AGENDA

CITY COUNCIL
CITY OF LEANDER, TEXAS

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

Thursday ~ January 17, 2013 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. Recognition of Arts Commission History Exhibit October 29-January 23

6. Presentation from the Leander Garden Club

CONSENT AGENDA: ACTION

7. Approval of the minutes: Regular Meeting: January 3, 2013
   Work Session: January 3, 2013

8. Second Reading of Ordinance on the unilateral annexation of an area consisting of 10.00 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)

9. Second Reading of Ordinance on the unilateral annexation of an area consisting of 126.27 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)

10. Second Reading of Ordinance on the unilateral annexation of an area consisting of 257.75 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)

11. Second Reading of Ordinance on the unilateral annexation of an area consisting of 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 Parkway, including the abutting streets, roads, and rights-of-way. (Area D)

12. Second Reading of Ordinance 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)

13. Second Reading of Ordinance 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)

14. Second Reading of Ordinance 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)

15. Second Reading of Ordinance on the unilateral annexation of an area consisting of 1.00 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)

PUBLIC HEARING: ACTION

16. **a. Public Hearing** on Zoning Case # 12-Z-026: Consider a zoning change for 23.28 acres, more or less, for eleven parcels generally located at the southwest corner of RM 2243 and Ronald W. Reagan Blvd. from interim zoning (upon annexation) SFR-1-B, Single Family Rural and currently zoned SFS-2-B, Single Family Suburban to 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
Applicant has requested postponement of this item

PUBLIC HEARING: NO ACTION

17. Second Public Hearing for voluntary 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

18. Second Public Hearing for voluntary 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

REGULAR AGENDA

19. Second Reading of an Ordinance for 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 W and US Hwy 183, approximately 600 feet west of N US Hwy. 183 and 1,100 feet north of Old 2243 W, Leander, Williamson County, Texas
    Applicant has requested postponement of this item until February 21, 2013

20. Consider acceptance and authorize Mayor to execute Warranty Deed dedication for Rights-of-Way (ROW) for the US 183 - 183A intersection improvement from Leander 183A Development LLC

21. Consider acceptance and authorize Mayor to execute Warranty Deed dedication for Rights-of-Way (ROW) for the US 183 – 183A intersection improvement from Jean Baptiste, Ltd.

22. Consider an Ordinance adopting and enacting a new Code of Ordinances and providing effective date

23. Consider Renewal of Contract with the Leander Fire Volunteer Fire Department, Inc.

24. Consider nominations and appointments to Ethics Commission for Place 2 and Place 6

25. Council Members Closing Statements

26. 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 11th day of January, 2013 by 5:00 pm pursuant to Chapter 551 of the Texas Government Code.

Debbie Haile

Debbie Haile, TRMC, City Secretary

MINUTES

CITY COUNCIL
CITY OF LEANDER, TEXAS

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

Thursday ~ January 3, 2013 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 7:00 p.m. and welcomed those in attendance
   Invocation delivered by Mayor Fielder

2. Roll Call
   All present except Council Member Lynch

3. Staff Comments:
   No staff comments

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

5. Presentation from the Leander Firefighters Association

   Kirke Phillips, President of Leander Firefighters Association – spoke of their intent to have possible civil service on the May ballot

   Kent Cagle, City Manager gave a presentation on the Leander Firefighters Association

6. Proclamation designating January 2013 as "Central Texas SPCA" 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 Michelle Zoeller of the Central Texas SPCA

CONSENT AGENDA: ACTION

7. Approval of the minutes: Regular Meeting: December 20, 2012
   Work Session: December 20, 2012

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

PUBLIC HEARING: NO ACTION

8 First Public Hearing for voluntary 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
No speakers

9. First Public Hearing for voluntary 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
No speakers

REGULAR AGENDA

10. Progress Report from the Ethics Commission on the Ordinance Review
Curtis Corley, Chairman of the Ethics Commission gave a report to the Council and resigned his position on the Ethics Commission.

11. First Reading of Ordinance on the unilateral annexation of an area consisting of 10.00 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)

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

12. First Reading of Ordinance on the unilateral annexation of an area consisting of 126.27 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)

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

13. First Reading of Ordinance on the unilateral annexation of an area consisting of 257.75 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)

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

14. First Reading of Ordinance on the unilateral annexation of an area consisting of 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 Parkway, including the abutting streets, roads, and rights-of-way. (Area D)

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

15. First Reading of Ordinance 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)

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

16. First Reading of Ordinance 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)

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

17. First Reading of Ordinance 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)

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

18. First Reading of Ordinance on the unilateral annexation of an area consisting of 1.00 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)

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

19. Consider Development Agreements under Section 43.035, Texas Local Government Code, between the City of Leander and each of the following property owners:

    a. Vivek Mahendru
    b. Vivek and Lisa K. Mahendru
    c. Devidass Mahendru
    d. Devidass and Swaran Mahendru
    e. Daniel Ramerez and Candelaria Maranda
    f. Edwin N. Hudson
    g. Michael N. Hudson
    h. Mary F. Burleson Roberts
    i. Mary F. Burleson Roberts on behalf of herself and the Estate of Robert Aaron Burleson Sr.
    j. Mary F. Burleson Roberts on behalf of the Estate of Robert Aaron Burleson Sr.
    k. Tamara Lynn Ramaker
    l. Cedar Park VFW #10427 Post
    m. Subramanian LTD

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

20. Consider a Resolution of the City Council supporting the creation of and membership in a coalition of LCRA firm water supply customers.
Kent Cagle, City Manager explained

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

21. Consider acceptance of FEMA/Homeland Security Grant - SAFER Grant
Bill Gardner, Fire Chief explained

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

22. Consider Cost Sharing Agreement for Signal Improvements
Wayne Watts, City Engineer explained

Tabora McKinney, 3000 N. Lakeline Blvd. spoke about the danger of crossing Bagdad Road by Leander High School. She expressed her gratitude in something being done concerning pedestrian safety

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

23. Consider Adoption of Official City Map
Wayne Watts, City Engineer explained

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

24. Council Members Closing Statements
Council gave their closing statements

25. Adjournment
With there being no further business, the meeting adjourned at 7:55 p.m.

Attest:

Christopher Fielder, Mayor

Debbie Haile, TRMC, City Secretary

MINUTES
LEANDER CITY COUNCIL
WORKSESSION
CITY OF LEANDER, TEXAS

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

Thursday ~ January 3, 2013 at 6:00 p.m.

(City Council will break at 7:00 p.m. for the Regular Council Meeting and reconvene back into the work session if needed at the conclusion of the meeting)

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

This meeting is open to the Public but does not allow for public participation

No action will be taken by the Leander City Council regarding City business before, during or after this meeting

1. Open Work Session
   Mayor Fielder opened the work session at 6:07 p.m.

2. Roll Call
   Council Member Lynch absent. All others present

3. Discussion on Future Plans for the Transit Oriented Development (TOD)
   Council discussed their ideas for future plans for the TOD. Some of the items discussed were naming of the TOD, marketing, getting information to developers including updating the city's website and possible visits to other cities with TOD's.

4. Adjournment
   The work session adjourned at 6:55 p.m.

Attest:

Christopher Fielder, Mayor

Debbie Haile, TRMC, City Secretary

Executive Summary

January 17, 2013

Council Agenda Subject: Second reading of an Ordinance of the city of Leander, Texas, annexing 10 acres of land, more or less, located in Williamson County, Texas and including the abutting streets, roadways, and rights-of-way; approving a service plan for the annexed area; making findings of fact; providing a severability clause and an effective date; and providing for open meetings and other related matters. (Area A)

Background: The Resolution setting the two public hearings for November 29, 2012 and December 6, 2012 was approved by City Council on October 18, 2012. The first of two readings of the Ordinance was approved on January 3, 2013. This is the final reading of the ordinance. This is an involuntary annexation whereas the city initiated the process of annexing this property into the city limits.

Origination: Development Services Department

Attachments: Ordinance

Exhibit "A" – Property Description

Exhibit "B" – Municipal Services Plan

Prepared by: Jim Bechtol, Director of Development Services

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, ANNEXING 10 ACRES OF LAND, MORE OR LESS, LOCATED IN WILLIAMSON COUNTY, TEXAS AND INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS. (AREA A)

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

WHEREAS, the City Council, in compliance with *§43.021, Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the subject property is adjacent to the corporate limits of the City and the boundaries of the city limits are contiguous to the subject property on at least two sides, as shown in the map attached hereto as Exhibit "A";

WHEREAS, in compliance with *§43.035, Tex. Local Gov't Code,* the City extended a written offer to enter a development agreement with applicable landowner(s), which the landowner(s) was required to accept no less than thirty (30) days of the offer or the offer would be deemed declined;

WHEREAS, the landowner(s) did not accept the City's offer within at least thirty (30) days of the offer;

WHEREAS, the City Council heard arguments with respect to such annexation and has decided to annex the area;

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

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

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

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

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

SECTION 1. That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety. The City Council further finds that the landowner(s) comprising the subject property declined to enter a development agreement with the City under *§43.035, Tex. Local Gov't Code.*

SECTION 2. That the following described property, including the abutting streets, roadways and rights-of-way, is hereby annexed into the corporate limits of the City of Leander:

> All of a certain tract or parcel of land being 10 acres, more or less, located in Williamson County, Texas out of the AW0292 Moses Hornsby Survey and AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No. 2007105665 filed in the Official Public Records of Williamson County, Texas, and being more particularly shown in Exhibit "A" attached hereto and incorporated herein for all purposes.

SECTION 3. In the event of conflict between the description of the subject property in this Ordinance and the map attached hereto as Exhibit "A", Exhibit "A" shall control.

SECTION 4. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B".

SECTION 5. That the future owners and inhabitants of the subject property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "B", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 6. That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the subject property as part of the City of Leander.

SECTION 7. That the subject property shall be temporarily zoned District "SFR-1-B" as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 8. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 10. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED on First Reading this 3rd day of January_, 2013.

FINALLY PASSED AND APPROVED on this 17th day of January, 2013.

ATTEST:

THE CITY OF LEANDER, TEXAS

Debbie Haile, City Secretary

Christopher Fielder, Mayor

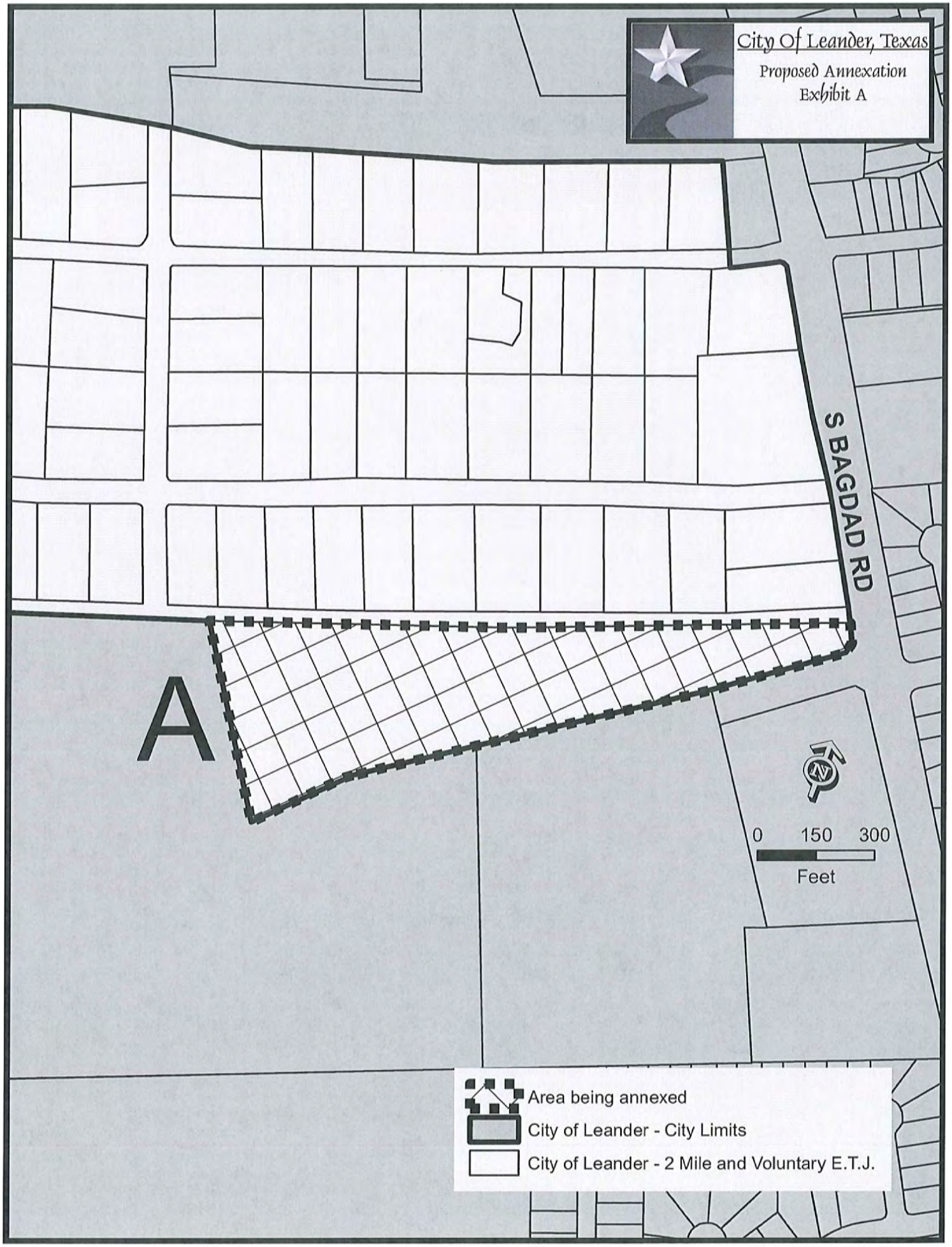

City Of Leander, Texas
Proposed Annexation
Exhibit A
S BAGDAD RD
A
0 150 300
Feet
Area being annexed
City of Leander - City Limits
City of Leander - 2 Mile and Voluntary E.T.J.

EXHIBIT "B"

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

WHEREAS, the City of Leander, Texas (the "City") instituted and completed annexation proceedings for tracts of land described more fully hereinafter (referred to herein as the "subject properties");

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

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

WHEREAS, the subject property will be provided municipal services on the same terms and conditions as other similarly situated properties currently within the City limits and capital improvements necessary to offer such municipal services on the same terms and conditions as other similarly situated properties within the City and in accordance with City policies, regulations, and ordinances; 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 properties into the City.

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

(1) **General Municipal Services.** The subject properties are located within the City's extraterritorial jurisdiction and are more particularly described in the Ordinance to which this service plan is attached. Pursuant to 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 regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject properties shall be temporarily zoned "SFR-1-B" with the intent to rezone the subject properties upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject properties at future times in response to requests submitted by the landowners or authorized city staff.

(2) **Scheduled Municipal Services.** Depending on the plans for development or redevelopment of the subject properties, the following municipal services will be provided on a schedule and at increasing levels of service as requested in compliance with applicable City ordinances, rules and regulations for providing such services:

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

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

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject properties, or portions thereof as applicable, or absent a water CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the City's water utility system, the subject properties' owner shall construct the internal water lines and pay the costs of line extension and construction of such facilities necessary to provide water service to the subject properties as required in City ordinances in effect at the time of the request and in conjunction with Chapter 395, Tex. Local Gov't. Code. Upon acceptance of the

water lines within the subject properties and any off-site improvements, water service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City; subject to all the ordinances, regulations and policies of the City in effect from time to time. The system will be accepted and maintained by the City in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a preexisting water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property's owner requests and is able to connect to a water service provider.

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

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

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a wastewater CCN for the subject properties, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. If connected to the City's wastewater utility system, the subject properties' owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject properties as required in City ordinances in effect at the time of the request and in conjunction with Chapter 395, Tex. Local Gov't Code. Upon acceptance of the wastewater lines within the subject properties and any off-site improvements, wastewater service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a preexisting septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property's owner requests and is able to connect to wastewater 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: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject properties or redevelopment, the landowners 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 properties 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 descriptions of the subject properties are as set forth in exhibits attached to the Annexation Ordinance to which this Service Plan is attached.

Executive Summary

January 17, 2013

Council Agenda Subject: Second reading of an Ordinance of the city of Leander, Texas, annexing 126.27 acres of land, more or less, located in Williamson County, Texas and including the abutting streets, roadways, and rights-of-way; approving a service plan for the annexed area; making findings of fact; providing a severability clause and an effective date; and providing for open meetings and other related matters. (Area B)

Background: The Resolution setting the two public hearings for November 29, 2012 and December 6, 2012 was approved by City Council on October 18, 2012. The first of two readings of the Ordinance was approved on January 3, 2013. This is the final reading of the Ordinance. This is an involuntary annexation whereas the city initiated the process of annexing this property into the city limits.

Origination: Development Services Department

Attachments: Ordinance

Exhibit "A" – Property Description

Exhibit "B" – Municipal Services Plan

Prepared by: Jim Bechtol, Director of Development Services

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, ANNEXING 126.27 ACRES OF LAND, MORE OR LESS, LOCATED IN WILLIAMSON COUNTY, TEXAS AND INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS. (AREA B)

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

WHEREAS, the City Council, in compliance with *§43.021, Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the subject property is adjacent to the corporate limits of the City and the boundaries of the city limits are contiguous to the subject property on at least two sides, as shown in the map attached hereto as Exhibit "A";

WHEREAS, the annexation of the subject property described herein will cause an area to be entirely surrounded by the City limits but will not include said area within the City;

WHEREAS, the City Council has determined that it is in the public's interest for the City limits to surround said area;

WHEREAS, in compliance with *§43.035, Tex. Local Gov't Code,* the City extended a written offer to enter a development agreement with applicable landowner(s), which the landowner(s) was required to accept no less than thirty (30) days of the offer or the offer would be deemed declined;

WHEREAS, the landowner(s) did not accept the City's offer within at least thirty (30) days of the offer;

WHEREAS, the City Council heard arguments with respect to such annexation and has decided to annex the area;

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

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

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

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

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

SECTION 1. That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety. The City Council further finds that the landowner(s) comprising the subject property declined to enter a development agreement with the City under *§43.035, Tex. Local Gov't Code.*

SECTION 2. That the following described property, including the abutting streets, roadways and rights-of-way, is hereby annexed into the corporate limits of the City of Leander:

All of a certain tract or parcel of land being 126.27 acres, more or less, located in Williamson County, Texas, being more particularly shown in Exhibit "A" attached hereto and incorporated herein for all purposes, consisting of the following parcels of land, save and except the portions of the following parcels of land located in the City limits or as otherwise excepted below:

(a) All of a certain tract or parcel of land being 6.32 acres, more or less, located in Williamson County, Texas out of the AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No. 1986035848 filed in the Official Public Records of Williamson County, Texas, and identified by Williamson County Appraisal tax identification number ("tax id #") R031278;

(b) All of a certain tract or parcel of land being 10.96 acres, more or less, located in Williamson County, Texas out of the AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No. 1991015547 filed in the Official Public Records of Williamson County, Texas, and identified by tax id # R031281; save and except the southern 501 feet from CR 269 subject to the Development Agreement described in Instrument No. 2010083084 filed in the Official Public Records of Williamson County, Texas;

(c) All of a certain tract or parcel of land located in Williamson County, Texas out of the AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No. 2004099911 filed in the Official Public Records of Williamson County, Texas, and identified by tax id # R031282;

(d) All of a certain tract or parcel of land, being 6.42 acres, more or less, located

in Williamson County, Texas out of the AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No. 1995005525 filed in the Official Public Records of Williamson County, Texas, and being identified by Williamson County Appraisal District tax identification numbers ("tax id #'s") R031283 and R508107;

(e) All of a certain tract or parcel of land being 2.68 acres, more or less, located in Williamson County, Texas out of the AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No. 2007077142 filed in the Official Public Records of Williamson County, Texas, and identified by tax id # R031284;

(f) All of a certain tract or parcel of land being 4.95 acres, more or less, located in Williamson County, Texas out of the AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No. 1990020308 filed in the Official Public Records of Williamson County, Texas, and identified by tax id # R031285;

(g) All of a certain tract or parcel of land being 6.979 acres, more or less, located in Williamson County, Texas out of the AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No. 19815478DR filed in the Official Public Records of Williamson County, Texas, and identified by tax id # R031290;

(h) All of a certain tract or parcel of land being 7.05 acres, more or less, located in Williamson County, Texas out of the AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No. 1992033184 filed in the Official Public Records of Williamson County, Texas, and identified by tax id # R031291;

(i) All of a certain tract or parcel of land being 20.88 acres, more or less, located in Williamson County, Texas out of the AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No. 2010085404 filed in the Official Public Records of Williamson County, Texas, and identified by tax id # R031316; save and except the southern 501 feet from CR 269 subject to the Development Agreement described in Instrument No. 20100083090 filed in the Official Public Records of Williamson County, Texas;

(j) All of a certain tract or parcel of land being 20.90 acres, more or less, located in Williamson County, Texas out of the AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No. 1999022986 filed in the Official Public Records of Williamson County, Texas, and identified by tax id # R031348;

(k) All of a certain tract or parcel of land being 20.23 acres, more or less, located in Williamson County, Texas out of the AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No. 2009016416 filed in the Official Public Records of Williamson County, Texas, and identified by tax id # R031350;

(l) All of a certain tract or parcel of land being 6.38 acres, more or less, located in Williamson County, Texas out of the AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No. 1998034756 filed in the Official Public Records of Williamson County, Texas, and identified by tax id # R031352; save and except the southern 501 feet from CR 269 subject to the Development Agreement described in Instrument No. 20100083082 filed in the Official Public Records of Williamson County, Texas;

(m) All of a certain tract or parcel of land being 6.96 acres, more or less, located in Williamson County, Texas out of the AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No. 2010085404 filed in the Official Public Records of Williamson County, Texas, and identified by tax id # R086402; save and except the southern 501 feet from CR 269 subject to the Development Agreement described in Instrument No. 20100083090 filed in the Official Public Records of Williamson County, Texas;

(n) All of a certain tract or parcel of land being 1.70 acres, more or less, located in Williamson County, Texas being Lot 2, Enterprise Park, said property being more particularly described in Instrument No. 1992040881 filed in the Official Public Records of Williamson County, Texas, and identified by tax id # R315913;

(o) All of a certain tract or parcel of land being 6.09 acres, more or less, located in Williamson County, Texas out of the AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No. 2007077142 filed in the Official Public Records of Williamson County, Texas, and identified by tax id # R324449;

(p) All of a certain tract or parcel of land being 2.02 acres, more or less, located in Williamson County, Texas out of the AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No. 2000045331 filed in the Official Public Records of Williamson County, Texas, and identified by tax id # R375914;

(q) All of a certain tract or parcel of land being 5.45 acres, more or less, located in Williamson County, Texas out of the AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No. 2002024937 filed in the Official Public Records of Williamson County, Texas, and identified by tax id # R430191;

(r) All of a certain tract or parcel of land being 0.50 acres, more or less, located in Williamson County, Texas out of the AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No. 2004065021 filed in the Official Public Records of Williamson County, Texas, and identified by tax id # R031351;

(s) All of a certain tract or parcel of land being 12.30 acres, more or less, located in Williamson County, Texas out of the AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No.

