

ORDINANCE NO. 20081023-022

AN ORDINANCE ANNEXING, FOR FULL PURPOSES, ADDITIONAL TERRITORY ADJACENT TO THE CITY LIMITS OF THE CITY OF AUSTIN REFERRED TO AS THE "NORTH ACRES MUNICIPAL ANNEXATION PLAN AREA", CONSISTING OF APPROXIMATELY 381 ACRES OF LAND OUT OF THE JOHN APPLGATE SURVEY NO. 58, THE JAMES O. RICE SURVEY NO. 31, THE THOMAS H. MAYS SURVEY NO. 89 AND THE J. C. HARRELSON SURVEY NO. 78 IN TRAVIS COUNTY, TEXAS; AND APPROVING A SERVICE PLAN.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The Council finds that:

- (A) Notice of the two public hearings concerning annexation of the territory described in Exhibit A was published in a newspaper of general circulation in the City of Austin and in the area to be annexed, and on the City of Austin internet website.
- (B) The public hearings were held on September 28, 2006 at the Austin City Hall, 301 West 2nd Street, Austin, Texas, and October 3, 2006 at Holy Word Lutheran Church, Austin, Texas.
- (C) The public hearings were concluded after providing an opportunity for all persons present to be heard with respect to the proposed annexation. A proposed Service Plan was made available and explained at the public hearings required by state law.
- (D) The annexation, for full purposes, of the territory described in Exhibit A serves the interest of the current and future residents of the City of Austin.
- (E) All procedural requirements imposed by state law for the full purpose annexation of the territory described in Exhibit A have been met.

PART 2. The present boundary limits of the City are amended to include the following territory which is within the extraterritorial jurisdiction and adjacent to the city limits of the City of Austin in Travis County, Texas, and which is annexed into the City for the full purposes:

381 acres of land, more or less, out of the John Applegate Survey No. 58, the James O. Rice Survey No. 31, the Thomas H. Mays Survey No. 89 and the J. C. Harrelson Survey No. 78 in Travis County, Texas; said 381 acres of land, more or less, being more particularly described in Exhibit A.

EXHIBIT A

C7a-08-002

Area to be annexed.

Approximately 381 acres of land out of the John Applegate Survey No. 58, the James O. Rice Survey No. 31, the Thomas H. Mays Survey No. 89 and the J. C. Harrelson Survey No. 78 in Travis County, Texas.

(Braker Lane III, 7.73 Addition, Fleur Park, Joseph Clayton Subdivision, Morris Walden Addition, Resubdivision of Lots 1, 2 & 3 Hill's Braker Addition, Bluff Bend Industrial Park One, Bluff Bend Industrial Park Two, Cen-Tex Addition North, Collinwood West Section One, Collinwood West Section One Block "C" Amended, Amended Plat of Lot 3C and Lot 4C Block "C" Collinwood West Section One Block "C" Amended, Lot 14 Block A Collinwood West I-A P.U.D., Collinwood West Section I-B, Collinwood West Section II-A, Amended Plat of Lots 1 & 2 Block G Collinwood West Section II-A, Collinwood West Section II-B, Collinwood West Section II-C A Planned Unit Development, Collinwood West Section III-A, Collinwood West Section III-B, Collinwood West Section IV, Faith Alliance Addition, Austin Chinese Church Addition, Travis Sansom Subdivision, Apollo Business Condominiums, North Acres Sec 1, Resubdivision of Lot 1 Block N North Acres, Resubdivision of Lots 24A and 25 of the Resubdivision of a portion of Block M North Acres Sec 1 and Resubdivision

of Lot 26 Block M North Acres
Section 1, Resubdivision of a
portion of Block M North
Acres Sec 1, Resubdivision of
Lots 34, 35 & 36 Block M of
the Resubdivision of a
portion of Block M North
Acres Section 1,
Resubdivision of Lots 2 & 9
Block P North Acres Sec 1,
Resubdivision of Lots 8 and 9
Block R and Lots 1 through 5
Block S North Acres Section
1, North Acres Sec 1-A, North
Acres Section Two, North
Acres Section Three, North
Acres Section Four, Pahlke
Resubdivision, The Good
Oyster Subdivision, Kilgore
Subdivision, Thomas W. Malone
Addition, Superior Stone
Products Inc. Subdivision)
(Unplatted Land)
(Portions of Braker Lane,
Applegate Drive and Middle
Fiskville Road)

