

ORDINANCE O2021-01

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF WEATHERFORD, TEXAS, AND THE VOLUNTARY ANNEXATION OF CERTAIN TERRITORY CONSISTING OF APPROXIMATELY 6.086 ACRES INCLUDING 5.337 ACRES SITUATED IN J.L. EDWARDS SURVEY, ABSTRACT NUMBER 416, PARKER COUNTY, TEXAS AS CONVEYED TO DAVID WILSON, KYLE LAWSON AND BOBBY JOE WHALEY AS EVIDENCE BY DEED RECORDED IN INSTRUMENT NO. 201933416, DEED RECORDS, PARKER COUNTY, TEXAS. SAID 5.337 ACRES INCLUDES ALL OF LOTS 4-8, EAST LAKEVIEW ADDITION, AN ADDITION TO PARKER COUNTY, TEXAS ACCORDING TO THE PLAT RECORDED IN VOLUME 290, PAGE 604, PLAT RECORDS, PARKER COUNTY, TEXAS. SAID 6.086 ACRES ALSO INCLUDES 0.749 ACRES OF ARROWPOINT DRIVE RIGHT OF WAY AS DEDICATED TO PARKER COUNTY, TEXAS WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMIT OF THE CITY OF WEATHERFORD, TEXAS; ADOPTING A "PLAN OF SERVICE" EXHIBIT "A" FOR SAID TERRITORY AS ATTACHED HERETO AND INCORPORATED HEREIN.

WHEREAS, two public hearings before the City Council of the City of Weatherford, Texas, where all interested persons were provided with an opportunity to be heard on the proposed voluntary annexation of the hereinafter described territory was held at the Public Meeting Room, Weatherford City Hall, 303 Palo Pinto Street, Weatherford, Texas, on December 15th and 17th, 2020; and

WHEREAS, notice of such public hearing was published in a newspaper having general circulation in the City of Weatherford, Texas, and in the hereinafter described territory on the 5th day of December 2020 which date is not more than twenty nor less than ten days prior to the date of the public hearing and was posted on the City of Weatherford website on the 4th day of December 2020, and remained so posted until the date of the hearing; and

WHEREAS, the total corporate area of the City of Weatherford, Texas, on the first day of January 2020 was 18535.18 acres; and

WHEREAS, the estimated population of the City of Weatherford, Texas, is 30,654; and

WHEREAS, the hereinafter described property lies within the extraterritorial jurisdiction of the City of Weatherford, Texas; and

WHEREAS, the hereinafter described territory consists of tracts that contain a total of 6.086 acres.

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

Section 1. The following described land and territories lying adjacent to and adjoining the City of Weatherford, Texas, and said territories hereinafter described, shall hereafter be included within the boundary limits of the City of Weatherford, Texas; and the present boundary limits of such city, at the various points contiguous to the areas hereinafter described, are altered and amended so as to include said areas within the corporate limits of the City of Weatherford, Texas, to-wit:

BEING 6.086 acres including 5.337 acres situated in J.L. Edwards Survey, Abstract Number 416, Parker County, Texas as conveyed to David Wilson, Kyle Lawson and Bobby Joe Whaley as evidence by deed recorded in Instrument No. 201933416, Deed Records, Parker County, Texas. Said 5.337 acres includes all of Lots 4-8, East Lakeview Addition, an addition to Parker County, Texas according to the plat recorded in Volume 290, Page 604, Plat Records, Parker County, Texas. Said 6.086 acres also includes 0.749 acres of Arrowpoint Drive right of way as dedicated to Parker County, Texas, and said 6.086 acres being more particularly described by metes and bounds as follows:

BEGINNING at the intersection of the north right of way line of Arrowpoint Drive and the east right of way line of East Lake Drive, said point also being the southwest corner of Lot 8R1, Block 1, East Lakeview Addition as conveyed to Stanislav Properties, LP by the warranty deed recorded in Instrument No. 2012801183 Real Records, Parker County, Texas;

THENCE North 89 degrees 40 minutes 03 seconds East, with the north right of way line of Arrowpoint Drive and the south line of East Lakeview Addition, 546.55 feet to a point for the northeast corner of the herein described tract;

THENCE South 00 degrees 10 minutes 39 seconds East leaving said Arrowpoint Drive north right of way line and with the common line of Lots 3 and 4, East Lakeview Addition a distance of 212.04 feet to a fence post found for the southeast corner of said Lot 4 and the southwest corner of said Lot 3 in the north line of a tract of land described by deed to Lawrence Bierschenk recorded in Volume 604, Page 22, Deed Records, Parker County, Texas;

THENCE South 89 degrees 48 minutes 28 seconds West with the Bierschenk north line a distance of 87.94 feet to a point for the northwest corner of said Bierschenk tract;

THENCE South 00 degrees 06 minutes 16 seconds East with the Bierschenk west line a distance of 363.22 feet to a point for the northeast corner of the Ian Alexander tract as recorded in Volume 604, Page 22, Deed Records Parker County, Texas;

THENCE West a distance of 400.29 feet to a point in the east line of East Lake Drive for the southwest corner of the herein described tract;

THENCE North 05 degrees 56 minutes 49 seconds West, with the east line of East Lake Drive, a distance of 575.48 feet to the POINT OF BEGINNING and containing 6.086 acres of land.

