

ORDINANCE NO. 20051201-022

AN ORDINANCE ANNEXING, FOR FULL PURPOSES, ADDITIONAL TERRITORY ADJACENT TO THE CITY LIMITS OF THE CITY OF AUSTIN REFERRED TO AS THE "POND SPRINGS ROAD AREA", CONSISTING OF APPROXIMATELY 55 ACRES OF LAND OUT OF THE ELISHA ALLEN SURVEY NO. 2 AND THE HENRY RHODES SURVEY, ABSTRACT NO. 522, LOCATED IN WILLIAMSON COUNTY, TEXAS; WAIVING ZONING APPLICATION FEES; AND APPROVING A SERVICE PLAN.

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

PART 1. The Council finds that:

- (A) Notice of the two public hearings concerning annexation of the territory described in Exhibit A was published in a newspaper of general circulation in the City of Austin and in the area to be annexed.
- (B) The public hearings were held on October 27, 2005, at 6:00 p.m. and November 3, 2005 at 6:00 p.m. at City Hall Council Chambers, 301 West Second 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 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 Williamson County, Texas, and which is annexed into the City for the full purposes:

55 acres of land, more or less, out of the Elisha Allen Survey No. 2 and the Henry Rhodes Survey, Abstract No. 522 in Williamson County, Texas, of which 55 acres of land, more or less, are to be taken into and made a part of the City of Austin,

Williamson County, Texas; said 55 acres of land, more or less, being more particularly described in Exhibit A.

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

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

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

PART 5. Zoning application fees are waived for property within the annexed area for a period of one year from the effective date of annexation.

PART 6. This ordinance takes effect on December 31, 2005.

PASSED AND APPROVED

_____, December 1, 2005


§
§
§



Will Wynn

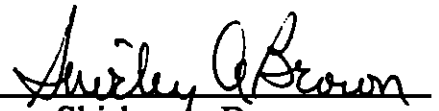
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Brown
City Clerk

EXHIBIT A

C7a-05-014

Area to be annexed.

(Approximately 55 Acres
out of the Elisha Allen
Survey No. 2 and the
Henry Rhodes Survey,
Abstract No. 522 in
Williamson County, Texas)
(Jollyville Square II,
Priesmeyer Addition, Lot
2 Jollyville Square)
(Unplatted Land)
(Portion of Pond Springs
Road)

LEGAL DESCRIPTION

**LEGAL DESCRIPTION FOR APPROXIMATELY 55
ACRES OF LAND SITUATED IN THE ELISHA
ALLEN SURVEY NO. 2 AND THE HENRY RHODES
SURVEY, ABSTRACT NO. 522 IN WILLIAMSON
COUNTY, TEXAS, OF WHICH APPROXIMATELY
55 ACRES OF LAND ARE TO BE TAKEN INTO
AND MADE A PART OF THE CITY OF AUSTIN,
SAID APPROXIMATELY 55 ACRES BEING MORE
PARTICULAR DESCRIBED AS FOLLOWS:**

BEGINNING at a point in the present corporate limit line of the City of Austin as adopted by Ordinance 981210-L (Case No.C7a-98-008), same being in the southeasterly line of that certain called 1.887 acre tract of land conveyed to the City of Austin by deed recorded in Volume 1325 at Page 936 of the Official Records of Williamson County, Texas, also being the northerly common corner of that certain called 1.192 acre tract of land (aka as Lot 1 of the unrecorded Lois M. Wible Subdivision) conveyed to Affordable Lawn Care and Landscaping Incorporated by deed recorded in Document No. 1998045935 of the Official Public Records of Williamson County, Texas and Lot 1, Jolly Oaks, a subdivision of record found in Cabinet B, Slide's 386-387 of the Plat Records of Williamson County, Texas, for the most northerly corner of the herein described tract of land;

