

**CITY OF ROSENBERG, TEXAS**

**ORDINANCE NO. 2013-23**

**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 SOUTH OF HIGHWAY 90A, EAST OF SPUR 10 AND THE CITY LIMITS, WEST OF SCOTT ROAD AND THE CITY LIMITS, AND NORTH OF RANDON SCHOOL ROAD, MUEGGE ROAD, AND THE CITY LIMITS, AND WITHIN THE EXTRATERRITORIAL JURISDICTION (ETJ); 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; PROVIDING THAT SUCH AREAS BE ASSIGNED TO AN ELECTION DISTRICT; 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**, Article 3, Section 3.01 (d) of the City Charter of the City of Rosenberg provides that the area or territory includable in the election districts shall be adjusted from time to time or reconfigured as the city may annex territory or area within the city; 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 April 02, 2013, at 7:00 P.M. at the City Hall Council Chamber, 2110 4th Street, Rosenberg, Texas 77471, and the second public hearing being held on April 16, 2013, at 7:00 P.M., 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 30<sup>th</sup> 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 (20<sup>th</sup>) day but before the tenth (10<sup>th</sup>) 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 premised 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

The land and territory described in Exhibit "A", shall be included in an election district and said election district boundary shall be adjusted or reconfigured to include the annexed area.

### SECTION 5

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".

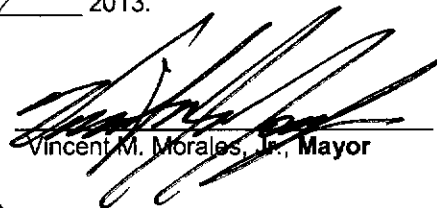
### SECTION 6

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 7

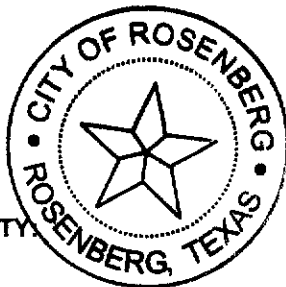
This ordinance shall be effective from and after May 07, 2013.

**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 14 day of May 2013.

  
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

**U. S. HIGHWAY 90-A TRACTS**

FIELD NOTES FOR A 1,142.4 ACRE TRACT OF LAND IN THE LESTER E. CROSS SURVEY, ABSTRACT 419, THE LESTER E. CROSS SURVEY, ABSTRACT 408, THE C. P. OSBORNE SURVEY, ABSTRACT 691, THE MOSES MARRITT SURVEY, ABSTRACT 287, THE HENRY SCOTT LEAGUE, ABSTRACT 83, THE S. P. RAILROAD COMPANY SURVEY, ABSTRACT 332, THE FRED G. SCHMIDT SURVEY, ABSTRACT 461, AND THE LILLARD, ARNOLD & STERZING SURVEY, ABSTRACT 649, FORT BEND COUNTY, TEXAS, WITH ALL BEARINGS BASED UPON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83, BASED UPON GPS OBSERVATIONS.

**BEGINNING** at the intersection of the east right-of-way line of Scott Road and the south right-of-way line of U. S. Highway 90-A for the northeast corner and **Place of Beginning** of the herein described tract, said point being the upper northwest corner of the adjoining City of Rosenberg Annexation Tract Number 87 (Ordinance 2012-30), same being the northwest corner of an adjoining called 127.8541 acre tract recorded under County Clerk's File Number 9570413, Official Public Records, Fort Bend County, Texas, and being in the south line of the adjoining City of Rosenberg Annexation Tract Number 86 (Ordinance 2012-29);

**THENCE** South 81 degrees 02 minutes 00 seconds West along the northerly line of the herein described tract, same being the south right-of-way line of U. S. Highway 90-A, being the existing City of Rosenberg City Limits, 2,221.59 feet to a 1-¼ inch iron bar found for angle point, said point being the northwest corner of a called 139.6171 acre tract recorded under County Clerk's File Number 2008017133, Official Public Records, Fort Bend County, Texas, same being the northeast corner of a called 9.7392 acre tract recorded in Volume 2486, Page 1909, Official Records, Fort Bend County, Texas;

**THENCE** South 80 degrees 58 minutes 46 seconds West continuing along the northerly line of the herein described tract, being the south right-of-way line of U. S. Highway 90-A, and being the existing City of Rosenberg City Limits, at 900 feet pass the southwest corner of said adjoining Annexation Tract Number 86, and continuing along the south right-of-way line of U. S. Highway 90-A for a total distance of 6,226.08 feet to a 5/8 inch iron rod with cap marked "1535/4035" found for the upper northwest corner of the herein described tract, said point being the northwest corner of a called 10.263 acre tract recorded under County Clerk's File Number 2006054232, Official Public Records, Fort Bend County, Texas, same being the northeast corner of a called 20.00 acre tract recorded under County Clerk's File Number 2004133973, Official Public Records, Fort Bend County, Texas, said point being the northeast corner of the adjoining City of Rosenberg Annexation Tract Number 52 (Ordinance 97-12);

**THENCE** South 09 degrees 02 minutes 52 seconds East along the common line of said called 10.263 acre tract and said called 20.00 acre tract, being the existing City of Rosenberg City Limits, 1,000.30 feet to a point for a reentry corner to the herein described tract, same being the southeast corner of said adjoining Annexation Tract Number 52;

**THENCE** South 80 degrees 59 minutes 10 seconds West along the existing City of Rosenberg City Limits, crossing said called 20.00 acre tract, a called 20.000 acre tract recorded under County Clerk's File Number 2006082946, Official Public Records, Fort Bend County, Texas, the residue of a called 230.724 acre tract recorded Volume 580, Page 112, Deed Records, Fort Bend County, Texas, and a called 43.422 acre tract recorded under County Clerk's File Number 2008108774, Official Public Records, Fort Bend County, Texas, 4,251.05 feet to a point for the lower northwest corner of the herein described tract, said point being the southwest corner of said adjoining Annexation Tract Number 52, and being in the east line of the adjoining City of Rosenberg Annexation Tract Number 42 (Ordinance 96-22);

**THENCE** South 09 degrees 07 minutes 50 seconds East along the existing City of Rosenberg City Limits, crossing said called 43.422 acre tract, a called 20.00 acre tract recorded in Volume 534, Page 531, Deed Records, Fort Bend County, Texas, and a called 99.06 acre tract recorded in Volume 573, Page 138, Deed Records, Fort Bend County, Texas, 4,216.96 feet to a point for the southwest corner of the herein described tract, said point being the southeast corner of said adjoining Annexation Tract Number 42, and being in the south right-of-way line of Randon School Road, same being a north line of the aforementioned adjoining Annexation Tract Number 87;

**THENCE** North 80 degrees 55 minutes 57 seconds East along the lower south line of the herein described tract, being the south right-of-way line of Randon School Road and the existing City of Rosenberg City Limits, 1,776.87 feet to a 5/8 inch iron rod found for angle point, said point being at the intersection of the south right-of-way line of Randon School Road and the southwest right-of-way line of Miller Road, and being the northeast corner of that certain adjoining called 3.000 acre tract (Exhibit "A") recorded under County Clerk's File Number 1999075635, Official Public Records, Fort Bend County, Texas;

**THENCE** North 78 degrees 44 minutes 01 second East crossing said Miller Road, 73.37 feet to a 1-1/4 inch iron pipe found for angle point, said point being at the intersection of the south right-of-way line of Randon School Road and the northeast right-of-way line of Miller Road, and being the northwest corner of that certain adjoining called 200.0928 acre tract (Tract 2) recorded under County Clerk's File Number 2006122716, Official Public Records, Fort Bend County, Texas;

**THENCE** North 80 degrees 51 minutes 40 seconds East continuing along the lower south line of the herein described tract, being the south right-of-way line of Randon School Road and the existing City of Rosenberg City Limits, same being the north line of said adjoining called 200.0928 acre tract, 4,748.41 feet to the lower southeast corner of the herein described tract, being the northeast corner of said adjoining called 200.0928 acre tract, same being the upper southwest corner of that certain adjoining called 5.00 acre tract recorded under County Clerk's File Number 2006147834, Official Public Records, Fort Bend County, Texas, said point also being at the intersection of the south right-of-way line of Randon School Road and the east right-of-way line of Muegge Road;

**THENCE** North 08 degrees 49 minutes 56 seconds West along the east right-of-way line of Muegge Road and the existing City of Rosenberg City Limits, at 430.56 feet pass a  $\frac{3}{4}$  inch iron pipe found at the intersection of the east right-of-way line of Muegge Road and the south right-of-way line of Blackwood Lane for the northwest corner of said adjoining called 5.00 acre tract, at 1,589.40 feet pass a  $\frac{3}{4}$  inch iron pipe found in concrete for the southwest corner of that certain adjoining called 2.00 acre tract recorded in Volume 2430, Page 698, Official Records, Fort Bend County, Texas, and continuing for a total distance of 1,884.88 feet to a point for a reentry corner to the herein described tract, said point being the northwest corner of said adjoining called 2.00 acre tract, and being at the intersection of the east right-of-way line of Muegge Road (North-South) and the south right-of-way line of Muegge Road (West-East);

**THENCE** North 81 degrees 05 minutes 49 seconds East along the upper south line of the herein described tract, same being the south right-of-way line of Muegge Road and the existing City of Rosenberg City Limits, at 294.94 feet pass a  $\frac{3}{4}$  inch iron pipe found in concrete for the northeast corner of said adjoining called 2.00 acre tract, and continuing for a total distance of 3,221.73 feet to a  $\frac{3}{4}$  inch iron pipe found for angle point, said point being the northeast corner of an adjoining called 5.0 acre tract recorded in Volume 1853, Page 2311, Official Records, Fort Bend County, Texas, same being the northwest corner of an adjoining called 23.167 acre tract (Tract 2) recorded under County Clerk's File Number 2004042731, Official Public Records, Fort Bend County, Texas;