1999040248 filed in the Official Public Records of Williamson County, Texas, and identified by tax id # R433124;

(t) All of a certain tract or parcel of land being 2.04 acres, more or less, located in Williamson County, Texas being Lot 1, H & M Industrial Park, said property being more particularly described in Instrument No. 2008016843 filed in the Official Public Records of Williamson County, Texas, and identified by tax id # R457568;

(u) All of a certain tract or parcel of land being 4.93 acres, more or less, located in Williamson County, Texas being Lot 2, H & M Industrial Park II, said property being more particularly described in Instrument No. 2004068494 filed in the Official Public Records of Williamson County, Texas, and identified by tax id # R457570;

(v) All of a certain tract or parcel of land being 0.57 acres, more or less, located in Williamson County, Texas being Lot 2, H & M Industrial Park II, said property being more particularly described in Instrument No. 2004068494 filed in the Official Public Records of Williamson County, Texas, and identified by tax id # R508103;

(w) All of a certain tract or parcel of land being 3.06 acres, more or less, located in Williamson County, Texas being Lot 1, H & M Industrial Park, said property being more particularly described in Instrument No. 2008016843 filed in the Official Public Records of Williamson County, Texas, and identified by tax id # R508104;

(x) All of a certain tract or parcel of land being 2.63 acres, more or less, located in Williamson County, Texas out of the AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No. 19815478DR filed in the Official Public Records of Williamson County, Texas, and identified by tax id# R508105; and

(y) All of a certain tract or parcel of land being 0.34 acres, more or less, located in Williamson County, Texas out of the AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No. 2007077142 filed in the Official Public Records of Williamson County, Texas, and identified by tax id # R508106.

SECTION 3. In the event of conflict between the description of the subject property in this Ordinance and the map attached hereto as Exhibit "A", Exhibit "A" shall control.

SECTION 4. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B".

SECTION 5. That the future owners and inhabitants of the subject property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "B", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 6. That the official map and boundaries of the City, heretofore adopted and

amended be and hereby are amended so as to include the subject property as part of the City of Leander.

SECTION 7. That the subject property shall be temporarily zoned District "SFR-1-B" as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 8. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 10. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED on First Reading this 3rd day of January, 2013.

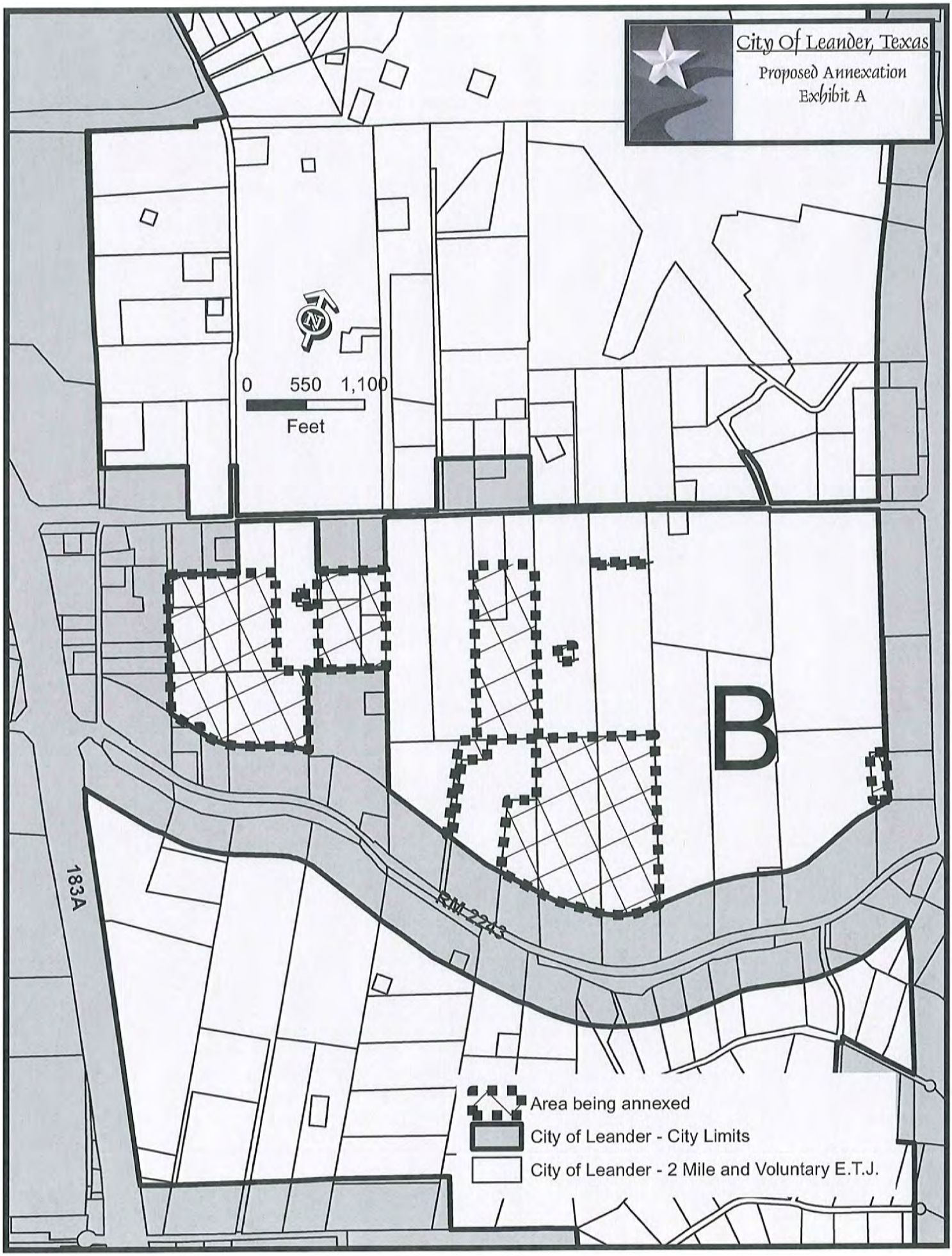
FINALLY PASSED AND APPROVED on this 17th day of January, 2013.

ATTEST:

THE CITY OF LEANDER, TEXAS

Debbie Haile, City Secretary

Christopher Fielder, Mayor


City Of Leander, Texas
Proposed Annexation
Exhibit A
0 550 1,100
Feet
B
183A
RM 2243
Area being annexed
City of Leander - City Limits
City of Leander - 2 Mile and Voluntary E.T.J.

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

WHEREAS, the City of Leander, Texas (the "City") instituted and completed annexation proceedings for tracts of land described more fully hereinafter (referred to herein as the "subject properties");

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

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

WHEREAS, the subject property will be provided municipal services on the same terms and conditions as other similarly situated properties currently within the City limits and capital improvements necessary to offer such municipal services on the same terms and conditions as other similarly situated properties within the City and in accordance with City policies, regulations, and ordinances; 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 properties into the City.

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

(1) **General Municipal Services.** The subject properties are located within the City's extraterritorial jurisdiction and are more particularly described in the Ordinance to which this service plan is attached. Pursuant to 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 regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject properties shall be temporarily zoned "SFR-1-B" with the intent to rezone the subject properties upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject properties at future times in response to requests submitted by the landowners or authorized city staff.

(2) **Scheduled Municipal Services.** Depending on the plans for development or redevelopment of the subject properties, the following municipal services will be provided on a schedule and at increasing levels of service as requested in compliance with applicable City ordinances, rules and regulations for providing such services:

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

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

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject properties, or portions thereof as applicable, or absent a water CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the City's water utility system, the subject properties' owner shall construct the internal water lines and pay the costs of line extension and construction of such facilities necessary to provide water service to the subject properties as required in City ordinances in effect at the time of the request and in conjunction with Chapter 395, Tex. Local Gov't. Code. Upon acceptance of the water lines within the subject properties and any off-site improvements, water service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City; subject to all the ordinances, regulations and policies of the City in effect from time to time. The system will be accepted and maintained by the City in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a preexisting water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject

property's owner requests and is able to connect to a water service provider.

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

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

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a wastewater CCN for the subject properties, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. If connected to the City's wastewater utility system, the subject properties' owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject properties as required in City ordinances in effect at the time of the request and in conjunction with Chapter 395, Tex. Local Gov't Code. Upon acceptance of the wastewater lines within the subject properties and any off-site improvements, wastewater service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a preexisting septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property's owner requests and is able to connect to wastewater 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: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject properties or redevelopment, the landowners 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 properties 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 descriptions of the subject properties are as set forth in exhibits attached to the Annexation Ordinance to which this Service Plan is attached.

Executive Summary

January 17, 2013

Council Agenda Subject: Second reading of an ordinance of the city of Leander, Texas, annexing 257.75 acres of land, more or less, located in Williamson County, Texas and including the abutting streets, roadways, and rights-of-way; approving a service plan for the annexed area; making findings of fact; providing a severability clause and an effective date; and providing for open meetings and other related matters. (Area C)

Background: The Resolution setting the two public hearings for November 29, 2012 and December 6, 2012 was approved by City Council on October 18, 2012. The first of two readings of the Ordinance was approved on January 3, 2013. This is the final reading of the Ordinance. This is an involuntary annexation whereas the city initiated the process of annexing this property into the city limits.

Origination: Development Services Department

Attachments: Ordinance

Exhibit "A" – Property Description

Exhibit "B" – Municipal Services Plan

Prepared by: Jim Bechtol, Director of Development Services

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, ANNEXING 257.75 ACRES OF LAND, MORE OR LESS, LOCATED IN WILLIAMSON COUNTY, TEXAS AND INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS. (AREA C)

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

WHEREAS, the City Council, in compliance with *§43.021, Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the subject property is adjacent to the corporate limits of the City and the boundaries of the city limits are contiguous to the subject property on at least two sides, as shown in the map attached hereto as Exhibit "A";

WHEREAS, the annexation of the subject property described herein will cause an area to be entirely surrounded by the City limits but will not include said area within the City;

WHEREAS, the City Council has determined that it is in the public's interest for the City limits to surround said area;

WHEREAS, in compliance with *§43.035, Tex. Local Gov't Code,* the City extended a written offer to enter a development agreement with applicable landowner(s), which the landowner(s) was required to accept no less than thirty (30) days of the offer or the offer would be deemed declined;

WHEREAS, the landowner(s) did not accept the City's offer within at least thirty (30) days of the offer;

WHEREAS, the City Council heard arguments with respect to such annexation and has decided to annex the area;

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

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

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

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

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

SECTION 1. That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety. The City Council further finds that the landowner(s) comprising the subject property declined to enter a development agreement with the City under *§43.035, Tex. Local Gov't Code.*

SECTION 2. That the following described property, including the abutting streets, roadways and rights-of-way, is hereby annexed into the corporate limits of the City of Leander:

All of a certain tract or parcel of land being 257.75 acres, more or less, located in Williamson County, Texas, being more particularly shown in Exhibit "A" attached hereto and incorporated herein for all purposes, consisting of the following parcels of land, save and except the portions of the following parcels of land located in the City limits or as otherwise excepted below:

(a) All of a certain tract or parcel of land being 26.13 acres, more or less, located in Williamson County, Texas out of the AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No. 2006055078 filed in the Official Public Records of Williamson County, Texas, and being identified by Williamson County Appraisal District tax identification number R031257;

(b) All of a certain tract or parcel of land being 1.00 acres, more or less, located in Williamson County, Texas out of the AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No. 2003027079 filed in the Official Public Records of Williamson County, Texas, and being identified by Williamson County Appraisal District tax identification number R031259;

(c) All of a certain tract or parcel of land being 10.67 acres, more or less, located in Williamson County, Texas out of the AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No. 2003027079 filed in the Official Public Records of Williamson County, Texas, and being identified by Williamson County Appraisal District tax

identification number R031260;

(d) All of a certain tract or parcel of land being 11.92 acres, more or less, located in Williamson County, Texas out of the AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No. 2006055079 filed in the Official Public Records of Williamson County, Texas, and being identified by Williamson County Appraisal District tax identification number R031261;

(e) All of a certain tract or parcel of land being 1.00 acres, more or less, located in Williamson County, Texas out of the AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No. 1998071801 filed in the Official Public Records of Williamson County, Texas, and being identified by Williamson County Appraisal District tax identification number R031302;

(f) All of a certain tract or parcel of land being 11.50 acres, more or less, located in Williamson County, Texas out of the AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No. 1998019789 filed in the Official Public Records of Williamson County, Texas, and being identified by Williamson County Appraisal District tax identification number R031303;

(g) All of a certain tract or parcel of land being 10.00 acres, more or less, located in Williamson County, Texas out of the AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No. 1992013162 filed in the Official Public Records of Williamson County, Texas, and being identified by Williamson County Appraisal District tax identification number R031304;

(h) All of a certain tract or parcel of land being 11.50 acres, more or less, located in Williamson County, Texas out of the AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No. 1993020010 filed in the Official Public Records of Williamson County, Texas, and being identified by Williamson County Appraisal District tax identification number R031305;

(i) All of a certain tract or parcel of land being 33.969 acres, more or less, located in Williamson County, Texas out of the AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No. 2006055078 filed in the Official Public Records of Williamson County, Texas, and being identified by Williamson County Appraisal District tax identification number R031358;

(j) All of a certain tract or parcel of land being 20.22 acres, more or less, located in Williamson County, Texas out of the AW0006 Elijah D. Harmon

Survey, said property being more particularly described in Instrument No. 2005054303 filed in the Official Public Records of Williamson County, Texas, and being identified by Williamson County Appraisal District tax identification number R031359;

(k) All of a certain tract or parcel of land being 2.12 acres, more or less, located in Williamson County, Texas out of the AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No. 2011067074 filed in the Official Public Records of Williamson County, Texas, and being identified by Williamson County Appraisal District tax identification number R031361;

(l) All of a certain tract or parcel of land being 17.13 acres, more or less, located in Williamson County, Texas out of the AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No. 2008070780 filed in the Official Public Records of Williamson County, Texas, and being identified by Williamson County Appraisal District tax identification number R031367;

(m) All of a certain tract or parcel of land being 8.90 acres, more or less, located in Williamson County, Texas out of the AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No. 2007080005 filed in the Official Public Records of Williamson County, Texas, and being identified by Williamson County Appraisal District tax identification number R031369;

(n) All of a certain tract or parcel of land being 10.00 acres, more or less, located in Williamson County, Texas out of the AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No. 2008019468 filed in the Official Public Records of Williamson County, Texas, and being identified by Williamson County Appraisal District tax identification number R031370;

(o) All of a certain tract or parcel of land being 10.00 acres, more or less, located in Williamson County, Texas out of the AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No. 2010011569 filed in the Official Public Records of Williamson County, Texas, and being identified by Williamson County Appraisal District tax identification number R031371;

(p) All of a certain tract or parcel of land being 15.36 acres, more or less, located in Williamson County, Texas out of the AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No. 2009023646 filed in the Official Public Records of Williamson County, Texas, and being identified by Williamson County Appraisal District tax identification number R031374;

(q) All of a certain tract or parcel of land being 5.00 acres, more or less, located in Williamson County, Texas being Lot 3, Glory Hill Amended, said property being more particularly described in Instrument No. 2003112598 filed in the Official Public Records of Williamson County, Texas, and being identified by Williamson County Appraisal District tax identification number R082170;

(r) All of a certain tract or parcel of land being 1.00 acres, more or less, located in Williamson County, Texas being Lot 2 PT, Glory Hill Amended, said property being more particularly described in Instrument No. 1985038113 filed in the Official Public Records of Williamson County, Texas, and being identified by Williamson County Appraisal District tax identification number R082171;

(s) All of a certain tract or parcel of land being 10.00 acres, more or less, located in Williamson County, Texas being Lot 1, Glory Hill Amended, said property being more particularly described in Instrument No. 19778425DR filed in the Official Public Records of Williamson County, Texas, and being identified by Williamson County Appraisal District tax identification number R0382172;

(t) All of a certain tract or parcel of land being 4.00 acres, more or less, located in Williamson County, Texas being Lot 2 PT, Glory Hill Amended, said property being more particularly described in Instrument No. 1985038113 filed in the Official Public Records of Williamson County, Texas, and being identified by Williamson County Appraisal District tax identification number R302829;

(u) All of a certain tract or parcel of land being 10.01 acres, more or less, located in Williamson County, Texas out of the AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No. 1998044661 filed in the Official Public Records of Williamson County, Texas, and being identified by Williamson County Appraisal District tax identification number R318556;

(v) All of a certain tract or parcel of land being 0.50 acres, more or less, located in Williamson County, Texas out of the AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No. 2008070780 filed in the Official Public Records of Williamson County, Texas, and being identified by Williamson County Appraisal District tax identification number R332693;

(w) All of a certain tract or parcel of land being 5.84 acres, more or less, located in Williamson County, Texas out of the AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No.

19771094DR filed in the Official Public Records of Williamson County, Texas, and being identified by Williamson County Appraisal District tax identification number R383410;

(x) All of a certain tract or parcel of land being 0.33 acres, more or less, located in Williamson County, Texas out of the AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No. 2006110451 filed in the Official Public Records of Williamson County, Texas, and being identified by Williamson County Appraisal District tax identification number R482700;

(y) All of a certain tract or parcel of land being 27.20 acres, more or less, located in Williamson County, Texas out of the AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No. 2009023887 filed in the Official Public Records of Williamson County, Texas, and being identified by Williamson County Appraisal District tax identification number R502299;

(z) All of a certain tract or parcel of land being 10.00 acres, more or less, located in Williamson County, Texas out of the AW0006 Elijah D. Harmon Survey, said property being more particularly described in Instrument No. 2011067089 filed in the Official Public Records of Williamson County, Texas, and being identified by Williamson County Appraisal District tax identification number R512974;

SECTION 3. In the event of conflict between the description of the subject property in this Ordinance and the map attached hereto as Exhibit "A", Exhibit "A" shall control.

SECTION 4. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B".

