

ORDINANCE NO. 1188

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF THE TRACTS OF LAND HEREINAFTER MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS TO THE CITY OF LLANO, TEXAS FOR ALL MUNICIPAL PURPOSES; SAID LAND BEING WITHIN ONE-HALF (1/2) MILE OF THE CORPORATE LIMITS OF THE CITY OF LLANO, TEXAS AND LYING AND BEING ADJACENT TO AND CONTIGUOUS TO THE PRESENT CORPORATE LIMITS AND LOCATED WITHIN THE EXTRA TERRITORIAL JURISDICTION OF THE CITY OF LLANO, TEXAS; PROVIDING FOR A SERVICE PLAN AND THE EXTENSION OF THE CORPORATE LIMITS OF THE CITY OF LLANO, TEXAS TO INCLUDE THE ANNEXED TRACTS; AND PROVIDING FOR PARTIAL INVALIDITY.

WHEREAS, the City of Llano, Texas prepared a service plan for the extension of full municipal services into the area to be annexed and such plan was proposed by the City Council of the City of Llano, Texas prior to the first public hearing on said annexation and was thereafter available for public inspection and explanation at the first public hearing on said annexation; and

WHEREAS, the Local Government Code, Section 43.063 provides that notice of public hearing shall be published in a newspaper having general circulation in the City of Llano, Texas and the territory to be annexed not more than twenty (20) days nor less than ten (10) days prior to each public hearing on said annexation; and

WHEREAS, the City Council of the City of Llano, Texas found and determined the Llano News to be the newspaper having general circulation in the City of Llano, Texas and the territory to be annexed and that said newspaper is a weekly publication; and

WHEREAS, the Llano News did publish a notice of hearing on Wednesday, June 08, 2011, such day being not more than twenty (20) days nor less than ten (10) days prior to the first public hearing on said annexation to be held on Monday, June 20, 2011 at 5:30 p.m.; and

WHEREAS, the first public hearing on said annexation was held for all interested persons in the City Council Chambers of the City of Llano, Texas on Monday, June 20, 2011 at 5:30 p.m.; and

WHEREAS, the Llano News did publish a notice of the second public hearing on Wednesday, June 15, 2011, such day being not more than twenty (20) days nor less than ten (10) days prior to the second public hearing to be held on Monday, June 27, 2011 at 5:30 p.m.; and

WHEREAS, the second public hearing on said annexation was held for all interested persons in the City Council Chambers of the City of Llano, Texas on Monday, June 27, 2011 at 5:30 p.m.; and

WHEREAS, all notices, publications and hearings have been duly given or held as required by the Local Government Code; and

WHEREAS, institution of annexation proceedings and the presentation and introduction of this Ordinance in such forms as it may be finally passed occurred within the periods of time prescribed by law.

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NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LLANO, TEXAS:

SECTION 1: That the hereinafter described tract of land which lies in Llano County, Texas, and is within the extraterritorial limits of, is adjacent to and is contiguous to the present corporate limits of the City of Llano, Texas, be, the same is hereby, annexed to the City of Llano, Texas for all municipal purposes and the corporate lines and limits of the City of Llano, Texas are hereby extended to embrace the said tract of land, which is more particularly described by metes and bounds as attached hereto as Exhibit A and incorporated herein for all purposes.

SECTION 2: That the property annexed herein shall bear its pro rata part of the taxes assessed by the City of Llano, Texas.

SECTION 3: That the inhabitants of the property hereby annexed to the City of Llano, Texas, shall be entitled to all the rights and privileges of said citizens of the City of Llano, Texas, and shall be bound by the acts, ordinances, codes, resolutions and regulations of the City of Llano, Texas.

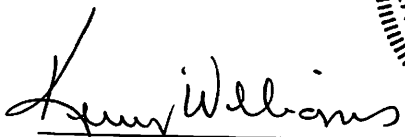
SECTION 4: It is not the intention of the City of Llano, Texas to annex any territory not legally subject to annexation by the City, and should any portion of the above described territory not be subject to legal annexation by the City of Llano, such fact shall not prevent the City from annexing such territory, above described, which is subject to legal annexation by the City, and it is the intention of the City to annex only such territory that it may legally annex within the limits of the above-described area.

SECTION 5: The Service Plan which is attached to this Ordinance as Exhibit B is hereby approved and incorporated herein as part of the Ordinance.

