

**ANNEXATION SERVICE PLAN  
FOR THE CITY OF BAY CITY, TEXAS**

WHEREAS, the City of Bay City, Texas (“City”) is a Home Rule City as defined by the Texas Local Government Code; and

WHEREAS, an area to be annexed more fully described in Exhibit “A” attached hereto and incorporated by reference herein for all purposes is located within the extraterritorial jurisdiction of and is lying and is adjacent to the present corporate limits of the City of Bay City, Texas (“Area”); and

WHEREAS, under the Local Government Code, the Bay City, Texas City Charter, and other applicable provisions of Texas Law, the City and the Bay City City Council as the governing body of the municipality is authorized to annex the Area on request of the owners of the land to be annexed, such request being acknowledged herein; and

WHEREAS, BC Development Group, LLC and/or GCA Ventures, LLC (together referred to herein as “BC Development”), the owners of the property described in Exhibit “A” have requested to be annexed, as more fully described in Exhibit “B” hereto;

WHEREAS, Section 43.0672 of the Local Government Code of the State of Texas requires that a written agreement between the City and the land owners regarding services to be provided to the land; and

WHEREAS, the following Service Plan has been agreed upon between the owner of the land to be annexed and the City;

Pursuant to the provisions of Texas Local Government Code 43.0672, BC Development and the City, agree to the following Plan of Service:

**SECTION 1.      PROVISION OF SERVICES.**

The City of Bay City, Texas shall provide or make available the following municipal facilities and services to the annexed area at the same level as provided in the remainder of the City on the effective date of annexation of the area to be annexed:

**A.      Police Protection**

The Bay City Police Department will provide protection and law enforcement services to the newly annexed tract. These services shall include, but not be limited to: 911 service, normal patrols and responses; special units, such as traffic enforcement, criminal investigations, and narcotics, as well as any community program that may be implemented in the future by the City.

B. Fire Protection

The Bay City Fire Department shall provide fire protection and prevention services to the newly annexed tract. These services shall include, but not be limited to: fire suppression and rescue, assistance in providing emergency medical services; emergency prevention and public education services; pre-plan inspections; and emergency management planning.

Additionally, the Bay City Volunteer Fire Department shall provide fire protection and prevention services to the newly annexed tract at the same or similar level now being provided to other areas of the City of Bay City, Texas.

C. Emergency Medical Services

Emergency medical services shall be provided to the newly annexed tract at the same or similar level now being provided to other areas of the City of Bay City, Texas.

D. Solid Waste Collection

The City will provide residential solid waste collection to the newly annexed tract at the same or similar level now being provided to other areas of the City of Bay City, Texas.

E. Operation and Maintenance of Water and Wastewater Facilities

Any and all water or wastewater facilities owned or maintained by the City of Bay City, Texas, at the time of the proposed annexation shall continue to be owned and maintained by the City of Bay City, Texas. Any and all water or wastewater facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the City of Bay City, Texas, to the extent of its ownership. The City acknowledges that contemporaneously with this Agreement, the Bay City Community Development Corporation (“BCCDC”) and BC Development and the City and BC Development have reached independent economic development reimbursement agreements (hereinafter, the “Agreement”) which will provide additional terms concerning water and wastewater facilities, among others.

F. Operation and Maintenance of Roads and Streets

The Street Department shall maintain public roads and streets, over which the City has jurisdiction. These services shall include: emergency pavement repair; regular repair and maintenance of public roads and streets.

G. Parks and Recreation Facilities

City parks and recreation facilities, including the municipal swimming pool, now incorporated in the City shall be accessible to all residents of the City.

The City is not aware of the existence of any parks, swimming pools, playgrounds, or other recreational facilities now located in the area proposed for annexation. In the event any such parks, swimming pools, playgrounds, or other recreational facilities do exist and are public facilities, the City of Bay City, Texas, will maintain such areas to the same extent and degree that it maintains parks, swimming pools, playgrounds, or other recreational facilities of the City now incorporated in the City.

H. Maintenance and Operation of Publicly Owned Facility, Building or Municipal Service

The City is not aware of the existence of any publicly owned facility, building or municipal service now located in the area proposed for annexation. In the event any such publicly owned facility, building or municipal service do exist and are public facilities, the City of Bay City, Texas, will maintain such areas to the same extent and degree that it maintains publicly owned facility, building or municipal services now incorporated in the City.

I. Code Enforcement

Regular code enforcement services shall be provided.

J. Animal Control

Regular animal control services shall be provided.

K. Drainage

The City finds and determines it to be unnecessary to construct drainage channels or other works of improvement in the newly annexed area for or in connection with the flowage or diversion of any waters in, over, upon or through said annexed area as the area currently has the same level of drainage as is provided in areas of similar topography, land use, and population density within the present corporate limits of the City.

L. Roads and Streets

The City finds and determines it to be unnecessary to construct or improve roads and streets in the area proposed to be annexed as the area currently has the same degree of roads and streets as is provided in areas of similar topography, land use, and population density within the present corporate limits of the City.

The City finds and determines it to be unnecessary to construct or improve the degree of road and street lighting as the area currently has the same degree of road and street lighting as is provided in areas of similar topography, land use, and population density within the present corporate limits of the City.

SECTION 2. CONFLICTS

In the event that any provision of this service plan conflicts with any other plan, comprehensive plan, or program of the City of Bay City, the provision contained in this service plan shall control; provided however, the terms of the above described Agreements shall take precedence to the terms of this service plan.

SECTION 3. APPROVAL AND TERM OF SERVICE PLAN.

This service plan shall be attached to the ordinance annexing the area described above and approved as part of the ordinance and shall become effective upon the final approval of the ordinance annexing the territory described above.

Effective on the date the ordinance annexing the territory described in Exhibit "A" is approved.

BC Development Group, LLC

City of Bay City, Texas

By: \_\_\_\_\_

By: \_\_\_\_\_  
Robert K. Nelson, Mayor

Attest:

\_\_\_\_\_  
Jeanna Thompson, City Secretary