**THENCE** North 81 degrees 12 minutes 31 seconds East continuing along the upper south line of the herein described tract, same being the south right-of-way line of Muegge Road and the City of Rosenberg City Limits, at 2,407.19 feet pass a  $\frac{1}{2}$  inch iron rod found at the intersection of the south right-of-way line of Muegge Road and the west right-of-way line of Scott Road for the northeast corner of that certain adjoining called 37.00 acre tract (Tract 1) recorded under County Clerk's File Number 2004042731, Official Public Records, Fort Bend County, Texas, and continuing for a total distance of 2,473.64 feet to a point for the upper southeast corner of the herein described tract, same being a reentry corner of said adjoining Annexation Tract Number 87, said point being in the east right-of-way line of Scott Road;

**THENCE** North 02 degrees 20 minutes 41 seconds West along the upper east line of the herein described tract, being the east right-of-way line of Scott Road and the existing City of Rosenberg City Limits, 3,354.88 feet to the **Place of Beginning** and containing 1,142.4 acres of land, more or less.

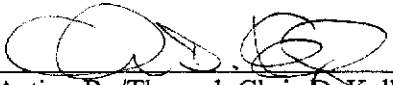
This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political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

February 18, 2031

Job Number R0001-134-00

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





HIGHWAY 90A TRACTS  
EXECUTED DEVELOPMENT AGREEMENTS

Owner: Cortez Guadalupe  
c/o Darlene Cortez 522 3rd ST  
Rosenberg, TX 77471-1843

Fort Bend Central Appraisal District Tax Account Number: 0461-00-019-0000-901

Legal Description: 0461 FRED SCHMIDT SEC 4, BLOCK 19 PT, ACRES 52.6326

Owner: Cortez Guadalupe  
c/o Darlene Cortez 522 3rd ST  
Rosenberg, TX 77471-1843

Fort Bend Central Appraisal District Tax Account Number: 0461-00-019-0004-901

Legal Description: 0461 FRED SCHMIDT SEC 4, BLOCK 19 (PT), ACRES 0.5884, PARCEL 11AE

Owner: Cortez Guadalupe  
c/o Darlene Cortez 522 3rd ST  
Rosenberg, TX 77471-1843

Fort Bend Central Appraisal District Tax Account Number: 0461-00-018-0000-901

Legal Description: 0461 FRED SCHMIDT SEC 4, BLOCK 18, ACRES 71.016, SLAVIN & GEORGE

Owner: Cortez Robert  
1124 Alamo ST  
Rosenberg, TX 77471

Fort Bend Central Appraisal District Tax Account Number: 0461-00-019-0003-901

Legal Description: 0461 FRED SCHMIDT SEC 4, BLOCK 18,19 (PT), ACRES 12.506

Owner: Exemp Lifetime Trust  
3138 Muegge RD  
Rosenberg, TX 77471-9847

Fort Bend Central Appraisal District Tax Account Number: 0408-00-079-0000-901

Legal Description: 0408 L E CROSS, ACRES 8.3877, Block 79 (Pt), Slavin & George

Owner: Guntle Alden  
2411 Highway 90A W  
Rosenberg, TX 77471-9880

Fort Bend Central Appraisal District Tax Account Number: 0332-00-001-0034-901

Legal Description: 0332 S P R R, TRACT 6 (PT), ACRES 8.739

Owner: Guntle Ted  
PO Box 946  
Rosenberg, TX 77471-0946

Fort Bend Central Appraisal District Tax Account Number: 0332-00-001-0044-901

Legal Description: 0332 S P R R, TRACT 7, ACRES 12.44

Owner: MUNOZ MARTIN F & LETICIA etal  
15242 SAM RD  
SUGAR LAND, TX 77478-1271

Fort Bend Central Appraisal District Tax Account Number: 0332-00-003-0140-901

Legal Description: 0332 S P R R, TRACT 14, ACRES 26.605

Owner: Pate Robert & Judy  
407 SPENCERS GLEN DR  
SUGAR LAND, TX 77479-5057

Fort Bend Central Appraisal District Tax Account Number: 0332-00-001-0070-901

Legal Description: 0332 S P R R, TRACT 7 (PT), ACRES 137.798

Owner: Rogers Henry & Janet  
2827 Highway 90A W  
Rosenberg, TX 77471-9801

Fort Bend Central Appraisal District Tax Account Number: 0332-00-001-0016-901

Legal Description: 0332 S P R R, ACRES 12.338

**2013 ANNEXATION  
City of Rosenberg, Texas  
Municipal Service Plan for Highway 90A Tracts**

Description of the area: adjacent tracts of land described in the field notes of the metes and bounds survey in Exhibit "A" to Ordinance No. 2013-23, and generally located south of Highway 90A, east of Spur 10 and the City Limits, west of Scott Road and the City Limits, and north of Randon School Road, Muegge Road, and the City Limits, and within the Extraterritorial Jurisdiction (ETJ).

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. Several 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 AND PLAYGROUNDS**

The City of Rosenberg is not aware of the existence of any publicly owned parks or playgrounds now located in the proposed annexed area. In the event any such parks or playgrounds 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 AND PLAYGROUNDS 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, 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.