

ORDINANCE NO. 2022-534

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF WACO, TEXAS, AND THE ANNEXATION OF CERTAIN TERRITORY ("TERRITORY") CONSISTING OF APPROXIMATELY 77.29 ACRES OF LAND, MORE OR LESS (THE "77.29 ACRE TRACT"), DESCRIBED AS: 1. A 1.00 ACRE OF LAND, MORE OR LESS, OUT OF THE I PITTS SURVEY IN MCLENNAN COUNTY, TEXAS, BEING ALL OF THE KENNETH R. BIRD, ET UX, RECORDED IN VOLUME 1620, PAGE 744 OF THE DEED RECORDS OF MCLENNAN COUNTY; AND 2. 76.29 ACRES OF LAND OUT OF THE ALFORD WILLINGHAM SURVEY, ABSTRACT NUMBER 897 & THE ISAAC PITTS SURVEY, ABSTRACT NUMBER 713, IN MCLENNAN COUNTY, TEXAS, BEING A PART OF THE REMAINDER OF THAT CALLED 136.20 ACRE TRACT DESCRIBED IN A HOMESTEAD AFFIDAVIT TO W. PAUL ELLIS AND DORIS D. ELLIS, RECORDED IN VOLUME 1415, PAGE 704 OF THE DEED RECORDS OF MCLENNAN COUNTY, TEXAS, AND BEING THE REMAINDER OF THAT CALLED 16.3 ACRE TRACT DESCRIBED IN A DEED TO LEE ELLIS, RECORDED IN VOLUME 338, PAGE 330 OF THE DEED RECORDS OF MCLENNAN COUNTY, TEXAS, AND BEING LOCATED ALONG THE WEST SIDE OF HARRIS CREEK ROAD NEAR THE INTERSECTION OF CHURCH ROAD, AND FURTHER LOCATED WITHIN WACO'S EXTRATERRITORIAL JURISDICTION, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF WACO, TEXAS; PROVIDING FOR THE DESIGNATION OF SUBURBAN RESIDENTIAL AS THE COMPREHENSIVE PLAN LAND USE DESIGNATION, AND THE DESIGNATION OF R-1A SINGLE-FAMILY RESIDENCE DISTRICT ZONING; ASSIGNING THE ANNEXED TERRITORY TO CITY COUNCIL DISTRICT V; AMENDING CITY OF WACO PRECINCT 63 TO INCLUDE THE ANNEXED TERRITORY; DIRECTING THAT THE CITY PRECINCT/DISTRICT MAP BE REVISED TO REFLECT THAT CHANGE AND PROVIDING VOTING LOCATION AT ANY CITY OF WACO VOTE CENTER; PROVIDING THAT SAID TERRITORY BEARS PRO RATA PART OF TAXES AND ENTITLING INHABITANTS TO ALL RIGHTS AND PRIVILEGES OF CITIZENS AND BINDING INHABITANTS TO ACTS AND LAWS OF CITY; ADOPTING A SERVICE PLAN; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLISHING OF ORDINANCE; PROVIDING FOR PENALTIES; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, on March 31, 2022, Big H Properties, LLC, Joe and Virginia Ellis and Paula and Gregory DeJonghe filed a Petition for Annexation of Property requesting the annexation of

certain property (“the Property”), being the property described and shown in the attached Exhibit “A” and located within the extraterritorial jurisdiction of the City of Waco; and

WHEREAS, Big H Properties, LLC, Joe and Virginia Ellis and Paula and Gregory DeJonghe are the owners of the Property; and

WHEREAS, the Texas Local Government Code Section 43.0671 allows the annexation of an area if each owner of land in the area requests the annexation; and

WHEREAS, notice of a public hearing for July 19, 2022, was posted on the City’s Internet website and published in a newspaper having general circulation in the City of Waco, Texas, and in the above-described territory on July 2, 2022, which date is on or after the twentieth day but before the tenth day before the date of the hearing; and

WHEREAS, on June 28, 2022, the City Plan Commission conducted a public hearing on the proposed annexation of the Property, the designation of Suburban Residential as the Comprehensive Plan land use designation and the designation of R-1A Single-Family Residence District zoning for the 77.29 acre tract, and following the hearing, the City Plan Commission voted to recommend: (1) the proposed annexation of the Property; (2) the designation of Suburban Residential as the Comprehensive Plan land use designation; and (3) the designation of R-1A Single-Family Residence District zoning to the City Council; and

