

**ORDINANCE NO. 20101118-028**

**AN ORDINANCE ANNEXING FOR FULL PURPOSES ADDITIONAL TERRITORY ADJACENT TO THE CITY LIMITS OF THE CITY OF AUSTIN, CONSISTING OF APPROXIMATELY 468 ACRES OF LAND OUT OF THE HENRY RHODES SURVEY, ABSTRACT NO. 522, THE MALCOLM M. HORNSBY SURVEY NO. 4, ABSTRACT NO. 280 AND THE ELISHA ALLEN SURVEY NO. 2, ABSTRACT NO. 18 LOCATED IN WILLIAMSON COUNTY, TEXAS AND REFERRED TO AS THE "SPRINGWOODS MUNICIPAL UTILITY DISTRICT ANNEXATION AREA"; AND APPROVING A REGULATORY AND SERVICE PLAN FOR THE ANNEXED TERRITORY, IN ACCORDANCE WITH THE STRATEGIC PARTNERSHIP AGREEMENT BETWEEN THE CITY OF AUSTIN AND THE SPRINGWOODS MUNICIPAL UTILITY DISTRICT.**

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

**PART 1.** The City Council finds that:

- (A) The City and the Springwoods Municipal Utility District ("MUD") entered into a Strategic Partnership Agreement ("SPA") effective December 16, 2002, that provides for the limited purpose annexation and for the conversion to full purpose annexation of the territory described in Exhibit A. In 2006 the City and the MUD agreed to amend the annexation dates set forth in the SPA. The SPA, as amended, allows limited purpose annexation of the territory in the MUD no sooner than November 30, 2010 and conversion to full purpose no sooner than December 31, 2010.
- (B) The area referred to as the Springwoods MUD has been annexed by Ordinance No. 20100923-134, for the limited purposes of planning, zoning, health, and safety.
- (C) A report containing a planning study and regulatory plan for the territory to be annexed was prepared in accordance with the terms of the SPA and Section 43.123 of the Texas Local Government Code and is attached in Exhibit B.
- (D) The SPA provides that the City will prepare and deliver a Service Plan describing services to be provided to the area upon full purpose annexation. The City has conferred with the MUD and residents of the area regarding the service plan which is attached in Exhibit C.

- (E) Notice of the availability of the report and the service plan and of a public hearing concerning the limited purpose and full purpose annexation of the territory described in Exhibit A, referred to as the Springwoods MUD Area, was published in a newspaper of general circulation in the City of Austin, in the area to be annexed, and on the City of Austin internet website.
- (F) The public hearing was held on September 23, 2010 at 4:00 p.m. in Council Chambers and was concluded after providing an opportunity for all persons present to be heard with respect to the proposed annexation.
- (G) The limited purpose annexation and conversion to full purpose annexation of the territory described in Exhibit A serves the interests of the current and future residents of the City of Austin.
- (H) All procedural requirements imposed by state law and the SPA for the limited purpose annexation and conversion to full purpose annexation of territory described in Exhibit A, and the adoption of the Regulatory and Service Plan for this area have been met.

**PART 2.** The territory described in Exhibit A is automatically converted to full purpose annexation as provided by the SPA and authorized by Section 43.0751 of the Texas Local Government Code effective December 31, 2010.

**PART 3.** The Regulatory Plan attached as Exhibit B is approved as the Regulatory Plan for the period of limited purpose annexation.

**PART 4.** The Service Plan attached as Exhibit C is approved as the Service Plan for the full purpose annexed area.

**PART 5.** As provided by the SPA, the MUD is converted to the Springwoods Limited District on December 31, 2010. In accordance with state law, the City shall assume ownership of property and other assets and shall assume debts, liabilities, and obligations of the MUD as described in the Agreement.

**PART 6.** The City Council declares that its purpose is to include within the City of Austin each part of the area described in Exhibit A as provided in this ordinance, regardless of 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)



## Exhibit A

C7a-10-002

Area to be annexed.

