



TO: Mayor and Councilmembers

FROM: City Manager John Moran

DATE: June 14, 2011

SUBJECT: FIRST AND FINAL READING OF ANNEXATION ORDINANCES – Consider, discuss and act upon Ordinance #O-2011-0614-001 annexing property and adopting the related Service Plan for the property located generally along the northeastern quadrant of the intersection of U.S. Highway 380 and County Road 611 owned by Collin College, which property is more particularly described as:

Approximately 76.337 acres of land situated in the W. B. Williams Survey, Abstract No. 952, and being a portion of a tract of land described in a deed to Lovell Investments, Ltd. as recorded in Volume 5974, Page 2175 of the Deed Records of Collin County Texas.

ACTION: Approve or disapprove Ordinance # 2011-0614-001

(IV - A)

**CITY OF FARMERSVILLE
ORDINANCE #O-2011-0614-001**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, ANNEXING ADJACENT AND CONTIGUOUS TERRITORY, AS HEREINAFTER DESCRIBED AND COMPRISING 76.337 ACRES, MORE OR LESS; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREA 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; ADOPTING A SERVICE PLAN; FURTHER PROVIDING FOR AMENDING AND CORRECTING THE OFFICIAL BOUNDARIES OF THE CITY AS HERETOFORE ADOPTED; PROVIDING THAT THE CITY MANAGER UNDERTAKE CERTAIN ACTIONS RELATIVE TO SAID ANNEXATION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR SAID ORDINANCE TO TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE.

WHEREAS, the City of Farmersville, Texas is a Type A General-Law Municipality located in Collin County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code, and operating pursuant to the enabling Legislation of the State of Texas;

WHEREAS, a petition has been duly signed and acknowledged by each and every person or corporation having an interest in the territory proposed to be annexed;

WHEREAS, said tract of land is contiguous to the City and is not more than one-half (1/2) mile in width;

WHEREAS, the City accepted the Petition pursuant to Chapter 43 of the Texas Local Government Code and has instituted annexation proceedings to annex the territory covered by such petition for annexation; and

WHEREAS, the City published notice of the public hearings on said annexation in a newspaper of general circulation in the City and in the territory proposed to be annexed and held two separate public hearings in accordance with Chapter 43 of the Texas Local Government Code; and

WHEREAS, the public hearings were conducted and held in accordance with Chapter 43 of the Texas Local Government Code; and

WHEREAS, all required written notices were timely sent to all property owners and others entitled to written notice at least thirty-one (31) days before the first public hearing; and

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

WHEREAS, in accordance with Chapter 43 of the Texas Local Government Code, a service plan, attached hereto as Exhibit "B" and incorporated herein for all purposes, was prepared by the City Manager, or his designee, before the date that notice of the

first public hearing was published and posted, which plan was made available for inspection and explained at the public hearings conducted as herein described; and

WHEREAS, annexation proceedings were instituted and completed relative to the territories to be annexed on June 14, 2011, by the introduction and adoption of this annexation ordinance during a Regular Session of the City Council of the City of Farmersville on said date; and

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

SECTION 1: That 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: That the following described territory shall be and is hereby annexed into the corporate limits of the City of Farmersville, Collin County, Texas:

An approximately 76.337 acre tract of land located generally along the northeastern quadrant of the intersection of U.S. Highway 380 and County Road 611, Collin County, Texas, and being situated in the W. B. Williams Survey, Abstract No. 952, and being a portion of a tract of land described in a deed to Lovell Investments, Ltd. as recorded in Volume 5974, Page 2175 of the Deed Records of Collin County Texas, and as further described in Exhibit "A" attached hereto and incorporated herein for all purposes.

SECTION 3: That the municipal service plan for the herein annexed territory, attached hereto as Exhibit "B" and incorporated herein for all purposes, was submitted in accordance with Chapter 43 of the Texas Local Government Code and is hereby approved as part of this Ordinance, and is made a part hereof.