LEGAL DESCRIPTION

LEGAL DESCRIPTION FOR APPROXIMATELY 381
ACRES OF LAND OUT OF THE JOHN APPLEGATE
SURVEY NO. 58, THE JAMES O. RICE SURVEY
NO. 31, THE THOMAS H. MAYS SURVEY NO.
89 AND THE J.C. HARRELSON SURVEY NO. 78
IN TRAVIS COUNTY, TEXAS, OF WHICH
APPROXIMATELY 381 ACRES OF LAND ARE TO
BE TAKEN INTO AND MADE A PART OF THE
CITY OF AUSTIN AND BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at the intersection of the present corporate limit line of the City of Austin as adopted by Ordinance No. 20051103-010 (Case No. C7a-05-002) with another corporate limit line of the City of Austin as adopted by Ordinance No. 030717-86 (Case No. C7a-03-007), same being the intersection of the north right-of-way line of Braker Lane with the west right-of-way line of Dessau Road, also being the southeast corner of Lot 1, Braker Oaks Subdivision, a subdivision of record in Book 64, Page 8 of the Plat Records of Travis County, Texas, for the northeast corner of the herein described tract;

THENCE, in a southwesterly, southeasterly and southwesterly direction with the present corporate limit line of the City of Austin as adopted by Ordinance No. 030717-86 (Case No. C7a-03-007), crossing Braker Lane and continuing along the west right-of-way line of Dessau Road common in part with the east line of Faith Alliance Addition, a subdivision of record in Book 90, Pages 55-56 of the Plat Records of Travis County, Texas, the east line of Austin Chinese Church Addition, a subdivision of record in Book 92, Pages 146-147 of the Plat Records of Travis County, Texas, the east line of Collingwood West Section 1-B, a subdivision of record in Document No. 200000112 of the Official Public Records of Travis County, Texas, the east line of Collingwood West Section One, a subdivision of record in Book 85, Pages 182D-183A of the Plat Records of Travis County, Texas, the east line of Collingwood West Section One Block "C" Amended, a subdivision of record in Book 98, Pages 209-210 of the Plat Records of Travis County, Texas, the east line of a called 1.153 acre tract of land conveyed to Roberto V. Casas by deed recorded in Volume 13337, Page 4150 of the Real Property Records of Travis County, Texas, the east line of a called 7.337 acre tract of land conveyed to Community Partnership for the Homeless by deed recorded in Document No. 2003053404 of the Official Public Records of Travis County, Texas, the east line of a called 8.0390 acre tract of land conveyed to Dessau Silveredge, L.P. by deed recorded in Document No. 2007202594 of the Official Public Records of Travis County, Texas, the east line of Travis Sansom Subdivision, a subdivision of record in Book 42, Page 40 of the Plat Records of Travis County, Texas, the east line of a called 1.9420 acre tract of land conveyed to Jerry Frank Jones, as successor Trustee of the J. V. Sansom Testamentary Trust by deed recorded in Document No. 2001179392 of the Official Public Records of Travis County, Texas to a point of intersection of another corporate limit line of the City of Austin as adopted by Ordinance No. 030717-86 (Case No. C7a-03-007) with another

corporate limit line of the City of Austin as adopted by Ordinance No. 720127-H, same being the southeast corner of the said Jerry Frank Jones 1.9420 acre tract, also being the northeast corner of Lot 24, Block A, Windsor Hills Section Four, a subdivision of record in Book 56, Page 94 of the Plat Records of Travis County, Texas, for the most easterly southeast corner of the herein described tract;

THENCE, in a northwesterly direction with the present corporate limit line of the City of Austin as adopted by Ordinance No. 720127-H along the southwest line of said Jerry Frank Jones 1.9420 acre tract, common in part with the northeast line of said Windsor Hills Section Four to a point of intersection with the present corporate limit line of the City of Austin as adopted by Ordinance No. 730621-D, same being the southwest corner of the said Jerry Frank Jones 1.9420 acre tract, same being the north common corner of Lot 26 and Lot 27 of said Windsor Hills Section Four and the southeast corner of Lot 28, Block A of said Windsor Hills Section Seven, for an outside ell corner of the herein described tract;