Approximately 467.68 acres of land out of the Henry Rhodes Survey, Abstract No. 522, the Malcolm M. Hornsby Survey No. 4, Abstract No. 280 and the Elisha Allen Survey No. 2, Abstract No. 18 in Williamson County, Texas.

(Portion of Town and Country Park Addition, Portion of Jefferson Center Subdivision, Clear Creek Addition, Portion of Clear Creek Addition Section Two, Springwoods Park, Springwoods II-A Revised 1981, Springwoods II-B, Springwoods II-C, Springwoods, II-D, Springwoods II-E, Springwoods II-F, Springwoods II-G, Amending Plat of Lots 10 and 11 Block D Springwoods II-A Revised 1981, The Amended Plat of Lots 13 and 14 Block G Springwoods II-G, Springwoods Park, Springwoods Sec. One, Springwoods Sec. 1-A, Springwoods 1-B, Hunter's Chase Section One, Hunter's Chase Section Two, Hunter's Chase Section Three, Hunter's Chase Section Four, Hunter's Chase Section Five Amended, Hunter's Chase Section Six, Hunter's Chase Section Seven Amended, Amended Plat of Hunter's Chase Section Seven Amended Lots 7-21 and 32-65 Block Q Lots 1-26 Block R Lots 1-17 Block T and Lots 7-31 Block U of Hunter's Chase Section Seven Amended, Portion of Hunter's Point, Hunter's Point Section Two and Amended Plat of Lot 4 Block B Hunter's Point)

(Unplatted Land)

(Portions of Hunter's Chase Drive, Beartrap Lane, Buckshot Trail, Oro Valley Trail, Pheasant Rock Road, Elkhorn Mountain Trail, Hunter's Chase Drive, Partridge Bend Drive,

Stanzel Drive, Turtle Rock Road,  
Chester Forest Street, Hazelhurst  
Drive, Briar Hollow Drive, Water  
Oak Lane and Black Oak Street)

#### LEGAL DESCRIPTION

LEGAL DESCRIPTION FOR FOUR TRACTS OF LAND,  
THE TRACT HEREINAFTER DESCRIBED AS TRACT ONE  
CONTAINING APPROXIMATELY 66.42 ACRES OF LAND  
OUT OF THE MALCOLM M. HORNSBY SURVEY NO. 4,  
ABSTRACT NO. 280 IN WILLIAMSON COUNTY, TEXAS,  
THE TRACT HEREINAFTER DESCRIBED AS TRACT TWO  
CONTAINING APPROXIMATELY 98.93 ACRES OF LAND  
OUT OF THE ELISHA ALLEN SURVEY NO. 2,  
ABSTRACT NO. 18 IN WILLIAMSON COUNTY, TEXAS,  
THE TRACT HEREINAFTER DESCRIBED AS TRACT  
THREE CONTAINING APPROXIMATELY 294.16 ACRES  
OUT OF THE HENRY RHODES SURVEY, ABSTRACT NO.  
522 IN WILLIAMSON COUNTY, TEXAS AND THE TRACT  
HEREINAFTER DESCRIBED AS TRACT FOUR  
CONTAINING APPROXIMATELY 8.178 ACRES OUT OF  
THE HENRY RHODES SURVEY, ABSTRACT NO. 522 IN  
WILLIAMSON COUNTY, TEXAS; OF WHICH  
APPROXIMATELY 467.68 ACRES OF LAND ARE TO BE  
TAKEN INTO AND MADE A PART OF THE CITY OF  
AUSTIN.

#### TRACT ONE

BEING all that tract of land called 66.42 acres annexed by  
Springwoods Municipal Utility District and described in Exhibit  
"B-3" by Resolution No. 81-0403-1, recorded in Volume 839, Page  
250 and Volume 854, Page 433 of the Deed Records of Williamson  
County, Texas.

#### TRACT TWO

BEING all that tract of land called 98.93 acres annexed by  
Springwoods Municipal Utility District and described in Exhibit  
"B-2" by Resolution No. 81-0403-1, recorded in Volume 839, Page  
250 and Volume 854, Page 433 of the Deed Records of Williamson  
County, Texas.

