

CITY OF ROSENBERG, TEXAS

ORDINANCE NO. 2012-31

AN ORDINANCE OF THE CITY OF ROSENBERG, TEXAS, PROVIDING FOR THE EXTENSION OF ROSENBERG, TEXAS CITY LIMITS BY THE ANNEXATION OF ADJACENT TRACTS OF LAND DESCRIBED IN THE FIELD NOTES OF THE METES AND BOUNDS SURVEY IN EXHIBIT "A", AND GENERALLY LOCATED ON THE SOUTH SIDE OF US-59, ON THE NORTH SIDE OF KLOSTERHOFF ROAD, AND ON THE EAST AND WEST SIDES OF HARTLEDGE ROAD; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREAS SHALL BECOME A PART OF THE CITY AND THAT THE OWNERS AND INHABITANTS THEREOF 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 HEREAFTER ADOPTED; FURTHER PROVIDING FOR AMENDING THE OFFICIAL BOUNDARIES OF THE CITY AS HERETOFORE ADOPTED; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR SAID ORDINANCE TO TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE.

WHEREAS, Texas Local Government Code Section 43.021 authorizes the City of Rosenberg, as a home-rule municipality, to extend its City limit boundaries through the annexation of area adjacent to those boundaries; and

WHEREAS, Article 1, Section 1.03 of the City Charter of the City of Rosenberg provides that the City Council has authority by ordinance to fix the City limit boundaries, provide for the alteration and extension of said boundaries, and annex additional territory lying adjacent to said boundaries in any manner provided by law; and

WHEREAS, the area to be annexed lies within the extraterritorial jurisdiction of the City of Rosenberg, Texas, and lies adjacent to the City of Rosenberg, Texas; and

WHEREAS, Texas Local Government Code Section 43.052(h)(1) provides that an area proposed for annexation containing fewer than one hundred (100) separate tracts of land on which one or more residential dwellings are located on each tract is exempted from the state law requirement that an area proposed for annexation first be identified in an annexation plan; and

WHEREAS, the areas described herein contain fewer than one hundred (100) separate tracts of land on which one or more residential dwellings are located on each tract and are, therefore, exempted from the above-described annexation plan requirement; and

WHEREAS, Texas Local Government Code Section 43.035(a)(2) stipulates that a municipality may not annex an area appraised for ad valorem tax purposes as land for agricultural use under Subchapter C or D, Chapter 23, Tax Code and Texas Local Government Code Section 43.035(b)(1) provides that a municipality must offer to make a development agreement with landowners eligible under Texas Local Government Code 43.035(a)(2) to guarantee the continuation of the extraterritorial status of the area; and

WHEREAS, the City of Rosenberg executed non-annexation Development Agreements for eligible properties, which said properties are particularly described in the attached Exhibit "B", and said non-annexation Development Agreements were approved by City Council; and

WHEREAS, pursuant to Texas Local Government Code Section 43.035(c) an area adjacent or contiguous to an area that is the subject of a development agreement under Texas Local Government Code Section 43.035(b)(1) is considered adjacent or contiguous to the municipality; and

WHEREAS, two separate public hearings were conducted on the proposed annexation in accordance with Chapter 43 of the Texas Local Government Code, the first being held on August 01, 2012, at the City Hall Council Chamber, 2110 4th Street, Rosenberg, Texas 77471, and the second public hearing being held on August 07, 2012, at the City Hall Council Chamber, 2110 4th Street, Rosenberg, Texas 77471; and

WHEREAS, the public hearings were conducted and held not more than forty (40) days nor less than twenty (20) days prior to the institution of annexation proceedings and such public hearings gave all interested persons the right to appear and be heard on the proposed annexation of such land; and

WHEREAS, all required written notices were timely sent to all property owners and others entitled to written notice before the 30th day before the first public hearing; and

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and in the area proposed to be annexed by publication at least once in said newspaper not more than twenty (20) days nor less than ten (10) days prior to each public hearing; and

WHEREAS, notice of the public hearings was posted on the City's Internet website on or after the twentieth (20th) day but before the tenth (10th) day before the date of each public hearing and remained posted until the date of the hearings; and

WHEREAS, all required statutory notices pursuant to the Chapter 43 of the Texas Local Government Code and of the Charter of the City of Rosenberg, Texas, have been accomplished; and

WHEREAS, the proposed service plan was made available for public inspection and explained to the inhabitants of the area at the public hearings held.