WHEREAS, a public hearing at the City Council meeting, where all interested persons were provided with an opportunity to be heard on the proposed annexation of the Property, the designation of Suburban Residential as the Comprehensive Plan land use designation, the designation of R-1A Single-Family Residence District zoning, was held at 6:00 p.m. on July 19, 2022, in the Bosque Theater at the Waco Convention Center of the City of Waco, 100 Washington Avenue, Waco, Texas; and

WHEREAS, the total corporate area of the City of Waco, Texas, on the 1st day of January 2022, was 106.89 square miles; and

WHEREAS, the population of the City of Waco, Texas, is approximately 138,183; and

WHEREAS, the above-described territory lies within the extraterritorial jurisdiction of the City of Waco, Texas; and

WHEREAS, the above-described territory contains approximately **77.29 acres**,

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

Section 1. That all of the recitals and preambles hereinabove stated are found to be true and correct and are incorporated herein and made a part of this ordinance.

Section 2. That the following described land and territory (also referred to herein as “the Property”) lying adjacent to and adjoining the City of Waco, Texas, is hereby added and annexed to the City of Waco, Texas, and said territory hereinafter described shall hereafter be included within the boundary limits of the City of Waco, Texas, and the present boundary limits of such city, at the various points contiguous to the area hereinafter described, are altered and amended so as to include said area within the corporate limits of the City of Waco, Texas, to-wit:

SEE ATTACHED EXHIBIT “A”.

Section 3. That the City Council finds that the tract of land described and shown in Exhibit “A” is best suited for annexation and such property is hereby annexed to the City of Waco with the following Comprehensive Plan land use designations and zoning designations:

Property consisting of 77.29 acres (again, “the 77.29 acre tract”) and being further described and shown in the attached Exhibit “B” shall have the designation of Suburban Residential as the Comprehensive Plan land use designation and the designation of R-1A Single-Family Residence District zoning as defined in Chapter 28 of the Code of Ordinances of the City of Waco, Texas, and in accordance with Sec. 28-249 of the Code of Ordinances of the City of Waco, Texas.

Section 4. That the City Council determines that the tract of land described in Exhibit “B” herein shall be located in City Council District V.

Section 5. That City of Waco Precinct 63 (which includes part of McLennan County Precinct 63) is amended to include the above-described territory (which is a part of McLennan County Precinct 78) and the City of Waco Precinct/District map shall be revised to reflect that change. Any residents of the land shown in Exhibit “A” who are qualified voters would vote at any of the City of Waco Vote Centers, subject to any change by the City Council in Vote Centers or polling places.

Section 6. That the above-described territory and the area so annexed shall be a part of the City of Waco, Texas, and the property so added hereby shall bear its pro rata part of the taxes levied by the City of Waco, Texas, and the inhabitants thereof shall be entitled to all of the rights and privileges of all the citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the City of Waco, Texas.

Section 7. That the service plan prepared by the Planning Services Department is hereby adopted and attached hereto as Exhibit “C”.

Section 8. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application thereof ineffective or inapplicable as to any territory, such unconstitutionality, illegality, invalidity, or ineffectiveness of such sections or part shall in no wise affect, impair, or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect. Should this ordinance for any reason be ineffective as to any part of the area hereby annexed to the City of Waco, such ineffectiveness of this ordinance as to any such part or parts of any such area shall not affect the effectiveness of this ordinance as to all of the remainder of the area. If there is included within the

general description of territory set out in Section 2 of this ordinance to be annexed to the City of Waco any lands or area which are presently part of and included within the limits of the City of Waco, or which are presently part of and included within the limits of any other city or within the extraterritorial jurisdiction of any other city, or which are not within the City of Waco's jurisdiction to annex, the same is hereby excluded and excepted from the territory to be annexed as fully as if such excluded and excepted area were expressly described herein.

Section 9. That this ordinance has been published and passed in the manner provided in Article I, Section 6, of the Charter of the City of Waco, Texas.

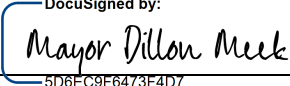
Section 10. That a violation of this ordinance shall be a Class C misdemeanor and the penalty for violating this ordinance shall be as provided for in Sec. 1-14 of the Code of Ordinances of the City of Waco, which shall be a fine of not less than \$1.00 and no more than \$2,000.00, and each day a violation exists shall be a separate offense.