THENCE, in a southeasterly direction with the proposed corporate limit line of the City of Austin in part with the common dividing line of the said Affordable Lawn Care and Landscaping Incorporated 1.192 acre tract and Lot 1 of said

Jolly Oaks to a point in the northwest right-of-way line of Eddystone Street at the common southerly corner of the said Affordable Lawn Care and Landscaping Incorporated 1.192 acre tract and Lot 1 of said Jolly Oaks, for a corner of the herein described tract of land;

THENCE, continuing in a southeasterly direction with the proposed corporate limit line of the City of Austin, crossing said Eddystone Street to a point in the southeast right-of-way line of Eddystone Street at the common westerly corner of that certain called 0.973 acre tract of land (aka as Lot 2 of the unrecorded Lois M. Wible Subdivision) conveyed to Lois Wible by deed recorded in Volume 436 at Page 660 of the Deed Records of Williamson County, Texas and Lot 23 of said Jolly Oaks, for a corner of the herein described tract of land;

THENCE, continuing in a southeasterly direction with the proposed corporate limit line of the City of Austin, being the common dividing line of the said Lois Wible 0.973 acre tract and Lot 23 of said Jolly Oaks to a point in the westerly line of that certain called 4.00 acre tract of land conveyed to Pond Springs Baptist Church by deed recorded in Volume 531 at Page 555 of the Deed Records of Williamson County, Texas at the easterly common corner of the said Lois Wible 0.973 acre tract and Lot 23 of said Jolly Oaks, for an inside ell corner of the herein described tract;

THENCE, in a northeasterly direction with the proposed corporate limit line of the City of Austin, being the northwesterly line of the said Pond Springs Baptist Church 4.00 acre tract common with the southeast lines of Lot 23 and Lots 24-26 of said Jolly Oaks to a point at the most northerly corner of the said Pond Springs Baptist Church 4.00 acre tract, same being the most westerly corner of Lot 28 of said Jolly Oaks, for an outside ell corner of the herein described tract;

THENCE, in a southeasterly direction with the proposed corporate limit line of the City of Austin, same being the northeasterly line of the said Pond Springs Baptist Church 4.00 acre tract common with the southwest lines of said Lot 28 and Lots 29-30 of said Jolly Oaks to a point in the northwesterly line of that certain called 6.963 acre tract of land conveyed to Furrows North Properties, Ltd. by deed recorded in Document No. 2002055772 of the Official Public Records of Williamson County, Texas at the northeast corner of the said Pond Springs Baptist Church 4.00 acre tract, same being the most southerly corner of Lot 30 of said Jolly

Oaks, for an inside ell corner of the herein described tract;

THENCE, in a northeasterly direction with the proposed corporate limit line of the City of Austin, being the common dividing line of the said Furrows North Properties, Ltd. 6.963 acre tract and Lot 30 of said Jolly Oaks to a point at the most westerly corner of Lot 2, Block A, Williamson County Fire District No. 1 Subdivision, a subdivision of record found in Cabinet K, Slide's 33 and 34 of the Plat Records of Williamson County, Texas, same being a common corner of the said Furrows North Properties, Ltd. 6.963 acre tract and Lot 30 of said Jolly Oaks, for an outside ell corner of the herein described tract;

THENCE, in a southeasterly direction with the proposed corporate limit line of the City of Austin, being in part with the northeasterly line of the said Furrows North Properties, Ltd. 6.963 acre tract common with the southwesterly lines of said Lot 2, Block A and Lot 1, Block A of said Williamson County Fire District No. 1 Subdivision, and in part with the southeasterly prolongation of said common dividing line to a point in the present southeasterly right-of-way line of Anderson Mill Road, same being in the northwesterly line of the remaining portion of that certain called 4.358 acre tract of land conveyed to Merner Land Company by deed recorded in Volume 2312 at Page 953 of the Official Records of Williamson County, Texas, for an inside ell corner of the herein described tract;