PASSED AND APPROVED and ADOPTED by the City Council of the City of Llano, Texas on this the 25th day of July, 2011.



ATTEST:


Kerry Williams, City Secretary

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EXHIBIT A

William Ernest Crow

The following described tract or parcel of land lying and being situated in Llano County, Texas, to-wit:

The City of Llano, Texas, proposes to institute annexation proceedings to enlarge and extend the boundary limits of said City to include the following described territory, to wit:

William Ernest Crow
1907 W RR 152
Llano, Texas

The tract of land described hereon contains 20.00 acres more or less out of the Daniel T. Fitchett Survey No. 220, Abst. No. 209, in Llano County, Texas, all of that certain tract of land described as 20.00 acres described by metes and bounds as follows:

Beginning at a ½" iron rod set in the north line of Texas State R.M. Highway No. 152, and 80 feet wide right of way of record in Volume 77, page 266, Llano County Deed Records, in the south line of that certain tract of land described as 50 acres in a deed to W.I. Bauman and Nelma Bauman recorded in volume 362, page 183, Llano County Deed Records and devised to June B. Toeppich in Volume 149, Page 283, Llano County Probate Records for the southwest corner of the remainder of the above said Bauman/Toeppich tract and the southeast corner hereof from which a concrete right of way monument found lies S 85°56'55"E 69.23 feet and a ½" iron rod found for the southeast corner of the Bauman/Toeppich tract lies S86°58'20"E 495.44 feet;

Thence N 85°56'55"W 940.03 feet to a concrete right of way monument found and N 85°34'14" W 27.52 feet to a fence corner post found at a fence intersection in the south line of Highway 152 for the southeast corner of that certain tract of land devised to Ona Rhodes, et al, in Volume 165, Page 400, Llano County Probate Records, the southwest corner of the Bauman/Toeppich tract, and the southwest corner hereof;

Thence, with the east line of the Rhodes tract, the west line of the Bauman/Toeppich tract, the west line hereof, and generally with the fence, the following courses and distances;

N 06°10'26" E 642.71 feet to a ½' iron rod set by a fence corner;

N 87°17'42" W 8.96 feet to a ½" iron rod set by a fence corner; and

N02°08'51" E at 235.07 feet pass a ½' iron rod (fence ends), in all 378.97 feet to a calculated point on the right bank of the Llano River as called for by deed, for the northeast corner of the Rhodes tract, the northwest corner of the Bauman/Toeppich tract, and the northwest corner hereof;

Thence N 64°21'37" E 500.31 feet to a calculated point on said right bank of the Llano River in the north line of the Bauman/Toeppich tract for the northeast corner hereof;

Thence S 10°46'46" E 95.52 feet pass a ½" iron rod set, in all 429.84 feet to a ½" iron rod set in the fence for an interior corner hereof;

Thence N 83°33'47"E 187.77 feet to a 1/2 " iron rod set by a fence post for an easterly corner hereof;

Thence S 10°50'27" E 918.33 feet to the Point of Beginning and containing 20.00 acres more or less.

Basis of Bearing is WGS84. Bearings are True. Distances are Surface.

END OF LEGAL

EXHIBIT B

CITY OF LLANO, TEXAS

ANNEXATION SERVICE PLAN

FOR SERVICES ON THE EFFECTIVE DATE OF ANNEXATION:

1. **POLICE PROTECTION**

The City of Llano, Texas, 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 of Llano, Texas, with similar topography, land use and population within the newly annexed area.

2. **FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES**

The City of Llano, Texas, is presently serviced by the Llano Volunteer Fire Department, which will provide fire protection and emergency medical services to the newly annexed tract at the same or similar level of service now being provided to other areas of the City of Llano, Texas, with similar topography, land use and population within the City.

3. **SOLID WASTE COLLECTION**

At the present time the City of Llano, Texas, is using a franchised contractor for collection of solid waste and refuse within the city limits of the City of Llano, Texas. Upon payment of any required deposits and the agreement to pay lawful service fees and charges, solid waste collection will be provided to citizens in the newly annexed area to the extent that the City's contractor has access to the area to be serviced.

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

Any and all water and wastewater facilities owned or maintained by the City of Llano, Texas, and situated in the area at the time of the proposed annexation shall continue to be maintained by the City of Llano, Texas. Any and all water facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the City of Llano, Texas, 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.