Section 11. That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED:

FIRST READING: this 19th day of July 2022.

SECOND READING: this 2nd day of August 2022.

DocuSigned by:

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Dillon Meek, Mayor
City of Waco, Texas

ATTEST:

DocuSigned by:

Michelle Hicks

425883EB80CC400...

Michelle Hicks, City Secretary

APPROVED AS TO FORM AND LEGALITY:

DocuSigned by:

Jennifer Richie

DFEA9C299AA04D4...

Jennifer Richie, City Attorney

APPROVED:

DocuSigned by:



Clint Peters

44B178AC24F64C9...

Clint Peters, Director of Planning Services

Annexation Petition Anx-22-02

EXHIBIT "A"

-  Proposed Annexation
-  Waco City Limits

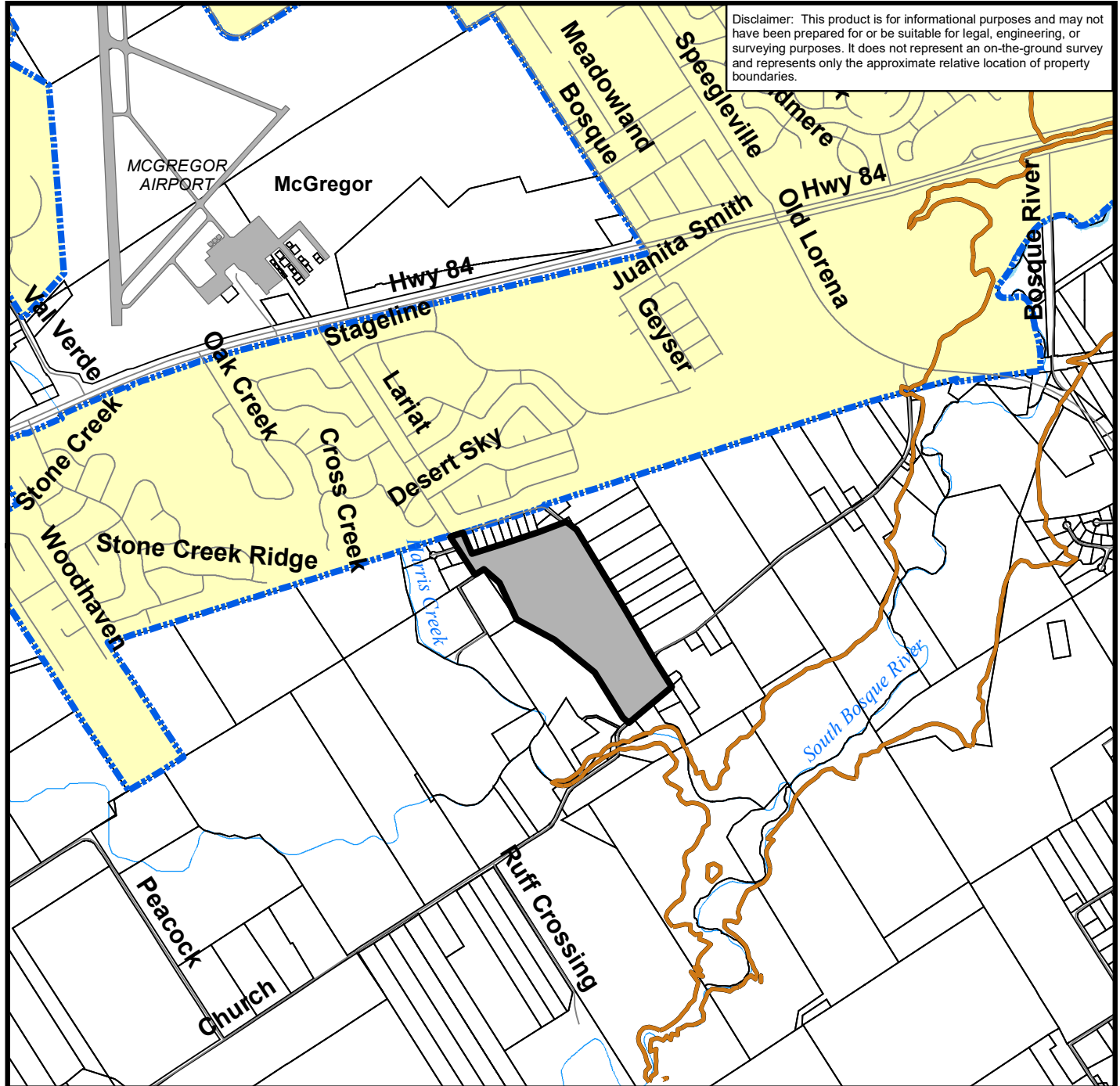
Proposed R-1A Zoning

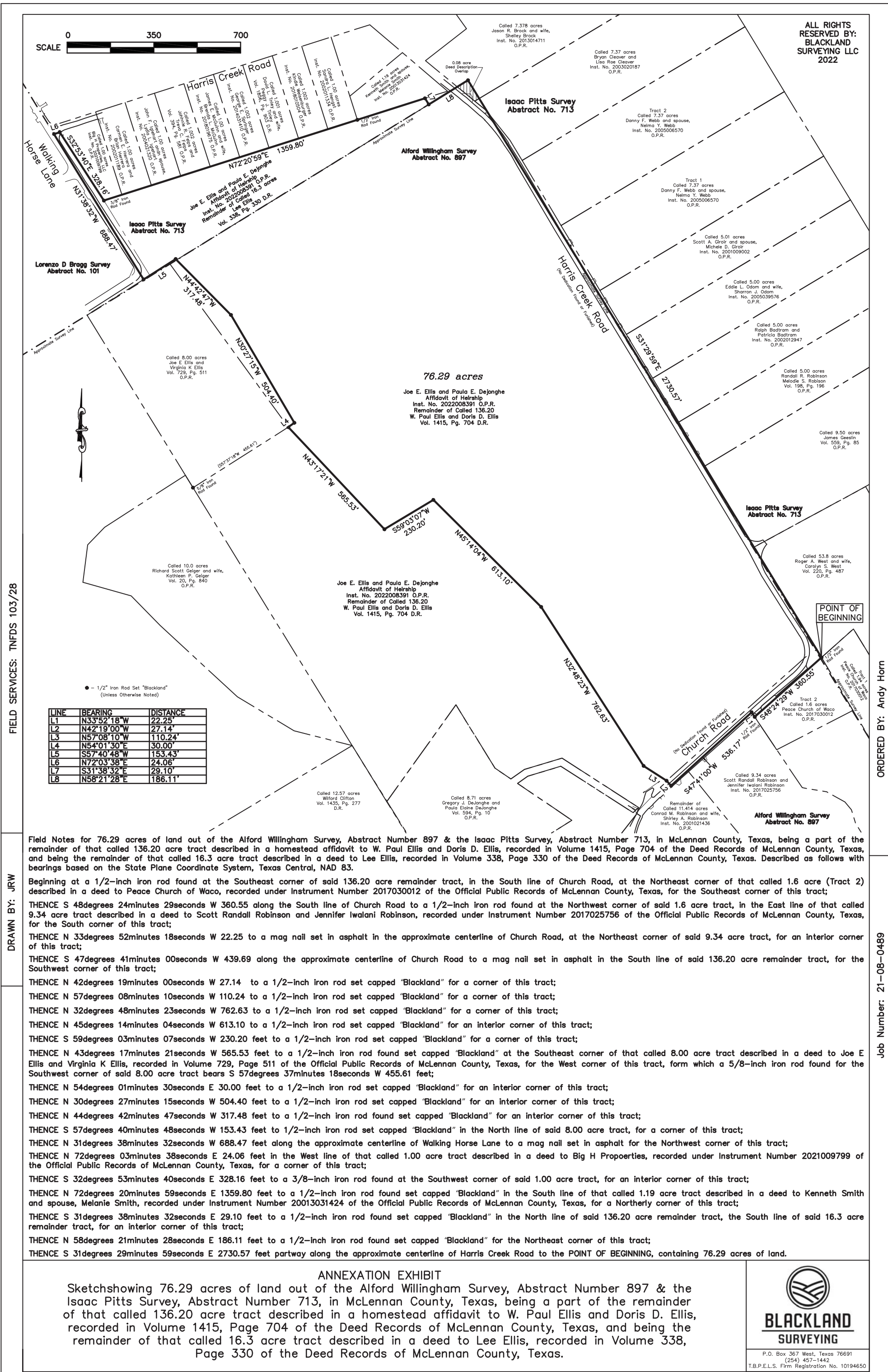


0 625 1,250 2,500
Feet



Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.





