



ORDINANCE NO. 4-18-05C

AN ORDINANCE ANNEXING ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF HUTTO, TEXAS, TO-WIT: A 7.005 ACRE TRACT OF LAND, MORE OR LESS, OUT OF THE NATHANIEL EDWARDS SURVEY, ABSTRACT NO. 225, IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A 186.97 ACRE TRACT OF LAND DESCRIBED TO ISEDOR A. & PAULINE H. WALLIN BY WARRANTY DEED DATED DECEMBER 21, 1993, OF RECORD IN VOLUME 2436, PAGE 524 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 7.005 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 7.005 acres, more or less, out of the Nathaniel Edwards Survey, Abstract 225, Williamson County, Texas, being a portion of a 186.97 acre tract of land described to Isedor A. & Pauline H. Wallin by Warranty Deed dated December 21, 1993, of record in Volume 2436, Page 524, of the Official Records of Williamson County, Texas ("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 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

Annexation ordinance Avington Heights 7 005 ac (00084725)

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 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.

VIII.

That this Ordinance shall be come effective after its passage.

IX.

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.

X.

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.

XI.

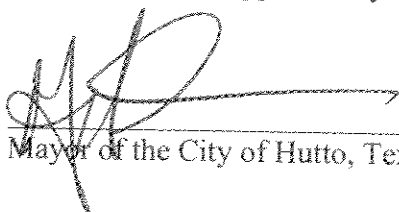
A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

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.

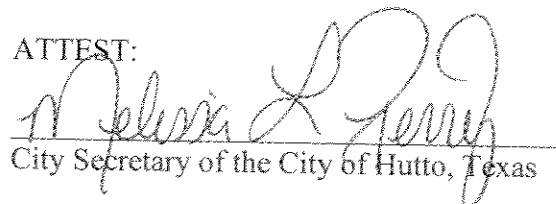
READ and APPROVED on first reading on this the 4 day of the month of April, 2005, at a regular meeting of the City Council of the City of Hutto, Texas, there being a quorum present, by a vote of 7 Ayes and 0 Nays.

READ, APPROVED and ADOPTED on second and final reading on this the 18 day of the month of April, 2005, at a regular meeting of the City Council of the City of Hutto, Texas, there being a quorum present, by a vote of 6 Ayes and 0 Nays, and approved by the Mayor on the date set out below.



Mayor of the City of Hutto, Texas

ATTEST:



City Secretary of the City of Hutto, Texas

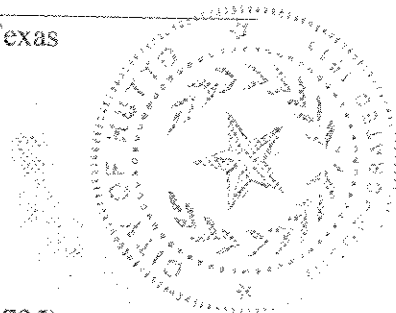


EXHIBIT "A"



Professional Land Surveying, Inc.
Surveying and Mapping

Office: 512-443-1724
Fax: 512-441-6987

2807 Manchaca Road
Building One
Austin, Texas 78704

**7.005 ACRES
NATHANIEL EDWARDS SURVEY**

A DESCRIPTION OF 7.005 ACRES (305136 S.F.) OF LAND IN THE NATHANIEL EDWARDS SURVEY, ABSTRACT NO. 225, IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A 186.97 ACRE TRACT OF LAND DESCRIBED TO ISEDOR A. & PAULINE H. WALLIN BY WARRANTY DEED DATED DECEMBER 21, 1993, OF RECORD IN VOLUME 2436, PAGE 524 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 7.005 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½" rebar with cap set in the west right-of-way line of County Road 119 (right-of-way width varies) and the east line of the remainder of a 186.97 acre tract of land described in Volume 2436, Page 524 of the Deed Records of Williamson County, Texas, for the southwest corner of a 1.5517 acre tract of land described as Exhibit A and the northwest corner of a 0.0562 acre tract of land described as Exhibit B, both of record in Document No. 2003084887 of the Official Public Records of Williamson County, Texas, and also being in the north line of a 21.207 acre tract of land described in Document No. 2002015764 of the Official Public Records of Williamson County, Texas, from which a ½" rebar found in the south line of said 1.5517 acre tract, the north line of said 0.0562 acre tract for the northeast corner of the 21.207 acre tract bears South 82°23'05" East, a distance of 54.64 feet;

THENCE North 82°23'05" West, with the south line of said remainder of the 186.97 acre tract and the north line of the 21.207 acre tract, a distance of 351.59 feet to a ½" rebar with cap set;

THENCE over and across the remainder of the 186.97 acre tract, the following three (3) courses:

1. North 07°57'17" East, a distance of 865.01 feet to a ½" rebar with cap set;
2. South 82°23'05" East, a distance of 318.30 feet to a ½" rebar with cap set for a point of curvature;

Exhibit B


7.005 ACRES
NATHANIEL EDWARDS SURVEY
Page 2

3. Along a curve to the right having a radius of 25.00 feet, an arc length of 39.66 feet and chord which bears South 36°58'12" East, a distance of 35.63 feet to a 1/2" rebar with cap set in the west right-of-way line of said County Road 119 and the west line of said 1.5517 acre tract;

THENCE with the west right-of-way line of County Road 119, the west line of the 1.5517 acre tract and the east line of the remainder of the 186.97 acre tract, the following four (4) courses:

1. Along a curve to the left having a radius of 3205.00 feet, an arc length of 127.19 feet and chord which bears South 07°22'31" West, a distance of 127.19 feet to a 1/2" rebar with cap found for a point of tangency;
2. South 06°14'07" West, a distance of 631.62 feet to a 1/2" rebar with cap found;
3. North 83°33'26" West, a distance of 15.03 feet to a 1/2" rebar with cap found;
4. South 06°35'15" West, a distance of 80.69 feet to the **POINT OF BEGINNING**, containing 7.005 acres of land, more or less.

