



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

MUNICIPAL BUILDING

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

FRIDAY, OCTOBER 19, 2012

8:30 A.M.

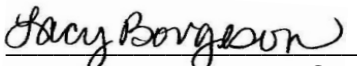
AGENDA

I. PUBLIC HEARING

1. **PUBLIC HEARING** – Receive Municipal Service Plan and conduct a public hearing to receive comments on the possible annexation, known as the Campus at Lakewood Voluntary Annexation, for a 10+ acre tract of land, located at the north end of Richland Drive, north of The Campus at Lakewood Ranch Phase VII.

***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 2:00 pm, on October 12, 2012.



Lacy Borgeson, TRMC
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

10/19/12
Item #1
Regular Agenda
Page 1 of 2

DEPT./DIVISION SUBMISSION & REVIEW:

Autumn Speer, Director of Planning and Development

ITEM DESCRIPTION: PUBLIC HEARING – Receive Municipal Service Plan and conduct a public hearing to receive comments on the possible annexation, known as the Campus at Lakewood Voluntary Annexation, for a 10+ acre tract of land, located at the north end of Richland Drive, north of The Campus at Lakewood Ranch Phase VII.

STAFF RECOMMENDATION: Receive staff presentation on the Municipal Service Plan, as required by State law, hold public second public hearing and take no action at this time. The first hearing was conducted at the regular meeting of the City Council on Thursday, October 18, 2012.

ITEM SUMMARY: John Kiella filed a petition on September 18, 2012, seeking voluntary annexation of approximately 10± acre acres into the City of Temple. Voluntary annexation is governed by Section 43.028 of the Texas Local Government Code and applies only to the annexation of an area that is:

1. Less than one-half mile in width,
2. Contiguous to the annexing municipality, and
3. Vacant and without residents or on which fewer than three qualified voters reside.

The landowner's petition meets the statutory requirements and is recommended to be granted.

On October 4, 2012, 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 initial public hearings will be held October 18, 2012, (regular meeting) and October 19, 2012, (special meeting, 8:30 a.m., Council Chambers). The resolution sets the time and place for these meetings. No on-site hearing will be necessary, as there are no residents on the land proposed to be annexed. Planning staff will present a Municipal Services Plan at the hearing on October 18, 2012, as required by state law, showing how the City will serve the area proposed to be annexed into the City. The proposed schedule anticipates completion of annexation proceedings December 6, 2012. The Planning and Zoning Commission will make a recommendation to the Council for the applicant's

requested zoning to UE, Urban Estates, to be part of the annexation and zoning ordinance readings, at its November 5, 2012 meeting.

FISCAL IMPACT: Future tax revenue. 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](#)

[Map of Proposed Annexation Area](#)

**CITY OF TEMPLE
ANNEXATION SERVICE PLAN—VOLUNTARY ANNEXATION
CAMPUS AT LAKEWOOD**

For approximately 10+ acre tract of land, located at the north end of Richland Drive, north of The Campus at Lakewood Ranch Phase VII., located in Bell County, and being more particularly described as Exhibit “A” and depicted as Exhibit “B” of the Annexation Ordinance (2012-####).

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.

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 _____, 2012.

City of Temple, Texas

Mayor

ATTEST:

City Secretary

EXHIBIT A

BEING a 10.089 acre tract of land situated in the GEORGE W. LINDSEY SURVEY, ABSTRACT No. 513, Bell County, Texas and being a part or portion of that certain 25.000 acre tract of land described in a Executor's Special Warranty Deed dated April 2, 2008 from Edward William Clinite, Independent Executor and as Trustee of any Trusts Created under the Last Will and Testament of LaVerne Miller, Deceased to Kiella Land Investments, Ltd., a Texas limited partnership and being of record in Document No. 2008-00016748, Official Public Records of Bell County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod with cap stamped "RPLS 2475" found being an interior point of the said 25.000 acre tract and being an exterior ell corner in the north boundary line of that certain tract of land described as The Campus at Lakewood Ranch, Phase VII according to the map or plat of record in Cabinet D, Slide 251-C, Plat Records of Bell County, Texas which bears N. 78° 41' 12" W., 342.25 feet from a 1/2" iron rod found at the northeast corner of the said Campus at Lakewood Ranch, Phase VII for corner;

THENCE N. 73° 16' 08" W., 164.87 feet departing the said north boundary line and continuing over and across the said 25.000 acre tract to a 1/2" iron rod with cap stamped "RPLS 2475" set being in the west boundary line of the said 25.000 acre tract and being in the east boundary line of that certain Morgan's Point Lake Resort Section 2, a subdivision of Morgan's Point according to the plat of record in Cabinet A, Slide 242-C, Plat Records of Bell County, Texas for corner;