SECTION 4: That the territory described in Exhibit "A" shall bear its pro rata share of the taxes levied by the City, and the inhabitants of the areas herein annexed shall be entitled to all of the rights, privileges, and responsibilities of other citizens of the City and are hereby bound by all acts, ordinances and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 5: The official map and boundaries of the City heretofore adopted and amended be and are hereby amended so as to include the territory depicted in Exhibit "A" as part of the City.

SECTION 6: The City Manager is hereby directed and authorized to perform or cause to be performed all acts necessary to effectuate this Ordinance including, but not limited to, any corrections to the official map of the City to add the territory hereby annexed as required by law.

SECTION 7: The City Manager is hereby directed and authorized to file or cause to be filed a certified copy of this Ordinance with the necessary governmental agencies, including the United States Department of Justice.

SECTION 8: If any section, subsection, sentence, phrase, or word be found to be illegal, invalid or unconstitutional, or if any portion of said properties is incapable of being annexed by the City of Farmersville, Texas, for any reason whatsoever, the

adjudication shall not affect any other 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 Farmersville, Texas. The City Council declares that it would have adopted the valid portions and applications of this 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 9: This Ordinance shall take effect and be in full force from and after its passage, as provided by the laws of the State of Texas.

PASSED on the 14th day of June, 2011 at a properly scheduled meeting of the City Council of the City of Farmersville, Texas, there being a quorum present, and approved by the Mayor on the date set out below.

APPROVED THIS 14th DAY OF JUNE, 2011.

Joseph E. Helmberger, P.E., Mayor
City of Farmersville, Texas

ATTEST:

Edie Sims, City Secretary

APPROVED AS TO FORM & LEGALITY:

Alan D. Lathrom, City Attorney

EXHIBIT A
Description of Area for Annexation

BEING a tract of land situated in the W.B. Williams Survey, Abstract No. 952, Collin County, Texas and being a portion of a tract of land described in a deed to Lovell Investments, Ltd., as recorded in volume 5974, Page 2175 of the Deed Records, Collin County, Texas and being more particularly described as follows:

BEGINNING at a 60d-Nail set at the intersection of the northerly right-of-way line of US Highway 380 and in the center of County Road 611 for the beginning of a curve to the left having a radius of 1067.29 feet, a chord bearing of North 06°01'57" East and a chord distance of 270.33 feet;

THENCE departing the northerly right-of-way line of said US Highway 380 and along the center of said County Road 611 as follows:

Along said curve to the left through a center angle of 14°33'04" for an arc length of 271.05 feet to a 60d-Nail set for corner;

North 01° 14'36" West, a distance of 947.03 feet to a 60d-Nail set for the beginning of a curve to the right having a radius of 575.00 feet, a chord bearing of North 06°01'57" East and a chord distance of 837.00 feet;

Along said curve to the right through a central angle of 93°31'32" for an arc length of 938.57 feet to a 60d-Nail set for corner;

South 87°43'04" East, a distance of 1189.53 feet to a 60d-Nail set for corner;

THENCE departing the center of aforementioned County Road 611, South 01°02'35" East (Reference Line), a distance of 1913.52 feet to a 5/8 inch iron rod stamped "FORESIGHT" set in the northerly right-of-way line of aforementioned US Highway 380 for the beginning of a curve to the left having a radius of 11,518.78 feet, a chord bearing of North 85°22'45" West and a chord distance of 380.15 feet;

THENCE along the northerly right-of-way line of said US Highway 380 as follows:

Along said curve to the left through a central angle of 01°53'28" for an arc length of 380.16 feet to a 5/8 inch iron rod stamped "FORESIGHT" set for corner;

North 75°15'56" West, a distance of 102.00 feet to a 5/8 inch iron rod stamped "FORESIGHT" set for the beginning of a curve to left having a radius of 11,538.78 feet, a chord bearing of North 87°48'56" West and a chord distance of 400.27 feet;

