

ORDINANCE NO. 2007- 59

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS, ANNEXING TO THE CITY A TRACT OF LAND CONTAINING 212.556 ACRES, MORE OR LESS, LOCATED NORTHWEST OF CITY LIMITS OFF LIME KILN ROAD (WINDEMERE RANCH); APPROVING A SERVICE PLAN FOR THIS TRACT; AND INCLUDING PROCEDURAL PROVISIONS.

RECITALS:

1. The City Council of the City of San Marcos, Texas, provided an opportunity for all interested persons to be heard at two public hearings, held on August 21, 2007 and on September 4, 2007, to consider the proposed annexation by the City of 212.556 acres, more or less, located northwest of city limits off Lime Kiln Road, in Hays County, Texas (the "Annexation Area"), consisting of the tract of land, described by metes and bounds and shown in the attached Exhibit A.

2. The City has received a petition for annexation from the owner(s) of the property included in the Annexation Area, copies of which are attached as Exhibit B.

3. The Annexation Area has no permanent residents.

4. A notice of each of the public hearings was published in the San Marcos Daily Record, a newspaper having general circulation in the City and in the Annexation Area, on August 10, 2007 and August 23, 2007, these dates being on or 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.

5. The proposed service plan was made available for inspection and explained to the residents, if any, of the Annexation Area at the public hearings.

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

7. Notice of all meetings of, and all deliberations of, the City Council involving the annexation of the Annexation Area, including public hearings and the vote(s) on adoption of this ordinance, were done and performed in accordance with the Texas Open Meetings Law, TEX. GOV'T CODE ANN. Chapter 551, as amended.

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 C and incorporated herein for all purposes, is approved.

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

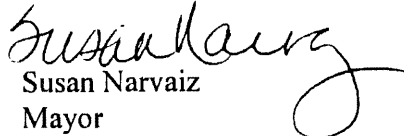
SECTION 5. The Annexation Area is a part of the City of San Marcos, Texas, and residents in it are entitled to all the rights and privileges of all citizens of the City, and are bound by the acts, ordinances, resolutions and regulations of the City.

SECTION 6. This Ordinance will take effect ten days after the date of its final passage, and the City Clerk will publish notice of its adoption in a newspaper of general circulation in the City.


PASSED on first reading on September 18, 2007

PASSED on second reading on October 2, 2007

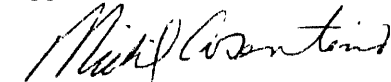
PASSED, APPROVED AND ADOPTED on October 16, 2007.


Susan Narvaiz
Mayor

Attest:


Shelley Goodwin
Interim City Clerk

Approved:


Michael Cosentino
City Attorney

Published in the San Marcos Daily Record, Sunday, October 21, 2007.

City of San Marcos Request for Out-of-City Utility Extension or Connection

Name: VINCE WOOD, 40 VIGIL & ASSOC Date: JAN 9/07
 Address: 4303 RUSSELL DR.
AUSTIN, TX 78704
 Phone: 512 326 2667
 FAX: 512 448 0989
 E-mail: hermann@vigilandassociates.com
 Note: Please include check for recording fee payable to "Hays County Clerk" for \$14 + \$2/page for legal description.

Subject Property

Location: LIKE KILN ROAD NORTH OF OLD POST ROAD
 Development Name & Developer (if applicable) WINDEMERE PARK; VINCE WOOD,
2009 N. FM 620 #130, AUSTIN TX 78734
 Total Acreage: 212.556 AC
 Plat Date: _____ R10446
 ID Number: R 10405, E 10406, E 13206, R 13207, E 13246
 Proposed Use: ☒ Residential ☒ Commercial ☐ Industrial ☐ Other REC.
 Water Service Area (CCN): NOT IN CCN
 Service Requested: ☒ Wastewater* ☒ Water *Note: City wastewater service is available only for City water service customers.
 Type of Request: ☒ Connection to existing main ☐ Extend existing main to subject property
 Estimated Utility Demand: WATER: 969 gpm AV; 2829 gpm MAX day; WW: ADWF = 509 gpm
PWWF = 314 gpm
☒ Please attach calculations for average and peak flow conditions for each service requested.
☒ Please attach a map and a "metes and bounds" legal description (from deed or survey) of the property for which service is requested.
☐ If the property is not contiguous to the existing city limits, please attach the required requests for annexation along the extension. (Not required for connection to existing main fronting the property to be served.)

