

ORDINANCE NO. 1153

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF CLEVELAND, TEXAS, TO EMBRACE AND INCLUDE ALL OF THE TERRITORY WITHIN CERTAIN LIMITS AND BOUNDARIES IN THE VICINITY OF MORGAN CEMETERY ROAD AND RUTHERFORD ROAD, AND ANNEXING TO THE CITY OF CLEVELAND, TEXAS, ALL OF THE TERRITORY WITHIN SUCH BOUNDARIES; APPROVING A SERVICE PLAN FOR THE AREA WITHIN SUCH TERRITORY; AND MAKING OTHER PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, the City Council of the City of Cleveland, Texas (the “City”) finds, determines and declares that the Territory hereinafter described in Exhibit “A”, attached hereto and made part hereof, (the “Territory”) is adjacent and contiguous to the present city limits of the City; that said Territory lies within the exclusive extraterritorial jurisdiction of the City; and that the annexation of the said Territory to the City will promote the general health, safety and welfare of persons residing within the City and within said Territory, if any; and

WHEREAS, the Territory is being annexed pursuant to landowner Petition by 100% of the owners of the Territory; and

WHEREAS, Cleveland is a Tier 1 City and annexation of the Territory is exempt from the 3 year annexation plan requirements pursuant to subsection 43.052(h)(2) of the Texas Local Government Code; and

WHEREAS, the City Council of the City has heretofore, on December 19, 2017, directed the staff to prepare a Service Plan that provides for the extension of municipal services to the area within the Territory; and

WHEREAS, public hearings were held on January 22 and 23, 2018, in the City Council Chambers, City Hall, 907 East Houston, Cleveland, Texas, at which public hearings all interested parties were given an opportunity to be heard and the proposed Service Plan was made available for public inspection;

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

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

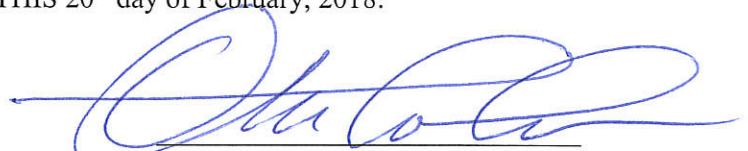
Section 2. The boundary limits of the City of Cleveland, Texas are hereby extended to embrace and include all of the Territory more particularly described by metes and bounds in Exhibit “A” and shown on the survey in Exhibit “B”, both attached hereto and incorporated by reference for all purposes, and such Territory is hereby annexed to and made part of the City for general purposes.

Section 3. The plan for extension of municipal services into the Territory annexed to the City by the provisions of this Ordinance is set forth in the “Municipal Service Plan” attached hereto as Exhibit “C” and made part hereof for all purposes. Such Municipal Service Plan is hereby approved.

Section 4. The City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place, and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by Chapter 551, Texas Government Code, and that this meeting had been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves, and confirms such written notice and the contents and posting thereof.

Section 5. If any section or part of this Ordinance be held unconstitutional, illegal, or invalid or the application thereof ineffective or inapplicable as to any Territory, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no wise affect, impair or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect; and should this Ordinance for any reason be ineffective as to any part of the Territory hereby annexed to the City of Cleveland, such ineffectiveness of this Ordinance as to any such part or parts of any such Territory shall not affect the effectiveness of this Ordinance as to all of the remainder of such Territory or area, and the City Council hereby declares it to be its purpose to annex to the City of Cleveland every part of the Territory described in Section 2 of this Ordinance, regardless of whether any other part of such described Territory is hereby effectively annexed to the City. Provided, further, if there is included in the general description of the Territory set out in Section 2 of this Ordinance to be hereby annexed to the City of Cleveland any Territory which is already a part of and included within the general limits of the City of Cleveland, or which is presently part of and included in the limits of extraterritorial jurisdiction of any other city, town, or village, or which is not within the City of Cleveland’s jurisdiction to annex, the same is hereby excluded and excepted from the Territory to be annexed hereby as fully as if such excluded and excepted Territory were especially and specifically described herein.

PASSED, APPROVED, AND ADOPTED THIS 20th day of February, 2018.


Otis Cohn, Mayor


ATTEST:

Angela Smith, City Secretary

Exhibit "A"

**METES AND BOUNDS DESCRIPTION
OF**

A 291.421 acre, or 12,694,290 square feet more or less, tract of land, being all of that 276.929 acre tract of land conveyed to Dark Development, LLC, a Texas Limited Liability Company and described in a deed recorded in Clerk's File No. 2014086382 of the Real Property Records of Montgomery County, Texas, and all of a called 14.441 acre tract of land conveyed to Dark Development, LLC, a Texas Limited Liability Company and described in a deed recorded in Clerk's File No. 2015065971 of the Real Property Records of Montgomery County, Texas, also described as a 291.3900 acre tract of land recorded in Clerk's File No. 9360985 in the Real Property Records of Montgomery County, Texas, situated in the T. J. Williams Survey, Abstract 593, and the Lawrence Martin Survey, Abstract 310 in Montgomery County, Texas. Said 291.421 acre tract being more fully described as follows, with bearings based on the Texas Coordinate System established for the Central Zone from the North American Datum of 1983 (NA2011) epoch 2010.00:

BEGINNING: At a 1 inch pinched top pipe, found for the southwest corner of said 291.3900 acre tract of land, and being the northeast intersection of Morgan Cemetery Road (called 60' wide right-of-way) and Rutherford Road (called 60' wide right-of-way);

THENCE: N 37°50'08" W, (called N 37°49'24" W), along and with the west line of said 291.3900 acre tract, the east right-of-way line of said Rutherford Road, a distance of 356.08 feet to a 5/8 inch iron rod with yellow cap stamped "Pape-Dawson" set for a west corner of said 291.3900 acre tract, and along the south line of a called 2.0 acre tract of land conveyed to Morris A. Mead and wife Mary E. Mead, as described in a deed recorded in Clerk's File No. 8910471 in the Real Public Records Montgomery County, Texas;

THENCE: Along and with the common line of said 291.3900 acre tract, said 2.0 acre tract the following courses and distances:

N 87°06'35" E, a distance of 234.56 feet (called N 87°09'40" E-234.66 feet) to a 1 inch iron pipe found at the southeast corner of said 2.0 acre tract,

N 02°58'05" W, a distance of 294.95 feet (called N 02°58'19" W-295.11 feet) to a 1 inch iron pipe found at the northeast corner of said 2.0 acre tract,

S 87°13'32" W, a distance of 295.64 feet (called S 87°13'53" W-295.69 feet) to a 1 inch iron pipe found at the northwest corner of said 2.0 acre tract, and

THENCE: S 02°58'26" E, a distance of 201.47 feet (called S 04°00'21" E-207.38 feet) to a 5/8 inch iron rod with yellow cap stamped "Pape-Dawson" set along the west

line of said 2.0 acre tract, a south corner of said 291.3900 acre tract, and in the east line of said Rutherford Road;

THENCE: Along and with the common line of said 291.3900 acre tract, the east right-of-way line of said Rutherford Road the following course and distance

N 35°19'44" W, a distance of 568.66 feet (called N 35°19'00" W-575.65 feet) to a 5/8 inch iron rod with yellow cap stamped "Pape-Dawson" found at a point of curvature,

Along a non-tangent curve to the left, having a radial bearing of S 59°39'47" W, a radius of 1536.33 feet, a central angle of 13°07'24", a chord bearing and distance of N 36°53'55" W, 351.12 feet, for an arc length of 351.89 feet to a 5/8 inch iron rod with yellow cap stamped "Pape-Dawson", and

N 48°37'26" W, a distance of 63.16 feet (called N 48°39'19" W-63.29 feet) to a ½ inch iron rod found at the most westerly southwest corner of said 291.3900 acre tract, the southeast corner of a called 33.3000 acre tract of land conveyed to Cynthia Helen Young Chase, as described in a deed recorded in Clerk's File No. 9333484 in the Real Property Records of Montgomery County, Texas, from which a ½ inch iron rod, found, bears N 48°40'17" W, at a distance of 350.69 feet;

THENCE: Departing said Rutherford right-of-way line, along and with the common line of said 291.3900 acre tract, and said 33.3000 acre tract the following courses and distance:

N 03°11'14" W, a distance of 2,376.76 feet (called N 03°11'37" W-2376.90 feet) to a ½ inch iron rod found for an interior corner of said 33.3000 acre tract,

