



ORDINANCE NO. 10-24-05A

AN ORDINANCE ANNEXING ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF HUTTO, TEXAS, TO-WIT: (323.735 ACRES) DESCRIBED AS BEING OUT OF THE WILLIAM GATLIN HEIRS SURVEY, ABSTRACT NO. 271, AND THE JAMES HICKMAN SURVEY, ABSTRACT NO. 291, SITUATED IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A 372.72 ACRE TRACT OF LAND CONVEYED TO HUTTO 372, LTD, AND BEING OF RECORD IN DOCUMENT NO. 2003097296, 2003097297 AND, 2003097298 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, SAVE AND EXCEPT, THAT CERTAIN 4.855 ACRE TRACT CONVEYED TO WILLIAM EVANS BY DEED RECORDED IN DOCUMENT NO. 2003097300 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, AND THAT CERTAIN 44.13 ACRE TRACT CONVEYED BY SPECIAL WARRANTY DEED TO FB, LTD, A TEXAS LIMITED PARTNERSHIP, IN DOCUMENT NO. 2004051353 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, FURTHER DESCRIBED BY METES AND BOUNDS. SAID 323.735 ACRES BEING FOR ANNEXATION, TOGETHER WITH ALL ADJACENT ROADWAYS; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREA SHALL BECOME A PART OF THE CITY AND THAT THE OWNERS AND INHABITANTS THEREOF SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREINAFTER ADOPTED; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

WHEREAS, the City is a duly constituted Home Rule City pursuant to Chapter 9, Texas Local Government Code, as amended; and

WHEREAS, pursuant to Section 43.028 of the Texas Local Government Code, the owners of the real property described hereafter have petitioned the City Council in writing to annex said property: a tract of land containing (323.735 acres) described as being out of the

William Gatlin Heirs Survey, Abstract No. 271, and the James Hickman Survey, Abstract No. 291, situated in Williamson County, Texas, being a portion of a 372.72 acre tract of land conveyed to Hutto 372, Ltd, and being of record in Document No. 2003097296, 2003097297 and, 2003097298 of the official public records of Williamson County, Texas, save and except, that certain 4.855 acre tract conveyed to William Evans by deed recorded in Document No. 2003097300 of the official public records of Williamson County, Texas, and that certain 44.13 acre tract conveyed by special warranty deed to FB, Ltd, a Texas Limited Partnership, in Document No. 2004051353 of the official public records of Williamson County, Texas, further described by metes and bounds (“The Property”), and said tract for annexation being more fully described in Exhibit “A” attached hereto and made a part hereof for all purposes; and

WHEREAS, such property is (a) one-half mile or less in width; (b) contiguous to the City; and (c) vacant and without residents or on which fewer than three (3) qualified voters reside; and

WHEREAS, the petition was filed more than five (5) days and less than thirty (30) days before the City Council heard the petition and the arguments for and against the annexation; and

WHEREAS, the City Council has determined that all requirements of Section 43.028, Local Government Code, have been complied with and hereby consider it appropriate to grant the petition and the arguments for and against the annexation; Now Therefore

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUTTO,
TEXAS:**

I.

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

II.

That the City Council has heard the arguments for and against the annexation and has determined to grant the petition for annexation.

III.

That the property described in the attached Exhibit "A", together with all adjacent roadways, be and is hereby annexed and brought within the corporate limits of the City of Hutto, Williamson County, Texas, and same is hereby made an integral part hereof.

IV.

That the owners and present and future inhabitants of the area herein annexed be entitled to all of the rights and privileges of other citizens and property owners of said City and are hereby bound by all acts, ordinances and all other legal action now in full force and effect and all those which may be hereafter adopted.

V.

That the official maps and boundaries of the City, heretofore adopted and amended, be and are hereby amended so as to include the aforementioned territory as part of the City of Hutto, Texas.

VI.

That the Service Plan providing for extension of municipal services to the areas proposed to be annexed, attached hereto and incorporated herein as Exhibit "B", is hereby approved.

VII.

That the annexation petition was filed conditional upon the property described in Exhibit "A". If said property is not zoned as a Planned Unit Development (PUD), then the City of Hutto agrees to de-annex this property from the City.

VIII.

