B.
LOCATION MAP
78641
SITE
SCALE: 1"= 100'
PAPE-DAWSON ENGINEERS
LAND TITLE SURVEY
50751-00
PROJECT NAME: BORHO TRACT

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, the owner of the subject property, or owner's authorized agent (the "Owner"), has requested annexation of the subject property and *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 shall be provided for the subject property pursuant to the terms and conditions of that certain Development and Annexation Agreement for the Borho Tract dated November 1, 2012 (the "Development Agreement"); provided that, except for municipal service provided for in the Development Agreement, municipal services shall be provided on the same terms and conditions as such services are provided to other similarly situated properties currently 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 subject property, and, until the zoning of the subject property is established by ordinance after annexation, the subject property shall be entitled to be developed with the land uses as more specifically provided in the Development Agreement. It is the City's intent to zone the subject property at the Owner's request in a manner that is not inconsistent with such uses, as provided in the Development Agreement. The Planning & Zoning Commission and the City Council will consider the applicant's request to process a zoning application and zone the subject property for such use and development following final annexation of the subject property.

I. Library service: Service by present personnel, equipment, and facilities within the City.

J. Storm Water Management: Owner/developer will provide storm water system as necessary at its own expense, which will be inspected by City Engineers at the time of completion. The City will then maintain the storm water system upon acceptance of the system by the City.

(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) The City intends to provide water services to the subject property pursuant to the Development Agreement. Save and except as provided in the Development Agreement, the City will provide water service in accordance with the applicable ordinances, rules, regulations, and policies of the City in effect from time to time for the extension of water service. The 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 property as required in City ordinances. Upon acceptance of the water lines within the subject property 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 water 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. In the event of a conflict between this Municipal Services Plan and an approved and executed Development Agreement, the terms and provisions of the Development Agreement shall govern and control.

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) Wastewater services to the subject property will be provided pursuant to the Development Agreement. Save and except as provided in the Development Agreement, the City will provide wastewater service in accordance with the applicable ordinances, rules, regulations, and policies of the City in effect from time to time for the extension of wastewater service. The 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 property as required in City ordinances. Upon acceptance of the wastewater lines within the subject property 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. In the event of a conflict between this Municipal Services Plan and an approved and executed Development Agreement, the terms and provisions of the Development Agreement shall govern and control.

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, subject to and except as provided within the terms, conditions and requirements of the Development Agreement, 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

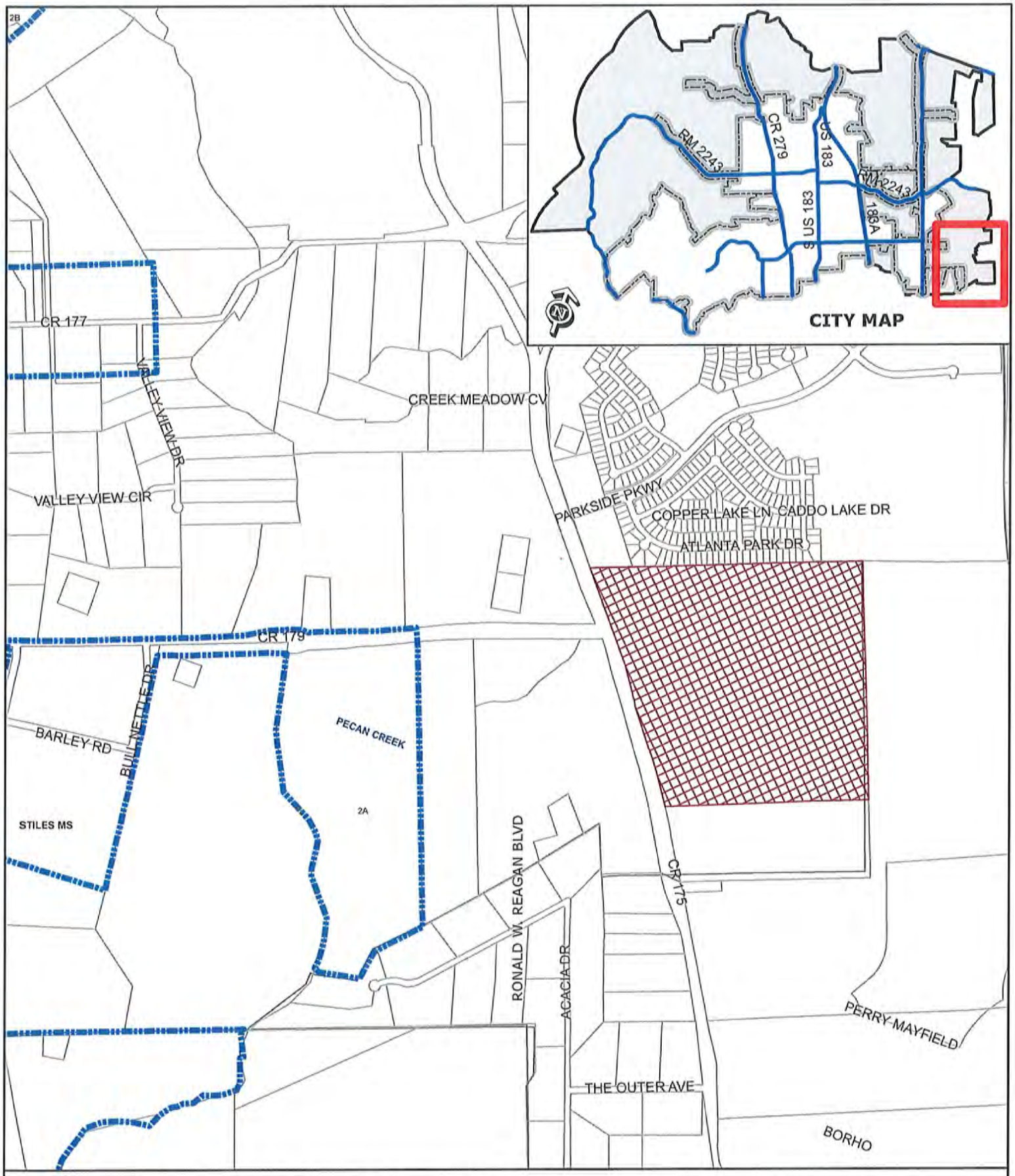
(D) Installation and maintenance of street lighting in accordance with established policies of the City;

(iii) The outer boundaries of the subject property abut existing roadways. The Owner agrees that no improvements are required by the City on such roadways to service the subject 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, the Owner will be responsible for the development costs as provided in the Development Agreement, this Municipal Services Plan, and the applicable ordinances, rules, and policies of the City. Capital Improvements shall be designed, constructed and installed by the Owner as provided in the Development Agreement and this Municipal Services Plan.

(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.



DEVELOPMENT & ANNEXATION EXHIBIT

Location Exhibit

Borho Property

Borho Annexation

City Limits

0 200

Feet

SCHEDULE FOR VOLUNTARY ANNEXATION – BORHO & SIMPSON

DATE	ACTION/EVENT	LEGAL AUTHORITY
November 29, 2012	**COUNCIL BY WRITTEN RESOLUTION** Directs notification to land owners; and sets two (2) Public Hearings: **January 3, 2013 and January 17, 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 Dec. 3, 2012	**NOTICE TO** property owners & utility providers	Loc. Gov't Code § 43.062(a)
Dec. 19, 2012* Publish notice of First Public Hearing **January 2, 2013*** Publish notice of Second Public Hearings	**NEWSPAPER NOTICES** RE: FIRST AND SECOND PUBLIC HEARINGS; (If applicable 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)
January 3, 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.
January 17, 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 **February 7, 2013***	**FIRST READING** OF ORDINANCE *REGULAR 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.
February 21, 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.
March 15, 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

November 29, 2012

Council Agenda Subject: Consider nominations and appointment to the Leander Public Arts Commission and the Economic Development Committee

Background: In October, Ed Kelley resigned from the Public Arts Commission leaving an open position on the Board. The Economic Development Committee is continuing to Receive applications. The Board Selection Committee has interviewed for the Economic Development Committee. No new applications have been received for the Leander Public Arts Commission.