FIELD SERVICES: TNFDS 103/28

DRAWN BY: JRW

ORDERED BY: Andy Horn

Job Number: 21-08-0489

EXHIBIT "B"

LEGAL DESCRIPTION

File No.: 20210549

BEING a 1.00 acre of land, more or less, out of the I Pitts Survey in McLennan County, Texas, being all of the Kenneth R Bird, et ux, 1.00 acre Exhibit "A" tract (1620-744) and being more particularly described as follows:

BEGINNING at a found iron rod in the Southeasterly line of the Fred Dewald, et al, 2.3231 acre tract (4-10 O.P.R.) and being the Northernmost corner of the aforesaid Kenneth R Bird, et ux 1.00 acre tract and being the Westernmost corner of the Laura E Beadle, et al 1.00 acre tract (1775-720).

THENCE S 15 deg 56' 45" E 350.60 feet along the Northeasterly line of said Bird tract and along the Southwesterly line of said Beadle tract to a found iron rod being the Easternmost corner of said Bird tract and the Southernmost corner of said Beadle tract.

THENCE S 74 deg 01' 15" W 76.31 feet along the Southeasterly line of said Bird tract to a found iron rod in the Northeasterly right of way line of Walking Horse Lane being the Southernmost corner of said Bird tract;

THENCE N 31 deg 17' 40" W 363.82 feet along said line of Walking Horse Land to a set iron rod in the Southeasterly line of the aforesaid Fred DeWald, et al, 2.3231 acre tract being the Westernmost corner of said Bird tract.

THENCE N 74 deg 07' 15" E 172.61 feet along the Northwesterly line of said Bird tract and along said line of said Fred DeWald tract to the place of beginning.

EXHIBIT "B"

