



ADDENDUM

Regular City Council Meeting

Tuesday, May 8, 2018 @ 7:30 PM

Anna City Hall, Council Chambers
111 N. Powell Parkway, Anna, Texas 75409

The City Council of the City of Anna will meet in Regular Session at 7:30 p.m., on May 8, 2018, at the Anna City Hall, located at 111 North Powell Parkway (Hwy 5), to consider the following items.

6a.

A.) Hold the second Public Hearing on a voluntary annexation of a 10.144 acre tract of land located in the Grandison Stark Survey, Abstract No. 798

B.) Consider/Discuss/Action regarding Annexation. (Maurice Schwanke)

This is to certify that I, Carrie L. Smith, City Secretary, posted this agenda at a place readily accessible to the public at the Anna City Hall and on the City Hall bulletin board at or before 5:00 p.m. May 5, 2018.

Carrie L. Smith, City Secretary

1. The Council may vote and/or act upon each of the items listed in this agenda.
2. The Council reserves the right to retire into executive session concerning any of the items listed on this agenda, whenever it is considered necessary and legally justified under the Open Meeting Act.
3. Persons with a disability who want to attend this meeting who may need assistance should contact the City Secretary at 972 924-3325 two working days prior to the meeting so that appropriate arrangements can be made.



City Council Agenda Staff Report

Date: May 8, 2018
Staff Contact: Maurice Schwanke
Exhibits: Yes.

AGENDA SUBJECT:

- A.) Hold the second Public Hearing on a voluntary annexation of a 10.144 acre tract of land located in the Grandison Stark Survey, Abstract No. 798
- B.) Consider/Discuss/Action regarding Annexation. (Maurice Schwanke)

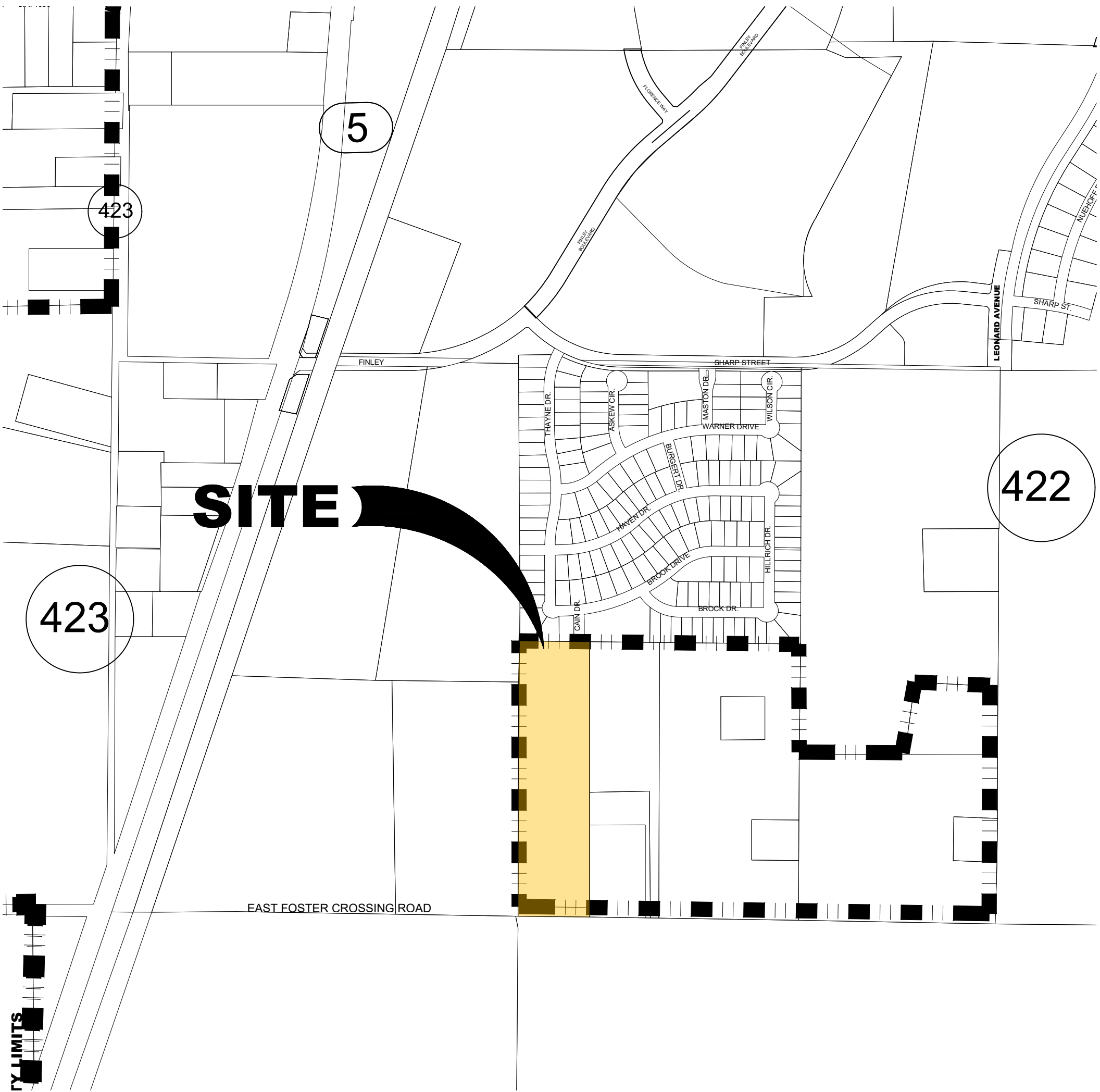
SUMMARY:

This proposed annexation involves approximately 10.144 acres of land within the Grandison Stark, Abstract No. 798. The area fronts on E. Foster Crossing Road and is east of State Highway Number 5 and is owned by the Skorburg Company. The Skorburg Company has petitioned the City requesting the annexation (voluntary).

Prior to the adoption of the annexation ordinance the City will need to enter into an agreement on services to the area.

STAFF RECOMMENDATION:

Staff recommends approval of voluntary annexation and service agreement.



SITE

5

423

423

422

EAST FOSTER CROSSING ROAD

FY LIMITS

CITY OF ANNA, TEXAS

ORDINANCE NO. _____

AN ORDINANCE ANNEXING INTO THE CITY OF ANNA, TEXAS THE HEREINAFTER DESCRIBED TERRITORY ADJACENT TO AND ADJOINING THE CITY OF ANNA, TEXAS, TO WIT: BEING A CERTAIN AREA OF LAND SITUATED IN THE GRANDISON STARK LAND SURVEY, ABSTRACT NUMBER 798, COUNTY OF COLLIN, STATE OF TEXAS; AMENDING THE OFFICIAL CITY MAP; PROVIDING FOR A SERVICE PLAN AND AGREEMENT; REQUIRING THE FILING OF THIS ORDINANCE WITH THE COLLIN COUNTY CLERK; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, certain property owners have petitioned the City of Anna to have their property annexed to the City of Anna; and

WHEREAS, the City of Anna, Texas (“City”) is a home-rule municipality located in Collin County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas and the City’s Home-Rule Charter; and⁹⁸

WHEREAS, the City desires to annex into its corporate limits the hereinafter described territory adjacent to and adjoining the City (hereinafter, referenced as the “Territory”), to wit: being a certain area of land situated in the Thomas Rattan Survey, Abstract Number 782 and the John Coffman Survey, Abstract 197, County of Collin, State of Texas and more particularly described in the attached Exhibit A, which is incorporated herein for all purposes; and

WHEREAS, all statutory notice requirements relating to the annexation of the Territory pursuant to Chapter 43 of the Texas Local Government Code have been satisfied; and

WHEREAS, two public hearings were conducted in accordance with Section 43.052 of the Texas Local Government Code to consider the annexation of the Territory; and

WHEREAS, said public hearings were conducted and held no more than forty (40) days nor less than twenty (20) days prior to the institution of annexation proceedings; and

WHEREAS, the City Council of the City of Anna, Texas (“City Council”) has determined that it would be advantageous and beneficial to the City, its citizens, and the inhabitants of the Territory, to annex the Territory to the City; and

WHEREAS, the City Council has determined that the Territory is adjacent to and adjoins the City; and

