

ORDINANCE NO. 2003- 10

An ordinance providing for the extension of certain boundary limits of the City of Victoria, Texas and the annexation of certain territory consisting of approximately 80 acres of land, adopting a service plan for the territory to be annexed; repealing all conflicting ordinances; providing for severability; providing for publication; and providing an effective date.

In accordance with Tex. Local Gov't Code § 43.065, on March 18, 2003, via Resolution No. **2003-38R**, the City Council (1) determined that the annexation of the area depicted on **Exhibit "A"** and described on **Exhibit "B"** (hereinafter known as the "annexation area") was proper and in the public interest and (2) directed the City of Victoria Planning Department to prepare a service plan that provides for the extension of full municipal services to that area.

In accordance with the instructions of the City Council, City Staff have prepared the service plan attached as **Exhibit "C"** for the annexation area;

In accordance with Tex. Local Gov't Code § 43.063, the City Council finds that the City held two public hearings on this annexation on April 1, 2003, and April 15, 2003, at 5:00 p.m. in the City Council Chambers, 107 W. Juan Linn, Victoria, Texas, between 40 and 20 days prior to the institution of the annexation proceedings, and:

- (1) the City notified the property owners, public entities, and railroad companies in the proposed annexation area of the City's intent to annex the area in accordance with Tex. Local Gov't Code § 43.052,
- (2) the City posted notice of the aforementioned public hearings on the City's internet website and published notice of each hearing in the Victoria Advocate, a newspaper of general circulation in the City of Victoria, on March 19, 2003, and March 20, 2003, which were dates between 10 and 20 days before the date of the institution of these annexation proceedings,
- (3) there are no railroad companies serving the City on the City's tax role in the area proposed for annexation,
- (4) not more than 10% of the permanent adult residents of the area filed written protests of the annexation with the City Secretary within 10 days after publication of the notice required by Tex. Local Gov't Code § 43.063, and
- (5) The City has made notifications of all public school district located in the area proposed for annexation on March 20, 2003, in accordance with Tex. Local Gov't Code § 43.905.

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

1.

The City Council finds all legal prerequisites to this annexation have been made.

2.

The territory depicted in **Exhibit "A"** and described in **Exhibit "B"** attached hereto and incorporated herein, consisting of approximately **80** acres of land lying adjacent to the City of Victoria, Texas, is hereby added and annexed to the City of Victoria, Texas, and this said territory shall hereinafter be included within the boundary limits of the City, and the various boundary points contiguous to the City's territory are altered and amended so as to include this territory within the corporate limits of the City of Victoria, Texas.

3.

The territory in the annexation area shall be a part of the City of Victoria, Texas, the property so added hereby shall bear its prorata part of the taxes levied by the City of Victoria, Texas, and the inhabitants thereof shall be entitled to all of the rights and privileges of all citizens and be bound by the acts, ordinances, resolutions and regulations of the City of Victoria, Texas.

4.

The service plan described in **Exhibit "C"**, attached hereto and made a part hereof for the annexation area is hereby adopted as the plan for the provision of municipal services to the newly annexed territory.

5.

The City Secretary shall publish the caption or a descriptive title of this ordinance one time within 10 days after final passage of the Ordinance in a newspaper of general circulation in the City of Victoria in accordance with Article II, §10 of the City Charter.

6.

All parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

7.

If any provision of this ordinance, or the application thereof to any person or circumstances, shall be held invalid or unconstitutional by a Court of competent jurisdiction, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

8.

The provisions of this ordinance shall become effective immediately upon final passage and approval by the City Council of the City of Victoria, Texas. The institution of annexation proceedings shall occur on the first reading hereof.

PASSED FIRST READING, this the 6th day of May, 2003.

AYES: 6
NAYS: 0
ABSTENTIONS: 0

PASSED SECOND READING, this the 20th day of May, 2003.

AYES: 5
NAYS: 0
ABSTENTIONS: 0

PASSED THIRD READING, this the 20th day of May, 2003.

AYES: 5
NAYS: 0
ABSTENTIONS: 0

APPROVED AND ADOPTED, this the 20th day of May, 2003.



ATTEST:

Scarlet Swoboda
Scarlet Swoboda, City Secretary

Distribution: Legal
Planning Department

Gary Middleton
GARY MIDDLETON, Mayor of the
City of Victoria, Texas
APPROVED AS TO LEGAL FORM:
David Atmar Smith
DAVID ATMAR SMITH, City Attorney

Sent: JUNE 5, 2003

2003 Annexation Plan - Area #3

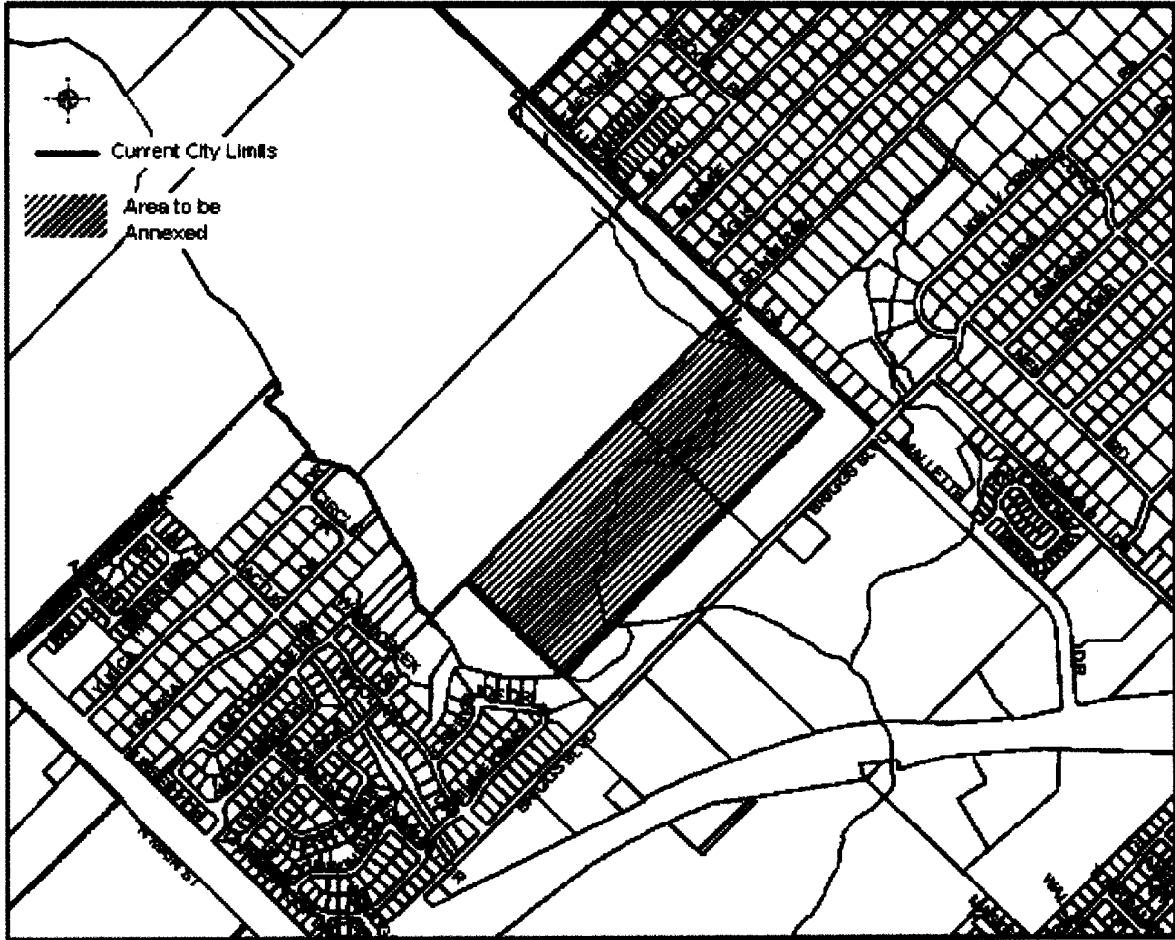


Exhibit "A"

**Metes and Bounds Description
for Annexation of Area 3**

THE STATE OF TEXAS
COUNTY OF VICTORIA

BEING a 79.68 acre tract of land situated in the Jose Luis Carbajal Grant, Abstract 12 and Jose Maria Carbajal, Abstract 13, Victoria County, Texas and being a part of the certain 114.74 acre tract conveyed to Patrick H. Welder, recorded in Volume 429, Page 80 of the Deed Records of Victoria County, Texas and being more fully described by metes and bounds as follows:

BEGINNING at the west corner of said 114.74 acre tract and the point of intersection with the present corporate limits of the City of Victoria and the point of corner of the herein described tract;

THENCE, N 43° 43' 19" E, for a distance of 3035.00 feet to a point of intersection with the present corporate limits of the City of Victoria for a point of corner of the herein described tract, said point being located N 43° 43' 19" E, for a distance of 200.66 feet from the north corner of the said 114.74 acre tract;

THENCE, S 45° 40' 42" E, for a distance of 1149.67 feet along the present corporate limits of the City of Victoria to a point of corner of the herein described tract;

THENCE, 43° 58' 57" W, for a distance of 3039.87 feet along the present corporate limits of the City of Victoria to a point of corner of the herein described tract;

THENCE, N 45° 25' 36" W, for a distance of 1135.90 feet along the present corporate limits of the City of Victoria to the POINT OF BEGINNING and containing 79.68 acres of land, more or less.

Exhibit "B"

ANNEXATION SERVICE PLAN

INTRODUCTION

This Service Plan ("plan") is made by the City of Victoria, Texas ("City") pursuant to Section 43.056 of the Texas Local Government Code. The plan addresses how the City will furnish municipal services to area being annexed.

Services under this plan shall equal the number of services and the level of services that are available in other area of the City.

This plan will not provide any fewer services nor a lower level of services in the areas to be annexed than were in existence in these areas immediately prior to annexation. However, it is not the intent of this plan to require that uniform level of services be provided to all areas of the City where differing characteristics of topography, land utilization and population density are considered as a sufficient basis for providing differing service levels.

STATUTORY SERVICES

The City is obligated by state statute to provide the following services to the annexed area within 60 days immediately after the effective date of annexation:

Police Protection

Police protection will be provided by the City of Victoria Police Department within 60 days of the annexation in accordance with standard policies and procedures.

Fire Protection

Fire protection will continue to be provided by the City of Victoria Fire Department. Staffing and equipment will be deployed based on the nature of the incident in accordance with standard policies and procedures.

Solid Waste Collection

Residential solid waste collections will be provided by the City of Victoria Solid Waste Department within 60 days of the annexation in accordance with applicable policies and ordinances. The City does not provide commercial solid waste service.

Maintenance of Water and Wastewater Facilities

Areas outside the existing city limits which already receive water and/or sanitary sewer services from the City of Victoria will continue to receive such services. All water and sanitary sewer service facilities will be operated, maintained, monitored and inspected in accordance with standard policies and procedures.

Maintenance of Roads and Streets

Within 60 days of the annexation, the City of Victoria Street Department will begin maintaining existing public roads and streets and related lighting and drainage infrastructure over which the City will have jurisdiction in accordance with standard City maintenance procedures. Emergency road repairs will begin on the effective date of annexation.

Maintenance of Park Facilities

There are no existing public park facilities within the annexation area.

Other Publicly Owned Facilities, Buildings or Services

There are no existing public buildings or facilities within the annexation area.

CAPITAL IMPROVEMENTS

State statutes require the City to assume maintenance of certain types of existing infrastructure in the newly annexed area within 60 days, as outlined above. Improvements that are necessary to provide the required levels of service in the annexed area must be substantially completed within 2½ years after the annexation. The following general needs have been identified and will be further refined during future annual budget and capital planning processes by the City.

Police Protection

No capital improvements related to Police Department facilities are needed for the City to provide police protection services to the annexation area.

Exhibit "C"

Fire Protection

The City can provide fire protection services in the annexation area without any immediate capital improvements related to Fire Department facilities.

Solid Waste Collection

No capital improvements are necessary for the City to provide residential solid waste collection services in the annexation area. The City does not provide commercial solid waste services.

Water and Wastewater Facilities

No capital improvements are necessary for the City to provide water and sanitary sewer services because the City already serves this area.

Roads and Streets

No construction of new roads are needed in the annexation area. The Thoroughfare Master Plan and the actual pattern of land development and population growth will determine where road extensions and improvements are ultimately made in the City and its ETJ.

Maintenance of Park Facilities

There are no proposed public park facilities within the annexation area.

Other Publicly Owned Facilities, Buildings or Services

There are no proposed public buildings or facilities within the annexation area.

Election Precincts and Districts

The addition of annexed area to the appropriate City Councilmember Districts and Election Precinct(s) will be coordinated with the Elections Administrator.

Effective Term

This plan shall be in effect for the term of 10 years commencing on the effective date of the annexation ordinance. Renewal of the service plan is at the discretion of the City.

Exhibit "C"