SERVICES: TNFDS 103/28

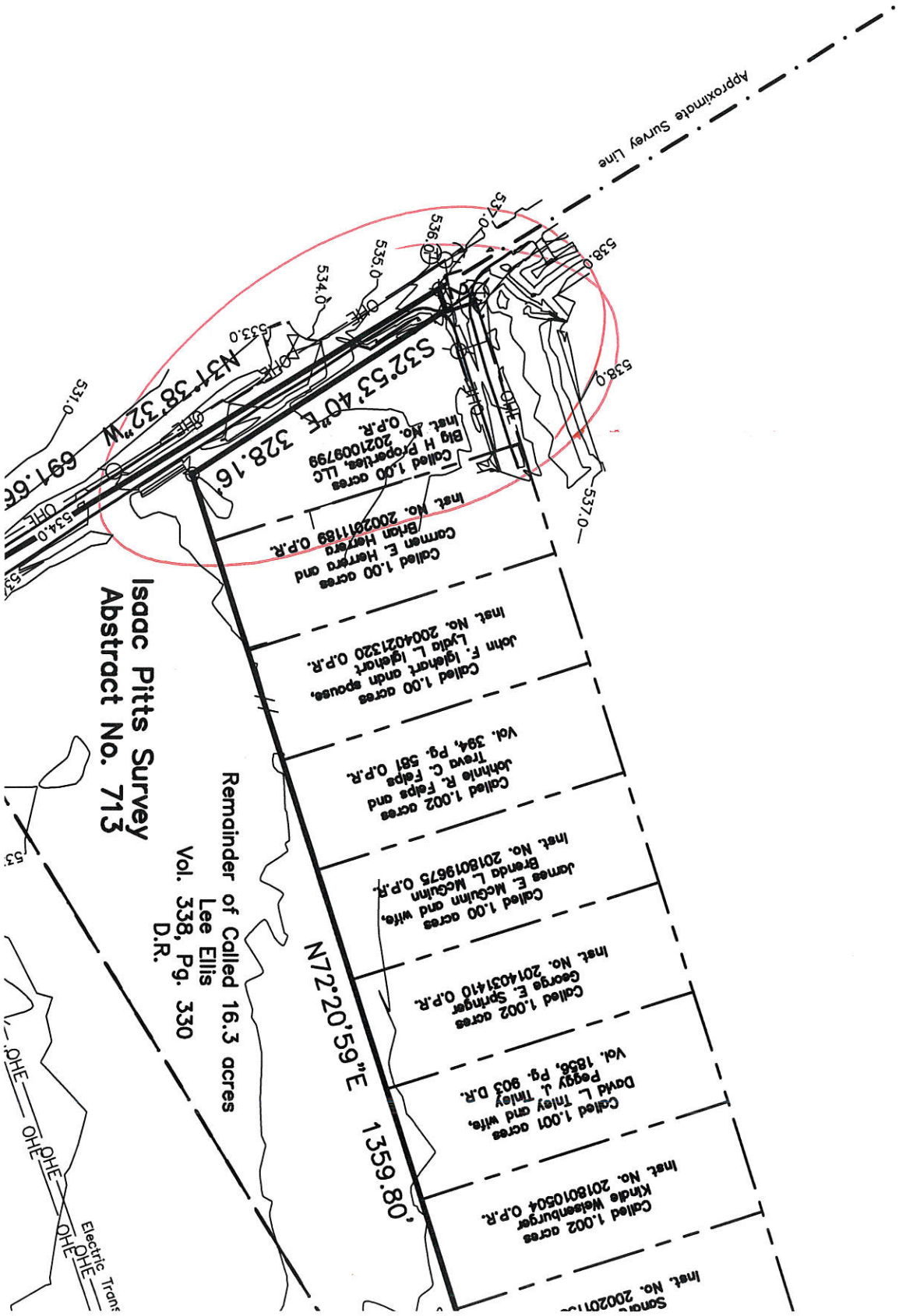


EXHIBIT "C"

Annexation Service Plan City of Waco, Texas

Annexation Area

The annexation area is comprised of a tract of land containing approximately 77.29 acres of land, described as:

1. A 1.00 acre of land, more or less, out of the I Pitts Survey in McLennan County, Texas, being all of the Kenneth R Bird, et ux, recorded in Volume 1620, Page 744 of the Deed Records of McLennan County; and
2. 76.29 acres of land out of the Alford Willingham Survey, Abstract Number 897 & the Isaac Pitts Survey, Abstract Number 713, in McLennan County, Texas, being a part of the remainder of that called 136.20 acre tract described in a homestead affidavit to W. Paul Ellis and Doris D. Ellis, recorded in Volume 1415, Page 704 of the Deed Records of McLennan County, Texas, and being the remainder of that called 16.3 acre tract described in a deed to Lee Ellis, recorded in Volume 338, Page 330 of the Deed Records of McLennan County, Texas.

and being located along the west side of Harris Creek Road near the intersection of Church Road. The proposed Comprehensive Plan land use designation is a combination of Suburban Residential and the proposed zoning is R-1A (Single Family-Residence District).

Introduction

In accordance with state law, the following service plan for the extension of Municipal services to the area to be annexed was developed. Municipal facilities and services to the annexed area described above will be provided or made available on behalf of the City at the following levels and in accordance with the following prescribed schedule.

Police Protection

Police Services will provide protection and law enforcement services to the annexation area, commencing on the effective date of annexation. The level of service will be at the same level as currently provided in areas of similar land use and population within the City. These services include the following: 1) random patrol of the area, 2) handling of complaints and incidents, 3) traffic enforcement, and 4) special units, such as criminal investigations, narcotics, crime prevention, neighborhood services, and special weapons and tactics.

Fire Protection and Emergency Medical Services

Fire protection and emergency medical services will be provided to the annexation area, commencing on the effective date of annexation. The City of Waco will serve the annexation area from current fire stations closest to the area of annexation. Emergency dispatch assignment of Fire Services resources to the annexation area would be the same as currently provided in areas of similar land use and population within the City.

Solid Waste Collection

Solid Waste collection to the annexation area will be provided on the effective date of annexation on the same basis and at the same level as provided throughout the City, in accordance with applicable law.

Water Service

The City of Waco will provide for the maintenance of City-owned public water lines within the annexation area provided that the area is within the City's Certificate of Convenience and Necessity area as determined by the Texas Commission on Environmental Quality (TCEQ) beginning on the effective date of the annexation. Water service is provided at the same level as currently provided in areas of similar topography, land use and population within the City. The City's policy that water extensions are the responsibility of the developer of property will be applied in this area.

