



**Annexation - Conduct and Approve  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.:** 11  
**AGENDA DATE:** Thu 01/13/2005  
**PAGE:** 1 of 1

**SUBJECT:** Approve second/third reading of an ordinance to annex the Greenshores area (Approximately 176.8 acres in Travis County approximately one mile east of the intersection of City Park Road and Pearce Road); and waive zoning application fees for property within the annexed area for a period of one year from the effective date of annexation.

**AMOUNT & SOURCE OF FUNDING:** Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will be providing the services.

**FISCAL NOTE:** There is no unanticipated fiscal impact. A fiscal note is not required.

**REQUESTING** Neighborhood Planning **DIRECTOR'S**  
**DEPARTMENT:**and Zoning **AUTHORIZATION:** Alice Glasco

**FOR MORE INFORMATION CONTACT:** Ben Luckens, 974-2695; Virginia Collier, 974-2022;  
Sylvia Arzola, 974-6448

**PRIOR COUNCIL ACTION:** Public hearings held on 9/30/04 & 10/7/04; First reading approved on 10/28/04.

**BOARD AND COMMISSION ACTION:** N/A

---

The Greenshores area (approximately 176.8 acres) is located in Travis County approximately one mile east of the intersection of City Park Road and Pearce Road and includes 211 proposed single family lots in the Greenshores on Lake Austin and the Woods of Greenshores subdivisions. This area is adjacent to the city's Emma Long Park and the full purpose city limit on the west side and Lake Austin to the east.

C7a-04-022

Area to be Annexed.

(Approximately 177 acres of land out of the Charles Tydings Survey No. 3, the James Spillman Survey No. 2 and the James Jett Survey No. 1 in Travis County, Texas).

(Greenshores on Lake Austin Phase One)

(Unplatted land)

(Portions of Oak Shores Drive, Pearce Road and Greenshores Drive)

LEGAL DESCRIPTION

LEGAL DESCRIPTION FOR APPROXIMATELY 177 ACRES OF LAND OUT OF THE CHARLES TYDINGS SURVEY NO. 3, THE JAMES SPILLMAN SURVEY NO. 2 AND THE JAMES JETT SURVEY NO. 1 IN TRAVIS COUNTY, TEXAS; OF WHICH APPROXIMATELY 177 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 a point in the common dividing line of the said Charles Tydings Survey No. 3 and the I&GN Railroad Company Survey No. 11 at the intersection of the present full purpose corporate limit line of the City of Austin as adopted by Ordinance 411016-A (Tract 3) with the limited purpose corporate limit line of the City of Austin as adopted by ordinance 851219-P (Case No. C7a-85-034ba), being the northwest corner of Lot 24, Block 5 Greenshores on Lake Austin Phase One, a subdivision of record in Document No. 200400036 of the Official Public Records of Travis County, Texas, same being the westerly southwest corner of that certain called 6.128 acre tract of land conveyed to Dina McMearn, et al. by deed recorded in Document No. 2000069515 of said Official Public Records, for the most westerly northwest corner of the herein described tract;

THENCE, in a southeasterly direction with the proposed corporate limit line of the City of Austin, being the present limited purpose corporate limit line of the City of Austin as adopted by ordinance 851219-P (Case No. C7a-85-034ba), being the southwesterly line of the said Dina McMearn, et al. 6.128 acre tract common in part with the northerly line of said Lot 24 and the northerly line of that certain called 14.674 acre tract of land described as "Tract 3-A" conveyed to PK-RE, Ltd. by deed recorded in Document No. 2003258628 of said Official Public Records to a point in the northwesterly right-of-way line of Pearce Road at the most easterly common corner of the said Dina McMearn, et al. 6.128 acre tract and the said PK-RE, Ltd. 14.674 acre tract, for an inside ell corner of the herein described tract;

THENCE, in a northeasterly direction along the proposed corporate limit line of the City of Austin, being the northwesterly right-of-way line of Pearce Road common with the southeasterly line of the said Dina McMearn, et al. 6.128 acre tract and the southeasterly line of that certain called 3.947 acre tract of land conveyed to E.H. Hoff by deed recorded in Volume 6751 at Page 2286 of the Deed Records of Travis County, Texas to a point at the most southerly southeast corner of the said E.H. Hoff 3.947 acre tract, same being the southwest corner of a 8.647 acre tract of land described as "Tract 3-D" conveyed to PK-RE, Ltd. by said deed recorded in Document No. 2003258628, for an inside ell corner of the herein described tract;

THENCE, in a northeasterly and northwesterly direction along the proposed corporate limit line of the City of Austin, being the common dividing line of the said E.H. Hoff 3.947 acre tract and the said PK-RE, Ltd. 8.647 acre tract to a point in the present corporate limit line of the City of Austin as adopted by Ordinance 411016-A, being a southerly line of said Emma Long Metropolitan Park, also being the common dividing line of the said Charles Tydings Survey No. 3 and said I&GN Railroad Company Survey No. 11 at the northerly common corner of the said E.H. Hoff 3.947 acre tract and the said PK-RE, Ltd. 8.647 acre tract, for an outside ell corner of the herein described tract;

THENCE, in a southeasterly direction along the present corporate limit line of the City of Austin as adopted by Ordinance 411016-A, being the common dividing line of the said Charles Tydings Survey No. 3 and said I&GN Railroad Company Survey No. 11, same being a southerly line of said Emma Long Metropolitan Park common in part with a northeasterly line of the said PK-RE, Ltd. 8.647 acre tract and in part with the northeasterly line of Lot 13, Block 4 of said Greenshores on Lake Austin Phase One to a point in the northwesterly right-of-way line of Pearce Road at the northeast corner of said Lot 13, same being an outside ell corner of said Emma Long Metropolitan Park, for a corner of the herein described tract;

THENCE, continuing in a southeasterly direction along the proposed corporate limit line of the City of Austin, being the southeasterly prolongation of the common dividing line of said Lot 13 and said Emma Long Metropolitan Park to a point in the southeasterly right-of-way line of Pearce Road, same being in the northwesterly line of Lot 47, Block 2 of said Greenshores on Lake Austin Phase One, for an inside ell corner of the herein described tract;

THENCE, in a northerly direction along the proposed corporate limit line of the City of Austin, being the easterly right-of-way line of Pearce Road to a point at the northwest corner of that certain called 13.136 acre tract of land described as "Tract 2-A" conveyed to PK-RE, Ltd. by deed recorded in Document No. 2003258630 of said Official Public Records, same being the southwest corner of that certain called 3.84 acre tract of land conveyed to Joseph D. Youman, III, et al. by deed recorded in Volume 13237 at Page 1251 of the Real Property Records of Travis County, Texas, for the most northerly northwest corner of the herein described tract;

THENCE, in a southeasterly direction along the proposed corporate limit line of the City of Austin, being the common dividing line of the said PK-RE, Ltd. 13.136 acre tract and the said Joseph D. Youman, III, et al. 3.84 acre tract to a point at the most northerly northeast corner of the said PK-RE, Ltd. 13.136 acre tract, same being the northwest corner of that certain called 4.551 acre tract of land conveyed to

Fabbio Family Limited Partnership by deed recorded in Document No. 2000120822 of said Official Public Records, for the most northerly northeast corner of the herein described tract;

THENCE, in a southwesterly direction along the proposed corporate limit line of the City of Austin, being a southeasterly line of the said PK-RE, Ltd. 13.136 acre tract common in part with the northwesterly line of the said Fabbio Family Limited Partnership 4.551 acre tract and the northwesterly line of that certain called 6.328 acre tract of land conveyed to the Robin Sommers Trust by deed recorded in Volume 13238 at Page 460 of said Real Property Records to a point at the southwest corner of the said Robin Sommers Trust 6.328 acre tract, same being an inside ell corner of the said PK-RE, Ltd. 13.136 acre tract and herein described tract;

THENCE, in a southeasterly direction along the proposed corporate limit line of the City of Austin, being the common dividing line of the said PK-RE, Ltd. 13.136 acre tract and said Robin Sommers Trust 6.328 acre tract to a point in the present corporate limit line of the City of Austin as amended by election on November 24, 1928, being the 504.9 contour line along the west bank of Lake Austin, for the most easterly northeast corner of the herein described tract;

THENCE, in a southerly direction along the present corporate limit line of the City of Austin as amended by election on November 24, 1928, being the 504.9 contour line along the west bank of Lake Austin to a point in the northerly line of Lot 1, Penn Subdivision, a subdivision of record in Plat Book 93 at Page's 142 through 143 of said Plat Records, same being the northerly line of that certain called 49.82 acre tract of land conveyed to Dudley Fowler, Robert Fowler and Bradley Fowler, Co-Trustees by Document No. 2000122017 of said Official Public Records, for an outside ell corner of the herein described tract;

THENCE, in a northwesterly and southwesterly direction along the proposed corporate limit line of the City of

Austin, being the common dividing line of said Lot 1, Pern Subdivision and the said Fowler 49.82 acre tract to a point at the intersection of said common dividing line with the common dividing line of the said James Jett Survey No. 1 and the said James Spillman Survey No. 2, for an inside ell corner of the herein described tract;

THENCE, in a southwesterly direction along the proposed corporate limit line of the City of Austin, being the common dividing line of the said James Jett Survey No. 1 and the said James Spillman Survey No. 2 to a point in the north right-of-way line of Oak Shores Drive, same being a southerly line of the said Fowler 49.82 acre tract, for an outside ell corner of the herein described tract;

THENCE, in a northwesterly direction along the proposed corporate limit line of the City of Austin, being the north right-of-way line of Oak Shores Drive to a point at the southeast corner of Lot 1, Penn Creek, a subdivision of record in Plat Book 93 at Page 336 of said Plat Records, same being the southwest corner of Lot 13, Block 1 of said Greenshores on Lake Austin Phase One, for an outside ell corner of the herein described tract;

THENCE, in a northwesterly, westerly and southeasterly direction along the proposed corporate limit line of the City of Austin, being the easterly, northerly and westerly line of said Lot 1, Penn Creek to a point in the north right-of-way line of Oak Shores Drive at the southwest corner of said Lot 1, same being the southeast corner of Lot 12, Block 1 of said Greenshores on Lake Austin Phase One, for an outside ell corner of the herein described tract;

THENCE, in a westerly and northwesterly direction along the proposed corporate limit line of the City of Austin, being the north right-of-way line of Oak Shores Drive, same being the southerly or southwesterly lines of Lots 1 through Lot 12, Block 1 of said Greenshores on Lake Austin Phase One to a point at the intersection of the north right-of-way line of Oak Shores Drive with the east right-of-way line of Pearce Road, same being the most westerly corner of Lot 1,

Block 1 of said Greenshores on Lake Austin Phase One, for an inside ell corner of the herein described tract;

THENCE, in a southwesterly direction along the proposed corporate limit line of the City of Austin, crossing Pearce Road to a point at the intersection of the south right-of-way line of Oak Shores Drive with the west right-of-way line of Pearce Road, same being the most easterly northeast corner of Lot 11, Block 3 of said Greenshores on Lake Austin Phase One, for an angle point of the herein described tract;

THENCE, in a southerly direction along the proposed corporate limit line of the City of Austin, being the west right-of-way line of Pearce Road, in part with the easterly lines of Lots 1 through Lot 11, Block 3 and Lot 14, Block 3 of said Greenshores on Lake Austin Phase One, and in part with the easterly line of the remaining portion of that certain called 63.57 acre tract of land conveyed to Marion Dudley Fowler, et al by deed recorded in Volume 5149 at Page 1241 of said Deed Records to a point at the most easterly southeast corner of the said Fowler 63.57 acre tract, same being the most easterly northeast corner of Lot 5, Pearce Annex, a subdivision of record in Plat Book 76 at Page 210 of said Plat Records, for the most easterly southeast corner of the herein described tract;

THENCE, in a northwesterly, southwesterly and southeasterly direction along the proposed corporate limit line of the City of Austin, being the common dividing line of said Lot 5 and the said Fowler 63.57 acre tract to a point at the common corner of Lot 5 and Lots 1 and 2 of said Pearce Annex, same being in the common dividing line of the said Charles Tyding Survey No. 3 and the James Spillman Survey No. 2, for an outside ell corner of the herein described tract;

THENCE, in a southwesterly direction along the proposed corporate limit line of the City of Austin, being the southeasterly line of the said Fowler 63.57 acre tract common in part with the northwest line of said Lot 1, Pearce Annex and in part with the northwest line of Lot 9, Amended Plat of Lots 9 & 10 Manana West Section 2, a subdivision of

record found in Plat Book 95 at Page 239 of said Plat Records to a point at the most southerly corner of the said Fowler 63.57 acre tract, same being the northeast corner of that certain called 98.061 acre tract of land conveyed to Deerwood Place, LLC by deed recorded in Document No. 2002183602 of said Official Public Records, for the most southerly corner of the herein described tract;

THENCE, in a northwesterly direction along the proposed corporate limit line of the City of Austin, being the northeasterly line of the said Deerwood Place LLC 98.061 acre tract common in part with the southwesterly line of the remaining portion of the said Fowler 63.57 acre tract and in part with the southwesterly line of said Lot 14, Block 1 of said Greenshores on Lake Austin Phase One to a point in the present corporate limit line of the City of Austin as adopted by Ordinance 411016-A, being a southeasterly line of Emma Long Metropolitan Park, same being in the common dividing line of the said I&GN Railroad Company Survey No. 11 and the Charles Tydings Survey No. 3 at the most westerly corner of the said Fowler 63.57 acre tract, same being the most northerly corner of the said Deerwood Place LLC 98.061 acre tract, for the southwest corner of the herein described tract;

THENCE, in a northeasterly direction along the present corporate limit line of the City of Austin as adopted by Ordinance 411016-A, being the common dividing line of the said I&GN Railroad Company Survey No. 11 and the Charles Tydings Survey No. 3, same being a southeasterly line of the said Emma Long Metropolitan Park common in part with the northwesterly line of the said Fowler 63.57 acre tract, in part with the northwesterly line of said Lot 11, Block 3 of said Greenshores on Lake Austin Phase One, crossing Oak Shore Drive, in part with the northwesterly line of said Lot 24, Block 5 of said Greenshores on Lake Austin Phase One to the point of beginning, and containing approximately 177 acres of land more or less.



"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: John E. Moore  
10-21-2004

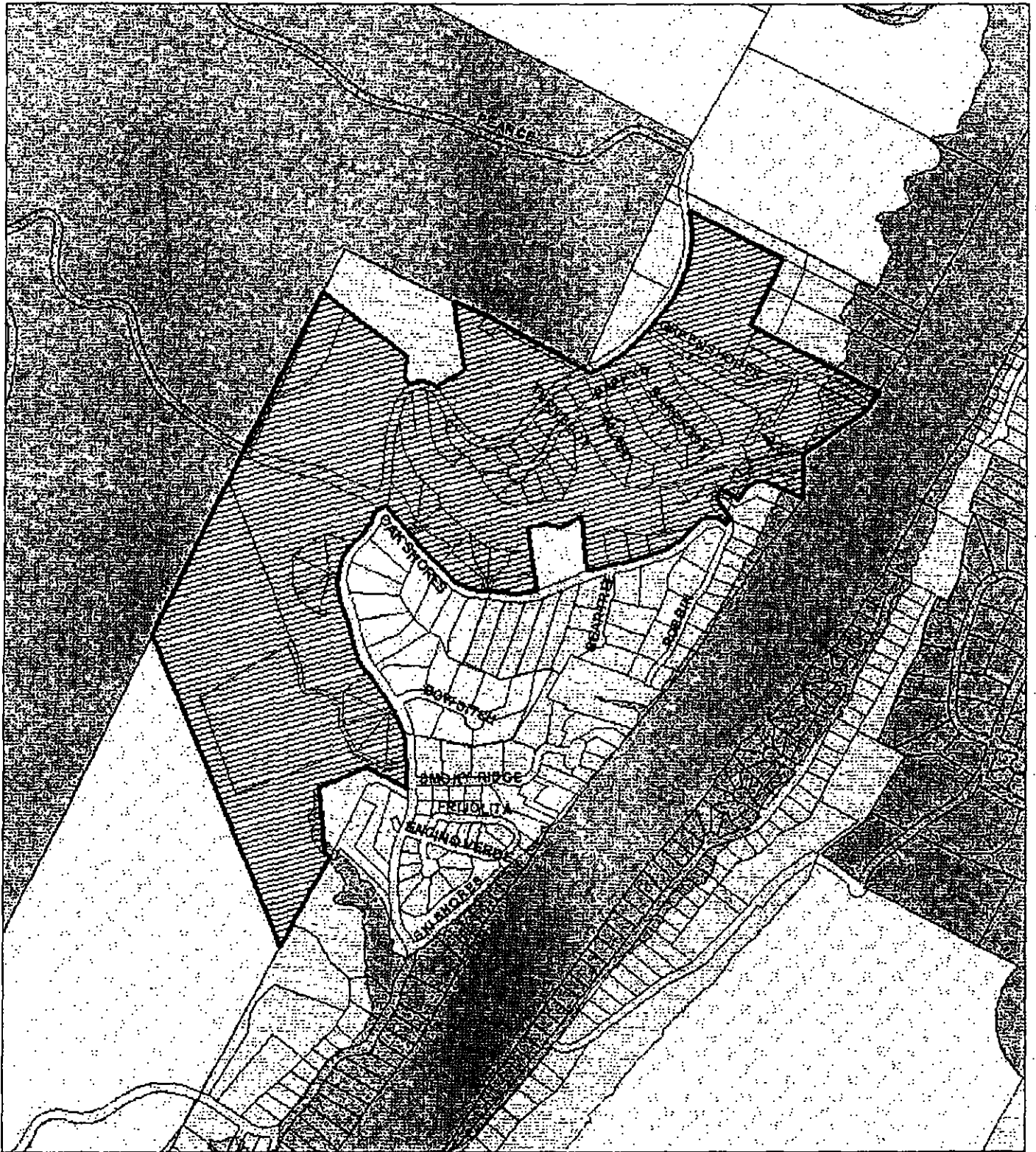


10-21-2004

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

REFERENCES

TCAD MAP NO's. 1-2627 & 1-3427  
Austin Grid's E-28 & E-29



# **Greenshores Area** **C7a-04-022**



Greenshores Annexation Area



City of Austin Full Purpose



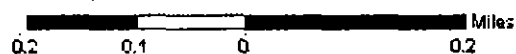
City of Austin Limited Purpose



City of Austin ETJ



City of Austin  
Neighborhood Planning & Zoning Dept  
October 21, 2004



## **ORDINANCE NO.**

**AN ORDINANCE ANNEXING, FOR FULL PURPOSES, ADDITIONAL TERRITORY ADJACENT TO THE CITY LIMITS OF THE CITY OF AUSTIN REFERRED TO AS THE "GREENSHORES" AREA, CONSISTING OF APPROXIMATELY 177 ACRES OF LAND OUT OF THE CHARLES TYDINGS SURVEY NO. 3, THE JAMES SPILLMAN SURVEY NO. 2 AND JAMES JETT SURVEY NO. 1 LOCATED IN TRAVIS COUNTY, TEXAS; WAIVING ZONING APPLICATION FEES; 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 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 Thursday, September 30, 2004 at 6:00 p.m. and Thursday, October 7, 2004 at 6:00 p.m. at the Lower Colorado River Authority, Hancock Building, 3700 Lake Austin Boulevard, 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 as 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.
- (F) The annexation of the territory described in Exhibit A will result in an unincorporated area that is surrounded by the full purpose territory of the City. In accordance with Texas Local Government Code Section 43.057, the Council finds that surrounding that unincorporated area is in the public interest. This unincorporated area is in the process of being annexed into the

City.

**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 land is annexed into the City for full purposes:

177 acres of land, more or less, out of the Charles Tydings Survey No. 3, the James Spillman Survey No. 2 and the James Jett Survey No. 1 in Travis County, Texas; the 177 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.** Zoning application fees are waived for property within the annexed area for a period of one year from the effective date of annexation.

**PART 6.** This ordinance takes effect on \_\_\_\_\_.

**PASSED AND APPROVED**

\_\_\_\_\_, 2005

§  
§  
§

\_\_\_\_\_  
Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_  
David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A. Brown  
City Clerk



**CITY OF AUSTIN**  
**DRAFT ANNEXATION SERVICE PLAN**

**Case Name:** Greenshores Area  
**Case Number:** C7a-04-022  
**Date:** September 14, 2004

**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 the Greenshores Area. The area includes approximately 177 acres in Travis County.

The annexation area is located approximately one mile east of the intersection of City Park Road and Pearce Road. The area includes the proposed Greenshores on Lake Austin subdivision and a portion of the proposed Woods of Greenshores subdivision. The annexation area is described in Exhibit A, which is attached to this Plan and 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 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 pumpers, ladder trucks, and rescue units carry Automatic External Defibrillators for use with heart attack victims.

A first responder agreement contract with Emergency Services District 4 may be necessary for this annexation.

c. Emergency Medical Service. The City of Austin/Travis County Emergency Medical Services ("EMS") Department is the current provider of emergency medical services in the annexation area and will continue to provide service following annexation.

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

A first responder agreement contract with Emergency Services District 4 may be necessary for this annexation.

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 – once per week cart collection in accordance with City Pay-As-You-Throw guidelines;
- recycling collection – once per week curbside collection, materials collected include newspaper, magazines, catalogs, junk mail, corrugated cardboard; tin, steel and aluminum cans, glass bottles and jars, plastic bottles (#1 and #2); and
- yard trimmings collection – once per week 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, property owners 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.

At this time there are no residents in the annexation area.



e. Maintenance of Water and Wastewater Facilities.

The annexation area is coterminous with the boundaries of a wastewater utility with a Certificate of Convenience and Necessity (CCN 20948). It is anticipated that the owner of this system will operate and maintain wastewater facilities within the annexation area.

Most of the proposed annexation area lies within either the boundaries of Oak Shores Water System which has a water Certificate Convenience and Necessity (CCN 12407) for its service area or Greenshores Water System which also has a water Certificate Convenience and Necessity and (CCN 12408) for its service area. It anticipated that the owners of these systems will continue to operate and maintain the water facilities within the annexation area. Water service to new development outside of these CCNs can be provided by the Austin Water Utility in accordance with 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;
- Street maintenance. Maintenance activities include crack seal, sealcoat, slurry seal, and PM overlay.
- 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.

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 Division of the Transportation, Planning and Sustainability 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 by the Electric Utility in accordance with Sec. 43.056 (b) (6) and the City's policies.

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 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.
- 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. Residents of the annexation area will be able to utilize all of the facilities of the Austin Public Library following annexation.

c. Austin Health and Human Services Department/Travis County Health Department. Upon annexation, the following services will be available from the 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, pet licensing and rabies control;
- access to community health clinics;
- Medical Assistance Program benefits; and
- rodent and vector control consultation.

d. Electric Utility Department. The Electric Utility Department 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. 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 Water and Wastewater 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 City 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 and Development Review Department. No capital improvements are necessary at this time to provide services.

- i. Street Lighting. It is anticipated that the developer of new subdivisions in the area will install public street lighting in accordance with the City's standard policies and procedures. *Provision of street lighting will be in accordance with the City's street lighting policies.*

- 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 (1997)**

The following information is a summary of the Water and Wastewater Utility Service Extension Policy, Chapters 25-1 through 25-5 and 25-9 of the 1999 Austin Code of Ordinances Volume II, 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 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 in diameter but less than 18 inches, 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 Health and Human Services Department/Travis County Health 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.*