### TRACT THREE

BEING a tract of land made up of the following four (4) tracts of land: Tract 1 being all of a called 188.138 acre tract of land annexed by Springwoods Municipal Utility District and described in Exhibit "A" and "B-4" by Resolution No. 81-0403-1, recorded in Volume 839, Page 250 and Volume 854, Page 433 of the Deed Records of Williamson County, Texas, Tract 2 being all of a called 70.41 acre tract of land annexed by Springwoods Municipal Utility District and described in Exhibit "B-1" by Resolution No. 81-0403-1, recorded in Volume 839, Page 250 and Volume 854, Page 433 of the Deed Records of Williamson County, Texas, Tract 3 being all of a called 20.28 acre tract of land annexed by Springwoods Municipal Utility District and described in Exhibit "A" by Resolution No. 83-0831-2, recorded in Volume 938, Page 441 of the Deed Records of Williamson County, Texas and Tract 4 being all of a called 15.332 acre tract of land annexed by Springwoods Municipal Utility District and described in Exhibit "A" by Resolution No. 85-0218-1, recorded in Volume 1153, Page 848 of the Official Records of Williamson County, Texas.

### TRACT FOUR

BEING a tract of land called 8.178 acres annexed by Springwoods Municipal Utility District and described in Exhibit "A" by Order No. 91-0403-1, recorded in Volume 2010, Page 971 of the Official Records of Williamson County, Texas.

"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  
08/17/2010

*Mary P. Hawkins 8/17/10*

APPROVED: Mary P. Hawkins, RPLS NO. 4433  
Engineering Services Division  
Department of Public Works  
City of Austin

### REFERENCES

WCAD MAP 4-7408, 4-7418, 4-8208 & 4-8218  
Austin Grid G-37, G-38, G-39, H-37, H-38 & H-39





## **EXHIBIT B**



### **Springwoods MUD Area Subject to the Strategic Partnership Agreement**

### **Limited Purpose Annexation Planning Study and Regulatory Plan**

#### **Planning Study**

##### Background

On December 16, 2002 the Springwoods Municipal Utility District ("MUD") and the City of Austin entered into a Strategic Partnership Agreement ("SPA") establishing a timeline and procedure for annexation and conversion of the MUD to a Limited District. The SPA provides for annexation of the Springwoods MUD for the limited purposes of planning, zoning, health and safety pursuant to Section 43.0751 of the Texas Local Government Code. This Planning Study and Regulatory Plan has been prepared in accordance with the terms of the SPA and Section 43.123 of the Texas Local Government Code.

In the SPA, the MUD waived the requirement of Sec. 43.123 (d) (2) of the Texas Local Government Code that the property be annexed for full purposes within three years of the effective date of its limited purpose annexation and agreed that the City may take any and all steps to assure that full purpose annexation may be completed no sooner than December 31, 2010.

##### Area Description

The proposed Springwoods MUD annexation area includes approximately 468 acres in Williamson County generally located between Pond Springs Road and Parmer Lane on the north and south sides of Anderson Mill Road. The area is currently located in the City's Extraterritorial Jurisdiction ("ETJ").

The primary land uses in the Springwoods MUD are single and multi-family residential housing. The current estimated population of Springwoods MUD is approximately 6,210 persons.

##### Projected Ten Year Development With and Without Annexation

The Springwoods MUD area is almost fully developed and it is anticipated that the existing uses in the area will continue irrespective of the annexation status.

##### Issues Supporting Annexation

The proposed limited purpose annexation facilitates implementation of the SPA between the MUD and the City.

##### Public Benefit from the Annexation

The proposed limited purpose annexation facilitates implementation of the SPA between the MUD and the City. The SPA provides for full purpose annexation of the MUD which will benefit residents, landowners, and businesses within the MUD and the City.