THENCE, in a northeasterly direction with the proposed corporate limit line of the City of Austin, being the present southeasterly right-of-way line of Anderson Mill Road, same being the northwesterly line of the remaining portion of the said Merner Land Company 4.358 acre tract to a point at the most northerly corner of the remaining portion of the said Merner Land Company 4.358 acre tract, same being the northwest corner of Lot 1, Block A, Springwoods Park, a subdivision of record found in Cabinet J, Slide's 357-358 of the Plat Records of Williamson County, Texas, for an outside ell corner of the herein described tract;

THENCE, in a southeasterly direction with the proposed corporate limit line of the City of Austin, being the southwesterly line of Lot 1, Block A of said Springwoods Park common in part with the northeasterly line of the said Merner Land Company 4.358 acre tract, in part with the northeasterly line of Lot A, Jollyville Square II, a subdivision of record found in Cabinet D, Slide's 369-370 of

the Plat Records of Williamson County, Texas and in part with the northeasterly line of Lots 1 and 2, Priesmeyer Addition, a subdivision of record found in Cabinet D, Slide's 371-372 of the Plat Records of Williamson County, Texas to a point at the most southerly corner of Lot 1, Block A of said Springwoods Park, same being the northwest corner of Lot 108, Block B, Springwoods Section One, a subdivision of record found in Cabinet D, Slide's 39-40 of the Plat Records of Williamson County, Texas, for a corner of the herein described tract;

THENCE, continuing in a southeasterly direction with the proposed corporate limit line of the City of Austin, being the southwesterly line of said Lot 108, Block B and Lots 109-115, Block B of said Springwoods Section One common in part with the northeasterly line of Lot 1 of said Priesmeyer Addition, in part with the northeasterly line of Lot 2, Jollyville Square, a subdivision of record found in Cabinet C, Slide's 208-209 of the Plat Records of Williamson County, in part with the northeasterly line of that certain called 0.396 acre tract of land conveyed to William A. Gouldie by deed recorded in Volume 2710 at Page 299 of the Official Records of Williamson County, Texas, in part with the northeasterly line of that certain called 1.303 acre tract of land conveyed to Complete Book & Media Supply, Inc. by deed recorded in Document No. 1999078006 of the Official Public Records of Williamson County, Texas and in part with the northeasterly line of Lot 1, Block A, Austin Payfones Subdivision, a subdivision of record found in Cabinet Q, Slide's 231-233 of the Plat Records of Williamson County, Texas to a point in the northwesterly right-of-way line of Sparkling Creek Drive at the most easterly corner of Lot 1, Block A of said Austin Payfones Subdivision, for an outside ell corner of the herein described tract;

THENCE, in a southwesterly direction with the proposed corporate limit line of the City of Austin, being the northwesterly right-of-way line of Sparkling Creek Drive, same being the southeasterly line of Lot 1, Block A of said Austin Payfones Subdivision to a point at the intersection of the northwesterly right-of-way line of Sparkling Creek Drive with the present northeasterly right-of-way line of Pond Spring Road, same being at a point of tangency in the southwesterly line of Lot 1, Block A of said Austin Payfones Subdivision, for an inside ell corner of the herein described tract;

THENCE, in a southeasterly direction with the proposed corporate limit line of the City of Austin, being the present northeasterly right-of-way line of Pond Spring Road, in part with the southwesterly line or terminus of Sparkling

Creek Drive, in part with the southwesterly line of that certain tract of land known as Rhodes Cemetery described by deeds recorded in Volume 126 at Page 35 and Volume 140 at Page 316 of the Deed Records of Williamson County, Texas, in part with the southwesterly line of Lot 37, Turtle Rock Estates, a subdivision of record found in Cabinet E, Slide's 347-348 of the Plat Records of Williamson County, Texas, in part with the southwesterly line or terminus of Schick Road and in part with the southwesterly line of Lot 38 of said Turtle Rock Estates to a point at the most southerly corner of Lot 38 of said Turtle Rock Estates, same being the most westerly corner of Lot 1 of said Turtle Rock Estates, for an inside ell corner of the herein described tract;