THENCE, in a northeasterly direction with the present corporate limit line of the City of Austin as adopted by Ordinance No. 730621-D with an easterly line of said Windsor Hills Section Seven, common in part with the northwest line of the said Jerry Frank Jones 1.9420 acre tract and a called 0.505 acre tract of land conveyed to Michael A. Roam by deed recorded in Document No. 2006183338 of the Official Public Records of Travis County, Texas and crossing Applegate Drive to a point in the northerly right-of-way line of Applegate Drive, same being in the south line of the said Dessau Silveredge, L.P. 8.0390 acre tract, for an inside ell corner of the herein described tract;

THENCE, in a westerly direction with the present corporate limit line of the City of Austin as adopted by Ordinance No. 730621-D along the north right-of-way line of Applegate Drive and the southerly line of the said Dessau Silveredge, L.P. 8.0390 acre tract to a point at the southeast corner of Lot 30, Resubdivision of a Portion of Block M, North Acres Sec. 1, a subdivision of record in Book 7, Page 145 of the Plat Records of Travis County, Texas, same being the southwest corner of the said Dessau Silveredge, L.P. 8.0390 acre tract, for an inside ell corner of the herein described tract;

THENCE, in a southwesterly direction with the present corporate limit line of the City of Austin as adopted by

Ordinance No. 730621-D, along the most northerly northwest line of said Windsor Hills Section Seven, common with the southeast line of Resubdivision of Lots 8 & 9 Block R and Lots 1 through 5 Block S, North Acres Section 1, a subdivision of record in Book 20, Page 1 of the Plat Records of Travis County, Texas to a point at the northwest corner of Lot 32, Block K of said Windsor Hills Section Seven, same being the northeast corner of Lot 21, Resubdivision of Lots 21 and 22, Block "K", Windsor Hills Section Seven, a subdivision of record in Book 71, Page 76 of the Plat Records of Travis County, Texas and the most southerly southeast corner of Lot 4A of said Resubdivision of Lots 8 & 9 Block R and Lots 1 through 5 Block S, North Acres Section 1, for an outside ell corner of the herein described tract;

THENCE, in a northwesterly direction with the present corporate limit line of the City of Austin as adopted by Ordinance No. 730621-D along the southwest line of said Resubdivision of Lots 8 & 9 Block R and Lots 1 through 5 Block S, North Acres Section 1, a subdivision of record in Book 7, Page 117 of the Plat Records of Travis County, Texas, common in part with the northeast line of said Resubdivision of Lots 21 and 22, Block "K", Windsor Hills Section Seven and said Windsor Hills Section Seven to a point on the southeast line of Lot 12B, Block K, North Acres Section Three, a subdivision of record in Book 37, Page 12 of the Plat Records of Travis County, Texas, same being the southwest corner of Lot 9, Block S of said North Acres Section 1, also being the most northerly northwest corner of Lot 6, Block 7 of said Windsor Hills Section Seven, for an inside ell corner of the herein described tract;

THENCE, in a southwesterly direction with the present corporate limit line of the City of Austin as adopted by Ordinance No. 730621-D along the southeast line of said North Acres Section Three and the most westerly northwest line of said Windsor Hills Section Seven to a point in the present corporate limit line of the City of Austin as adopted by Ordinance No. 720727-A at the southeast corner of Lot 23, Block K of said North Acres Section Three, same being the southwest corner of Lot 4, Block K of said Windsor Hills Section Seven, also being the north common corner of Lot 2 and Lot 3, Block K of Windsor Hills Section Five, a subdivision of record in Book 57, Page 68 of the Plat Records of Travis County, Texas for an outside ell corner of the herein described tract;

THENCE, in a northwesterly direction with the present corporate limit line of the City of Austin as adopted by Ordinance No. 720727-A, Ordinance No. 701112-M, Ordinance No. 720113-C (Case No. C7-71-4X) and Ordinance No. 760617-B (Case No. C7A-76-007), same being the southwesterly line of said North Acres Section Three, common in part with the northeasterly line of said Windsor Hills Section Five, the northeasterly line of Windsor Village, a subdivision of record in Book 52, Page 64 of the Plat Records of Travis County, Texas, the northeasterly line of Windsor Highlands, a subdivision of record in Book 54, Page 86 of the Plat Records of Travis County, Texas and the northeasterly line of Middle Fiskville Community Subdivision, a subdivision of record in Document No. 200600132 of the Official Public Records of Travis County, Texas to a point in the east right-of-way line of Middle Fiskville Road at the southwest corner of Lot 1, Block F of said North Acres Section Three, same being the southwest corner of Lot 1, Block A of said Middle Fiskville Community Subdivision;