The Economic, Environmental and other Impacts of the Proposed Annexation on Residents, Landowners, and Businesses in the Proposed Annexation Area

The proposed limited purpose annexation and future conversion to full purpose status will be of economic advantage to residents and landowners within the area through the establishment of land use controls and building standards not otherwise available. The application of City codes will protect property values by ensuring that all new development/redevelopment meets higher standards than might otherwise be adhered to in the absence of City codes. Limited purpose annexation will also prevent the intrusion of incompatible land uses and protect landowners, businesses, and residents from the expansion of incompatible land uses.

The proposed limited purpose annexation will protect the local environment by ensuring that future development will be in compliance with the City's zoning and development standards.

Proposed Zoning for the Area

The area will be zoned in accordance with the procedures required by state law and Title 25 of the Code of the City of Austin (the Land Development Code).

From the effective date of the limited purpose annexation until the property is zoned, the area will be treated for development purposes in accordance with Section 25-2-222 (Designation of Annexed Land) of the Code.

Comments regarding the proposed zoning will be considered at the public hearing for the proposed limited purpose annexation.

## **Regulatory Plan**

Development Regulations

Annexation of the area for the limited purposes of planning, zoning, health, and safety will extend the full range of City regulatory authority regarding development, construction, land use, and environmental quality to the area. This authority includes the application of all regulations pertaining to planning and zoning including but not limited to, regulations within the City's Land Development Code including related technical manuals, and all rules adopted pursuant thereto.

Future Full Purpose Annexation

The proposed limited purpose annexation area will be included within the City's full purpose jurisdiction in accordance with the terms of the SPA.

In the SPA, the District and the City agree that the limited purpose annexation status of the MUD may be converted to full purpose annexation no sooner than December 31, 2010.

# EXHIBIT C



## CITY OF AUSTIN ANNEXATION SERVICE PLAN

**Case Name:** Springwoods MUD Area  
Subject to the Strategic Partnership Agreement  
**Case Number:** C7a-10-002  
**Date:** September 9, 2010

### INTRODUCTION

This Service Plan ("Plan") is made by the City of Austin, Texas ("City") in accordance with a Strategic Partnership Agreement ("SPA") between the City and the Springwoods Municipal Utility District (MUD) pursuant to Texas Local Government Code Section 43.0751. This Plan relates to the annexation to the City of land ("annexation area") known as the Springwoods MUD Area. The Springwoods MUD was created under Chapter 54 of the Texas Water Code. The annexation area includes approximately 459 acres located in Williamson County generally located between Pond Springs Road and Parmer Lane on the north and south sides of Anderson Mill Road. This area currently located in the city's extraterritorial jurisdiction ("ETJ") and is adjacent to the full purpose city limits to the west along Pond Springs Road.

Land uses in this area include both single-family and multi-family residential, commercial, open space, and civic. 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 "I".

### 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 is that services under this Plan shall provide full municipal services as described in Section 43.056 of 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. An amended service plan must provide for

services that are comparable to or better than those established in the service plan before amendment.

## **SERVICE COMPONENTS**

In General. This Plan includes: (1) the Early Action Program, (2) Additional Services, (3) a Capital Improvement Program, (4) Services To Be Provided by Limited District, and (5) Services To Be Provided By City if Limited District is Dissolved.

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 so long as the service standards of this Service Plan are met. 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. 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.
- e. 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; and
  - repair maintenance 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.

The area is fully 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 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. The City will maintain the street lights and pay for the electricity for any streetlights located within the public right-of-way that Springwoods MUD maintained under the night watchman light program in place at the time of full purpose annexation.

- f. Maintenance of Parks, Playgrounds, and Swimming Pools. The District owns the Amenities, as defined in the SPA.

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

- g. 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.

The City will maintain all drainage facilities, including open drainage channels and storm water treatment facilities, including the Saddlebrook floodwall, at their current levels of service described in the Master Landscaping Services Agreement between the Springwoods Municipal Utility District and TexaScapes, Inc. dated April 1, 1994 as amended from time to time through September 1, 2009 and as implemented by the District. These services will include six (6) "Full Channel Maintenances" per year, two (2) "Limited Channel Maintenances" per year, and two (2)

Saddlebrook Channel Area maintenances per year. The map of channels to be maintained in accordance with this Service Plan is attached hereto as Exhibit “2.” Services may be provided by the City or by private service providers under contract with the City.

- 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 and property, 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, pet licensing 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. 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:
  - regularly scheduled bulky item collection – a notice to customers is provided in advance of the pickup date at least 2 times per year.
  - regularly scheduled large brush collection – a notice to customers is provided in advance of the pickup date at least 2 times per year.
  - regularly scheduled street sweeping service – approximately six (6) times, but no less than four (4) 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.
  - tall weed and grass and litter abatement programs.

The City may collect anti-litter fees throughout the annexation area consistent with City policy applied uniformly throughout the corporate limits of the City.

- 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 or wastewater service.

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 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. The City will make the capital improvements in accordance with, but subject to the conditions of, the provisions of Section 6 below.

#### **4. SERVICES TO BE PROVIDED BY LIMITED DISTRICT**

The Springwoods Limited District, created under the Strategic Partnership Agreement, will provide the following services.

- a. Solid Waste Collection. Springwoods Limited District shall be responsible for providing solid waste and recycling pick-up and disposal for the single family and duplex customers within the area during the existence of the Limited District. Services may be provided by District employees or by private solid waste service providers under contract with the District.

The Springwoods Municipal Utility District currently provides solid waste collection services under a contract with a private solid waste service provider. After conversion of the Municipal Utility District to the Limited District, the Limited District will continue to provide solid waste services. If the Limited District election is successful solid waste collection will include a provision for the collection of recyclable material by the private solid waste provider as “Single Stream” within 90 days of the election. Single Stream recycling is defined as curbside collection of all recyclable containers and fiber products, from a single cart, emptied into a non-compartmentalized truck and processed at a Material Recovery Facility.

- b. Maintenance and Security for Amenities. The Limited District will retain ownership of the Amenities including community recreation facilities, such as parks, swimming pool facilities, pavilions and Limited District Office, and other land and associated buildings and structures owned by the District or the Limited District, as such amenities are more particularly described in Exhibit “D” of the SPA. The Limited District shall be responsible for providing security, maintenance, and any necessary capital improvements for all such parks and recreation facilities currently owned by Springwoods MUD. Security and maintenance services may be provided by Limited District personnel or by private service providers under contract with the District.

- c. Deed Restriction Enforcement. The Springwoods Limited District shall retain the authority of the Springwoods MUD under Texas law, as it may be amended, to enforce deed restrictions applicable to property within the boundaries of the District and any restrictive covenants to which the MUD is a party.

## **5. SERVICES TO BE PROVIDED BY CITY IF LIMITED DISTRICT IS DISSOLVED**

If the Limited District is dissolved or ceases to exist for any reason prior to the expiration of this Service Plan, the City shall provide the following services within 90 days of dissolution, or the date upon which the District ceases to exist:

- a. 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 to single family residences, including duplex, triplex, and fourplex dwelling units, will be provided in accordance to the then published program guidelines, frequencies and service levels as provided on a uniform basis throughout the majority of the corporate limits of the City. Upon any transition of solid waste disposal services, the City will ensure that new containers (i.e., carts and recycling bins on good condition, new or properly reconditioned) will be delivered to each customer within the District prior to termination of prior solid waste disposal services.

