

ORDINANCE NO. 1187-10-18

AN ORDINANCE OF THE CITY OF HONDO, TEXAS, ANNEXING APPROXIMATELY 52 ACRES OF LAND MADE UP OF PARCELS 4134, 2249 AND 4131 OWNED BY JIMMY MUMME AND ROBERT MUMME, LOCATED IN MEDINA COUNTY, TEXAS ALL OF WHICH ARE LYING WITHIN THE CITY'S EXTRATERRITORIAL JURISDICTION AND TO INCORPORATE SUCH PROPERTY INTO THE CITY OF HONDO, AS SHOWN IN THE ATTACHED EXHIBIT; ADOPTING A MUNICIPAL SERVICE PLAN FOR THE AREA TO BE ANNEXED; 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 Hondo, 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; and

WHEREAS, the City of Hondo annexed property in November 2017 in accordance with the City's Growth Management Annexation Plan and certain agricultural properties were exempted from annexation and granted Chapter 43 Development Agreements in accordance with Section 43.035 (now Section 43.016 of the Texas Local Government Code) and were immune from annexation as long as the properties were appraised for *ad valorem* tax purposes as land for agricultural use under Chapter 23 of the Texas Tax Code; and

WHEREAS, the Chapter 43 Development Agreements stated that if the properties no longer had an exemption from *ad valorem* taxes for agricultural purposes, then the Agreement is terminated if Owner has exhausted efforts to contest such removal of the exemption, then the City may proceed in the annexation of the properties identified in the Chapter 43 Agreements; and

WHEREAS, two parcels have lost their agricultural exemption for *ad valorem* purposes and are now subject to annexation and these two parcels are owned by Jimmy Allen Mumme and composed of approximately 5.733 acres and a property owned by Robert C. Mumme composed of approximately 46.11 acres; and

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 properties"); and

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

WHEREAS, two separate public hearings were conducted prior to consideration of this Ordinance in accordance with § 43.063, *Tex. Loc. Gov't. Code*; and

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; and

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; and

WHEREAS, the City heard arguments with respect to such annexation and has decided to annex the area and intends to provide services to the subject properties to be annexed according to the Service Plan attached hereto as Exhibit "A"; and

WHEREAS, all property annexed into the City by this ordinance will be zoned in accordance with its current use and if current zoning designation does not accurately reflect its current use, the zoning designation closest to the use will be granted any use inconsistent with this zoning will have nonconforming use rights and allowed to continue the current use until the property owner moves to re-zone the property in accordance with city code and ordinances;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HONDO, 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 Hondo:

All that certain tracts or parcels of land being approximately 52 acres of land, more or less, located in Medina County, Texas, and being more particularly described in Exhibit "B" attached hereto and incorporated herein for all purposes (the "Property"), as shown in the map portion of Exhibit "C".

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 Hondo.

SECTION 6. That the Annexed Property shall be zoned in accordance with its current use and if current zoning designation does not accurately reflect its current use, the zoning designation closest to the use will be granted any use inconsistent with this zoning will have nonconforming use rights and allowed to continue the current use until the property owner moves to re-zone the property in accordance with city code and ordinances.

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, approved and adopted this 8th day of October, 2018.

ATTEST:



A handwritten signature in black ink, appearing to read "James W. Danner, Sr." The signature is fluid and cursive.

JAMES W. DANNER, SR., MAYOR

A handwritten signature in blue ink, appearing to read "Miguel Cantu".

Miguel Cantu, City Secretary

EXHIBIT "A"
MUNICIPAL SERVICES PLAN

WHEREAS, the City of Hondo, Texas (the "City") instituted and completed annexation proceedings for tracts of land described more fully hereinafter (referred to herein as the "subject properties");

WHEREAS, *Section 43.056, Loc. Gov't. Code*, requires a service plan be adopted with the annexation ordinance;

WHEREAS, two parcels have lost their agricultural exemption for ad valorem purposes and are now subject to annexation and these two parcels are owned by Jimmy Allen Mumme and composed of approximately 5.733 acres and a property owned by Robert C. Mumme composed of approximately 46.11 acres;

WHEREAS, the subject property will be provided municipal services on the same terms and conditions as other similarly situated properties currently within the City limits and capital improvements necessary to offer such municipal services on the same terms and conditions as other similarly situated properties within the City and in accordance with City policies, regulations, and ordinances; and

WHEREAS, it is found that all statutory requirements have been satisfied and the City is authorized by *Chapt. 43, Loc. Gov't. Code*, to annex the subject properties into the City.

NOW, THEREFORE, the City agrees to provide the following services for the subject properties on the effective date of annexation:

(1) **General Municipal Services.** The City of Hondo, 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 areas being considered for annexation that were in existence in the proposed areas at the time immediately preceding the annexation process. Given the topography, land use, and population density, the service levels to be provided in the newly annexed areas will be equivalent to those provided to other areas of the City with similar characteristics.