N 86°48'46" E, a distance of 700.00 feet (called N 86°48'23" W-700.00 feet) to a 5/8 inch iron rod set at an interior corner of said 291.3900 acre tract of land, and

THENCE: N 03°11'14" W, a distance of 2060.96 feet (called N 03°11'37" W-2061.56 feet) to a point for corner, at the northeast corner of said 33.300 acre tract, a north corner of said 291.3900 acre tract and being in the south line of a called 176.8400 acre tract of land conveyed to Richard L. Jones and Carol J. Jones as described in a deed recorded in Clerk's File No. 9315473 in the Records of Real Property Montgomery County, Texas, from which a ½ inch iron rod found bears N31°W, 0.6 feet; from which a 5/8 inch iron rod found at the northwest corner of a called 33.300 acre tract of land conveyed to Robert Joseph Chase as described in a deed recorded in Clerk's File No. 9333486 in the Real Property Records of Montgomery County, Texas bears S 86°40'25" W, at a distance of 1,099.82 feet;

THENCE: N 86°40'25" E, (called N 86°38'55" E) along and with the common line of said 176.8400 acre tract, and said 291.3900 acre tract, a distance of 33.46 feet (called 33.57 feet) to a ½ inch iron rod found at the southeast corner of said 176.8400 acre tract, an interior corner of said 291.3900 acre tract;

THENCE: N 03°09'32" W (called N 03°11'37" W) continuing along said common line, a distance of 959.57 feet (called 959.10 feet) to a 1/2 inch iron rod found, (from which a 1 inch iron pipe bears N70°W, 2.7') for the northwest corner of said 291.3900 acre tract, in the east line of said 176.8400 acre tract and being the southwest corner of a called 126.7216 acre tract of land conveyed to Ron Courtland Mabee, as described in a deed recorded in Clerk's File No. 2011011812 in the Real Property Records of Montgomery County, Texas, from which a ½ inch iron rod found for the northeast corner of said 176.8400 acre tract and an interior corner of said 126.7216 acre tract, bears N03°09'32"W, at a distance of 2,963.34 feet;

THENCE: N 86°39'20" E, (called N 86°38'55" E) along and with the common line of said 291.3900 acre tract, and said 126.7216 acre tract, a distance of 1977.71 feet (called 1976.83 feet) to a ½ inch iron rod found at the northeast corner of said 291.3900 acre tract, the southeast corner of said 126.7216 acre tract and the west line of Lot 24, Block 3 of the Fostoria Oaks Section 2 Subdivision, recorded in Cabinet H, Page 76A in the Map Records of Montgomery County, Texas, from which a ¾ inch iron pipe found for the northeast corner of said 126.7216 acre tract bears N 27°10'17" W, at a distance of 3778.14 feet;

THENCE: S 27°10'17" E, (called S 27°11'26" E) along and with the common line of said 291.3900 acre tract, and said Fostoria Oaks Section 2, passing a 1 inch iron pipe found at the common corner of Lot 11 and Lot 12 of said Fostoria Oaks Subdivision, a distance of 2166.05, and continuing a total distance of 2568.28 feet (called 2568.28 feet) to a 5/8 inch iron rod with yellow cap stamped "Pape-Dawson" set for a west corner of said 291.3900 acre tract of land, in the west line of said Fostoria Oaks Section 2, and being the northeast corner of a called 150.000 acre tract of land conveyed to Rodolfo Rillo and Bella Rillo, as described in a deed recorded in Clerk's File No. 9361402 in the Real Property Records of Montgomery County, Texas;

THENCE: Along and with the common line of said 291.3900 acre tract, and said 150.000 acre tract the following course and distances:

S 86°50'51" W, a distance of 1624.91 feet (called S 86°49'42" W-1624.91 feet) to a point for an interior corner of said 291.3900 acre tract, the northwest corner of said 150.000 acre tract, from which a ½ inch iron rod found bears N55°E, 1.80 feet;

S 03°07'13" E, a distance of 898.87 feet (called S 03°10'16" E-899.29 feet) to a ½ inch iron rod found for an interior corner of said 150.000 acre tract;