See Owner's Acknowledgement and Consent to Annexation on the next page.

Form last updated: 10/26/05

Page 1 of 2 of

EXHIBIT B

Owner's Acknowledgement and Consent to Annexation

hereby certify under oath that all of the information presented in this application is accurate and complete. I understand all of the following policies of the City of San Marcos regarding out-of-city utility connections:

1. All costs for utility connections are to be borne by the owner.
2. The City does not provide wastewater service unless City water service is used.
3. The requirement that the owner consent to annexation of the subject property by the City.
4. Utility extensions also require a written request for annexation of an area at least 15' in width from each property owner along the intended route of the line extension if the subject property is not contiguous to the existing city limits.

I also certify that I am not seeking vesting of development standards for any project by completing this application.

In consideration of the City's approval of this application, I hereby petition the City for annexation of the property to be served by the utility connection, and I certify that I am either the owner of the subject property, or the duly authorized agent of the owner of the subject property. I understand that this consent to annexation will be binding on the current and future owners of the subject property, and that this consent will be recorded in the official county records if this request is approved.

Signature: _____

Printed Name: _____

State of Texas

County of Travis

SWORN TO AND SUBSCRIBED before me on 9th January, (date) 2006

Vinson J Wood, known personally to me, or proved to me by a photo identification, to be the person who executed this instrument.



CHARLOTTE MAULTSBY
Notary Public, State of Texas
My Commission Expires Feb 2, 2010

Notary Stamp

Charlotte Maultsby

Notary Public, State of Texas

Reserved for County

Service Plan for the Annexation of a 212.556 +/- Acre Area

Pursuant to the provisions of the Texas Local Government Code, Chapter 43, the following service plan is hereby adopted for the annexation of the 212.556 +/- acre area. The property is being annexed at the request of the property owner. City Council adopted a resolution allowing the extension of water and wastewater mains.

The proposed annexation area is located northwest of the City and west of Post Road about one mile along Lime Kiln Road where Windemere intersects.

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.

2. Fire Protection

Fire protection services, including emergency response calls, will begin on the effective date of the annexation using existing personnel and equipment 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-Hays 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 residences on the effective date of the annexation. 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 proposed annexation area is within the service area of the City of San Marcos. As new development occurs within the annexation area, the City will provide water and wastewater service to properties in accordance with the city's development ordinances and utility extension policies in place at the time of development. Upon completion and dedication of the new facilities to the city, the city shall provide on-going maintenance and operation of those facilities.

6. Operation and Maintenance of Roads and Streets

As new development occurs within the annexed area, the developers of property will be required to construct streets in accordance with the city's existing subdivision policies. The City shall provide on-going operation and maintenance for dedicated completed facilities.

7. Electric Service

The property is located partially in the San Marcos Electric Utility and Pedernales Electric Utility service area.

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

No parks, playgrounds and/or swimming pools 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.