THENCE, continuing in a northwesterly direction with the present corporate limit line of the City of Austin as adopted by Ordinance No. 760617-B (Case No. C7A-76-007) along the northwesterly prolongation of the south line of Lot 1, Block F of said North Acres, crossing Middle Fiskville Road and a called 1.61 acre tract of land conveyed to Crockett Partners, Ltd. by deed recorded in Volume 12854, Page 46 of the Real Property Records of Travis County, Texas to a point in the present corporate limit line of the City of Austin as adopted by Ordinance No. 670406-A, same being in the east right-of-way line of Interstate Highway 35, for the southwest corner of the herein described tract;

THENCE, in a northeasterly direction with the present corporate limit line of the City of Austin as adopted by Ordinance No. 670406-A along the east right-of-way line of Interstate Highway 35, being common in part with the northwest line of the said Crockett Partners, Ltd. 1.61 acre tract, the northwest line of a called 0.149 acre tract of land conveyed to Amro, Inc. by deed recorded in Document No. 2007144730 of the Official Public Records of Travis County, Texas, the northwest line of a called 0.027 acre tract of land conveyed to Mohammad Assadi by deed recorded in Document No. 2000190507 of the Official Public Records of Travis County, Texas, the northwest line of The Good Oyster Subdivision, a subdivision recorded in Book 89, Page 59 of the Plat Records of Travis County, Texas, the northwest line of Kilgore Subdivision, a subdivision of

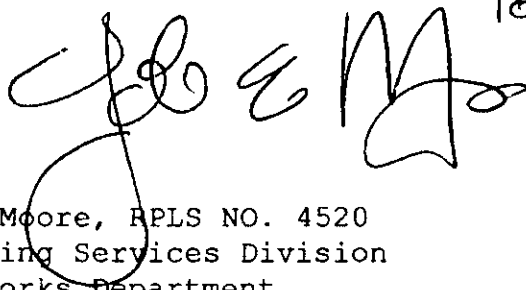
record in Book 78, Page 244 of the Plat Records of Travis County, Texas, the northwest line of Thomas W. Malone Addition, a subdivision of record in Book 57, Page 4 of the Plat Records of Travis County, Texas, the northwest line of a called 0.388 acre tract of land conveyed to Janelle Glynn by deed recorded in Document No. 2005150048 of the Official Public Records of Travis County, Texas, the northwest line of Apollo Business Condominiums, recorded in Declaration of Condominium in Document No. 2002210774 of the Official Public Records of Travis County, Texas, the northwest line of Superior Stone Products, Inc. Subdivision, a subdivision of record in Book 82, Page 361 of the Plat Records of Travis County, Texas, the northwest line of a called 2.26 acre tract of land conveyed to MHJ Investments, L.P. by deed recorded in Document No. 2004195188 of the Official Public Records of Travis County, Texas, the northwest line of Fleur Park, a subdivision of record in Document No. 200000071 of the Official Public Records of Travis County, Texas, the northwest line of Braker Lane III, a subdivision of record in Book 87, Pages 79A-79B of the Plat Records of Travis County, Texas, crossing Braker Lane to a point in the present corporate limit line of the City of Austin as adopted by Ordinance No. 840913-F (Case No. C7a-83-011) and the north right-of-way line of Braker Lane, at the southwest corner of Lot 1, Safeway Addition No. 4, a subdivision of record in Book 67, Page 63 of the Plat Records of Travis County, Texas, for the northwest corner of the herein described tract;

THENCE, in a southeasterly direction with the present corporate limit line of the City of Austin as adopted by Ordinance No. 840913-F (Case No. C7a-83-011) and Ordinance No. 20051103-010 (Case No. C7a-05-002) along the north right-of-way line of Braker Lane, being common in part with the southwest line of said Safeway Addition No. 4, the southwest line of Valley Side Heights, a subdivision of record in Book 7, Page 31 of the Plat Records of Travis County, Texas, the southwest line of Walnut Ridge I, a subdivision of record in Book 80, Page 317 of the Plat Records of Travis County, Texas, the southwest line a called 1.909 acre tract of land conveyed to Mau Tran and Khanh H. Tran by deed recorded in Document No. 2007198550 of the Official Public Records of Travis County, Texas, the southwest line of The Four Seasons Spring Section, a subdivision of record in Book 52, Page 48 of the Plat Records of Travis County, Texas, the southwest line of The Four Seasons Fall Section Blocks B & L Amended, a subdivision of record in Book 62, Page 64 of the Plat Records of Travis County, Texas and the southwest line of

the aforementioned Braker Oaks Subdivision to the Point of Beginning.