That the appropriate city official of the City of Hutto is hereby directed and authorized to perform or cause to be performed all acts necessary to correct the official map of the City to add the territory hereby annexed, as required by law.

IX.

That this Ordinance shall be come effective after its passage.

X.

That the City Secretary is hereby directed and authorized to file a certified copy of this Ordinance in the Office of the County Clerk of Williamson County, Texas.

XI.

If any section, subsection, sentence, phrase, or word of this Ordinance be found to be illegal, invalid or unconstitutional or if any portion of said property is incapable of being annexed by the City, for any reason whatsoever, the adjudication shall not affect any other section, sentence, phrase, word, paragraph or provision of this Ordinance or the application of any other section, sentence, phrase, word, paragraph or provision of any other ordinance of the City. The City Council declares that it would have adopted the valid portions and applications of this Ordinance and would have annexed the valid property without the invalid part, and to this end the provisions of this Ordinance are declared to be severable.

XII.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

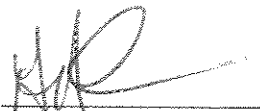
B. The invalidity of any section or provision of this Ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour,

place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter thereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

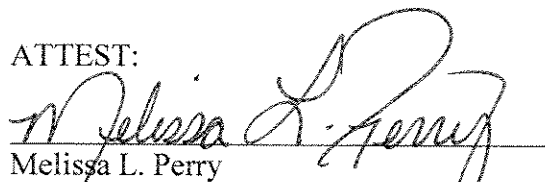
READ and APPROVED on first reading on this the 17th day of the month of October, 2005, at a regular meeting of the City Council of the City of Hutto, Texas.

READ, APPROVED and ADOPTED on second and final reading on this the 24th day of the month of October, 2005, at a special called meeting of the City Council of the City of Hutto, Texas.



Mike Ackerman
Mayor of the City of Hutto, Texas

ATTEST:



Melissa L. Perry
City Secretary of the City of Hutto, Texas

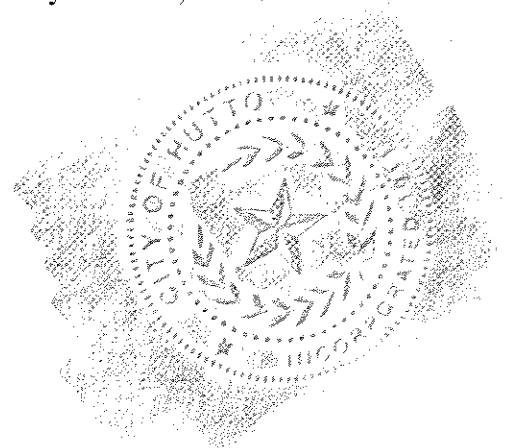


EXHIBIT "A"

McANGUS
SURVEYING
COMPANY, INC.

BOUNDARY
SUBDIVISION
CONSTRUCTION
TOPOGRAPHIC

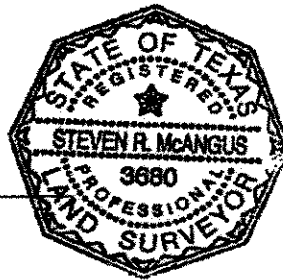
EXHIBIT "A"