Wastewater Service

The City of Waco will provide for the maintenance of sanitary sewer lines within the annexation area provided that the area is within the City's Certificate of Convenience and Necessity area as determined by the Texas Commission on Environmental Quality (TCEQ) beginning on the effective date of the annexation. Sanitary sewer service is provided at the same level as currently provided in areas of similar topography, land use and population within the City. The City's policy that sanitary sewer extensions are the responsibility of the developer of property will be applied to this area. Maintenance of all parts of the sewer system will begin as those parts are put into service. The sewer system will be maintained with the same frequency and level of effort as comparable parts of the system in other parts of the City.

Capital Improvements

The construction of other capital improvements shall be considered by the city in the future as the needs dictate on the same basis as such capital improvements are considered throughout the city. Developing areas will follow subdivision regulations and water and sewer extension policies.

Street Lights

The City will work in cooperation with Oncor Electric Delivery Company LLC to install and maintain streetlights under the same policy as now exists elsewhere in the City. The City will pay the electricity costs of all streetlights in public right-of-way.

Traffic Control

The City will install and maintain traffic signals, traffic signs, street markings and other traffic control devices as needs are established by appropriate studies and standards. These activities will be coordinated with the Texas Department of Transportation (TxDOT) just as they are within other parts of the city limits.

Maintenance of Existing Roads & Streets

The Street Division of the City of Waco will provide the maintenance of existing roads and streets, drainage and regulatory signs on the effective date of annexation. The same basis and level of services currently provided throughout the City will be adhered to as follows:

1. Emergency maintenance of streets to include repair of hazardous potholes, ice and snow monitoring of major thoroughfares necessary for traffic flow.
2. Routine maintenance of public streets and rights-of-way performed within the City.
3. Street sweeping services will be performed approximately six times per year under current funding for streets with curb and gutter.
4. Installation and maintenance of traffic signs, street markings and other traffic control devices as the need is established by appropriate study and traffic standards.

Private streets, including ingress/egress easements, access easements, common areas, common driveways and anything else which has not been specifically dedicated and accepted as public right-of-way, will not be maintained by the City. Public streets will be included in the City's preventive maintenance program. Preventive maintenance projects are prioritized and scheduled based on a variety of factors, including surface condition, transversibility, age, traffic volume, density of dwellings per block, adjacent street conditions and available funding. Any necessary rehabilitation or reconstruction will be considered on a citywide priority basis.

Environmental Services

The Environmental Services Division of Water Utilities will provide services to the proposed annexation area on the effective date of annexation. These services include the administration of the EPA's Industrial Pretreatment Program, administration of the National Pollutant Discharge Elimination System Program (i.e., Storm Water Program), provide assistance to the Treatment of Water and Wastewater Divisions of the Water Utilities Department, and administer On-Site Sewage Facilities Permits as authorized agent for McLennan County (i.e. septic systems).

Maintenance of Parks & Recreational Facilities

The City of Waco will maintain any city park and/or recreation facility that is located within the annexation area on the effective date of annexation on the same basis and at the same level as similar facilities are maintained throughout the City.

Maintenance of Publicly-Owned Facility, Building or Municipal Service

The City Council is not aware of the existence of any publicly-owned municipal facility, building or other municipal service now located in the annexation area. In the event any such publicly-owned municipal facility, building or municipal service does exist and are public facilities, 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 now incorporated in the City.

Provision for Other City Services

Other City services that may be provided by the city such as planning, inspection, code enforcement, animal control, library, parks and recreation, municipal court, and general administration will be made available on the effective date of the annexation on the same basis and at the same level as provided throughout the city.

Election Voting Services

The annexation area is located within McLennan County, Precinct 78, with all portions located within the Midway Independent School District. McLennan County Voting Precinct 78 has approximately 3,503 registered voters, with 0 voters in the part that is being annexed. The City of Waco precincts adjoining this proposed annexation site are Precinct 63, and lie within Waco City Council District V. When this area is annexed, any residents of the annexation area who are qualified voters would vote at any of the City of Waco Vote Centers, subject to any change by the City Council in Vote Centers or polling places. The annexation area will be evaluated during the re-districting process in order to accommodate voters and provide the same level of service as throughout the city.

Uniform Level of Services

The listed elements of this plan shall not require the city to provide a uniform level of full municipal services to each area of the city, including the annexed area, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

Specific Findings

The City Council finds and determines that this Service Plan will provide full municipal services to the annexation area adequate to serve the annexation area and commensurate with the levels of services provided in other parts of the City with the same or similar topography, land use and population density, and it will not provide a lower level of service in the annexation area than were in existence at the time immediately preceding the effective date of annexation.