

**CITY OF HORSESHOE BAY**

**ORDINANCE NO. ORD 08-10-21E**

**ANNEXATION OF HORSESHOE BAY CENTER TRACT**

**AN ORDINANCE PROVIDING FOR THE ANNEXATION OF PROPERTY THAT IS COMMONLY KNOWN AS THE SPACE CENTER, AND LEGALLY DESCRIBED AS HORSESHOE BAY CENTER PLAT NO. 1.1, AND OWNED BY G&J2147 LTD., INTO THE CITY OF HORSESHOE BAY, TEXAS FOR ALL MUNICIPAL PURPOSES; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREA SHALL BECOME A PART OF THE CITY AND THAT THE INHABITANTS THEREOF, IF ANY, SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREINAFTER ADOPTED; PROVIDING FOR ZONING OF SUCH PROPERTY IN ACCORDANCE WITH THE CITY'S ZONING ORDINANCE, PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Horseshoe Bay, Texas is a Type A general-law municipality as defined by the Texas Local Government Code; and

**WHEREAS**, Chapter 43 of the Texas Local Government Code, V.T.C.A., authorizes municipalities to annex adjacent territory in accordance with the procedures provided for therein; and

**WHEREAS**, the City received a petition for annexation from the owners of a certain tract of 5.44 acres as described hereafter; and

**WHEREAS**, notice of the appropriate public hearings was published in a newspaper having general circulation in the City of Horseshoe Bay, Texas and the public hearings were conducted and held in accordance with applicable law; and

**WHEREAS**, the City of Horseshoe Bay, Texas prepared a service plan for the extension of municipal services into the area commonly known as the Space Center, legally described as Horseshoe Bay Center Plat No. 1.1, to be annexed, said service plan being attached hereto as Exhibit "A" and incorporated herein for all purposes;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY, TEXAS:**

## **I. ANNEXATION**

That the hereinafter described tract of land is within the extraterritorial jurisdiction of, and is adjacent to and contiguous to the present corporate limits of the City of Horseshoe Bay, Texas, be, and the same is hereby annexed to the City of Horseshoe Bay, Texas for all municipal purposes and the corporate lines and limits of the City of Horseshoe Bay, Texas are hereby extended to embrace the said tract of land, which is more particularly described and attached hereto as follows:

### **5.44 ACRE ANNEXATION**

5.44 Acres commonly known as Space Center, legally described as Horseshoe Bay Center Plat No. 1.1, 5.44 Acres out of the Madison Putnam Survey No. 572, Abstract No. 587, Llano County, Texas.

## **II. RIGHTS AND PRIVILEGES**

That the inhabitants, if any, of the property hereby annexed to the City of Horseshoe Bay, Texas shall be entitled to all the rights and privileges of said citizens of the City of Horseshoe Bay, Texas, and shall be bound by the acts, ordinances, codes, resolutions and regulations of the City of Horseshoe Bay, Texas.

## **III. SERVICE PLAN**

That Service Plan which is attached hereto as Exhibit "A" is hereby approved and incorporated herein as part of this Ordinance for all purposes.

## **IV. ZONING**

That pursuant to the provisions of the City's Zoning Ordinance, the area commonly known as the Space Center, legally described as Horseshoe Bay Center Plat No. 1.1, hereby annexed shall be zoned C-2 General Commercial with PD Zoning Authorizations.

## **V. MAP AND BOUNDARIES AMENDED**

That the official map and boundaries of the City of Horseshoe Bay, Texas, heretofore adopted and amended be and is hereby amended so as to include the aforementioned territory as part of the City of Horseshoe Bay, Texas.

## **VI. CORRECTION OFFICIAL MAP**

That the Development Services Manager is hereby directed and authorized to perform or cause to be performed all acts necessary to correct the official map of the City of Horseshoe Bay, Texas to add the territory hereby annexed as required by law.



EXHIBIT A  
SERVICE PLAN

## ANNEXATION SERVICE PLAN

### **FOR HORSESHOE BAY CENTER PLAT NO. 1.1, 5.44 ACRES OF LAND IN THE MADISON PUTMAN SURVEY NO.672, ABSTRACT NO. 587**

#### **SERVICES TO BE RENDERED AS OF THE EFFECTIVE DATE OF ANNEXATION**

Pursuant to Section 43.056 of the Texas Local Government Code, each of the below services must be provided on the effective date of annexation of the Area:

#### **1. POLICE PROTECTION**

A. *Existing Services:* Currently the Area is under the jurisdiction of the Llano County Sheriff's Office.

B. *Services to be Provided:* The City and its Police Department will provide police protection to the newly annexed Area at the same or similar level of service now being provided to other areas of the City with similar topography, land use and population as that within the newly annexed Area. It is anticipated that the implementation of police patrol activities can be effectively accommodated within the current budget and staff appropriation.

#### **2. FIRE PROTECTION**

A. *Existing Services:* Currently the Area is under the jurisdiction of Llano County.

B. *Services to be Provided:* The Horseshoe Bay Fire Department will provide fire protection to the newly annexed Area at the same or similar level of service now being provided to other areas of the City with similar topography, land use and population within the City. It is anticipated that the implementation of fire suppression activities can be effectively accommodated within the current budget and staff appropriation.

#### **3. EMERGENCY MEDICAL SERVICES**

A. *Existing Services:* Currently, the Area is under the jurisdiction of Llano County Emergency Services District No. 1.

B. *Services to be Provided:* The City does not provide emergency medical services. The City is not aware that the annexation of these properties will change or impact emergency medical services provided to the Area by Llano County Emergency Service District No. 1.