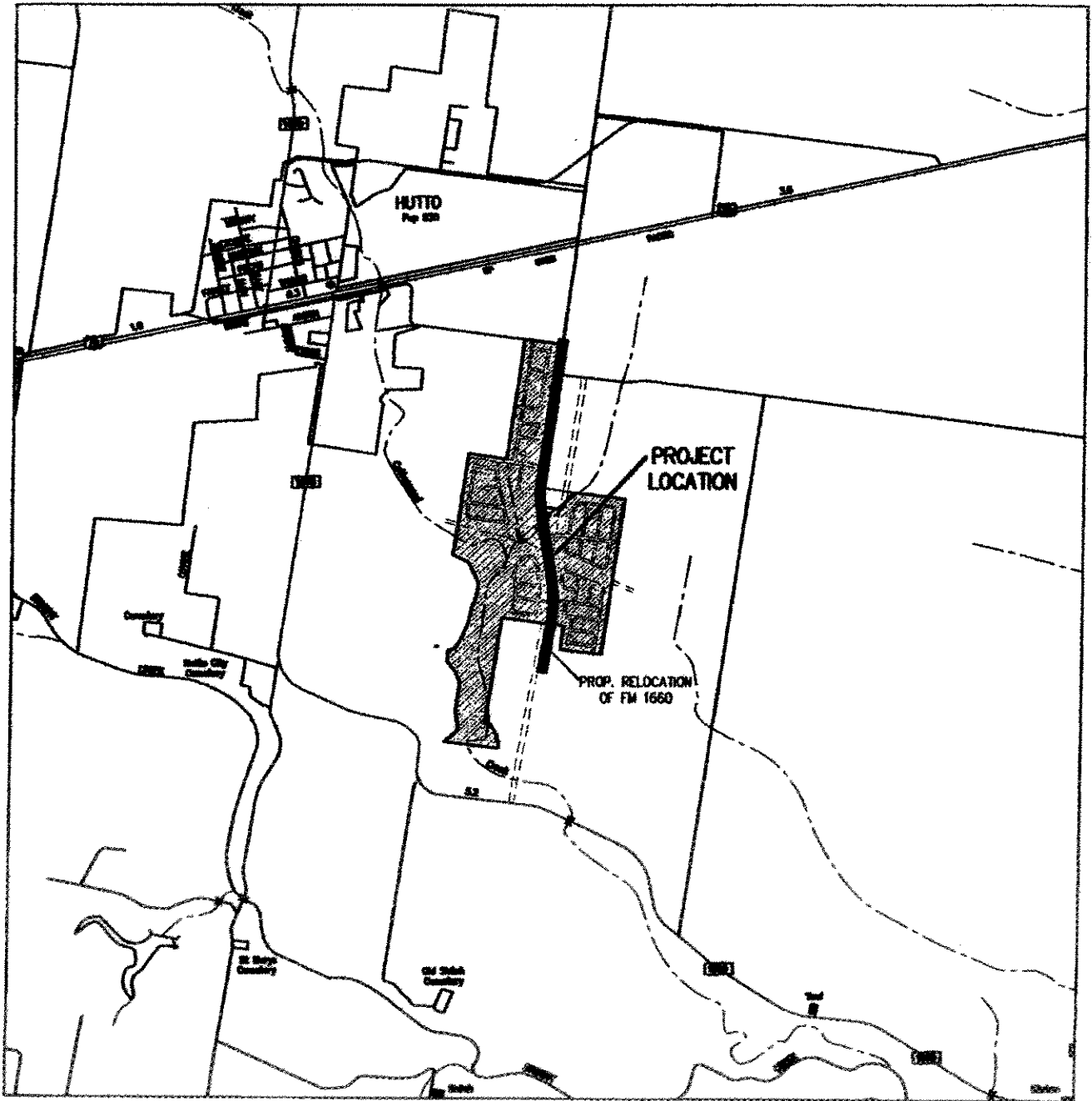
November 9, 2004
Job No. 03-130
Annexation Description

LEGAL DESCRIPTION

BEING 323.735 ACRES OF LAND SITUATED IN THE WILLIAM GATLIN HEIRS SURVEY, ABSTRACT NO. 271 AND THE JAMES HICKMAN SURVEY, ABSTRACT NO. 291, IN WILLIAMSON COUNTY, TEXAS, AND MORE PARTICULARLY BEING THAT CERTAIN 372.72 ACRE TRACT CONVEYED TO HUTTO 372, LTD. BY DEED RECORDED IN DOCUMENTS NO. 2003097296, 2003097297 AND 2003097298 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, SAVE AND EXCEPT, THAT CERTAIN 4.855 ACRE TRACT CONVEYED TO WILLIAM EVANS BY DEED RECORDED IN DOCUMENT NO. 2003097300 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS AND THAT CERTAIN 44.13 ACRE TRACT CONVEYED TO F.B., LTD. BY DEED RECORDED IN DOCUMENT NO. 2004051353 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS.

Steven R. McAngus
Steven R. McAngus, R.P.L.S. No. 3680





Vicinity Map

RECORDERS MEMORANDUM

All or part of the text on this page was not clearly legible for satisfactory recordation.

