

ORDINANCE NO. 129

AN ORDINANCE ANNEXING TERRITORY INTO THE TOWN OF ANNETTA, TEXAS; APPROVING A SERVICE PLAN FOR THE TERRITORY; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Annetta, Texas ("Town") is a Type A general-law municipality located in Parker County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to enabling legislation of the State of Texas; and

WHEREAS, an affidavit petition for voluntary annexation has been signed by a majority of the qualified voters of the property to be annexed and presented to the Town; and

WHEREAS, the Town desires to annex that certain area of land (the "Territory"), as further described below, that is less than one-half mile in width and that is contiguous to and within the exclusive extraterritorial jurisdiction of the Town; and

WHEREAS, the mayor of the Town has certified the affidavit petition to the Town Council and, 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 Town Council on July 16, 2013 and July 18, 2013; and

WHEREAS, the Town has prepared a service plan, setting forth municipal services and a schedule for extending services to the Territory which is attached to this ordinance; and

WHEREAS, all other prerequisite requirements have been met to authorize this annexation in compliance with Chapter 43 of the Texas Local Government Code.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ANNETTA, TEXAS:

SECTION 1.

The Territory described as follows:

Deer Creek Phase I, as recorded in Plat Cabinet A, page 595 of the Parker County plat records; Deer Creek Phase IA, as recorded in Plat Cabinet A, page 633 of the Parker County plat records; Deer Creek Phase 4, as recorded in Plat Cabinet A, page 646 of the Parker County plat records; all portions of Deer Creek Phase VII, as recorded in Plat Cabinet B, page 180 of the Parker County plat records, that are not currently within the city limits of the Town of Annetta and that are within one-half mile from the city limits of the Town of Annetta; Deer Creek Phase 8, as recorded in Plat Cabinet C, page 337 of the Parker County plat records; Meadow

Park Estates Phase 3, as recorded in Plat Cabinet B, page 798 of the Parker County plat records; that certain 10 acre tract of land owned by the Aledo Independent School District as described in the deed dated December 8, 1998 and filed at volume 1794, page 1755 of the real property records of Parker County; and all well sites and other real property owned by the Town of Annetta that are located within the extra territorial jurisdiction of the Town of Annetta including that certain .576 acre tract of land owned by the Town of Annetta as described in the deed dated September 27, 2010 and filed at volume 2805, page 671 of the real property records of Parker County.

and as depicted in purple on the attached Exhibit "A" is hereby annexed into the Town of Annetta, Texas, and the boundary limits of the Town are extended to include the Territory within the Town limits, and the owners and other persons within the Territory shall be entitled to all rights and privileges of other citizens of the Town and shall be bound by all the acts, ordinances, and regulations of the Town.

SECTION 2.

The Service Plan for the Territory is approved and adopted by the Town Council, and is attached as Exhibit "B" which is incorporated in this ordinance for all purposes.

SECTION 3.

The official map and boundaries of the Town are amended to include the Territory as a part of the Town. The Mayor 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.

The Town Secretary is directed to file a certified copy of this ordinance in the office of the county clerk of Parker County, Texas, the Parker County Appraisal District, and with any other government agency required by law.

SECTION 5.

This ordinance shall be cumulative of all provisions of ordinances of the Town of Annetta, 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 repealed.

SECTION 6.

If any section, subsection, sentence, phrase or word of this ordinance be found to be illegal, invalid or unconstitutional, or if any portion of said property is incapable of being annexed by the Town, for any reason whatsoever, the adjudication shall not affect any other

section, sentence, phrase, word, paragraph or provision of this ordinance or the application of any other section, sentence, phrase, word, paragraph, or provision of any other ordinance of the Town.

SECTION 7.

Should this ordinance for any reason be ineffective as to any part of the area hereby annexed to the Town of Annetta, 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 area. The Town Council hereby declares it to be its purpose to annex to the Town of Annetta 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 Town. Provided, further, that if there is included within the general description of Territory described in Section 1 of this ordinance to be hereby annexed to the Town of Annetta any lands or area which are presently part of and included within the limits of any other city, town or village, for which permission is not granted for the Town of Annetta 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, if permission has not been granted.

SECTION 8.

This ordinance shall take effect upon passage, and it is so ordained.

PASSED AND APPROVED ON THIS 15TH DAY OF AUGUST, 2013.



