

CITY OF DRIPPING

ORDINANCE No. 2018-23

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS TO VOLUNTARILY ANNEX UNDER CHAPTER 212 OF THE TEXAS LOCAL GOVERNMENT CODE APPROXIMATELY 200 ACRES IN THE CITY'S EXTRATERRITORIAL JURISDICTION IN HAYS COUNTY, TEXAS COMMONLY KNOWN AS SCOTT RANCH OR BIG SKY SUBDIVISION, INTO THE INCORPORATED MUNICIPAL BOUNDARIES OF THE CITY OF DRIPPING SPRINGS, TEXAS INCLUDING THE FOLLOWING: FINDINGS OF FACT; EFFECTIVE DATE; REPEALER; SEVERABILITY; AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Dripping Springs ("City") is a Type-A, General Law municipality with the rights and privileges thereto; and

WHEREAS, pursuant to Chapter 212 of the Texas Local Government Code, a city may enter into a development agreement with a landowner providing for terms of annexation upon agreement of all involved parties; and

WHEREAS, the terms of the voluntary annexation of the area described in "Exhibit A" are described in the Scott Ranch Annexation and Development Agreement, entered into by and between the City and William R. Scott adopted by the City; and

WHEREAS, the area identified in Exhibit "A," commonly known as Big Sky Subdivision, are adjacent and contiguous to the city limits; and

WHEREAS, the City Council of the City of Dripping Springs ("City Council") has conducted two public hearings on September 18, 2018 regarding annexation of the area and has provided all required notices within the timeframes established under Chapter 43 of the Texas Local Government Code; and

WHEREAS, the City has prepared a service plan for the area to be annexed in accordance with Section 43.065 of the Texas Local Government Code providing for full municipal services to such area, which service plan was made available to the public and is attached hereto as Exhibit "B"; and

WHEREAS, the City Council deems it to be in the best interest of the citizens of the City to annex said territory into the City.

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

1. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the Dripping Springs, Texas, and are hereby approved and incorporated into the body of this Ordinance as if copied herein in their entirety.

2. ANNEXATION OF TERRITORY

- A.** The properties in the area described in Exhibit "A", which is attached hereto and incorporated herein for all purposes, is hereby annexed and brought into the municipal boundaries (i.e., corporate limits) of the City of Dripping Springs, and is made an integral part, hereof.
- B.** The official map and boundaries of the City of Dripping Springs are hereby amended and revised so as to include the area annexed, and to reflect the expansion of the City's extraterritorial jurisdiction resulting from such annexation.
- C.** A service plan prepared in accordance with applicable provisions of state law pertaining to annexation is attached hereto as Exhibit "B" and incorporated herein for all intents and purposes.
- D.** The owners and inhabitants of the area herein annexed are entitled to all of the rights and privileges of other citizens of the City of Dripping Springs and are hereby bound by all acts, ordinances and other legal actions now in full force and effect and those that may be hereafter adopted or enacted.

3. EFFECTIVE DATE

This ordinance is effective and the annexation achieved herein shall be final and complete upon adoption of this Ordinance on the date set forth below.

4. FILING

- A.** The City Secretary is hereby instructed to include this Ordinance in the records of the City.
- B.** The City Secretary is hereby instructed to have maps prepared depicting the new municipal boundaries and extraterritorial jurisdiction.
- C.** The City Secretary is hereby instructed to file a certified copy of this Ordinance with the Hays County Clerk.

5. SEVERABILITY

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or

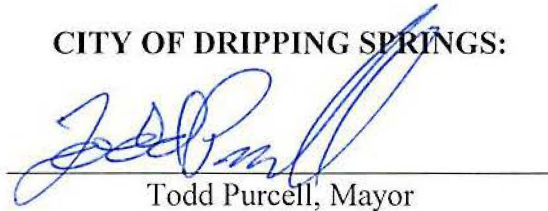
decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

6. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED this the 9th day of October 2018, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of the Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:


Todd Purcell, Mayor

ATTEST:


Andrea Cunningham, City Secretary



Exhibit "A"

DESCRIPTION OF AREA TO BE ANNEXED

SCOTT RANCH SUBDIVISION

A 200.4 acre tract of land out of the Philip A. Smith League, Survey Number 2, Abstract Number 415, Hays County, Texas.

