

**ORDINANCE NO. 2008- 7**

**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 7.044 acres of land, at the request of R. L. Denison, Jr., 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 June 2, 2008, R. L. Denison, Jr., submitted a written petition requesting voluntary annexation of approximately 7.044 acres of land, in accordance with Tex. Local Gov't Code § 43.028. The City Council granted this petition for voluntary annexation on July 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 7.044 acres of land in **Exhibit "A"** attached hereto and made a part hereof, consisting of approximately 7.044 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 7.044 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 15<sup>th</sup> day of July, 2008.

AYES: 6

NAYS: 0

ABSTENTIONS: 0

PASSED SECOND READING, this the 5<sup>th</sup> day of August, 2008.

AYES: 7

NAYS: 0

ABSTENTIONS: 0

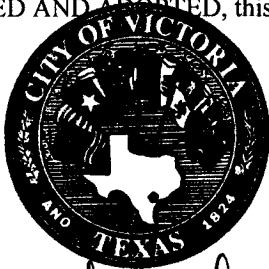
PASSED THIRD READING, this the 5<sup>th</sup> day of August, 2008.

AYES: 7

NAYS: 0

ABSTENTIONS: 0

APPROVED AND ADOPTED, this the 5<sup>th</sup> day of August, 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 Risle*  
MILES RISLEY, City Attorney

Distribution: Legal  
Planning Department

Sent: August 6, 2008



C.W. Settles, P.E., R.P.S.  
A.J. Hanslik, R.P.S.  
Fed. Tax ID # 76-0119643

***Associated Engineers & Surveyors***

2001 E. Sabine, Suite 106 ★ P.O. Box 4256 ★ Victoria, Texas 77903 ★ (361) 575-0474

June 2, 2008

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

Re: Annexation Petition  
Highland Hills III Phase II

Dear Mr. Windwehen and Council Members:

In accordance with Section 43.028 of the Texas Local Government Code, R. L. Denison, Jr., the owner of a 7.044 acre tract of land, as described by metes and bounds in attached Exhibit A, hereby request formal annexation to the City of Victoria.

Said 7.044 acre tract meets all criteria established by Section 43.028:

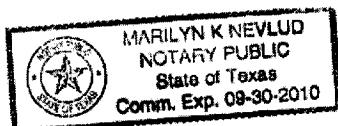
- (A)(1) The property is less than one-half mile in width
- (A)(2) The property is contiguous to the annexing municipality, i.e., the City of Victoria
- (A)(3) The property is vacant and without residents.

Sincerely,

R. L. Denison Jr.

Attachments

Subscribed before me, the undersigned authority on this the 3<sup>RD</sup> day of ~~May~~ <sup>June</sup> 2008.



Notary Public in and for the State of Texas

FIELDNOTE DESCRIPTION for an 7.044 acre tract being part of a 31.06 acre tract out of the S. A. & M. G. Railroad Company Survey No. 3, Abstract 322, and recorded in Instrument #200306484 of the Official Records of Victoria County, Texas, said 7.044 acre tract being more fully described by metes and bounds as follows:

BEGINNING at a 5/8" steel rod found for the north corner of Lot 30, Block 1 of Highland Hills Subdivision III - Phase I (Vol. 8, Pg. 41A P.R.) and being in the east line of the Dan Goyen 5.00 acre remainder of the 30.47 acre tract (Vol. 191, Pg. 438 OR), same also being the west corner of this 7.044 acre tract;

THENCE, N45°15'31"E, along the northwestern line of this 7.044 acre tract and the northwestern boundary line of the said Denison 31.06 acre tract, and the southeastern boundary line of the said Goyen 5.00 acre tract, a distance of 427.92 feet to a 5/8 inch steel rebar set with 3/4" yellow and black polypropylene barricade flag attached for the north corner of this 7.044 acre tract;

THENCE, S45°17'00"E, along a northeastern line of this 7.044 acre tract and common line with the Jackie and Joyce Schmidt Tract recorded in Instrument #200403310, a distance of 887.36 feet to the city limits line;

THENCE, S44°43'00"W, along the city limits line, a distance of 390.90 feet to a steel rebar found for corner of this 7.044 acre tract;

THENCE, N45°17'00"W, along a common line with said Highland Hills Subdivision III - Phase I, a distance of 171.66 feet to a 5/8 inch steel rebar found for corner of this 7.044 acre tract;

THENCE, N44°43'00"E, along a said common line a distance of 92.00 feet to a 5/8 inch steel rebar found for corner of this 7.044 acre tract;

THENCE, N45°17'00"W, along a said common line, a distance of 510.00 feet to a 5/8 inch steel rebar found for corner of this 7.044 acre tract;

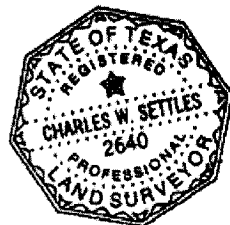
THENCE, S44°43'00"W, along a said common line, a distance of 103.00 feet to a 5/8 inch steel rebar found for corner of this 7.044 acre tract;

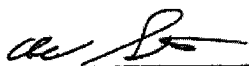
THENCE, N45°17'00"W, along a said common line, a distance of 60.00 feet to a 5/8 inch steel rebar found for corner of this 7.044 acre tract;

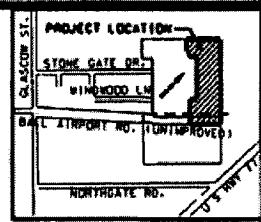
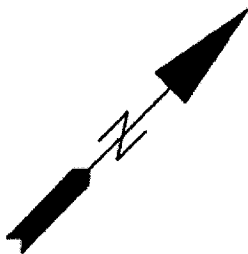
THENCE, S44°43'00"W, along a said common line, a distance of 26.00 feet to a 5/8 inch steel rebar found for corner of this 7.044 acre tract;

THENCE, N45°17'00"W, along a said common line, a distance of 149.75 feet to a 5/8 inch steel rebar found for POINT OF BEGINNING; CONTAINING within these metes and bounds 7.044 acres of land.