WHEREAS, the City Council has investigated, determined and officially finds that no part of the Territory is within the extraterritorial jurisdiction of any other incorporated city or town; and

WHEREAS, to the extent that this ordinance would cause an unincorporated area to be entirely surrounded by the City's corporate limits, the City Council has found—and incorporates herein its finding—that surrounding the area is in the public interest; and

WHEREAS, a service plan and agreement providing for the extension of municipal services into the Territory, which was prepared prior to and made available at the aforementioned public hearings, is attached hereto as Exhibit B and incorporated herein for all purposes; and

WHEREAS, all procedures and proceedings related to this ordinance and to the annexation of the Territory have been undertaken and acted upon in accordance with the Texas Open Meetings Act, as applicable; and

WHEREAS, after hearing the arguments for and any arguments against the annexation of the Territory, the City Council finds that the Territory should be annexed;

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

Section 1. Incorporation of Recitals. The above-stated recitals are incorporated into this ordinance as if set forth in full here for all purposes.

Section 2. Territory Annexed.

(a) The Territory, described in Exhibit A attached hereto, which is hereby made an integral part of this ordinance, lying adjacent to and adjoining the present corporate boundaries of the City, is hereby added and annexed into the City, and the Territory shall hereafter be included within the corporate boundary limits of the City, and the present boundary limits of the City are altered and amended so as to include the Territory within the corporate limits of the City.

(b) From and after the passage of this ordinance, the Territory shall be a part of the City, and, subject to the municipal service plan referenced in Section 4 of this ordinance, the inhabitants thereof shall be entitled to all of the rights, privileges and immunities as all other similarly situated citizens of the City, and shall be bound by all of the ordinances and regulations enacted pursuant to and in conformity with the general laws of the State of Texas.

Section 3. Official City Map Amended.

(a) The official map and boundaries of the City's corporate limits are hereby amended so as to include the Territory.

(b) The City Manager is hereby directed and authorized to perform or cause to be performed all acts necessary to update the official map of the City to add the Territory hereby annexed as required by law, but any delay in or failure to update such map shall in no way impact or affect the validity of this ordinance or this annexation.

Section 4. Municipal Service Plan. The municipal service plan for the Territory, attached hereto as Exhibit B, was submitted in accordance with Chapter 43 of the Texas Local Government Code and is hereby approved as part of this ordinance.

Section 5. Filing of Ordinance. The City Secretary is hereby directed to file or cause to be filed a certified copy of this ordinance in the office of the County Clerk of Collin County, Texas, and any other necessary agencies, including the United States Department of Justice.

Section 6. Cumulative Repealer. This ordinance shall be cumulative of all other ordinances and shall not repeal any of the provisions of such ordinances except for those instances where there are direct conflicts with the provisions of this ordinance. Ordinances, or parts thereof, in force at the time this ordinance shall take effect and that are inconsistent with this ordinance are hereby repealed to the extent that they are inconsistent with this ordinance.

Section 7. Severability. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the City Council hereby declares it would have passed such remaining portions of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 8. Engrossment and Enrollment. The City Secretary of the City of Anna is hereby directed to engross and enroll this ordinance by copying the Caption in the minutes of the City Council of the City of Anna and by filing this ordinance in the ordinance records of the City.

Section 9. Effective Date. This ordinance shall be in full force and effect from and after its date of passage.

PASSED by the City Council of the City of Anna, Texas, this 8th day of May, 2018, by the following vote of the members of the City Council as present:

ATTEST:

APPROVED:

City Secretary, Carrie L. Smith

Mayor, Nate Pike

EXHIBIT A

SITUATED in the State of Texas and County of Collin, being part of the Grandison Stark Survey, Abstract No. 798, and being the re-survey of a called 10.150 acre tract of land as recorded under Document No. 20141203001315490 of the Collin County Land Records with said premises being more particularly described as follows:

BEGINNING at a ½-inch iron rod found marking the northeast corner of said 10.150 acre tract, the northeast corner of said premises, the northwest corner of a called 7.00 acre tract as recorded under County Clerk File No. 93-0007842 of the Collin County Land Records, and being in the south line of a called 40.5756 acre tract as recorded in Volume 5618, Page 2878 of the Collin County Land Records;

