

**ORDINANCE NO. 20161110-022**

**AN ORDINANCE ANNEXING, FOR FULL PURPOSES, ADDITIONAL TERRITORY ADJACENT TO THE LIMITS OF THE CITY OF AUSTIN REFERRED TO AS THE "SMITHFIELD/FRATE BARKER" ANNEXATION AREA, CONSISTING OF APPROXIMATELY 46 ACRES OF LAND IN SOUTHWESTERN 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 was annexed, and on the City of Austin website.
- (B) The public hearings were held on October 6, 2016 and October 13, 2016, 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 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 is annexed into the City for full purposes:

Approximately 46 acres located in southwestern Travis County at the intersection of Frate Barker Road and Manchaca Road, this area is more particularly described in Exhibit A.

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

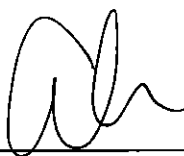
**PART 4.** The City Council declares that its purpose is to annex to the City of Austin each part of the area described in Exhibit A as provided in this ordinance, whether any other part of the described area is effectively annexed to the City. If this ordinance is held invalid as to part of the area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

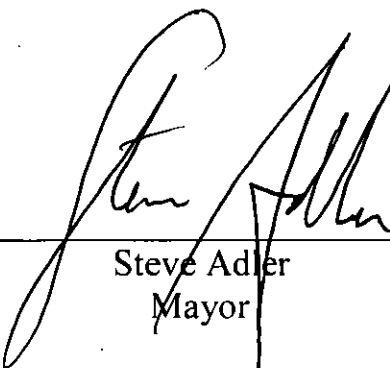
If any area or lands included within the description of the area set out in Exhibit A are: (1) presently part of and included within the general limits of the City of Austin; (2) presently part of and included within the limits of any other city, town or village; or (3) are not within the jurisdiction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

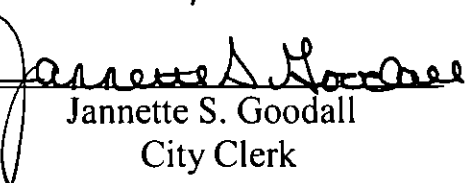
**PART 5.** This ordinance takes effect on December 15, 2016.

**PASSED AND APPROVED**

\_\_\_\_\_, November 10, 2016


**APPROVED:**   
Anne L. Morgan  
City Attorney

§  
§  
§ \_\_\_\_\_  
  
Steve Adler  
Mayor

**ATTEST:**   
Jannette S. Goodall  
City Clerk






## Smithfield/Frate Barker Annexation Area

-  Smithfield/Frate Barker Area
-  Mooreland Addition Annexation Consideration
-  Parcels
-  Streets
-  Railroad
-  Major Creeks

This product has been produced by the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness. All data by City of Austin except where otherwise indicated.

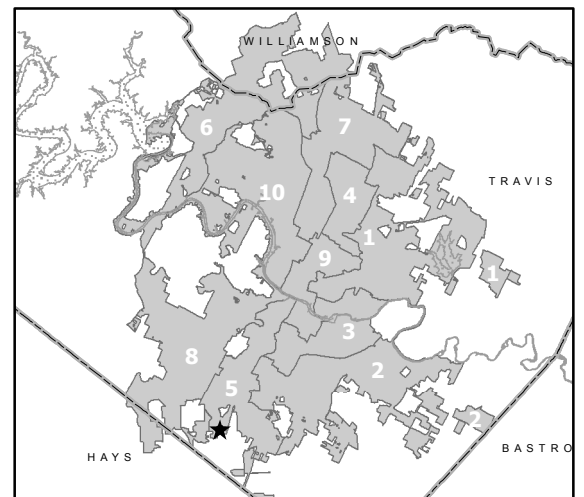
### Austin Jurisdiction

-  Austin Full Purpose
-  Austin Limited Purpose
-  Austin ETJ

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



City of Austin  
Planning and Zoning Department  
August 2016



**Smithfield/Frate Barker Area in Relation to Austin City Council Districts**

C7a-2016-0007

Area to be annexed.

