

ORDINANCE NO. 2008- 6

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 21.33 acres of land, at the request of Victoria Independent School District (VISD), 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.

On March 24, 2008, Victoria Independent School District (VISD), submitted a written petition requesting voluntary annexation of approximately 21.33 acres of land, in accordance with Tex. Local Gov't Code § 43.028. The City Council granted this petition for voluntary annexation on April 1, 2008, and the City Council re-affirms the original findings of the resolution granting annexation, which is attached hereto as **Exhibit "A"**.

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, re-affirms all findings described above, and affirms and grants the aforementioned petition for annexation, which is attached hereto as **Exhibit "A"** and incorporated herein.

2.

The territory depicted and/or described as 21.33 acres of land in **Exhibit "A"** attached hereto and made a part hereof, consisting of approximately 21.33 acres of land, 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 21.33 acres of land is adjacent to the City limit; however, if any part of said tract is not adjacent to the territorial boundaries of the City of Victoria, then the area between such tract and the territorial boundary of the City of Victoria that is owned by Victoria Independent School District (VISD), shall be considered annexed into the territorial boundary of the City of Victoria.

3.

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.

4.

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.

5.

All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

6.

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.

7.

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.

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.

PASSED FIRST READING, this the 6th day of May, 2008.

AYES: 7
NAYS: 0
ABSTENTIONS: 0

PASSED SECOND READING, this the 20TH day of MAY, 2008.

AYES: 7
NAYS: 0
ABSTENTIONS: 0

PASSED THIRD READING, this the 20TH day of MAY, 2008.

AYES: 7
NAYS: 0
ABSTENTIONS: 0

APPROVED AND ADOPTED, this the 20TH day of MAY, 2008.



Will Armstrong

WILL ARMSTRONG, Mayor of the
City of Victoria, Texas

ATTEST:

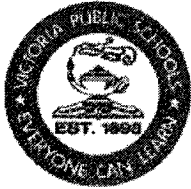
Scarlet Swoboda
SCARLET SWOBODA, City Secretary

APPROVED AS TO LEGAL FORM:

Miles Riskey
MILES RISLEY, City Attorney

Distribution: Legal
Planning Department

Sent: MAY 21, 2008



The Victoria Independent School District

RECEIVED

MAR 24 2008

PLANNING

Bob Moore

Superintendent of Schools

Mima González

*Assistant Superintendent
for Elementary Education*

Nancy McCord

*Assistant Superintendent
for Secondary Education*

Ron Leach

Chief Operations Officer

Frances Koch

*Executive Director
Budget and Finance*

Eloy Chapa

*Executive Director
Human Resources*

Susanne Carroll, Ed.D.

*Executive Director
Research and Development*

Gayla Capers

*Executive Director
Special Programs*

This school district and its career and technology education program do not discriminate on the basis of sex, disability, race, color, age or national origin in its educational programs, activities, or employment as required by Title IX, Section 504 and Title VI.

Este distrito escolar y su programa educacional de carrera y tecnología no discriminan a base de sexo, incapacidad, raza, color, edad u origen nacional en sus programas educativos, actividades, o empleo como lo requiere el Título IX, Sección 504, y Título VI.

102 Profit Drive
P.O. Box 1759
Victoria, TX 77902
(361) 576-3131

March 24, 2008

City of Victoria and City Council
c/o Mr. Charles Windwehen
P.O. Box 1758
Victoria, TX 77902-1758

RE: Annexation Petition
Victoria ISD Subdivision number

Dear Mr. Windwehen and Council Members,

In accordance with Section 43.028 of the Texas Local Government Code, the Victoria Independent School District, the owner of a 21.33 acre tract of land, as described by metes and bounds in attached Exhibit A, hereby request formal annexation to the City of Victoria.

Said 21.33 acre tract meets all criteria established by Section 43.028:

(A)(1) The property is less than one-half mile in width.

(A)(2) The property is contiguous to the annexing municipality, i.e., the City of Victoria.

(A)(3) The property is vacant and without residents.

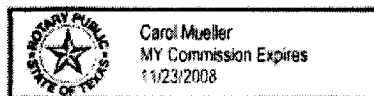
Sincerely,

Bob Moore
Superintendent of Schools

attachments

Subscribed before me, the undersigned authority on this the 24th day of March, 2008.