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

- b. Maintenance of Parks, Playgrounds, and Swimming Pools. Ownership and title to all parks and recreational facilities owned by the Springwoods Limited District, which includes the Amenities, shall vest in the City. The City will maintain the entire Springwoods Park at the current levels of service described in the Master Landscaping Services Agreement between the Springwoods Municipal Utility District and TexaScapes, Inc. dated April 1, 1994 as amended from time to time through September 1, 2009 and as implemented by the District. Services will include the following "Additional Services" under the Master Landscaping Services Agreement as has been historically provided for the Parks: (i) overseeding the primary lawn and sports fields in Springwoods Park in the late Fall of each year with perennial winter rye and fescue grasses in a manner that ensures thick, green turf areas year round, (ii) the non-turf areas of the Woodlands Park Area will receive a Woodlands Park maintenance once per month for 10 months each year during the growing season, (iii) the turf areas, pavilion and trail areas of the Woodlands Park Area will be maintained under the same terms, conditions and schedule as the main areas of Springwoods Park, (iv) irrigation system repairs from time to time in order to get the irrigation systems in good repair including monthly irrigations system check, (v) annual topdress of all turf areas with compost, (vi) annual mulch for beds and tree rings, and (vii) maintaining a 6 foot mowing strip along all trails and around all pavilions. Services may be provided by the City Parks and Recreation Department or by private service providers under contract with the City. Additional services provided by the Department include:

### **Playground Equipment and Pavilions**

Staff inspects all playground equipment and areas on a daily basis to ensure the equipment is in safe, clean operating condition and surfacing is free and clear of hazards. Staff trained by the National Playground Safety Inspector (NPSI) Program will inspect the playground equipment and area two (2) times per year. Drinking fountains will be inspected daily for operation and cleanliness. Staff will remove debris as needed. Staff will clean and sanitize all drinking fountains on a daily basis.

Staff will clean and inspect pavilions twice per week. Staff will clean Bar-B-Que grills weekly. Staff will empty trashcans, sweep the area, and clean the tables on a daily basis.

### **Park Restrooms**

Daily Cleaning services include:

Clean and disinfect toilets, urinals, sinks, countertops, doors, and doorknobs;  
Clean floors, walls, mirrors, and ceilings;  
Refill toilet paper, paper towels, and hand soap; and  
Inspect all plumbing fixtures, lighting, and hand dryers.

### **Office at Springwoods Park**

The office building in Springwoods Park will be maintained in a good and proper manner and in an equivalent or better condition than the office building is in as of the date of annexation.

### **Trash and Litter Removal**

Parks and facilities are patrolled a minimum of once-per-day, seven days a week. Staff will check, and empty, as needed, all trash receptacles daily.

### **District Funds and Projects**

The City will designate unencumbered funds which remain in the Springwoods Limited District accounts upon dissolution ("District Funds") solely for the following list of maintenance and capital improvement projects for the District's Amenities (the "Projects"). The Projects will be performed in a reasonably prompt manner and with due diligence in accordance with the top to bottom priority set forth below; provided, however, that if remaining funds are not sufficient to perform the next Project on the list, the City may skip to the next Project which may be completed with available District Funds. The entire amount of District Funds will be applied to the Projects set forth below. The City's obligation to perform the Projects, however, is limited to the amount of District Funds remaining as each Project is completed. This is not a commitment to complete the entire list of Projects nor to construct any unfunded improvements but is a commitment to expend the entire amount of District Funds on the Projects.

### **Remaining Limited District Funds List**

- An independent assessment for the pool including things such as: replacement of pool blanket with new blanket of equal or better quality; replacement of pool slide; installation of an approved UV system or filter for cryptosporidium; secondary containment for pool chemicals; redesign of the pool water backcharging system; and other items identified by the assessment.

- Evaluation of playground equipment and repairs to bring into compliance with current playground safety standards and replacement of worn out or aging equipment (regardless of whether it meets current safety standards).
- Maintenance and improvements to Springwoods Park office building.

#### **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 so long as these changes do not result in a change in services or level of services provided under this Plan. 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 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.

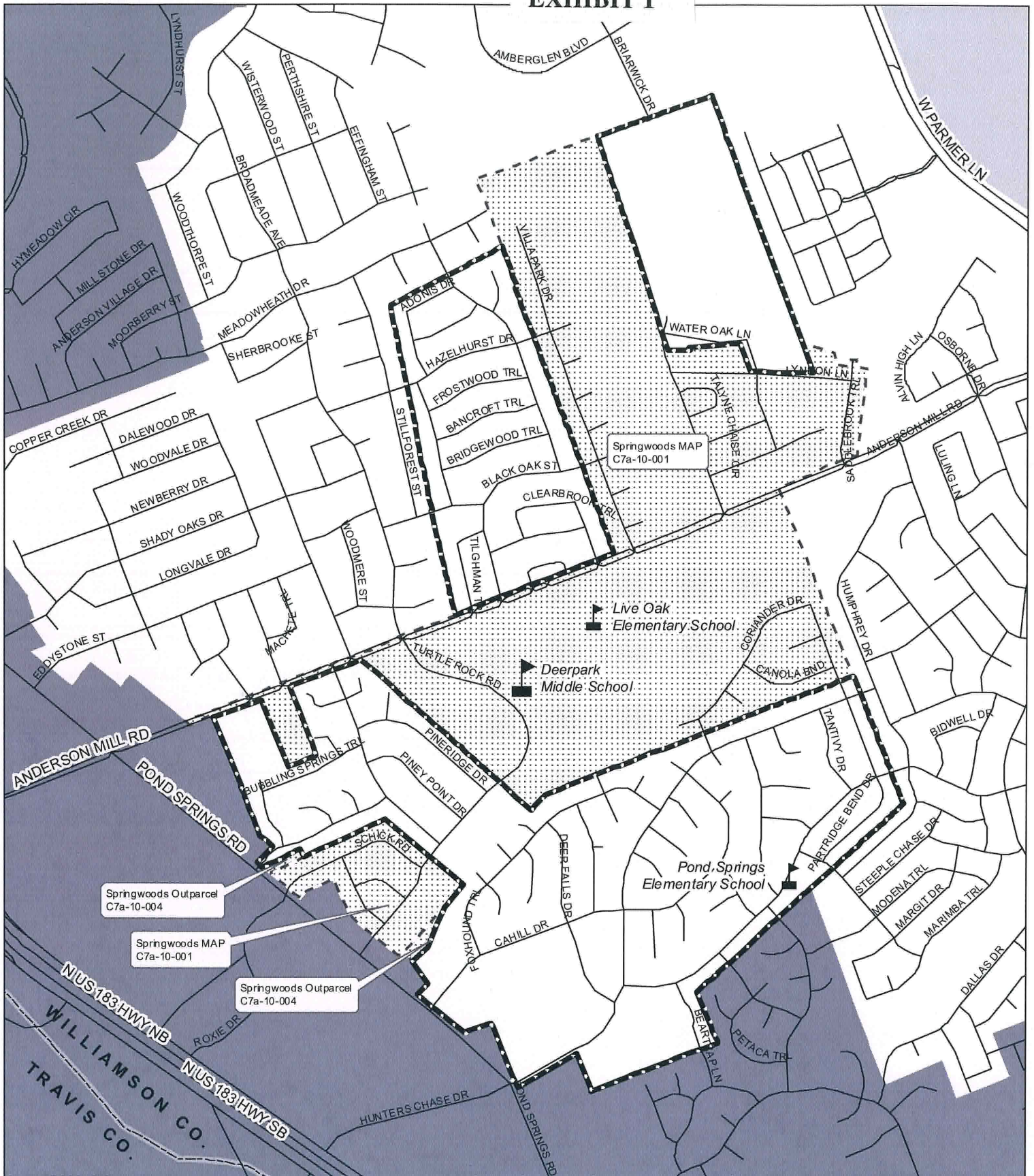
For lots served by an existing on-site well or septic system that have water or wastewater lines within 100 feet of the lot at the time of annexation, the owner will not be required to pay the impact fees if a tap permit is obtained by the property owner on or before the second anniversary of the date 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.



# EXHIBIT 1



## Springwoods Municipal Utility District Annexation Area C7a-10-002



City of Austin PDRD  
J. Chuter  
August 30, 2010



### Legend

- Springwoods Municipal Utility District
- Other Planned Annexation
- Street
- County Line

### Current Jurisdiction

- Austin Full Purpose
- Austin Limited Purpose
- Austin ETJ



# EXHIBIT 2