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

SECTION 1

All of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2

The land and territory lying outside of, but adjacent to and contiguous to the City of Rosenberg, Texas, more particularly described in Exhibit "A" and depicted in a map in Exhibit "A.1" attached hereto and incorporated herein for all purposes, is hereby added and annexed to the City of Rosenberg, Texas, and said territory, as described, shall hereafter be included within the boundary limits of said City, and the present boundary limits of said City, at the various points contiguous to the area described in Exhibit "A", are altered and amended so as to include said areas within the corporate limits of the City of Rosenberg, Texas.

SECTION 3

The land and territory more particularly described in Exhibit "A", attached hereto and incorporated herein by reference, shall be part of the City of Rosenberg, Texas and inhabitants thereof shall be entitled to all the rights and privileges as citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the City of Rosenberg, Texas.

SECTION 4

A service plan outlining the provisions of necessary municipal services to the properties is hereby approved and the implementation of said plan is hereby authorized. Such plan is attached hereto and incorporated herein as Exhibit "C".

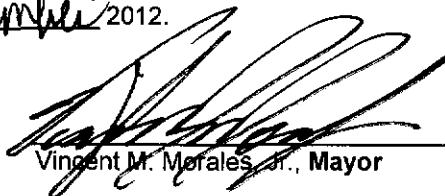
SECTION 5

If any section, subsection, sentence, paragraph, phrase, word, or provision be found to be illegal, invalid, unconstitutional or if any portion of said properties is incapable of being annexed by the City of Rosenberg, Texas, for any reason whatsoever, the adjudication shall not affect another section, sentence, phrase, word, paragraph or provision of this Ordinance or the application of any other section, sentence, phrase, word, paragraph or provision to any other person or portion of said properties, situation or circumstance, nor shall the adjudication affect any other section, sentence, phrase, word, paragraph or provision of any other ordinance of the City of Rosenberg, Texas. The City Council declares that it would have adopted the valid portions and applications of the Ordinance and would have annexed the valid properties without the invalid part and invalid properties and to this end the provisions of this Ordinance are declared to be severable.

SECTION 6

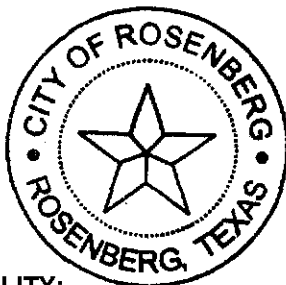
This ordinance shall be effective from and after September 04, 2012.

PASSED, APPROVED AND ADOPTED by a vote of 5 "ayes" in favor and 2 "noes" against on this the first and final reading in full compliance with the provisions of Section 3.10 of the Charter of the City of Rosenberg on the 9th day of September 2012.



Vincent M. Morales, Jr., Mayor

ATTEST:


Linda Cernosek, City Secretary



APPROVED AS TO FORM AND LEGALITY:


Lora Jean D. Lenzsch, City Attorney

CHARLIE KALKOMEY SURVEYING, INC.

A JONES & CARTER COMPANY

6415 READING ROAD
ROSENBERG, TEXAS 77471
281 342-2033

KLOSTERHOFF ROAD TRACT

FIELD NOTES FOR AN 523.4 ACRE TRACT OF LAND IN THE F. R. OLCOTT SURVEY, ABSTRACT 210, THE EMMA MEYER SURVEY, ABSTRACT 701, AND THE J. M. COOPER SURVEY, ABSTRACT 707, FORT BEND COUNTY, TEXAS, WITH ALL BEARINGS BASED UPON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83, BASED UPON GPS OBSERVATIONS OF CITY OF ROSENBERG CONTROL MONUMENT RS12.

BEGINNING at a point in the southeasterly right-of-way line of U. S. Highway 59 for a reentry corner of the existing City of Rosenberg City Limits as described in Annexation Number 29 (Ordinance 90-73), for the north corner and **Place of Beginning** of the herein described tract, said point being the north corner of that certain called 4.033 acre tract recorded under County Clerk's File Number 2006059699, Official Public Records, Fort Bend County, Texas, same being the west corner of the adjoining Burly Subdivision Reserve "B", according to map or plat thereof recorded under Slide Number 2207A, Plat Records, Fort Bend County, Texas;

THENCE South 47 degrees 59 minutes 03 seconds East along the common line of the herein described tract and said existing City of Rosenberg City Limits, being the southwest line of said adjoining Burly Subdivision, at 1.88 feet pass a 5/8 inch iron rod found on said line, and continuing for a total distance of 1,445.37 feet to a point for corner, same being the south corner of said adjoining Burly Subdivision and a south corner of said existing City of Rosenberg City Limits, same being the east corner of that certain called 5.00 acre tract recorded under County Clerk's File Number 2008110886, Official Public Records, Fort Bend County, Texas, and being in the northwest line of an adjoining called 85.524 acre tract recorded under County Clerk's File Number 2007136865, Official Public Records, Fort Bend County, Texas, said point also being in the southeast line of said Emma Meyer Survey, Abstract 701, same being the northwest line of the adjoining F. A. Mores Survey, Abstract 695;

THENCE South 42 degrees 00 minutes 09 seconds West along the southeast line of said called 5.00 acre tract and the southeast line of said Emma Meyer Survey, Abstract 701, same being the northwest line of said adjoining called 85.524 acre tract, and the northwest line of said adjoining F. A. Mores Survey, Abstract 695, 15.00 feet to a point for a reentry corner to the herein described tract, said point being the west corner of said adjoining called 85.524 acre tract, and the west corner of said adjoining F. A. Mores Survey, Abstract 695, same being the north corner of a called 66.9654 acre tract recorded under County Clerk's File Number 2004071994, Official Public Records, Fort Bend County, Texas, and the north corner of said J. M. Cooper Survey, Abstract 707;

THENCE South 47 degrees 56 minutes 49 seconds East along the northeast line of said called 66.9654 acre tract, the northeast line of said J. M. Cooper Survey, Abstract 707, and along the northeast line of a called 43.1921 acre tract recorded under County Clerk's File Number 2000028861, Official Public Records, Fort Bend County, Texas, same being the southwest line of said adjoining F. A. Mores Survey, Abstract 695, and the southwest line of said adjoining called 85.524 acre tract, 2,609.73 feet to a point in the northwest right-of-way line of Klosterhoff Road for the east corner of the herein described tract;

THENCE South 42 degrees 01 minutes 41 seconds West along the southeast line of the herein described tract, being the northwest right-of-way line of Klosterhoff Road, 1,782.25 feet to a TxDOT disk found in concrete for angle point;

THENCE South 42 degrees 10 minutes 02 seconds West continuing along said line, at 160.74 feet pass a 1-inch iron pipe found on said line at the intersection of the northwest right-of-way line of Klosterhoff Road and the northeast right-of-way line of Hartledge Road, and continuing for a total distance of 221.37 feet to a TxDOT disk found in concrete for angle point, said point being at the intersection of the northwest right-of-way line of Klosterhoff Road and the southwest right-of-way line of Hartledge Road, said point being in the northeast line of that certain called 79.4 acre tract recorded in Volume 231, Page 75, Deed Records, Fort Bend County, Texas;

THENCE South 42 degrees 08 minutes 11 seconds West continuing along the southeast line of the herein described tract, same being the northwest right-of-way line of Klosterhoff Road, 524.99 feet to a point for corner, being in the northeast line of an adjoining called 1.0 acre tract recorded under County Clerk's File Number 2004094970, Official Public Records, Fort Bend County, Texas;

THENCE North 47 degrees 51 minutes 49 seconds West along the common line of the herein described tract and said adjoining called 1.0 acre tract, 141.36 feet to a point for a reentry corner to the herein described tract, same being the north corner of said adjoining called 1.0 acre tract;

THENCE South 42 degrees 08 minutes 11 seconds West continuing along said common line, at 290.00 feet pass the west corner of said adjoining called 1.0 acre tract, being the north corner of an adjoining called 1.0000 acre tract recorded in Volume 2490, Page 744, Official Records, Fort Bend County, Texas, and continuing for a total distance of 577.79 feet to a point for a reentry corner to the herein described tract, same being the west corner of said adjoining called 1.0000 acre tract;

THENCE South 47 degrees 42 minutes 28 seconds East along the common line of the herein described tract and said adjoining called 1.0000 acre tract, 141.36 feet to a point for corner, said point being in the northwest right-of-way line of Klosterhoff Road;

THENCE South 42 degrees 08 minutes 11 seconds West along the southeast line of the herein described tract, same being the northwest right-of-way line of Klosterhoff Road, 2,027.36 feet to a point for the lower south corner of the herein described tract, said point being in the existing City of Rosenberg City Limits as described in Annexation Number 60 (Ordinance 2001-23);

THENCE North 47 degrees 51 minutes 30 seconds West along the common line of the herein described tract and said existing City of Rosenberg City Limits, 3,604.23 feet to a point for a reentry corner to the herein described tract, same being a corner of said existing City of Rosenberg City Limits;

THENCE South 42 degrees 10 minutes 10 seconds West continuing along said common line, 1,085.34 feet to a point for the upper south corner of the herein described tract, same being a reentry corner to said existing City of Rosenberg City Limits;

THENCE North 47 degrees 53 minutes 19 seconds West continuing along said common line, 1,240.57 feet to a point for the most westerly corner of the herein described tract, same being the north corner of said existing City of Rosenberg City Limits (Annexation Number 60), and being in the southeast lines of the existing City of Rosenberg City Limits as described in Annexation Number 40 (Ordinance 96-22);

THENCE North 53 degrees 17 minutes 53 seconds East along the existing City of Rosenberg City Limits, 4,366.20 feet to a point for corner, said point being the east corner of said existing City of Rosenberg City Limits (Annexation Number 40), and being in the southwest line of the aforementioned existing City of Rosenberg City Limits (Annexation Number 29);

THENCE South 47 degrees 51 minutes 46 seconds East along the common line of the herein described tract and said existing City of Rosenberg City Limits 155.78 feet to a point for corner, said point being within the right-of-way of Hartledge Road;

THENCE North 42 degrees 29 minutes 13 seconds East continuing along said common line, being the south easterly right-of-way line of U. S. Highway 59, 68.06 feet to a concrete monument found at the beginning of a curve to the left, said point being the west corner of that certain called 44.1555 acre tract recorded in Volume 843, Page 817, Deed Records, Fort Bend County, Texas;

THENCE along said curve to the left, continuing along said common line, with a central angle of 38 degrees 04 minutes 48 seconds, a radius of 423.00 feet, an arc length of 281.14 feet, and a chord bearing North 23 degrees 18 minutes 38 seconds East, 275.99 feet to a TxDOT disk found in concrete at the end of said curve;

THENCE North 04 degrees 09 minutes 51 seconds East continuing along said common line, 28.79 feet to a TxDOT disk found in concrete at the beginning of a curve to the right;

THENCE along said curve to the right, continuing along said common line, with a central angle of 42 degrees 12 minutes 50 seconds, a radius of 877.19 feet, an arc length of 646.29 feet, and a chord bearing North 25 degrees 20 minutes 13 seconds East, 631.77 feet to a concrete monument found at the end of said curve;

THENCE North 46 degrees 28 minutes 50 seconds East continuing along said common line, at 948.23 feet pass a concrete monument found on said line, and continuing for a total distance of 990.31 feet to the **Place of Beginning** and containing 523.4 acres of land, more or less.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

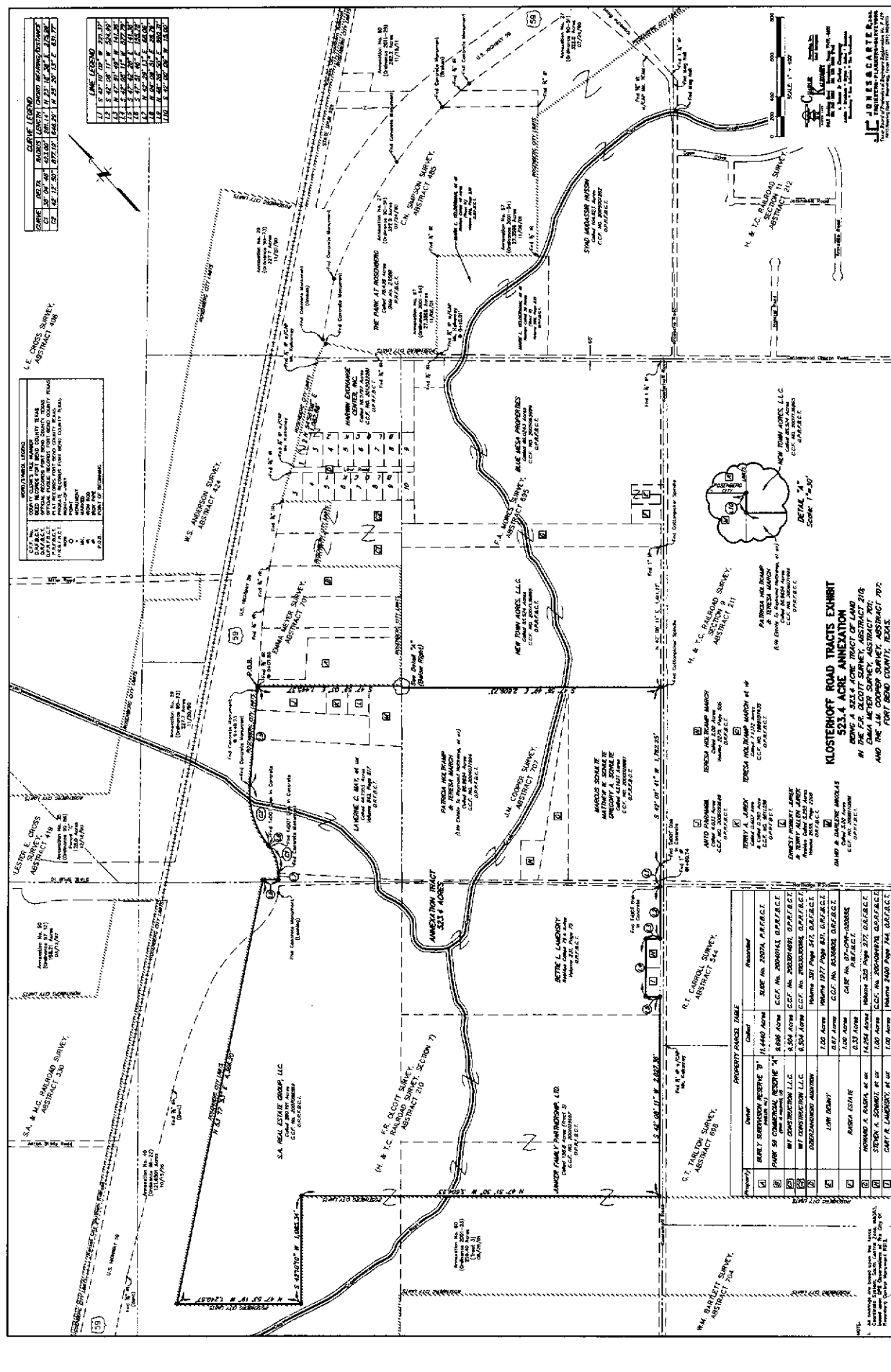
July 3, 2012

Job Number R0001-120-00

Charlie Kalkomey Surveying, Inc.
6415 Reading Road
Rosenberg, TX 77471-5655
(281) 342-2033

Acting By/Through Chris D. Kalkomey
Registered Professional Land Surveyor
No. 5869
CDKalkomey@jonescarter.com

LINE LEGEND	
L1	S 42° 10' 00" W 272.37'
L2	S 42° 08' 11" W 524.99'
L3	N 42° 31' 49" W 141.28'
L4	S 42° 08' 11" W 527.29'
L5	S 47° 42' 20" E 141.30'
L6	S 47° 31' 46" E 143.78'
L7	N 42° 28' 13" E 68.05'
L8	N 04° 08' 51" E 38.78'
L9	N 48° 38' 50" E 990.31'
L10	S 42° 00' 00" W 140.01'



JONES & CARTER, INC.
ENGINEERS-PLANNERS-EXHIBITORS
1000 Board of Professional Engineers Examination Bldg., P. 419
NAT'L Meeting (2nd) - Birmingham, (room 7247) (2nd) Session

Owner: Junker Family Partnership Ltd
PO Box 27212
Houston, TX 77227-7212

Fort Bend Central Appraisal District Tax Account Number: 0210-00-007-0020-901

Legal Description: 0210 H AND TC RY, TRACT 2, ACRES 79.40

Owner: Junker Family Partnership Ltd
PO Box 27212
Houston, TX 77227-7212

Fort Bend Central Appraisal District Tax Account Number: 0210-00-007-0021-901

Legal Description: 0210 H AND TC RY, ACRES 30.9706

Owner: Lamensky Bettie
1208 Easy ST
Rosenberg, TX 77471-4244

Fort Bend Central Appraisal District Tax Account Number: 0210-00-007-0041-901

Legal Description: 0210 H AND TC RY, TRACT 4, ACRES 77.23

Owner: Parambil Anto Etal
5714 Sapphire Bay CT
Sugar Land, TX 77479-4157

Fort Bend Central Appraisal District Tax Account Number: 0701-00-008-0069-901

Legal Description: 0701 EMMA MEYER, TRACT 6 (PT), ACRES 4.375

Owner: May Laverne C & Barbara
2722 Mons AVE
Rosenberg, TX 77471-6032

Fort Bend Central Appraisal District Tax Account Number: 0701-00-008-0080-901

Legal Description: 0701 EMMA MEYER, TRACT 8, ACRES 10.8109, SEC 8

Owner: Chase Ronald c/o Linda Nichols
7014 Meadow Lake Avenue
Dallas, TX 75214

Fort Bend Central Appraisal District Tax Account Number: 0701-00-008-0083-901

Legal Description: 0701 EMMA MEYER, ACRES 26.655

Owner: May, Laverne C
2722 MONS AVE
ROSENBERG, TX 77471-6032

Fort Bend Central Appraisal District Tax Account Number: 0701-00-008-0083-901

Legal Description: 0701 EMMA MEYER, ACRES 26.655

Owner: Holtkamp Raymond F & Darlen (life est)
9210 Brinkmeyer RD
c/o Patricia Holtkamp & Teresa March
Needville, TX 77461-8654

Fort Bend Central Appraisal District Tax Account Number: 0707-00-000-0011-901

Legal Description: 0707 J M COOPER, ACRES 66.14

Owner: March Teresa Holtkamp & Donald
727 Hartledge RD
Rosenberg, TX 77471-8932

Fort Bend Central Appraisal District Tax Account Number: 0707-00-000-0014-901

Legal Description: 0707 J M COOPER, ACRES 6.9259

**2012 ANNEXATION
City of Rosenberg, Texas
Municipal Service Plan for Klosterhoff**

Description of the area: annexation of adjacent tracts of land described in the field notes of the metes and bounds survey in Exhibit "A" to Ordinance No. 2012-31, generally located on the south side of US-59, on the north side of Klosterhoff Road, and on the east and west sides of Hartledge Road.

Upon annexation of the area identified above, the City of Rosenberg will provide City services utilizing methods by which it extends services to any other equivalent area in the City.

Services provided by the effective date of annexation:

1. POLICE PROTECTION

Upon annexation, the City of Rosenberg will provide police protection to the newly annexed area in the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed area. The Police Department will have the responsibility to respond to all dispatched calls for service or assistance within the newly annexed area.

2. FIRE PROTECTION

Upon annexation, the City of Rosenberg will continue to provide fire protection services to the newly annexed area in the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed area.

3. EMERGENCY MEDICAL SERVICES

The City of Rosenberg does not currently provide any emergency medical services.

4. MAINTENANCE OF WATER AND WASTEWATER FACILITIES

The City of Rosenberg is not aware of the existence of any publicly owned water and wastewater facilities in the newly annexed area. All of the newly annexed properties have existing water wells and septic systems which shall continue to be maintained in accordance with the City's Code of Ordinances.

5. SOLID WASTE SERVICE

The City of Rosenberg contracts for the collection of solid waste and refuse within the corporate limits of the City. Solid waste collection will be provided, within ninety (90) days after the effective date of annexation, to citizens in the newly annexed area at the same or similar level of service now being provided to other areas of the City with like topography, land use and density as those found within the newly annexed area. The City may negotiate with the annexed area to allow continued services with an existing solid waste management provider. After the second anniversary of the annexation date, the City will impose fees and provide the service.