Origination: Mayor Pro Tem Cantwell and Council Member Siebold

Financial Consideration: n/a

Recommendation: None from Staff

Attachments: Application for Eric Ratzman

Prepared by: Debbie Haile, TRMC
City Secretary

CITY OF LEANDER, TEXAS

Board & Commission Application

Please check appropriate boxes for all Boards or Commissions you are interested in serving on.

- [x] Economic Development Commission
- [ ] Planning & Zoning Commission
- [ ] Parks & Recreation Advisory Board
- [ ] Public Art Commission
- [ ] TIRZ/Development Authority Board
- [ ] Board of Adjustment/Appeal
- [ ] Ethics Commission
- [ ] City Charter Review Committee
- [ ] Library Foundation Board

PERSONAL INFORMATION

Name: Eric Ratzman

Home Address: 1707 Mira Vista City Leander Zip 78641

Home Phone: (512) 259-3306 Cell Phone (512) 608-3159

Email Address: eratzman@austin.rr.com

Do you live inside the Leander City Limits ? [x] Yes 5 1/2 years [ ] No [ ] ETJ ?

Are you a current registered voter? [x] Yes [ ] No
If yes, please provide copy of voter registration card

OCCUPATIONAL INFORMATION

Business Name Halff Associates, Inc. Occupation Civil Engineer

Address: 4030 W. Braker Ln, Ste 450 City Austin Zip 78759

Phone: (512) 777-4620

Business Owner [ ] Yes [x] No

Are you now or have you in the past served on any Boards or Commissions? [ ] Yes [x] No

If yes, list Board or Commission served on: _____ Date _____

Signature Eric J Ratzman Date 10/16/2012

Submit applications with a resume and letter of interest to:

Debbie Haile, City Secretary
Mail: P.O. Box 319, Leander, Texas 78646 Address: 200 W. Willis, Leander, Texas 78641
Phone: 512/ 528-2743 Fax: 512/ 259-1605 Email: Debbie@leandertx.gov

Elections Administrator
P.O. Box 209
Georgetown, Texas 78627
(512) 943-1630
www.wilco.org/elections

Secretary of State's Office
Elections Division
1-800-252-VOTE (8683)
www.sos.state.tx.us/elections

Presorted
First-Class Mail
U.S. Postage Paid
Georgetown, TX
Permit No. 209

RETURN SERVICE REQUESTED

VOTER REGISTRATION CERTIFICATE
(Certificado de Registro Electoral)
WILLIAMSON COUNTY (Condado de Williamson)

VUID (VUID)	Gender (Sexo)	Valid from (Válido desde)
1078282073	M	1/1/2012
Year of Birth (Año de Nacimiento)	Prec. No (Núm. Peto)	thru (hasta)
1971	253	12/31/2013

Name and Permanent Residence Address (Nombre y dirección residencial permanente)

ERIC JAMES RATZMAN
1707 MIRA VISTA
LEANDER TX 78641

X

VOTER MUST PERSONALLY SIGN HIS/HER NAME IMMEDIATELY UPON RECEIPT, IF ABLE
(El votante debe firmar esta tarjeta personalmente al recibirla, si puede.)

Party Primary

Voted in the
(Voto en la elección primaria del partido político mencionado arriba)

US Rep	State Senate	State Rep	Co. Comm.	J.P.
31	5	136	2	2
School Dirtrict	City	Constable		
LS	LC	2		

870561

Name and Mailing Address (Nombre y dirección de correo)

T57 P3 ********AUTO**5-DIGIT 78641 102246
ERIC JAMES RATZMAN
1707 MIRA VISTA
LEANDER TX 78641-8821

Executive Summary

November 29, 2012

Council Agenda Subject: Consider nomination and appointment of Council Member to serve a Liaison to the Parks & Recreation Board

Background: Council Member Siebold has been serving as the liaison to the Parks and Recreation Advisory Board and the Public Arts Commission. It was requested that a new Council Member be appointed to the Parks Board.

Origination: Mayor Fielder and Council Member Siebold

Financial Consideration: n/a

Recommendation: None from Staff

Attachments: n/a

Prepared by: Debbie Haile, TRMC
City Secretary