



## TEMPLE CITY COUNCIL

MUNICIPAL BUILDING

2 NORTH MAIN STREET

TEMPLE, TX

### NOTICE OF SPECIAL MEETING

FRIDAY, FEBRUARY 5, 2010

CITY COUNCIL CHAMBERS – 2<sup>ND</sup> FLOOR

8:00 A.M.

### AGENDA

#### **I. CALL TO ORDER**

1. Invocation
2. Pledge of Allegiance

#### **II. PUBLIC HEARINGS**

3. PUBLIC HEARING – Conduct a public hearing to receive comments on the possible voluntary annexation for a 1.65± acre tract of land located west of FM 2271, north of Live Oak Ridge Road, out of the G.W. Lindsey Survey, Abstract 513.

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***The City Council reserves the right to discuss any items in executive (closed) session whenever permitted by the Texas Open Meetings Act.***

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I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 3:15 PM on January 29, 2010.

Clydette Entzminger  
Clydette Entzminger  
City Secretary

I certify that this Notice of Meeting Agenda was removed by me from the outside bulletin board in front of the City  
Municipal Building on \_\_\_\_\_ day of \_\_\_\_\_ 2010.

\_\_\_\_\_



## COUNCIL AGENDA ITEM MEMORANDUM

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02/05/10  
Item #3  
Regular Agenda  
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### **DEPT. /DIVISION SUBMISSION & REVIEW:**

Tim Dolan, AICP, Planning Director

**ITEM DESCRIPTION:** PUBLIC HEARING – Conduct a public hearing to receive comments on the possible voluntary annexation for a 1.65± acre tract of land located west of FM 2271, north of Live Oak Ridge Road, out of the G.W. Lindsey Survey, Abstract 513.

**STAFF RECOMMENDATION:** Receive staff presentation on the Municipal Service Plan, as required by State law, hold public hearing and take no action at this time. The first required public hearing occurred yesterday, Thursday, February 4, at 5:00 p.m., at a regular meeting of the City Council.

**ITEM SUMMARY:** A.C. Boston filed a petition on January 5, 2010, seeking voluntary annexation of approximately 1.65± acre acres into the City of Temple. The property is located west of the existing City Limits Line. The Council directed the staff to prepare a municipal services plan for this tract.

The annexation schedule calls for two public hearings—this being the second one. The public hearing today is to receive a second set of public comments on the proposed annexation and proposed service plan from anyone that might wish to speak. There are no residents on the 1.65± acre tract.

**FISCAL IMPACT:** Future tax revenue. Need to provide police and fire services to the area. The Municipal Service Plan does not contain any proposal to extend water or wastewater services to the area, or any other new physical facilities to serve this small tract.