Section 2. The territories described herein and the areas so annexed shall be a part of the City of Weatherford, Texas, and the properties so added hereby shall bear its pro rata part of the taxes levied by the City of Weatherford, Texas, and the inhabitants thereof shall be entitled to all of the rights and privileges of all citizens of the City of Weatherford, Texas, and shall be bound by acts, ordinances, resolutions and regulations of the City of Weatherford, Texas.

Section 3. The "Plan of Service" is attached hereto as Exhibit A, as required by state Statute cited in the Texas Local Government Code, Chapter 43, Subchapter C., Section 43.0672, is hereby incorporated and made a part of this ordinance, and its provisions are formally adopted in this "Agreement for City of Weatherford Annexation Service Plan" Exhibit "A" for the annexation of the above described property.

The foregoing ordinance was introduced, read, passed and approved on first and final reading at a regular meeting of the Weatherford City Council held on the 12th day of January 2021 by a vote of: Aye 5 No 0.

CITY OF WEATHERFORD, TEXAS




Paul Paschall, Mayor

ATTEST:



Malinda Nowell, TRMC, City Secretary

APPROVED AS TO FORM:



Ed Zellers, City Attorney

**AGREEMENT FOR
CITY OF WEATHERFORD
ANNEXATION SERVICE PLAN FOR
"Arrowpoint at East Lake"**

This Agreement is entered into between the City of Weatherford and Chuck Shack Health Represent, pursuant to Section 43.0672 of the Texas Local Government Code for municipal services to the area annexed in the ordinance attached hereto. Services shall be furnished after the effective date of annexation by the City of Weatherford, Texas, ("City") at the following levels and in accordance with the following schedule:

1. **Services Currently Provided:** Platting.
2. **Upon the effective date of annexation the City will provide the following services to the newly annexed area:**
 - A. **Police Services**
The City will provide police services 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. The City will respond to all dispatched police calls and requests for service or assistance within the newly annexed area.
 - B. **Fire Protection and Emergency Medical Service**
The City 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. The City will respond to all dispatched calls and requests for service or assistance within the newly annexed area.
 - C. **Solid Waste Collection**
The City will provide for the collection of solid waste and refuse in the newly annexed area at the same fee as paid by other citizens within the city limits for the same service by the franchised solid waste provider.
 - D. **Maintenance of Water and Waste Water Facilities**
The City Council is not aware of the existence of any water or wastewater facilities now located in or serving the area proposed for annexation. If publicly owned water or wastewater facilities do exist in the area such facilities owned or maintained by the City at the time of the proposed annexation shall continue to be maintained by the City. Any water or wastewater facilities, which the City may acquire subsequent to the annexation of the proposed area, shall be maintained by the City to the extent of its ownership. It is the intent of the City to maintain all public water and wastewater facilities in the annexed area that are not within the service area of any other water or wastewater utility. The City does own and maintain municipal water and wastewater service along East Lake Drive and Arrowpoint Drive adjacent to the area proposed for annexation.
 - E. **Maintenance of Roads and Streets**
Road, streets, or alleyways which have been dedicated to the City or which are owned by the City shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas with similar topography, land use, and population density. Lighting of roads, streets, and alleyways that may be positioned in a right-of-way, roadway, or utility company easement shall be maintained by the applicable utility company servicing the City pursuant to the rules, regulations, and fees of the utility. The City of Weatherford will maintain East Lake drive. The City of Weatherford will not maintain Lake View Drive as it is not a City of Weatherford road.

F. Maintenance of Parks, Playgrounds and Swimming Pools

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

G. Maintenance of Publicly-Owned Facility, Building, or Municipal Service

The City Council is not aware of the existence of any publicly-owned facility, building, or municipal service now located in or serving the area proposed for annexation. If publicly-owned facilities, buildings, or municipal services do exist, the City will maintain the facilities and services to the same extent and degree that it maintains similar facilities and services in other similar areas of the City.

H. Electric

The City Council is aware of the existence of City-owned electric facilities now located in and the area proposed for annexation. The City-owned electric facilities that exist in the area at the time of the proposed annexation shall continue to be maintained by the City to the same extent and degree that it maintains similar facilities and services in other similar areas of the City.