(Approximately 46 acres of land out of the Walker Wilson Survey No. 2, Abstract No. 27 in Travis County, Texas)

(Smithfield Subdivision, Olympic Heights Outlot #2, The Foley Subdivision, Jackie's Gymnastics

Subdivision)

(Unplatted Land)

(Portions of Manchaca Road and Frate Barker Road)

#### LEGAL DESCRIPTION

LEGAL DESCRIPTION FOR A TRACT OF LAND CONTAINING APPROXIMATELY 46 ACRES OF LAND OUT OF THE WALKER WILSON SURVEY NO. 2, ABSTRACT NO. 27 IN TRAVIS COUNTY, TEXAS; OF WHICH APPROXIMATELY 46 ACRES OF LAND ARE TO BE MADE PART OF THE CITY OF AUSTIN, SAID APPROXIMATELY 46 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a point at the intersection of the present easterly right-of-way line of Manchaca Road (also known as F.M. 2304) and the easterly prolongation of the northerly line of Olympic Heights Outlot #2, a subdivision of record in Document No. 200700273 of the Official Public Records of Travis County, Texas and the southerly line of OFLP3 Subdivision, a subdivision of record in Document No. 201100011 of the Official Public Records of Travis County, Texas, same being the point of intersection of the present corporate limit line of the City of Austin as adopted by Ordinance No. 021121-52 (C7a-02-022) and the present corporate limit line of the City of Austin as adopted by Ordinance No. 021205-51 (C7a-02-001), same being in the westerly line of Lot 1, Block B of Ravenscroft Subdivision, a subdivision of record in Document No. 200700355 of the Official Public Records of Travis County, Texas, for the northeast corner of the tract herein described;

THENCE, in a southerly direction along the present corporate limit line of the City of Austin as adopted by Ordinance No. 021205-51 (C7a-02-001) with the present easterly right-of-way

line of Manchaca Road, common in part with the westerly line of Lot 1, Block B of said Ravenscroft Subdivision and Lot 142, Block B of Canterbury Trails Section V, a subdivision of record in Book 102, Page 292 of the Plat Records of Travis County, Texas to a point of curvature of a curve to the left;

THENCE, in a southeasterly direction along the present corporate limit line of the City of Austin as adopted by Ordinance No. 021205-51 (C7a-02-001) with said curve to the left, same being the present easterly right-of-way line of Manchaca Road and the southwesterly line of Lot 142, Block B of said Canterbury Trails Section V to a point of tangency on the present northerly right-of-way line of Chappell Lane;

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 Manchaca Road, crossing Chappell Lane to a point on the northerly line of Lot 13, Block 1 of Mooreland Addition, a subdivision of record in Book 8, Page 134 of the Plat Records of Travis County, Texas at a point of curvature of a curve to the left;

THENCE, in a southwesterly direction along the proposed corporate limit line of the City of Austin with said curve to the left, same being the present easterly right-of-way line, crossing into the interior of Lot 13, Block 1 of said Mooreland Addition to a point of tangency;

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 Manchaca Road, crossing Lots 13 through 1, inclusively, Block 1 of said Mooreland Addition to a point of curvature of a curve to the left;

THENCE, in a southeasterly direction along the proposed corporate limit line of the City of Austin with said curve to the left, same being the present easterly right-of-way line of Manchaca Road to a point of tangency on the northerly line of Mooreland Drive;

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 Manchaca Road, crossing Mooreland Drive to a point of curvature of a curve to the left on the northerly line of a called 0.797 acre tract of land conveyed to Rogyas, LLC by Warranty Deed with Vendor's Lien recorded in Document No. 2015088447 of the Official Public Records of Travis County, Texas;

THENCE, in a southwesterly direction along the proposed corporate limit line of the City of Austin with said curve to the left, same being the present easterly right-of-way line of Manchaca Road and the northwesterly line of said 0.797 acre tract to a point of tangency on the westerly line of said 0.797 acre tract;

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 Manchaca Road, common in part with the westerly line of said 0.797 acre tract to a point in the northerly line of Lot 8, Block 5 of said Mooreland Addition, at the southwest corner of said 0.797 acre tract;

THENCE, continuing in a southerly direction along the proposed corporate limit line of the City of Austin with the present easterly right-of-way line of Manchaca Road, crossing Lot 8, Block 5 of said Mooreland Addition to a point at the northwest corner of Lot 8, Block E of Morningside Addition, a subdivision of record in Document No. 200700191 of the Official Public Records of Travis County, Texas, same being in the present corporate limit line of the City of Austin as adopted by Ordinance No. 20071108-027 (Case No. C7a-07-016), for the southeast corner of the tract herein described;

