

## **ORDINANCE #447-06-2016**

**AN ORDINANCE PROVIDING FOR THE ANNEXATION INTO THE CITY OF BURLESON OF TERRITORY MORE SPECIFICALLY DESCRIBED BELOW GENERALLY COMPRISING APPROXIMATELY 44 ACRES, FOR ALL MUNICIPAL PURPOSES; APPROVING A SERVICE PLAN FOR SUCH TERRITORY; AMENDING ORDINANCE C-594-06(A0709), OFFICIAL MAP OF THE CITY OF BURLESON; PROVIDING A SAVE AN EXCEPT CLAUSE PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Burleson, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, after proper notice was provided in accordance with Chapter 43 of the Texas Local Government Code, public hearings on the proposed annexation were held before the Burleson City Council, said hearing dates being not more than forth days nor less than twenty days before the adoption of this ordinance on first reading; and

WHEREAS, all of the property described herein is adjacent to and within the exclusive extraterritorial jurisdiction of the City of Burleson; and

WHEREAS, a Service Plan has been prepared and presented at the public hearings and is attached to and adopted with this Ordinance; and

WHEREAS, all requirements of law have been met to require this annexation, including compliance with the provisions of Chapter 43 of the Texas Local Government Code.

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

### **SECTION 1 ANNEXATION**

That all portions of the following tract (the "Annexation Area") located in Johnson County, Texas, comprising a total of 44 acres of land, more or less, is hereby annexed into the City of Burleson as a part of the city for all municipal purposes, and the city limits are extended to include such Annexation Area located in the Belle Oak Estates;

the Monroe Addition; the H.G. Catlett Survey, Abstract 185; and the H.G. Catlett Survey, Abstract 182; as filed in the deed records of Johnson County, Texas and being more particularly depicted in Exhibit "A" and particularly described on Exhibit "B", both attached to and incorporated into this Ordinance for all purposes.

## SECTION 2 RIGHTS AND DUTIES OF OWNERS AND INHABITANTS IN NEWLY ANNEXED AREA

That the owners and inhabitants of the Annexation Area are entitled to all of the rights and privileges of all other citizens and property owners of the City of Burleson, and are bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be subsequently adopted.

## SECTION 3 OFFICIAL MAP

That Ordinance C-594-06(A0709), the official map and boundaries of the City, previously adopted, is hereby amended to include the Annexation Area as a part of the City of Burleson, Texas. The City Secretary is directed and authorized to perform or cause to be performed all acts necessary to correct the official map of the town to add the territory annexed as required by law.

## SECTION 4 FILING CERTIFIED COPY

That the City Secretary is directed to file or cause to be filed a certified copy of this ordinance in the office of the county clerk of Johnson County, Texas.

## SECTION 5 SERVICE PLAN

That attached hereto, marked as Exhibit "C" and incorporated herein for all purposes incident hereto, is a Service Plan providing for the extension of municipal services into the Annexation Area, which was made available at the public hearings for inspection by and explanation to the inhabitants of the area to be annexed.

## SECTION 6 CUMULATIVE CLAUSE

That this ordinance shall be cumulative of all provisions of ordinances of the City of Burleson, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

#### SECTION 7 SEVERABILITY CLAUSE

That should any section or part of this ordinance be held unconstitutional, illegal or invalid, or the application thereof, the 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 portions, the same shall be and remain in full force and effect.

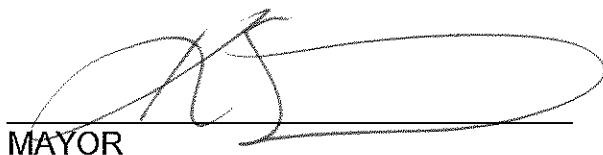
#### SECTION 8 AREAS EXCEPTED FROM ANNEXATION

