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

AGENDA ITEM NO.: 6
AGENDA DATE: Thu 02/10/2005
PAGE: 1 of 1

SUBJECT: Approve third reading of an ordinance to annex the Brandt Road Area (Approximately 32.951 acres in Travis County east of IH 35 at the northeast corner of the intersection of IH 35 and Brandt Road) and grant I-GR (Interim-Community Commercial) designation.

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

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

REQUESTING DEPARTMENT: Neighborhood Planning and Zoning

DIRECTOR'S 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 10/28/04 and 11/04/04; first reading approved on 12/2/04; second reading approved on 2/16/04

BOARD AND COMMISSION ACTION: N/A

The Brandt Road Area (approximately 32.85 acres) is located in Travis County east of IH 35 at the northeast corner of the intersection of IH 35 and Brandt Road and is adjacent to the current full purpose city limit on the west and south sides. This area is currently undeveloped.

A companion zoning case is also scheduled on this date. Council action on the annexation must precede action on the zoning.

ORDINANCE NO.

AN ORDINANCE ANNEXING, FOR FULL PURPOSES, ADDITIONAL TERRITORY ADJACENT TO THE CITY LIMITS OF THE CITY OF AUSTIN REFERRED TO AS THE "BRANDT ROAD" AREA, CONSISTING OF APPROXIMATELY 32.951 ACRES OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT, LOCATED IN TRAVIS COUNTY, TEXAS; ESTABLISHING AN INTERIM ZONING CLASSIFICATION; 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, October 28, 2004 at 6:00 p.m. and Thursday, November 4, 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.

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:

Two tracts of land, the tract hereinafter described as Tract One containing 6.713 acres of land, more or less, out of the Santiago Del Valle Grant in Travis County, Texas and the tract of land hereinafter described as Tract Two containing 26.238 acres of land, more or less, out of the Santiago Del Valle Grant; the said 32.951 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. The Council waives the classification requirement of Section 25-2-222 of the City Code for the property depicted in Exhibit A and classifies it as Interim Community Commercial ("I-GR").

PART 6. This ordinance takes effect on _____.

PASSED AND APPROVED

_____, 2005 §
§
§ _____
Will Wynn
Mayor

APPROVED: _____
David Allan Smith

ATTEST: _____
Shirley A. Brown

City Attorney

City Clerk

CITY OF AUSTIN

DRAFT ANNEXATION SERVICE PLAN

Case Name: Brandt Road Area
Case Number: C7a-04-027
Date: October 20, 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 as the Brandt Road Area. The annexation area includes approximately 32.951 acres located in Travis County.

The annexation area is located east of IH 35 at the northeast corner of the intersection of IH 35 and Brandt Road. This area is currently undeveloped. The annexation area is described in Exhibit A, which is attached to the annexation ordinance of which this Plan is a part. The annexation area is also shown on the map in Exhibit A.

EFFECTIVE TERM

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

INTENT

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

The City reserves the right guaranteed to it by the Texas Local Government Code, to amend this Plan if the City Council determines that changed conditions or subsequent occurrence or any other legally sufficient circumstances exist under the Local Government Code, or other Texas laws to make this Plan unworkable or obsolete or unlawful.

SERVICE COMPONENTS

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

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

1. EARLY ACTION PROGRAM

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

a. Police Protection. The Austin Police Department ("APD") will provide protection and law enforcement services in the annexation area. These services include:

- normal patrols and responses;
- handling of complaints and incident reports; and
- special units, such as, traffic enforcement, criminal investigations, narcotics, gang suppression, and special weapons and tactics team.

b. Fire Protection. The Austin Fire Department ("AFD") will provide emergency and fire prevention services in the annexation area. These services include:

- Fire suppression and rescue;
- Emergency medical services first response for Austin 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.

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.

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);
- 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. Currently, there no residents in the area.

e. Maintenance of Water and Wastewater Facilities. Water and wastewater services will be provided through facilities located within or adjacent to the area. The facilities in the area will be maintained and operated by the City's Water and Wastewater Utility as governed by standard policies and procedures, and under the provisions of the attached City service extension policy.

f. Maintenance of Roads and Streets, Including Street Lighting. The Street and Bridge Division of the Public Works Department will maintain public streets over which the City has jurisdiction. These services include:

- Emergency pavement repair;

- Ice and snow monitoring of major thoroughfares;
- 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 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. Currently, the area has no residents.

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. Wastewater service will be extended to legally subdivided and occupied lots in the annexation area. Because of the time required to design and construct the necessary water and wastewater facilities, the facilities can not be reasonably provided within two and one half years of the effective date of annexation. The following schedule for the improvements is proposed: Construction will begin within two years of the effective date of annexation and will be substantially complete within four and one half years of the effective date of annexation.

Other water and wastewater services 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 and the Utility Criteria Manual, as amended. The Austin/Travis County Health and Human Services Department will use the process identified in Section 25-9-4 of the City Code, as amended, for determining whether to allow the continued use of a septic system.

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.