Metes and Bounds Description

EXHIBIT "A"

LEGAL DESCRIPTION:

BEING A 200.4-ACRE (8,731,530 SQUARE FEET) TRACT OF LAND OUT OF THE PHELIP A. SMITH LEAGUE, SURVEY NUMBER 26, ABSTRACT NUMBER 415, HAYS COUNTY, TEXAS, SAID TRACT BEING THAT CALLED 200-ACRE TRACT DESCRIBED TO WILLIAM R. SCOTT AND BESSIE E. SCOTT, HUSBAND AND WIFE AS RECORDED IN VOLUME 171, PAGE 229 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS [O.P.R.H.C.T.], SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2-INCH ROD FOUND IN THE NORTH LINE OF THAT CALLED 277.23-ACRE TRACT DESCRIBED TO KATHERINE BARKLEY CANNON, ET AL. IN VOLUME 108, PAGE 151 O.P.R.H.C.T., FOR THE SOUTHEAST CORNER OF THAT CALLED 1,978-ACRE TRACT DESCRIBED TO CITY OF DRIPPING SPRINGS AS RECORDED IN VOLUME 1714, PAGE 288 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS [O.P.R.H.C.T.], SAME BEING THE SOUTHWEST CORNER OF SAID 200-ACRE TRACT AND THE SOUTHWEST CORNER OF THE TRACT DESCRIBED HEREIN;

THENCE WITH THE WEST LINE OF SAID 200-ACRE TRACT, THE FOLLOWING FIVE (5) COURSES AND DISTANCES:

- 1) WITH THE EAST LINE OF SAID 1,978-ACRE TRACT, N01°31'28"W, PASSING AT A DISTANCE OF 174.47 FEET THE NORTHEAST CORNER OF SAID 1,978-ACRE TRACT, SAME BEING THE SOUTHEAST CORNER OF THAT CALLED 11,61-ACRE TRACT DESCRIBED TO CITY OF DRIPPING SPRINGS AS RECORDED IN VOLUME 733, PAGE 101 OF THE REAL PROPERTY RECORDS OF HAYS COUNTY, TEXAS [O.P.R.H.C.T.], CONTINUING WITH SAID WEST LINE OF THE 200-ACRE TRACT, SAME BEING THE EAST LINE OF SAID 11,61-ACRE TRACT, AN ADDITIONAL DISTANCE OF 545.66 FEET, FOR A CUMULATIVE DISTANCE OF 720.13 FEET TO A 3/8-INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID 11,61-ACRE TRACT, SAME BEING THE SOUTHEAST CORNER OF THAT CALLED 3.09-ACRE TRACT DESCRIBED TO FRIENDS OF THE POUNDHOUSE FOUNDATION AS RECORDED IN VOLUME 958, PAGE 297 O.P.R.H.C.T., FOR AN ANGLE POINT IN SAID WEST LINE OF THE 200-ACRE TRACT AND THE WEST LINE OF THE TRACT DESCRIBED HEREIN,
- 2) WITH THE EAST LINE OF SAID 3.09-ACRE TRACT, N01°45'01"W, PASSING AT A DISTANCE OF 306.69 FEET THE NORTHEAST CORNER OF SAID 3.09-ACRE TRACT, SAME BEING THE SOUTHEAST CORNER OF THAT CALLED 1,978-ACRE TRACT DESCRIBED TO FRIENDS OF THE POUNDHOUSE FOUNDATION AS RECORDED IN VOLUME 1714, PAGE 295 O.P.R.H.C.T., CONTINUING WITH SAID WEST LINE OF THE 200-ACRE TRACT, SAME BEING THE EAST LINE OF SAID 1,978-ACRE TRACT, AN ADDITIONAL DISTANCE OF 294.03 FEET, FOR A CUMULATIVE DISTANCE OF 600.72 FEET TO A 3/8-INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID 1,978-ACRE TRACT, SAME BEING THE SOUTHEAST CORNER OF THAT CALLED 17,183-ACRE TRACT DESCRIBED TO H.C. CARTER AS RECORDED IN VOLUME 3036, PAGE 809 O.P.R.H.C.T., FOR AN ANGLE POINT IN SAID WEST LINE OF THE 200-ACRE TRACT AND THE WEST LINE OF THE TRACT DESCRIBED HEREIN,
- 3) WITH THE EAST LINE OF SAID 17,183-ACRE TRACT, N01°30'30"W A DISTANCE OF 385.27 FEET TO A 1/2-INCH IRON PIPE FOUND FOR AN ANGLE POINT,
- 4) N02°20'12"W A DISTANCE OF 170.64 FEET TO A 3/4-INCH IRON PIPE FOUND FOR AN ANGLE POINT, AND
- 5) N00°32'10"E A DISTANCE OF 182.06 FEET TO A 3/4-INCH IRON PIPE FOUND IN THE SOUTH LINE OF LOT 2E, BLOCK C, POUNDHOUSE HILLS SECTION TWO, A SUBDIVISION ACCORDING TO THE PLAT OF RECORD IN VOLUME 13, PAGE 204 OF THE PLAT RECORDS OF HAYS COUNTY, TEXAS, FOR THE NORTHEAST CORNER OF SAID 17,183-ACRE TRACT, SAME BEING THE NORTHWEST CORNER OF SAID 200-ACRE TRACT AND THE NORTHWEST CORNER OF THE TRACT DESCRIBED HEREIN;