**CITY OF HUTTO
MUNICIPAL SERVICE PLAN
FOR PROPOSED ANNEXATION
OF MEADOWS OF COTTONWOOD CREEK (323.735 ACRES)**

The City of Hutto, Texas will provide for the extension of full municipal services into the area proposed to be annexed in accordance with Texas Local Government Code §43.056. This area is undeveloped and there are no residential structures and no one residing on the property.

FIRE

Existing Services: Williamson County Emergency Service District

Services to be Provided: Williamson County Emergency Service District
Fire suppression is currently available to the area. Primary fire response will be provided by the Williamson County Emergency Service District as needed.

POLICE

Existing Services: Williamson County Sheriff's Department

Services to be Provided:
Upon annexation, the City of Hutto Police Department will extend regular and routine patrols to the area. It is anticipated that the implementation of police patrol activities can be effectively accommodated within the current budget and staff appropriations.

BUILDING INSPECTION

Existing Services: NONE

Services to be Provided:
The Building Inspection Department will provide Code Enforcement Services upon annexation. This includes issuing building, electrical and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes that regulate building construction within the City of Hutto.

PLANNING AND ZONING

Existing Services: Review of subdivision development plans under City's Subdivision Ordinance. No municipal zoning or land use controls except for those imposed by State Law.

Services to be Provided:

The Hutto Department of Community Development has responsibility for regulating development and land use through the administration of the City of Hutto's Zoning Ordinance, and this will extend to the area on the effective date of the annexation. The property will also continue to be regulated under the requirements of the City of Hutto's Subdivision Ordinance. These services can be provided within the departments' current budgets.

LIBRARY

Existing Services: NONE

Services to be Provided:

There is no City Library at this time but once there is a Library those privileges will be available to residents in this area. There is a Library Board and a Charter established budget item for the establishment of a Library in the future.

HEALTH DEPARTMENT - HEALTH CODE ENFORCEMENT SERVICE

Existing Services: Williamson County Health District

Services to be Provided:

Williamson County Health District will continue to implement enforcement of the health districts regulations on the effective date of annexation. Animal control services will also be provided to the area as needed.

STREET MAINTENANCE

Existing Services: No existing internal streets

Services to be Provided:

Maintenance for any existing public street facilities will be provided by the City of Hutto Public Works Department upon the effective date of annexation, and can be provided within the current budget appropriations. All internal subdivision streets will be constructed to current standards by developer. The realignment of FM 1660 South is planned through this property as a Williamson County project.

STORM WATER MANAGEMENT

Existing Services: Williamson County

Services to be Provided: Developers will provide storm water drainage facilities as required of their development at their own expense and such will be inspected by the City's

engineers at time of completion. The City of Hutto will then maintain the drainage upon approval of the construction. All construction within the flood plain will be through the appropriate Hutto department(s) and will meet City of Hutto and FEMA Flood Plain regulations

STREET LIGHTING

Existing Services: NONE

Services to be Provided:

There are no existing streets within this area. The City of Hutto will coordinate any request for street lighting with the local electric provider in accordance with standard policy. Developer will be responsible for initial installation and maintenance of street lighting until such time as the streets have been accepted by the City Council.

TRAFFIC ENGINEERING

Existing Services: Williamson County

Services to be Provided:

The City of Hutto, through its appropriate departments, will be able oversee any necessary additional traffic control devices after the effective date of annexation. The developer will be responsible for initial installation of all street signs and stop signs for new streets.

WATER SERVICE

Existing Services: None

Services to be Provided: City of Hutto

Water service to the area will be provided in accordance with the applicable codes and departmental policy. Plans are currently being reviewed for extension of service to this area with capacity to serve the proposed development. When other property develops in the adjacent areas, water service shall be provided in accordance with extension ordinances. Extension of service shall comply with City of Hutto codes and ordinances.

SANITARY SEWER SERVICE

Existing Services: NONE

Services to be Provided: City of Hutto

Sanitary sewer service to the area of proposed annexation will be provided in accordance with applicable codes and departmental policy. Plans are currently being reviewed for

extension of sanitary sewer service. When property develops in the adjacent areas, sanitary sewer service shall be provided in accordance with the current extension ordinances. Extension of service shall comply with applicable codes and ordinances.

SOLID WASTE SERVICES

Existing Services: NONE

Services to be Provided: City of Hutto (contracted service)

Solid waste collection shall be provided to the area of annexation in accordance with current ordinances. Service shall comply with existing City of Hutto policies, beginning with occupancy of structures.

