

RESOLUTION NO. 2021-01

A RESOLUTION OF THE CITY OF MANOR, TEXAS, ACCEPTING THE PETITION FOR ANNEXATION OF 52.019 ACRES, MORE OR LESS, OF LAND LOCATED IN TRAVIS COUNTY, TEXAS; SETTING AN ANNEXATION SCHEDULE; PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the owners of certain property located within Travis County, Texas, have petitioned the City of Manor, 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 owner(s) have made application for annexation;

WHEREAS, after review and consideration of such requests and petition for annexation from the owners of the subject property, the City Council finds that the subject property may be annexed pursuant to §43.0671 of the *Local Government Code*;

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;

WHEREAS, a portion of the subject property was previously annexed by the City via adoption of Ordinance No. 338.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MANOR, 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 subject 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”, are hereby accepted:

All that certain area of land being 52.019 acres, more or less, located in the A.C. Caldwell Survey No. 52, Abstract 154 and the L. Kimbro Survey, Abstract No. 64, Abstract 456 in Travis County, Texas, said property being further described in Document No. 2014039510, Real Property Record of Travis County, Texas and being more particularly shown and described in the Exhibit “A” attached hereto and incorporated herein for all purposes.

A public hearing has been set for the date of February 3, 2021. Notice of such hearing shall be posted and the hearing shall be open to the public to accept public comment on the annexation request. In the event of a conflict between the subject property description contained herein, Exhibit “A” shall control.

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 6th day of January 2021.

THE CITY OF MANOR, TEXAS

Dr. Larry Wallace Jr.,
Mayor

ATTEST:

Lluvia T. Almaraz, TRMC
City Secretary

Exhibit "A"

SUBJECT PROPERTY DESCRIPTION

**JAMES E. GARON
& ASSOCIATES, INC.**
PROFESSIONAL LAND SURVEYORS

P.O. Box 1917
Bastrop, Texas 78602
512-303-4185
Firm Reg. #10058400
jgaron@austin.rr.com

January 18, 2017

LEGAL DESCRIPTION: BEING 52.019 ACRES OF LAND, LYING IN AND BEING SITUATED OUT OF THE A. C. CALDWELL SURVEY NO. 52, ABSTRACT 154 AND THE L. KIMBRO SURVEY NO. 64, ABSTRACT 456 IN TRAVIS COUNTY, TEXAS AND BEING ALL OF THAT CERTAIN 0.449 ACRE TRACT OR PARCEL OF LAND AND A PORTION OF THAT CERTAIN 61.73 ACRE TRACT OR PARCEL OF LAND CONVEYED TO ANH KIM PHAM AND CHAU DINH BY CORRECTION DEED RECORDED IN DOCUMENT #2014039510 REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS; SAID 52.019 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS AND AS SURVEYED BY JAMES E. GARON & ASSOCIATES IN OCTOBER, 2016:

BEGINNING at a 2" iron pipe found on the northerly right-of-way line of U.S. Highway 290 as conveyed by deed recorded in Volume 11187, Page 148 of said real property records for the southeasterly corner hereof and the southwesterly corner of the remainder of that certain 2.285 acre tract or parcel of land conveyed to Timmermann Properties, Inc. by deed recorded in Volume 11765, Page 1984 of said real property records;

THENCE along said right-of-way line the following four (4) calls:

1. S 87°33'45" W a distance of 1382.06 feet to a concrete right-of-way monument found for angle point;
2. N 81°11'56" W a distance of 203.75 feet to a concrete right-of-way monument found for angle point;
3. S 87°26'27" W a distance of 294.46 feet to a concrete right-of-way monument found for angle point;
4. S 82°25'53" W a distance of 16.73 feet to a 5/8" iron rod found for the southwest corner hereof and the southeasterly corner of the remainder of that certain tract of land conveyed to Erskine E. Fiebig and Alice Fiebig by deed recorded in Volume 5017, Page 556 of said real property records;

THENCE N 29°10'58" E a distance of 383.10 feet to a 1/2" iron rod with cap stamped "Lenz & Assoc." found for the northeasterly corner of said Fiebig Tract;

THENCE N 29°19'28" E a distance of 1775.58 feet continuing along the westerly line hereof, common with that certain 149.27 acre tract of land conveyed to Alma Juanita Meier by deed recorded in Volume 11376, Page 676 of said real property records to a calculated point on the south margin of Old Kimbro Road for the northwest corner hereof and said 61.73 acre tract;