"This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared".

LEGAL DESCRIPTION: Mary P. Hawkins
10-15-2006

 10-15-2008

APPROVED: John E. Moore, RPLS NO. 4520
Engineering Services Division
Public Works Department
City of Austin

REFERENCES

TCAD Map 2-4221
Austin Grid M-30, M-31 & N-31



North Acres Municipal Annexation Plan Area

0 500 1,000 Feet

2



City of Austin
NPZD
November 29, 2005

Legend

Annexation Area

Jurisdiction

FULL PURPOSE
LTD PURPOSE
2MILE ETJ

5MILE ETJ

OTHER CITY

OTHER CITY'S ETJ

EXHIBIT B



CITY OF AUSTIN ANNEXATION SERVICE PLAN

Case Name: North Acres Municipal
Annexation Plan Area
Case Number: C7a-08-002
Date: May 31, 2007

INTRODUCTION

This Service Plan ("Plan") is made by the City of Austin, Texas ("City") pursuant to Chapter 43 of the Texas Local Government Code. This Plan relates to the annexation to the City of a tract of land ("annexation area") known as the North Acres Municipal Annexation Plan area. The North Acres Municipal Annexation Plan area covers approximately 381 acres in Travis County and is located between North IH 35 and Dessau Road just south of East Braker Lane. Portions of this area are currently within the Austin's limited purpose jurisdiction and the balance of the area is in the city's extraterritorial jurisdiction. The area is contiguous to the City's full purpose jurisdiction on all sides.

The area includes the North Acres and Collinwood West residential subdivisions as well as several multi-family, civic, commercial, and industrial properties and undeveloped land.

The North Acres annexation area was included in the City of Austin's Municipal Annexation Plan effective December 31, 2005. According to the plan, the North Acres area is scheduled for annexation effective December 31, 2008.

EFFECTIVE TERM

This Plan shall be in effect for a ten-year period commencing on the effective date of the annexation, unless otherwise stated in this Plan. Renewal of the Plan shall be at the option of the City. Such option may be exercised by the adoption of an ordinance by the City Council which refers to this Plan and specifically renews this Plan for a stated period of time.

INTENT

It is the intent of the City of Austin that services under this Plan shall provide full municipal services as required and defined by the Texas Local Government Code.

The City reserves the right guaranteed to it by the Texas Local Government Code to amend this Plan if the City Council determines that changed conditions or subsequent occurrence, or any other

legally sufficient circumstances exist under the Local Government Code or other Texas laws to make this Plan unworkable or obsolete or unlawful

SERVICE COMPONENTS

This Plan includes three service components: (1) the Early Action Program, (2) Additional Services, and (3) a Capital Improvement Program.

As used in this Plan, providing services includes having services provided by any method or means by which the City extends municipal services to any other area of the City. This may include causing or allowing private utilities, governmental entities, and other public service organizations to provide such services by contract, in whole or in part. It may also include separate agreements with associations or similar entities.

1. EARLY ACTION PROGRAM

The following services will be provided in the annexation area commencing on the effective date of the annexation, unless otherwise noted.

- a. **Police Protection.** The Austin Police Department (“APD”) will provide protection and law enforcement services in the annexation area. These services include:
 - normal patrols and responses;
 - handling of complaints and incident reports; and
 - special units, such as, traffic enforcement, criminal investigations, narcotics, gang suppression, and special weapons and tactics team.
- b. **Fire Protection.** The Austin Fire Department (“AFD”) will provide emergency and fire prevention services in the annexation area. These services include:
 - fire suppression and rescue,
 - emergency medical services first response for Austin Emergency Medical Services Department on life threatening medical emergencies;
 - hazardous materials mitigation and regulation;
 - emergency prevention and public education efforts;
 - dive rescue;
 - technical rescue;
 - aircraft/rescue/ firefighting,
 - construction plan review;
 - inspections, and
 - rescue/hazardous materials unit.

AFD serves as the first responder on life threatening emergencies for Austin EMS. All AFD personnel are certified at an Emergency Medical Technician (“EMT”) level or higher. All engines (pumpers), ladder trucks, and rescue units carry Automatic External Defibrillators for use with heart attack victims.

- c. **Emergency Medical Service.** The City of Austin/Travis County Emergency Medical Services (“EMS”) Department will provide services in the annexation area.