THENCE WITH THE NORTH LINE OF SAID 200-ACRE TRACT, THE FOLLOWING TEN (10) COURSES AND DISTANCES:

- 1) WITH THE SOUTH LINE OF SAID LOT 2E, N83°51'30"E A DISTANCE OF 344.40 FEET TO A 3/4-INCH IRON PIPE FOUND FOR AN ANGLE POINT,
- 2) N02°30'51"E A DISTANCE OF 133.82 FEET TO A 3/4-INCH IRON PIPE FOUND FOR AN ANGLE POINT,
- 3) N85°01'43"E A DISTANCE OF 292.10 FEET TO A 3/4-INCH IRON PIPE FOUND FOR AN ANGLE POINT,
- 4) N83°52'54"E A DISTANCE OF 263.24 FEET TO A 3/4-INCH IRON PIPE FOUND FOR AN ANGLE POINT,
- 5) N83°51'55"E A DISTANCE OF 484.41 FEET TO A 1/2-INCH IRON PIPE FOUND FOR AN ANGLE POINT,
- 6) S85°37'07"E A DISTANCE OF 475.37 FEET TO A 1/2-INCH IRON PIPE FOUND FOR AN ANGLE POINT,
- 7) S88°18'31"E A DISTANCE OF 164.03 FEET TO A 1/2-INCH IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID LOT 2E, SAME BEING THE SOUTHWEST CORNER OF THAT CALLED 206.2-ACRE TRACT DESCRIBED TO ANARINE INVESTMENTS, LTD., AS RECORDED IN VOLUME 2639, PAGE 403 O.P.R.H.C.T.,
- 8) CONTINUING WITH SAID NORTH LINE OF THE 200-ACRE TRACT, SAME BEING THE SOUTH LINE OF SAID 206.2-ACRE TRACT, S85°59'43"E A DISTANCE OF 569.04 FEET TO A 600 NAIL FOUND IN TREE,
- 9) S85°55'43"E A DISTANCE OF 425.43 FEET TO A 600 NAIL FOUND IN TREE, AND
- 10) S88°36'33"E, PASSING AT A DISTANCE OF 481.93 FEET A 1-INCH PIPE FOUND FOR THE SOUTHEAST CORNER OF SAID 206.2-ACRE TRACT, AND CONTINUING AN ADDITIONAL DISTANCE OF 31.81 FEET FOR A CUMULATIVE DISTANCE OF 513.74 FEET TO A POINT ON THE APPARENT EAST LINE OF SAID PHELIP A. SMITH LEAGUE, SAME BEING THE APPARENT WEST LINE OF THE L.V. DAVIS SURVEY, ABSTRACT NUMBER 673 AND THE WEST LINE OF THAT CALLED 291 1/3-ACRE TRACT DESCRIBED TO CYMOSURE CORPORATION AS RECORDED IN VOLUME 256, PAGE 123 O.P.R.H.C.T. FOR THE NORTHEAST CORNER OF SAID 200-ACRE TRACT AND THE NORTHEAST CORNER OF THE TRACT DESCRIBED HEREIN;

THENCE WITH SAID APPARENT EAST LINE OF THE PHELIP A. SMITH LEAGUE, SAME BEING THE WEST LINE OF SAID 201 1/3-ACRE TRACT, THE EAST LINE OF SAID 200-ACRE TRACT AND THE EAST LINE OF THE TRACT DESCRIBED HEREIN, S0°52'46"E, PASSING AT A DISTANCE OF 1809.00 FEET AN OLD FENCE POST FOR THE APPARENT SOUTHWEST CORNER OF SAID L.V. DAVIS SURVEY, SAME BEING THE APPARENT NORTHWEST CORNER OF THE C.H. MALOTT SURVEY, ABSTRACT NUMBER 693, FOR AN ANGLE POINT IN THE NORTH LINE OF SAID 277.23-ACRE TRACT, CONTINUING WITH SAID EAST LINE OF THE 200-ACRE TRACT AND SAID APPARENT EAST LINE OF THE PHELIP A. SMITH LEAGUE, SAME BEING THE APPARENT WEST LINE OF SAID C.H. MALOTT SURVEY AND THE NORTH LINE OF SAID 277.23-ACRE TRACT, AN ADDITIONAL DISTANCE OF 386.69 FEET FOR A CUMULATIVE DISTANCE OF 2,195.69 FEET TO AN ANGLE POINT IN SAID NORTH LINE OF THE 277.23-ACRE TRACT, FOR THE SOUTHEAST CORNER OF SAID 200-ACRE TRACT AND THE SOUTHWEST CORNER OF THE TRACT DESCRIBED HEREIN;