#### **4. SOLID WASTE COLLECTION**

A. *Existing Services:* The City Council is unaware of any existing solid waste services being provided in the Area.

B. *Services to be Provided:* The City contracts with Allied Waste for collection of solid waste and refuse within the city limits of the City. Upon compliance with all City ordinances, policies and regulations including, but not limited to, the payment of any required deposits and the agreement to pay lawful service fees and charges, solid waste collection will be provided in the newly annexed Area now being provided to other areas of the City with similar topography, land use and population within the City to the extent that the City's contractor has access to the Area to be serviced.

5. **BUILDING INSPECTION**

A. *Existing Services:* By Agreement with Llano County, the City provides building inspection services to specific areas in the City's Extraterritorial Jurisdiction (ETJ), including the Area to be annexed. This includes issuing building, electrical and plumbing permits for any new construction and remodeling, conducting inspections and enforcing all other applicable codes which regulate building construction within the City.

B. *Services to be Provided:* No change.

6. **PLANNING AND ZONING**

A. *Existing Services:* None

B. *Services to be Provided:* The City Council for the City currently serves as the Planning and Zoning Commission. The City intends at some time to appoint a Planning and Zoning Commission, but until that time, the City Council will continue the responsibility of regulating development and land use through the administration of the City's Zoning Ordinance which will extend to the newly annexed Area on the effective date of the annexation. The newly annexed Area will also be regulated under the requirements of the City's Subdivision Ordinance. These services can be effectively accommodated by the Development Services Department within the current budget and staff appropriation.

7. **WATER SERVICES**

A. *Existing Services:* None

B. *Services to be Provided:* Water service will be provided in accordance with the applicable codes and departmental policy, which may require the execution of a Water Utility Service Agreement by and between the City and the Owner. Extension of services shall comply with City codes and ordinances.

8. **SANITARY SEWER SERVICES**

A. *Existing Services:* None

B. *Services to be Provided:* Wastewater service will be provided in accordance with the applicable codes and departmental policy. Extension of services shall comply with City codes and ordinances.

9. **MAINTENANCE OF WATER AND WASTE WATER FACILITIES**

A. *Existing Services:* Currently there are no public water or wastewater services provided in the Area.

B. *Services to be Provided:* Subject to the City's other outstanding agreements and obligations, the City shall furnish, extend, and maintain water and wastewater services to the Area proposed for annexation in the same or similar manner and under the same terms, conditions, costs, and rates as such services are currently provided within the City. As may be agreed to by the City and the Owner pursuant to a Water Utility Service Agreement or Wastewater Utility Service Agreement, water or wastewater infrastructure, other than individual private distribution or collection lines, constructed in the Area shall be dedicated to the City for public use, and any facilities acquired subsequent to the annexation of the Area shall be maintained by the City to the extent of its ownership. The now existing water and wastewater mains at their existing locations shall be available for point of use extension based upon the current City's standard water and wastewater extension policies now existing or as may be amended. All newly constructed infrastructures must comply with City ordinances, rules, regulations, standards, and policies.

10. **MAINTENANCE OF ROADS AND STREETS**

A. *Existing Services:* Any public roads in the Area are currently being maintained by the State of Texas.

B. *Services to be Provided:* No change.

11. **MAINTENANCE OF PARKS, PLAYGROUNDS AND SWIMMING POOLS**

A. *Existing Services:* The City Council of the City is not aware of the existence of any public parks, playgrounds or public swimming pools now located in the Area proposed for annexation.

B. *Services to be Provided:* No change.

12. **MAINTENANCE OF ANY PUBLICLY OWNED FACILITY, BUILDING OR MUNICIPAL SERVICE**

A. *Existing Services:* The City Council of the City is not aware of the existence of any publicly owned facility, building or other municipal service now located in the Area proposed for annexation.

B. *Services to be Provided:* In the event any such publicly owned facility, building or municipal service does exist and are public facilities, excluding any such facilities owned or to be owned by any Property Owners' Association or any sub-association and are for the exclusive use of the residents of the subdivision, the City will maintain such areas to the same extent and degree that it maintains publicly owned facilities, buildings or municipal services of the City.

**CONSTRUCTION OF ANY CAPITAL IMPROVEMENTS**

Section 43.056(e) of the Texas Local Government Code requires that the City include a program under which the City will initiate after the effective date of the annexation the acquisition or construction of capital improvements necessary for providing municipal services adequate to serve the Area. Any capital improvements to be constructed in the area being annexed shall be constructed pursuant to the terms of the City's Ordinances and policies. No construction of capital improvements is contemplated in the Area to be annexed.

**SPECIFIC FINDINGS**

The City Council finds and determines that this proposed Service Plan will not provide any fewer services, and it will not provide a lower level of service in the Area proposed to be annexed than was in existence in the Area at the time immediately preceding the annexation process. The City will undertake to provide this newly annexed Area with a level of services, infrastructure, and infrastructure maintenance that is comparable to the level of services infrastructure, and infrastructure maintenance available in other parts of the City with topography, land use, and population density similar to those reasonably contemplated or projected in the Area.

**APPROVED** on this the 21<sup>st</sup> day of October, 2008

**CITY OF HORSESHOE BAY, TEXAS**

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**Robert W. Lambert, Mayor**

**ATTEST:**

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**Teresa L. Moore, City Secretary**