Austin/Travis County EMS will provide the following emergency and safety services to the annexation area:

- emergency dispatch, pre-arrival First Aid instructions and coordination of other public safety support agencies,
- emergency Advanced Life Support (ALS) ambulance response; and
- medical rescue services.

Austin/Travis County EMS is a mobile service provider, with units constantly moving throughout the system area. An ambulance is frequently dispatched from a location outside the station.

The Austin Fire Department will provide emergency medical first response to all patients in a life-threatening situation. All Austin Fire Department personnel are certified at the Emergency Medical Technician (EMT) level or higher and assist EMS personnel providing patient care.

- d. Solid Waste Collection. The Austin Solid Waste Services Department will provide services in the area. Services will be provided by City personnel or by solid waste service providers under contract with the City. Services currently provided in the City for single family residences, including duplex, triplex, and fourplex dwelling units, include:

- garbage collection – scheduled cart collection in accordance with City Pay-As-You-Throw guidelines;
- recycling collection – scheduled curbside collection, materials collected include newspaper, magazines, catalogs, junk mail, corrugated cardboard; tin, steel, and aluminum cans; glass bottles and jars, plastic bottles and containers (#1 and #2); and
- yard trimmings collection – scheduled residential collection in paper bags or reusable containers.

Commercial garbage collection service for businesses is available on a subscription basis from the City or private service providers.

For the first two years following annexation, residents who lived in the area prior to the effective date of the annexation may continue to utilize the services of privately owned solid waste service providers in accordance with provisions of the Texas Local Government Code.

- e. Maintenance of Water and Wastewater Facilities. Water and wastewater service will be provided to areas that are not within the certificated service area of another utility through existing facilities located within or adjacent to the area. The facilities will be maintained and operated by the City's Austin Water Utility as governed by standard policies and procedures, and under the provisions of the attached City service extension policy.
- f. Maintenance of Roads and Streets, Including Street Lighting. The Street and Bridge Division of the Public Works Department will maintain public streets over which the City has jurisdiction. These services include:

- emergency pavement repair,
- ice and snow monitoring of major thoroughfares;
- preventative street maintenance. Maintenance activities include crack seal, sealcoat, slurry seal, and PM overlay; and
- repair maintenance of public streets on an as-needed basis. Repair maintenance operations include pothole repair, filling depressions (level up), spot surface replacement, spot full-depth repair, and utility cut repairs.

The area is developed with existing residential streets. Any necessary street or bridge rehabilitation or reconstruction will be considered on a City-wide priority basis. The existing streets are performing adequately to serve the area at a comparable level of service to other City of Austin residential areas. Streets that have been dedicated and accepted for maintenance will be included in the City's preventative maintenance program. Preventative maintenance projects are prioritized on a City-wide basis and scheduled based on a variety of factors, including surface condition (distresses), rideability (smoothness), age, traffic volume, functional classification, and available funding

If necessary, the Transportation Division of the Transportation and Public Works Department will also provide regulatory signage services in the annexation area. Traffic signal, stop, and all other regulatory studies are conducted in conjunction with growth of traffic volumes. All regulatory signs and signals are installed when warranted following an engineering study. Faded, vandalized, or missing signs are replaced as needed. "CALL BACK" service provided 24 hours a day, 365 days a year for emergency repair of critical regulatory signs.

Following annexation and upon receipt of a request from an individual, neighborhood association, or homeowner's association, streets within the North Acres annexation area will be added to the traffic calming request database.

Street lighting will be maintained in accordance with state law.

During the service plan negotiation process three distinct residential areas within the annexation area expressed interest in the installation of additional streetlights. The North Acres Homeowners Association requested an illumination study for street lighting in the North Acres subdivision and the Collinwood West PUD Homeowners Association requested illumination study for street lighting in the Collinwood West PUD subdivision, including the private streets. Within 60 days of the effective date of annexation, illumination studies for these two areas, the North Acres subdivision and the Collinwood West PUD subdivision, shall be initiated. In the Collinwood West PUD area, the study, in addition to the installation, maintenance, and operation of streetlights, will be in accordance with Austin Energy's policies regarding streetlights on private streets.

- g. Maintenance of Parks, Playgrounds, and Swimming Pools. At this time, there are no public recreational facilities in the area.

Recreational facilities and area amenities, including parks, pools, and medians, that are privately owned, maintained, or operated will be unaffected by the annexation.