That should this ordinance for any reason be ineffective as to any part of the area hereby annexed to the City of Burleson, such ineffectiveness of this ordinance as to any such part or parts of any such area shall not affect the effectiveness of this ordinance as to the remainder of such Annexation Area. The City Council hereby declares it to be its purpose to annex into the City of Burleson every part of the area described in Section 1 of this ordinance, regardless of whether any part of such described area is hereby not effectively annexed to the City. Provided, further, that if there is included within the general description of territory set out in Section 1 of this ordinance to be hereby annexed into the City of Burleson any lands or area which are presently part of and included within the limits of the City of Burleson, or which are presently part of and included within the limits of any other City, Town or Village, or which are not within the City of Burleson's jurisdiction to annex, the same is hereby excluded and excepted from the territory to be annexed hereby as fully as if such excluded and excepted area were expressly described herein.

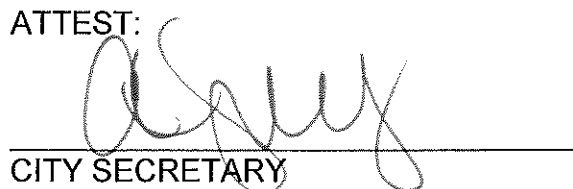
SECTION 9  
EFFECTIVE CLAUSE

This ordinance shall be in full force and effect on August 1, 2016, and it is so ordained.

PASSED AND APPROVED ON THIS 20th DAY OF June 2016.

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CITY SECRETARY



APPROVED AS TO FORM AND LEGALITY:

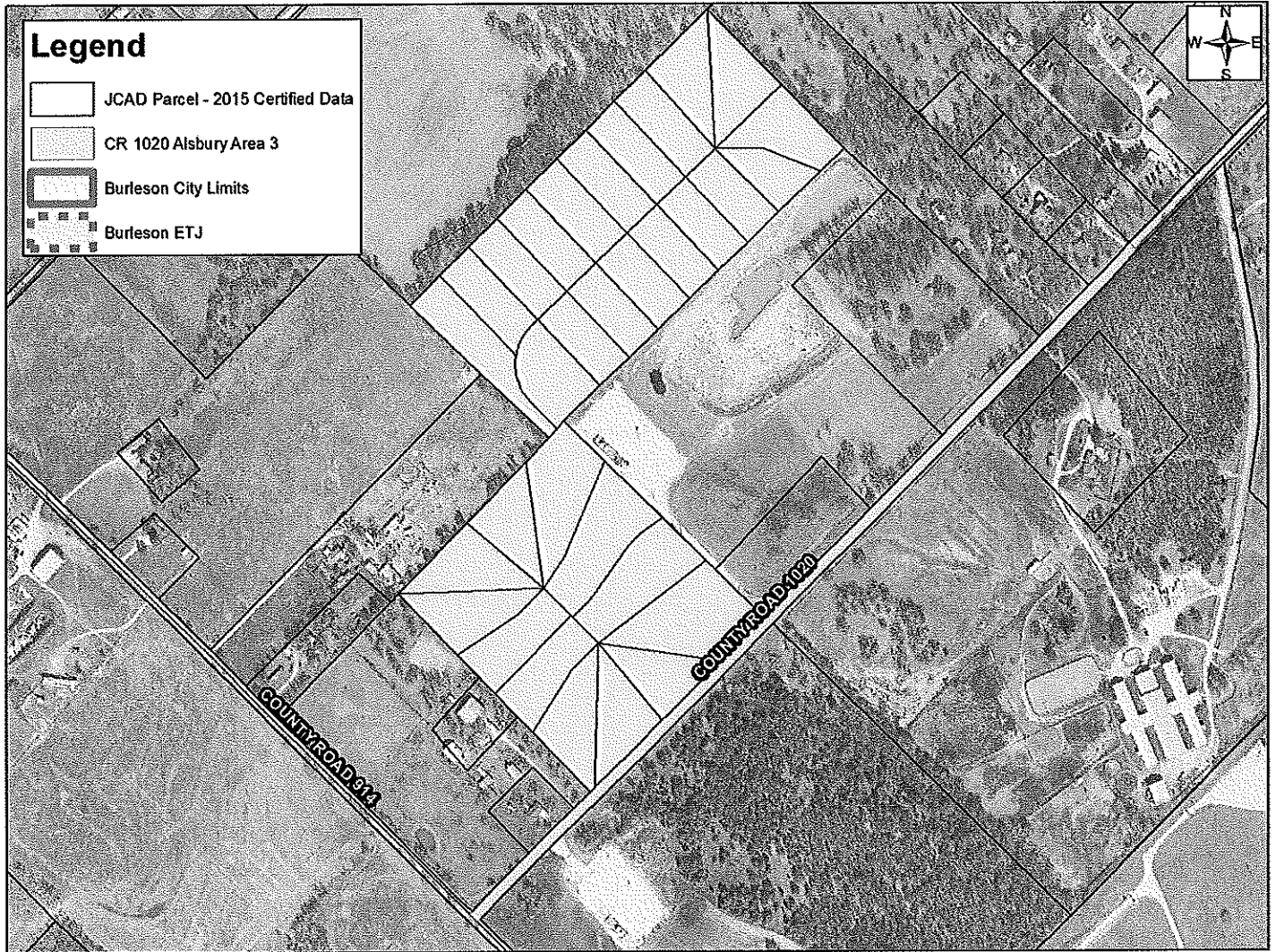
  
\_\_\_\_\_  
CITY ATTORNEY

First reading: 6/6/16

Effective: 8/1/16

# Exhibit "A"

## Annexation Area



## **Exhibit "B"**

### **Annexation Area Description**

Beginning at the easternmost corner of Tract 25B of Abstract 185, HG Catlett Survey, Johnson County, Texas; said point also located along the northern right-of-way of County Road 1020;

Thence southeasterly across the right-of-way of County Road 1020 to a point for corner, said point located along the northwest boundary of Tract 5A of Abstract 182, HG Catlett Survey, Johnson County, Texas;

Thence southwesterly along the right-of-way of County Road 1020 approximately 3,246 Feet to a point for corner, said point being the centerline of County Road 914;

Thence northwest to a point for a corner being the intersection of the centerline of County Road 914 and the northern right-of-way of County Road 1020;

Thence northeasterly along the northern right-of-way line of County Road 1020 approximately 593.45 Feet to a point for a corner, said point being the southernmost point of Lot 4, Block 1, Belle Oaks Estates, an Addition in Johnson County, Texas;

Thence N 44°-31'-59" W 570 Feet to a 1/2" steel rod;

Thence N 44°-55'-03" W 373.37 Feet to a 1/2" steel rod;

Thence N 45°-04'-57" E 746.92 Feet to a 1/2" steel rod;

Thence N 45°-13'-15" W 662.10 Feet to a fence corner post;

Thence N 46°-03'-11" E 1,443.25 Feet to a 1/2" steel rod;

Thence S 44°-31'-00" E 676.05 Feet to a 1/2" steel rod;

Thence S 46°-42'-10" W 1,347.47 Feet to a 1/2" steel rod;

Thence S 45°-00'-00" E 970.52 Feet to the northern right-of-way line of County Road 1020;

Thence northeasterly along the northern right-of-way line of County Road 1020 approximately 1,804.50 Feet to the point of beginning.

## **Exhibit "C"**

### **CITY OF BURLESON, TEXAS** **SERVICE PLAN FOR ANNEXED AREA**

Property Subject to Plan (the "Annexation Area"):

Approximately 44 acres of land located in the western portion of the City of Burleson Extraterritorial Jurisdiction (ETJ) in areas along County Road 1020 and northeast of County Road 914.

Location: City of Burleson ETJ

County: Johnson

Municipal services to the Annexation Area will be furnished by or on behalf of the City of Burleson, Texas, at the following levels and in accordance with the following service plan programs:

#### **I. PROGRAM FOR SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF THE ANNEXATION**

The City will provide the following services in the Annexation Area on the effective date of the annexation, unless otherwise noted.

