

**ORDINANCE NO. 2004-10**

**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 2 acres of land, at the request of the Victoria Sales Tax Development Corporation, 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.**

The Victoria Sales Tax Development Corporation, (VSTDC) submitted a written petition requesting voluntary annexation of an approximately 2 acre tract of land in accordance with Section 43.028 of the Texas Local Government Code. This petition for voluntary annexation was granted by the City Council of the City of Victoria on March 16, 2004, and is again granted and attached hereto as **Exhibit "A"**.

In accordance with Section 43.052 of the Texas Local Government Code, two public hearings on this annexation were held on June 1, 2004 and June 1, 2004, at 5:00 p.m. in the City Council Chambers, 107 W. Juan Linn, Victoria, Texas, and the public was properly notified of said hearings by a notice published in the Victoria Advocate, a newspaper of general circulation in the City of Victoria, between 10 and 20 days before the date of the institution of these annexation proceedings.

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 petition for voluntary annexation of an approximately 2 acre tract of land as requested by the Victoria Sales Tax Development Corporation attached hereto as **Exhibit "A"** and made a part hereof, is considered granted on the first date of passage hereof and again granted on the dates of any further readings and approval hereof

3.

The depicted and described territory shown in **Exhibit "A"** attached hereto and made a part hereof, consisting of approximately 2 acres, is hereby added and annexed to the City of Victoria, Texas, and said territory shall hereinafter be included within the boundary limits of such city, and the various boundary points contiguous to such territory are altered and amended so as to include such territory within the corporate limits of the City of Victoria, Texas. The City of Victoria believes that the aforementioned approximately 2-acre tract is adjacent to the City limit; however, if any part of the aforementioned approximately 2-acre tract is not adjacent to the territorial boundaries of the City of Victoria, then the area between such 2-acre tract and the territorial boundaries of the City of Victoria that is owned by the Victoria Sales Tax Development Corporation shall be considered annexed into the territorial boundaries of the City of Victoria.

4.

The territory so annexed 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.

5.

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

6.

All ordinances or 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 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.

9.

The provisions of this ordinance shall become effective immediately upon final passage and approval by the City Council of the City of Victoria, Texas.

PASSED FIRST READING, this the 6TH day of JULY, 2004.

AYES: 5

NAYS: 0

ABSTENTIONS: 0

PASSED SECOND READING, this the 20TH day of JULY, 2004.

AYES: 7

NAYS: 0

ABSTENTIONS: 0

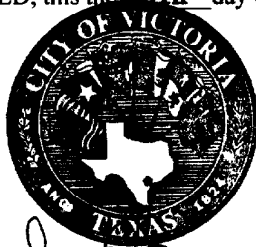
PASSED THIRD READING, this the 20TH day of JULY, 2004.

AYES: 7

NAYS: 0


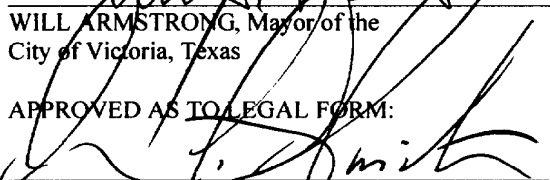
ABSTENTIONS: 0

APPROVED AND ADOPTED, this the 20TH day of JULY, 2004.



ATTEST:

  
SCARLET SWOBODA, City Secretary

  
WILL ARMSTRONG, Mayor of the  
City of Victoria, Texas  
  
APPROVED AS TO LEGAL FORM:  
DAVID ATMAR SMITH, City Attorney

Distribution: Legal  
Planning Department

Sent: JULY 21, 2004

ORDINANC2004\ANNEX-VOLUNTARY--MALLETTE DRIVE--2 ACRES.DOC

Victoria Sales Tax Development Corporation  
P.O. Box 1758  
Victoria, Texas 77902  
(361) 485-3520

March 18, 2004

City Council of the City of Victoria  
P.O. Box 1758  
Victoria, Texas 77902

Re: Petition for Voluntary Annexation

Dear Mayor and Members of the City Council:

Tex. Local Gov't Code § 43.028, Authority of Municipalities to Annex Sparsely Occupied Area on Petition of Area Landowners," provides:

- (a) This section applies only to the annexation of an area:
  - (1) that is one-half mile or less in width;
  - (2) that is contiguous to the annexing municipality; and
  - (3) that is vacant and without residents or on which fewer than three qualified voters reside.
- (b) The owners of the area may petition the governing body of the municipality in writing to annex the area.
- (c) The petition must describe the area by metes and bounds and must be acknowledged in the manner required for deeds by each person having an interest in the area.
- (d) After the 5th day but on or before the 30th day after the date the petition is filed, the governing body shall hear the petition and the arguments for and against the annexation and shall grant or refuse the petition as the governing body considers appropriate.
- (e) If the governing body grants the petition, the governing body by ordinance may annex the area. On the effective date of the ordinance, the area becomes a part of the municipality and the inhabitants of the area are entitled to the rights and privileges of other citizens of the municipality and are bound by the acts and ordinances adopted by the municipality.
- (f) If the petition is granted and the ordinance is adopted, a certified copy of the ordinance together with a copy or duplicate of the petition shall be filed in the office of the county clerk of the county in which the municipality is located.

In accordance with Tex. Local Gov't Code § 43.028, the Victoria Sales Tax Development Corporation (VSTDC), the owner of the 2.08 acre tract of land depicted in the attached map and described in the attached metes and bounds description, hereby requests annexation of this tract of land into the territorial limits of the City of Victoria. If this tract is not contiguous to the territorial limits of the City of Victoria, this petition shall constitute a request to incorporate the area between the aforementioned 2.08-acre tract and the City limits that is owned by the VSTDC into the City of Victoria.

This tract of land meets all criteria established by Tex. Local Gov't Code § 43.028, and it is:

- (1) one-half mile or less in width,
- (2) contiguous to the City of Victoria, and
- (3) vacant and without residents.

Respectfully submitted,

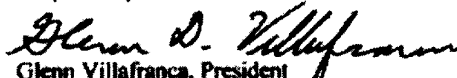
  
Glenn Villafranca, President  
Victoria Sales Tax Development Corporation

Exhibit "A"

**Acknowledgment**

**THE STATE OF TEXAS  
COUNTY OF VICTORIA**

This instrument was acknowledged before me on the 13<sup>th</sup> day of March, 2004 by Glenn Villafranca, President of the Victoria Sales Tax Development Corporation, a Texas development corporation, on behalf of said corporation.

  
Notary Public



**Exhibit "A"**

2003 Annexation Plan - Area #3



Exhibit "A"

**Metes and Bounds Description**

THE STATE OF TEXAS  
COUNTY OF VICTORIA

Being a **2.08 acre** tract of land situated in the Jose Louis Carbajal Grant, Abstract 12, Victoria County, Texas, and being a part of that certain 2.77 acre tract, styled tract II and part of that certain 2.53 acre tract, styled tract III, conveyed to the Victoria Sales Tax Development Corporation by General Warranty Deed recorded in official records instrument number 200201897 of Victoria County, Texas and being more fully described by metes and bounds as follows:

BEGINNING at the south corner of said 2.77 acre tract conveyed to the Victoria Sales Tax Development Corporation recorded in Official Records Instrument Number 200201897 of Victoria County, Texas, and in the northwest line of a 97.28 acre tract conveyed to Patrick H. Welder, Jr. recorded in Official Records Instrument Number 200004590 of Victoria County, Texas, said point being located south  $43^{\circ} 35' 53''$  W, for a distance of 335.01 feet from existing 5/8 inch steel rod in the southwest line of Mallette Drive, and at the south corner of a 0.421 acre tract conveyed to the City of Victoria recorded in Volume 1502, Page 615 of the Deed Records of said county and the west corner of a 0.428 acre tract also conveyed to the City of Victoria recorded in Volume 1502, Page 611 of the Deed Records of said county, and at the north corner of a 97.28 acre tract conveyed to Patrick H. Welder, Jr. recorded in Official Records Instrument Number 200004590 of said county;

THENCE, N  $46^{\circ} 39' 31''$  W, for a distance of 114.98 feet to a point for an angle point of the herein described tract;

THENCE, N  $36^{\circ} 40' 56''$  W, for a distance of 930.82 feet to a point for an angle point of the herein described tract;

THENCE, N  $03^{\circ} 59' 46''$  W, for a distance of 11.15 feet to a point of intersection with the present corporate limits of the City of Victoria;

THENCE, S  $45^{\circ} 40' 42''$  E, for a distance of 1040.22 feet also being the present corporate limits of the City of Victoria to a point in the southeast line of said 2.77 acre tract and the northwest line of said 97.28 acre tract and a corner of the herein described tract;

THENCE, with the east line of said 2.77 acre tract and west line of said 97.28 acre tract, S  $43^{\circ} 35' 53''$  W, for a distance of 150.00 feet to the POINT OF BEGINNING and containing 2.08 acres of land, more or less.

The above metes and bounds description is based on information contained in the deed, official and plat records of Victoria County, Texas and is not based on an actual survey made on the ground.

**Exhibit "A"**

## 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 areas being annexed.

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

#### Other Publicly Owned Facilities, Buildings or Services

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

**Exhibit "B"**

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## **Capital Improvements**

State statutes require the City to assume maintenance of certain types of existing infrastructure in the newly annexed areas within 60 days, as outlined above. Improvements that are necessary to provide the required levels of service in the annexed areas 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 areas.

### Fire Protection

The City can provide fire protection services in the annexation areas 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 areas. 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 these areas.

### Roads and Streets

The construction of new roads is not needed in the annexation areas. 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 areas.

### Other Publicly Owned Facilities, Buildings or Services

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

## **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 "B"**