- h. Maintenance of Any Other Publicly-Owned Facility, Building, or Service. Should the City acquire any other facilities, buildings, or services necessary for municipal services located within the annexation area, an appropriate City department will provide maintenance services for them.

2. ADDITIONAL SERVICES

Certain services, in addition to the above services, will be provided within the annexation area. They are as follows:

- a. Watershed Protection and Development Review Department. The City of Austin's Watershed Protection and Development Review Department will provide drainage maintenance services in the annexation area. Drainage planning and maintenance are fee-based services. Services currently provided by the department, in accordance with and as limited by applicable codes, laws, ordinances and special agreements, include:
- water quality protection. environmental impact assessments; aquatic endangered species protection; city compliance with state and federal water quality regulations, pollution detection, tracking and forecasting; stormwater quality education; stormwater treatment; water quality education; pollution prevention and reduction;
 - watershed protection master planning for flood hazard mitigation, streambank restoration and erosion control, and water quality protection;
 - land development review and inspection: land development review and assistance, environmental inspection,
 - building development regulations commercial building plan review; permit center; permit inspections,
 - flood hazard mitigation: voluntary floodplain home buyout program; regional stormwater management evaluation, creek flood hazard mitigation, localized flood hazard mitigation; flood early warning system; floodplain management;
 - streambank restoration and erosion management streambank restoration and erosion management services; and
 - infrastructure and waterway maintenance creek vegetation control; erosion repair; open waterway maintenance; pond inspection and maintenance; storm drain cleaning; storm drain rehabilitation; Town Lake cleanup.
- b. Library. Upon annexation, residents may utilize all Austin Public Library facilities.
- c. Austin Health and Human Services Department/Travis County Health Department. Upon annexation, the following additional services will be available from the Department.
- investigation of public health related complaints including food-borne illness, recreational water quality, and public swimming pools and spas,
 - enforcement of the City's smoking in public places ordinance and the minor's access to tobacco ordinance;
 - inspection of food establishments, child care facilities;
 - investigation of reported elevated blood lead levels in children;
 - animal services including leash law, pet licensing, and rabies control; and
 - rodent and vector control consultation.

- d. Austin Energy. Austin Energy will continue to provide electric utility service to all areas which the City is authorized to serve by the Public Utility Commission of Texas.
- e. Anti-litter Services. The Austin Solid Waste Services Department will provide anti-litter services in the annexed area. Anti-litter is a fee-based service. Services currently provided in the City include
 - bulky item collection – twice per year; a notice to customers is provided in advance of the pickup date,
 - large brush collection – twice per year; a notice to customers is provided in advance of the pickup date,
 - street sweeping service – approximately six (6) times per year for streets with curb and gutter;
 - dead animal collection – dead animals are removed from roadways upon request;
 - household hazardous waste drop-off facility – use of facility on regularly scheduled days of operation; and
 - tall weed and grass and litter abatement programs.
- f. Other Services. All other City Departments with jurisdiction in the area will provide services according to City policy and procedure.

3. CAPITAL IMPROVEMENTS PROGRAM

The City will initiate the construction of capital improvements necessary for providing municipal services for the annexation area as necessary.

Each component of the Capital Improvement Program is subject to the City providing the related service directly. In the event that the related service is provided through a contract service provider, the capital improvement may not be constructed or acquired by the City but may be provided by the contract provider. The City may also lease buildings in lieu of construction of any necessary buildings.

- a. Police Protection. No capital improvements are necessary at this time to provide police services.
- b. Fire Protection. No capital improvements are necessary at this time to provide fire services.
- c. Emergency Medical Service. No capital improvements are necessary at this time to provide EMS services.
- d. Solid Waste Collection. No capital improvements are necessary at this time to provide solid waste collection services.
- e. Water and Wastewater Facilities. Capital improvements are necessary to provide water and wastewater service, which will be designed and constructed in accordance with City standards. Because of the time required to construct the necessary wastewater facilities, the facilities cannot be reasonably provided within two and one half years of the effective date of annexation. The following schedule for the improvements is proposed: on or before the

effective date of annexation, the City will commence preliminary engineering leading to construction of wastewater facilities to serve legally subdivided and occupied lots that are using on-site septic tanks. The construction bid phase and construction will begin within one year of the effective date of annexation and will be substantially complete within four and one half years of the effective date of annexation.

Water and wastewater services to any new development and subdivisions will be provided according to the standard policies and procedures of the Austin Water Utility, which may require the developer of a new subdivision to install water and wastewater lines. The extension of water and sewer service will be provided in accordance with the attached water and wastewater service extension policy.

