

**CERTIFICATE**

**STATE OF TEXAS**

§

**KNOW ALL BY THESE PRESENTS**

§

**COUNTY OF TOM GREEN**

§

I, Alicia Ramirez, City Clerk for the City of San Angelo, Texas, hereby certify that the City Council of the City of San Angelo, at its regular meeting on March 3, 2014, held a public hearing to adopt the attached Ordinance #2014-03-024, annexing certain properties situated immediately west/southwest of San Angelo and encompassing the Community of Faith subdivision, being 4 acres of Section 3, Block 1, Lot 3 extending southwest from Southland Boulevard and located directly east of an 8.995 acre tract annexed to the City Limits on March 5, 2013 that comprises the Prestonwood Addition, Section Two, and is part of the Official Code of the City of San Angelo. Said Ordinance has been recorded in Volume 105 of the Official City Council Minute Records.

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of said City this 22<sup>nd</sup> day of May, 2014.

**THE CITY OF SAN ANGELO**

  
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**ALICIA RAMIREZ, CITY CLERK**

**AN ORDINANCE ANNEXING INTO THE CITY OF SAN ANGELO, TOM GREEN COUNTY, TEXAS, ON PETITION OF PROPERTY OWNERS, TERRITORY GENERALLY DESCRIBED AS 4 ACRES LOCATED DIRECTLY NORTH, SOUTH, EAST AND WEST OF THE CITY EXTENDING SOUTHWEST FROM SOUTHLAND BOULEVARD AND LOCATED DIRECTLY EAST OF AN 8.995 ACRE TRACT ANNEXED TO THE CITY LIMITS ON MARCH 5, 2013 THAT COMPRISED THE PRESTONWOOD ADDITION, SECTION TWO; AND BEING ADJACENT AND CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF THE CITY OF SAN ANGELO; DESCRIBING THE TERRITORY ANNEXED; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING FOR AMENDMENT OF THE BOUNDARIES AND OFFICIAL MAP OF THE CITY; APPROVING A SERVICE PLAN THEREFORE; SUBJECTING THE PROPERTY SITUATED THEREIN TO BEAR ITS PRO RATA PART OF TAXES LEVIED; PROVIDING RIGHTS AND PRIVILEGES AS WELL AS DUTIES AND RESPONSIBILITIES OF INHABITANTS AND OWNERS OF SAID TERRITORY; DIRECTING NOTICE TO SERVICE PROVIDERS; DIRECTING PRECLEARANCE; PROVIDING A SEVERABILITY CLAUSE; DECLARING COMPLIANCE WITH OPEN MEETINGS ACT; AND, PROVIDING AN EFFECTIVE DATE**

WHEREAS, the City of San Angelo, Texas is a home-rule municipality authorized by State law and the City Charter to annex territory lying adjacent and contiguous to the corporate limits of said City of San Angelo, Texas; and

WHEREAS, pursuant to Texas Local Government Code, Section 43.028, all of the owners of a tract of land containing 4 acres extending southwest from Southland Boulevard, Tom Green County, Texas, located directly east of an 8.995 acre tract annexed to the City Limits on March 5, 2013 that comprised the Prestonwood Addition, Section Two, more fully described in Exhibit "A", attached hereto and made a part hereof for all purposes (hereinafter the "Area" or "Territory"), have petitioned the City Council in writing to annex the Area into the corporate limits of the City of San Angelo; and,

WHEREAS, the Area is (a) one-half mile or less in width; (b) contiguous to the City; and (c) vacant and without residents; and,

WHEREAS, three public hearings on the annexation have been held, the first on January 21<sup>st</sup>, of 2014, the second on February 4<sup>th</sup> of 2014, and the third on March 4<sup>th</sup> 2014 as required by law and at San Angelo's McNease Convention Center, where all interested persons were provided an opportunity to be heard on the proposed annexation of property and territory hereinafter described; and

WHEREAS, all notices have been issued as required by law and all public hearings have been held within the time required by law pursuant to notices duly posted and published; and

WHEREAS, the City Council accepted the Petition Requesting Annexation by Area Landowners, and directed Planning staff to proceed with the proposed annexation schedule, at a regularly held meeting of the City Council on December 17th, 2013; and,

WHEREAS, a service plan has been prepared that provides for the extension of appropriate municipal services into the area hereinafter described, which plan is attached hereto, and the City of San Angelo is able to provide such services; and

WHEREAS, the hereinafter described property and territory is not within the boundaries of any other municipality, lies within the extraterritorial jurisdiction of the City of San Angelo, Texas, and lies adjacent to and adjoins the present boundaries of the City of San Angelo;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF SAN ANGELO; TEXAS:

Section 1.     **Findings of Fact.** All of the above premises are hereby found to be true and correct and are incorporated into the body of this ordinance as if fully set forth; and all required legal conditions for annexation have been met.