C7a-04-027
Area to be annexed. Approximately 32.951 acres of land out of the Santiago Del Valle Grant in Travis County, Texas. (Uplatted land)

LEGAL DESCRIPTION FOR TWO TRACTS OF LAND, THE TRACT HEREINAFTER DESCRIBED AS TRACT ONE CONTAINING APPROXIMATELY 6.713 ACRES OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS, AND THE TRACT OF LAND HEREINAFTER DESCRIBED AS TRACT TWO CONTAINING APPROXIMATELY 26.238 ACRES OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS; OF WHICH APPROXIMATELY 32.951 ACRES OF LAND ARE TO BE TAKEN INTO AND MADE A PART OF THE CITY OF AUSTIN, SAID APPROXIMATELY 32.951 ACRES BEING MADE UP OF TWO TRACTS OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Tract One, being all of that certain called 6.713 acre tract of land out of the Santiago Del Valle Grant in Travis County, Texas conveyed to the State of Texas for the use and benefit of the Permanent School Fund by deed recorded in Document No. 2003023072 of the Official Public Records of Travis County, Texas.

Tract Two, being all of that certain called 26.238 acre tract of land out of the Santiago Del Valle Grant in Travis County, Texas conveyed to the State of Texas for the use and benefit of the Permanent School Fund by deed recorded in Document No. 2003023073 of the Official Public Records of Travis 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".

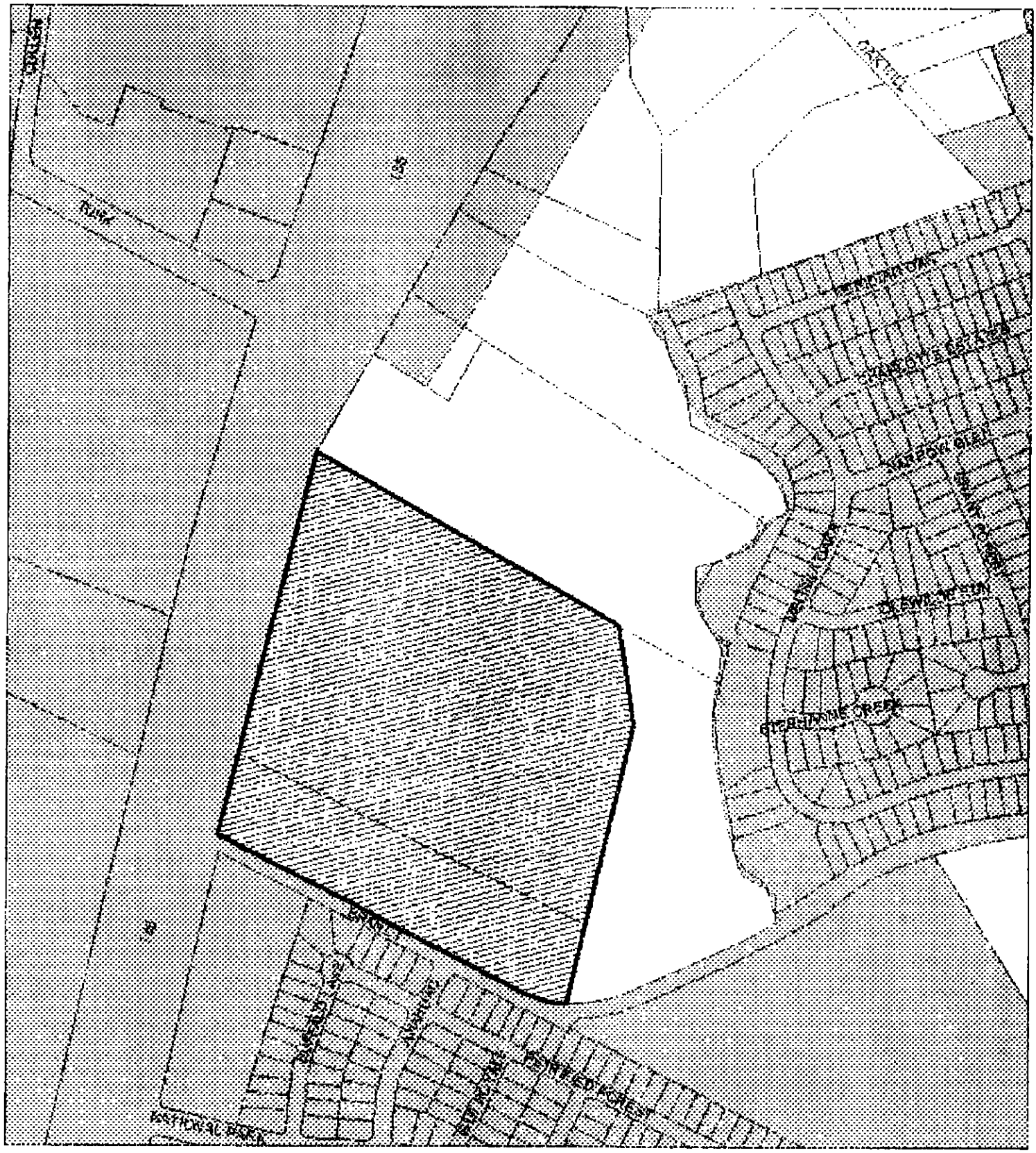
LEGAL DESCRIPTION: John E. Moore
11-20-2003

11-20-2003

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

REFERENCES

TCAD MAP 4-3918
Austin Grid G-12 & G-13


RUNK
CARTER
HERITAGE OAKS
STARFORD'S EAST
STARFORD BLVD
BRENDA COVE
CLEWIS DR
GOLDEN WREN
GOLDEN WREN CREEK
CARTER
RUNK
HERITAGE OAKS
STARFORD'S EAST
STARFORD BLVD
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