SECTION 5. That the future owners and inhabitants of the subject property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "B", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 6. That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the subject property as part of the City of Leander.

SECTION 7. That the subject property shall be temporarily zoned District "SFR-1-B" as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 8. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or

applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 10. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED on First Reading this 3rd day of January, 2013.

FINALLY PASSED AND APPROVED on this 17th day of January, 2013.

ATTEST:

THE CITY OF LEANDER, TEXAS

Debbie Haile, City Secretary

Christopher Fielder, Mayor

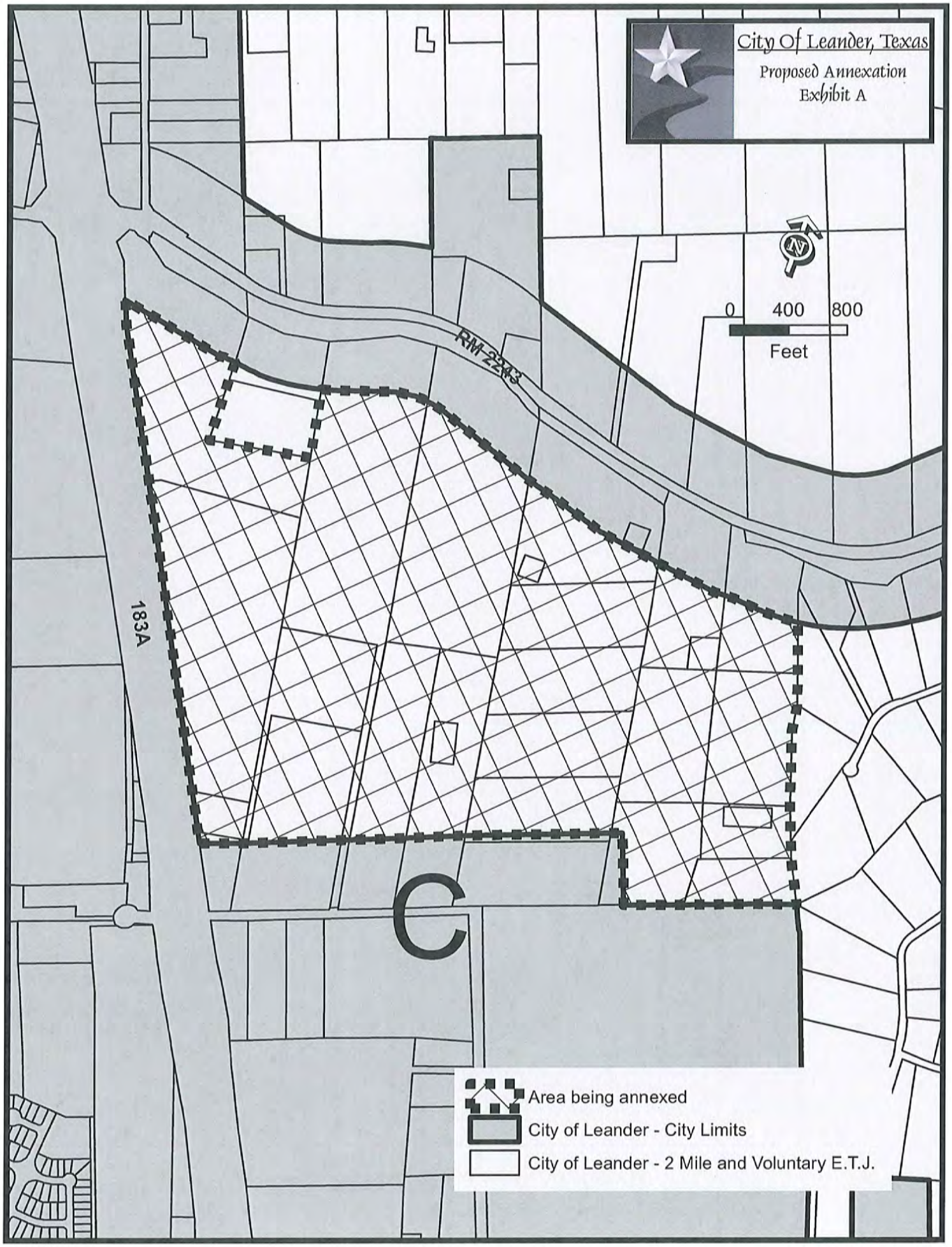

City Of Leander, Texas
Proposed Annexation
Exhibit A
0
400
800
Feet
RM 2243
183A
C
Area being annexed
City of Leander - City Limits
City of Leander - 2 Mile and Voluntary E.T.J.

EXHIBIT "B"

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

WHEREAS, the City of Leander, Texas (the "City") instituted and completed annexation proceedings for tracts of land described more fully hereinafter (referred to herein as the "subject properties");

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

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

WHEREAS, the subject property will be provided municipal services on the same terms and conditions as other similarly situated properties currently within the City limits and capital improvements necessary to offer such municipal services on the same terms and conditions as other similarly situated properties within the City and in accordance with City policies, regulations, and ordinances; 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 properties into the City.

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

(1) **General Municipal Services.** The subject properties are located within the City's extraterritorial jurisdiction and are more particularly described in the Ordinance to which this service plan is attached. Pursuant to 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 regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject properties shall be temporarily zoned "SFR-1-B" with the intent to rezone the subject properties upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject properties at future times in response to requests submitted by the landowners or authorized city staff.

(2) **Scheduled Municipal Services.** Depending on the plans for development or redevelopment of the subject properties, the following municipal services will be provided on a schedule and at increasing levels of service as requested in compliance with applicable City ordinances, rules and regulations for providing such services:

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

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

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject properties, or portions thereof as applicable, or absent a water CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the City's water utility system, the subject properties' owner shall construct the internal water lines and pay the

costs of line extension and construction of such facilities necessary to provide water service to the subject properties as required in City ordinances in effect at the time of the request and in conjunction with Chapter 395, Tex. Local Gov't. Code. Upon acceptance of the water lines within the subject properties and any off-site improvements, water service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City; subject to all the ordinances, regulations and policies of the City in effect from time to time. The system will be accepted and maintained by the City in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a preexisting water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property's owner requests and is able to connect to a water service provider.

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

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

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a wastewater CCN for the subject properties, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. If connected to the City's wastewater utility system, the subject properties' owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject properties as required in City ordinances in effect at the time of the request and in conjunction with Chapter 395, Tex. Local Gov't Code. Upon acceptance of the wastewater lines within the subject properties and any off-site improvements, wastewater service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a preexisting septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property's owner requests and is able to connect to wastewater 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: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject properties or redevelopment, the landowners 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 properties 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 descriptions of the subject properties are as set forth in exhibits attached to the Annexation Ordinance to which this Service Plan is attached.

Executive Summary

January 17, 2013

Council Agenda Subject: Second reading of an ordinance of the city of Leander, Texas, annexing 213.40 acres of land, more or less, located in Williamson County, Texas and including the abutting streets, roadways, and rights-of-way; approving a service plan for the annexed area; making findings of fact; providing a severability clause and an effective date; and providing for open meetings and other related matters. (Area D)

Background: The Resolution setting the two public hearings for November 29, 2012 and December 6, 2012 was approved by City Council on October 18, 2012. The first of two readings of the Ordinance was approved on January 3, 2013. This is the final reading of the Ordinance. This is an involuntary annexation whereas the city initiated the process of annexing this property into the city limits.

Origination: Development Services Department

Attachments: Ordinance

Exhibit "A" – Property Description

Exhibit "B" – Municipal Services Plan

Prepared by: Jim Bechtol, Director of Development Services

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, ANNEXING 213.40 ACRES OF LAND, MORE OR LESS, LOCATED IN WILLIAMSON COUNTY, TEXAS AND INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS. (AREA D)

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

WHEREAS, the City Council, in compliance with *§43.021, Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the subject property is adjacent to the corporate limits of the City and the boundaries of the city limits are contiguous to the subject property on at least two sides, as shown in the map attached hereto as Exhibit "A";

WHEREAS, in compliance with *§43.035, Tex. Local Gov't Code,* the City extended a written offer to enter a development agreement with applicable landowner(s), which the landowner(s) was required to accept no less than thirty (30) days of the offer or the offer would be deemed declined;

WHEREAS, the landowner(s) did not accept the City's offer within at least thirty (30) days of the offer;

WHEREAS, the City Council heard arguments with respect to such annexation and has decided to annex the area;

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

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

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

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

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

SECTION 1. That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety. The City Council further finds that the landowner(s) comprising the subject property declined to enter a development agreement with the City under *§43.035, Tex. Local Gov't Code.*

SECTION 2. That the following described property, including the abutting streets, roadways and rights-of-way, is hereby annexed into the corporate limits of the City of Leander:

All of a certain tract or parcel of land being 213.4 acres, more or less, located in Williamson County, Texas, being more particularly shown in Exhibit "A" attached hereto and incorporated herein for all purposes, consisting of the following parcels of land, save and except the portions of the following parcels of land located in the City limits or as otherwise excepted below:

(a) All of a certain tract or parcel of land being 63.90 acres, more or less, located in Williamson County, Texas out of the AW0003 Walter Campbell Survey, Abstract No. 3, said property being more particularly described in Instrument No. 1997016886 filed in the Official Public Records of Williamson County, Texas, and identified by Williamson County Tax identification number ("tax id #") R031199;

(b) All of a certain tract or parcel of land being 50.40 acres, more or less, located in Williamson County, Texas out of the AW0003 Walter Campbell Survey, Abstract No. 3, said property being more particularly described in Instrument No. 2009000970 filed in the Official Public Records of Williamson County, Texas, and identified by tax id # R031201;

(c) All of a certain tract or parcel of land being 4.89 acres, more or less, located in Williamson County, Texas out of the AW0003 Walter Campbell Survey, Abstract No. 3, said property being more particularly described in Instrument No. 1989028620 filed in the Official Public Records of Williamson County, Texas, and identified by tax id # R031203;

(d) All of a certain tract or parcel of land being 39.22 acres, more or less, located in Williamson County, Texas out of the AW0003 Walter Campbell Survey, Abstract No. 3, said property being more particularly described in Instrument No. 1985006112 filed in the Official Public Records of Williamson County, Texas, and identified by tax id # R031204;

(e) All of a certain tract or parcel of land being 1.00 acres, more or less, located in Williamson County, Texas out of the AW0003 Walter Campbell Survey, Abstract No. 3, said property being more particularly described in Instrument No. 1985006112 filed in the Official Public Records of Williamson County, Texas, and identified by tax id # R031205;

(f) All of a certain tract or parcel of land being 40.22 acres, more or less, located in Williamson County, Texas out of the AW0003 Walter Campbell Survey, Abstract No. 3, said property being more particularly described in Instrument No.'s 19779279DR, 19788716DRA, 19799939DR, 19801678DR, 19818004DR, 19827172DR, 1983005214, and 1985006111 filed in the Official Public Records of Williamson County, Texas, and identified by tax id # R031206;

(g) All of a certain tract or parcel of land being 5.00 acres, more or less, located in Williamson County, Texas out of the AW0003 Walter Campbell Survey, Abstract No. 3, said property being more particularly described in Instrument No. 19732866DR filed in the Official Public Records of Williamson County, Texas, and identified by tax id # R031215;

(h) All of a certain tract or parcel of land 3.39 acres, more or less, located in Williamson County, Texas out of the AW0003 Walter Campbell Survey, Abstract No. 3, said property being more particularly described in Instrument No. 2009000970 filed in the Official Public Records of Williamson County, Texas, and identified by tax id # R080605;

(i) All of a certain tract or parcel of land 2.07 acres, more or less, located in Williamson County, Texas out of the AW0003 Walter Campbell Survey, Abstract No. 3, said property being more particularly described in Instrument No. 2009000970 filed in the Official Public Records of Williamson County, Texas, and identified by tax id # R320075; and

(j) All of a certain tract or parcel of land 6.29 acres, more or less, located in Williamson County, Texas out of the AW0003 Walter Campbell Survey, Abstract No. 3, said property being more particularly described in Instrument No. 2005045871 filed in the Official Public Records of Williamson County, Texas, and identified by tax id # R432778.

SECTION 3. In the event of conflict between the description of the subject property in this Ordinance and the map attached hereto as Exhibit "A", Exhibit "A" shall control.

SECTION 4. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B".

SECTION 5. That the future owners and inhabitants of the subject property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto

as Exhibit "B", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 6. That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the subject property as part of the City of Leander.

SECTION 7. That the subject property shall be temporarily zoned District "SFR-1-B" as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 8. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 10. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED on First Reading this 3rd day of January, 2013.

FINALLY PASSED AND APPROVED on this 17th day of January, 2013.

ATTEST: **THE CITY OF LEANDER, TEXAS**

Debbie Haile, City Secretary

Christopher Fielder, Mayor

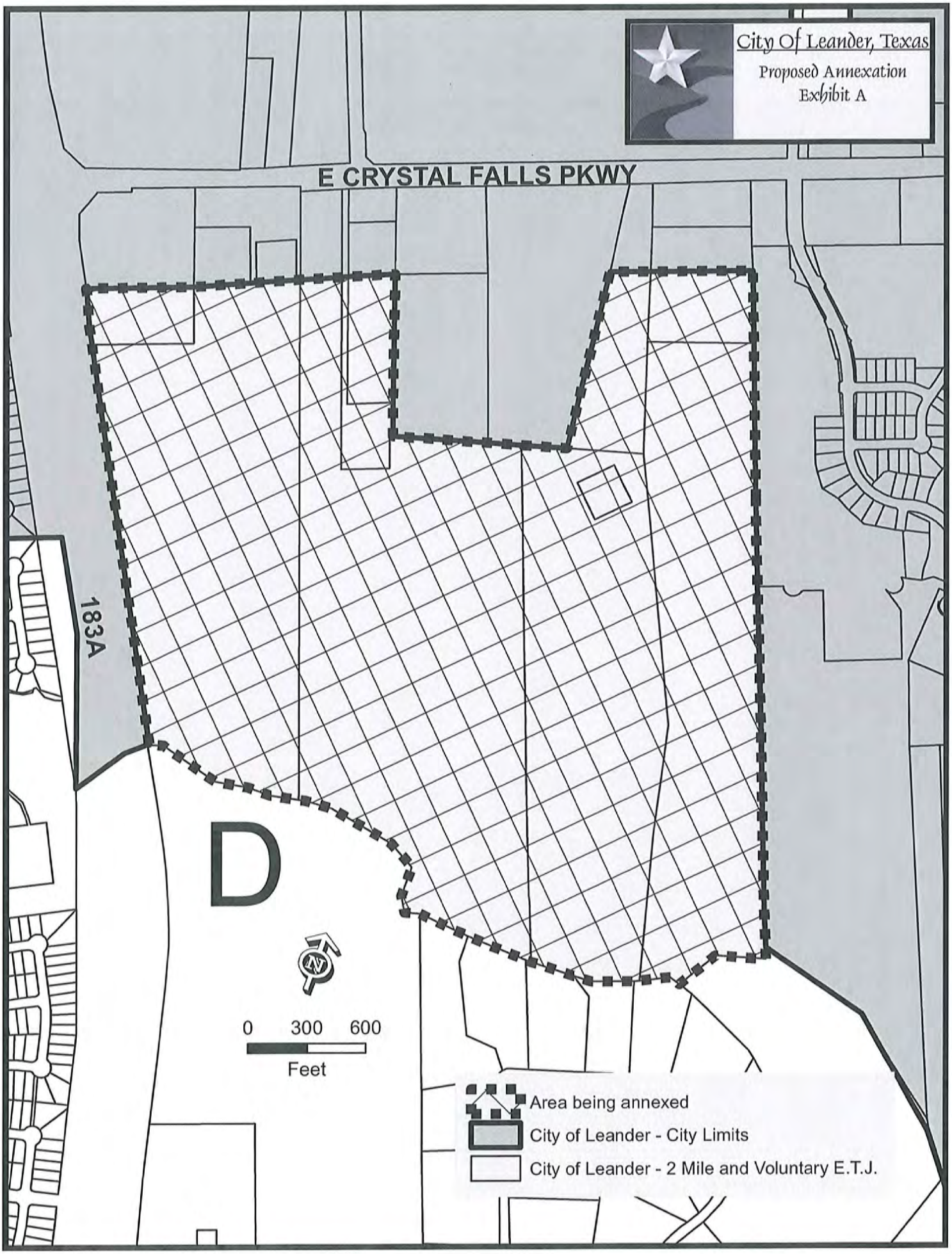

City Of Leander, Texas
Proposed Annexation
Exhibit A
E CRYSTAL FALLS PKWY
183A
D
0 300 600
Feet
Area being annexed
City of Leander - City Limits
City of Leander - 2 Mile and Voluntary E.T.J.

EXHIBIT "B"

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

WHEREAS, the City of Leander, Texas (the "City") instituted and completed annexation proceedings for tracts of land described more fully hereinafter (referred to herein as the "subject properties");

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

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

WHEREAS, the subject property will be provided municipal services on the same terms and conditions as other similarly situated properties currently within the City limits and capital improvements necessary to offer such municipal services on the same terms and conditions as other similarly situated properties within the City and in accordance with City policies, regulations, and ordinances; 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 properties into the City.

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

(1) **General Municipal Services.** The subject properties are located within the City's extraterritorial jurisdiction and are more particularly described in the Ordinance to which this service plan is attached. Pursuant to 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 regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject properties shall be temporarily zoned "SFR-1-B" with the intent to rezone the subject properties upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject properties at future times in response to requests submitted by the landowners or authorized city staff.

(2) **Scheduled Municipal Services.** Depending on the plans for development or redevelopment of the subject properties, the following municipal services will be provided on a schedule and at increasing levels of service as requested in compliance with applicable City ordinances, rules and regulations for providing such services:

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

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

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject properties, or portions thereof as applicable, or absent a water CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the City's water utility system, the subject properties' owner shall construct the internal water lines and pay the costs of line extension and construction of such facilities necessary to provide water service to the subject properties as required in City ordinances in effect at the time of the request

and in conjunction with Chapter 395, Tex. Local Gov't. Code. Upon acceptance of the water lines within the subject properties and any off-site improvements, water service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City; subject to all the ordinances, regulations and policies of the City in effect from time to time. The system will be accepted and maintained by the City in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a preexisting water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property's owner requests and is able to connect to a water service provider.

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

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

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a wastewater CCN for the subject properties, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. If connected to the City's wastewater utility system, the subject properties' owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject properties as required in City ordinances in effect at the time of the request and in conjunction with Chapter 395, Tex. Local Gov't Code. Upon acceptance of the wastewater lines within the subject properties and any off-site improvements, wastewater service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a preexisting septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property's owner requests and is able to connect to wastewater 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: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject properties or redevelopment, the landowners 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 properties 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 descriptions of the subject properties are as set forth in exhibits attached to the Annexation Ordinance to which this Service Plan is attached.

Executive Summary

January 17, 2013

Council Agenda Subject: Second reading of an Ordinance of the city of Leander, Texas, annexing 0.07 acres of land, more or less, located in Williamson County, Texas and including the abutting streets, roadways, and rights-of-way; approving a service plan for the annexed area; making findings of fact; providing a severability clause and an effective date; and providing for open meetings and other related matters. (Area E)

Background: The Resolution setting the two public hearings for November 29, 2012 and December 6, 2012 was approved by City Council on October 18, 2012. T he first of two readings of the Ordinance was approved on January 3, 2013. This is the final reading of the Ordinance. This is an involuntary annexation whereas the city initiated the process of annexing this property into the city limits.

Origination: Development Services Department

Attachments: Ordinance

Exhibit "A" – Property Description

Exhibit "B" – Municipal Services Plan

Prepared by: Jim Bechtol, Director of Development Services

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, ANNEXING 0.07 ACRES OF LAND, MORE OR LESS, LOCATED IN WILLIAMSON COUNTY, TEXAS AND INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS. (AREA E)

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

WHEREAS, the City Council, in compliance with *§43.021, Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the subject property is adjacent to the corporate limits of the City and the boundaries of the city limits are contiguous to the subject property on at least two sides, as shown in the map attached hereto as Exhibit "A";

WHEREAS, in compliance with *§43.035, Tex. Local Gov't Code,* the City extended a written offer to enter a development agreement with applicable landowner(s), which the landowner(s) was required to accept no less than thirty (30) days of the offer or the offer would be deemed declined;

WHEREAS, the landowner(s) did not accept the City's offer within at least thirty (30) days of the offer;

WHEREAS, the City Council heard arguments with respect to such annexation and has decided to annex the area;

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

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

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

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

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

SECTION 1. That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety. The City Council further finds that the landowner(s) comprising the subject property declined to enter a development agreement with the City under *§43.035, Tex. Local Gov't Code.*

SECTION 2. That the following described property, including the abutting streets, roadways and rights-of-way, is hereby annexed into the corporate limits of the City of Leander:

> All of a certain tract or parcel of land located in Williamson County, Texas out of the AW0003 Walter Campbell Survey, said property more particularly described in Instrument No. 1993038874 filed in the Official Public Records of Williamson County, Texas, save and except those portions of said property already in the city limits; being more particularly shown in Exhibit "A" attached hereto and incorporated herein for all purposes.