Bruce Pinckard, Mayor

ATTEST:

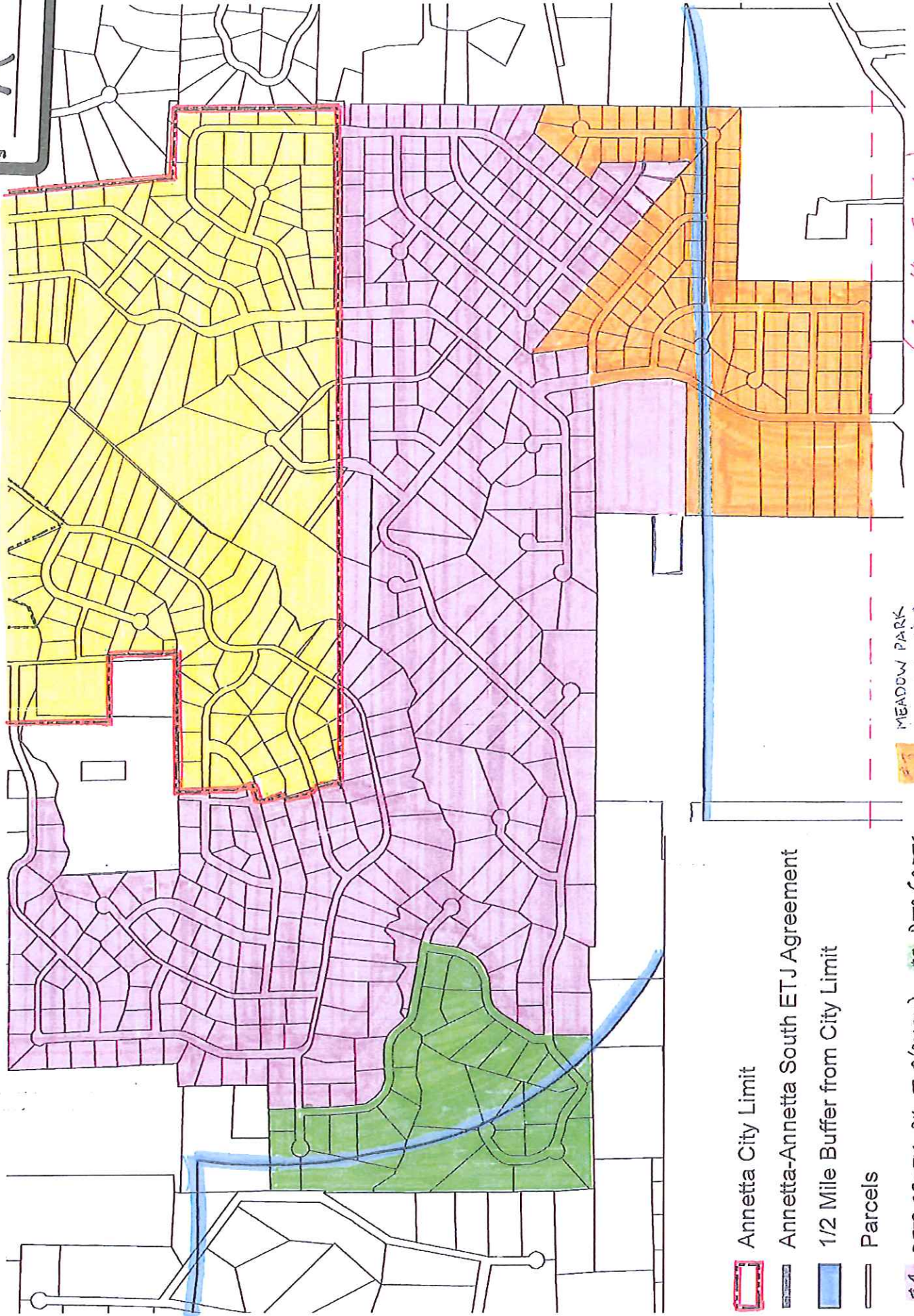


Chad Roberts, Town Secretary

EXHIBIT
A

Labels

ANNETTA



- Annetta City Limit
- Annetta-Annetta South ETJ Agreement
- 1/2 Mile Buffer from City Limit
- Parcels
- #1 DEER CREEK PH. 7, 8 (PARTIAL), #2 DEER CREEK PH. 7 (PARTIAL), #4 (PARTIAL)
- MEADOW PARK PHASES 'A' & 'B'
- #3 DEER CREEK PH. 7 (PARTIAL), #2 DEER CREEK PH. 7 (PARTIAL), #4 (PARTIAL)
- #5 DEER CREEK PH. 7 (PARTIAL), #2 DEER CREEK PH. 7 (PARTIAL), #4 (PARTIAL)

(Annetta South)

**TOWN OF ANNETTA
ANNEXATION SERVICE PLAN**

For properties described on Exhibit "A" attached hereto:

SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION:

a. POLICE PROTECTION

The Town of Annetta, Texas will provide police protection to the newly annexed tract at the same or similar level of service now being provided to other areas of the Town of Annetta, Texas, with similar topography, land use and population within the newly annexed area. Services will be provided by the Parker County Sheriff's Office.

