



**SPECIAL CALLED MEETING OF THE
TEMPLE CITY COUNCIL**

MUNICIPAL BUILDING

**COUNCIL CHAMBERS – 2ND FLOOR
2 NORTH MAIN STREET**

WEDNESDAY, FEBRUARY 2, 2011

8:00 A.M.

AGENDA

I. CALL TO ORDER

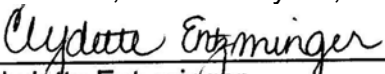
1. Invocation
2. Pledge of Allegiance

II. PUBLIC HEARINGS

3. [2011-4425](#): FIRST READING – PUBLIC HEARING – Consider adopting an ordinance authorizing the annexation of approximately 3,230.43 acres located in the City's western extraterritorial jurisdiction including a portion of Lake Belton and surrounding property.

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

I hereby certify that a true and correct copy of this Notice of Meeting was posted in a public place at 12:55 PM, on January 28, 2011.



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 at _____ on the _____ day of _____ 2011. _____



COUNCIL AGENDA ITEM MEMORANDUM

02/02/11
Item #3
Regular Agenda
Page 1 of 1

DEPT./DIVISION SUBMISSION & REVIEW:

David Blackburn, City Manager

ITEM DESCRIPTION: FIRST READING – PUBLIC HEARING – Consider adopting an ordinance authorizing the annexation of approximately 3,230.43 acres located in the City's western extraterritorial jurisdiction including a portion of Lake Belton and surrounding property.

STAFF RECOMMENDATION: Conduct public hearing and adopt ordinance as presented in item description, on first reading, and schedule second reading and final adoption for February 3, 2011.

ITEM SUMMARY: On December 2, 2010, the City Council adopted a resolution directing City staff to create a Municipal Service Plan and public hearing schedule in anticipation of the annexation of the subject property. The property is located west of the existing City limits and contains approximately 3,230.43 acres. The property includes a portion of Lake Belton and surrounding property that the Army Corps of Engineers owns.

Staff prepared the draft municipal service plan and conducted the two required public hearings on January 6 and January 7, 2011.

This meeting is the last opportunity for the Council to receive citizen comments regarding the proposed City-initiated annexation. Following the public hearing, staff recommends the Council approve the ordinance on first reading. The second and final reading will be conducted on Thursday, February 3, 2011, at 5:00 p.m., in the City Council Chambers.

FISCAL IMPACT: Police and fire services to the proposed annexation area will be provided in accordance with existing service and interlocal agreements between the US Army Corps of Engineers, Texas Parks & Wildlife, Ft. Hood, Bell County, Temple Police Department, and Temple Fire and Rescue. Interlocal agreements between these entities are already in place for the area and the City has no intention of replacing or modifying the existing service agreements for the provision of public safety services to the area. The Municipal Service Plan does not contain any proposal to extend water or wastewater services or any other new physical facilities to serve this property.

ATTACHMENTS:

[Municipal Service Plan](#)
[Map of Study Area](#)
[Field Notes](#)
[Ordinance](#)

CITY OF TEMPLE ANNEXATION SERVICE PLAN

For approximately 3,230.43 acres situated in Bell County, Texas, located west of the current City limits in the City's western extraterritorial jurisdiction (ETJ) including a portion of Lake Belton and surrounding property and being depicted on Exhibit "A" of the Annexation Ordinance (2011-4425).

SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION

1. POLICE PROTECTION

The City will continue to provide police protection to the newly-annexed area in accordance with existing service and interlocal agreements between the US Army Corps of Engineers, Texas Parks & Wildlife, Ft. Hood and Bell County. The nearest Temple Police station is located at Fire Station 7 on West Adams.

2. FIRE PROTECTION AND EMERGENCY MEDICAL SERVICE

The City will continue to provide fire protection from Fire Station 7 and emergency medical service to the newly-annexed area in accordance with existing service and interlocal agreements between the US Army Corps of Engineers, Texas Parks & Wildlife, Ft. Hood and Bell County.

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, to the same degree that it maintains water or wastewater facilities in other areas of the City with the same or similar topography, land use and population density. 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 area.

5. MAINTENANCE OF ROADS, STREETS, ALLEYWAYS AND STREET LIGHTING

The City Council is not aware of the existence of City-owned or maintained public roads, streets or alleyways in the area proposed for annexation. Any and all public roads, streets or alleyways which may be acquired subsequent to the proposed annexation of the area shall be maintained by the City, to the extent of its ownership, to the same degree that it maintains public roads, streets or alleyways other areas of the City with the same or 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 City-owned or maintained public parks, playgrounds or swimming pools now located in the area proposed for annexation. Any and all public parks, playgrounds and swimming pools which may be acquired subsequent to the proposed annexation of the area shall be maintained by the City, to the extent of its ownership, to the same degree that it maintains parks, playgrounds and swimming pools in other areas of the City with the same or similar topography, land use and population density.

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

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

8. CONSTRUCTION SAFETY

The City will provide building inspection services upon City approval of building permits in 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.

9. CODE ENFORCEMENT

The City will provide code enforcement services 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.

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 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 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 area is currently adequately served by a rural water supply corporation and septic tanks. Extension of water lines internally within the area proposed to be annexed will be the responsibility of developers of property or individual property owners, conforming to the City's policies.

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.

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 use and population density.

APPROVED ON THIS _____ DAY OF _____, 2011.

City of Temple, Texas

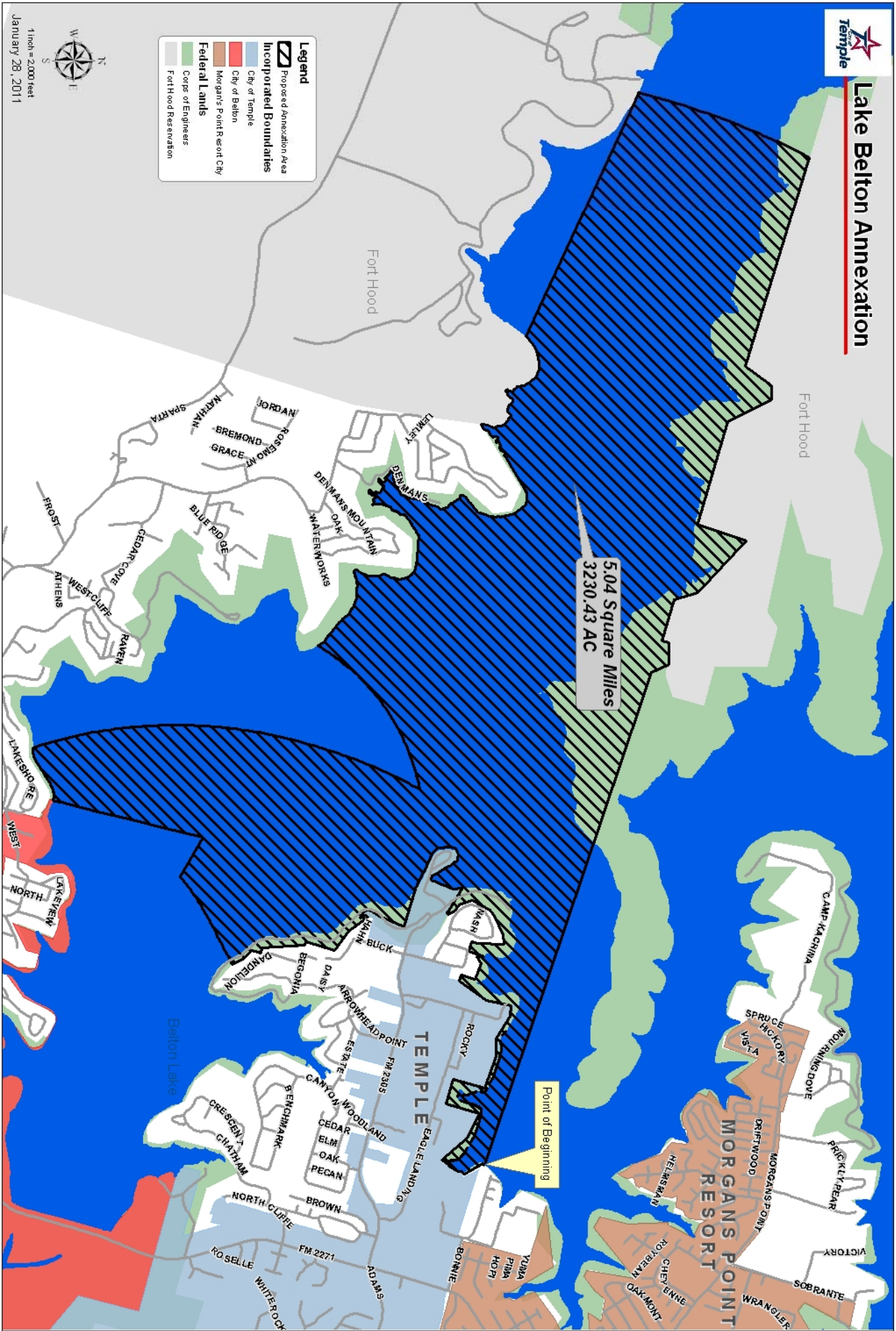
Mayor

ATTEST:

City Secretary



Lake Belton Annexation



Legend

- Proposed Annexation Area
- Incorporated Boundaries
 - City of Temple
 - City of Belton
 - Morgan's Point Resort City
- Federal Lands
 - Corps of Engineers
 - Fort Hood Reservation

1 inch = 2,000 feet
January 28, 2011

BEING a 3230.43 acre tract of land situated in the Fort Worth District of the U.S. Army Corps of Engineers property, Bell County, Texas and being more particularly described as follows.

BEGINNING at the most northerly northeast corner of this tract of land and the east property corner of the Corps of Engineers', Bell County, Texas;

THENCE departing the said east corner of the tract of land, continue southeast across the Corps of Engineers' east property, to a point in the northwest boundary line of the city limits of the City of Temple, Texas;

THENCE following the most westerly boundary line of the city limits to a point being in the south boundary line of the city limits and a point in the west boundary line of that certain 0.913 acre tract of land described in a Warranty Deed dated September 13, 1996 from Eloise Hahn to John Starling Jr. and being of record in Volume 3523, Page 37, Official Public Records, Bell County, Texas & the most easterly boundary line of the Corps of Engineers property for corner;

THENCE in a southerly direction along the most easterly boundary line of the said Corps of Engineers to the intersection of the ETJ boundary line for the City of Temple, Bell County, Texas for the most easterly corner of this property;

THENCE in a southwest direction along the ETJ boundary line to a point connecting the northwest boundary of the city limits line for the City of Belton, Bell County, Texas and the southeast boundary line for the Corp of Engineers for the southeast corner of this property;

THENCE meandering along the Belton Lake shore line and the south boundary line for the Corp of Engineers to a point in the ETJ boundary line of the City of Temple, Texas for the southwest corner of this property;

THENCE in a northerly direction across the Corp of Engineers property following the ETJ boundary line of the City of Temple, Texas to a point in the middle of Lake Belton;

THENCE in a southwesterly direction across the Corp of Engineers property following the ETJ boundary line of the City of Temple, Texas to a point in the southerly boundary line of the Corp of Engineers property and on the shore line of Belton Lake;

THENCE in a westerly direction following the south boundaries of the Corp of Engineers property to a point in the Northeast corner of the boundary of Fort Hood, Texas, Bell County;

THENCE in a northwest direction across Lake Belton following the north boundary line of Fort Hood and the south boundary line of the Corps of Engineers property to a point in the most westerly ETJ boundary line of the City of Temple, Texas for the southwest point corner;

THENCE in a northerly direction following the boundary line of the ETJ of the City of Temple, Texas to a point in the north boundary line of the Corp of Engineers property and the south boundary line of Fort Hood for the northwest point corner;

THENCE in an easterly direction following the north boundary line of the Corps of Engineers property and the south boundary line of Fort Hood to a point in the boundary line of each for a north point corner;

THENCE departing the said south Fort Hood boundary line and the north boundary line of the Corp of Engineers S. 24 degrees 00' 42" E., 463.51 feet across the Corp of Engineers property to a point for corner;

THENCE S. 71 degrees 17' 34" E., approximately 12,354.59 feet to the Point of BEGINNING and containing 3230.43 acres of land.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF TEMPLE, TEXAS, ANNEXING APPROXIMATELY 3,230.43 ACRES LOCATED IN THE CITY'S WESTERN EXTRATERRITORIAL JURISDICTION INCLUDING A PORTION OF LAKE BELTON AND SURROUNDING PROPERTY TO THE CITY OF TEMPLE AND APPROVING A SERVICE PLAN FOR THAT AREA PROPOSED TO BE ANNEXED; 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, IF ANY, 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 A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the City of Temple is a home-rule city authorized by State law and the City Charter to annex territory lying adjacent and contiguous to the City;

Whereas, two separate public hearings were conducted prior to consideration of this ordinance in accordance with Chapter 43 of the Texas Local Government Code;

Whereas, the hearings were conducted and held not more than forty nor less than twenty days prior to the institution of annexation proceedings;

Whereas, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty nor less than ten days prior to the public hearings;

Whereas, the property to be annexed is contiguous with and adjacent to the City and not within the boundaries of any other city; and

Whereas, the City is able to provide all services to the property to be annexed according to the service plan attached hereto.

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

Part 1: All of the above premises are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

Part 2: The property, consisting of approximately 3,230.43 acres located in the City's western extraterritorial jurisdiction including a portion of Lake Belton and surrounding property, more fully described in Exhibit A, attached hereto and incorporated herein for all purposes (hereinafter referred to as the "Property"), is hereby annexed and brought within the corporate limits of the City of Temple, Bell County, Texas, and is made an integral part thereof, to be effective on February 3, 2011, at 5:00 p.m.

Part 3: The service plan submitted in accordance with Chapter 43 of the Texas Local Government Code is hereby approved as part of this ordinance, made a part hereof and attached hereto as Exhibit B.

Part 4: The owners and inhabitants of the Property herein annexed, if any, shall be entitled to all of the rights and privileges of other citizens and property owners of said 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.

Part 5: The official map and boundaries of the City of Temple, heretofore adopted and amended be and hereby amended so as to include the annexed Property as part of the City of Temple.

Part 6: The annexed Property shall, in compliance with the Zoning Ordinance of the City of Temple, be zoned as "AG," *Agricultural District* until permanent zoning is established by the City Council.

Part 7: The annexed Property shall be included in, and become a part of, the City of Temple City Council Election District Number 4.

Part 8: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Part 9: If the taking of any territory annexed by this ordinance is declared by a court of competent jurisdiction to be invalid and/or illegal, it shall not affect the balance of the property annexed and attempted to be annexed, and that property shall remain as part of the City of Temple, Texas. It is the intent of this ordinance that any territory that is not lawful for the City to incorporate be excluded from this annexation and that such exclusion be documented by having a qualified surveyor correct the property description of the annexed area to conform to the Council's intention and to insure that the boundary description closes.

Part 10: The City Council specifically finds that, excluding area entirely surrounded by the City of Temple but not included as part of the City in this annexation ordinance, is in the public interest.

Part 11: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **2nd** day of **February**, 2011.

PASSED AND APPROVED on Second Reading on the **3rd** day of **February**, 2011.

THE CITY OF TEMPLE, TEXAS

WILLIAM A. JONES, III, Mayor

ATTEST:

APPROVED AS TO FORM:

Clydette Entzminger
City Secretary

Jonathan Graham
City Attorney