THENCE: S 86°46'39" W, a distance of 330.06 feet (called S 86°49'42" W-330.06 feet) to a 5/8 inch iron rod with yellow cap stamped "Pape-Dawson" set at an interior corner of said 291.3900 acre tract, the northeast corner of the aforementioned 14.6495 acre tract, from which a 5/8 inch iron rod found for the northwest corner of said 14.441 acre tract bears S86°46'39" W, at a distance of 200.00 feet;

THENCE: S 03°10'10" E, (called S 03°10'18" E) along and with the common line of said 14.441 acre tract, the 150.000 acre tract, and passing a ½ inch iron pipe found for the northwest corner of Hutcheson Acres Subdivision Recorded in Volume 5, Page 182 in the Map Records of Montgomery County, Texas, at a distance of 1321.29 feet, passing a 1/2 inch iron pipe found at the common lot corner of Lot 9 and Lot 10, Block 1 of said Hutcheson Acres Subdivision, at a distance of 1900.32 feet, passing a ¾ inch iron pipe found at the common corner of Lot 3 and Lot 4, Block 1 of said Hutcheson Acres, at a distance of 2770.57 feet, continuing a total distance of 3121.39 feet (called 3121.85 feet) to a 5/8 inch iron rod with yellow cap stamped "Pape-Dawson" set for the southeast corner of the said 14.441 acre tract, and in the north line of said Morgan Cemetery Road;

THENCE: Along and with the common line of said 291.3900 acre tract and the north right of way line of said Morgan Cemetery Road the following courses and distance:

S 73°32'09" W, a distance of 627.49 feet (called S 73°31'47" W-627.54 feet) to a 5/8 inch iron rod with yellow cap stamped " Pape-Dawson" set for angle point;

S 72°27'05" W, a distance of 394.69 feet (called S 72°26'43" W) to the POINT OF BEGINNING, and containing 291.421 acres in Montgomery County, Texas.

SAVE and EXCEPT:

That portion (approximately 58 acres) of the called 76 acre annexation tract located in the City of Cleveland, Texas as set forth in Ordinance No. 975-E, described and recorded in Clerk's File No. 2012078696 of the Real Property Records of Montgomery County, Texas.

SUMMARY
291.421 Acres
Save and Except (approximately 58 acres)
Total of 233.421 Acres

NOTES:

- 1) The bearings for this survey are based on the Texas State Plane Coordinate System established for the Central Zone from the North American Datum of 1983 (NA2011) epoch 2010.00.
- 2) Improvements are not shown on this exhibit.
- 3) The professional services provided herewith include the preparation of a field note description.

LEGAL DESCRIPTION:

Being all of the 291.421 acre tract of land conveyed to LGI Homes - Texas, LLC in Clerk's File No. 2018001925 of the Real Property Records of Montgomery County, Texas.

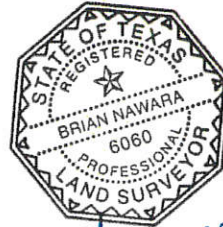
SAVE and EXCEPT:

That portion (approximately 58 acres) of the called 76 acre annexation tract 2011-C located in the City of Cleveland, Texas as set forth in Ordinance No. 975-E, described and recorded in Clerk's File No. 2012078696 of the Real Property Records of Montgomery County, Texas.

LINE TABLE		
LINE	BEARING	LENGTH
L1	N37°50'08"W	356.08'
L2	N87°06'35"E	234.56'
L3	N02°58'05"W	294.95'
L4	S87°13'32"W	295.64'
L5	S02°58'26"E	201.47'
L6	N35°19'44"W	568.66'
L7	N48°37'26"W	63.16'
L8	N03°11'14"W	2376.76'
L9	N86°48'46"E	700.00'
L10	N03°11'14"W	2060.96'
L11	N86°40'25"E	33.46'
L12	N03°09'32"W	959.57'

LINE TABLE		
LINE	BEARING	LENGTH
L13	N86°39'20"E	393.38'
L14	S01°47'31"E	2512.93'
L15	N88°12'29"E	1000.00'
L16	N01°47'31"W	2540.03'
L17	N86°39'20"E	583.96'
L18	S27°10'17"E	2568.28'
L19	S86°50'51"W	1624.91'
L20	S03°07'13"E	898.87'
L21	S86°46'39"W	330.06'
L22	S03°10'10"E	3121.39'
L23	S73°32'09"W	627.49'
L24	S72°27'05"W	394.69'