Notary Public in and for The State of Texas



21.33 ACRES

THE STATE OF TEXAS)
THE COUNTY OF VICTORIA)

BEING a 21.33 acre tract of land situated in the Manuel Zepeda Survey, Abstract 127, in Victoria County, Texas, and being comprised of that certain 96.00 acre tract of land conveyed from Joseph William Braman to Victoria Independent School District according to Instrument No. 200715967 of the Official Records of said County, said 21.33 acre tract of land being more fully described by metes and bounds as follows:

BEGINNING at an existing 3/4 inch steel rebar found in the southwest right-of-way line of State Highway 87 (R.O.W. varies) and the current southwest line of the city limits for the City of Victoria, said rebar marking the north corner of the said 96.00 acre tract and the herein described tract, and the east corner of that certain 1.00 acre tract of land conveyed to Carol Ann Scherer according to Instrument Number 200113098 of the Official Records of said County;

THENCE, South 45 deg. 12' 42" East, with the common line between said 96.00 acre tract and State Highway 87, at 187.95 feet pass an existing concrete monument, continuing for a total distance of 454.27 feet to a point for the east corner of the herein described tract, same being an interior corner of the current City of Victoria city limits;

THENCE, South 45 deg. 03' 00" West, along the current city limits line for the City of Victoria, a distance of 2190.46 feet to point on the southwest line of the said 96.00 acre tract for the south corner of the herein described tract;

THENCE, North 46 deg. 26' 42" West, a distance of 392.26 feet to a 5/8 inch steel rebar found (with yellow plastic cap stamped "URBAN SURVEYING INC.") marking the west corner of the said 96.00 acre tract and the herein described tract, same being in the southeast line of that certain 298.055 acre tract of land conveyed to Gerome F. Conti according to instrument recorded in Volume 725, Page 442 of the Deed Records of said County;

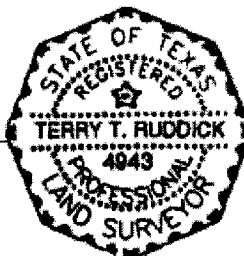
THENCE, North 43 deg. 25' 21" East, (Basis of Bearing) with the common line between said 96.00 acre tract and said 298.055 acre tract, a distance of 1909.24 feet to an existing 5/8 inch steel rebar found marking the south corner of said 1.00 acre tract and an angle point in the herein described tract;

THENCE, North 45 deg. 04'26" East, with the common line of said 96.00 acre tract and said 1.00 acre tract for a distance of 290.12 feet to the POINT OF BEGINNING, CONTAINING within these metes and bounds a 21.33 acre tract of land, more or less.