Along said curve to the left through a central angle of 01°59'15" for an arc length of 400.28 feet to a 5/8 inch iron rod stamped "FORESIGHT" set for corner;

South 85°28'53" West, a distance of 222.42 feet to a concrete monument found for corner;

North 89°54'37" West, a distance of 577.28 feet to an aluminum monument found for corner;

North 50°43'04" West, a distance of 158.39 feet to a concrete monument found for corner;

North 85° 22'15" West, a distance of 30.00 feet to the POINT OF BEGINNING and containing a computed 76.337 acres or 3,325,255 square feet of land, more or less, of which 110,058 square feet is within aforementioned County Road 611.

**EXHIBIT B
ANNEXATION SERVICE PLAN**

In connection with the annexation of a 76.337 acre tract of land, described in Exhibit "A", the following service plan is adopted as required by Section 43.056 of the Texas Local Government Code.

The City of Farmersville will, to the extent it provides or authorizes such services itself or through contractual arrangements with other entities, provide the following services in the area upon the effective date of the annexation of the area:

- (1) Police protection;
- (2) Fire protection;
- (3) Solid waste collection;
- (4) Maintenance of water and wastewater facilities in the annexed area that are not within the service area of another water or wastewater utility;
- (5) Maintenance and operation of roads and streets, including road and street lighting;
- (6) Maintenance and operation of parks, playgrounds, and swimming pools;
- (7) Maintenance and operation of any other publicly owned facility, building or service; and
- (8) Emergency medical services.

The City of Farmersville will also provide other services such as planning, zoning, code enforcement, subdivision regulation, animal control, court, construction codes and general administration; to the extent it now provides any such service, on the effective date of the annexation.

Full municipal services, including electric power services, will be made available to this property as provided by the development ordinances of the City, provided the property owner pays the cost of the extension of any lines or construction of any such municipal services to the property.

Miscellaneous Provisions:

- (1) This service plan is valid for ten years. Renewal of the service plan is at the discretion of the City of Farmersville.

(2) This service plan does not require 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.

(3) This service plan shall not be amended unless public hearings are held in accordance with Texas Local Government Code, § 43.052.

(4) This service plan is adopted as Exhibit "B" to the Ordinance annexing the property described in Exhibit "A" to the City of Farmersville. The City shall provide the following described area or cause the area to be provided with services in accordance with this service plan: an approximately 76.337 acre, more or less, tract of land situated in Collin County, Texas, in the William B. Williams Survey, Abstract No. 952, and being a portion of a tract of land described in a deed to Lovell Investments, Ltd., as recorded in Volume 5974, Page 2175 of the Deed Records, Collin County, Texas and as further described in Exhibit "A."



TO: Mayor and Councilmembers

FROM: City Manager John Moran

DATE: June 14, 2011

SUBJECT: FIRST AND FINAL READING OF ANNEXATION ORDINANCES – Consider, discuss and act upon Ordinance #O-2011-0614-002 annexing property and adopting the related Service Plan for the property located generally along the southeastern quadrant of the intersection between County Road 611 and County Road 610 owned by the City of Farmersville, Texas, which property is more particularly described as:

Approximately 1.063 acres of land situated in the W. B. Williams Survey, Abstract No. 952, and being a portion of a tract of land described in a deed to Carl H. Storck and wife, Vicki L. Storck as recorded in Volume 1173, Page 564 of the Deed Records of Collin County Texas.

ACTION: Approve or disapprove Ordinance # 2011-0614-002

(IV - B)

**CITY OF FARMERSVILLE
ORDINANCE #O-2011-0614-002**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, ANNEXING ADJACENT AND CONTIGUOUS TERRITORY, AS HEREINAFTER DESCRIBED AND COMPRISING 1.063 ACRES, MORE OR LESS; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREA 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; ADOPTING A SERVICE PLAN; FURTHER PROVIDING FOR AMENDING AND CORRECTING THE OFFICIAL BOUNDARIES OF THE CITY AS HERETOFORE ADOPTED; PROVIDING THAT THE CITY MANAGER UNDERTAKE CERTAIN ACTIONS RELATIVE TO SAID ANNEXATION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR SAID ORDINANCE TO TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE.