SECTION 3. In the event of conflict between the description of the subject property in this Ordinance and the map attached hereto as Exhibit "A", Exhibit "A" shall control.

SECTION 4. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B".

SECTION 5. That the future owners and inhabitants of the subject property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "B", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 6. That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the subject property as part of the City of Leander.

SECTION 7. That the subject property shall be temporarily zoned District "SFR-1-B" as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 8. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 10. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED on First Reading this 3rd day of January, 2013.

FINALLY PASSED AND APPROVED on this 17th day of January, 2013.

ATTEST:

THE CITY OF LEANDER, TEXAS

Debbie Haile, City Secretary

Christopher Fielder, Mayor

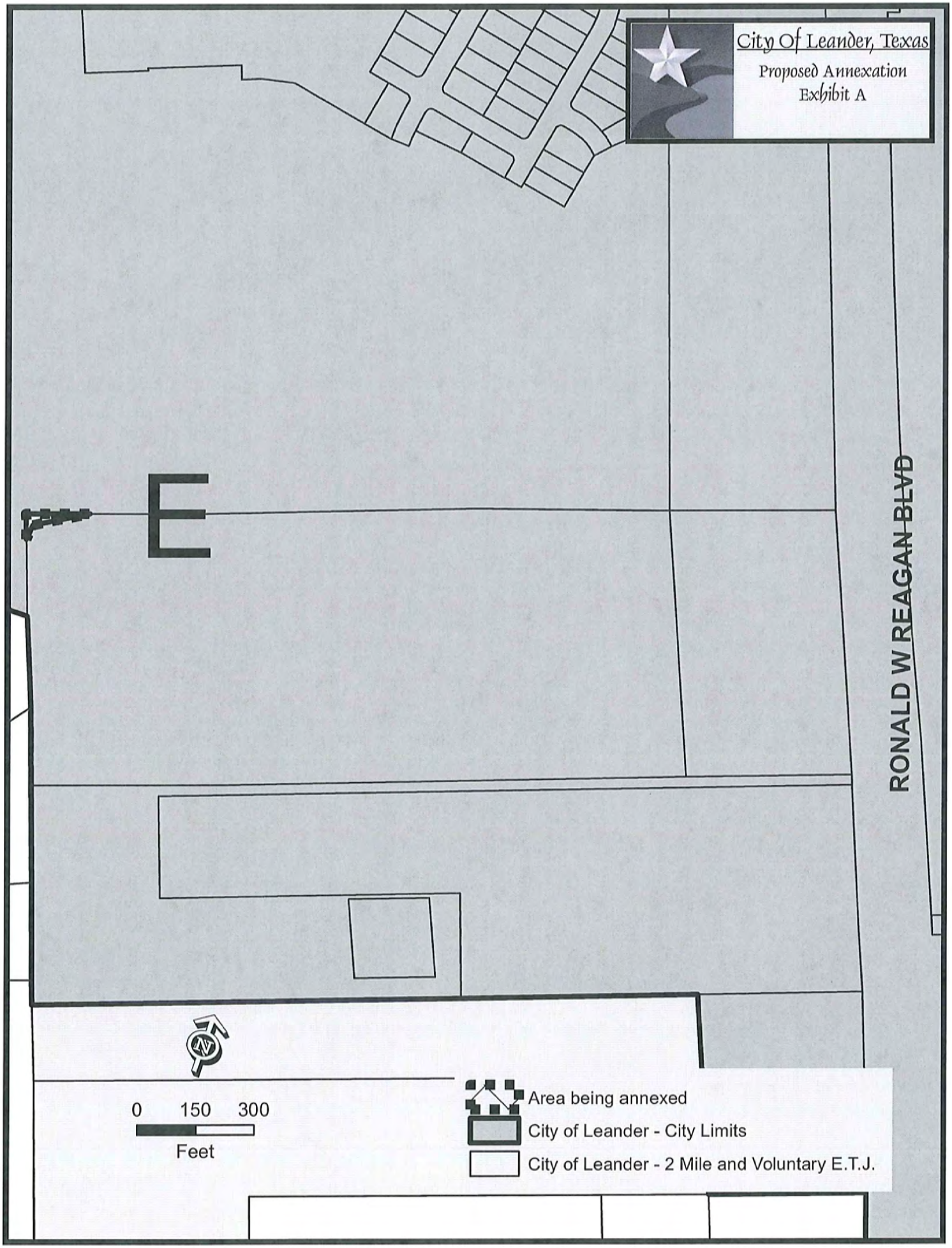

City Of Leander, Texas
Proposed Annexation
Exhibit A
RONALD W REAGAN BLVD
0 150 300
Feet
Area being annexed
City of Leander - City Limits
City of Leander - 2 Mile and Voluntary E.T.J.

EXHIBIT "B"

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

WHEREAS, the City of Leander, Texas (the "City") instituted and completed annexation proceedings for tracts of land described more fully hereinafter (referred to herein as the "subject properties");

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

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

WHEREAS, the subject property will be provided municipal services on the same terms and conditions as other similarly situated properties currently within the City limits and capital improvements necessary to offer such municipal services on the same terms and conditions as other similarly situated properties within the City and in accordance with City policies, regulations, and ordinances; 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 properties into the City.

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

(1) **General Municipal Services.** The subject properties are located within the City's extraterritorial jurisdiction and are more particularly described in the Ordinance to which this service plan is attached. Pursuant to 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 regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject properties shall be temporarily zoned "SFR-1-B" with the intent to rezone the subject properties upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject properties at future times in response to requests submitted by the landowners or authorized city staff.

(2) **Scheduled Municipal Services.** Depending on the plans for development or redevelopment of the subject properties, the following municipal services will be provided on a schedule and at increasing levels of service as requested in compliance with applicable City ordinances, rules and regulations for providing such services:

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

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

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject properties, or portions thereof as applicable, or absent a water CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the City's water utility system, the subject properties' owner shall construct the internal water lines and pay the costs of line extension and construction of such facilities necessary to provide water service to the subject properties as required in City ordinances in effect at the time of the request and in conjunction with Chapter 395, Tex. Local Gov't. Code. Upon acceptance of the

water lines within the subject properties and any off-site improvements, water service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City; subject to all the ordinances, regulations and policies of the City in effect from time to time. The system will be accepted and maintained by the City in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a preexisting water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property's owner requests and is able to connect to a water service provider.

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

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

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a wastewater CCN for the subject properties, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. If connected to the City's wastewater utility system, the subject properties' owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject properties as required in City ordinances in effect at the time of the request and in conjunction with Chapter 395, Tex. Local Gov't Code. Upon acceptance of the wastewater lines within the subject properties and any off-site improvements, wastewater service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a preexisting septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property's owner requests and is able to connect to wastewater 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: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject properties or redevelopment, the landowners 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 properties 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 descriptions of the subject properties are as set forth in exhibits attached to the Annexation Ordinance to which this Service Plan is attached.

Executive Summary

January 17, 2013

Council Agenda Subject: Second reading of an Ordinance of the city of Leander, Texas, annexing 22.38 acres of land, more or less, located in Williamson County, Texas and including the abutting streets, roadways, and rights-of-way; approving a service plan for the annexed area; making findings of fact; providing a severability clause and an effective date; and providing for open meetings and other related matters. (Area F)

Background: The Resolution setting the two public hearings for November 29, 2012 and December 6, 2012 was approved by City Council on October 18, 2012. T he first of two readings of the Ordinance was approved on January 3, 2013. This is the final reading of the Ordinance. This is an involuntary annexation whereas the city initiated the process of annexing this property into the city limits.

Origination: Development Services Department

Attachments: Ordinance

Exhibit "A" – Property Description

Exhibit "B" – Municipal Services Plan

Prepared by: Jim Bechtol, Director of Development Services

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, ANNEXING 22.38 ACRES OF LAND, MORE OR LESS, LOCATED IN WILLIAMSON COUNTY, TEXAS AND INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS. (AREA F)

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

WHEREAS, the City Council, in compliance with *§43.021, Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the subject property is adjacent to the corporate limits of the City and the boundaries of the city limits are contiguous to the subject property on at least two sides, as shown in the map attached hereto as Exhibit "A";

WHEREAS, in compliance with *§43.035, Tex. Local Gov't Code,* the City extended a written offer to enter a development agreement with applicable landowner(s), which the landowner(s) was required to accept no less than thirty (30) days of the offer or the offer would be deemed declined;

WHEREAS, the landowner(s) did not accept the City's offer within at least thirty (30) days of the offer;

WHEREAS, the City Council heard arguments with respect to such annexation and has decided to annex the area;

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

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

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

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

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

SECTION 1. That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety. The City Council further finds that the landowner(s) comprising the subject property declined to enter a development agreement with the City under *§43.035, Tex. Local Gov't Code.*

SECTION 2. That the following described property, including the abutting streets, roadways and rights-of-way, is hereby annexed into the corporate limits of the City of Leander:

> All of a certain tract or parcel of land being 22.38 acres, more or less, located in Williamson County, Texas, being more particularly shown in Exhibit "A" attached hereto and incorporated herein for all purposes, consisting of the following parcels of land:
>
> (a) All of a certain tract or parcel of land located in Williamson County, Texas out of the AW0003 Walter Campbell Survey, said property being more particularly described in Instrument No. 1993011220 filed in the Official Public Records of Williamson County, Texas; and
>
> (b) All of a certain tract or parcel of land located in Williamson County, Texas out of the AW0003 Walter Campbell Survey, said property being more particularly described in Instrument No. 2012042902 filed in the Official Public Records of Williamson County, Texas.

SECTION 3. In the event of conflict between the description of the subject property in this Ordinance and the map attached hereto as Exhibit "A", Exhibit "A" shall control.

SECTION 4. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B".

SECTION 5. That the future owners and inhabitants of the subject property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "B", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 6. That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the subject property as part of the City of Leander.

SECTION 7. That the subject property shall be temporarily zoned District "SFR-1-B" as

provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 8. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 10. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED on First Reading this 3rd day of January, 2013.

FINALLY PASSED AND APPROVED on this 17th day of January, 2013.

ATTEST:

THE CITY OF LEANDER, TEXAS

Debbie Haile, City Secretary

Christopher Fielder, Mayor

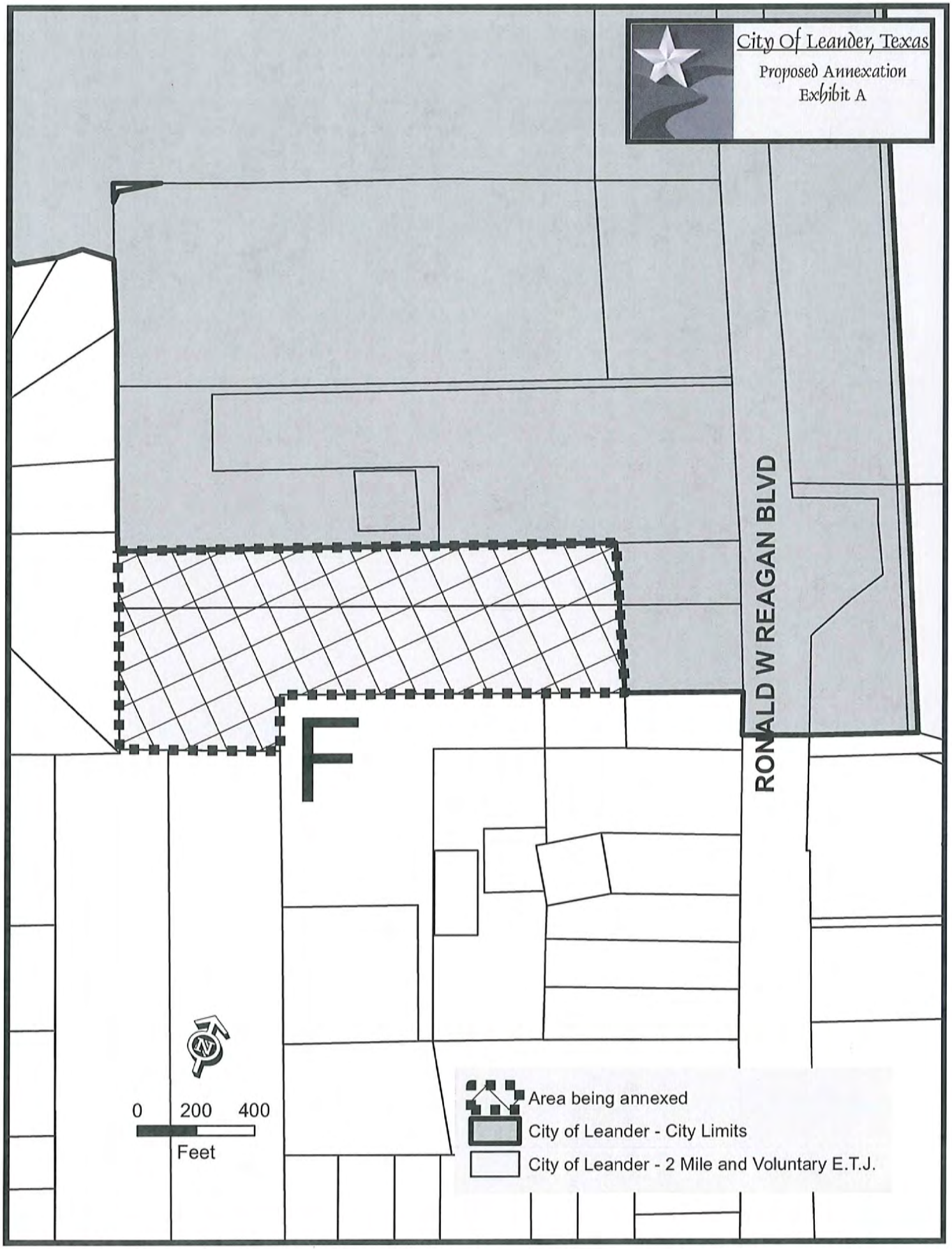

City Of Leander, Texas
Proposed Annexation
Exhibit A
RONALD W REAGAN BLVD
F
0 200 400
Feet
Area being annexed
City of Leander - City Limits
City of Leander - 2 Mile and Voluntary E.T.J.

EXHIBIT "B"

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

WHEREAS, the City of Leander, Texas (the "City") instituted and completed annexation proceedings for tracts of land described more fully hereinafter (referred to herein as the "subject properties");

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

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

WHEREAS, the subject property will be provided municipal services on the same terms and conditions as other similarly situated properties currently within the City limits and capital improvements necessary to offer such municipal services on the same terms and conditions as other similarly situated properties within the City and in accordance with City policies, regulations, and ordinances; 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 properties into the City.

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

(1) **General Municipal Services.** The subject properties are located within the City's extraterritorial jurisdiction and are more particularly described in the Ordinance to which this service plan is attached. Pursuant to 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 regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject properties shall be temporarily zoned "SFR-1-B" with the intent to rezone the subject properties upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject properties at future times in response to requests submitted by the landowners or authorized city staff.

(2) **Scheduled Municipal Services.** Depending on the plans for development or redevelopment of the subject properties, the following municipal services will be provided on a schedule and at increasing levels of service as requested in compliance with applicable City ordinances, rules and regulations for providing such services:

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

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

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject properties, or portions thereof as applicable, or absent a water CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the City's water utility system, the subject properties' owner shall construct the internal water lines and pay the costs of line extension and construction of such facilities necessary to provide water service to the subject properties as required in City ordinances in effect at the time of the request and in conjunction with Chapter 395, Tex. Local Gov't. Code. Upon acceptance of the

water lines within the subject properties and any off-site improvements, water service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City; subject to all the ordinances, regulations and policies of the City in effect from time to time. The system will be accepted and maintained by the City in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a preexisting water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property's owner requests and is able to connect to a water service provider.

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

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

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a wastewater CCN for the subject properties, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. If connected to the City's wastewater utility system, the subject properties' owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject properties as required in City ordinances in effect at the time of the request and in conjunction with Chapter 395, Tex. Local Gov't Code. Upon acceptance of the wastewater lines within the subject properties and any off-site improvements, wastewater service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a preexisting septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property's owner requests and is able to connect to wastewater 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: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject properties or redevelopment, the landowners 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 properties 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 descriptions of the subject properties are as set forth in exhibits attached to the Annexation Ordinance to which this Service Plan is attached.

Executive Summary

January 17, 2013

Council Agenda Subject: Second reading of an Ordinance of the city of Leander, Texas, annexing 97.94 acres of land, more or less, located in Williamson County, Texas and including the abutting streets, roadways, and rights-of-way; approving a service plan for the annexed area; making findings of fact; providing a severability clause and an effective date; and providing for open meetings and other related matters. (Area G)

Background: The Resolution setting the two public hearings for November 29, 2012 and December 6, 2012 was approved by City Council on October 18, 2012. The first of two readings of the Ordinance was approved on January 3, 2013. This is the final reading of the Ordinance. This is an involuntary annexation whereas the city initiated the process of annexing this property into the city limits.

Origination: Development Services Department

Attachments: Ordinance

Exhibit "A" – Property Description

Exhibit "B" – Municipal Services Plan

Prepared by: Jim Bechtol, Director of Development Services

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, ANNEXING 97.94 ACRES OF LAND, MORE OR LESS, LOCATED IN WILLIAMSON COUNTY, TEXAS AND INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS. (AREA G)

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

WHEREAS, the City Council, in compliance with *§43.021, Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the subject property is adjacent to the corporate limits of the City and the boundaries of the city limits are contiguous to the subject property on at least two sides, as shown in the map attached hereto as Exhibit "A";

WHEREAS, in compliance with *§43.035, Tex. Local Gov't Code,* the City extended a written offer to enter a development agreement with applicable landowner(s), which the landowner(s) was required to accept no less than thirty (30) days of the offer or the offer would be deemed declined;

WHEREAS, the landowner(s) did not accept the City's offer within at least thirty (30) days of the offer;

WHEREAS, the City Council heard arguments with respect to such annexation and has decided to annex the area;

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

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

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

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

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

SECTION 1. That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety. The City Council further finds that the landowner(s) comprising the subject property declined to enter a development agreement with the City under *§43.035, Tex. Local Gov't Code.*

SECTION 2. That the following described property, including the abutting streets, roadways and rights-of-way, is hereby annexed into the corporate limits of the City of Leander:

All of a certain tract or parcel of land being 97.94 acres, more or less, located in Williamson County, Texas, being more particularly shown in Exhibit "A" attached hereto and incorporated herein for all purposes, consisting of the following parcels of land, save and except the portions of the following parcels of land located in the City limits or as otherwise excepted below:

(a) All of a certain tract or parcel of land being 18.29 acres, more or less, located in Williamson County, Texas out of the AW0122 Anastasia Carr Survey, said property being more particularly described in Instrument No. 19783864DRA filed in the Official Public Records of Williamson County, Texas, and being identified by Williamson County Appraisal District tax identification number R031543;

(b) All of a certain tract or parcel of land being 2.00 acres, more or less, located in Williamson County, Texas out of the AW0122 Anastasia Carr Survey, Abstract No. 122, said property being more particularly described in Instrument No. 19783864DRA filed in the Official Public Records of Williamson County, Texas, and being identified by Williamson County Appraisal District tax identification number R031544;

(c) All of a certain tract or parcel of land being 46.37 acres, more or less, located in Williamson County, Texas out of the AW0122 Anastasia Carr Survey, Abstract No. 122, said property being more particularly described in Instrument No. 1993038874 filed in the Official Public Records of Williamson County, Texas, and being identified by Williamson County Appraisal District tax identification number R031552;

(d) All of a certain tract or parcel of land being 0.6942 acres, more or less, located in Williamson County, Texas out of the AW0122 Anastasia Carr Survey, Tract No. 7, said property being more particularly described in Instrument No. 1999036658 filed in the Official Public Records of

Williamson County, Texas, and being identified by Williamson County Appraisal District tax identification number R392176;

(e) All of a certain tract or parcel of land being 0.6942 acres, more or less, located in Williamson County, Texas out of the AW0122 Anastasia Carr Survey, Tract No. 8, said property being more particularly described in Instrument No. 1993038874 filed in the Official Public Records of Williamson County, Texas, and being identified by Williamson County Appraisal District tax identification number R392177;

(f) All of a certain tract or parcel of land being 4.4071 acres, more or less, located in Williamson County, Texas out of the AW0122 Anastasia Carr Survey, Tract No. 9, said property being more particularly described in Instrument No. 1999036658 filed in the Official Public Records of Williamson County, Texas, and being identified by Williamson County Appraisal District tax identification number R392178;

(g) All of a certain tract or parcel of land being Lot 1, G&P Subdivision, 5.0003 acres, more or less, located in Williamson County Texas, said property being more particularly described in Instrument No. 2005053419 filed in the Official Public Records of Williamson County, Texas, and being identified by Williamson County Appraisal District tax identification number R475132;

(h) All of a certain tract or parcel of land being Lot 2, G&P Subdivision, 5.0003 acres, more or less, located in Williamson County Texas, said property being more particularly described in Instrument No. 2005053419 filed in the Official Public Records of Williamson County, Texas, and being identified by Williamson County Appraisal District tax identification number R475133; and

(i) All of a certain tract or parcel of land being 15 acres, more or less, located in Williamson County, Texas out of the AW0122 Anastasia Carr Survey, Abstract No. 122, said property being more particularly described in Instrument No. 2008052621 filed in the Official Public Records of Williamson County, Texas, and being identified by Williamson County Appraisal District tax identification number R497495.