THENCE, in a northeasterly direction with the proposed corporate limit line of the City of Austin, being the northwesterly line of Lot 1 said Turtle Rock Estates common with the southeasterly line of said Lot 38 and Lots 39-42 of said Turtle Rock Estates to a point in the southwesterly line of Lot 44 of said Turtle Rock Estates at the most northerly corner of Lot 1 of said Turtle Rock Estates, same being the most easterly corner of Lot 42 of said Turtle Rock Estates, for an outside ell corner of the herein described tract;

THENCE, in a southeasterly direction with the proposed corporate limit line of the City of Austin, in part with the northeasterly lines of said Lot 1 and Lots 2-4 of said Turtle Rock Estates common with the southwesterly lines of said Lot 44 and Lots 45-51 of said Turtle Rock Estates, crossing Turtle Rock Road and in part with the common dividing line of Lot 5 and Lot 6 of said Turtle Rock Estates to a point in the northwesterly line of that certain called 1.84 acre tract of land conveyed to 13125 Pond Springs, Inc. by deed recorded in Document No. 1999019338 of the Official Public Records of Williamson County, Texas at the common easterly corner of Lot 5 and Lot 6 of said Turtle Rock Estates, for an inside ell corner of the herein described tract;

THENCE, in a northeasterly direction with the proposed corporate limit line of the City of Austin, being the common dividing line of said 13125 Pond Springs, Inc. 1.84 acre tract and Lot 6 of said Turtle Rock Estates to a point at the most northerly corner of the said 13125 Pond Springs, Inc. 1.84 acre tract, same being the most westerly corner of Lot 1, Block A, Hunters Point, a subdivision of record found in Cabinet G, Slide's 209-210 of the Plat Records of Williamson County, Texas, for an outside ell corner of the herein described tract;

THENCE, in a southeasterly direction with the proposed corporate limit line of the City of Austin, being the common dividing line of the said 13125 Pond Springs, Inc. 1.84 acre tract and Lot 1, Block A of said Hunters Point to a point in the northwesterly line of Lot 2, Block A of said Hunters Point at the most easterly corner of said 13125 Pond Springs, Inc. 1.84 acre tract, same being the most westerly southwest corner of Lot 1, Block A of said Hunters Point, for an outside ell corner of the herein described tract;

THENCE, in a southwesterly direction with the proposed corporate limit line of the City of Austin, being the common dividing line of the said 13125 Pond Springs, Inc. 1.84 acre tract and Lot 2, Block A of said Hunters Point to a point in the present northeasterly right-of-way line of Pond Springs Road at the common southerly corner of said 13125 Pond Springs, Inc. 1.84 acre tract and Lot 2, Block A of said Hunters Point, for an inside ell corner of the herein described tract;

THENCE, in a southeasterly direction with the proposed corporate limit line of the City of Austin, being the present northeasterly right-of-way line of Pond Springs Road, same being in part with the southwesterly line of Lot 2, Block A of said Hunters Point, in part along the southwesterly line or terminus of Cahill Drive, in part along the southwesterly line of Lot 3, Block B of said Hunters Point and in part along the southwesterly line of Lot 4, Block B, Amended Plat of Lot 4, Block B, Hunters Point, a subdivision of record found in Cabinet I, Slide 137 of the Plat Records of Williamson County, Texas to a point at the southwest corner of Lot 4, Block B of said Amended Plat of Lot 4, Block B, Hunters Point, same being the northwest corner of that certain called 1.063 acre tract of land conveyed to Kenneth L. Bishop by deed recorded in Document No. 2000075597 of the Official Public Records of Williamson County, Texas, for an inside ell corner of the herein described tract;

THENCE, in a northeasterly direction with the proposed corporate limit line of the City of Austin, being the common dividing line of the said Kenneth L. Bishop 1.063 acre tract and Lot 4, Block B of said Amended Plat of Lot 4, Block B, Hunters Point to a point in the southwesterly line of Lot A, Block B, Hunters Point Section Two, a subdivision of record found in Cabinet J, Slide's 235-236 of the Plat Records of Williamson County, Texas at the common easterly corner of the said Kenneth L. Bishop 1.063 acre tract and Lot 4, Block B of said Amended Plat of Lot 4, Block B, Hunters Point, for an outside ell corner of the herein described tract;

THENCE, in a southeasterly direction with the proposed corporate limit line of the City of Austin, being in part along the northeasterly lines of the said Kenneth L. Bishop 1.063 acre tract, in part with the northeasterly line of that certain called 0.5818 acre tract of land conveyed to Steven J. Sharp, et ux. by deed recorded in Document No. 1996066181 of the Official Public Records of Williamson County, Texas common in part with the southwesterly line of Lot A, Block B of said Hunters Point Section Two and the southwesterly line of Lot 17, Block D, Hunters Chase Section Three, a subdivision of record found in Cabinet E, Slide's 243-245 of the Plat Records of Williamson County, Texas and in part with the southeasterly prolongation of said common dividing lines, crossing Hunters Chase Drive to a point in the present corporate limit line of the City of Austin as adopted by Ordinance 981210-C (Case No.C7a-98-001), same being in the southeasterly right-of-way line of Hunters Chase Drive, for the southeast corner of the herein described tract;

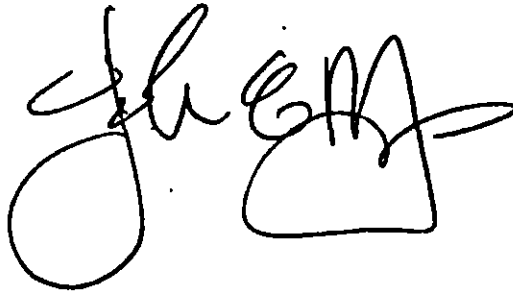
THENCE, in a southwesterly direction with the present corporate limit line of the City of Austin as adopted by Ordinance 981210-C (Case No.C7a-98-001), being the southeasterly right-of-way line of Hunters Chase Drive, crossing Pond Springs Road to a point at the intersection of the present corporate limit line of the City of Austin as adopted by Ordinance 981210-C (Case No.C7a-98-001) with another corporate limit line of the City of Austin as adopted by Ordinance 971218-C (Case No.C7a-97-004), same being the intersection of the southwesterly right-of-way line of Pond Springs Road with the southeasterly right-of-way line of Hunters Chase Drive, for the southwest corner of the herein described tract;

THENCE, in a northwesterly direction with the present corporate limit line of the City of Austin as adopted by Ordinance 971218-C (Case No.C7a-97-004), being the southwesterly right-of-way line of Pond Springs Road to a point at the intersection of the present corporate limit line of the City of Austin as adopted by Ordinance 971218-C (Case No.C7a-97-004) with another corporate limit line of the City of Austin as adopted by Ordinance 981210-L (Case No.C7a-98-008), same being at the intersection of the southwesterly right-of-way line of Pond Springs Road with the southwesterly prolongation of the common dividing line of the said City of Austin 1.887 acre tract and Lot 1, Block D of said Jolly Oaks, for the northwest corner of the herein described tract;

THENCE, in a northeasterly direction with the present corporate limit line of the City of Austin as adopted by Ordinance 981210-L (Case No.C7a-98-008), crossing Pond Springs Road, being in part with the common dividing line of the said City of Austin 1.887 acre tract and Lot 1, Block D of said Jolly Oaks and in part with the southwesterly prolongation of said common dividing 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".