WHEREAS, the City of Farmersville, Texas is a Type A General-Law Municipality located in Collin County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code, and operating pursuant to the enabling Legislation of the State of Texas;

WHEREAS, Texas Local Government Code § 43.026 authorizes the annexation of the territory described below;

WHEREAS, said tract of land is owned by the City, is contiguous to the City and is not more than one-half (1/2) mile in width;

WHEREAS, the City has instituted annexation proceedings to annex the territory it owns pursuant to Chapter 43 of the Texas Local Government Code; and

WHEREAS, the City published notice of the public hearings on said annexation in a newspaper of general circulation in the City and in the territory proposed to be annexed and held two separate public hearings in accordance with Chapter 43 of the Texas Local Government Code; and

WHEREAS, the public hearings were conducted and held in accordance with Chapter 43 of the Texas Local Government Code; and

WHEREAS, all required written notices were timely sent to all property owners and others entitled to written notice at least thirty-one (31) days before the first public hearing; and

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

WHEREAS, in accordance with Chapter 43 of the Texas Local Government Code, a service plan, attached hereto as Exhibit "B" and incorporated herein for all purposes, was prepared by the City Manager, or his designee, before the date that notice of the first public hearing was published and posted, which plan was made available for inspection and explained at the public hearings conducted as herein described; and

WHEREAS, annexation proceedings were instituted and completed relative to the territories to be annexed on June 14, 2011, by the introduction and adoption of this annexation ordinance during a Regular Session of the City Council of the City of Farmersville on said date; and

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

SECTION 1: That 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: That the following described territory shall be and is hereby annexed into the corporate limits of the City of Farmersville, Collin County, Texas:

An approximately 1.063 acre tract of land located at the intersection of County Road 610 and County Road 611, Collin County, Texas, and being situated in the W. B. Williams Survey, Abstract No. 952, and being all of that tract of land described by deed to Carl H. Storck and wife, Vicki L. Storck, as recorded in Volume 1173, Page 564 of the Deed Records of Collin County Texas, and as further described in Exhibit "A" attached hereto and incorporated herein for all purposes.

SECTION 3: That the municipal service plan for the herein annexed territory, attached hereto as Exhibit "B" and incorporated herein for all purposes, was submitted in accordance with Chapter 43 of the Texas Local Government Code and is hereby approved as part of this Ordinance, and is made a part hereof.

SECTION 4: That the territory described in Exhibit "A" shall bear its pro rata share of the taxes levied by the City, and the inhabitants of the areas herein annexed shall be entitled to all of the rights, privileges, and responsibilities of other citizens of the City and are hereby bound by all acts, ordinances and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 5: The official map and boundaries of the City heretofore adopted and amended be and are hereby amended so as to include the territory depicted in Exhibit "A" as part of the City.

SECTION 6: The City Manager is hereby directed and authorized to perform or cause to be performed all acts necessary to effectuate this Ordinance including, but not limited to, any corrections to the official map of the City to add the territory hereby annexed as required by law.

SECTION 7: The City Manager is hereby directed and authorized to file or cause to be filed a certified copy of this Ordinance with the necessary governmental agencies, including the United States Department of Justice.

SECTION 8: If any section, subsection, sentence, phrase, or word be found to be illegal, invalid or unconstitutional, or if any portion of said properties is incapable of being annexed by the City of Farmersville, Texas, for any reason whatsoever, the adjudication shall not affect any other 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 Farmersville, Texas. The City Council declares that it would have adopted the valid portions and applications of this 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 9: This Ordinance shall take effect and be in full force from and after its passage, as provided by the laws of the State of Texas.

PASSED on the 14th day of June, 2011, at a properly scheduled meeting of the City Council of the City of Farmersville, Texas, there being a quorum present, and approved by the Mayor on the date set out below.