THENCE along Old Kimbro Road, S 85°40'20" E a distance of 73.92 feet to a 1/2" iron rod with cap stamped "JE Garon RPLS4303" set for angle point and S 86°00'20" E a distance of 498.63 feet to a 1/2" iron rod with cap stamped "JE Garon RPLS4303" set for the northeast corner hereof and said 61.73 acre tract and a corner of the remainder of that certain 100 acre tract of land conveyed to Don Ray Swenson and as described in Volume 660, Page 151 of said real property records;

THENCE S 21°21'24" W a distance of 208.93 feet to a 1/2" iron rod found for a southwesterly corner of said Swenson 100 acre tract of land ;

THENCE crossing said 61.73 acre tract of land the following four (4) calls:

1. S 19°27'38" W a distance of 251.09 feet to a 1/2" iron rod with cap stamped "JE Garon RPLS4303" set for angle point;
2. S 64°21'02" E a distance of 209.00 feet to a 1/2" iron rod with cap stamped "JE Garon RPLS4303" set for angle point;
3. S 17°45'20" E a distance of 199.75 feet to a 1/2" iron rod with cap stamped "JE Garon RPLS4303" set for angle point;
4. S 81°53'02" E a distance of 71.45 feet to a 1/2" iron rod found for the northwest corner of that certain 1.469 acre tract of land conveyed to Orlando Valdez Aguilar and Rosaura Fernanda Chavez by deed recorded in Document #2014186584 of said real property records;

THENCE S 11°47'14" W a distance of 139.91 feet to a 1/2" iron rod found for the southwest corner of said Aguilar and Chavez 1.469 acre tract and the northwest corner of that certain 4.531 acre tract of land conveyed to Ynacio Tabarez and Rosa Tabarez by deed recorded in Volume 13215, Page 2805 of said real property records;

THENCE S 11°23'19" W a distance of 417.45 feet to a 1/2" iron rod with cap stamped "JE Garon RPLS4303" set for the southwest corner of said Tabarez 4.531 acre tract;

THENCE S 84°33'38" E a distance of 414.34 feet to a 60D nail found for the northwest corner of said Timmermann 2.285 acre tract;

THENCE S 21°46'26" W a distance of 529.44 feet to the **POINT OF BEGINNING**, containing 52.019 acres of land, more or less and as shown on map of survey prepared herewith.

Surveyed by:

James E. Garon
Registered Professional Land Surveyor
Server; co\Travis\surveys\AC Caldwell\57016

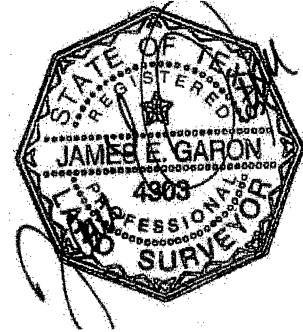


Exhibit “B”

SERVICE PLAN FOR PROPERTY TO BE ANNEXED INTO THE CITY OF MANOR

WHEREAS, the City of Manor, Texas (the “City”) intends to institute annexation proceedings for tracts of land described more fully hereinafter (referred to herein as the “subject property”);

WHEREAS, *Section 43.0672, Loc. Gov't. Code*, requires the City to negotiate and enter into a written agreement with the owner(s) of land in the area for the provision of services in the area;

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 no capital improvements are required to offer municipal services on the same terms and conditions as other similarly situated properties within the City; and

WHEREAS, it is found that all statutory requirements have been satisfied and the City is authorized by *Chapter 43, Loc. Gov't. Code*, to annex the subject property into the City;

NOW, THEREFORE, the following services will be provided 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 agreement between the City and the ESD’s present personnel and equipment of the ESD fire fighting force and the volunteer fire fighting force with the limitations of water available. Radio response for Emergency Medical Services with the present contract personnel and equipment of the ESD.

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 agricultural district "A" with the intent to rezone the subject property upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject property at future times in response to requests submitted by the landowner(s) or authorized city staff.

(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) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subject property, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject property or portions thereof (the "CCN holder") and, as applicable, the utility providing wholesale or retail water service to said CCN holder. Absent a water CCN, by the utility in whose jurisdiction the subject property, or portions thereof as applicable, is 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 property 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 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 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 owner requests and is able to connect to the City's water utility system.

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 subject property, or applicable portions thereof, by the utility holding a wastewater CCN for the subject property, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject property, or portions thereof as applicable, is 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 property 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 by 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. The continued use of a 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 owner requests and is able to connect to the City's wastewater utility system.

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, 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 property owner agrees that no improvements are required on such roadways to service the 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 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 the Annexation Ordinance and exhibits attached to the Annexation Ordinance to which this Service Plan is attached.