3. Program for construction or acquisition of any capital improvements necessary for providing municipal service for the area:**A. In General**

1. The City policy for extending water and wastewater service is to extend service on an as required basis when development applications or subdivision plats are submitted to the City in accordance with the City's subdivision and development ordinances and utility extension regulations.
2. Landowners may be required to fund capital improvements necessary to provide service in a manner consistent with Chapter 395, Texas Local Government Code. Nothing in this plan shall be interpreted to require a landowner within the newly annexed area to fund capital improvements necessary to provide municipal services in a manner inconsistent with Chapter 395 of the Local Government Code, unless otherwise agreed to by the landowner.
3. There appear to be no public improvements of any kind other than existing State and county roads, and water and wastewater facilities as described in Item 1.D above, presently located in the area to be annexed.

B. Police and Fire Protection Services

The City Council finds and determines it to be unnecessary to acquire or construct any capital improvements for the purposes of providing police or fire protection services and 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 with the same or similar topography, land use, and population density, without reducing by more than a negligible amount the level of police or fire services provided within the corporate limits of the City.

C. Water Facilities and Services

Municipal water service is available through a 8" water main located in the public right-of-way of East Lake Drive on the western boundary, and a 6" water main located in the public right-of-way of Arrowpoint Drive on the northern boundary, of the area proposed

for annexation. Developer(s) will be required to connect to the water main and extend service(s) to the proposed development pursuant to the ordinances and utility policies of the City. Upon connection to existing mains, water will be provided at the rates established by the City.

D. Waste Water Facilities and Service

Municipal wastewater service is available through a 4" wastewater force main located along East Lake Drive on the western boundary, and a 2" wastewater force main located along Arrowpoint Drive on the northern boundary, of the area proposed for annexation. Developer(s) will be required to connect to the wastewater force main and extend and extend service(s) to the proposed development pursuant to the ordinances and utility policies of the City. Upon connection to existing force mains, wastewater will be provided at the rates established by the City.

E. Roads and Streets

When development occurs within the area, 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 as the annexed area. Developers will be required pursuant to the ordinances of the City to provide internal and peripheral streets and to construct those streets in accordance with the specifications required by the City for a properly dedicated street. The City will undertake to provide the same degree of road and street lighting as is provided in areas of similar topography, land use, and population density within the present corporate limits of the City.

F. Electric

The City of Weatherford Municipal Utility System has the ability to serve electric to the proposed annexation area as determined by its certified electric service territory granted by the Public Utility Commission of Texas. Any electric service provided would be according to the City's most current Electric Service Policy.

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, including maintenance of infrastructure, proposed to be annexed than were in existence in the area at the time immediately preceding the annexation process, or within areas of the corporate limits of the City with similar topography, land use and population density, nor will it result in reduction the level of fire and police protection and emergency medical services provided within corporate limits before annexation.

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 to other areas of the City of Weatherford, Texas. These differences are specifically dictated because of differing characteristics of the property and the City of Weatherford, Texas will undertake to perform consistent with this contract so as to provide the newly annexed area with the same type, kind and quality of service presently enjoyed by the citizens of the City of Weatherford, Texas who reside in areas of similar topography, land utilization and population.

All of these services will be available as of the effective date of the annexation.

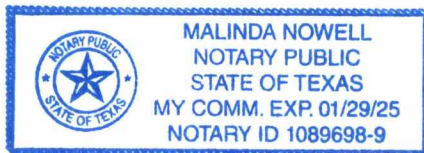
EXECUTED this _____ day of _____, _____.

CITY OF WEATHERFORD

By: [Signature]Name: Paul PaschallTitle: MayorSTATE OF TEXAS
COUNTY OF PARKER

This instrument was acknowledged before me on the 12 day of January, 2021 by Paul Paschall, known personally by me to be the Mayor of the City of Weatherford, on behalf of said City.

[Notary Seal]



Malinda Nowell
Notary Public, State of Texas

ARROWPOINT AT EAST LAKE
Charles F. Stark
Signature

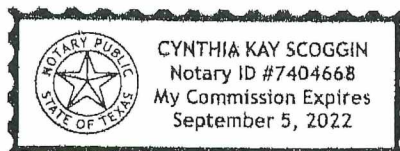
Printed Name: CHARLES F. STARK
AUTHORIZED REPRESENTATIVE

STATE OF TEXAS
COUNTY OF TARRANT

Before me, on this day personally appeared CHARLES F. STARK, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 6th day of JANUARY, 2021.

[Notary Seal]



Cynthia Kay Scoggin
Notary Public, State of Texas