THENCE CONTINUING WITH THE NORTH LINE OF SAID 277.23-ACRE TRACT, SAME BEING THE SOUTH LINE OF SAID 200-ACRE TRACT, S88°54'56"W A DISTANCE OF 3,774.08 FEET TO SAID POINT OF BEGINNING OF THE TRACT DESCRIBED HEREIN, AND CONTAINING 200.4 ACRES (8,731,530 SQUARE FEET)

Exhibit "B"

**ANNEXATION SERVICE PLAN
FOR PROPERTY ANNEXED BY ORDINANCE 1803.91
CITY OF DRIPPING SPRINGS, TEXAS**

**SCOTT RANCH MUNICIPAL SERVICE PLAN
SCOTT RANCH – 200 ACRES MUNICIPAL SERVICE
PLAN**

A. INTRODUCTION

The City of Dripping Springs has been petitioned to annex into the City of Dripping Springs the property described below:

200.4 Acres of Land out of the Phillip A. Smith League, Survey No. 26, Abstract No. 415, Hays County, Texas, Said Tract That Called 200-Acre Tract Described to William R. Scott and Bessie E. Scott, Husband and Wife as Recorded in Volume 171, Page 229 of the Deed of Records of Hays County, Texas.

B. MUNICIPAL SERVICES TO BE PROVIDED

1. POLICE PROTECTION

The City does not provide municipal police protection but has an agreement with Hays County for protection through the Hays County Sheriff's Office.

2. FIRE SERVICE

The City does not provide municipal fire services but this area is served by the North Hays County Volunteer Fire Department. Fire prevention activities will be provided by the Hays County Fire Marshal's Office.

3. BUILDING INSPECTION/CODE ENFORCEMENT SERVICES

The Building Inspection Department will provide Code Enforcement Services upon annexation. This includes issuing building, electrical, mechanical and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes which regulate building construction within the City of Dripping Springs.

4. LIBRARIES

The City does not own a municipal library. A community library is provided by the Dripping Springs Community Library.

5. ENVIRONMENTAL HEALTH & HEALTH CODE ENFORCEMENT SERVICES

The City has a septic system/on-site sewage facility ordinance. Complaints of ordinance or regulation violations within this area will be answered and investigated by City personnel, beginning with the effective date of the annexation ordinance.

6. PLANNING & ZONING

The planning and zoning jurisdiction of the City will be extended to this area on the effective date of the annexation ordinance. All services provided by the City will be extended to the area on the effective date of the annexation ordinance.

7. PARKS & RECREATION

All services and amenities associated with the City's Parks and Recreation activities will extend to this area on the effective date of the annexation ordinance.

8. STREET & DRAINAGE MAINTENANCE

The City will provide street and drainage maintenance to public streets in the area in accordance with standard City Policy as the area develops.

9. STREET LIGHTING

The City will provide street lighting to the area in accordance with standard City Policy as the area develops.

10. TRAFFIC ENGINEERING

The City will provide, as appropriate, street names signs, traffic control devices, and other traffic system design improvements to the area.

11. SANITATION/SOLID WASTE COLLECTION & DISPOSAL

The City does not directly provide municipal sanitation/solid waste collection and disposal services. However, the City has granted an exclusive franchise for these services to Vaquero Waste & Recycling, which will be notified of all newly-annexed parcels.

12. WATER SERVICE

Water service will be provided by the Dripping Springs Water Supply Corporation or the City. Provision of water service will be determined before preliminary plat is approved.

13. SEWER SERVICE

Wastewater service will be provided by the City pursuant to a wastewater service agreement between the City and the Owner.

14. MISCELLANEOUS

All other applicable municipal services will be provided to the area in accordance with policies established by the City of Dripping

Instrument # 18036175 Number of Pages: 7
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Liz Q. Gonzalez, Hays County Clerk, Texas
Rec \$50.00 Deputy Clerk: MCASTRO