CURVE TABLE					
CURVE	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C1	1536.33'	13°07'24"	N36°53'55"W	351.12'	351.89'



B. Nawara

Date: Feb. 20, 2018, 10:24am User: B. Nawara
 File: E:\PROJECTS\2018\2018-02-20\CLEVELAND-00-ANNEXATION TRACT.dwg

CLEVELAND ANNEXATION
EXHIBIT
 MONTGOMERY COUNTY, TEXAS

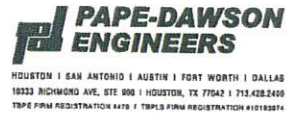


Exhibit "C"

CITY OF CLEVELAND, TEXAS

MUNICIPAL SERVICE PLAN

I. INTRODUCTION

This Municipal Service Plan (the "Plan") is made by the City of Cleveland, Texas (the "City"), pursuant to Chapter 43 of the Texas Local Government Code. This Plan relates to the annexation by the City of the tract of land ("Tract") described by plat map and metes and bounds description in "Exhibit A," which is attached to this Plan and to the annexation ordinance of which this Plan is a part.

II. EFFECTIVE TERM

This Plan shall be in effect for a period of ten (10) years commencing on the effective date of the annexation of the Tract, unless otherwise stated in this Plan. Renewal of the Plan shall be at the option of the City. Such option may be exercised by the adoption of an ordinance by the City Council, which refers to this Plan and specifically renews this Plan for a stated period of time.

III. INTENT

It is the intent of the City that services under this Plan shall equal the number of services and the level of services in existence within the Tract prior to annexation and which are available in other parts of the City with land uses and population densities similar to those reasonably contemplated or projected within the Tract. However, it is not the intent of this Plan to require that a uniform level of service be provided to all areas of the City, including the Tract, where differing characteristics of topography, land utilization, and population density are considered as a sufficient basis for providing differing service levels.

The City reserves the right, granted to it by Section 43.056(k), Texas Local Government Code, to amend this Plan, if the City Council determines that changed conditions or subsequent occurrences or any other legally sufficient circumstances exist under the Texas Local Government Code, or other Texas laws to make this Plan unworkable, obsolete, or unlawful.

IV. SERVICE PROGRAMS

A. In General.

1. This Plan includes the following service programs: A Program for the Effective Date of the Annexation and a Capital Improvement Program.

2. As used in this Plan, “providing services” shall include having services provided by any method or means by which the City may extend municipal services to any other area of the City. The City shall provide the area, or cause the area to be provided, with services in accordance with the Plan. This may include, but is not limited to, causing or allowing private utilities, governmental entities, and other public service organizations to provide such services, in whole or in part.

As used in this Plan, the phrase "standard policies and procedures" shall mean those policies and procedures of the City applicable to a particular service, which are in effect either at the time that the service is requested or at the time the service is made available or provided. Such policies and procedures may require a specific type of request be made, such as an application or a petition, may require that fees or charges be paid, and may include eligibility requirements or other similar provisions.

- B. Program for the Effective Date of the Annexation. On the effective date of the annexation, State law requires that if the City provides certain services within the corporate boundaries, it must provide those services in the area of annexation. The services that must be provided are: police protection, fire protection, emergency medical services, solid waste collection, operation and maintenance of water and wastewater facilities in the annexed area, operation and maintenance of roads and streets, including lighting, operation and maintenance of parks, playgrounds, and swimming pools, and maintenance of any other publicly owned facility, building or service. The Program plan is as follows:

1. Police Protection. *Existing services:* Currently, the area is under the jurisdiction of the Montgomery County Sheriff’s Office.

Services to be Provided: The Montgomery County Sheriff’s Department will continue to provide police services in the area. The Cleveland Police Department City will also provide police protection and law enforcement within the Tract upon the effective date of the annexation. These activities will include routine patrols and responses, handling of complaints and incident reports, investigations, and, as appropriate, support by special units. In order to provide the above services, the Police Department will operate from a City facility. It is anticipated that the implementation of police patrol activities can be effectively accommodated within the current budget and staff appropriation.

2. Fire Protection. *Existing services:* Currently, fire protection is provided by Montgomery County Emergency Services District No. 7 (the “ESD”).