Section 2.     **Annexation.** The Territory described in **Exhibit "A"**, attached hereto and incorporated herein for all purposes, said Territory lying adjacent to and contiguous with the present boundaries of the City of San Angelo, Texas, be and is hereby added and annexed into the City of San Angelo, Texas, and said Territory shall hereafter be included within the corporate limits of the City of San Angelo, and the present boundary lines of said City, at various points contiguous with the Area annexed, are hereby altered, extended and amended so as to include said Area within the corporate limits of the City of San Angelo, Texas.

Section 3.     **Amendment of Boundaries and Official Map of City.** The official map and boundaries of the City of San Angelo, Texas, heretofore adopted and amended, shall be and are hereby amended so as to include the aforementioned annexed Territory as part of the City of San Angelo, Texas.

Section 4.     **Service Plan.** The service plan attached hereto as **Exhibit "B"** is hereby approved and is incorporated herein for all purposes. The City of San Angelo makes an affirmative determination that this service plan provides for the extension of services to the annexed Territory which are comparable to other areas within the City of San Angelo with similar land utilization, population density and topography. It is further found that those characteristics of land use, population density and topography which distinguish this Territory from other areas of San Angelo are considered a sufficient basis for providing a different level of services in the annexed Territory.

Section 5.     **Pro rata Share of Taxes.** The annexed Territory being a part of the City of San Angelo for all purposes, the property situated therein shall bear its pro rata part of taxes levied by the City of San Angelo; and,

Section 6.     **Rights, Privileges and Duties of Inhabitants.** The inhabitants of the annexed Territory shall be entitled to the rights and privileges of the other citizens of the City of San Angelo

#2014-03-024

and shall be bound by the Charter, Ordinances, Resolutions and other regulations of the City of San Angelo.

**Section 7. Filing of Ordinance and Preclearance.** The City Clerk is hereby directed to file a certified copy of this Ordinance with the County Clerk of Tom Green County, Texas, the Voting Registrar of Tom Green County, the Tom Green County Appraisal District, The Texas Secretary of State, and the Texas Comptroller of Public Accounts in the manner required by law. The City Secretary is further directed to notify any service providers of services in the annexed Area and to submit preclearance of the annexation with the United States Department of Justice pursuant to State law and the federal Voting Rights Act.

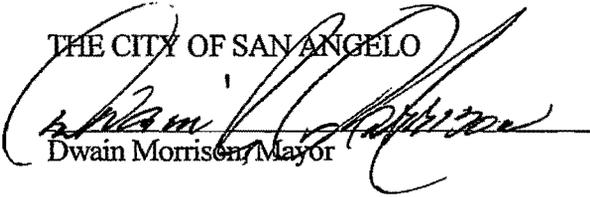
**Section 8. Severability.** If any part, provision, section, subsection, sentence, clause or phrase of this ordinance (or the application of same to any person or set of circumstances) is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining parts of this ordinance (or their application to other persons or sets of circumstances) shall not be affected thereby, it being the intent of City Council in adopting this ordinance, that no part thereof or provision contained herein shall become inoperative or fail by reason of any unconstitutionality of any other part hereof, and all provisions of this ordinance are declared to be severable for that purpose.

**Section 9. Open Meeting Act Compliance.** The City Council for the City of San Angelo hereby finds and declares that the meetings at which this ordinance was introduced and finally passed were open to the public as required by law and that public notice of the time, place and purpose of said meetings was given as require by the Open Meetings Act, Chapter 551 of the Texas Government Code.

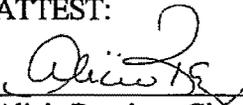
**Section 10. Effective Date.** This ordinance will become effective sixty (60) days from and after its adoption.

INTRODUCED on the 18th day of February, 2014, and finally PASSED, APPROVED AND ADOPTED on this the 4th day of March, 2014.

THE CITY OF SAN ANGELO

  
Dwain Morrison, Mayor

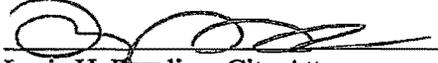
ATTEST:

  
Alicia Ramirez, City Clerk

APPROVED AS TO CONTENT

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A. J. Fawver, AICP, Planning Manager

APPROVED AS TO FORM

  
Lysia H. Bowling, City Attorney



**EXHIBIT "B"**

**SERVICE PLAN RELATING TO ANNEXATION INTO THE CITY OF SAN ANGELO, TEXAS ON PETITION OF PROPERTY OWNERS TERRITORY DESCRIBED AS FOUR (4) ACRES ADJACENT AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY AND LOCATED SOUTH/SOUTHWEST OF THE CITY, DESCRIBED AS: FOUR (4) ACRES OF LAND OUT OF THE COMMUNITY OF FAITH SUBDIVISION, SECTION TWO, BLOCK 1, LOT 3, TOM GREEN COUNTY, TEXAS**

**SERVICES PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION:**

**1. POLICE PROTECTION**

The City of San Angelo, Texas and its Police Department will provide police protection to the newly annexed territory at the same or comparable level of service now being provided to other areas of the City of San Angelo, Texas which exhibit land use and population densities similar to that of the newly annexed area.