THENCE, in a westerly direction along the proposed corporate limit line of the City of Austin with the westerly prolongation of the southerly line of Lot 8, Block 5 of said Mooreland Addition and the northerly line of Lot 8, Block E of said Morningside Addition, crossing Manchaca Road to a point on the present westerly right-of-way line of said Manchaca Road, same being the easterly line of tract being the remainder of a called 14.15 acre tract of land conveyed to Joseph D. Christian by Warranty Deed with Vendor's Lien recorded in Volume 8058, Page 694 of the Deed Records of Travis County, Texas, 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 westerly right-of-way line of Manchaca Road, common in part with the easterly line of the remainder of said 14.15 acre tract to a point of curvature of a curve to the left;

THENCE, in a northwesterly direction along the proposed corporate limit line with said curve to the left, same being the present westerly right-of-way line of Manchaca Road and northeasterly line of said remainder of said 14.15 acre tract to a point of tangency on the present southerly right-of-way line of Frate Barker Road;

THENCE, in a westerly direction along the proposed corporate limit line of the City of Austin with the present southerly right-of-way line of Frate Barker Road, common in part with the northerly line of the remainder of said 14.15 acre tract, a called 3.267 acre tract of land conveyed to DBI Frate Barker, LP by Special Warranty Deed recorded in Document No. 2014177494 of the Official Public Records of Travis County, Texas to a point in the easterly line of Lot 92, Block E of Rancho Alto Phase I, a subdivision of record in Document No. 200600039 of the Official Public Records of Travis County, Texas, same being the present corporate limit line of the City of Austin as adopted by Ordinance No. 20051117-017 (Case No. C7a-05-011), at the



northwest corner of said 3.267 acre tract, 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. 20051117-17 (Case No. C7a-05-011) with the northerly prolongation of the westerly line of said 3.267 acre tract and the easterly line of Lot 92, Block E of said Rancho Alto Phase I, crossing Frate Barker Road to a point in the present northerly right-of-way line of Frate Barker Road, same being the southerly line of Lot 53, Block B of Olympic Heights Section Two, a subdivision of record in Document No. 200200216 of the Official Public Records of Travis County, Texas and being in the present corporate limit line of the City of Austin as adopted by Ordinance No. 011101-40 (Case No. C7a-01-007), for an outside ell corner of the tract herein described;

THENCE, in an easterly direction along the present corporate limit line of the City of Austin as adopted by Ordinance No. 011101-40 (Case No. C7a-01-007) with the present northerly right-of-way line of Frate Barker Road, common in part with the southerly line of said Olympic Heights Section 2 to the southeast corner of Lot 53, Block B of said Olympic Heights Section 2, for an inside ell 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. 011101-40 (Case No. C7a-01-007) with the easterly line of said Olympic Heights Section 2, passing the southwest corner of Smithfield Subdivision, a subdivision of record in Document No. 201600023 of the Official Public Records of Travis County, Texas, continuing with the westerly line of said Smithfield Subdivision, a called 12.752 acre tract of land conveyed to DTTW Investments, LP by Warranty Deed recorded in Document No. 1999036452 of the Official Public Records of Travis County, Texas and The Foley Subdivision, a subdivision of record in Document No. 200200060 of the Official Public Records of Travis County, Texas to a point at the northwest corner of said The Foley Addition, same being the most southerly common corner of Lot 30 and Lot 31, Block B of said Olympic Heights Section 2, for the most westerly northwest corner of the tract herein described;

THENCE, in an easterly direction along the present corporate limit line of the City of Austin as adopted by Ordinance No. 011101-40 (Case No. C7a-01-007) with the northerly line of said The Foley Subdivision, common in part with the southerly line of Lot 30, Block B of said Olympic Heights Section 2 and Olympic Heights Section 1, a subdivision of record in Document No. 200200099 of the Official Public Records of Travis County, Texas to a point at the southwest corner of the aforementioned Olympic Heights Outlot #2, same being the southeast corner of Lot 17, Block B of said Olympic Heights Section 1, for an inside ell 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.