THENCE with the west boundary line of the said 25.000 acre tract and with the east boundary line of the said Morgan's Point Lake Resort Section 2 the following six (6) calls:

- 1) N. 17° 54' 49" E., 57.03 feet (calls N. 17° 54' 49" E., 77.04 feet) to a 3/8" iron rod found for corner;
- 2) N. 17° 19' 35" E., 253.49 feet (calls N. 17° 19' 35" E., 253.49 feet) to a 1/2" iron rod found for corner;
- 3) N. 15° 58' 10" E., 109.95 feet (calls N. 15° 58' 10" E., 109.95 feet) to a 1/2" iron rod stamped "RPLS 2475" found for corner;
- 4) N. 17° 09' 24" E., 274.50 feet (calls N. 17° 45' 51" E., 488.84 feet) to a 1/2" iron rod found for corner;
- 5) N. 18° 32' 31" E., 214.38 feet to a 1/2" iron rod found for corner;



- 6) N. $28^{\circ} 16' 50''$ E., 34.49 feet (calls N. $28^{\circ} 16' 50''$ E., 34.49 feet) to a $\frac{1}{2}$ " iron rod with cap stamped "RPLS 2475" found being the northwest corner of the said 25.000 acre tract and being an exterior ell corner in a south boundary line of that certain remainder 147.28 acre tract of land described in a Judgment to LaVerne Miller of record in Volume 1681, Page 25, Deed Records of Bell County, Texas for corner;

THENCE S. $71^{\circ} 40' 00''$ E., 226.37 feet departing the said Morgan's Point Lake Resort Section 2 and with the north boundary line of the said 25.000 acre tract (calls S. $71^{\circ} 40' 00''$ E., 958.15 feet) and the south boundary line of the said Miller tract to a $\frac{1}{2}$ " iron rod with cap stamped "RPLS 2475" set for corner;

THENCE departing the said north boundary line and the said south boundary line and over and across the said 25.000 acre tract the following two (2) calls:

- 1) S. $18^{\circ} 33' 21''$ W., 29.46 feet to a $\frac{1}{2}$ " iron rod with cap stamped "RPLS 2475" set being at the beginning of a non-tangent curve to the left having a radius equals 525.00 feet, chord bearing equals S. $81^{\circ} 28' 40''$ E., 172.87 feet, central angle equals $18^{\circ} 57' 08''$ for corner;
- 2) 173.66 feet along the arc of said curve to the left to a $\frac{1}{2}$ " iron rod with cap stamped "RPLS 2475" set being in the north boundary line of the said 25.000 acre tract and being in the south boundary line of the aforementioned Miller tract for corner;

THENCE departing the said north boundary line and the said south boundary line and over and across the said 25.000 acre tract the following two (2) calls:


- 1) S. $00^{\circ} 49' 17''$ W., 220.83 feet to a $\frac{1}{2}$ " iron rod with cap stamped "RPLS 2475" set for corner;
- 2) N. $76^{\circ} 02' 04''$ E., 394.13 feet to a $\frac{1}{2}$ " iron rod with cap stamped "RPLS 2475" set being in the north boundary line of the said 25.000 acre tract and being in the south boundary line of the aforementioned Miller tract for corner;

THENCE departing the said north boundary line and the said south boundary line and over and across the said 25.000 acre tract the following two (2) calls:

- 1) S. $15^{\circ} 56' 32''$ E., 55.80 feet to a $\frac{1}{2}$ " iron rod with cap stamped "RPLS 2475" set for corner;

- 2) S. $54^{\circ} 35' 24''$ W., 1106.69 feet to the Point of BEGINNING and containing 10.089 acres of land.

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, R.P.L.S. #5402
July 13, 2012