### **ATTACHMENTS:**

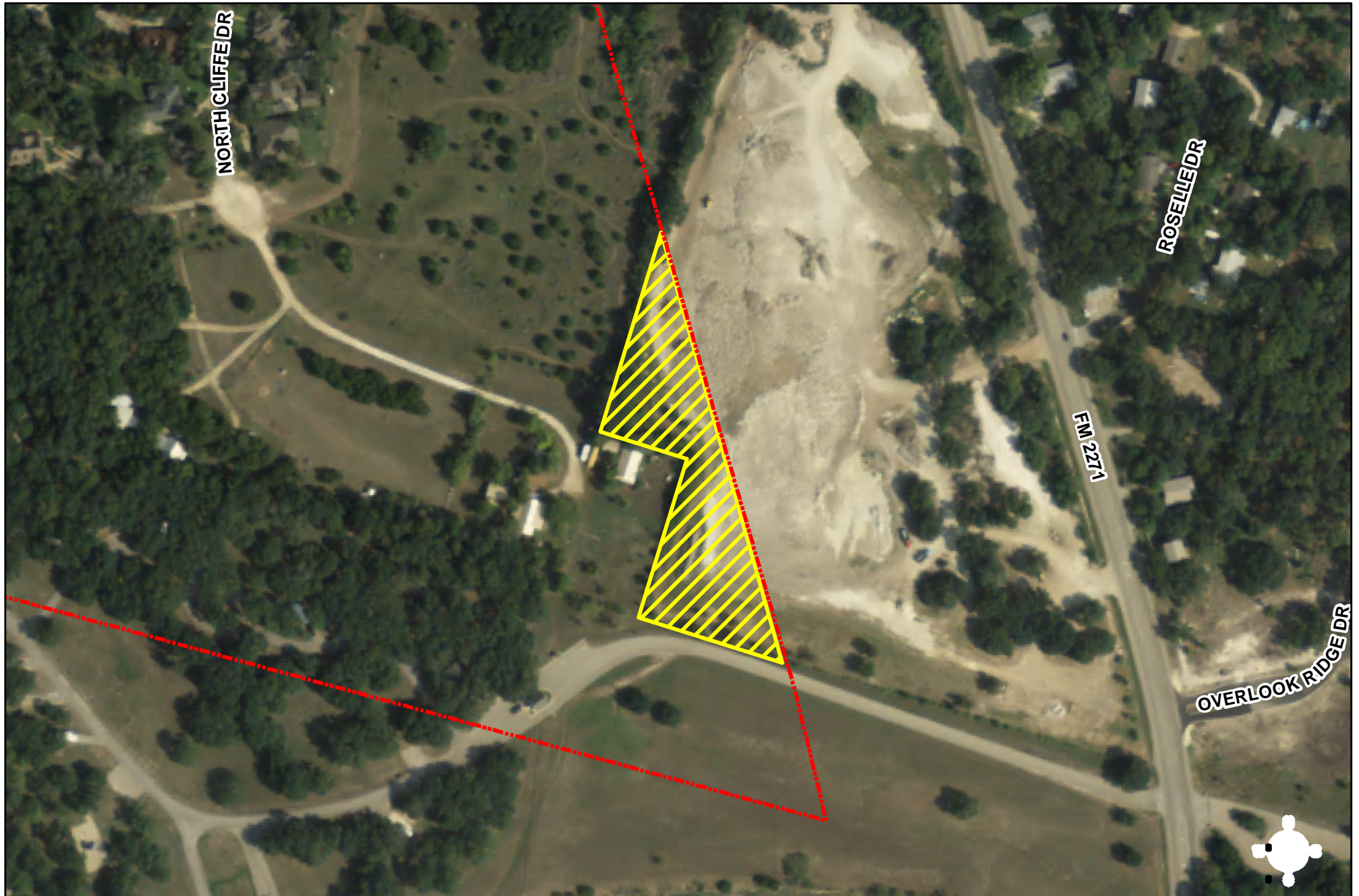
[Voluntary Annexation Area Map](#)  
[Service Plan](#)



**Z-FY-10-17**

Voluntary Annexation

1.651 Acres GW Lindsey Survey



Z-FY-10-17

Feet 0 50 100 150 200  
J Stone 1.13.09



# **CITY OF TEMPLE**

## **ANNEXATION SERVICE PLAN—VOLUNTARY ANNEXATION – BOSTON ET AL**

For approximately 1.65± acre tract of land located west of FM 2271, north of Live Oak Ridge Road, out of the G.W. Lindsey Survey, Abstract 513, located in Bell County, and being more particularly described an Exhibit “A” and depicted as Exhibit “B” of the Annexation Ordinance (2010-####).

### **SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION**

#### **1. POLICE PROTECTION**

The City will provide protection to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City, with the same or similar topography, land use and population density.

#### **2. FIRE PROTECTION AND AMBULANCE SERVICE**

The City will provide fire protection from Station 7 to the newly-annexed area at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density. The City will provide First Responder services through its Fire Department and contract for emergency medical services (EMS) through the Scott & White Hospital System.

#### **3. SOLID WASTE COLLECTION**

Upon payment of any required deposits and the agreement to pay lawful service fees and charges, solid waste collection will be provided to citizens in the newly-annexed area to the extent that the City has access to the area to be serviced. Private contractors currently providing sanitation collecting services in the area may continue to do so for up to two years.

#### **4. MAINTENANCE OF WATER AND WASTEWATER FACILITIES**

Any and all water or wastewater facilities owned or maintained by the City at the time of the proposed annexation shall continue to be maintained by the City. Any and all water or wastewater facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the City, to the extent of its ownership. Any and all water or wastewater facilities outside the extent of the ownership of the City, and owned by other water or wastewater providers shall continue to be allowed to provide those services to the newly-annexed tract.

#### **5. MAINTENANCE OF ROADS AND STREETS**

Any and all public roads, streets or alleyways which have been dedicated to the City, or which are owned by the City, shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas with similar topography, land use and population density. Any and all lighting of roads, streets and alleyways which may be positioned in a right-of-way, roadway or utility company easement shall be maintained by the applicable utility company servicing the City, pursuant to the rules, regulations and fees of such utility.