The subject properties are located within the City's extraterritorial jurisdiction and are more particularly described in the Ordinance to which this service plan is attached. Pursuant to this Plan, the following services shall be provided immediately from the effective date of the annexation:

A. Police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City.

B. Fire protection and Emergency Medical Services as follows:

Fire protection by the Emergency Service District's (ESD) present personnel and equipment with the limitations of water available. Radio response for Emergency Medical Services with the present personnel and equipment of the ESD.

C. Solid waste collection services as follows:

Solid waste collection and services as now being offered to the citizens of the City.

D. Animal control as follows:

Service by present personnel, equipment and facilities or by contract with a third party, as provided within the City.

E. Maintenance of parks and playgrounds within the City.

F. Inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities.

G. Maintenance of other City facilities, buildings and service.

H. Land use regulation as follows:

On the effective date of annexation, the regulatory jurisdiction of the City shall be extended to include the annexed area, and all property therein shall be subject to the City's police power regulations as set forth in duly adopted ordinances; provided that the use of all property therein shall be grandfathered to the extent provided by state law. The subject properties shall be temporarily zoned "A" with the intent to rezone the properties upon request of the landowner or staff. The Planning & Zoning Commission and the City Council will consider rezoning the subject properties at future times in response to requests submitted by the landowners or authorized city staff.

(2) **Scheduled Municipal Services.** Depending on the plans for development or redevelopment of the subject properties, the following municipal services will be provided on a schedule and at increasing levels of service as requested in compliance with applicable City ordinances, rules and regulations for providing such services:

A. Water service and maintenance of water facilities as follows:

(i) Inspection of water distribution lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subject properties, or applicable portions thereof, by the utility holding a water certificate of convenience and necessity ("CCN") for the subject properties, or portions thereof as applicable, or absent a water CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of water service. If connected to the City's water utility system, the subject properties' owner shall construct the internal water lines and pay the costs of line extension and construction of such facilities necessary to provide water service to the subject properties as required in City ordinances. Upon acceptance of the water lines within the subject properties and any off-site improvements, water service will be provided by

the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City; subject to all the ordinances, regulations and policies of the City in effect from time to time. The system will be accepted and maintained by the City in accordance with its usual acceptance and maintenance policies. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a water well that is in use on the effective date of the annexation and is in compliance with applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's water utility system.

B. Wastewater service and maintenance of wastewater service as follows:

(i) Inspection of sewer lines as provided by statutes of the State of Texas.

(ii) In accordance with the applicable rules and regulations for the provision of wastewater service, wastewater service will be provided to the subject properties, or applicable portions thereof, by the utility holding a wastewater CCN for the subject properties, or portions thereof as applicable, or absent a wastewater CCN, by the utility in whose jurisdiction the subject properties, or portions thereof as applicable, are located, in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the extension of wastewater service. If connected to the City's wastewater utility system, the subject properties' owner shall construct the internal wastewater lines and pay the costs of line extension and construction of facilities necessary to provide wastewater service to the subject properties as required in City ordinances. Upon acceptance of the wastewater lines within the subject properties and any off-site improvements, wastewater service will be provided by the City utility department on the same terms, conditions and requirements as are applied to all similarly situated areas and customers of the City, subject to all the ordinances, regulations and policies of the City in effect from time to time. The wastewater system will be accepted and maintained by the City in accordance with its usual policies. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service. The continued use of a septic system that is in use on the effective date of the annexation and is in compliance with all applicable rules and regulations shall be permitted and such use may continue until the subject property owner requests and is able to connect to the City's wastewater utility system.

C. Maintenance, as appropriate, of existing public streets and rights-of-way that are within the maintenance jurisdiction of the City and other streets that are hereafter constructed and finally accepted by the City within the maintenance jurisdiction of the City as follows:

(i) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc;

(ii) Routine maintenance as presently performed by the City;

(iii) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies;

(iv) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards; and

(v) Installation and maintenance of street lighting in accordance with established policies of the City.

(3) **Term.** If not previously expired, this service plan expires at the end of ten (10) years.

(4) **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 annexed areas, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

EXHIBIT "B"
Property Description

<u>Parcel ID</u>	<u>Acres</u>	<u>Owner</u>	<u>Legal Description/Address</u>
4134	5.733	Jimmy Allen Mumme	A0362 F ENDERLE SURVEY 194, ACRES 5.733
2249, 4131	46.11	Robert C. Mumme	A0362 F ENDERLE SURVEY, 194, ACRES 46.11

EXHIBIT "C"
Location Map