**2. FIRE PROTECTION AND EMERGENCY MEDICAL SERVICE**

The City of San Angelo, Texas and its Fire Department will provide fire protection and emergency medical service to the newly annexed territory at the same or comparable level of service now being provided to other areas of the City of San Angelo, Texas which exhibit land use and population densities similar to that of the newly annexed area. Furthermore, the City of San Angelo Fire Department will respond to all dispatched calls (including those for emergency medical services) and other requests for service or assistance within the newly annexed area, the same as it would within other areas inside the City limits of San Angelo.

**3. SOLID WASTE COLLECTION**

At the present time, the City of San Angelo, Texas is utilizing a designated, specific contractor for collection of solid waste and refuse within the City limits of San Angelo. Such contract for solid waste collection is with Republic Services, Incorporated. Upon payment of required deposits and agreement to pay lawful service fees and charges, solid waste collection will be provided to all residents, businesses and other users of property in the newly annexed area, to the extent the City's contractor has access to such property requested to be serviced.

**4. MAINTAINING WATER AND WASTEWATER FACILITIES**

During the next 3 years, the City Council of the City of San Angelo, Texas will make arrangements to extend water mains, to serve the newly annexed area. The City Council for

the City of San Angelo, Texas believe that adequate sewer mains exist for point-of-use connection and serviceable extensions, to provide sewer service within the newly annexed territory, extending such mains pursuant to applicable utility extension policies and/or ordinances of the City of San Angelo, now existing or as such polices and/or ordinances may be amended.

#### **5. MAINTAINING ROADS, STREETS AND ALLEYWAYS**

Any and all roads, streets or alleyways which have been dedicated to the public shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas within the City with similar land use, population density and topography.

Municipal maintenance of properly dedicated roads, streets and alleyways (which may be installed by developers of land within this newly annexed territory) will be consistent with such maintenance provided by the City of San Angelo to other roads, streets and alleyways in areas in the City exhibiting land use, population densities and topography similar to that of the newly annexed area.

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 electric utility company (or companies) servicing the City of San Angelo, Texas, pursuant to applicable rules, regulations and fees of such applicable utility (or utilities).

#### **6. MAINTAINING PARKS, PLAYGROUNDS AND SWIMMING POOLS**

The City Council of the City of San Angelo, Texas is not aware of the existence of any parks, playgrounds or public swimming pools now located in the newly annexed territory. In the event any such parks, playgrounds or swimming pools do exist and are public facilities, the City of San Angelo shall maintain such areas to the same extent and degree that it maintains parks, playgrounds and swimming pools and other similar municipal facilities now incorporated in the City of San Angelo, Texas.

#### **7. MAINTAINING OTHER PUBLICLY-OWNED FACILITIES OR BUILDINGS**

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

### **CONSTRUCTION OF CAPITAL IMPROVEMENTS TO BEGIN WITHIN 3 YEARS FOLLOWING THE EFFECTIVE DATE OF ANNEXATION:**

- 1. POLICE PROTECTION, FIRE PROTECTION, EMERGENCY MEDICAL SERVICES AND/OR SOLID WASTE COLLECTION**

The City Council of the City of San Angelo, Texas finds and determines it to be unnecessary to acquire or construct any capital improvement within 3 years following the effective date of annexing the subject territory, for the purpose of providing police and fire protection, emergency medical services and/or solid waste collection. The City Council finds and determines that it has at the present time adequate facilities to provide comparable levels of protection and service to what is presently being provided to other areas already incorporated in the City of San Angelo, Texas, having the same or similar land use, population density and topography as that of the newly annexed territory.

## **2. WATER AND WASTEWATER FACILITIES**

During the next 3 years, the City Council of the City of San Angelo, Texas believes that adequate municipal water and sewer mains exist for point-of-use connections and serviceable extensions, to provide both water and sewer service within the newly annexed territory, pursuant to applicable utility extension policies and/or ordinances of the City of San Angelo, now existing or as such policies and/or ordinances may be amended.

## **3. ROADS AND STREETS**

Developers of land within the newly annexed territory will be required to provide internal streets (and to improve peripheral or boundary streets) in accordance with applicable ordinances of the City of San Angelo, and such street improvements shall comply with specifications required by the City of San Angelo, for properly dedicated streets.

Within 3 years following the effective date of annexation, the City of San Angelo, Texas, with a cooperative effort by the City's designated electric utility company (or companies), will undertake to provide the same degree of road and street lighting as is provided in areas of similar land use, population and topography already existing within the present corporate limits of the City of San Angelo, Texas.

## **4. PARKS, PLAYGROUNDS AND SWIMMING POOLS, AS WELL AS OTHER PUBLIC FACILITIES OR BUILDINGS**

To the extent that it becomes necessary because of development demands, population growth and bona fide needs, the City Council of the City of San Angelo, Texas will undertake to provide any such facility which it deems necessary to adequately provide for the health and safety of citizens in the newly annexed territory, based upon standard considerations of land use, population density and topography.

### **SPECIFIC FINDINGS:**

The City Council of the City of San Angelo, Texas finds and determines that this Service Plan will not provide any fewer services nor will it provide a lower level of service, in the newly annexed territory, than were in existence at the time immediately preceding this territory's annexation to the City of San Angelo, Texas.

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