If areas with private roads and/or gates are arranged so that garbage may be collected without creating a safety hazard, the City, at its discretion, may collect the garbage provided proper indemnification is received from the homeowners association or individual property owners. The City will then impose fees and provide the service. In the event the City does not collect garbage within the areas with private roads and/or gates, residents of these areas will not be billed for service after the two-year date.

6. ROADS AND STREETS/ STREET LIGHTING

Any and all public roads, streets, alleyways or street lighting shall be maintained to the same degree and extent that other public roads, streets, alleyways, and street lighting are maintained in areas of the City with like topography, land use and density as those found within the newly annexed area. Private roads will remain under the ownership of the homeowners association and as such maintained by the association. Roads that are not part of a homeowners association and are privately owned will remain under private ownership and as such maintained by the individual owner(s).

7. MAINTENANCE OF PARKS, PLAYGROUNDS, AND SWIMMING POOLS

The City of Rosenberg is not aware of the existence of any publicly owned parks, playgrounds or swimming pools now located in the proposed annexed area. In the event any such parks, playgrounds, or swimming pools do exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to the other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed area. Private facilities will remain under the ownership of the homeowners association and as such maintained by the association. Private facilities that are not part of a homeowners association and are privately owned will remain under private ownership and as such maintained by the individual owner(s).

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

The City of Rosenberg is not aware of the existence of any publicly owned facility, building or other municipal service now located in the proposed area of annexation. In the event any publicly owned facility, building, or other municipal service does exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed areas.

9. OTHER SERVICES

The City of Rosenberg finds and determines that such services as planning, code enforcement, animal control, parks and recreation, court and general administration will be made available after the effective date of annexation at the same or similar level of service now being provided to other areas of the City with similar topography, land use and density as those found within the newly annexed area.

CONSTRUCTION OF ANY CAPITAL IMPROVEMENTS TO BE COMPLETED WITHIN 2 ½ YEARS.

1. POLICE AND FIRE PROTECTION AND SOLID WASTE COLLECTION

The City of Rosenberg finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of annexation of the particular annexed area for the purpose of providing police protection, fire protection, or solid waste collection. The City finds and determines that it has at the present time adequate facilities and other resources to provide the same type, kind and level of service and protection which is presently being administered to other areas already incorporated in the City of Rosenberg with like topography, land use and population density as those found with the newly annexed areas.

2. WATER AND WASTEWATER FACILITIES

For the next 2 ½ years, the City of Rosenberg finds and determines that existing homes and businesses will remain on water wells and septic systems. Thereafter, construction of any capital improvements for water and wastewater services to the newly annexed area will be developed pursuant to the City's capital improvement plan, the City's infrastructure extension policies, and in accordance with the City's Code of Ordinances.

Requests from property owners and developers for municipal water and wastewater services will be considered by the City. This service plan does not contain a commitment by the City to provide to the annexed area free extensions of water lines, free extensions of sewer lines, free fire hydrant installation or services. Property owners and developers will be required to pay applicable connection fees and impact fees in addition to any participation costs involved in the infrastructure extension pursuant to applicable City ordinances, policies and capital improvement plan.

3. ROADS AND STREETS

The City of Rosenberg finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed area. Thereafter, construction of any roads and streets will be developed pursuant to the City's capital improvement plan and in accordance with the City's Code of Ordinances.

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

The City of Rosenberg finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed area for the purpose of parks maintenance, playgrounds, swimming pools and other publicly owned facility, building or service.

SPECIFIC FINDINGS

The City of Rosenberg finds and determines that this proposed service plan will not provide any fewer services and will not provide a lower level of service in the area being considered for annexation that were in existence in the proposed areas at the time immediately preceding the annexation process. Given the proposed annexation areas' topography, land utilization and population density, the service levels to be provided in the newly annexed area will be equivalent to those provided to other areas of the City with similar characteristics.

TERMS

This plan shall be valid for a term of ten (10) years. Renewal of the Service Plan is at the discretion of the City of Rosenberg.

LEVEL OF SERVICE

Nothing in this plan shall require the City to provide a uniform level of full municipal services to each area of the City including the annexed areas, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

AMENDMENTS

The plan shall not be amended unless public hearings are held in accordance with Chapter 43 of the Texas Local Government Code.