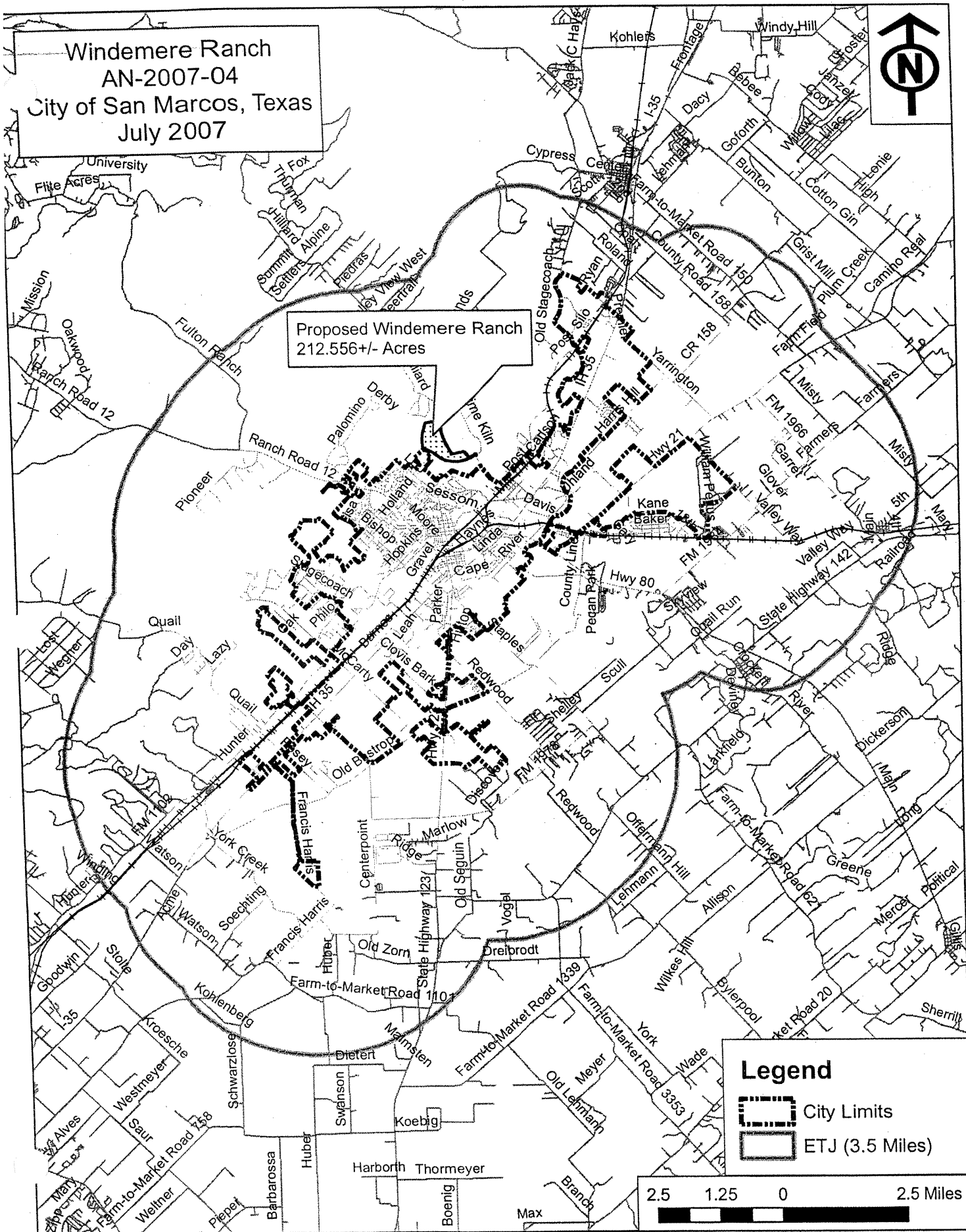
9. Operation and Maintenance of Other Public Facilities, Buildings and Services

No other public facilities, buildings or services 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, building 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.

Windemere Ranch
AN-2007-04
City of San Marcos, Texas
July 2007



Proposed Windemere Ranch
212.556 +/- Acres



Legend

- City Limits
- ETJ (3.5 Miles)

2.5 1.25 0 2.5 Miles

Windemere Ranch
AN-2007-04
City of San Marcos, Texas
July 2007