SECTION 3. In the event of conflict between the description of the subject property in this Ordinance and the map attached hereto as Exhibit "A", Exhibit "A" shall control.

SECTION 4. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B".

SECTION 5. That the future owners and inhabitants of the subject property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto

as Exhibit "B", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 6. That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the subject property as part of the City of Leander.

SECTION 7. That the subject property shall be temporarily zoned District "SFR-1-B" as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 8. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 10. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED on First Reading this 3rd day of January, 2013.

FINALLY PASSED AND APPROVED on this 17th day of January, 2013.

ATTEST:

THE CITY OF LEANDER, TEXAS

Debbie Haile, City Secretary

Christopher Fielder, Mayor

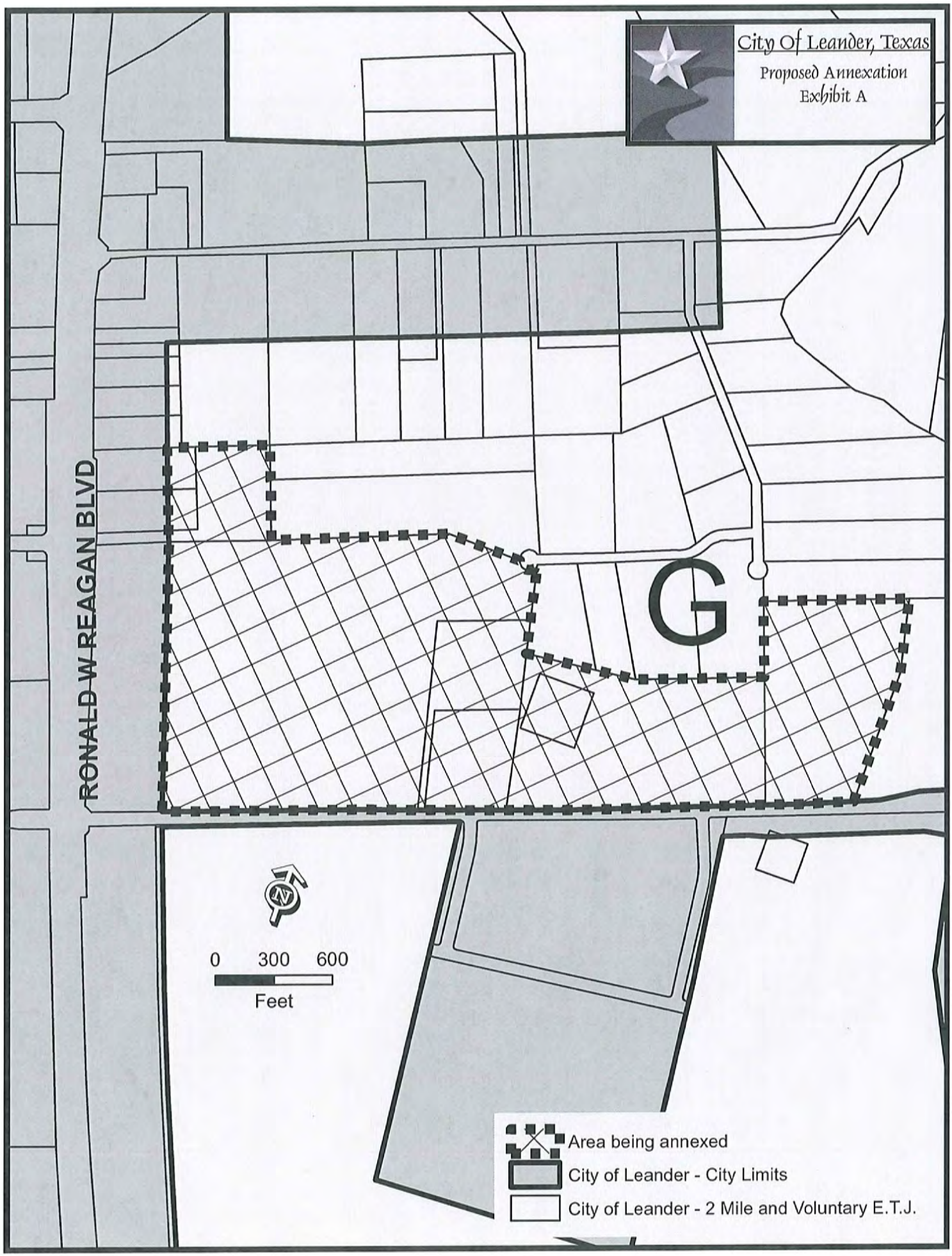

City Of Leander, Texas
Proposed Annexation
Exhibit A
RONALD W REAGAN BLVD
G
N
0 300 600
Feet
Area being annexed
City of Leander - City Limits
City of Leander - 2 Mile and Voluntary E.T.J.

EXHIBIT "B"

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

WHEREAS, the City of Leander, Texas (the "City") instituted and completed annexation proceedings for tracts of land described more fully hereinafter (referred to herein as the "subject properties");

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

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

WHEREAS, the subject property will be provided municipal services on the same terms and conditions as other similarly situated properties currently within the City limits and capital improvements necessary to offer such municipal services on the same terms and conditions as other similarly situated properties within the City and in accordance with City policies, regulations, and ordinances; 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 properties into the City.

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

(1) **General Municipal Services.** The subject properties are located within the City's extraterritorial jurisdiction and are more particularly described in the Ordinance to which this service plan is attached. Pursuant to 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 regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject properties shall be temporarily zoned "SFR-1-B" with the intent to rezone the subject properties upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject properties at future times in response to requests submitted by the landowners or authorized city staff.

(2) **Scheduled Municipal Services.** Depending on the plans for development or redevelopment of the subject properties, the following municipal services will be provided on a schedule and at increasing levels of service as requested in compliance with applicable City ordinances, rules and regulations for providing such services:

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

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

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject properties, or portions thereof as applicable, or absent a water CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the City's water utility system, the subject properties' owner shall construct the internal water lines and pay the costs of line extension and construction of such facilities necessary to provide water service to the subject properties as required in City ordinances in effect at the time of the request and in conjunction with Chapter 395, Tex. Local Gov't. Code. Upon acceptance of the

water lines within the subject properties and any off-site improvements, water service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City; subject to all the ordinances, regulations and policies of the City in effect from time to time. The system will be accepted and maintained by the City in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a preexisting water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property's owner requests and is able to connect to a water service provider.

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

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

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a wastewater CCN for the subject properties, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. If connected to the City's wastewater utility system, the subject properties' owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject properties as required in City ordinances in effect at the time of the request and in conjunction with Chapter 395, Tex. Local Gov't Code. Upon acceptance of the wastewater lines within the subject properties and any off-site improvements, wastewater service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a preexisting septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property's owner requests and is able to connect to wastewater 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: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject properties or redevelopment, the landowners 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 properties 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 descriptions of the subject properties are as set forth in exhibits attached to the Annexation Ordinance to which this Service Plan is attached.

Executive Summary

January 17, 2013

Council Agenda Subject: Second reading of an Ordinance of the city of Leander, Texas, annexing 1.00 acre of land, more or less, located in Williamson County, Texas and including the abutting streets, roadways, and rights-of-way; approving a service plan for the annexed area; making findings of fact; providing a severability clause and an effective date; and providing for open meetings and other related matters. (Area H)

Background: The Resolution setting the two public hearings for November 29, 2012 and December 6, 2012 was approved by City Council on October 18, 2012. The first of two readings of the Ordinance was approved on January 3, 2013. This is the final reading of the Ordinance. This is an involuntary annexation whereas the city initiated the process of annexing this property into the city limits.

Origination: Development Services Department

Attachments: Ordinance

Exhibit "A" – Property Description

Exhibit "B" – Municipal Services Plan

Prepared by: Jim Bechtol, Director of Development Services

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, ANNEXING 1.00 ACRE OF LAND, MORE OR LESS, LOCATED IN WILLIAMSON COUNTY, TEXAS AND INCLUDING THE ABUTTING STREETS, ROADWAYS, AND RIGHTS-OF-WAY; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS. (AREA H)

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

WHEREAS, the City Council, in compliance with *§43.021, Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the subject property is adjacent to the corporate limits of the City and the boundaries of the city limits are contiguous to the subject property on at least two sides, as shown in the map attached hereto as Exhibit "A";

WHEREAS, in compliance with *§43.035, Tex. Local Gov't Code,* the City extended a written offer to enter a development agreement with applicable landowner(s), which the landowner(s) was required to accept no less than thirty (30) days of the offer or the offer would be deemed declined;

WHEREAS, the landowner(s) did not accept the City's offer within at least thirty (30) days of the offer;

WHEREAS, the City Council heard arguments with respect to such annexation and has decided to annex the area;

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

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

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

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

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

SECTION 1. That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety. The City Council further finds that the landowner(s) comprising the subject property declined to enter a development agreement with the City under *§43.035, Tex. Local Gov't Code.*

SECTION 2. That the following described property, including the abutting streets, roadways and rights-of-way, is hereby annexed into the corporate limits of the City of Leander:

> All of a certain tract or parcel of land, being 1 acre, more or less, located in Williamson County, Texas out of the AW0122 Anastasia Carr Survey, identified by tax ID R031533 as of December 21, 2012, being more particularly shown in Exhibit "A" attached hereto and incorporated herein for all purposes.

SECTION 3. In the event of conflict between the description of the subject property in this Ordinance and the map attached hereto as Exhibit "A", Exhibit "A" shall control.

SECTION 4. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B".

SECTION 5. That the future owners and inhabitants of the subject property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "B", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 6. That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the subject property as part of the City of Leander.

SECTION 7. That the subject property shall be temporarily zoned District "SFR-1-B" as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 8. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 9. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code.*

SECTION 10. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED on First Reading this 3rd day of January, 2013.

FINALLY PASSED AND APPROVED on this 17th day of January, 2013.

ATTEST:

THE CITY OF LEANDER, TEXAS

Debbie Haile, City Secretary

Christopher Fielder, Mayor

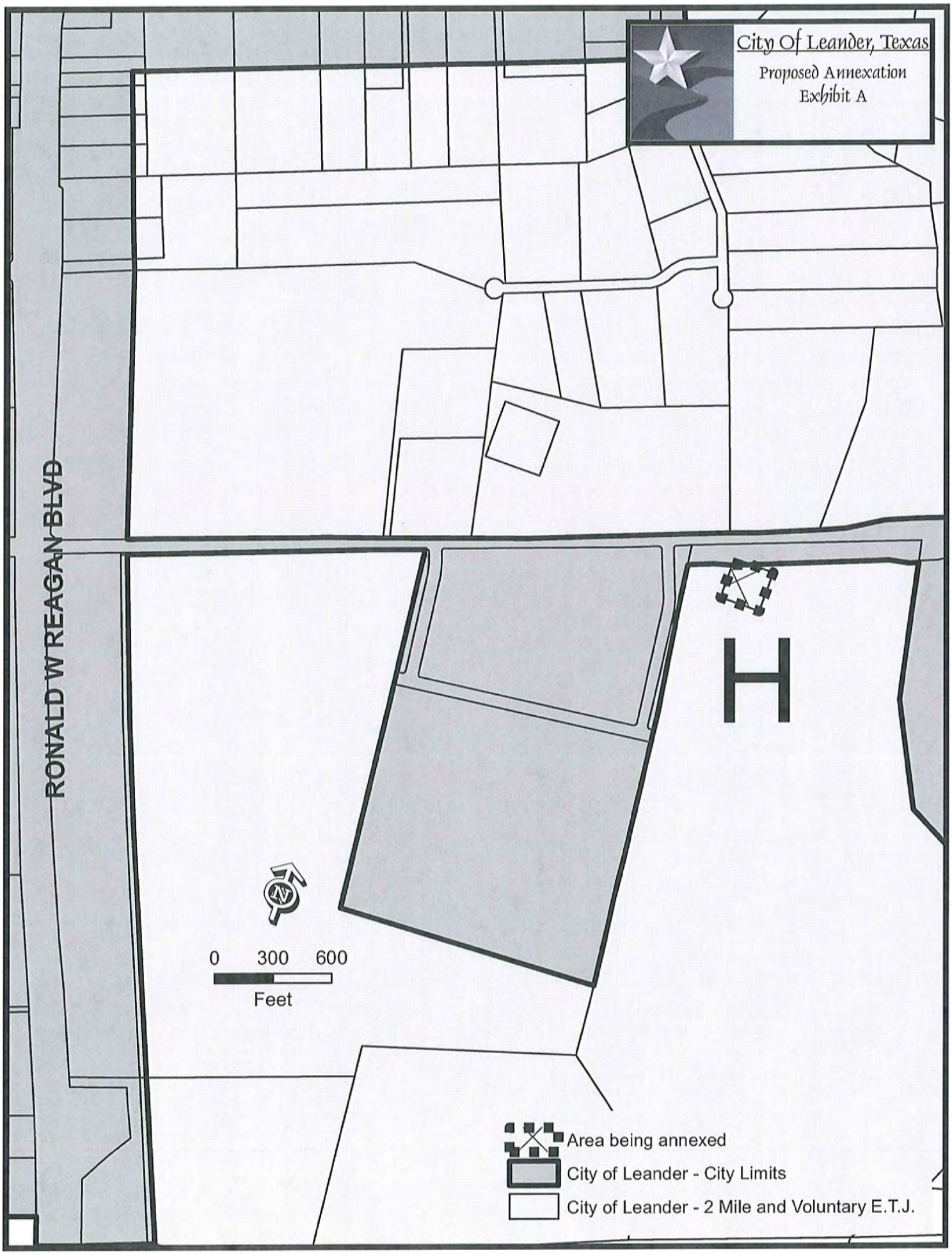

City Of Leander, Texas
Proposed Annexation
Exhibit A
RONALD W REAGAN BLVD
H
0 300 600
Feet
Area being annexed
City of Leander - City Limits
City of Leander - 2 Mile and Voluntary E.T.J.

EXHIBIT "B"

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

WHEREAS, the City of Leander, Texas (the "City") instituted and completed annexation proceedings for tracts of land described more fully hereinafter (referred to herein as the "subject properties");

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

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

WHEREAS, the subject property will be provided municipal services on the same terms and conditions as other similarly situated properties currently within the City limits and capital improvements necessary to offer such municipal services on the same terms and conditions as other similarly situated properties within the City and in accordance with City policies, regulations, and ordinances; 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 properties into the City.

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

(1) **General Municipal Services.** The subject properties are located within the City's extraterritorial jurisdiction and are more particularly described in the Ordinance to which this service plan is attached. Pursuant to 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 regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject properties shall be temporarily zoned "SFR-1-B" with the intent to rezone the subject properties upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject properties at future times in response to requests submitted by the landowners or authorized city staff.

(2) **Scheduled Municipal Services.** Depending on the plans for development or redevelopment of the subject properties, the following municipal services will be provided on a schedule and at increasing levels of service as requested in compliance with applicable City ordinances, rules and regulations for providing such services:

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

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

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject properties, or portions thereof as applicable, or absent a water CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the City's water utility system, the subject properties' owner shall construct the internal water lines and pay the costs of line extension and construction of such facilities necessary to provide water service to the subject properties as required in City ordinances in effect at the time of the request

and in conjunction with Chapter 395, Tex. Local Gov't. Code. Upon acceptance of the water lines within the subject properties and any off-site improvements, water service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City; subject to all the ordinances, regulations and policies of the City in effect from time to time. The system will be accepted and maintained by the City in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a preexisting water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property's owner requests and is able to connect to a water service provider.

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

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

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the subjects properties, or applicable portions thereof, by the utility holding a wastewater CCN for the subject properties, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. If connected to the City's wastewater utility system, the subject properties' owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject properties as required in City ordinances in effect at the time of the request and in conjunction with Chapter 395, Tex. Local Gov't Code. Upon acceptance of the wastewater lines within the subject properties and any off-site improvements, wastewater service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a preexisting septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property's owner requests and is able to connect to wastewater 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: Water and wastewater facilities that are identified in the Capital Improvement Plan, as and when funded pursuant to such Plan. Upon development of the subject properties or redevelopment, the landowners 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 properties 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 descriptions of the subject properties are as set forth in exhibits attached to the Annexation Ordinance to which this Service Plan is attached.

Executive Summary

January 17, 2013

Agenda Subject:	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.
Background:	This request is the second step in the rezoning process.
Origination:	Applicant: Scott Foster on behalf of Beasley Tract, LP/Jeremy Smitheal and Williamson County / Dan A. Gattis.
Financial Consideration:	None
Recommendation:	The applicant previously requested to postpone this zoning case to the January 17th City Council Meeting. The applicant is still working with the neighborhood and has requested to postpone the case until further notice. No action is required on this item.
Attachments:	1. Postponement Letter
Prepared By:	Robin M. Griffin, AICP Planner 01/09/2013

ATTACHMENT #1

360 PROFESSIONAL SERVICES, INC.

P.O. Box 3639
Cedar Park, Texas 78630

January 7, 2013

Mrs. Robin Griffin
City of Leander
Planning Department
PO Box 319
Leander, TX 78646

Re: Zoning Case 12-Z-026 SWC RR 2243 and Ronald Regan
Request for Postponement

Dear Mrs. Griffin:

On behalf of the applicant, Beasley Tract, LP/Jeremy Smitheal and Williamson County/Dan A. Gattis, we request a postponement of City Council consideration of the above-referenced zoning case until further notice.

If you should have any questions, or need additional information, please feel free to contact us at (512) 354-4682.

Very truly yours,

360 PROFESSIONAL SERVICES, INC.

Scott J. Foster, P.E.
Principal

cc: Mary Rohrer, H-E-B, via electronic mail
Eric Moede, H-E-B, via electronic mail
Stephen O. Drenner, Winstead PC, via electronic mail

Executive Summary

January 17, 2013

Council Agenda Subject: Second public hearing on annexation for annexation of a 0.781 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 setting the two public hearings for January 3, 2013 and January 17, 2013 was approved by City Council on November 29, 2012. 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. 12-029-00

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 29th day of November, 2012.

ATTEST:

Debbie Haile, City Secretary

THE CITY OF LEANDER, TEXAS

Christopher Fielder, Mayor

CITY OF LEANDER
ESTABLISHED 1882
INCORPORATED 1978
STATE OF TEXAS

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.