THENCE with the east line of said 10.150 acre tract, the east line of said premises, partway with the west line of said 7.00 acre tract, and partway with the west line of a called 2.95 acre tract as recorded under County Clerk File No. 93-0008676 of the Collin County Land Records, South 00°57'14" West, 1,313.81 feet to a PK nail set in the approximate center of E Foster Crossing Road (County Road 421) marking the southeast corner of said 10.150 acre tract, the southeast corner of said premises, the southwest corner of said 2.95 acre tract, and being in a north line of a called 360.545 acre tract as recorded under Document No. 20121228001650330 of the Collin County Land Records;

THENCE with the approximate center of E Foster Crossing Road, the south line of said 10.150 acre tract, the south line of said premises, and the north line of said 360.545 acre tract, North 88°07'45" West, 336.38 feet to a PK nail set marking the southwest corner of said 10.150 acre tract, the southwest corner of said premises, and the southeast corner of a called 39.9944 acre tract as recorded in Volume 5387, Page 468 of the Collin County Land Records;

THENCE with the west line of said 10.150 acre tract, the west line of said premises, and the east line of said 39.9944 acre tract, North 00°56'18" East, 1,115.18 feet to a Glas capped iron rod set marking the most westerly northwest corner of said premises, the northeast corner of said 39.9944 acre tract, and being in the south line of a called 19.211 acre tract as recorded under Document No. 20060419000521020 of the Collin County Land Records;

THENCE with a north line of said premises and the south line of said 19.211 acre tract as follows, South 88°22'16" East, 0.99 feet to a 100D nail found marking an interior ell-corner of said premises and the southeast corner of said 19.211 acre tract;

THENCE with a west line of said premises and the east line of said 19.211 acre tract, North 00°52'44" East, 198.21 feet to a Glas capped iron rod set marking the northwest corner of said premises, the southwest corner of the aforementioned 40.5756 acre tract, and being in the north line of said 10.150 acre tract;

THENCE with the north line of said 10.150 acre tract, the north line of said premises, and the south line of said 40.5756 acre tract, South 88°12'02" East, 335.95 feet to the point of beginning and containing 10.144 acres of land.

EXHIBIT B

ANNEXATION SERVICE PLAN AND ANNEXATION AGREEMENT

POLICE PROTECTION

On the effective date of annexation, the City of Anna, 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 of Anna, Texas with similar topography, land use, and population density within the newly annexed area.

FIRE PROTECTION

On the effective date of annexation, the City of Anna, Texas and its Fire Department 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 of Anna, Texas with similar topography, land use, and population density within the newly annexed area.

EMERGENCY MEDICAL SERVICES

On the effective date of annexation, the City of Anna, Texas, through its contract with Collin County or another service provider, 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 of Anna, Texas with similar topography, land use, and population density within the newly annexed area.

SOLID WASTE COLLECTION

On the effective date of annexation, the City of Anna, Texas, through its contract with Bradshaw and Son or another service provider, will provide solid waste collection to residents and businesses in the newly annexed area (to the extent that the service provider has access to the area to be serviced) at the same or similar level of service now being provided to other areas of the City of Anna, Texas with similar topography, land use, and population density within the newly annexed area. Such service will be provided in accordance with existing City policies and Ordinances, and only upon payment of any required deposits and the agreement to pay lawful service fees and charges for solid waste collection.

Residents and businesses of the newly annexed area that have existing contracts with solid waste service providers have two years from the date of annexation or until the

termination date of the existing contract, whichever is sooner, to begin solid waste collection service through the City. Solid waste collection is mandatory for City of Anna residents and businesses operating within the city limits.

WATER AND WASTEWATER FACILITIES

On the effective date of annexation, any and all water or waste water facilities owned by the City of Anna, Texas at the time of annexation shall be maintained and operated by the City of Anna, Texas. Of such facilities, the City will maintain the main water transmission and wastewater collection lines. All water and wastewater service lines (up to and including the service line connection with the City's main line, shall be maintained by the property owner served by the service connection.