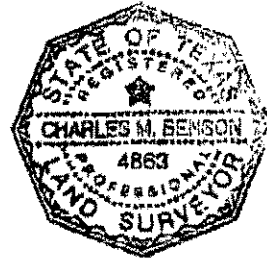
Surveyed on the ground December 19, 2003. Bearing basis is Grid Azimuth for Texas Central Zone, 1983/93 HARN values from LCRA control network.
Attachments: Survey Drawing No. 420-001-ST2.



Charles M. Benson
Registered Professional Land Surveyor
State of Texas No. 4863

Date

August 12, 2004



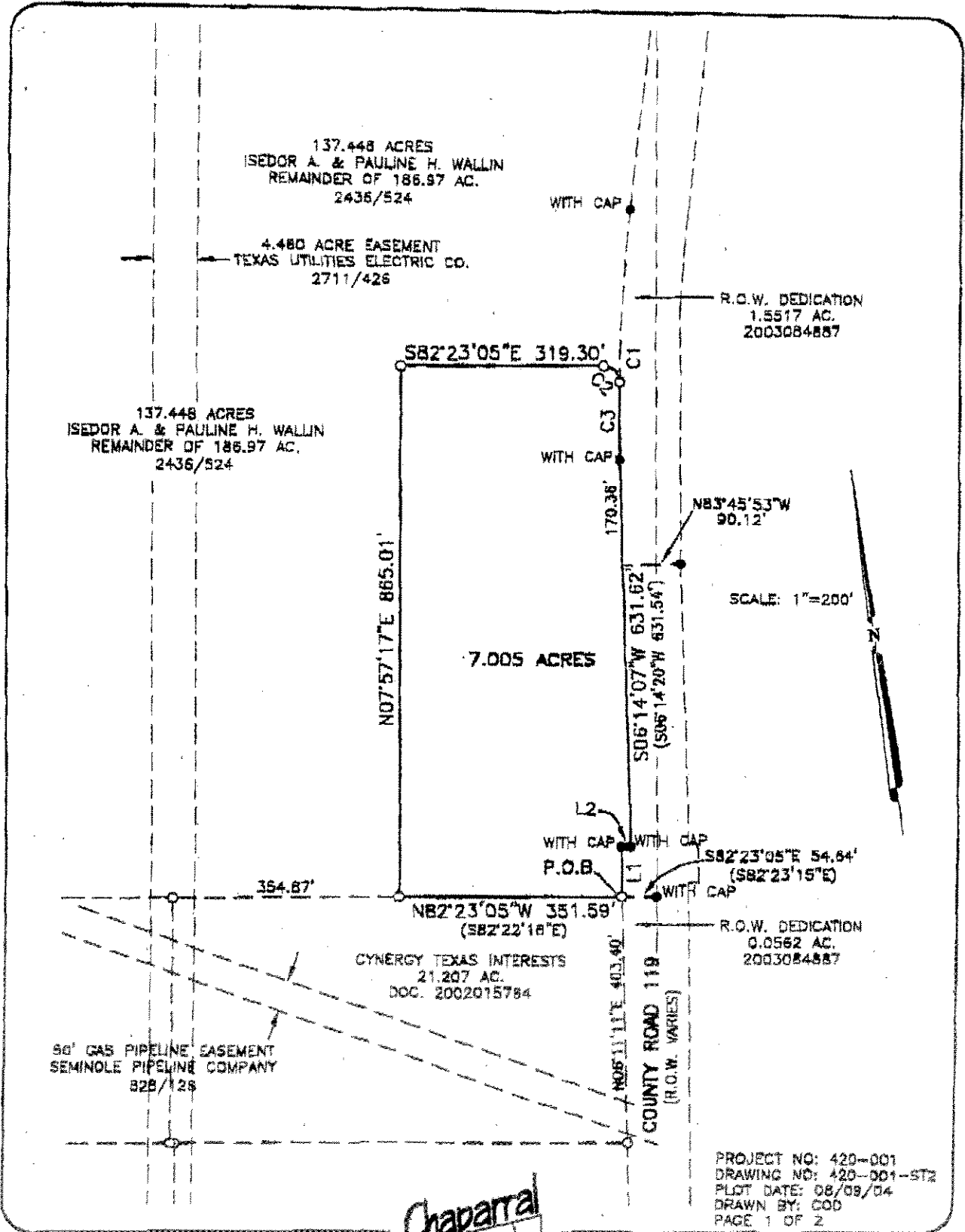


EXHIBIT "B"

CITY OF HUTTO MUNICIPAL SERVICE PLAN FOR PROPOSED ANNEXATION OF AVINGTON HEIGHTS (137.556 and 7.005 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 from the Fire Station, located at the following address: 205 West Street, Hutto, Texas. Adequate fire suppression activities can be afforded to the annexed area within current budget appropriations. Fire prevention activities 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: Williamson County - CR119 No existing internal streets

Services to be Provided:

Maintenance for any existing 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.

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 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. 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.