

ORDINANCE NO. 2017-09

AN ORDINANCE OF THE CITY OF BURNET, TEXAS, ESTABLISHING A SERVICE PLAN FOR THAT CERTAIN Q CRAWFORD PROPERTY DEVELOPMENT LLC. CALLED 1.8 ACRE TRACT RECORDED IN DOCUMENT NUMBER 20160695, OFFICIAL PUBLIC RECORDS, BURNET COUNTY, PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Burnet, upon petition of Q Crawford Property Development LLC, the owner of that 1.8-acres of land recorded in Document Number 20160695, official Public Records, Burnet County, did, by means of Ordinance 2017-07, annex said 1.8 acres, and

WHEREAS, Chapter 43 of the Texas Local Government Code requires municipalities to establish and adopt a plan for provision of services to newly annexed areas; and

WHEREAS, the City of Burnet has developed a plan affirming the City's ability to provide necessary services at a level equivalent to the services provided to comparable areas of the City; and

WHEREAS, the City Council of the City of Burnet is desirous of adopting said plan;

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

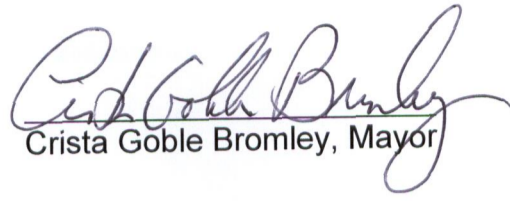
SECTION 1: Service Plan Adopted. A plan for provision of municipal services to that 1.8-acres of land recorded in Document Number 20160695, official Public Records, Burnet County hereby adopted, a copy of said plan being attached hereto as Exhibit A and incorporated for all purposes herein.

SECTION 2: Severability. If for any reason any section, paragraph, subdivision, clause, phrase, word, or other provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance, for it is the definite intent of this Council that every section, paragraph, subdivision, clause phrase, word, or provision hereof shall be given full force and effect for its purpose.

SECTION 3: Effective Date. This ordinance becomes effective upon its approval by City Council at second and final reading.

PASSED AND APPROVED on First Reading this the 9 day of May, 2017.

FINALLY PASSED AND APPROVED on this 23 day of May, 2017.


Crista Goble Bromley, Mayor

ATTEST:



Kelly Dix, City Secretary



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CITY OF BURNET, TEXAS

SERVICE PLAN FOR ANNEXATION OF APPROXIMATELY 1.96- ACRES OF LAND OUT OF THE B.B. CASTLEBERRY SURVEY NUMBER 2, ABSTRACT NUMBER 187, BURNET COUNTY, TEXAS SAME BEING THAT CERTAIN Q CRAWFORD PROPERTY DEVELOPMENT LLC. CALLED 1.8 ACRE TRACT RECORDED IN DOCUMENT NUMBER 20160695, OFFICIAL PUBLIC RECORDS, BURNET COUNTY, TEXAS

Upon annexation of the area identified above and as identified on Exhibit A, the City of Burnet will provide City services utilizing methods by which it extends services to any other equivalent area of the City.

SERVICES PROVIDED BY THE EFFECTIVE DATE OF ANNEXATION:

1. **Police Protection**

The City of Burnet, Texas and its Police Department will provide police protection to the newly annexed area at the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed area. The Police Department will have the responsibility to respond to all dispatched calls for service or assistance within the newly annexed area based on the availability of resources at the time the request for services is received.

2. **Fire Protection and Emergency Medical Services**

The City of Burnet, Texas will provide fire protection to the newly annexed area at the same or similar level of service now being provided to other areas of the City, with like topography, land use and population density as those found within the newly annexed area.

The City of Burnet, Texas will provide Emergency Medical Services to the newly annexed area at the same or similar level of service now being provided to other areas of the City, with like topography, land use and population density as those found within the newly annexed area. The Fire Department will have the responsibility to

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respond to all dispatched calls for service or assistance within the newly annexed area based on the availability of resources at the time the request for services is received.

