



**SPECIAL MEETING OF THE  
TEMPLE CITY COUNCIL**

**MUNICIPAL BUILDING**

**2 NORTH MAIN STREET  
CITY COUNCIL CHAMBERS – 2<sup>ND</sup> FLOOR**

**FRIDAY, JUNE 17, 2011**

**8:00 A.M.**

**MEETING AGENDA**

**I. CALL TO ORDER**

1. Invocation
2. Pledge of Allegiance

**II. PUBLIC HEARINGS**

3. PUBLIC HEARING – Receive Municipal Service Plan and conduct a public hearing to receive comments on the possible annexation, known as the [Lawson Voluntary Annexation](#), for a 3± acre tract of land located on the east side of State Highway 36, north of Moffat Road, part of Outblock 10790-A, more commonly known as 10740 W. State Highway 36.

**III. BUDGET WORK SESSION**

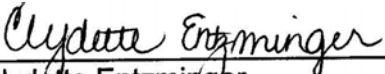
4. Discuss the proposed FY 2011-2012 budget and related issues.

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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 12:00 PM, on June 13, 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

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06/17/11  
Item #3  
Regular Agenda  
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### **DEPT./DIVISION SUBMISSION & REVIEW:**

Brian Mabry, Planning Director

**ITEM DESCRIPTION:** PUBLIC HEARING – Receive Municipal Service Plan and conduct a public hearing to receive comments on the possible annexation, known as the Lawson Voluntary Annexation, for a 3± acre tract of land located on the east side of State Highway 36, north of Moffat Road, part of Outblock 10790-A, more commonly known as 10740 W. State Highway 36.

**STAFF RECOMMENDATION:** Receive staff presentation on the Municipal Service Plan, as required by State law, hold second public hearing and take no action at this time. The first reading of the ordinance authorizing the annexation is scheduled to occur at the July 21, 2011 City Council meeting

**ITEM SUMMARY:** On June 2, 2011, 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 near the intersection of State Highway 36 and Moffat Road and contains approximately three acres. The property includes an existing boat storage facility. The property owner, who signed a non-annexation agreement with the City in 2007, wishes to add more boat storage units to the property. Under the terms of the non-annexation agreement, any future development requires that the applicant submit a voluntary request for annexation. On July 21, 2011, along with the ordinance to approve the annexation, the City Council will consider rezoning the property from Agricultural to Commercial in order to allow construction of the proposed addition storage units.

The annexation schedule calls for two public hearings on the proposed Municipal Service Plan — this being the second. 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 three-acre property.

**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:**

[Municipal Service Plan](#)

[Property Field Notes](#)

[Map of Proposed Annexation Area](#)

**CITY OF TEMPLE**  
**ANNEXATION SERVICE PLAN—VOLUNTARY ANNEXATION – BARGE ET ALL**

For approximately 3± acre tract of land located on the east side of State Highway 36, north of Moffat Road, part of Outblock 10790-A, more commonly known as 10740 W. State Highway 36, located in Bell County, and being more particularly described as Exhibit “A” and depicted as Exhibit “B” of the Annexation Ordinance (2011-####).

**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 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 5 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 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.

## 10. MOWING

The City will provide right-of-way mowing services adjacent 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 \_\_\_\_\_, 2011.

City of Temple, Texas

\_\_\_\_\_  
Mayor

ATTEST:

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City Secretary



EXHIBIT A

Field Notes for a 3.00 acre tract of land out of the Sarah Fitzhenry Survey, Abstract #312, Bell County, Texas, and also being a part of a 15.00 acre tract of land described in a deed to Frank J. Lawson, recorded in Volume 4149, page 773 of the Deed Records of Bell County, Texas, said 3.000 acre tract being more fully described as follows:

Beginning at a 5/8" iron rod found in the North line of State Highway 36 for the Southwest corner of this tract of land , the Southwest corner of the aforementioned 15.00 acre tract of land and the Southwest corner of a 11.54 acre tract of land described in a deed to C. B. B. PROPERTIES, recorded in Document #2009-28362 of the Deed Records of Bell County, Texas.

Thence: North 27° 59' 04" West, 77.99 feet, (Deed North 26° 26' 29" West, 77.69 feet) with the South line of this tract of land, the South line of the aforementioned 15.00 acre tract of land and the North line of SH 36, to a Tex-Dot Monument an angle point in the South line of this tract of land, an angle point in the South line of the said 15.00 acre tract of land, and an angle point in the North line of SH 36.

Thence: North 45° 39' 51" West, 25.00 feet, (Deed North 43° 18' 49" West ) continuing with the South line of this tract of land, the South line of the aforementioned 15.00 acre tract of land and the North line of SH 36 to a cotton spindle set in a gravel drive for the Southwest corner of this tract of land.

Thence: With the West line of this tract of land to wit:

North 44° 03' 04" East, 29.27 feet, an IRS w/ Cap#2181.  
North 58° 39' 35" East, 81.11 feet, an IRS w/ Cap#2181.  
North 30° 23' 35" East, 82.23 feet, an IRS w/ Cap#2181.  
North 10° 10' 09" East, 63.25 feet, a Cotton Spindle Set.  
North 47° 57' 48" East, 152.88 feet, an IRS w/ Cap#2181.  
South 43° 45' 57" East, 81.28 feet, an IRS w/ Cap#2181.  
North 48° 37' 31" East, 81.06 feet, an IRS w/ Cap#2181  
North 41° 22' 29" West, 90.38 feet, an IRS w/ Cap#2181, and  
North 48° 37' 31" East, 453.19 feet, to an IRS w/ Cap#2181 for the Northwest corner of this tract of land.