#### **6. MAINTENANCE OF PUBLIC PARKS, PLAYGROUNDS AND SWIMMING POOLS**

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

#### 7. MAINTENANCE OF MUNICIPALLY-OWNED FACILITY, BUILDING OR MUNICIPAL SERVICE

The City Council is not aware of the existence of any publicly-owned facility, building or other municipal service now located in the area proposed for annexation. In the event any such publicly-owned facility, building or municipal service does exist and are public facilities, the City will maintain such areas to the same extent and degree that it maintains publicly-owned facilities, buildings or municipal services of the City now incorporated in the City.

#### 8. CONSTRUCTION SAFETY

The City will provide building inspection services upon approved building permits from the City to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

#### 9. CODE ENFORCEMENT

The City will provide code enforcement services to the newly-annexed tract at the same or similar level of service now being provided to other areas of the City with the same or similar topography, land use and population density.

### CAPITAL IMPROVEMENTS

#### 1. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

The City Council finds and determines it to be unnecessary to acquire or construct any capital improvements for the purposes of providing police protection, fire protection, or emergency medical services. The City Council finds and determines that it has at the present time adequate facilities to provide the same type, kind and level of protection and service which is presently being administered to other areas already incorporated in the City with the same or similar topography, land use and population density.

#### 2. ROADS AND STREETS

The City will undertake to provide the same degree of road and street lighting as is provided in areas of the same or similar topography, land use and population density within the present corporate limits of the City. Maintenance of properly dedicated roads and streets will be consistent with the maintenance provided by the City to other roads and streets in areas of similar topography, land use and sub development of the annexed property. Developers will be required, pursuant to the ordinances of the City to provide internal and peripheral streets and to construct those streets in accordance with the specifications required by the City for the properly dedicated street. City participation in capital expenditures will be in accordance with city policies.

### 3. WATER AND WASTEWATER FACILITIES

The City of Temple has water facilities within the boundaries of the voluntary annexation, and proposes no other extension of water facilities to the area, taking into consideration the existing land use, and topography and population density relative to areas within the existing City Limits which do not have water services.

The City of Temple has no wastewater providers within the boundaries of the voluntary annexation and property owners rely on septic tank systems. The City of Temple proposes non extensions of wastewater facilities to the boundaries of the voluntary annexation taking into consideration existing service providers, the existing land use, and topography and population density relative to areas within the existing City Limits which do not have water services.

### 4. CAPITAL IMPROVEMENTS

Notwithstanding any other provision of this service plan, a landowner within the newly annexed area will not be required to fund capital improvements as necessary for municipal services in a manner inconsistent with Chapter 395 of the Local Government Code, unless otherwise agreed to by the landowner.

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### **SPECIFIC FINDINGS**

The City Council finds and determines that this proposed Service Plan will not provide any fewer services, and it will not provide a lower level of service in the area proposed to be annexed than were in existence in the proposed area at the time immediately preceding the annexation process.

Because of the differing characteristics of topography, land utilization and population density, the service levels which may ultimately be provided in the newly annexed area may differ somewhat from services provided in other areas of the City. These differences are specifically dictated because of differing characteristics of the property and the City will undertake to perform consistent with this contract so as to provide the newly-annexed area with the same type, kind and quality of service presently enjoyed by the citizens of the City who reside in areas of the same or similar topography, land utilization and population density.

APPROVED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.

City of Temple, Texas

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

BEING a 10.833 acre tract of land situated in the G. W. LINDSEY SURVEY, ABSTRACT No. 513, Bell County, Texas being a part or portion of those certain tracts of land described as TRACT ONE, TRACT TWO and TRACT THREE in a Warranty Deed dated August 14, 2008 from George V. Brown, a single person to V.W. Barge, III and being of record in Document 2008-00039205, Official Public Records, Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1" iron pipe found being the most southerly southeast corner of that certain 26.952 acre tract of land described as First Replat, Northcliffe, Phase I to the City of Temple, Bell County, Texas according to the map or plat of record in Cabinet A, Slide 374-A, Plat Records, Bell County, Texas and being the southeast corner of Lot 20, Block 2 of said Northcliffe, Phase I for corner;

