

ORDINANCE NO. 2019- _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, ANNEXING TO THE CITY APPROXIMATELY 934.34 ACRES OF LAND, COMPRISED OF SIX TRACTS OF LAND OUT OF THE WILLIAM PETTUS SURVEY, ABSTRACT NO. 21 AND LOCATED ALONG STATE HIGHWAY 80 AND FM 1984; APPROVING A SERVICE PLAN FOR THIS AREA; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

1. The City has received a request for annexation of approximately 934.34 acres of land, comprised of six tracts of land out of the William Pettus Survey, Abstract No. 21 and located along State Highway 80 and FM 1984 as shown on Exhibit A, attached hereto and made a part hereof for all purposes (the "Annexation Area") on behalf of the owner(s) of the Annexation Area.

2. The City Council conducted two public hearings on December 12, 2018 and December 19, 2018, to consider the request for annexation by the City of the Annexation Area.

3. A notice for each public hearing was published in a newspaper having general circulation in the City and in the Annexation Area, on November 30, 2018 and December 2, 2018, such dates being after the 20th day and before the 10th day before the date of the respective hearings. A notice of each of the public hearings was also posted on the City's Internet website on or after the 20th day and before the 10th day before the date of the respective hearings, and these notices remained posted on the website until the dates of the respective hearings.

4. The Annexation Area is contiguous and adjacent to the current boundaries of the City.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. The recitals of this ordinance are approved and adopted.

SECTION 2. The Annexation Area is annexed to the City of San Marcos, Texas.

SECTION 3. The Service Plan for the Annexation Area, a copy of which is attached hereto as Exhibit B and made a part hereof for all purposes, is approved.

SECTION 4. The corporate limits of the City are extended to include the Annexation Area.

SECTION 5. The Annexation Area is a part of the City of San Marcos, Texas, and residents in it are entitled to all the rights and privileges of all citizens of the City, and are bound by the acts, ordinances, resolutions and regulations of the City.

SECTION 6. If any portion of the Annexation Area is determined by the City or a court of competent jurisdiction to be within the extraterritorial jurisdiction of another municipality or ineligible to be annexed for any other reason, this ordinance shall not be effective as to such portion, but shall, otherwise, be effective and enforceable as to the remainder of the Annexation Area.

SECTION 7. If any word, phrase, clause, sentence, provision or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 8. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 9. This ordinance will take effect upon its adoption on second reading.

PASSED AND APPROVED on first reading on January 15, 2019.

PASSED, APPROVED AND ADOPTED on second reading on _____, 2019.

Jane Hughson
Mayor

Attest:

Approved:

Jamie Lee Case
City Clerk

Michael J. Cosentino
City Attorney

EXHIBIT A

[Metes and Bounds Description of the Annexation Area to be Attached]

EXHIBIT B

Annexation
Service Plan
November 27, 2018

Hwy 80 & FM 1984
AN-18-05



Service Plan for the Annexation of a 934.34 +/- acre tract of land out of the William Pettus Survey, Abstract No. 21, generally located near the intersection of State Highway 80 and FM 1984.

Pursuant to the provisions of the Texas Local Government Code, Chapter 43, the following service plan is hereby adopted for the annexation of the above-referenced 934.34 +/- acre area. The property is being annexed at the request and with the consent of the property owner.

1. Police Protection

Police services, including patrolling, response to calls and other routine services, will begin on the effective date of the annexation using existing personnel and equipment in the same manner as provided to other areas of the City.

2. Fire Protection

Fire protection services, including emergency response calls, will begin on the effective date of the annexation using existing personnel and equipment in the same manner as provided to other areas of the City, and within the limitations of the available water supply.

3. Emergency Medical Services

Emergency medical services, including emergency response calls, will continue at the same level of service after the annexation. The City of San Marcos contracts for emergency medical services through the San Marcos – Caldwell County EMS, which already provides service to the area being annexed.

4. Solid Waste Collection

Solid waste collection services, provided under contract with a private company, will be made available to all properties on the effective date of the annexation in the same manner as available to other areas of the City under applicable ordinances. Residents of the annexed area may elect to continue using the services of a private solid waste hauler for a period of two years after the effective date of the annexation. Businesses and institutions must make arrangements with private solid waste haulers.

5. Operation and Maintenance of Water and Wastewater Facilities

The annexation area is located partially within the CCN service area of the Maxwell Water Supply Corporation and partly within the CCN service area of the City of San Marcos. Wastewater service for the annexation area is proposed to be provided the City of San Marcos. Any services provided

by the City will be on the same basis as available to other areas of the City under applicable ordinances, with all extensions made by property owners at their sole expense.

6. Construction, Operation and Maintenance of Roads and Streets

As new development occurs within the annexed area, the property owners will be required to construct streets at their sole expense, in accordance with applicable ordinances.

7. Electric Service

The property is located in the Bluebonnet Electric Cooperative service area.

8. Operation and Maintenance of Parks, Playgrounds, and/or Swimming Pools

No parks, playgrounds and/or swimming pools currently exist within the proposed annexation area. The same standards and policies now established and in force within the city limits will be followed in maintaining and expanding recreational facilities to serve the annexed area. Upon annexation, the owners and residents of property located within the annexed area shall be entitled to the use of all municipal parks and recreational facilities, subject to the same restrictions, fees and availability that pertains to the use of those facilities by other citizens of the city.

9. Operation and Maintenance of Other Public Facilities, Buildings and Services

No other City of San Marcos public facilities, buildings or services currently exist within the annexed area. The same standards and policies now established and in force within the city limits will be followed in maintaining and expanding other public facilities, buildings and services. Upon annexation, the owners and residents of property located within the annexed area shall be entitled to the use of all municipal facilities, buildings and services, subject to the same restrictions, fees and availability that pertains to the use of those facilities and services by other citizens of the city.