Thence: South 41° 22' 29" East, 165.00 feet with the North line of this tract of land to an iron rod set w/ cap#2181 in the East line of the aforementioned 15.00 acre tract of land and in the West line of the aforementioned 11.54 acre tract of land for the Northwest corner of this tract of land.

Thence: South 48° 37'31" West, 943.37 feet with the East line of this tract of land, the East line of the aforementioned 15.00 acre tract of land and the West line of the aforementioned 11.54 acre tract of land to the place of BEGINNING, containing 3.00 acres.

Bearing Basis for this survey is Grid North, NAD 83, Zone 4203, Convergence = 1° 28' 54".

STATE OF TEXAS:  
COUNTY OF BELL

KNOW ALL MEN BY THESE PRESENTS, that I, Carl B. Pearson, Registered Professional Land Surveyor, do hereby certify that I did cause to be surveyed on the ground on the 11th day of March, 2011, the above described tract of land and to the best of my knowledge and belief, said description is true and accurate.

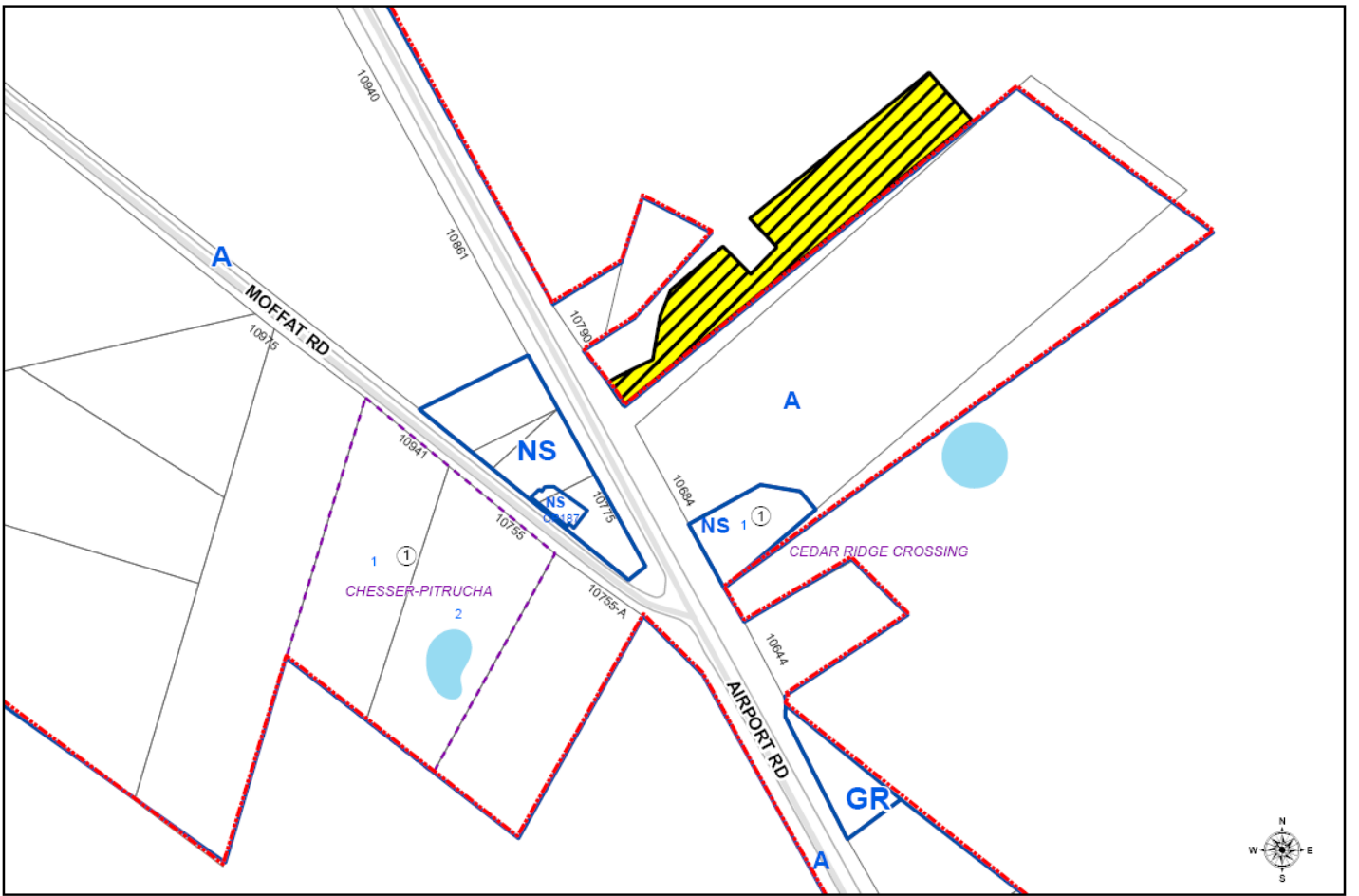
IN WITNESS THEREOF, my hand and seal, this 11th day of April, 2011.

Carl B. Pearson  
Registered Professional Land Surveyor  
Seal No. 2181



TEMPLE CIVIL ENGINEERING  
P.O. BOX 1129  
TEMPLE, TEXAS 76503-1129

PART ONE - PLATS  
PART TWO - FIELD NOTES  
FNS - 8286



PFY 11-30     
  Zoning Boundary Lines     
 13243546    Addresses  
 Current Temple Boundary     
 Addition     
 Platted Subdivisions

Feet 0 100 200 300 400  
 LMatlock 5-11-11

Exhibit 'B'