PARKS AND TRAILS

Existing Service: NONE

Services to be Provided:

All City operated parks and trail systems will be available to the residents of this area upon annexation.

MISCELLANEOUS

Existing Services: No other services have been identified at this time

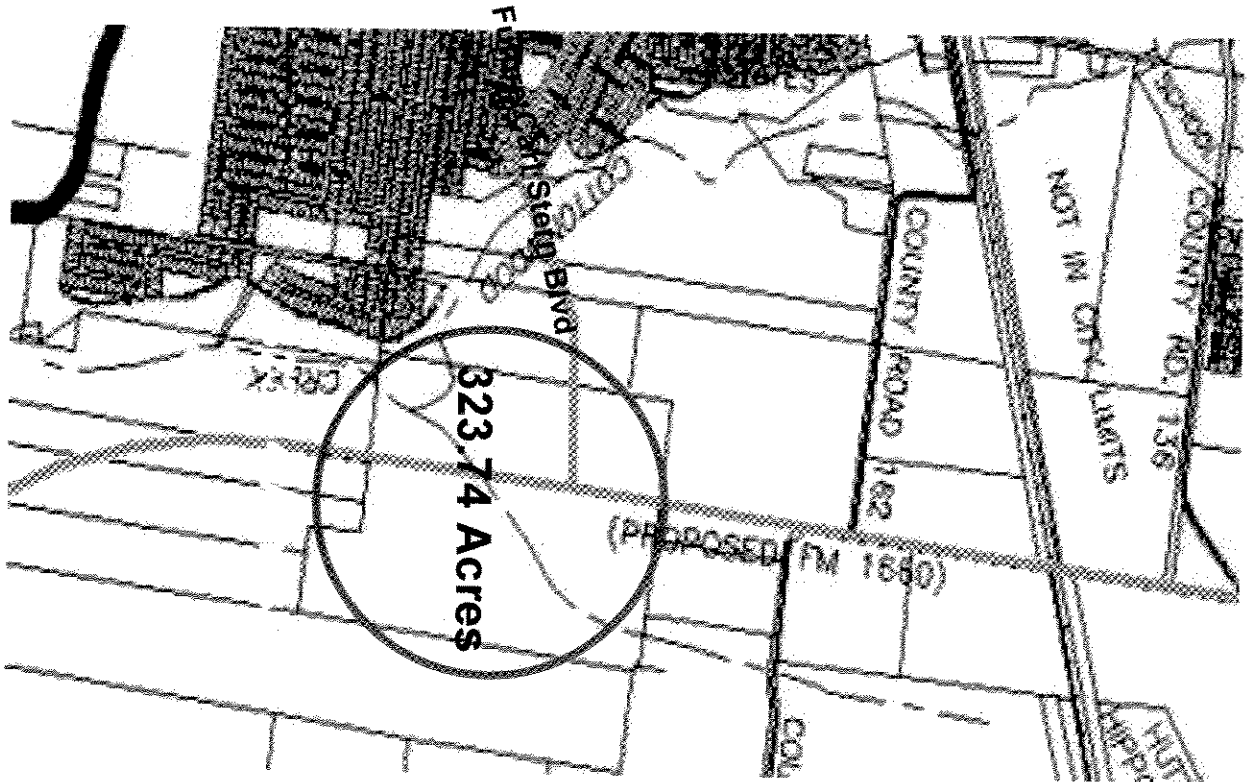
Services to be Provided:

All other applicable municipal services will be provided to the area in accordance with the City of Hutto's established policies governing extension of municipal services to newly-annexed areas.

NOTE:

Capital improvements sufficient for providing municipal services for the annexed area are in place such that the costs associated with the extension of service lines to proposed building sites within the area will be borne by owners and/or developers.

Annexation Request for Meadows of Cottonwood Creek



RECORDERS MEMORANDUM
All or part of the text on this page was not clearly legible for satisfactory recordation.

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS 2005092165

Nancy E. Rister

11/18/2005 12:12 PM

MARY \$60.00

NANCY E. RISTER, COUNTY CLERK
WILLIAMSON COUNTY, TEXAS

City of Hu+to
③ POBox 639
Hu+to, TX 78634