##### **1. POLICE PROTECTION**

The City of Burleson, Texas will provide police protection to the Annexation Area at the same or similar level of service now being provided to other areas of the City of Burleson, Texas, with similar topography, land use and population density. The need for additional service will be assessed periodically as new development occurs within the Annexation Area based on population growth, predicted future growth, call volume and response times.

##### **2. FIRE PROTECTION AND AMBULANCE SERVICE**

The City of Burleson, Texas will provide, or cause to be provided, fire protection and ambulance service to the Annexation Area at the same or similar level of service now being provided to other areas of the City of Burleson, Texas, with similar topography, land use and population density. The need for additional service will be assessed periodically as new development occurs within the Annexation Area based on population growth, predicted future growth, call volume and response times.

### 3. SOLID WASTE COLLECTION

The City of Burleson, Texas provides, or causes to provide, solid waste and refuse collection services within the city limits of the City of Burleson, Texas. Upon payment of any required deposits and the agreement to pay lawful service fees and charges, solid waste collection will be provided to citizens in the newly annexed areas to the extent that the annexed lot or tract is adjacent to public right-of-way. Persons using the services of a privately owned solid waste management service provider prior to the effective date of annexation may continue to use such services until the second anniversary of the annexation in accordance with Section 43.056 (n) and (o), Local Government Code, State of Texas.

### 4. MAINTENANCE OF WATER AND WASTE WATER FACILITIES

Any and all water or waste water facilities owned or maintained by the City of Burleson, Texas, at the time of annexation shall continue to be maintained by the City of Burleson, Texas. Any and all water or waste water facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the City of Burleson, Texas, to the extent of its ownership. The newly annexed existing water mains at their existing locations shall be available for point of use extension based upon the current City's standard water extension policies now existing or as may be amended.

### 5. MAINTENANCE OF ROADS AND STREETS

Any and all roads, streets or alleyways which have been dedicated to the public, and which are owned by the City of Burleson, Texas, shall be



maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas with similar topography, land use and population density. Any and all lighting of roads, streets and alleyways which may be positioned in a right-of-way, roadway, or utility company easement shall be maintained by the applicable utility company servicing the City of Burleson, Texas, pursuant to the current rules, regulations and fees of the City of Burleson, Texas.

**6. MAINTENANCE OF PARKS, PLAYGROUNDS AND SWIMMING POOLS**

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

**7. MAINTENANCE OF PUBLICLY OWNED FACILITY, BUILDING OR MUNICIPAL SERVICE**

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

**II. PROGRAM FOR PROVIDING ADDITIONAL SERVICES**

In addition to the services identified above, the following services will be provided in the Annexation Area on the effective date of the annexation, unless otherwise noted:

1. LIBRARY SERVICES

Any residents of the Annexation Area will be eligible to receive library services from the Burleson Public Library commencing on the effective date of the annexation.

2 MUNICIPAL ADMINISTRATION

The City of Burleson, Texas will provide general municipal administration and administrative services commencing on the effective date of the annexation.

3. ENFORCEMENT OF CODES AND ORDINANCES

Enforcement of the City's ordinances and regulatory codes will be provided within the Annexation Area on the effective date of the annexation. The City's health, environmental, building, plumbing, mechanical, electrical, and all other codes will be enforced within the Annexation Area beginning with the effective date of the annexation. The City's zoning ordinance, subdivision regulations, design standards manual and related ordinances shall be enforced in the Annexation Area beginning on the effective date of the annexation. Complaints of ordinance or regulation violations within the area will be answered and investigated by existing personnel.

4. INSPECTION SERVICES

All inspection services furnished by the City of Burleson, Texas, but not mentioned above, will be provided to the Annexation Area beginning on the effective date of the annexation.