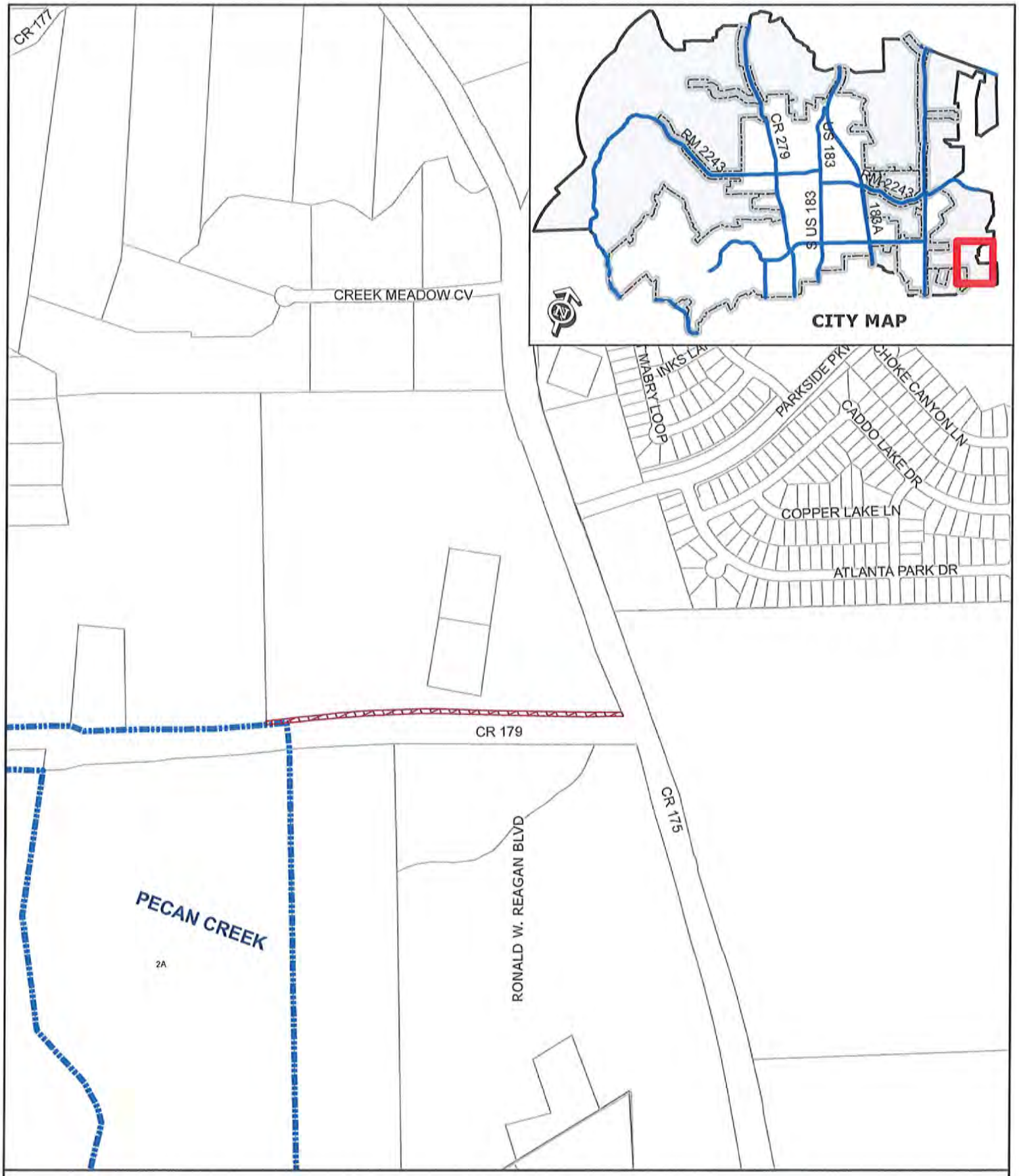
(SEAL) MASON RYAN GIDDENS
Notary Public, State of Texas
My Commission Expires
September 20, 2016

Mason Ryan Giddens

Notary Public-State of Texas

EXHIBIT "A"

Property Description



DEVELOPMENT & ANNEXATION EXHIBIT

Location Exhibit

Simpson Property

Simpson Annexation

City Limits

0 200

Feet

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;

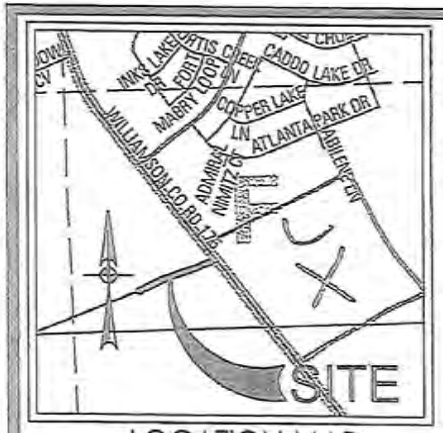
Northeasterly, along a tangent curve to the left, said curve having a radius of 5659.58 feet, a central angle of 03°04'26", a chord bearing and distance of N 67°39'31" E, 303.60 feet, for an arc length of 303.63 feet to a calculated point on a barbed wire fence;

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



LOCATION MAP

MAPSCO MAP GRID: 344 F
NOT-TO-SCALE

LEGEND:

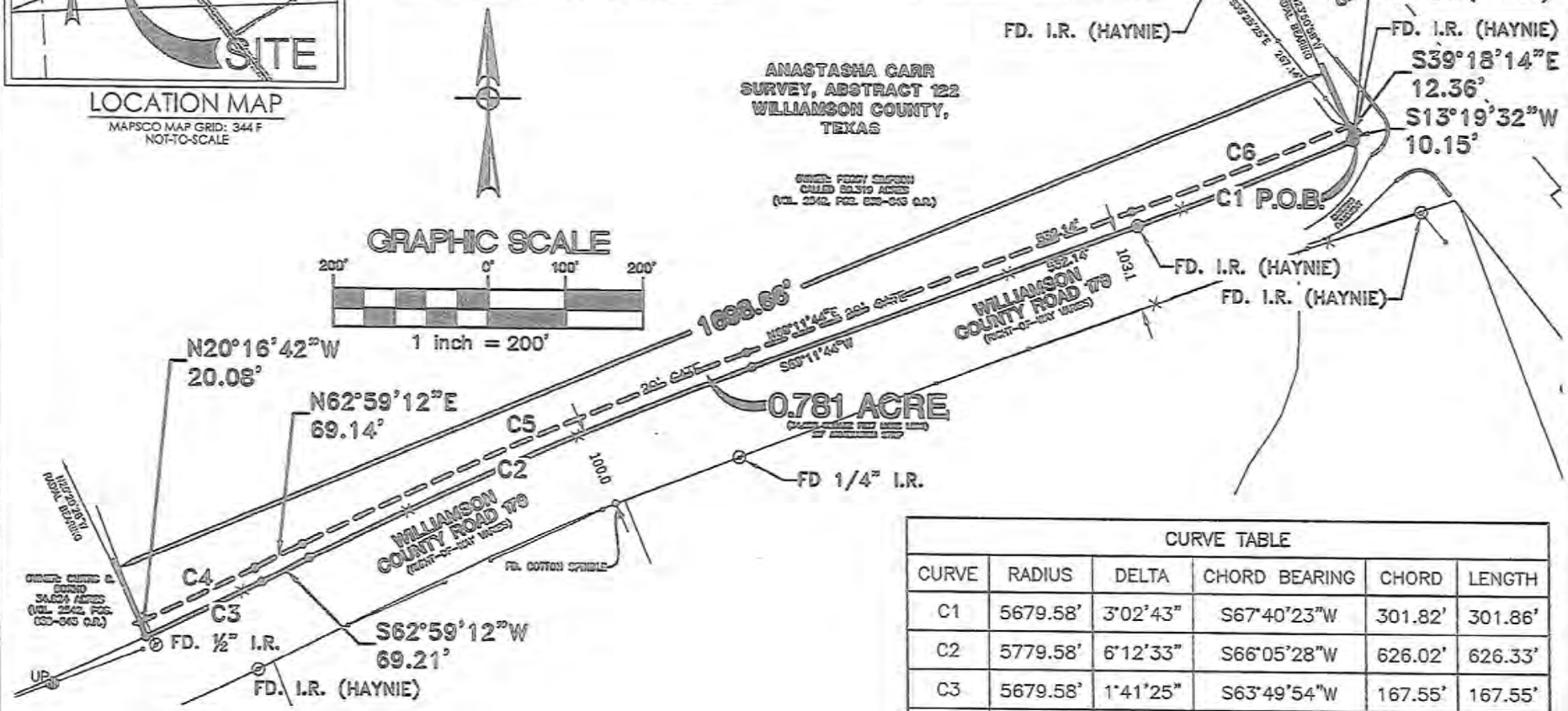
DR DEED RECORDS OF WILLIAMSON COUNTY, TEXAS
OR OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS
PR PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS

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 59.519 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.



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

Copyright © 2012 Pape-Dawson Engineers, Inc. All Rights Reserved.

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.

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

January 17, 2013

Council Agenda Subject: Second public hearing on annexation 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 setting the two public hearings for January 3, 2013 and January 17, 2013 was approved by City Council on November 29, 2012. 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. 12-030-00

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 29th day of November, 2012.

ATTEST:

Debbie Haile

Debbie Haile, City Secretary

THE CITY OF LEANDER, TEXAS

Christopher Fielder, Mayor

CITY OF LEANDER
ESTABLISHED 1882 INCORPORATED 1974
STATE OF TEXAS

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 10 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

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.

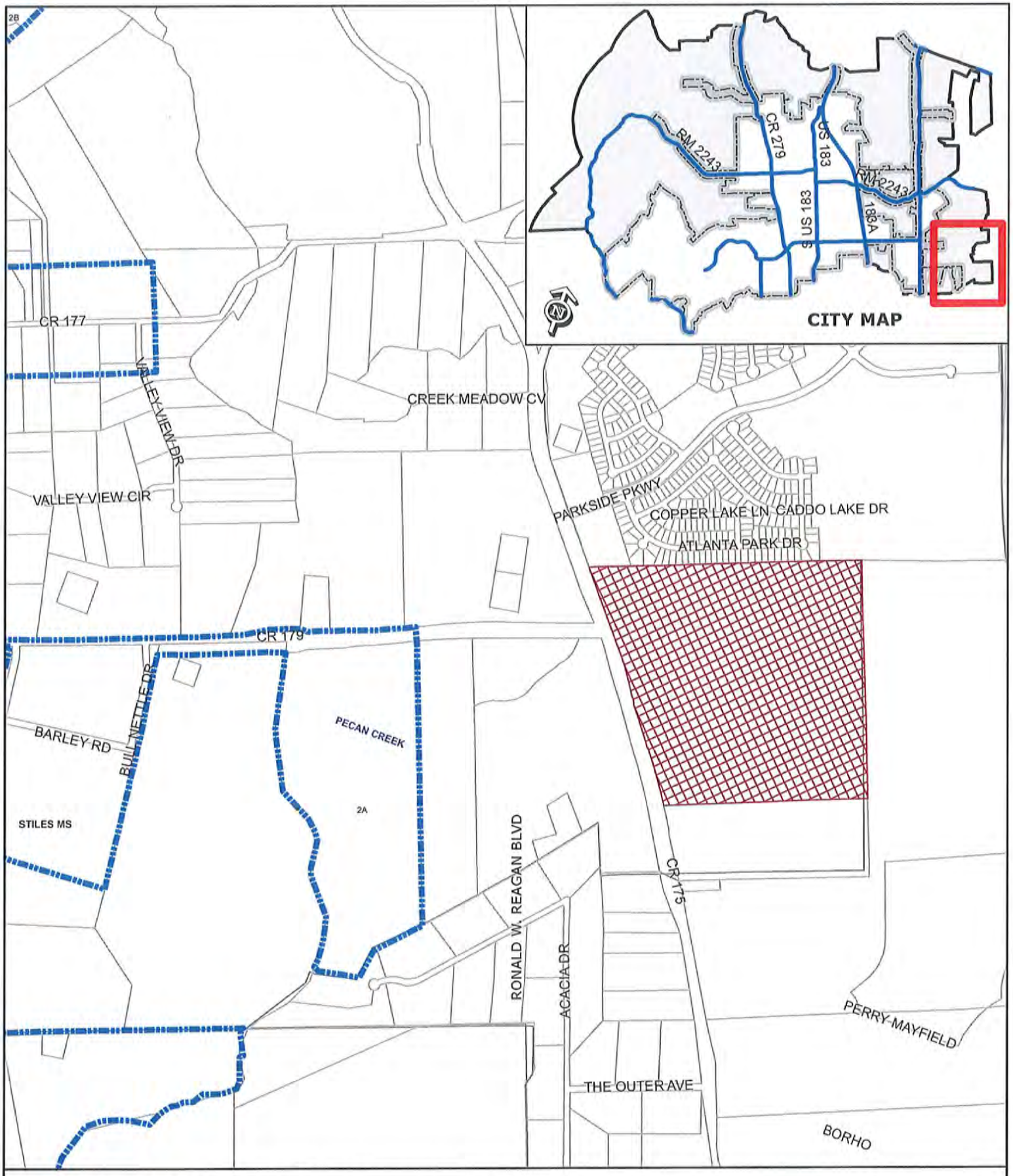
(SEAL)

Nga Tu Nguyen
Notary Public,
State of Texas
Comm. Exp. 08-12-15

Nga Tu Nguyen
Notary Public-State of Texas

EXHIBIT "A"

Property Description



DEVELOPMENT & ANNEXATION EXHIBIT

Location Exhibit

Borho Property

Borho Annexation

City Limits

0 200

Feet

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;

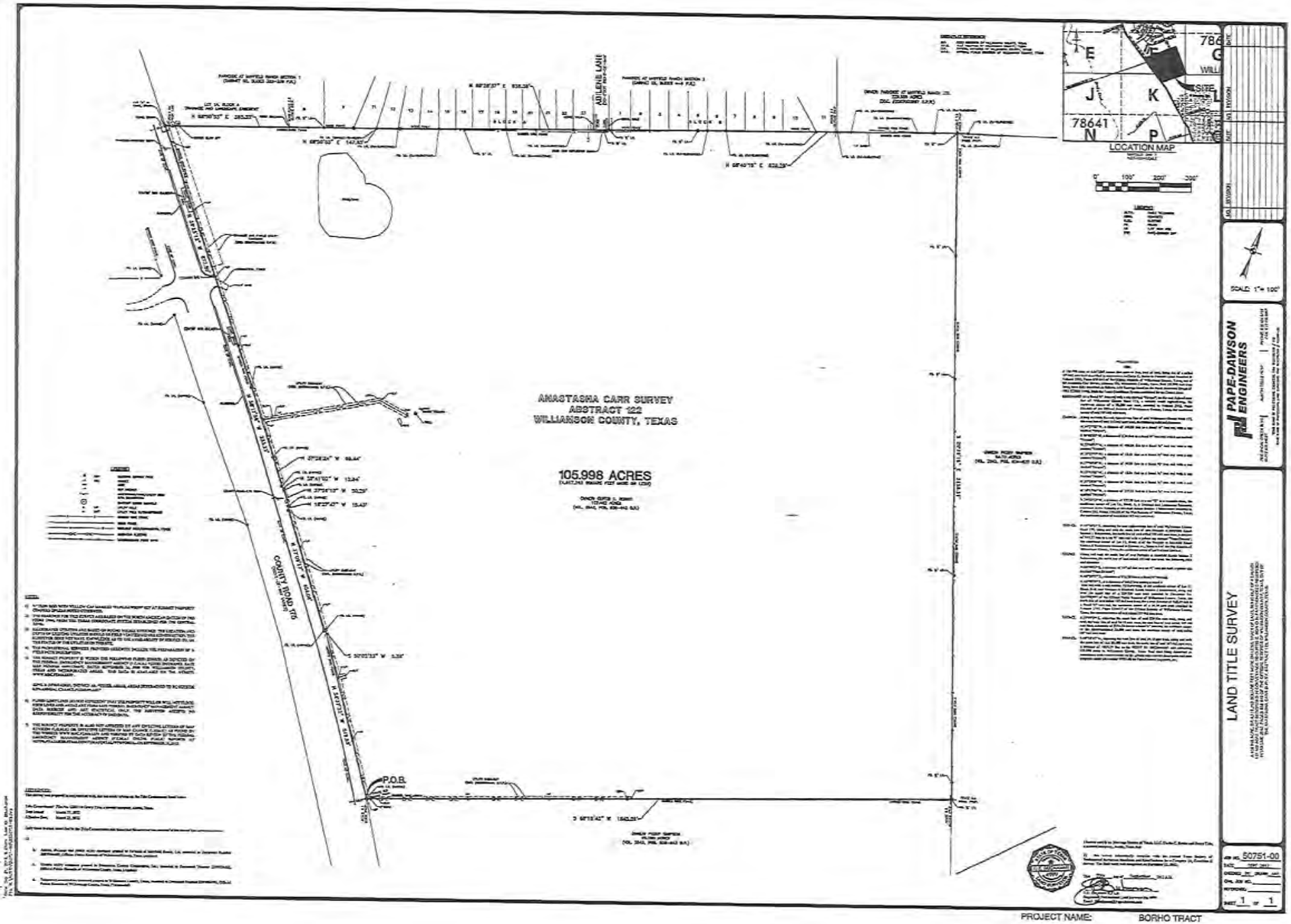
THENCE: S 20°39'19" E, departing the south line of said 229.556 acre tract, along and with the west line of said 54.10 acre tract, the east line of said called 107.462 acre tract, a distance of 2138.36 feet to a found ½" iron rod, the northeast corner of the aforementioned 28.280 acre tract, the southeast 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



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 _____ (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/developr 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.

SCHEDULE FOR VOLUNTARY ANNEXATION – BORHO

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

January 17, 2013

Agenda Subject:	Zoning Case 12-Z-020: Second reading 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 final 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. The City Council recommended approval the SFU-2-B (Single-Family Urban) and SFC-2-B (Single-Family Compact) districts with a five to two vote at the November 29, 2012 meeting. The applicant has requested that the second reading of this zoning case is postponed to the February 21, 2013 City Council Meeting.
Attachments:	1. Letter requesting new City Council date
Prepared By:	Robin M. Griffin, AICP Planner 01/09/2013

ATTACHMENT #1

D·R·HORTON America's Builder

January 7, 2013

Mr. Jim Bechtol
Director of Development Services
City of Leander
200 West Willis
Leander, Texas 78641

Re: Northside Meadow

Dear Mr. Bechtol:

Due to the time constraints for certain contractual obligations in our land purchase agreement with HEB, we respectfully request a postponement of the second council reading for the re-zoning of this proposed project to February 21, 2013.

Please let me know if there are any problems with this item, and/or if you need any additional information.

Sincerely,

Tom Moody

Tom Moody
Project Manager
D.R. Horton, Inc.

10700 Pecan Park Blvd. • Fourth Floor • Austin, Tx 78750
Phone: (512) 345-4663
www.drhortonaustin.com

Executive Summary

January 17, 2013

Council Agenda Subject: Accept and authorize Mayor to execute Warranty Deed dedication for Rights-0f-Way (ROW) for the US 183 – 183A intersection improvement from Leander 183A Development LLC..

Background: The US 183 – 183A intersection improvement will provide ultimate at-grade improvements to the existing intersection. These improvements will provide a full crossing of 183A and become a major intersection with development east of 183A, within the TOD. Much of the preliminary engineering and environmental work was funded by E2M (Leander 183A Development), the landowners of a large portion of the northern "conventional" portion of the TOD.

Origination: Pix Howell, Urban Design Officer

Financial Consideration: This right-of-way is being dedicated at no cost to the City.

Recommendation: Accept the donated rights-of-way (ROW) and authorize Mayor to execute for recordation at the County.

Attachments: Copie of ROW documents

Prepared by: Pix Howell, AICP, CNU – UDO

City of Leander

Leander TOD

November 29, 2012

Leander 183A Development, LLC
Attn: Steve Leeke
8111 Preston Road, Suite 600
Dallas, TX 75225

RE: 183A / US 183 Interchange Improvements; +/- 0.506 acre tract of land

Dear Mr. Leeke:

As you are aware, the City of Leander has proposed plans to expand and improve certain roadways in its jurisdiction. A portion of these roadway improvement projects involves land owned or in control by you. This letter is to confirm and acknowledge that you have been advised of your entitlement to just compensation for the above-captioned parcel as provided in the Uniform Relocation and Real Properties Acquisition Policies Act of 1970, the federal statute concerning right-of-way acquisition and relocation on highway and other federally funded projects. In that regard, the City has obtained a formal appraisal for above- referenced parcel and I have included a copy of such with this correspondence.

It is my understanding you have elected to waive your right to just compensation for the portion of land that is currently owned by ~~West Texas Trading Retirement, Ltd.~~ Leander 183A Development, LLC and have voluntarily chosen to donate this right-of-way so that the proposed roadway construction may proceed in a timely fashion. If my understanding is correct, please execute and return the enclosed Special Warranty Deed.

If you should have any questions, please do not hesitate to contact me.