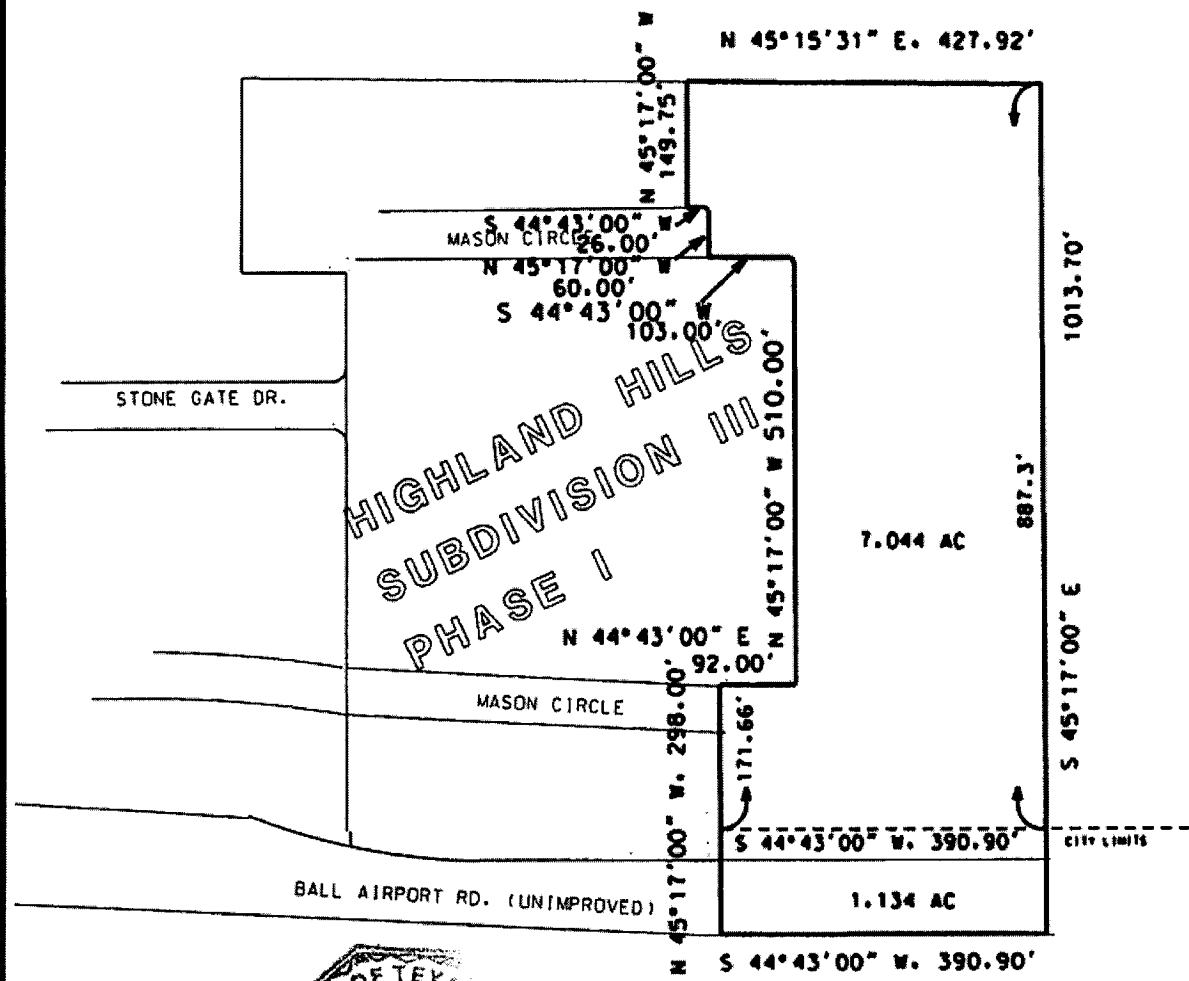
The foregoing legal description and accompanying survey plat were prepared from an actual survey made on-the-ground under my supervision on May 29, 2008 and are true and correct to the best of my knowledge and belief.



  
C. W. Settles  
Registered Professional Land Surveyor  
Texas No. 2640



VICINITY MAP  
N.T.S.



STATE OF TEXAS  
REGISTERED  
LES W. SETTLE  
2640  
REGIONAL  
SURVEYOR  
*[Signature]*  
5/15/05

JOB #D73-014  
SCALE: N.T.S.

HIGHLAND HILLS SUBDIVISION III - PHASE II

**AEs**  
**Associated Engineers & Surveyors**  
P.O. Box 4258 Victoria, Tx. 77903  
2601 E. Sabine, Suite 186 Victoria, Tx. 77901  
(361) 575-8474 • TEL. NO.  
(361) 575-3484 • FAX NO.

BEING A 7.044 ACRE TRACT OUT OF THE S. A. & M. G.  
RAILROAD COMPANY SURVEY NO. 3, ABSTRACT 322  
IN VICTORIA COUNTY, TEXAS

## **HIGHLAND HILLS SUBDIVISION, SECTION III – PHASE II 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**

The developer or property owner will provide water and sanitary sewer service to the annexed area in accordance with applicable city codes and ordinances.

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