**III. CONSTRUCTION OF CAPITAL IMPROVEMENTS**

In addition to the services listed above, the City of Burleson, Texas will provide full municipal services to the Annexation Area commensurate with the levels of services provided in other parts of the City no later than two and one-half (2-½) years after the effective date of the annexation except if differences in topography, land use, and population density constitute a sufficient basis for providing different levels of service. If full municipal services cannot be reasonably provided within the aforementioned time period, the City of Burleson, Texas will propose a schedule for providing said services within a period of four and one-half (4-½) years after the effective date of the annexation, and/or upon commencement of development of a land subdivision within the Annexation Area, whichever occurs later.

1. GENERAL

- a. The City policy for extending water and waste water service is to extend service on an as required basis when development applications or subdivision plats are submitted to the City in accordance with the City's subdivision and development ordinances.
- b. Landowners may be required to fund capital improvements necessary to provide service in a manner consistent with law. Nothing in this plan shall be interpreted to require a landowner within the newly annexed area to fund capital improvements necessary to provide municipal services in a manner inconsistent with Chapter 395 of the Local Government Code, unless otherwise agreed to by the landowner.

2. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICE.

The City Council of the City of Burleson, Texas finds and determines it to be unnecessary to acquire or construct any capital improvement for the purposes of providing police protection, fire protection, or emergency medical service. The City Council finds and determines that it has at the present time adequate facilities to provide the same type, kind and level of protection and service which is presently being administered to other areas already incorporated in the City of Burleson, Texas, with the same or similar topography, land use and population density, without reducing by more than a negligible amount the level of police, fire and emergency medical services provided within the corporate limits of the City. The need for construction of new facilities will be assessed periodically as new development occurs within the Annexation Area based on population growth, predicted future growth, call volume and response times.

3. WATER FACILITIES AND SERVICES

The City of Burleson, Texas will undertake to provide water mains for points of connection for serviceable extensions, and/or contract with other utilities to provide service, for the establishment of water and wastewater

service within the Annexation Area pursuant to the City's standard water extension policies now in existence or as may be amended by the City Council. The area to be annexed is currently served by another water provider with a Certificate of Convenience and Necessity. If further development occurs that warrants extension or expansion of the water main, such extension or expansion will be implemented in accordance with the City's utility policies and Water and Wastewater Master Plan. Upon connection to existing mains, water will be provided at rates established by the water service provider.

#### 4. WASTE WATER SERVICES

The City of Burleson, Texas will undertake to provide waste water mains for points of connection for serviceable extensions, and/or contract with other utilities to provide service, for the establishment of water and wastewater service within the Annexation Area pursuant to the City's standard wastewater extension policies now in existence or as may be amended by the City Council. Upon connection to existing mains, waste water services will be provided at rates established by the City.

#### 5. ROADS AND STREETS

The City of Burleson, Texas, with cooperative effort of the City's designated utility company, will undertake to provide the same degree of road and street lighting as provided in areas of similar topography, land use and population density within the present corporate limits of the City of Burleson, Texas. Maintenance of properly dedicated roads and streets will be consistent with the maintenance provided by the City to other roads and streets in areas of similar topography, land use and population density to the annexed property. Developers will be required, pursuant to the ordinances of the City of Burleson, Texas, to provide internal and peripheral streets and to construct those streets in accordance with the specifications required by the City of Burleson, Texas.

**F. MAINTENANCE OF PARKS, PLAYGROUNDS, AND SWIMMING POOLS,  
AND THE MAINTENANCE OF ANY OTHER PUBLICLY OWNED  
FACILITY, BUILDING OR SERVICE.**

To the extent that it becomes necessary due to development demands, population growth, and a bona fide need, the City Council of the City of Burleson, Texas, will undertake to provide any such facility which it deems necessary to adequately provide for the health and safety of the citizens of the newly incorporated area based upon the standard considerations of topography, land use and population density.

**IV. SPECIFIC FINDINGS**

The City Council of the City of Burleson, Texas, finds and determines that this Service Plan will provide full municipal services to the Annexation Area commensurate with the levels of services provided in other parts of the City with the same or similar topography, land use and population density, and it will not provide a lower level of service in the area proposed to be incorporated than were in existence at the time immediately preceding the effective date of annexation.