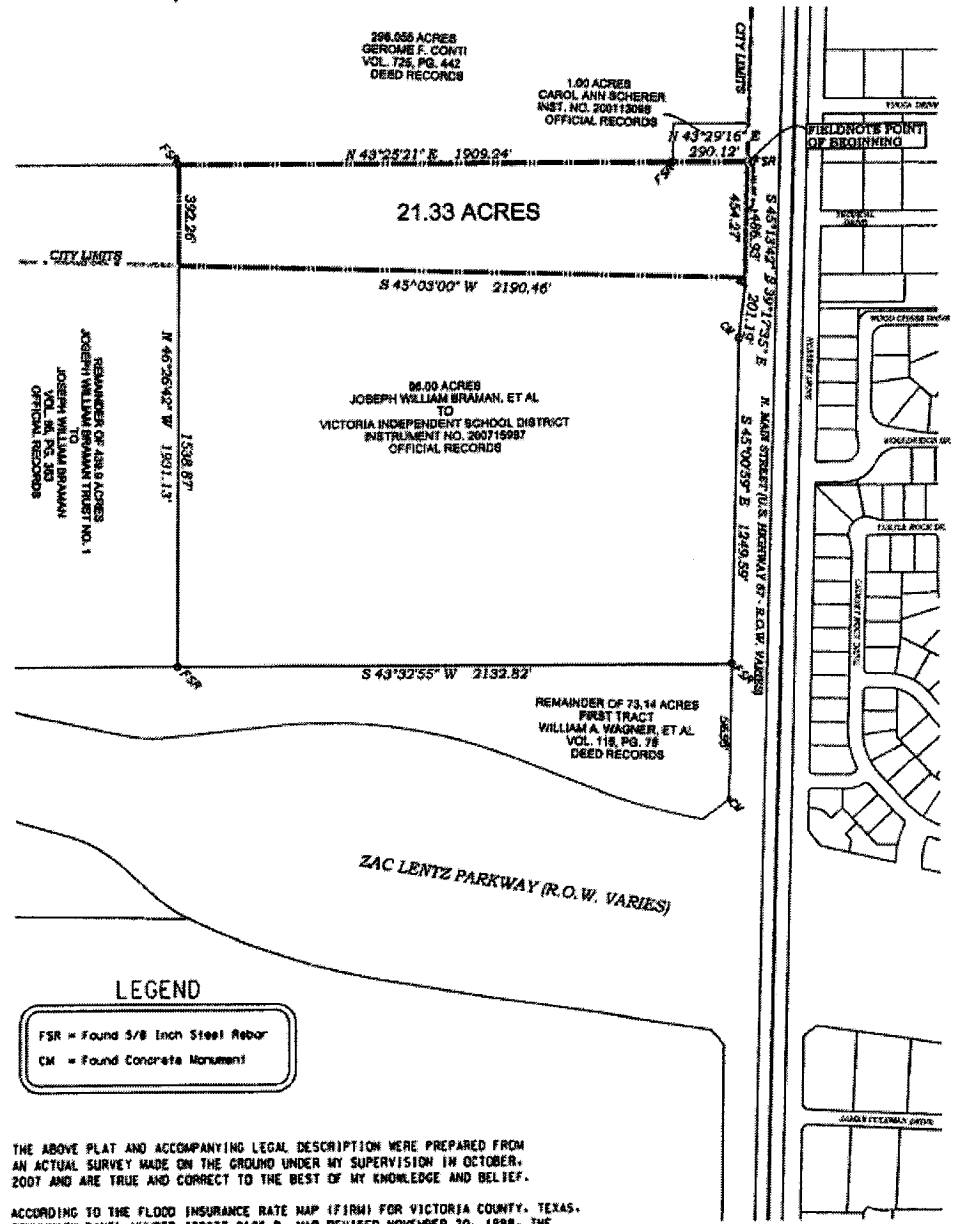
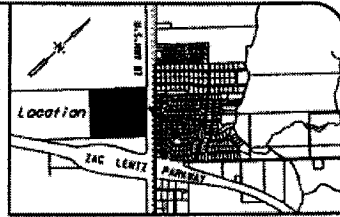
Bearings based on that certain 96.00 acre tract of land conveyed from Joseph William Braman to the Victoria Independent School District according to Instrument No. 200715967 of the Official Records of said County.

The foregoing legal description and accompanying survey plat were prepared from an actual survey made on the ground under my supervision in October 2007 and are true and correct to the best of my knowledge and belief.

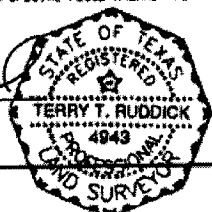
Terry T. Ruddick
Urban Surveying, Inc.
By: Terry T. Ruddick 02/29/08
Registered Professional Land Surveyor
Texas No. 4943



BEING a 21.33 acre tract of land situated in the Manuel Zepeda Survey, Abstract 127, in Victoria County, Texas, and being comprised of that certain 96.00 acre tract of land conveyed from Joseph William Braman to Victoria Independent School District according to Instrument No. 200715967 of the Official Records of said County.



SIGNED: *Terry T. Ruddick*
TERRY T. RUDDICK
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS No. 4943
02/29/08



usi URBAN
SURVEYING, INC.
VICTORIA, TEXAS
13617 578-8837

SCALE: 1" = 500'
JOB NO. 516327-01

VISD 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 the area 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 area to be annexed than were in existence in this area 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 sixty (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

Since this area is being annexed by petition of the property owner, state statutes requiring the City to acquire or substantially complete construction of any additional capital improvements within two and one half (2½) years after the effective date of annexation are not applicable. The developer will provide the additional required levels of service in

the annexed area as it is developed. The following general needs have been identified and will be further refined by the developer and the City through the subdivision development process.

Police Protection

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

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

Water and sanitary sewer service will be provided to the annexed area according to a development agreement between the City of Victoria and Victoria Independent School District.

Roads and Streets

All proposed local streets necessary to serve the development will be constructed at the developer's expense in accordance with applicable city codes and ordinances.

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 ten (10) years commencing on the effective date of the annexation ordinance. Renewal of the service plan is at the discretion of the City.