THENCE departing the said southeast corner and with the east boundary line of the said 26.952 acre tract the following eight (8) calls:

- 1) N. 05° 19' 55" W., 89.55 feet (calls S. 02° 43' 45" E., 164.22 feet in Cabinet A, Slide 374-A) to a ½" iron rod with cap stamped "CTS 4029" found being the northeast corner of said Lot 20, Block 2 and being the southeast corner of Lot 19, said Block 2 for corner;
- 2) N. 05° 02' 25" W., 75.03 feet to a ½" iron rod with cap stamped "RPLS #2475" set being the northeast corner of said Lot 19, Block 2 and being the southeast corner of Lot 18, said Block 2 for corner;
- 3) N. 14° 10' 09" E., 74.85 feet (calls S. 16° 58' 22" W., 342.59 feet in Cabinet A, Slide 374-A) to a 1" iron pipe found being the northeast corner of said Lot 18, Block 2 and being the southeast corner of Lot 17, said Block 2 for corner;
- 4) N. 14° 27' 34" E., 89.94 feet to a 1" iron pipe found being the northeast corner of said Lot 17, Block 2 and being the southeast corner of Lot 16, said Block 2 for corner;
- 5) N. 14° 25' 44" E., 177.35 feet to a 1" iron pipe found being the northeast corner of Lot 15, said Block 2 and being the southeast corner of Lot 14, said Block 2 for corner;
- 6) N. 17° 34' 57" E., 462.91 feet (calls S. 20° 06' 14" W., 462.50 feet in Cabinet A, Slide 374-A) to a 1" iron pipe found being the northeast corner of Lot 10, said Block 2 and being the southeast corner of Lot 9, said Block 2 for corner for corner;
- 7) N. 13° 31' 37" E., 302.61 feet (calls S. 16° 16' 04" W., 302.55 feet in Cabinet A, Slide 374-A) to a 1" iron pipe found being in the east boundary line of Lot 6, said Block 2 and being the southwest corner of Lot 4, said Block 2 and being an interior ell corner in the east boundary line of the said Northcliffe, Phase I for corner;
- 8) S. 75° 58' 06" E., 84.08 feet (calls N. 73° 20' 02" W., 374.67 feet in Cabinet A, Slide 374-A) to a point being in the south boundary line of Lot 3, said Block 2 and being in the westerly boundary line of the existing city limits of the City of Temple, Texas, for corner;

THENCE departing the said south boundary line and over and across the aforementioned 31.190 acre tract (TRACT EIGHT) and with the said westerly boundary line of the city limits of the City of Temple, Texas the following four (4) calls:



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- 1) S. 12° 08' 20" W., 190.24 feet to a point for corner;
- 2) S. 03° 46' 47" W., 207.88 feet to a point for corner;
- 3) S. 06° 17' 05" E., 593.69 feet to a point for corner;
- 4) S. 17° 40' 39" E., 391.36 feet to a point being in the west boundary line of that certain 14.032 acre tract of land described in a Warranty Deed with Vendor's Lien dated June 1, 1998 from Margie Hill to A. C. Boston and wife, Nancy Boston and being of record in Volume 3805, Page 529, Official Public Records, Bell County, Texas for corner;

THENCE S. 16° 10' 51" W., 206.85 feet departing the said westerly boundary line of the city limits of the City of Temple, Texas and with the said west boundary line of the 14.032 acre tract (calls N. 19° 09' 00" E., 972.95 feet in Volume 3809, Page 529), and with an existing fence line to a ½" iron pipe found at a fence corner post being the most northerly northeast corner of that certain 2.29 acre tract of land described in a Warranty Deed dated December 23, 1998 from Gene L. Shomake and Vivian Bernice Shomake to Richard Stearns and being of record in Volume 3920, Page 498, Official Public Records, Bell County, Texas (calls ½" iron pipe in Volume 3920, Page 498) for corner;

THENCE N. 75° 58' 35" W., 195.47 feet departing the said 14.032 acre tract and with the north boundary line of the said 2.29 acre tract (calls S. 72° 47' 56" E., 195.47 feet in Volume 3920, Page 498) with an existing fence line to a 3/8" iron rod found at a fence corner post (calls ½" iron rod at a fence corner post in Volume 3920, Page 498) being the northwest corner of the said 2.29 acre tract for corner;