Sincerely,

Pix Howell, AICP
Urban Design Officer

SPECIAL WARRANTY DEED
DEDICATION OF RIGHT-OF-WAY

THE STATE OF TEXAS §

COUNTY OF WILLIAMSON § **KNOW ALL PERSONS BY THESE PRESENTS:**

That Leander 183A Development, LLC, 8111 Preston Road, Suite 600, Dallas, Texas 75225, hereinafter called "**Grantor**," for and in consideration of the sum of Ten and No/100 Dollars ($10.00), together with other good and valuable consideration, to Grantors cash in hand paid by **The City of Leander, Texas**, a Texas municipal corporation, hereinafter called "**Grantee**", the receipt of which is hereby acknowledged, have **GRANTED, DONATED** and **CONVEYED**, and by these presents do hereby dedicate to the use of the public as public right-of-way for streets, drives, drainage, utility service, and public places, subject to the continuing and future control and regulation of the use of such public right-of-way by the City of Leander, described as follows:

> All that certain parcel or tract of land being 0.506 acres, more or less, out of the Williamson Mansil Survey, Abstract No. 437, Williamson County, Texas, as more particularly described in metes and bounds and shown in Exhibit "A" attached hereto and incorporated herein as if fully transcribed herein.

This conveyance is expressly made subject to the restrictions, covenants and easements, if any, apparent on the ground, and utility easements, if any, in use by the City of Leander or any other public utility, or now in force and existing of record in the office of the County Clerk of Williamson County, Texas, to which reference is here made for all purposes.

TO HAVE AND TO HOLD the above described premises, together with all and singular, the rights and appurtenances thereto in anywise belonging, unto the said Grantee, **The City of Leander, Texas**, its successors and assigns forever, and Grantor does hereby bind its heirs, executors, successors and assigns to **WARRANT AND FOREVER DEFEND**, all and singular, the said premises unto **The City of Leander, Texas**, the said Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof same by, through or under the Grantor, but not otherwise.

EXECUTED this the 12th day of December 2012.

GRANTOR: LEANDER 183A DEVELOPMENT, LLC,
a Texas Limited Liability Company

By: W.P. Daves IV

By: W.P. DAVES IV
Name:
Title: VP

THE STATE OF TEXAS §

COUNTY OF Dallas §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared W. P. Daves IV, Vice President of Leander 183A Development, LLC., a Texas Limited Liability Company and Grantor herein, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 12 day of Dec. 2012.

WYNONA L. HARRIS
Notary Public
State Of Texas
My Comm. Expires 06-27-2014

Wynona L. Harris
Notary Public - State of Texas

ACCEPTED BY THE CITY OF LEANDER, TEXAS (Grantee):

_____
Christopher Fielder, Mayor
Mailing Address: P.O. Box 319
Leander, Williamson County, Texas 78641

THE 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 Christopher Fielder, Mayor, City of Leander, Texas, Grantee herein, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the __ day of _____ 2012.

_____
Notary Public-State of Texas

AFTER RECORDING PLEASE RETURN TO:

City of Leander
City Secretary
P.O. Box 319
Leander, Texas 78646-0319

"Exhibit A"

DESCRIPTION

FOR A 0.506 ACRE TRACT OF LAND SITUATED IN THE WILLIAMSON MANSIL SURVEY, ABSTRACT NO. 437, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A CALLED 3.185 ACRE TRACT AS DESCRIBED IN A DEED TO LEANDER 183A DEVELOPMENT LLC AND RECORDED IN DOCUMENT NO. 2009071868 OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY, SAID 0.506 ACRE TRACT, AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod with "Pate" cap found for the northwest corner of said 3.185 acre tract, same being the southwest corner of a called 29.60 acre tract as described in that deed to Jean Baptiste, Ltd. and recorded in Document No. 2010069763 of the Official Public Records of said County, same being a point of compound curvature on the east right-of-way line of 183A Toll Road (400 foot right-of-way width), for the northwest corner and **POINT OF BEGINNING** hereof;

THENCE with the north line of said 3.185 acre tract, same being the south line of said 29.60 acre tract, **N 69° 30' 01" E** for a distance of **122.56** feet to a ½" iron rod with "Baker-Aicklen" cap set for the northeast corner hereof, from which a ½" iron rod found for an angle point on the north line of said 3.185 acre tract, same being the south line of said 29.60 acre tract bears, N 69° 30' 01" E for a distance of 309.81 feet;

THENCE through the interior of said 3.185 acre tract, the following four (4) courses and distances:

1) **S 17° 21' 51" E** for a distance of **146.50** feet to a ½" iron rod with "Baker-Aicklen" cap set for an angle point hereof,

2) **S 72° 38' 09" W** for a distance of **50.00** feet to a ½" iron rod with "Baker-Aicklen" cap set for an angle point hereof,

3) **S 27° 38' 09" W** for a distance of **92.84** feet to a ½" iron rod with "Baker-Aicklen" cap set for a non-tangent point of curvature hereof, and

4) with the arc of a curve to the **left**, having a radius of **5517.58** feet, an arc length of **103.62** feet, a central angle of **001° 04' 34"**, and a chord which bears, **S 17° 29' 08" E** for a distance of **103.62** feet to a ½" iron rod with "Baker-Aicklen" cap set on the south line of said 3.185 acre tract, same being the north line of a called 17.46 acre (Tract 1) tract as

described in a deed to West Texas Trading Retirements, Ltd. and recorded in Volume 2058, Page 119 of the Official Records of said County, for the southeast corner hereof;

THENCE with the south line of said 3.185 acre tract, same being the north line of said 17.46 acre tract, **S 70° 01' 19" W** for a distance of **11.99** feet to a ½" iron rod with "Sam" cap found (leaning), for the southwest corner of said 3.185 acre tract, being a point of compound curvature on the east right-of-way line of said 183A Toll Road, for the southwest corner hereof, from which a ½" iron rod with "Sam" cap found for a point of compound curvature on the west line of said 17.40 acre tract, same being the east right-of-way line of said 183A Toll Road bears, with the arc of a curve to the left, having a radius of 5529.58 feet, an arc length of 619.87 feet, a central angle of 006° 25' 22", and a chord which bears, S 21° 13' 55" E for a distance of 619.54 feet;

THENCE with the west line of said 3.185 acre tract, same being the east right-of-way line of said 183A Toll Road, with the arc of a curve to the **right**, having a radius of **5529.58** feet, an arc length of **309.69** feet, a central angle of **003° 12' 32"**, and a chord which bears, **N 16° 26' 05" W** for a distance of **309.65** feet to the **POINT OF BEGINNING** hereof and containing 0.506 acre of land.

All bearings are based on Texas State Plane Coordinate System, Central Zone, NAD '83 and all distances are adjusted to surface using the combined project surface adjustment factor of 1.00012.

Surveyed under the direct supervision of the undersigned during August, 2012:

STATE OF TEXAS
REGISTERED
MARGARET A. NOLEN
5589
PROFESSIONAL
LAND SURVEYOR

Margaret A. Nolen
Registered Professional Land Surveyor No. 5589
BAKER-AICKLEN & ASSOCIATES, INC.
507 West Liberty Avenue
Round Rock, TX 78664
(512) 244-9620

Job No.: 1810-2-003-29
Filename: W:\PROJECTS\183A\ROW DESCRIPTIONS\METES AND BOUNDS\183A PARCEL 6.DOC

WILLIAMSON MANSIL SURVEY, ABSTRACT NO. 437

JEAN BAPTISTE, LTD.
CALLED 29.60 ACRES
EXHIBIT A
DOC. NO. 2010069763
OFFICIAL PUBLIC RECORDS,
WILLIAMSON COUNTY, TEXAS

N69°30'01"E
122.56'

S69°30'01"W
309.81'

POINT OF BEGINNING

1/2" PATE

S17°21'51"E
146.50'

LEANDER 183A
DEVELOPMENT LLC
CALLED 3.185 ACRES
DOC. NO. 2009071868
OFFICIAL PUBLIC RECORDS,
WILLIAMSON COUNTY, TEXAS

R=5529.58'
ARC=309.69'
CEN. ANG.=003°12'32"
N16°26'05"W
CH=309.65'

SUBJECT TRACT
0.506 ACRE

S72°38'09"W 50.00'

S27°38'09"W
92.84'

R=5517.58'
ARC=103.62'
CEN. ANG.=001°04'34"
S17°29'08"E
CH=103.62'

LEGEND

- 1/2" IRON ROD WITH CAP FOUND AS LABELED
- 1/2" IRON ROD FOUND
- 1/2" IRON ROD WITH "BAKER=AICKLEN" CAP SET

0 40 80

ORIGINAL SCALE
1" = 80'

1/2" SAM LEANING

S70°01'19"W
11.99'

WEST TEXAS
TRADING RETIREMENTS, LTD.
CALLED 17.46 ACRES
TRACT 1
VOL. 2058, PG. 119
OFFICIAL RECORDS,
WILLIAMSON COUNTY, TEXAS

183A TOLL ROAD
(400' R.O.W. WIDTH)

R=5529.58'
ARC=619.87'
CEN. ANG.=006°25'22"
S21°13'55"E
CH=619.54'

NOTES:

1) ALL BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD '83 AND ALL DISTANCES ARE ADJUSTED TO SURFACE USING THE COMBINED PROJECT SURFACE ADJUSTMENT FACTOR OF 1.00012.

2) RECORD INFORMATION SHOWN HEREON IS BASED ON PUBLIC RECORDS AND DO NOT INCLUDE ANY EASEMENTS THAT MAY AFFECT THIS TRACT.

PARCEL 6

U. S. HIGHWAY 183A/183
AUGUST, 2012

1/2" SAM

BAKER-AICKLEN & ASSOCIATES, INC.
ENGINEERS | SURVEYORS | GIS | PLANNERS | LANDSCAPE ARCHITECTS
ROUND ROCK
507 WEST LIBERTY AVE.
ROUND ROCK, TEXAS 78664
(512) 244-9620
ENGINEERING FIRM # F45
SURVEY FIRM # 100231-0
TBAE # 1787

PROJECT NO. 1810-2-003-29

STATE OF TEXAS
MAP SHEET INDEX

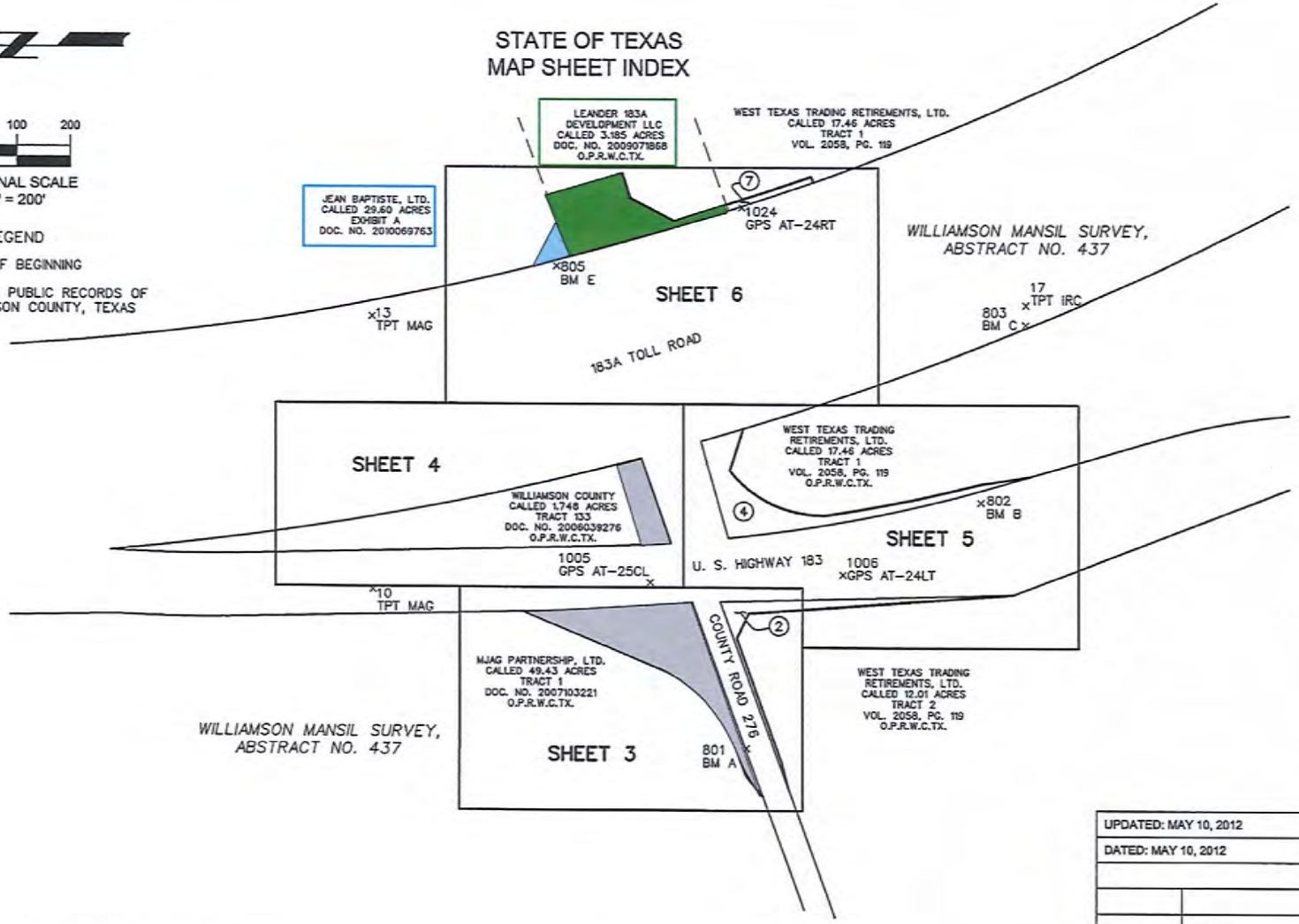
0 100 200

ORIGINAL SCALE
1" = 200'

LEGEND

P.O.B. POINT OF BEGINNING

O.P.R.W.C.TX. OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS



BAKER-AICKLEN & ASSOCIATES, INC.
ENGINEERS | SURVEYORS | GIS | PLANNERS | LANDSCAPE ARCHITECTS
ROUND ROCK
507 WEST LIBERTY AVE.
ROUND ROCK, TEXAS 78664
(512) 244-9620
ENGINEERING FIRM # F-45
SURVEY FIRM # 100231-0
TBAE #1707

U. S. HIGHWAY 183/183A
RIGHT-OF-WAY PROJECT
WILLIAMSON COUNTY, TEXAS

UPDATED: MAY 10, 2012			
DATED: MAY 10, 2012			
			SHEET NO.
			1
STATE	DIST.	COUNTY	
TEXAS		WILLIAMSON	
			HIGHWAY NO.
			U. S. 183/183A

W:\PROJECTS\183A\ROW DESCRIPTIONS\DWG\183A STRIP MAP.dwg [SHEET 1] August 14, 2012 - 2:52pm

Executive Summary

January 17, 2013

Council Agenda Subject: Accept and authorize Mayor to execute Warranty Deed dedication for Rights-0f-Way (ROW) for the US 183 – 183A intersection improvement from Jean Baptiste, Ltd..

Background: The US 183 – 183A intersection improvement will provide ultimate at-grade improvements to the existing intersection. These improvements will provide a full crossing of 183A and become a major intersection with development east of 183A, within the TOD. Much of the preliminary engineering and environmental work was funded by E2M (Leander 183A Development), the landowners of a large portion of the northern "conventional" portion of the TOD.

Origination: Pix Howell, Urban Design Officer

Financial Consideration: This right-of-way is being dedicated at no cost to the City.

Recommendation: Accept the donated rights-of-way (ROW) and authorize Mayor to execute for recordation at the County.

Attachments: Copie of ROW documents

Prepared by: Pix Howell, AICP, CNU – UDO

SPECIAL WARRANTY DEED
DEDICATION OF RIGHT-OF-WAY

THE STATE OF TEXAS §

COUNTY OF WILLIAMSON § **KNOW ALL PERSONS BY THESE PRESENTS:**

That Jean Baptiste, Ltd., 98 San Jacinto Boulevard, Suite 2000, Austin, Texas 78701, hereinafter called "**Grantor**," for and in consideration of the sum of Ten and No/100 Dollars ($10.00), together with other good and valuable consideration, to Grantors cash in hand paid by **The City of Leander, Texas**, a Texas municipal corporation, hereinafter called "**Grantee**", the receipt of which is hereby acknowledged, have **GRANTED, DONATED** and **CONVEYED**, and by these presents do hereby dedicate to the use of the public as public right-of-way for streets, drives, drainage, utility service, and public places, subject to the continuing and future control and regulation of the use of such public right-of-way by the City of Leander, described as follows:

> All that certain parcel or tract of land being 0.055 acres, more or less, out of the Williamson Mansil Survey, Abstract No. 437, Williamson County, Texas, as more particularly described in metes and bounds and shown in Exhibit "A" attached hereto and incorporated herein as if fully transcribed herein.

This conveyance is expressly made subject to the restrictions, covenants and easements, if any, apparent on the ground, and utility easements, if any, in use by the City of Leander or any other public utility, or now in force and existing of record in the office of the County Clerk of Williamson County, Texas, to which reference is here made for all purposes.

TO HAVE AND TO HOLD the above described premises, together with all and singular, the rights and appurtenances thereto in anywise belonging, unto the said Grantee, **The City of Leander, Texas**, its successors and assigns forever, and Grantor does hereby bind its heirs, executors, successors and assigns to **WARRANT AND FOREVER DEFEND**, all and singular, the said premises unto **The City of Leander, Texas**, the said Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof same by, through or under the Grantor, but not otherwise.

EXECUTED this the 20 day of December 2012.

GRANTOR: JEAN BAPTISTE, LTD.,
a Texas Limited Partnership

By: Alinie Gen Partner II, LLC, its general partner

By: Christian Wanner
Name: CHRISTIAN WANNER
Title: Manager

THE STATE OF ~~TEXAS~~ GENEVA §

COUNTY OF SWITZERLAND §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Christian Wanner *, ~~The Geneva Partner~~ of Jean Baptiste, Ltd., a Texas Limited Partner's ship and Grantor herein, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

* Manager of Aline Genpartner II, LLC

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 20 day of December 2012.

Notary Public - State of ~~Texas~~ Genève

Etude de Maîtres KELLER GLASER & BEAUD ZURCHER NOTAIRES Succ. de Mes Desort, Humbert et Poncet 4, cours de Rive - 1204 GENÈVE

TIMBRE CANTONAL Fr. 2.50

ACCEPTED BY THE CITY OF LEANDER, TEXAS (Grantee):

Christopher Fielder, Mayor
Mailing Address: P.O. Box 319
Leander, Williamson County, Texas 78641

THE 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 Christopher Fielder, Mayor, City of Leander, Texas, Grantee herein, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the __ day of _____ 2012.

Notary Public-State of Texas

AFTER RECORDING PLEASE RETURN TO:

City of Leander
City Secretary
P.O. Box 319
Leander, Texas 78646-0319

APOSTILLE
(Convention de la Haye du 5 octobre 1961)

1. Pays: Suisse

Le présent acte public

2. a été signé par Me N. Beaud Zurcher

3. agissant en qualité de notaire

4. est revêtu du sceau/timbre de ll

Attesté

5. à Genève 6. le 20 DEC. 2012

7. République et Canton de Genève

8. sous N° 4729

9. Sceau / timbre 10. Signature

"Exhibit A"

DESCRIPTION

FOR A 0.055 ACRE (2,375 SQUARE FOOT) TRACT OF LAND SITUATED IN THE WILLIAMSON MANSIL SURVEY, ABSTRACT NO. 437, WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A CALLED 29.60 ACRE TRACT AS DESCRIBED IN THAT DEED TO JEAN BAPTISTE, LTD. AND RECORDED IN DOCUMENT NO. 2010069763 OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY, SAID 0.055 ACRE TRACT, AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" iron rod with "Pate" cap found for the southwest corner of said 29.60 acre tract, same being the northwest corner of a called 3.185 acre tract as described in that deed to Leander 183A Development LLC and recorded in Document No. 2009071868 of the Official Public Records of said County, same being a point of compound curvature on the east right of-way line of 183A Toll Road (400 foot right-of-way width), for the southwest corner and **POINT OF BEGINNING** hereof, from which a ½" iron rod with "Sam" cap found (leaning) for a point of compound curvature on the west line of said 3.185 acre tract, same being the east right-of-way line of said 183A Toll Road bears, with the arc of a curve to the left, having a radius of 5529.58 feet, an arc length of 309.69 feet, a central angle of 003° 12' 32", and a chord which bears, S 16° 26' 05" E a distance of 309.65 feet,

THENCE with the west line of said 29.60 acre tract, same being the east right-of-way line of said 183A Toll Road, with the arc of a curve to the **right**, having a radius of **5529.58 feet**, an arc length of **69.16 feet**, a central angle of **000° 43' 00"**, and a chord which bears, **N 14° 27' 14" W** for a distance of **69.16 feet**, to a ½" iron rod with "Baker-Aicklen" cap set for the northwest corner hereof;

THENCE through the interior of said 29.60 acre tract, **S 62° 21' 51" E** for a distance of **92.35 feet** to a ½" iron rod with "Baker-Aicklen" cap set for a point on the south line of said 29.60 acre tract, same being the north line of said 3.185 acre tract, for the southeast corner hereof, from which a ½" iron rod found for an angle point on the south line of said 29.60 acre tract, same being the north line of said 3.185 acre tract bears, N 69° 30' 01" E a distance of 363.45 feet;

THENCE with the south line of said 29.60 acre tract, same being the north line of said 3.185 acre tract, **S 69° 30' 01" W** for a distance of **68.92 feet** to the **POINT OF BEGINNING** hereof and containing 0.055 acre of land.