APPROVED THIS 14th DAY OF JUNE, 2011.

Joseph E. Helmberger, P.E., Mayor
City of Farmersville, Texas

ATTEST:

Edie Sims, City Secretary

APPROVED AS TO FORM & LEGALITY:

Alan D. Lathrom, City Attorney

EXHIBIT A
Description of Area for Annexation

Being a tract of land situated in the W.B. Williams Survey, Abstract No. 952, in the City of Farmersville, Collin County, Texas and being all of that tract of land described by deed to Carl H. Storck and wife, Vicki L. Storck, as recorded in Volume 1173, Page 564, of the Deed Records of Collin County, Texas (D.R.C.C.T.), said tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5686" set for corner (herein after referred to as 1/2" iron rod set), said corner being at the intersection of the southerly occupied line of County Road No. 611, with the easterly occupied line of County Road No. 610, same being the northwest corner of said Storck tract;

THENCE, South 86°30'35" East, along the northerly line of said Storck tract, a distance of 358.34' to a 1/2" iron rod set for corner, said corner being the northeast corner of said Storck tract;

THENCE along the northwesterly occupied line of said County Road No. 611, the following courses and distances:

South 65°02'25" West, a distance of 167.20' to a 1/2" iron rod set for corner;

South 50°00'25" West, a distance of 97.34' to a 1/2" iron rod set for corner;

South 39°11'25" West, a distance of 129.80' to a 1/2" iron rod set for corner;

South 25°49'25" West, a distance of 117.60' to a 1/2" iron rod set for corner, said corner being the southwest corner of said Storck tract and also being in the aforementioned easterly occupied line of County Road No. 610;

THENCE North 00°16'25" East, along said easterly occupied line, a distance of 361.39' to the POINT OF BEGINNING and containing 1.063 acres of land, more or less.

**EXHIBIT B
ANNEXATION SERVICE PLAN**

In connection with the annexation of a 1.063 acre tract of land, described in Exhibit "A", the following service plan is adopted as required by Section 43.056 of the Texas Local Government Code.

The City of Farmersville will, to the extent it provides or authorizes such services itself or through contractual arrangements with other entities, provide the following services in the area upon the effective date of the annexation of the area:

- (1) Police protection;
- (2) Fire protection;
- (3) Solid waste collection;
- (4) Maintenance of water and wastewater facilities in the annexed area that are not within the service area of another water or wastewater utility;
- (5) Maintenance and operation of roads and streets, including road and street lighting;
- (6) Maintenance and operation of parks, playgrounds, and swimming pools;
- (7) Maintenance and operation of any other publicly owned facility, building or service; and
- (8) Emergency medical services.

The City of Farmersville will also provide other services such as planning, zoning, code enforcement, subdivision regulation, animal control, court, construction codes and general administration; to the extent it now provides any such service, on the effective date of the annexation.

Full municipal services, including electric power services, will be made available to this property as provided by the development ordinances of the City, provided the property owner pays the cost of the extension of any lines or construction of any such municipal services to the property.

Miscellaneous Provisions:

- (1) This service plan is valid for ten years. Renewal of the service plan is at the discretion of the City of Farmersville.

(2) This service plan does not require 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.

(3) This service plan shall not be amended unless public hearings are held in accordance with Texas Local Government Code, § 43.052.

(4) This service plan is adopted as Exhibit "B" to the Ordinance annexing the property described in Exhibit "A" to the City of Farmersville. The City shall provide the following described area or cause the area to be provided with services in accordance with this service plan: an approximately 1.063 acre, more or less, tract of land situated in Collin County, Texas, in the William B. Williams Survey, Abstract No. 952, and being all of that tract of land described by deed to Carl H. Storck and wife, Vicki L. Storck, as recorded in Volume 1173, Page 564 of the Deed Records of Collin County Texas, and as further described in Exhibit "A" attached hereto and incorporated herein for all purposes and as further described in Exhibit "A."