THENCE S. 17° 30' 02" W., 79.55 feet with the west boundary line of the said 2.29 acre tract (calls N. 20° 37' 22" E., 321.64 feet in Volume 3920, Page 498) and with an existing fence line to a 3/8" iron rod found at a fence corner post being the northeast corner of that certain 3.2781 acre tract of land described in a Warranty Deed dated June 5, 1989 from James Brown and wife, Lois Brown to T. D. Constance and wife, Lois Constance and being of record in Volume 2535, Page 157, Official Public Records, Bell County, Texas (calls iron rod in Volume 2535, Page 157) for corner;

THENCE departing the said 2.29 acre tract and with the north boundary line of the said 3.2781 acre tract and with an existing fence line the following four (4) calls:

- 1) N. 67° 00' 13" W., 280.51 feet (calls S. 64° 20' 48" E., 279.72 feet in Volume 2535, Page 157) to a 3/8" iron rod found at a fence post for corner;
- 2) N. 42° 35' 56" W., 88.03 feet (calls S. 40° 00' 39" E., 86.98 feet in Volume 2535, Page 157) to a fence post found for corner;
- 3) N. 23° 25' 03" W., 82.52 feet (calls S. 20° 43' 34" E., 82.85 feet in Volume 2535, Page 157) to a fence post found for corner;
- 4) N. 51° 43' 41" W., 67.56 feet (calls S. 49° 00' 18" E., 68.23 feet in Volume 2535, Page 157) to a ½" iron rod with cap stamped "RPLS #2475" set being the southeast corner of that certain 0.1452 acre tract (CORRECTED "EXHIBIT A") described in a Correction Warranty Deed dated June 5, 1989 from James V. Brown and wife, Lois Brown to James David



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Constance and being of record in Volume 2535, Page 147, Official Public Records, Bell County, Texas for corner;

THENCE N. 13° 49' 58" W., 50.14 feet departing the said 3.2781 acre tract and with the east boundary line of the said 0.1452 acre tract (calls S. 11° 10' 37" E., 50.14 feet in Volume 2535, Page 147) to a 1/2' iron rod with cap stamped "RPLS #2475" set being the southeast corner of Lot 1, Block 3, said FIRST REPLAT of NORTHCLIFFE, PHASE I and being in the west right-of-way line of Northcliffe Drive as described in said Cabinet A, Slide 374-A for corner;

THENCE departing the said 0.1452 acre tract and with the south boundary line of the said Northcliffe, Phase I (calls S. 82° 56' 23" W., 327.88 feet in Cabinet A, Slide 374-A) the following two (2) calls:

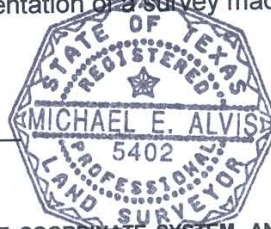
- 1) N. 80° 23' 12" E., 50.14 feet departing the said Lot 1, Block 3 and the said west right-of-way line to a 3/8" iron rod found being in the east right-of-way line of the said Northcliffe Drive and being the southwest corner of the aforementioned Lot 20, Block 2, FIRST REPLAT of NORTHCLIFFE, PHASE I for corner;
- 2) N. 80° 33' 22" E., 147.02 feet departing the said east right-of-way line and with the south boundary line of the said Lot 20, Block 2 to the Point of BEGINNING and containing 10.833 acres of land.

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I, Michael E. Alvis, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that these field notes are a correct representation of a survey made on the ground.

*Michael E. Alvis*

Michael E. Alvis, R.P.L.S. #5402  
November 19, 2009



THIS PROJECT IS REFERENCED TO THE CITY OF TEMPLE COORDINATE SYSTEM, AN EXTENSION OF THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE. ALL DISTANCES ARE HORIZONTAL SURFACE DISTANCES UNLESS NOTED AND ALL BEARINGS ARE GRID BEARINGS.

ALL COORDINATE VALUES ARE REFERENCED TO CITY MONUMENT NUMBER 500  
THE THETA ANGLE AT SAID CITY MONUMENT IS 01° 28' 27"  
THE COMBINED CORRECTION FACTOR (CCF) IS 0.9998842  
PUBLISHED CITY COORDINATES ARE X = 3,192,018.104 Y = 10,385,827.497  
THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING OF THIS PROJECT  
S. 12° 56' 55" W., 3624.58 FEET.  
GRID DISTANCE = SURFACE DISTANCE X GRID FACTOR  
GEODETIC NORTH = GRID NORTH + THETA ANGLE

See attached surveyors sketch, which accompanies this set of field notes (ref: drawing no. 12198-C).