All bearings are based on Texas State Plane Coordinate System, Central Zone, NAD '83 and all distances are adjusted to surface using the combined project surface adjustment factor of 1.00012.

Surveyed under the direct supervision of the undersigned during August, 2012:

Margaret A. Nolen
Registered Professional Land Surveyor No. 5589
BAKER-AICKLEN & ASSOCIATES, INC.
507 West Liberty Avenue
Round Rock, TX 78664
(512) 244-9620

Job No.: 1810-2-003-29
Filename: W:\PROJECTS\183A\ROW DESCRIPTIONS\METES AND BOUNDS\183A PARCEL 5.DOC

WILLIAMSON MANSIL SURVEY, ABSTRACT NO. 437

JEAN BAPTISTE, LTD.
CALLED 29.60 ACRES
EXHIBIT A
DOC. NO. 2010069763
OFFICIAL PUBLIC RECORDS
WILLIAMSON COUNTY, TEXAS

SUBJECT TRACT
0.055 ACRE
2,376 SQ. FT.)

R=5529.58'
ARC=69.16'
CEN. ANG.=000°43'00"
N14°27'14"W
CH=69.16'

S62°21'51"E
92.35'

N69°30'01"E
363.45'

POINT OF BEGINNING

1/2" PATE

S69°30'01"W
68.92'

183A TOLL ROAD
(400' R.O.W. WIDTH)

LEANDER 183A DEVELOPMENT LLC
CALLED 3.185 ACRES
DOC. NO. 2009071868
OFFICIAL PUBLIC RECORDS,
WILLIAMSON COUNTY, TEXAS

R=5529.58'
ARC=309.69'
CEN. ANG.=003°12'32"
S16°26'05"E
CH=309.65'

1/2" SAM LEANING

LEGEND

- 1/2" IRON ROD WITH CAP FOUND AS LABELED
- 1/2" IRON ROD FOUND
- 1/2" IRON ROD WITH "BAKER=AICKLEN" CAP SET

NOTES:

1) ALL BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD '83 AND ALL DISTANCES ARE ADJUSTED TO SURFACE USING THE COMBINED PROJECT SURFACE ADJUSTMENT FACTOR OF 1.00012.

2) RECORD INFORMATION SHOWN HEREON IS BASED ON PUBLIC RECORDS AND DO NOT INCLUDE ANY EASEMENTS THAT MAY AFFECT THIS TRACT.

0 20 40

ORIGINAL SCALE
1" = 40'

PARCEL 5

U. S. HIGHWAY 183A/183
AUGUST, 2012

BAKER-AICKLEN & ASSOCIATES, INC.
ENGINEERS | SURVEYORS | GIS | PLANNERS | LANDSCAPE ARCHITECTS
ROUND ROCK
507 WEST LIBERTY AVE.
ROUND ROCK, TEXAS 78664
(512) 244-9520
ENGINEERING FIRM #545
SURVEY FIRM #10022310
TBAE #1787

PROJECT NO. 1810-2-003-29

W:\PROJECTS\183A\ROW DESCRIPTIONS\DWG\183A PARCEL 6.dwg [PAGE 3] August 13, 2012 - 2:44pm

STATE OF TEXAS
MAP SHEET INDEX

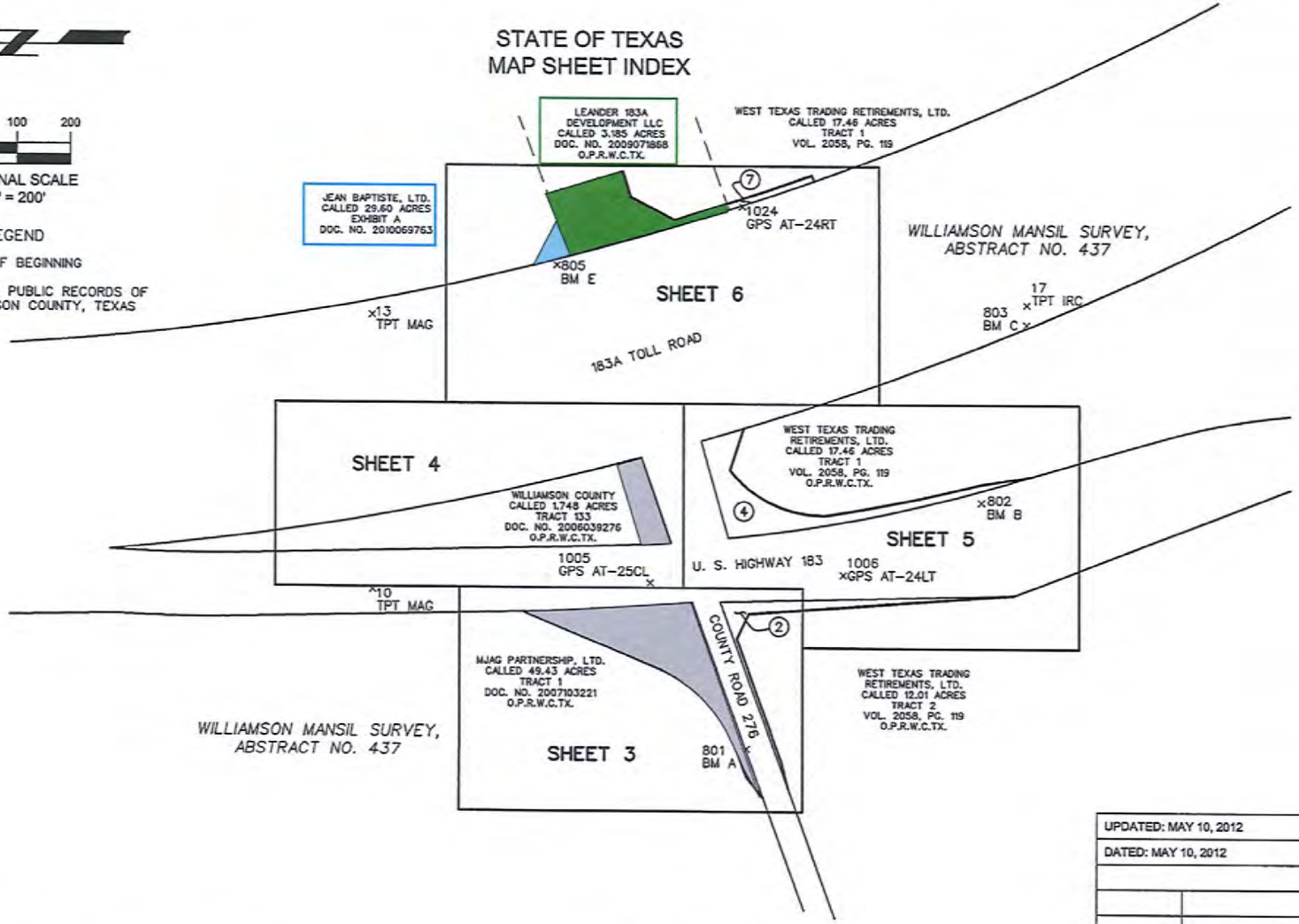
0 100 200

ORIGINAL SCALE
1" = 200'

LEGEND

P.O.B. POINT OF BEGINNING

O.P.R.W.C.TX. OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS



UPDATED: MAY 10, 2012			
DATED: MAY 10, 2012			
			SHEET NO.
			1
STATE	DIST.	COUNTY	
TEXAS		WILLIAMSON	
			HIGHWAY NO.
			U. S. 183/183A

BAKER-AICKLEN & ASSOCIATES, INC.
ENGINEERS | SURVEYORS | GIS | PLANNERS | LANDSCAPE ARCHITECTS
ROUND ROCK
507 WEST LIBERTY AVE.
ROUND ROCK, TEXAS 78664
(512) 244-9620
ENGINEERING FIRM # F-45
SURVEY FIRM # 10023-10
TBAE # 1797

U. S. HIGHWAY 183/183A
RIGHT-OF-WAY PROJECT
WILLIAMSON COUNTY, TEXAS

Executive Summary

January 17, 2013

Council Agenda Subject: Consider an Ordinance adopting and enacting a new Code of Ordinances and providing effective date

Background: The City of Leander Code of Ordinances book has not been codified in its entirety since 2003. As ordinances were passed, supplemental pages have been added or replaced. Because of the number of supplements, the book has become very difficult to navigate. This Ordinance will authorize a new Code of Ordinances Book containing approved ordinances through September 20, 2012 to be published and given to each department. The Ordinance has been reviewed by the City Attorney.

Origination: Debbie Haile

Financial Consideration: $5000.00

Recommendation: Approval of Ordinance

Attachments: Ordinance

Prepared by: Debbie Haile, TRMC, City Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, ADOPTING AND ENACTING A NEW CODE OF ORDINANCES; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE AMENDMENT OF SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

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

Section 1. That the Code of Ordinances of the City of Leander, Texas, consisting of Chapters 1 through 14, each inclusive, and Appendices, is hereby adopted and shall supersede the previously adopted Code of Ordinances, as amended from time to time.

Section 2. All prior-adopted ordinances or parts thereof conflicting or inconsistent with the provisions of the Code of Ordinances herein adopted, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between the Code of Ordinances adopted herein and any other code or ordinance of the City, the terms and provisions of the Code of Ordinances herein adopted shall govern.

Section 3. Unless a differing penalty is expressly provided for within the Code or by state statute, every person convicted of a general violation of any provision of the Code or any rule, ordinance, or police regulation of the City shall be punished by a fine not to exceed $2,000.00 for violations of all such rules, ordinances and police regulations that govern fire safety, zoning, or public health and sanitation, including dumping of refuse, and not exceeding $500.00 for all other violations. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 4. Additions or amendments to the Code when passed in such form as to indicate the intention of the City Council to make same a part of the Code shall be deemed to be incorporated into the Code, so that reference to the Code includes the additions and amendments.

Section 5. Ordinances adopted after September 20, 2012, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 6. This ordinance and the Code adopted hereby shall become effective upon final passage of this ordinance.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS, ON THIS THE _____ DAY OF _____, 2013.

_____
Christopher Fielder, Mayor

ATTEST:

_____
Debbie Haile, TRMC
City Secretary

Executive Summary

January 17, 2013

Agenda Subject: Renew contract with the Leander Fire Volunteer Fire Department, Inc.

Background: City of Leander and Leander Volunteer Fire Department, Incorporation has had a long history of working together to provide increased fire and rescue services to the citizens. The attached contract continues to have the Leander Volunteer Fire Department, Inc. provided supplemental resources to the Leander Fire Department.

Staff working with the City Attorney's office have reviewed the contract and find it to be a mutual beneficial agreement for the parties involved and helps addresses any concerns about the ability to keep the Leander Volunteer Fire Department, Inc. and its members part of the services provided to the City of Leander in the future.

Origination: Bill Gardner, Fire Chief

Recommendation: Staff recommends the renewal of the contract with the changes.

Attachments: Contract

Prepared by: Bill Gardner, Fire Chief

Fire Service Agreement

This Fire Service Agreement (the "Agreement") shall be between the City of Leander, a Texas home rule municipality, further referred to as City and the Leander Volunteer Fire Department, Inc., a Texas nonprofit corporation, further referred to as the VFD. Leander Fire Department will make reference to the City of Leander Fire Department.

The City provides fire protection and emergency medical services within its jurisdiction with City personnel, equipment, and facilities at levels established by the budget and appropriations adopted by the City Council from time to time. It is reasonable and necessary for the protection of the public health, safety, and welfare for the City to supplement those services by contracting with the VFD to provide supplemental firefighting and emergency medical services through volunteers as provided in this Agreement.

Part A. The VFD agrees to the following:

I. <u>Staffing and Personnel</u>

a) The VFD will provide from its membership persons to supplement the City- compensated firefighting and emergency medical services ("EMS") personnel, who will provide fire protection, fire prevention and fire suppression services within the City's jurisdiction (the "supplemental fire services"). Such persons will be referred to herein as "active volunteers". The VFD will coordinate with the Chief of the Leander Fire Department (the "Fire Chief") to establish the level of supplemental fire services, within the limits of the VFD's resources, to be provided under this Agreement from time to time, and at once least annually.

b) The VFD will cause the active volunteers to respond to all fire, emergency, and disaster calls within the City's service area in accordance with this Agreement, the Policy and Standard Operating Guidelines of the Leander Fire Department, as amended from time to time (the "Guidelines"), and applicable local and state regulations. The VFD will cause the active volunteers responding to such calls to be equipped with uniforms and Personal Protective Equipment that are compliant with the Guidelines and Texas Commission on Fire Protection requirements.

c) The active volunteers shall be subject to the City of Leander Fire Department Chain of Command as defined in the Guidelines. The VFD will adopt such Guidelines and amendments as needed for such Guidelines to apply to the active volunteers. The City will provide to and maintain with the VFD a current copy of the Guidelines.

d) The VFD will insure that the active volunteers are of high ethical and moral character and meet the necessary physical requirements to perform firefighting tasks or assigned position.

e) The VFD will work to provide a positive image for the VFD, Leander Fire Department and the City of Leander by working to recruit and develop highly motivated and trained volunteers.

f) The VFD will provide to and maintain with the Leander Fire Department current copies of State Firemen and Fire Marshals Training Certifications, Texas Department of State Health Service, National Registry of EMT's, and Texas Commission on Fire Protection Certifications for all active volunteers. The VFD will ensure that each active volunteer holds the license and/or certification required for the service provided by the active volunteer under this Agreement.

g) The VFD will provide to and maintain with the City a current copy of the VFD's governing rules and by-laws.

II. Funding

a) The VFD will actively pursue funding from grant and private resources to be used in the operation of the VFD, especially funding sources targeted at volunteer fire departments.

b) All facilities, equipment, or fleet purchased from grant funding obtained by the VFD during the term of this Agreement will become the property of the City and shall be used to support the Leander Fire Department. The VFD shall execute such paperwork as necessary to transfer title of such facilities, equipment, or fleet to the City.

c) The VFD will remain in control over all funds donated to or collected by the VFD.

d) With respect to costs reimbursed to the VFD by the City under this Agreement, the VFD will provide the City with its approved budget for such expenses for each fiscal year. The VFD agrees, upon written request and reasonable notice, to provide access by any authorized representative of the City, to all business records and all accounts, ledgers and financial transactions for the purpose of auditing the financial records of the VFD.

Part B. In consideration for the services provided by the VFD to the City under this Agreement, the City and the VFD agree to the following:

a) The City will provide, or will reimburse the VFD for the cost of, workers compensation, line of duty death, disability, liability, and malpractice insurance coverage comparable to that provided for city employees for the active volunteers. The maximum number of active volunteers eligible for such benefits shall be limited to 60. The VFD will promptly notify the City of new active volunteers, and the City must begin to provide coverage for the new active volunteer within 7 days of the notification if the City is providing coverage. If the City is providing coverage, the Leander Fire Department and the VFD will review at least once annually, and upon written request by the City, the active volunteers to confirm their continued membership with the VFD. The City will be notified by the VFD within 7 days of an active volunteer discontinuing membership with the VFD.

b) The City will pay for, or will reimburse the VFD for the cost of, training and continuing education of the active volunteers required by the Guidelines or directed by the Fire Chief, including funding for tuition and travel expenses.

c) The City will pay for, or will reimburse the VFD for the cost of, the purchase of Personal Protective Equipment and uniforms for active volunteers.

d) The City will pay for, or reimburse the VFD for the cost of, membership dues and certification fees for firefighter-related professional organizations for active volunteers.

e) The expenses paid for or reimbursed by the City under this Agreement shall be documented by the VFD. Reimbursements shall be made based on receipts and/or invoices provided by the VFD. The VFD shall provide the City with additional information as requested by the City to verify costs and expenses paid by the City hereunder.

f) The City will use best efforts to cause there to be adopted in the City budget, and appropriations made therefor, the amount of $3200.00 for volunteer recognition and awards annually.

g) The City Manager will afford the VFD representatives the opportunity to meet and comment on finalists for the position of Fire Chief. The VFD and Leander Fire Department shall have the same Chief Officer.

h) In the event a currently active volunteer in good standing who has been a member of the VFD longer than 18 months wishes to apply to be a member of the Leander Fire Department, such

active volunteer shall be eligible to receive 5 points added to the written portion of the Leander Fire Department multiple choice firefighter entrance exam, unless contrary to applicable law.

i) The City agrees to continue to collect donations for the fire department and continue the request for donations on the water bill statements monthly and provide donations to the VFD bi-monthly.

III. FireServiceAgreements
All future mutual aid agreements will be negotiated by the Fire Chief of the Leander Fire Department or his/her designee.

Part C. General provisions of this Agreement are as follows:

I. Renewal/Cancellation of Agreement

a) This Agreement will be effective from the date of signature for one year and shall be renewed automatically every year on the anniversary date unless notice is sent to the parties of the Agreement 120 days prior to the expiration. It is contemplated by the parties that this Agreement shall be renewed from time to time and remains in full force and effect, subject to negotiations as found desirable by the parties and subject to termination as provided in this Agreement.

b) This Agreement may be terminated by providing a written notice 120 days prior to the last day of service. The written notice must contain justification for cancellation and last date of service.

II. Quality of Service
This Agreement is not intended to and shall not be deemed to establish any requirements for, any level of service provided by the City. The level and quality of service to be provided shall be established by the budget, appropriation, resolution, ordinance and regulation adopted by the City Council.

III. Appropriations
Notwithstanding any provisions contained herein to the contrary, all financial obligations of the City pursuant to this Agreement are subject to appropriations. In the event no funds or insufficient funds are appropriated in any fiscal period for the costs and expenses set forth in this Agreement to be paid by the City, the City or the VFD may renegotiate or terminate this Agreement as provided in Part C.I, provided that, notwithstanding the notice provision in Part C.I(b), in the event of termination under this Section, the City may terminate this Agreement effective as of the last day of the fiscal year in which funds were appropriate for this Agreement.

IV. Defenses Preserved
Nothing in this Agreement shall be deemed to waive, modify or amend any legal defense available at law or in the equity to the City, the VFD, or any of their officers, employees or members nor to create any legal rights or claim on behalf of any third party. Neither of the parties waive, modify, nor alter to any extent whatsoever the availability any defense under the laws of the State of Texas and of the United States.

V. No Third Party Beneficiaries
Except as expressly provided above, nothing herein shall ever be construed to confer upon any third person any rights, benefits or remedies as a third party beneficiary by reason of this Agreement.

V. No Joint Venture, Joint Enterprise
This Agreement shall not be construed to establish a partnership, joint venture, or joint enterprise, express or implied, nor any employer-employee or borrowed servant relationship by and among the parties hereto. In all activities or services performed hereunder, the VFD is an independent contractor, and the active volunteers are not members of the Leander Fire Department or employees of the City. Except as otherwise provided

herein, each party shall remain solely responsible for the proper direction of its employees or members and an employee or member of one shall not be deemed an employee, member, or borrowed servant of the other for any reason.

All parties hereby agree to and will abide by all sections of this Agreement.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed and effective as of the _____ day of _____, 20___.

LEANDER VOLUNTEER FIRE DEPARTMENT, Inc.
a Texas non-profit corporation

By:_____
Name:_____
Title:_____

Attest:

_____
Name:_____
Title:_____

CITY OF LEANDER

By:_____
Christopher Fielder, Mayor

Attest:

_____
Debbie Haile, City Secretary

Executive Summary

January 17, 2013

Council Agenda Subject: Consider nominations and appointments to Ethics Commission for Place 2 and Place 6

Background: At the January 3, 2013 Council meeting, Curtis Corley, Place 2 on the Ethics Commission resigned. Ed Kelly, Place 6 on the Commission resigned on December 15, 2012. The City Charter states that each member of the Council shall appoint the member of the Ethics Commission for their place, subject to council approval.

Origination: Debbie Haile

Financial Consideration: N/A

Recommendation: Accept nominations for Place 2 and Place 6

Attachments: None

Prepared by: Debbie Haile, TRMC, City Secretary