011101-40 (Case No. C7a-01-007) with the easterly line of Lot 17, Block B of said Olympic Heights Section 1, common with the westerly line of said Olympic Heights Outlot #2 to a point on the southerly line of the aforementioned OFLP3 Subdivision, at the most easterly northeast corner of said Lot 17, Block B of said Olympic Heights Section 1 and the northwest corner of said Olympic Heights Outlot #2, for the most northerly northwest corner of the tract herein described;

THENCE, in an easterly direction along the present corporate limit line of the City of Austin as adopted by Ordinance No. 01110140-40 (Case No. C7a-01-007) with the common line of Olympic Heights Outlot #2 and the southerly line of OFLP3 Subdivision, passing the present westerly right-of-way line of Manchaca road and continuing across Manchaca Road with the easterly prolongation of said common line 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  
09-06-2016

*Mary P. Hawkins 9/12/16*

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

REFERENCES

Austin Grid D-12 & E-12  
TCAD MAPS 4-3623, 4-3625, 4-3823 & 4-3825





## **CITY OF AUSTIN**

### **ANNEXATION SERVICE PLAN**

**Case Name:** Smithfield/Frate Barker

**Case Number:** C7a-2016-0007

**Date:** August 16, 2016

#### **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 Smithfield/Frate Barker annexation area. The annexation area includes approximately 46 acres in southwestern Travis County at the intersection of Frate Barker Road and Manchaca Road. This area is currently in the city’s extraterritorial jurisdiction and is adjacent to Austin’s full purpose jurisdiction on its northern and western sides. The proposed Smithfield Condominiums (C8J-2015-0139.0A) project anticipates the development of 97 multi-family units. The remainder of the annexation area is primarily developed with office/warehouse/commercial uses along Manchaca Road.

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, as allowed by law. 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:
- trash collection – scheduled curbside cart collection based on a bundled services rate structure;
  - recycling collection – scheduled curbside cart collection of recyclables in accordance with the City’s recycling program;
  - yard trimmings collection – scheduled residential collection of yard trimmings and small brush clippings in kraft paper yard bags or reusable containers; and
  - bulk and brush collection – scheduled curbside collection of large brush and large bulk items.

Commercial trash collection service for businesses must be provided by a licensed private service provider.

At this time there are no residential customers in the annexation area.

- 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, near, or adjacent to the area. The facilities will be maintained and operated by Austin Water as governed by standard policies and procedures, and under the provisions of the enclosed City service extension policy.

The City has been authorized by the Texas Commission on Environmental Quality to administer the On-site Sewage Facilities (also known as septic tanks) Program. Services provided by Austin Water include permitting, inspections, licensing, and complaint investigation for all systems installed and operated within the City's full purpose jurisdiction and limited purpose jurisdiction where the City's health and safety ordinances apply.

- 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; and
  - 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 Zoning Department and the Development Services 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 Austin Code 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. Services currently provided in the City include:
  - street and boulevard sweeping;
  - litter collection and abatement;
  - household hazardous waste drop-off;
  - 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 service connections to new development and subdivisions, including properties currently utilizing water wells, on-site or other decentralized



wastewater systems (such as septic tanks) will be provided according to the standard policies and procedures of Austin Water, which may require the developer or property owner to extend or replace existing water and wastewater infrastructure. The extension of water and sewer service will be provided in accordance with the enclosed 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 AUSTIN WATER SERVICE EXTENSION POLICY**

The following information is a summary of the Austin Water Service Extension Policy, as set out in Chapter 25-9 of the Austin Land Development Code.

### Application for Service

Water and wastewater service is only provided to lots that have been properly subdivided and platted or are a legal lot. If a lot does not have accessible City water or wastewater infrastructure within 100 feet from the property's boundary or the existing City infrastructure cannot meet the needs of the proposed development, the owner must make an application for an extension of service to the Director of Austin Water for review. The Director may approve an application in certain circumstances; otherwise, City Council approval is required.

### Cost Participation

If the City requires oversizing of the proposed infrastructure, with City Council approval, the City may reimburse the developer for the City's proportionate share of the cost of constructing certain facilities. The actual calculation of the cost participation amounts, including limits and the schedules for the payments, are included in the City's Land Development Code.

### Impact Fee Waiver

For lots served by an existing well or septic system at the time of annexation, the owner will not be required to pay impact fees (also known as capital recovery fees) if an Austin Water tap permit is obtained by the property owner on or before the second anniversary of the date of annexation. The owner will still be required to pay other applicable connection fees.

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