3. **Maintenance of Water and Wastewater Facilities**

All water and wastewater facilities owned or maintained by the City of Burnet at the time of the proposed annexation shall continue to be maintained by the City of Burnet. All water and wastewater facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the City of Burnet to the extent of its ownership. The now existing water and wastewater mains at existing locations shall be available for the point of use extension based upon the City of Burnet's standard extension policy now existing or as may be amended. On-site sewerage systems may be maintained in accordance with the City's Code of Ordinances.

4. **Solid Waste Collection**

Solid waste collection will be provided to citizens in the newly annexed area at the same or similar level of service now being provided to other areas of the City, with like topography, land use and population density as those found within the newly annexed area. The City will allow continued services with an existing solid waste management provider to all annexed areas.

5. **Maintenance of Roads and Streets**

Any and all public roads, streets, alleyways shall be maintained to the same degree and extent that other public roads, streets, and alleyways are maintained in areas of the City with like topography, land use and population density as those found within the newly annexed area.

6. **Maintenance of Parks, Playgrounds, and Swimming Pools**

The City of Burnet, Texas is not aware of the existence of any publicly owned parks, playgrounds or swimming pools now located in the proposed area of annexation. In the event any such parks, playgrounds, or swimming pools do exist and are public

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facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and population density as those found within the newly annexed area.

7. **Maintenance of any Publicly Owned Facility, Building or Municipal Service:** The City of Burnet, Texas is not aware of the existence of any publicly owned facility, building, or other municipal service now located in the proposed area of annexation. In the event any publicly owned facility, building, or other municipal service does exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and populations density as those found within the newly annexed area.

8. **Other Services**
The City of Burnet, Texas, finds and determines that such services as planning, code enforcement, animal control, library, parks and recreation, court and general administration will be made available after the effective date of annexation at the same or similar level of service now being provided to other areas of the City with similar topography, land use and density as those found within the newly annexed area.

CONSTRUCTION OF ANY CAPITAL IMPROVEMENTS TO BE COMPLETED WITHIN 2-1/2 YEARS

1. **Police and Fire Protection and Solid Waste Collection**
The City of Burnet, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2-1/2 years of the effective date of the annexation of the particular annexed area for the purpose of providing police protection, fire protection, emergency medical services or solid waste collection. The City finds and determines that it has at the present time adequate facilities and

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other resources to provide the same type, kind and level of service and protection which is presently being administered to other areas already incorporated in the City of Burnet, Texas with like topography, land use and population density as those found within the newly annexed area.

2. Water and Wastewater Facilities

For the next 2-1/2 years, the City of Burnet, Texas finds and determines that there is sufficient capacity for water and wastewater to provide services to the annexed area pursuant to the City of Burnet's extension policies.

3. Roads and Streets

The City of Burnet, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2-1/2 years of the effective date of the annexation of the particular annexed area.

4. Maintenance of Parks, Playgrounds, and Swimming Pools and Any Other Publicly Owned Facility, Building, or Service

The City of Burnet, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2-1/2 years of the effective date of the annexation of the particular annexed area for the purpose of parks, maintenance, playgrounds, swimming pools and other publicly owned facility, building or service.

SPECIFIC FINDINGS

The City of Burnet, Texas, finds and determines that this proposed service plan will not provide any fewer services and will not provide a lower level of service in the area being considered for annexation that were in existence in the proposed area at the time immediately preceding the annexation process. Given the proposed annexation area's topography, land utilization and population density, the service levels to be provided in the newly annexed area will be equivalent to those provided to other areas of the City with similar characteristics.

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TERMS

This plan shall be valid for a term of ten (10) years. Renewal of the Service Plan is at the discretion of the City of Burnet, Texas.

LEVEL OF SERVICE

Nothing in this plan shall require the City to provide a uniform level of full municipal services to each area of the City, including the annexed area, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

AMENDMENTS

The plan shall not be amended unless public hearings are held in accordance with Chapter 43 of the Texas Local Government Code.

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