

ORDINANCE NO. 20121108-035

AN ORDINANCE ANNEXING, FOR FULL PURPOSES, ADDITIONAL TERRITORY ADJACENT TO THE CITY LIMITS OF THE CITY OF AUSTIN REFERRED TO AS THE "DESSAU BUSINESS PARK" ANNEXATION AREA, CONSISTING OF APPROXIMATELY 146 ACRES OF LAND OUT OF THE ALEXANDER WALTERS SURVEY NO. 67, ABSTRACT NO. 791, THE SAMUEL CUSHING SURVEY NO. 70, ABSTRACT NO. 164, AND THE MEMUCAN HUNT SURVEY NO. 88, ABSTRACT NO. 397 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 October 11, 2012 and October 18, 2012 at the Austin City Hall, 301 West 2nd Street, 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:

146 acres of land, more or less, out of the Alexander Walters Survey No. 67, Abstract No. 791, the Samuel Cushing Survey No. 70, Abstract No. 164, and the Memucan Hunt Survey No. 88, Abstract No. 397, in Travis County, Texas; said 146 acres of land, more or less, being more particularly described in Exhibit A.

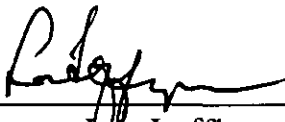
PART 3. The Service Plan attached as Exhibit B is approved as the Service Plan for the area.

PART 4. The City Council declares that its purpose is to annex to the City of Austin each part of the area described in Exhibit A as provided in this ordinance, whether any other part of the described area is effectively annexed to the City. If this ordinance is held invalid as to any part of the area annexed to the City of Austin, that invalidity does not affect the effectiveness of this ordinance as to the remainder of the area.

If any area or lands included within the description of the area set out in Exhibit A are: (1) presently part of and included within the general limits of the City of Austin; (2) presently part of and included within the limits of any other city, town, or village; or (3) are not within the jurisdiction or power of the City of Austin to annex, then that area is excluded and excepted from the area annexed.

PART 5. This ordinance takes effect on December 17, 2012.

PASSED AND APPROVED

_____, November 8, 2012 §
 §
 § 
 Lee Leffingwell
 Mayor

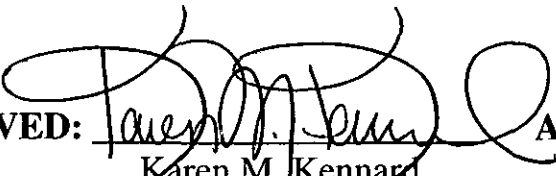
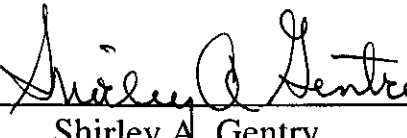
APPROVED:  **ATTEST:** 
 Karen M. Kennard Shirley A. Gentry
 City Attorney City Clerk

EXHIBIT A

C7a-2012-0003

Area to be annexed.

(Approximately 146 acres of land out of the Alexander Walters Survey No. 67, Abstract No. 791, the Samuel Cushing Survey No. 70, Abstract No. 164 and the Memucan Hunt Survey No. 88, Abstract No. 397 in Travis County, Texas)

(Portion of Media Square Subdivision, Dessau Hall Subdivision, Portion of Replat of Valex Estates, Resubdivision of Lots 13 and 14 Block B Dessau Business Park Section One, Amended Plat of Lots 1 and 2 Block D Dessau Business Park Section Two, Resubdivision of Lot 1 Dessau Point, Dessau Park II, Dessau Business Park Section One and Wheeler Addition)

(Unplatted Land)

(Portions of Railroad, Dessau Road, Lazyridge Drive, Immanuel Road, Gregg Lane, Old Gregg Lane and East Howard Lane)

LEGAL DESCRIPTION

LEGAL DESCRIPTION FOR APPROXIMATELY 146 ACRES OF LAND OUT OF THE ALEXANDER WALTERS SURVEY NO. 67, ABSTRACT NO. 791, THE SAMUEL CUSHING SURVEY NO. 70, ABSTRACT NO. 164 AND THE MEMUCAN HUNT SURVEY NO. 88, ABSTRACT NO. 397 IN TRAVIS COUNTY, TEXAS; OF WHICH APPROXIMATELY 146 ACRES OF LAND ARE TO BE MADE A PART OF THE CITY OF AUSTIN, SAID APPROXIMATELY 146 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a point in the present westerly right-of-way line of Dessau Road, being the easterly line of Harris Ridge Phase 4 Section A-1, a subdivision of record in Book 97, Pages 177 - 178 of the Plat Records of Travis County, Texas, at the intersection of the present corporate limit line of the City of Austin as adopted by Ordinance No. 940908-M (Case No. C7a-94-010) with another corporate limit line of the City of Austin as adopted by Ordinance No. 041028-10 (Case No. C7a-04-014), for the southwest corner of the tract herein described;

THENCE, in a northerly direction along the present corporate limit line of the City of Austin as adopted by Ordinance No. 940908-M (Case No. C7a-94-010) with the present westerly right-of-way line of Dessau Road to a point at the intersection of the present westerly right-of-way of Dessau Road and the present corporate limit line of the City of Austin as adopted by Ordinance No. 940908-M (Case No. C7a-94-010), with the westerly prolongation of the northerly line of the Dessau Hall Subdivision, a subdivision of record in Book 96, Pages 103 - 104 of the Plat Records of Travis County, Texas, same being in the easterly line of Wright Subdivision, a subdivision of record in Document No. 200500047 of the Official Public Records of Travis County, Texas, for the most westerly northwest corner of the tract herein described;

THENCE, in an easterly direction along the proposed corporate limit line of the City of Austin, crossing Dessau Road, to a point at the northwest corner of said Dessau Hall Subdivision and the southwest corner of a called 5.3534 acre tract of land conveyed to Robin J. Lieberman by Special Warranty Deed recorded in Document No. 20111900070 of the Official Public Records of Travis County, Texas;

THENCE, continuing in an easterly direction along the proposed corporate limit line of the City of Austin, being the northerly line of said Dessau Hall Subdivision, common with the southerly line of said 5.3534 acre tract to a point in the present westerly right-of-way of a railroad conveyed to the State of Texas by Special Warranty Deed recorded in Volume 11339, Page 2005 of the Real Property Records of Travis County, Texas at the northeast corner of said Dessau Hall Subdivision and the southeast corner of said 5.3534 acre tract;

THENCE, continuing in an easterly direction along the proposed corporate limit line of the City of Austin, crossing said

railroad with the easterly prolongation of the common line of said Dessau Hall Subdivision and said 5.3534 acre tract to a point at it's intersection with the present easterly right-of-way line of said railroad, same being the westerly line of a called 5.027 acre tract of land conveyed to Hahn Tran and Huong Nguyen by Warranty Deed with Vendor's Lien recorded in Document No. 2006160902 of the Official Public Records of Travis County, Texas, for an inside ell corner of the tract herein described;

THENCE, in a northerly direction along the proposed corporate limit line of the City of Austin with the westerly line of said 5.027 acre tract, common in part with the present easterly right-of-way line of said railroad, to the northwest corner of said 5.027 acre tract and the southwest corner of a called 3.6687 acre tract of land conveyed to James M. Moore and Brenda L. Moore, Trustees of the James M. Moore and Brenda L. Moore Living Trust by General Warranty Deed recorded in Document No. 2005019124 of the Official Public Records of Travis County, Texas for an outside ell corner of the tract herein described;

THENCE, in an easterly direction along the proposed corporate limit line of the City of Austin, being the northerly line of said 5.027 acre tract, common with the southerly line of said 3.6687 acre tract to a point in the present westerly right-of-way line of Lazyridge Drive at the northeast corner of said 5.027 acre tract and the southeast corner of said 3.6687 acre tract;

THENCE, continuing in an easterly direction along the proposed corporate limit line of the City of Austin, crossing Lazyridge Drive with the easterly prolongation of the common line of said 5.027 acre tract and said 3.6687 acre tract to a point at its intersection with the present easterly right-of-way of line of Lazyridge Drive, being the westerly line of Dessau Business Park II, a subdivision of record in Document No. 200100244 of the Official Public Records of Travis County, Texas for an inside ell corner of the tract herein described;

THENCE, in a northerly direction along the proposed corporate limit line of the City of Austin with the present easterly right-of-way of line of Lazyridge Drive, common in part with the westerly lines of said Dessau Business Park II and Wheeler Addition, a subdivision of record in Document No. 200300028 of the Official Public Records of Travis County, Texas to the northwest corner of said Wheeler Addition, same being the southwest corner of a called 22.00 acre tract of land conveyed

to Pflugerville I.S.D. by deed recorded in Volume 9988, Page 588 of the Real Property Records of Travis County, Texas, for an outside ell corner of the tract herein described;

THENCE, in an easterly direction along the proposed corporate limit line of the City of Austin with the southerly line of said 22.00 acre tract, common in part with the northerly line of said Wheeler Addition and a westerly north line of Lot 7, Block "E" of said Dessau Busi, same being an interior ell corner in the westerly line of said Lot 7, Block "E" of said Dessau Business Park II, for an interior ell corner of the tract herein described;

THENCE, in a northerly direction along the proposed corporate limit line of the City of Austin with the easterly line of said 22.00 acre tract, common in part with the northernmost westerly line of said Dessau Business Park II and the westerly line of Dessau Business Park Section One, a subdivision of record in Book 102, Pages 296 - 297 of the Plat Records of Travis County, Texas to a point in the present southerly right-of-way line of Crystal Bend Drive at the northwest corner of said Dessau Business Park Section One, for the most northerly northwest corner of the tract herein described;

THENCE, in an easterly direction along the proposed corporate limit line of the City of Austin with the present southerly right-of-way line of Crystal Bend Drive common with the northerly line of said Dessau Business Park Section One to the northeast corner of said Dessau Business Park Section One, same being the northwest corner of Bee Hill Addition, a subdivision of record in Book 76, Page 311 of the Plat Records of Travis County, Texas, for the northeast corner of the tract herein described;

THENCE, in a southerly direction along the proposed corporate limit line of the City of Austin with the easterly lines of said Dessau Business Park Section One, said Dessau Business Park II, Amended Plat of Lots 1 and 2 Block D Dessau Business Park Section Two, a subdivision of record in Document No. 200800057 of the Official Public Records of Travis County, Texas and Resubdivision of Lot 1 Dessau Point, a subdivision of record in Document No. 200800190 of the Official Public Records of Travis County, Texas, common in part with the westerly lines of said Bee Hill Addition and Mike Johnson Addition, a subdivision of record in Book 77, Pages 279 - 280 of the Plat Records of Travis County, Texas, to the southeast corner of Lot 2A of said

Resubdivision of Lot 1 Dessau Point, same being the northeast corner of Media Square Subdivision, a subdivision of record in Book 79, Page 167 of the Plat Records of Travis County, Texas, for an outside ell corner of the tract herein described;

THENCE, in a westerly direction along the proposed corporate limit line of the City of Austin with the southerly line of Lot 2A of said Resubdivision of Lot 1 Dessau Point common with the northerly line of said Media Square Subdivision to the northerly common corner of Lots 2 and 3 of said Media Square Subdivision, for an inside ell corner of the tract herein described;

THENCE, in a southerly direction along the proposed corporate limit line of the City of Austin with the common line of Lots 2 and 3 of said Media Square Subdivision to a point of intersection with the present northerly right-of-way line of Gregg Lane for the most easterly southeast corner of the tract herein described;

THENCE, in a westerly, northerly and northwesterly direction along the proposed corporate limit line of the City of Austin with the present northerly and easterly right-of-way line of Gregg Lane and with the southerly remainder line of said Lot 1, Media Square Subdivision and along the southwesterly line of said Resubdivision of Lot 1 Dessau Point to a point at its intersection with the easterly prolongation of the common line of Lots 1 and 2, Block A of Replat of Valex Estates, a subdivision of record in Document No. 200600008 of the Official Public Records of Travis County, Texas, for an inside ell corner of the tract herein described;

THENCE, in a westerly direction along the proposed corporate limit line of the City of Austin with the easterly prolongation of the common line of said Lots 1 and 2, Block A of Replat of Valex Estates, crossing Gregg Lane to the easterly common corner of Lots 1 and 2, Block A of said Replat of Valex Estates;

THENCE, continuing in a westerly direction along the proposed corporate limit line of the City of Austin with the common line of Lots 1 and 2, Block A of said Replat of Valex Estates to the westerly common corner of said Lots 1 and 2, Block A of said Replat of Valex Estates, same being the northeast corner of Whittington Addition No. 2, a subdivision of record in Book 80, Page 16 of the Plat Records of Travis County, Texas, for an outside ell corner of the tract herein described;

THENCE, continuing in a westerly direction along the proposed corporate limit line of the City of Austin with the southerly line of Lot 2, Block A of said Replat of Valex Estates and the northerly line of said Whittington Addition No. 2 to the easterly common corner of Lots 2 and 6, Block A of said Replat of Valex Estates for an outside ell corner of the tract herein described;

THENCE, in a northerly and westerly direction along the proposed corporate limit line of the City of Austin with the common line of Lots 2 and 6, Block A of said Replat of Valex Estates to a point in the present easterly right-of-way line of Old Gregg Lane, at the westerly common corner of Lots 2 and 6, Block A of said Replat of Valex Estates, for an outside ell corner of the tract herein described;

THENCE, in a northerly direction along the proposed corporate limit line of the City of Austin with the present easterly right-of-way line of Old Gregg Lane and the westerly line of Lot 2, Block A of said Replat of Valex Estates to the northwest corner of said Lot 2, Block A of said Replat of Valex Estates, same being the intersection of the present easterly right-of-way line of Old Gregg Lane with the present southerly right-of-way line of Gregg Lane, for an inside ell corner of the tract herein described;

THENCE, in a westerly direction along the proposed corporate limit line of the City of Austin, crossing Old Gregg Lane to the northeast corner of Saathoff Subdivision, a subdivision of record in Book 41, Page 31 of the Plat Records of Travis County, Texas, same being the intersection of the present westerly right-of-way line of Old Gregg Lane and the present southerly right-of-way line of Gregg Lane;

THENCE, continuing in a westerly direction along the proposed corporate limit line of the City of Austin with the northerly line of said Saathoff Subdivision and the present southerly right-of-way line of Gregg Lane to a point in the present easterly right-of-way line of said railroad conveyed to the State of Texas at the northwest corner of said Saathoff Subdivision, for an inside ell corner of the tract herein described;

THENCE, in a southerly direction along the proposed corporate limit line of the City of Austin with the present easterly right-of-way line of said railroad and the westerly line of said Saathoff Subdivision to a point at the intersection of the

present easterly right-of-way line of said railroad and the westerly line of said Saathoff Subdivision with the easterly prolongation of the southerly line of a called 13.790 acre tract of land conveyed to Dessau-Howard, L.L.C., by General Warranty Deed recorded in Document No. 2007209733 of the Official Public Records of Travis County, Texas, for an outside ell corner of the tract herein described;

THENCE, in a westerly direction along the proposed corporate limit line of the City of Austin with the easterly prolongation of the southerly line of said 13.790 acre tract, crossing said railroad to the southeast corner of said 13.790 acre tract and the northeast corner of a called 4.828 acre tract of land conveyed to Mercedes S. Hernandez by Quitclaim Deed recorded in Document No. 1999108944 of the Official Public Records of Travis County, Texas;

THENCE, continuing in a westerly direction along the proposed corporate limit line of the City of Austin with the southerly line of said 13.790 acre tract and the northerly line of said 4.828 acre tract to a point on the present easterly right-of-way line of Dessau Road, at the southwest corner of said 13.790 acre tract, same being the northwest corner of said 4.828 acre tract, for an inside ell corner of the tract herein described;

THENCE, in a southerly direction along the proposed corporate limit line of the City of Austin with the present easterly right-of-way line of Dessau Road to a point on the present corporate limit line of the City of Austin as adopted by Ordinance No. 041028-10 (Case No. C7a-04-014), for the southeast corner of the tract herein described;

THENCE, in a westerly along the present corporate limit line of the City of Austin as adopted by Ordinance No. 041028-10 (Case No. C7a-04-014), crossing Dessau Road 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
09-11-2012

Mary P. Hawkins 10/13/12

APPROVED: Mary P. Hawkins, RPLS No. 4433
Quality and Standards Management Division
Department of Public Works
City of Austin

REFERENCES

Austin Grid P-33 & P-34
TCAD MAPS 2-5433, 2-5633, 2-5636, 2-5638, 2-5833, 2-5836 &
2-5838

EXHIBIT B



CITY OF AUSTIN

ANNEXATION SERVICE PLAN

Case Name: Dessau Business Park

Case Number: C7a-12-0003

Date: September 7, 2012

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 land ("annexation area") known as the Dessau Business Park annexation area. The annexation area includes approximately 146 acres in northeastern Travis County east of the intersection of Dessau Road and Howard Lane. This area is currently in the city's extraterritorial jurisdiction and adjacent to the city's full purpose jurisdiction on the west side. Development in the area includes an industrial park, adjacent commercial tracts and a rural residence.

The annexation area is described by metes and bounds in Exhibit A, which is attached to the annexation ordinance of which this Plan is a part. The annexation area is also shown on the map in Exhibit A.

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

In General. 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/Travis County 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/Travis County 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 emergency medical services in the annexation area.

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

- medical 911 communications including dispatch, pre-arrival first aid instructions and coordination of other public safety support agencies;
- emergency Advanced Life Support (ALS) ambulance response, treatment and transport;
- medical rescue services; and
- medical support during large scale emergency events.

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 Resource Recovery Department will provide services in the annexation 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 paper, boxboard and cardboard, aluminum and metal cans, glass bottles and jars, plastic bottles (#1 through #7); 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 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 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
 - street maintenance activities including crack seal, sealcoat, slurry seal, and preventative maintenance overlay
 - repair maintenance operations of public streets on an as-needed basis including pothole repair, filling depressions (level up), spot surface replacement, spot full-depth repair, and utility cut repairs

As streets in the area are dedicated and accepted for maintenance they 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 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.

Street lighting will be maintained in accordance with the City of Austin ordinances, Austin Energy criteria and state law.

- g. Maintenance of Parks, Playgrounds, and Swimming Pools. At this time there are no public recreation facilities in the annexation 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. The Watershed Protection 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;
 - watershed protection master planning for flood hazard mitigation, streambank restoration and erosion control, and water quality protection;
 - flood hazard mitigation;
 - streambank restoration and erosion management; and
 - infrastructure and waterway maintenance.
- b. Planning and Development Review. The Planning and Development Review Department will provide comprehensive planning, land development and building review and inspection services in accordance with and as limited by applicable codes, laws, ordinances and special agreements.
- c. Code Compliance. In order to attain compliance with City codes regarding land use regulations and the maintenance of structures, the City's Code Compliance Department will provide education, cooperation, enforcement and abatement relating to code violations
- d. Library. Upon annexation residents may utilize all Austin Public Library facilities.
- e. Public Health, Social, and Environmental Health Services. Upon annexation, the following services will be available from the Austin/Travis County Health and Human Services Department:
- investigation of public health related complaints including foodborne 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 and rabies control; and
 - rodent and vector control consultation.
- f. 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.
- g. Clean Community Services. The Austin Resource Recovery Department will provide clean community services in the annexed area. Clean community is a fee-based service. Services currently provided in the City include:
- bulk and brush collection;
 - street and boulevard sweeping;
 - litter collection and abatement;
 - household hazardous waste collection;
 - Austin Resource Recovery Center;
 - Austin reuse and recycling centers;
 - dead animal collection; and
 - zero waste program development.

- h. 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. No capital improvements are necessary at this time to provide water and wastewater services.

Water and wastewater services to 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 or site plan 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. In general, the City will acquire control of all public roads and jurisdiction in, over and under all public roads and public streets within the annexation area upon annexation. Future extensions of roads or streets and future installation of related facilities, such as traffic control devices, will be governed by the City's standard policies and procedures.
- g. Parks, Playgrounds and Swimming Pools. No capital improvements are necessary at this time to provide services.
- h. Watershed Protection. 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 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, as set out in Chapters 25-1 through 25-5 and 25-9 of the Austin City Code, 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 served by an existing on-site well or septic system that have water or wastewater lines within 100 feet of the lot at the time of annexation, the owner will not be required to pay the impact fees if a tap permit is obtained by the property owner on or before the second anniversary of the date of annexation. For lots served by an existing well or septic system that do not have water or wastewater lines within 100 feet of the lot, the owner will not be required to pay the impact fees if a tap permit is obtained by the property owner on or before the second anniversary of the date of acceptance of the water or sewer line to within 100 feet of their lot. In either case the owner will still be required to pay other applicable connection fees.

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.