5. **MAINTENANCE OF ROADS AND STREETS**

The City Council of the City of Llano, Texas, is aware of the existence of any roads or streets now located in the area proposed for annexation. In the event any such roads or streets do exist and are public facilities owned by or dedicated to the City of Llano, Texas, the City will maintain such areas to the same extent and degree that it

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maintains roads and streets and other similar facilities of the City of Llano, Texas. Any and all roads or streets which have been dedicated to and accepted by the City of Llano, Texas, or which are owned by the City of Llano, Texas, shall be maintained to the same degree and extent that other roads and streets are maintained in areas with similar topography, land use and population density. Any and all lighting of road and streets which may be positioned in a right-of-way, roadway or utility company easement shall be maintained by the applicable utility company servicing the City of Llano, Texas, pursuant to the rules, regulations and fees of such utility.

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

The City Council of the City of Llano, Texas, is not aware of the existence of any parks, playgrounds or public swimming pools now located in the area proposed for annexation. In the event any such parks, playgrounds or swimming pools do exist and are public facilities, the City of Llano, Texas, will maintain such areas to the same extent and degree that it maintains parks, playgrounds and swimming pools and other similar areas of the City now incorporated in the City of Llano, Texas.

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

The City Council of the City of Llano, Texas, is not aware of the existence of any publicly owned facility, building or other municipal service now located in the area proposed for annexation. In the event any such publicly owned facility, building or municipal service does exist and are public facilities, the City of Llano, Texas, will maintain such areas to the same extent and degree that it maintains publicly owned facilities, buildings or municipal services of the City now incorporated in the City of Llano, Texas.

CONSTRUCTION OF ANY CAPITAL IMPROVEMENTS TO BEGIN WITHIN 2-1/2 YEARS:

1. **POLICE PROTECTION, FIRE PROTECTION & SOLID WASTE COLLECTION**

The City Council of the City of Llano, Texas, finds and determines it to be unnecessary to acquire or construct any capital improvement within 2-1/2 years of the effective date of the annexation of the particular annexed area for the purposes of providing police protection, fire protection or solid waste collection. The City Council finds and determines that it has at the present time adequate facilities to provide the same type, kind and level of protection and service which is presently being administered to other areas already incorporated in the City of Llano, Texas, with the same or similar topography, land use and population density.

2. **WATER FACILITIES**

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For the next 2-½ years the City Council of the City of Llano, Texas, believes that City water and wastewater mains exist for points of connection for serviceable extensions to provide water and wastewater service within the area to be annexed pursuant to the City's standard water extension policies now in existence or as may be amended by the City Council.

3. **ROADS AND STREETS**

Maintenance of properly dedicated roads and streets will be consistent with the maintenance provided by the City to other roads and streets in areas of similar topography, land use and development of the annexed property.

4. **MAINTENANCE OF PARKS, PLAYGROUNDS, AND SWIMMING POOLS, AND THE MAINTENANCE OF ANY OTHER PUBLICLY OWNED FACILITY, BUILDING OR SERVICE**

To the extent that it becomes necessary because of development demands, population growth, and a bona fide need, the City Council of the City of Llano, Texas, will undertake to provide any such facility which it deems necessary to adequately provide for the health and safety of the citizens of the newly incorporated area based upon the standard considerations of topography, land use and population density.

SPECIFIC FINDINGS

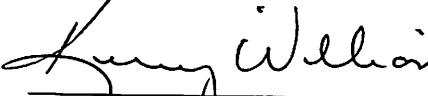
The City Council of the City of Llano, Texas, finds and determines that this proposed Service Plan will not provide any fewer services, and it will not provide a lower level of service in the area proposed to be annexed than were in existence in the proposed area at the time immediately preceding the annexation process.

Furthermore, the City Council of the City of Llano, Texas, finds and determines the nature of the area is characteristically different from other developed areas within the corporate limits of the City of Llano, Texas. Consequently, because of the differing characteristics of topography, land utilization and population density, the service levels which may ultimately be provided in the newly annexed area may differ somewhat from services provided other areas of the City of Llano, Texas. These differences are specifically dictated because of differing characteristics of the property and the City of Llano, Texas, will undertake to perform consistent with this service plan so as to provide this newly annexed area with the same type, kind and quality of service presently enjoyed by the citizens of the City of Llano, Texas, who reside in areas of similar topography, land utilization and population.

APPROVED on this the 25th day of July, 2011.


Mike Reagor, Mayor

ATTEST:


Kerry Williams, City Secretary