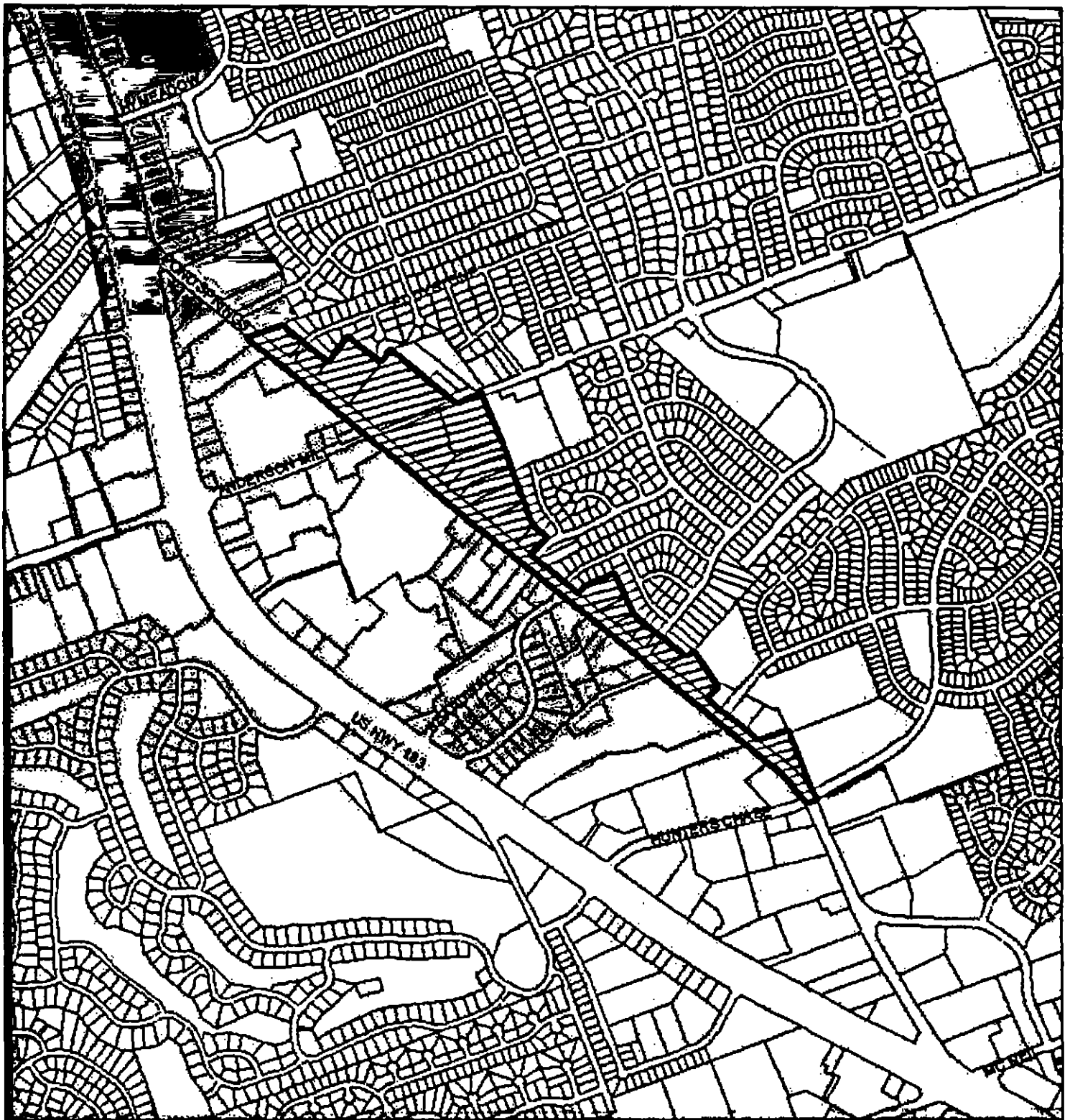
LEGAL DESCRIPTION: John E. Moore
11-03-2005

A handwritten signature in black ink, appearing to read 'John E. Moore', with a large loop at the end of the last name.

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

REFERENCES

WCAD MAP'S 4-7408, 4-7418, 4-8208
Austin Grids G-37 & G-38



**Pond Springs Road Area
Proposed Full Purpose
Annexation Area
C7a-05-014**

City of Austin
Neighborhood Planning & Zoning Department
September 12, 2005





-  Proposed 2005 Annexation Area
-  Austin Full Purpose
-  Austin Limited Purpose
-  Austin ETJ



EXHIBIT B



CITY OF AUSTIN
ANNEXATION SERVICE PLAN

Case Name: Pond Springs Road Area
Case Number: C7a-05-014
Date: October 27, 2005

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 tracts of land ("annexation area") known as the Pond Springs Road Area. The annexation area includes approximately 55 acres in Williamson County east of Pond Springs Road from the intersection of Pond Springs Road and Hunters Chase Drive extending northwest to approximately 400 feet past the intersection of Pond Springs Road and Eddystone Street.

This area includes a mix of existing commercial and multi-family residential tracts and Pond Springs Road right-of-way. The annexation area is described by metes and bounds in Exhibit A, which is attached to the annexation ordinance of which this Plan is a part. The annexation area is also shown on the map in Exhibit A.

EFFECTIVE TERM

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

INTENT

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

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

SERVICE COMPONENTS

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

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

1. EARLY ACTION PROGRAM

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

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

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

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

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

- 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 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 Solid Waste Services Department will provide services in the area. Services will be provided by City personnel or by solid waste service providers under contract with the City. Services currently provided in the City for single family residences, including duplex, triplex and fourplex dwelling units, include:

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

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

- 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 Transportation and 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 and Public Works 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 state law.

- g. Maintenance of Parks, Playgrounds, and Swimming Pools. At this time there are no public recreation facilities in the 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. Upon annexation residents may utilize all Austin Public Library facilities.
- 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. 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.
- 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. Street lighting in new and existing subdivisions will be installed and maintained in accordance with the applicable standard policies and procedures.
- j. **Other Publicly Owned Facilities, Building or Services: Additional Services.** In general, other City functions and services, and the additional services described above can be provided for the annexation area by using existing capital improvements. Additional capital improvements are not necessary to provide City services.
- k. **Capital Improvements Planning.** The annexation area will be included with other territory in connection with planning for new or expanded facilities, functions, and services.

AMENDMENT: GOVERNING LAW

This Plan may not be amended or repealed except as provided by the Texas Local Government Code or other controlling law. Neither changes in the methods or means of implementing any part of the service programs nor changes in the responsibilities of the various departments of the City shall constitute amendments to this Plan, and the City reserves the right to make such changes. This Plan is subject to and shall be interpreted in accordance with the Constitution and laws of the United States of America and the State of Texas, the Texas Local Government Code, and the orders, rules and regulations of governmental bodies and officers having jurisdiction.

FORCE MAJEURE

In case of an emergency, such as Force Majeure as that term is defined in this Plan, in which the City is forced to temporarily divert its personnel and resources away from the annexation area for humanitarian purposes or protection of the general public, the City obligates itself to take all reasonable measures to restore services to the annexation area of the level described in this Plan as soon as possible. Force Majeure shall include, but not be limited to, acts of God, acts of the public enemy, war, blockages, insurrection, riots, epidemics, landslides, lightning, earthquakes, fires, storms, floods, washouts, droughts, tornadoes, hurricanes, arrest and restraint of government, explosions, collisions and other inability of the City, whether similar to those enumerated or otherwise, which is not within the control of the City. Unavailability or shortage of funds shall not constitute Force Majeure for purposes of this Plan.

SUMMARY OF THE WATER AND WASTEWATER UTILITY SERVICE EXTENSION POLICY (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. This summary does not amend, modify or supplement water and wastewater requirements in the City Code, Criteria Manuals or other applicable regulations.

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.

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.