b. FIRE PROTECTION AND AMBULANCE SERVICE

Fire and ambulance service will be provided by the Emergency Services District No. 1 at the same or similar level of service now being provided to other areas of the Town of Annetta, Texas, with similar topography, land use and population with the Town.

c. SOLID WASTE COLLECTION

At the present time the Town of Annetta, Texas, is using a designated, specified contractor for collection of solid waste and refuse within the city limits of the Town of Annetta, 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 area to the extent that the Town's contractor has access to the area to be serviced.

d. MAINTENANCE OF WATER AND WASTE WATER FACILITIES

Any and all water or waste water facilities owned or maintained by the Town of Annetta, Texas, at the time of the proposed annexation shall continue to be owned or maintained by the Town of Annetta, Texas. Any and all water or waste water facilities which may be acquired subsequent to the annexation of the proposed area shall be owed or maintained by the Town of Annetta, Texas, to the extent of its ownership.

e. MAINTENANCE OF ROADS AND STREETS

Any and all public roads, streets or alleyways which have been dedicated to the Town of Annetta, Texas, or which are owned by the Town of Annetta, 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 Town of Annetta, Texas, pursuant to the rules, regulations and fees of such utility.

f. MAINTENANCE OF PARKS, PLAYGROUNDS AND SWIMMING POOLS

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

g. MAINTENANCE OF MUNICIPALLY OWNED FACILITY, BUILDING OR MUNICIPAL SERVICE

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

CAPITAL IMPROVEMENTS

1. GENERAL

a. The Town policy for extending water and wastewater service is to extend service on an "as required" basis when development applications or subdivision plats are submitted to the Town in accordance with the Town'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 Texas Local Government Code, unless otherwise agreed to by the landowner.

2. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

The Town Council of the Town of Annetta, 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 services. The Town Council finds and determines that at the present time adequate facilities exist to provide the same type, kind and level of protection and service which is presently being administered to other areas already incorporated in the Town of Annetta, Texas, with the same or similar topography, land use and population density, without reducing by more than a negligible amount the level of fire, police and emergency services provided within the corporate limits of the Town.

3. WATER AND WASTEWATER FACILITIES

The area to be annexed is currently being served with water and wastewater services, and no capital expenditures are necessary at this time.


SPECIFIC FINDINGS

The Town Council of the Town of Annetta, Texas finds and determines that this proposed Service Plan will not provide any fewer services, and it will not provide a lower level of service in the area proposed to be annexed than were in existence in the proposed area at the time immediately preceding the annexation process.

Because of the differing characteristics of topography, land utilization and population density, the service levels which may ultimately be provided in the newly annexed area may differ somewhat from services provided other areas of the Town of Annetta, Texas. These differences are specifically dictated because of differing characteristics of the property and the Town of Annetta, Texas will undertake to perform consistent with this contract so as to provide the newly annexed area with the same type, kind and quality of service presently enjoyed by the citizens of the Town of Annetta, Texas who reside in areas of similar topography, land utilization and population.

APPROVED ON THIS 15th DAY OF AUGUST, 2013.

TOWN OF ANNETTA, TEXAS



Bruce Pinckard, Mayor

ATTEST:



Chad Roberts, Town Secretary

RETURN TO:

TOWN OF ANNETTA
PO BOX 1150
ALEDO TX 76008

EXHIBIT "A"

Deer Creek Phase I, as recorded in Plat Cabinet A, page 595 of the Parker County plat records; Deer Creek Phase IA, as recorded in Plat Cabinet A, page 633 of the Parker County plat records; Deer Creek Phase 4, as recorded in Plat Cabinet A, page 646 of the Parker County plat records; all portions of Deer Creek Phase VII, as recorded in Plat Cabinet B, page 180 of the Parker County plat records, that are not currently within the city limits of the Town of Annetta and that are within one-half mile from the city limits of the Town of Annetta; Deer Creek Phase 8, as recorded in Plat Cabinet C, page 337 of the Parker County plat records; Meadow Park Estates Phase 3, as recorded in Plat Cabinet B, page 798 of the Parker County plat records; that certain 10 acre tract of land owned by the Aledo Independent School District as described in the deed dated December 8, 1998 and filed at volume 1794, page 1755 of the real property records of Parker County; and all well sites and other real property owned by the Town of Annetta that are located within the extra territorial jurisdiction of the Town of Annetta including that certain .576 acre tract of land owned by the Town of Annetta as described in the deed dated September 27, 2010 and filed at volume 2805, page 671 of the real property records of Parker County.

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS



201319024

08/16/2013 01:03 PM

Fee: 44.00

Jeane Brunson, County Clerk
Parker County, Texas

ORDINANCE