- f. Roads and Streets. No road or street related capital improvements are necessary at this time
- g. Parks, Playgrounds and Swimming Pools. No capital improvements are necessary at this time to provide services.
- h. Watershed Protection Department. No capital improvements are necessary at this time to provide services.
- i. Street Lighting. No capital improvements are necessary at this time to provide services. Street lighting in new and existing subdivisions will be installed and maintained in accordance with the applicable standard policies and procedures.
- j. Other Publicly Owned Facilities, Building or Services Additional Services. In general, other City functions and services, and the additional services described above, can be provided for the annexation area by using existing capital improvements. Additional capital improvements are not necessary to provide such City services.
- k. Capital Improvements Planning. The annexation area will be included with other territory in connection with planning for new or expanded facilities, functions, and services

AMENDMENT: GOVERNING LAW

This Plan may not be amended or repealed except as provided by the Texas Local Government Code or other controlling law. Neither changes in the methods or means of implementing any part of the service programs nor changes in the responsibilities of the various departments of the City shall constitute amendments to this Plan, and the City reserves the right to make such changes. This Plan is subject to and shall be interpreted in accordance with the Constitution and laws of the United States of America and the State of Texas, the Texas Local Government Code, and the orders, rules and regulations of governmental bodies and officers having jurisdiction.

FORCE MAJEURE

In case of an emergency, such as force majeure as that term is defined in this Plan, in which the City is forced to temporarily divert its personnel and resources away from the annexation area for humanitarian purposes or protection of the general public, the City obligates itself to take all

reasonable measures to restore services to the annexation area of the level described in this Plan as soon as possible. Force majeure shall include, but not be limited to, acts of God, acts of the public enemy, war, blockages, insurrection, riots, epidemics, landslides, lightning, earthquakes, fires, storms, floods, washouts, droughts, tornadoes, hurricanes, arrest and restraint of government, explosions, collisions, and other inability of the City, whether similar to those enumerated or otherwise, which is not within the control of the City. Unavailability or shortage of funds shall not constitute force majeure for purposes of this Plan

SUMMARY OF THE WATER AND WASTEWATER UTILITY SERVICE EXTENSION POLICY

The following information is a summary of the Austin Water Utility Service Extension Policy, Chapters 25-1 through 25-5 and 25-9 of the 2006 Austin Code of Ordinances, in conformance with the Texas Local Government Code requirement that the Plan have a summary of the service extension policy

Water and wastewater service is only provided to lots that have been properly subdivided and platted or are a legal lot. For property that is required by subdivision regulations to construct water or wastewater facilities connecting to the City system, funding and construction of those facilities will remain the responsibility of the developer. If the specific undeveloped property does not have City water or wastewater service fronting the property, the owner may make an application for an extension of service to the Director of the Austin Water Utility for review. If the Director determines that adequate capacity is available, or will be, and if the project does not include City cost participation or reimbursement, and if the proposed facilities are a logical extension of the City's water and wastewater system and the requested extension otherwise meets the requirements of Chapter 25-9, the extension size, capacity, and routing may be approved by the Director for funding and construction by the developer.

Depending on the size of the new facilities and other conditions, with City Council approval, the City may reimburse the developer for part of the cost of constructing certain facilities. With City Council approval, the City may cost participate by reimbursing costs associated with the oversize capacity of wastewater mains larger than 8 inches but less than 18 inches in diameter, and of water mains greater than 12 inches but less than 24 inches in diameter. With City Council approval, the City may reimburse to the developer the construction cost of the full capacity of wastewater facilities 18 inches in diameter or larger, and water facilities 24 inches in diameter or larger, as well as other facilities such as reservoirs or pumps. The actual calculation of the cost participation and reimbursement amounts, including limits and the schedules for the payments, are included in the Land Development Code.

For lots that have water or wastewater lines in the street fronting the lot, the owner may receive water or wastewater service by applying for a tap permit and paying any required fees. The new customers will be required to pay the impact fees and all connection fees. However, if the tap is purchased within two years of the completion of the line by the City, the impact fee will be waived.

As long as a property is using a septic system, the property owner remains responsible for the operation and maintenance of the septic system. If the septic system fails before the City sewer service is extended to the property, the property owner must repair the system. Under certain

circumstances the Austin/Travis County Health and Human Services Department may require connection to the City sewer facilities.

This policy is set by the City Council and can be amended in the future by ordinance.