Services to be Provided: Service will continue to be provided through the ESD and will continue to be provided to all residents of the annexed area

on the same basis as those residents currently living within the City limits. Fire protection will remain at the current level of service. Fire prevention activities will be provided by the City Fire Marshal's office.

3. Emergency Medical Services. *Existing services:* Currently, service is provided by the ESD.

Services to be Provided: Service will continue to be provided through the ESD and will continue to be provided to all residents of the annexed area on the same basis as those residents currently living within the City limits. Emergency Medical Services will remain at the current level of service.

4. Solid Waste Collection. *Existing services:* None. Service is provided individually through private contracts with waste haulers.

Services to be Provided: All eligible residences will be provided the immediate option to participate in the city's solid waste collection service. The City's solid waste collection service is provided through Waste Management Inc., the city's franchisee. Service shall be offered to the area of annexation in accordance with the present ordinance and consistent with the franchise agreement, which presently offers recycling and special pickup for bulky items. The franchise agreement provides that the rates and fees charged within the City of Cleveland shall not be higher than the rates charged to any customers in the extra-territorial jurisdiction of the City Cleveland. Consistent with section 43.056(n) of the Texas Local Government Code, until the second anniversary of the date an area is included within the corporate boundaries of the city by annexation, the City will not:

(1) prohibit the collection of solid waste in the area by a privately owned solid waste management service provider; or

(2) impose a fee for solid waste management services on a person who continues to use the services of a privately owned solid waste management service provider.

5. Operation and Maintenance of Water and Wastewater Facilities in the Annexed Area. *Existing services:* None. There are no known water or wastewater facilities currently located within the annexed area (Tract). The Tract has water and wastewater service available through private wells and private wastewater treatment by septic systems, the maintenance and repair of which are the responsibility of the owner.

Services to be Provided: All water and wastewater facilities on the Tract will be constructed, operated and maintained by a Municipal Utility

District. The City will not provide any water or wastewater services to the Tract.

6. Operation and Maintenance of Roads and Streets. *Existing Services:* Montgomery County Street Maintenance.

Services to be Provided: Maintenance to the street facilities will be provided by the City upon the effective date of the annexation. The City's Department of Public Works will provide for the maintenance of roads and streets over which the City will have jurisdiction. Such Department will also provide services relating to City traffic control devices. The operation and maintenance of roads and streets, including street lighting and traffic control devices, shall be provided at levels of service and maintenance comparable to those available for other roads and streets in other parts of the City with similar topography, load use, and population density as those reasonably contemplated or projected within the Tract.

7. Operation and Maintenance of Parks, Playground and Swimming Pools. *Existing services:* None. There are no public parks, playgrounds, or swimming pools currently located within the Tract.

Services to be Provided: If any park, playground or swimming pool facilities are constructed within the Tract, the Home Owner's Association or other property owner's association associated with the development of the Tract will own, operate and maintain such facilities.

C. Capital Improvement Program. It is the intent of the City to provide City services within the Tract in accordance with the requirements of the Texas Local Government Code, §43.056(e). The City will initiate the acquisition and construction of the capital improvements necessary to provide municipal services adequate to serve the Tract.

Consistent with Texas Local Government Code § 43.0056(g), the City intends to provide the annexed area with a level of services, infrastructure, and infrastructure maintenance that is comparable to the level of services, infrastructure, and infrastructure maintenance available in other parts of the municipality with topography, land use, and population density similar to those reasonably contemplated or projected in the area. Additionally, pursuant to Texas Local Government Code § 43.0056(m), a uniform level of full municipal services will not be provided to each area of the municipality, if different characteristics of topography, land use, and population density constitute a sufficient basis for providing different levels of service.