Residents and owners of property in newly annexed areas that are located within the City's water or wastewater CCN will be offered water and wastewater service in accordance with City policies and ordinances in existence at the time of annexation or as may be amended from time-to-time by the City Council. Generally, these ordinances state that the land owner or customer must bear the cost of construction of water and wastewater system facilities to a point where suitable connection to the existing system can be made and service to the customer can be provided. All water and wastewater facilities designed to connect to the City's existing system must be approved by the City and meet all City zoning, subdivision, and other development ordinances and requirements.

ROADS AND STREETS

On the effective date of annexation, any and all existing public roads or streets in the newly annexed area which have been dedicated to Collin County, Texas or to the City of Anna, Texas, or which are owned by the City of Anna, Texas shall be maintained to the same degree and extent that other roads and streets are maintained in areas of the City with similar topography land use and population density. Specific maintenance activities are determined by available funding and the need for maintenance as determined by the City. The City is not obligated to maintain any portion of a private road or street. Any and all lighting of roads and streets which may be positioned in a public right of way, roadway or utility company easement shall be maintained by the applicable utility company servicing that area of the City of Anna, Texas pursuant to the rules regulations and fees of such utility.

An owner of land within the newly annexed area that desires to develop said property will be required pursuant to the ordinances of the City of Anna, Texas to provide internal and peripheral streets and to construct those streets in accordance with the specifications required by the City of Anna, Texas.

PARKS PLAYGROUNDS AND SWIMMING POOLS OR ANY OTHER PUBLICLY OWNED FACILITY BUILDING OR SERVICE

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

To the extent that it becomes necessary because of development demands population growth or a bona fide need, the City Council of the City of Anna, Texas will undertake to provide any such facility which it deems necessary to adequately provide for the health and safety of the citizens of the newly incorporated area based upon the standard considerations of topography, land use and population density.

OTHER MUNICIPAL SERVICES

Following annexation by the City of Anna, Texas, the City will provide code enforcement, planning, and animal control services to the newly annexed area, to the extent such services are funded in the annual budget and provided by the City within its full-purpose boundaries. Such services will be provided to the newly annexed area at the same or similar level of service now being provided to other areas of the City of Anna, Texas with similar topography, land use, and population density within the newly annexed area.

CONSTRUCTION OF CAPITAL IMPROVEMENTS

The City Council of the City of Anna, Texas finds and determines it to be unnecessary to acquire or construct specific capital improvements for the purposes of providing full municipal services to the newly annexed area. The City Council finds and determines that it has at the present time adequate facilities to provide the same type, kind and level of service which exists in and is presently being administered to other areas already incorporated in the City of Anna, Texas with the same or similar topography, land use and population density.

SPECIFIC FINDINGS

The City Council of the City of Anna, Texas 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. Furthermore the City Council of the City of Anna, Texas finds and determines that the rural nature of the area

is characteristically different from other more highly developed areas within the corporate limits of the City of Anna, Texas. Consequently because of the differing characteristics of topography, land use, 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 of Anna, Texas. These differences are specifically dictated because of differing characteristics of the property. The City of Anna, Texas will undertake to perform consistent with this contract so as to provide this newly annexed area with the same type, kind and quality of service presently enjoyed by the citizens of the City of Anna, Texas who reside in areas of similar topography, land use and population density.

TERM

This Service Plan/agreement shall be valid for a term of ten (10) years. Renewal of the Service Plan/agreement shall be at the discretion of the City Council.

AMENDMENTS

This Service Plan may be amended if the City Council determines at a public hearing that changed conditions or subsequent occurrences make this Service Plan unworkable or obsolete. The City Council may amend the Service Plan to conform to the changed conditions or subsequent occurrences pursuant to Texas Local Government Code, Section 43.056.

Owner:

By: _____
Name: _____
Title: _____

IN WITNESS WHEREOF:
STATE OF TEXAS §
 §
COUNTY OF COLLIN §

This instrument was acknowledged before me on the ____ day of _____, 2018, by _____ as owner of Anna Town Center No. 8/CTS, LTD.

Notary Public, State of Texas

[SEAL]

City:

By: _____
Name: _____
Title: _____

IN WITNESS WHEREOF:
STATE OF TEXAS §
 §
COUNTY OF COLLIN §

This instrument was acknowledged before me on the ____ day of _____,
2018, by _____ as representative of the City of Anna.

Notary Public, State of Texas

[SEAL]