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 506

THE THETA ANGLE AT SAID CITY MONUMENT IS $01^{\circ} 29' 04''$

THE COMBINED CORRECTION FACTOR (CCF) IS 0.999852

PUBLISHED CITY COORDINATES ARE X = 3,198,199.05 Y = 10,383,950.33

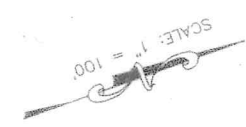
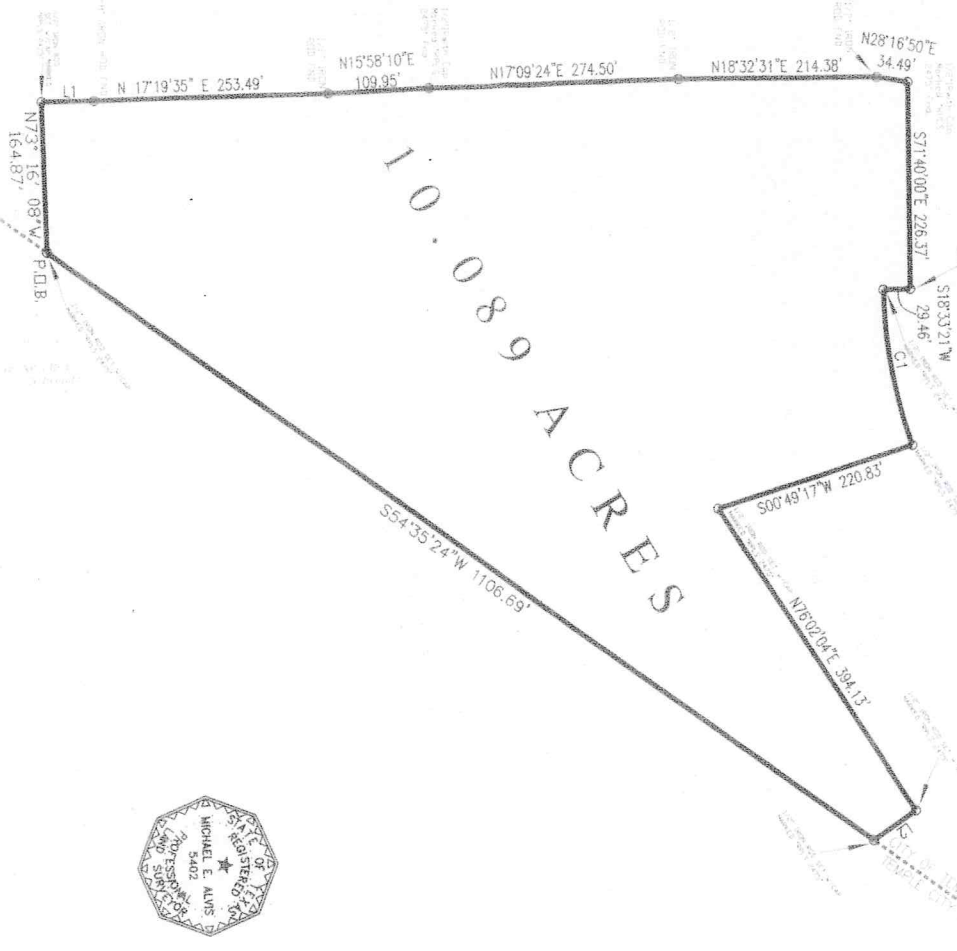
THE TIE FROM THE ABOVE CITY MONUMENT TO THE POINT OF BEGINNING (POB) IS
N. $43^{\circ} 10' 50''$ W., 4637.45 FEET.

GRID DISTANCE = SURFACE DISTANCE X CCF

GEODETIC NORTH = GRID NORTH + THETA ANGLE

See attached surveyor's sketch that accompanies this set of field notes (ref: Turley Associates, Inc. drawing no.12512-C)

EXHIBIT B



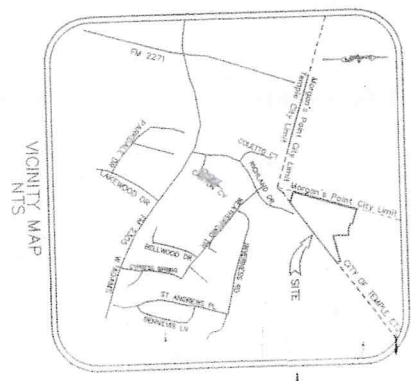
STATE OF TEXAS: I, MICHAEL E. ALVIS, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this survey was this day made on the ground of the property described herein, and is correct.

IN WITNESS THEREOF, my hand and seal, this the 30th day of July, 2012.

Michael E. Alvis R.P.L.S., No. 5402

CURVE TABLE		
CURVE	LENGTH	BEARING
C1	173.66	S 81°28'00\"
C2	35.00	E 112°57'00\"

LINE TABLE		
LINE	LENGTH	BEARING
L1	57.03	N 17°14'49\"
L2	55.80	S 15°56'32\"



10.089 ACRES

GEORGE W. LINDSEY SURVEY, ABSTRACT #513, BELL COUNTY, TEXAS

DEVELOPED BY:
KIELLA DEVELOPMENT, INC.

ENGINEERING • PLANNING • SURVEYING
CONSTRUCTION MANAGEMENT
FIRM REGISTRATION NO. F-16558

TURLEY ASSOCIATES, INC.
301 N. 3rd ST.
TEMPLE, TEXAS

(254) 773-2400
(fax) 773-1008

DATE: 7-12-12
DRA. BY: JFB
REF: 96319.973
FIELD BOOK: 11824-

JOB NO.: 08-1
SHEET 1 OF 1
COMPUTED: 08-18-11
DWG. NO.: 12512-

REVISIONS: