



Standardized Agenda Request Form

Date of Meeting: 12-15-2013		Agenda Item No. (to be assigned by CSO): II. A.	
From (name, title, department and who submitting on behalf of, if any): Jeff Underwood, Planning Director, Planning and Code Enforcement			
Subject: An ordinance of the city of Weslaco, Texas, annexing 4,516.77 acres of land, located in Hidalgo County, Texas, which is contiguous to the city limits and hereinafter described; as shown in the attached exhibit; making findings of fact; providing a severability clause; providing an effective date; and providing for open meetings and other related matters.			
Discussion: On September 3, the City Commission approved service plans for 23 tracts of land proposed for involuntary annexation and scheduled public hearings regarding the proposed annexation. As required by State statute, on October 15 & 16, the City held public hearings to solicit input from property owners that could be affected by the proposed annexation. The first reading of an annexation ordinance is the next to last step in the municipal annexation process. At this point it is possible to reduce tracts of land that have been proposed for annexation; however property cannot be added to the proposal.			
Fiscal Note:			
Amount: N/A	Term of Impact: <input type="checkbox"/> year(s)	Identified in Current Budget: Y/N	
Additional Action Prompted: <input type="checkbox"/> Mayor's Signature <input type="checkbox"/> Public Hearing <input type="checkbox"/> Budget Amendment <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance – First Reading <input type="checkbox"/> Ordinance – Final Reading			
If item previously considered, provide date and action by Commission:			
If item requires Publication Notice, provide date and periodical of publication; indicate if comments received from letters mailed to property owners:			
Advisory Review, if any (name of board/committee, date of action, recommendation): N/A			
Recommendation for Commission Action: Approve the First Reading of the Annexation Ordinance.			
Attachments, if any (list and provide in Word or PDF, formatted as 8 ½ X 11"): Legal Description of Tracts			
Responsibilities upon Approval:			

ORDINANCE NO. 2014-02

AN ORDINANCE OF THE CITY OF WESLACO, TEXAS, ANNEXING 4,516.77 ACRES OF LAND, LOCATED IN HIDALGO COUNTY, TEXAS, WHICH IS CONTIGUOUS TO THE CITY LIMITS AND HEREINAFTER DESCRIBED; AS SHOWN IN THE ATTACHED EXHIBIT; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the City of Weslaco, Texas (the "City"), is a home rule municipality authorized by State law and the City's Charter to annex territory lying adjacent and contiguous to the City;

WHEREAS, the City Council, in compliance with §43.021, *Tex. Local Gov't Code*, instituted proceedings for the annexation of certain property more particularly described herein (the "subject property");

WHEREAS, the subject property hereby annexed is adjacent and contiguous to the present City limits;

WHEREAS, the boundaries of the City are contiguous to the subject property on at least two sides;

WHEREAS, citizens were given the opportunity to provide public input at two separate public hearings which were conducted prior to consideration of this Ordinance in accordance with § 43.063, *Tex. Loc. Gov't. Code*;

WHEREAS, the hearings were conducted and held not more than forty (40) nor less than twenty (20) 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 (20) nor less than ten (10) days prior to the public hearings;

WHEREAS, the City intends to provide services to the subject property to be annexed according to the Service Plan attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS:

SECTION 1. That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. That the following described property (hereinafter referred to as the "Annexed Property") is hereby annexed into the corporate limits of the City of Weslaco:

Tract 1:

A tract of land containing 84.64ac situated in the County of Hidalgo, Texas, being a part or portion of farm tracts 168,169 and 170, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 2:

A tract of land containing 139.51ac situated in the County of Hidalgo, Texas, being a part or portion of farm tracts 155,156,159 and 160, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 3:

A tract of land containing 87.26ac situated in the County of Hidalgo, Texas, being a part or portion of farm tracts 154,161,166 and 167, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 4:

A tract of land containing 154.30ac situated in the County of Hidalgo, Texas, being a part or portion of farm tracts 128,141,172,208 and 209, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 5:

A tract of land containing 182.71ac situated in the County of Hidalgo, Texas, being a part or portion of farm tracts 186,183,174,173,184,172 and 185, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 6:

A tract of land containing 160.09ac situated in the County of Hidalgo, Texas, being a part or portion of farm tracts 197,198,199 and 200, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 7:

A tract of land containing 159.94ac situated in the County of Hidalgo, Texas, being a part or portion of farm tracts 230,231,232 and 233, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 8:

A tract of land containing 193.20ac situated in the County of Hidalgo, Texas, being a part or portion of farm tracts 234,235,236,237 and 191, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 9:

A tract of land containing 207.10ac situated in the County of Hidalgo, Texas, being a part or portion of farm tracts 182,187,191,192,193 and 194, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 10:

A tract of land containing 319.94ac situated in the County of Hidalgo, Texas, being a part of portion of farm tracts 175,176,177,178,246,247,248 and 249, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 11:

A tract of land containing 80.06ac situated in the County of Hidalgo, Texas, being a part of portion of farm tracts 250 and 251, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 12:

A tract of land containing 240.31ac situated in the County of Hidalgo, Texas, being a part of portion of farm tracts 111,112,113,114,252 and 253, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 14:

A tract of land containing 43.46ac situated in the County of Hidalgo, Texas, being all of farm tract 1094 of the West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records.

Tract 16:

A tract of land containing 410.84ac situated in the County of Hidalgo, Texas, being a part of portion of farm tracts 32,32-B,36 and Ranchitos de Progreso Phase 1 ,S.W. Fordyce Tract of the Llano Grande Grant, according to the plat thereof recorded in Hidalgo County Map Records

Tract 17:

A tract of land containing 35.88ac situated in the County of Hidalgo, Texas, being a portion of farm tracts 799,800 and 804 West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 18:

A tract of land containing 656.27ac situated in the County of Hidalgo, Texas, being a portion of farm tracts 63,64,75,76,77,78,89,90,91,92,104,105,106,108,109 and part of the Hidalgo and Cameron County Irrigation District NO. 9 (HCCID #9) West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 20:

A tract of land containing 280.22ac situated in the County of Hidalgo, Texas, being a part of portion of S.W. Fordyce Tract, Moore and Son Farm Tract and J.J.Y. De Balli Tract of the Llano Grande Grant, according to the plat thereof recorded in Hidalgo County Map Records

Tract 21:

Tejas Cuatro Subdivision, a subdivision containing 10.00 acres out of Farm Tract 115, Block 161, West Tract Subdivision, Llano Grande Grant, and Tejas Cuatro Phase 2 Unit A Subdivision, being a 13.78 acre subdivision out of Farm Tract 172, Block 161, West Tract Subdivision as recorded in Volume 2, Pg 34-37 of the Map Records in the office of the County Clerk of Hidalgo County, Texas.

Tract 22:

A tract of land containing 318.93ac situated in the County of Hidalgo, Texas, being all of farm tracts 280,285,288,293 and 294 and part of the Hidalgo and Cameron County Irrigation District N0. 9 (HCCID #9) West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, also all of farm tracts 84,85 and 86 out of the La Blanca Agricultural Co. Subdivision, according to the plat recorded at the Hidalgo County Map Records.

Tract 23:

A tract of land containing 752.11ac situated in the County of Hidalgo, Texas, being all of farm tracts 1057,1058,and 1059 and part of the Hidalgo and Cameron County Irrigation District N0. 9 (HCCID #9) West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, also all or part of Lots 2,7,9,10 out of Block 117,Lots 1,8,9,10,11,12 out of Block 100, Lots 4 out Block 83, part or all of Lots A thru H,N,O,P,Q,R out of the Capisallo Heights, part or all of Lots 13,14 out of Block 84, and 3024,3025 out of the Capisallo Subdivision, according to the plat recorded at the Hidalgo County Map Records.

SECTION 3. That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "A".

SECTION 4. That the future owners and inhabitants of the Annexed Property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "A", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

SECTION 5. That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the Annexed Property as part of the City of Weslaco.

SECTION 6. That the Annexed Property shall be zoned "R-1" Single Family Residential District, as provided in the City Zoning Ordinance, as amended, until permanent zoning is established therefore.

SECTION 7. That 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.

SECTION 8. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 9. That 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,

Chapt. 551, Tex. Gov't. Code.

PASSED AND APPROVED on First Reading this ____ day of _____, 2014.

PASSED AND APPROVED on Second and Final Reading this ____ day of _____, 2014.

CITY OF WESLACO, TEXAS

David Suarez, Mayor

ATTEST:

Elizabeth Walker, City Secretary

APPROVED AS TO FORM:

Ramon Vela, City Attorney

EXHIBIT "A"

WHEREAS, Section 43.056 of the Local Government Code of the State of Texas requires that a plan of service be prepared, prior to the publication of notice of a hearing, providing for the extension of municipal services into the area to be annexed; and

WHEREAS, the following Service Plan has been prepared for said territory and is hereby presented for public inspection and for consideration by the City Commission of the City of Weslaco, Hidalgo County, Texas.

PURSUANT TO THE PROVISIONS Section 43.056 of the Local Government Code of the State of Texas, THERE IS HEREBY prepared FOR THE AREA BOUNDED, AS DESCRIBED ABOVE, THE FOLLOWING PLAN OF SERVICE:

SECTION I: PROVISION OF SERVICES.

The City of Weslaco, Texas hereby proposes to provide for the provision of municipal services to the area to be annexed. The City shall provide the services in accordance with the provisions of its Code of Ordinances regulating the extension of said services. This service plan does not propose a uniform level of full municipal services to the territory to be annexed if characteristics of topography, land use and population density are considered by the City as a sufficient basis for providing different level of services. The following service plan shall constitute a program under which the City shall provide the following services in the area immediately after the effective date of the annexation.

1. Police Protection

Patrolling, radio responses to calls, and other routine police services using present personnel and equipment will be provided on the effective date of annexation.

2. Fire Protection

Fire protection by present personnel and equipment of the fire fighting force, within the limitations of available water, will be provided on the effective date of annexation.

3. Emergency Medical Services

Emergency medical services by present personnel and equipment will be provided on the effective date of annexation.

4 Solid Waste Collection

The same regular solid waste collection service now provided within the city will be extended to the annexed area. However, before the second anniversary of the effective date of the annexation the City will not prohibit the collection of solid waste in the area by a privately owned solid waste management service provider; nor will the City impose a fee for solid waste management services on a person who continues to use the services of a privately owned sold waste management service provider in that two year period.

5. Maintenance of Water and Wastewater Facilities

- a. Water Service**

Maintenance of existing city owned water lines in annexed areas will be in accordance with established policies of the city.
 - b. Wastewater Service.**

Maintenance of existing city owned wastewater lines will be in accordance with the established policies of the city.
- 6. Maintenance of Roads and Streets, including Road and Street Lighting**
 - a. Maintenance of Roads and Streets**
 - (1)** Emergency maintenance of streets (repair of hazardous chuckholes, measures necessary for traffic flow, etc.) will begin on the effective date of annexation.
 - (2)** Routine maintenance on the same basis as in the present city limits, will begin in the annexed area immediately after the effective date of the annexation.
 - (3)** Reconstruction and resurfacing of streets, installation of storm drainage ditches, and other major improvements, as the need thereof is determined by the governing body, will be accomplished under the present established policies of the city.
 - b. Street and Road Lighting**

Installed street lighting will be maintained in accordance with current standards.
- 7. Maintenance of Any other Publicly Owned Facility, Building or Service**
 - a. Inspection and code enforcement services**

Any inspection or code enforcement services now provided by the city (building, electrical, plumbing, health, animal control, etc.) will begin in the annexed area on the effective date of annexation.
 - b. Planning and Zoning**
 - (1)** The planning and zoning jurisdiction of the city will extend to the annexed area on the effective date of annexation.
 - (2)** The area annexed will be zoned as R-1 Single Family Residential District on the effective date of annexation.
 - c. Parks, playgrounds and swimming pools**

Any public park, playground or swimming pool will be maintained by the City in accordance with current city standards on the effective date of the annexation.

SECTION II: EXTENSION OF SERVICES.

The City of Weslaco, Texas hereby proposes to provide for the extension of municipal services to the area to be annexed, provided that the City of Weslaco owns the Certificate of Convenience and Necessity for the area as determined by the Texas Commission on Environmental Quality. The City shall provide the services in accordance with the provisions of its Code of Ordinances regulating the extension of

said services The City will provide full municipal services no later than 2 ½ years after the effective date of the annexation pursuant to Section 43.056 Local Government Code of the State of Texas..

1. EXTENSION OF WATER AND WASTEWATER FACILITIES

a. Water Service

- (1) Water for domestic, commercial and industrial use will be provided at city rates, from existing city lines within two and one-half (2 ½) years from the effective date of annexation.
- (2) Extension of water lines into annexed areas will be in accordance with city ordinances and will be accomplished within two and one-half (2 ½) years from the effective date of annexation
- (3) Extension of water lines to undeveloped land within the annexed area will be done according to existing ordinances covering extension of utilities and will be paid by the property owners.

b. Wastewater Service.

- (1) Adequate wastewater service to the area shall be supplied within two and one-half (2½) years from the effective date of annexation, according to existing ordinances covering extension of utilities.
- (2) Extension of wastewater lines into annexed areas will be in accordance with city ordinances and will be accomplished within two and one-half (2 ½) years from the effective date of annexation.
- (3) Extension of wastewater lines to undeveloped land within the annexed area will be done according to existing ordinances covering extension of utilities and will be paid by the property owners.

2. EXTENSION OF ROADS AND STREETS, INCLUDING ROAD AND STREET LIGHTING

a. Extension of Roads and Streets

- (1) The extension of roads to inhabited areas in the annexation and paving of existing streets will conform to current city ordinances and be completed within two and one-half (2 ½) years.
- (2) Traffic signals, traffic signs, street markings, and other traffic control devices will be installed as the need therefore is established by appropriate study and traffic standards.
- (3) Street name signs where needed, will be installed within two and one-half (2½) years, after the effective date of annexation.

b. Street and Road Lighting

Street lighting will be installed in accordance with current standards at the time of petition to the governing body for placement of a street light.

SECTION III: APPROVAL AND TERM OF SERVICE PLAN

1. Upon completion of the public hearings at which this service plan is presented for public inspection and consideration, this service plan shall be attached to the ordinance annexing the territory described above and approved as part of the ordinance.

2. This service plan shall become effective upon the final approval of the ordinance annexing the territory described above.
3. This service plan shall be valid for a period not to exceed ten years from the date of annexation.