Any necessary construction or acquisition is indicated below, and any such construction or acquisition shall begin within two (2) years of the effective date of

this Plan and shall be substantially completed within 4-1/2 years, except as otherwise indicated or provided by law:

1. Police Protection. No capital improvements are necessary at this time to provide police protection services within the Tract. The Tract will be included with other City territory in connection with planning for new, revised, or expanded police facilities.
2. Fire Protection. No capital improvements are necessary at this time to provide fire protection services within the Tract.
3. EMS Services. No capital improvements are necessary at this time to provide EMS services within the Tract.
4. Solid Waste Collection. No capital improvements are necessary at this time to provide solid waste collection services within the Tract.
5. Wastewater Facilities. No capital improvements are necessary at this time to provide wastewater services within the Tract. All capital improvements for wastewater facilities will be constructed, operated and maintained by a Municipal Utility District.
6. Water Distribution Facilities. No capital improvements are necessary at this time to provide water distribution services within the Tract. All capital improvements for water distribution facilities will be constructed, operated and maintained by a Municipal Utility District.
7. Roads and Streets (including lighting). The City will acquire jurisdiction in and over all public roads and streets within the Tract upon annexation, pursuant to Section 311.001 of the Texas Transportation Code and other similar provisions, except for public roads and streets subject to the jurisdiction of other governmental entities. Additional roads, streets, or related facilities necessary to service the Tract will be constructed by the developers within the Tract in accordance with City ordinances and design criteria. Future extensions of roads or streets and future installation of related facilities, such as city traffic control devices or street lights, within the Tract will be governed by the City's Comprehensive Plan, Master Thoroughfare Plan, and standard ordinances, policies and procedures of the City. The Tract will be included with other City territory in connection with planning for new, improved, revised, widened, or enlarged roads, streets, or related facilities.
8. Parks, Playgrounds, and Swimming Pools. No capital improvements are necessary at this time to provide park and recreational services to the Tract. The Tract will be included with other City territory in connection

with master planning for new, revised, or expanded parks, playgrounds, swimming pools, and/or other recreational facilities.

9. Other Publicly-Owned Facilities, Buildings or Services: Additional Services. In general, other City functions and services can be provided to the Tract by using existing capital improvements. At this time, additional capital improvements are not necessary to provide City services. However, the Tract will be included with other City territory in connection with planning for new, revised, or expanded facilities, functions, and services.

D. Code Enforcement Services:

a. Enforcement of the City's ordinances will be provided within the annexed area on the effective date of the annexation ordinance. These ordinances and other regulations will be enforced using existing personnel.

b. Complaints of ordinance violations or other code violations within the annexed area will be answered and investigated by existing personnel on the effective date of the annexation ordinance.

c. Animal Control services will be provided to those areas within the annexed area on the effective date of the annexation ordinance using existing personnel and equipment.

- E. Library Services: The County and City Library facilities will continue to be available for use by residents of the annexed area, beginning on the effective date of the annexation ordinance.

- F. Miscellaneous: General municipal administration and administrative services of the City shall be available to the annexed area beginning with the effective date of the annexation ordinance.

V. **AMENDMENT: GOVERNING LAW**

This Plan may not be amended or repealed, except as provided by the Texas Local Government Code or other controlling law. Neither changes in the methods or means of implementing any part of the service programs nor changes in the responsibilities of the various departments of the City shall constitute amendments to this Plan, and the City reserves the right to make such changes at any time. This Plan is subject to, and shall be interpreted in accordance with, the Constitution and laws of the United States of America and the State of Texas, the Texas Local Government Code, and any orders, rules, or regulations of any other governmental body having jurisdiction.

VI. FORCE MAJEURE

In the event the City is rendered unable, wholly or in part, by force majeure to carry out its obligations under this Plan, notice shall be given with full particulars of such force majeure, in writing, as soon as reasonably possible after the occurrence of the cause relied on, and the City's obligations, so far as effected by such force majeure, shall be suspended during the continuance of such inability so caused but for no longer period, and such cause shall, so far as possible, be remedied with all reasonable dispatch; provided, however, City shall not be required to settle a strike or dispute with workmen when such settlement is against the will of the City. The term "force majeure" shall mean acts of God, strikes, acts of the public enemy, wars, blockades, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, storms, floods, washouts, arrests and restraints of rulers and people, explosions, breakage or accident to machinery or lines of pipe, droughts, hurricanes and tornadoes, and any other inability of either party, whether similar to those enumerated or otherwise, not within the control of the City, which, by the exercise of reasonable diligence, the City shall not have been able to avoid.

VIII. ENTIRE PLAN

This document contains the entire and integrated Plan relating to the Tract and supersedes all other negotiations, representations, plans, and agreements, whether written or oral.

If one or more provisions of this Plan is held to be invalid, unenforceable, or illegal in any respect, the remainder the Plan shall remain valid and in full force and effect.