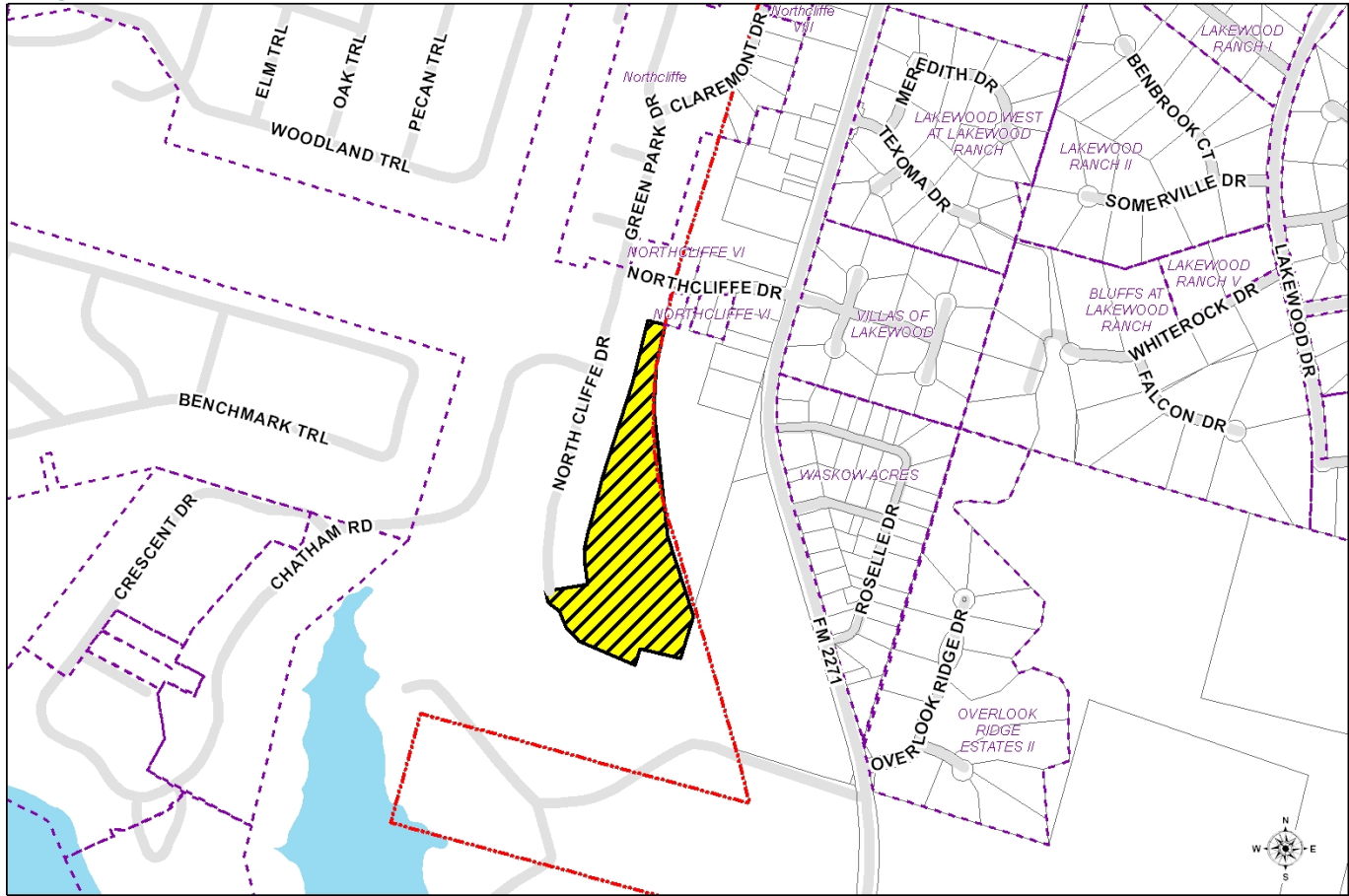
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Z-FY-10-13

Voluntary Annexation: Proposed Northcliffe Phase IX

10.933ac




 Proposed Annexation

Exhibit 'B'

Feet 0 150 300 450 600  
J Stone 12.01.09