

ORDINANCE NO. #0-14-20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GLADEWATER, TEXAS, FINDING COMPLIANCE WITH STATE STATUTORY REQUIREMENTS; ADOPTING A SERVICE PLAN; AND ANNEXING CERTAIN ADJACENT TERRITORY INTO THE CITY OF GLADEWATER FOR ALL PURPOSES

WHEREAS, Section 43.021 of the Texas Local Government Code provides that a Home Rule City may extend the boundaries of the municipality and annex area adjacent to the municipality; and

WHEREAS, Article I, Section 3 of the Gladewater City Charter empowers the city to annex territory with or without the consent of the residents of the area to be annexed; and

WHEREAS, pursuant to Section 43.052(h)(1) of the Texas Local Government Code, a city may annex an area that contains “fewer than 100 separate tracts of land on which one or more residential dwellings are located on each tract”; and

WHEREAS, the area described in Exhibit A to this ordinance contains fewer than 100 separate tracts of land on which one or more residential dwellings are located on each tract; and

WHEREAS, each public and private entity that provides service in the area has been given such notice; and

WHEREAS, each railroad company that serves the City and that owns right-of-way within the area has been given such notice; and

WHEREAS, the City conducted two public hearings on the proposed annexation, more than 20 and fewer than 40 days before the institution of annexation proceedings; and

WHEREAS, it is in the interest of the citizens of the City, the City, and any citizens to be annexed to add such territory to the City of Gladewater.

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

I.

That the territory described in Exhibit A to this Ordinance is hereby annexed into the City of Gladewater, and shall be treated from this day as part of the City of Gladewater for all purposes.

II.

That the service plan in Exhibit B to this Ordinance is hereby adopted as the governing service plan for the provision of services to the territory described in Exhibit A.

III.

If any section, subsection, sentence, clause, phrase or portion of the Ordinance for any reason shall be held invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect any of the remaining provisions of this Ordinance.

IV.

All Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this Ordinance shall be cumulative of other Ordinances regulating and governing the subject matter covered by this Ordinance.

PASSED AND ADOPTED by the Legislative Authority of the City of Gladewater, Texas on this 23rd day of December, 2014.



HAROLD R. WELLS, MAYOR

ATTEST:



MELBA HARALSON, CITY SECRETARY

EXHIBIT A

BEING 200 acres and all acreage located in the WW AVERY SURVEY AB 231.

Annexation Description (south of US Hwy 271)

BEGINNING, at the southwest corner of tract 20 in the WW Avery Survey AB 231 described in instrument #9972574 recorded in the Gregg County Clerk's office and owned by Johny Tev, extending northeast 1673± feet along the southern boundary of tract 20 in the WW Avery Survey AB 231 to the southeast boundary line of tract 20 in the WW Avery Survey AB 231, extending north 487± feet along the boundary line of same tract to the north right-of-way line of McComie Road.

THENCE, extending 1275± feet along the north right-of-way line of McComie Road to the east right-of-way line of Shepard Lane, and extending south 600± along the east right-of-way line of Shepard Lane.

THENCE, extending 426± feet along the southern boundary of tract 1 in the WW Avery Survey AB 231, as described in instrument #201023135 recorded in the Gregg County Clerk's office and owned by Robert Carter and Susan Carter Johns, to the east right-of-way line of Country Club Road, extending north 665± feet along the east right-way line of Country Club Road, extending 840± feet east along the southern boundary line of tract 1-11 in the WW Avery Survey AB 231, to the east right-of-way line of US State Highway 135.

THENCE, extending north 1900± feet along the east right-of-way line of State Highway 135 to Sheppard Lane, and extending northeast 2093± feet along the south right-of-way line of Sheppard Lane.

THENCE, extending 1755± feet east along the south portion of the US State Highway 271 right-of-way to the Sabine River, extending west 9,300 ± feet to the point of Beginning.

Annexation Description (North side of US 271)

BEGINNING, at the southwest boundary line of tract 13 in the WW Avery Survey AB-231 as described in instrument # 201200461 recorded in the Gregg County Clerk Office and owned by Jack Earp and John Wayne Black, extending north along the west boundary line of said tract for 1415± feet, extending east for 1386± feet along the north boundary line of tract 13 in the WW Avery Survey AB-231 ending at the north east boundary point of tract 14 in the WW Avery Survey AB 231 as described in instrument #200128086 in the Gregg County Clerk's Office, extending east 2698 ± across tracts 1-04 and 2 in the WW Avery Survey AB 23.

THENCE, extending south for 275±, then extending west for 4,500± along the north city limits boundary as described in ordinance #1039 approved on May 24, 1971, to the point of beginning.

Save and except the following property, the owners of which have entered into a development agreement with the City of Gladewater:

- A. GCAD Property ID #10968-Owners John Ben Shepperd Estate-a 6.6 portion of a 63± tract being tract 2 in the WW Avery Survey AB 231.
- B. GCAD Property ID #10947-owners Robert and Susan Carter- 22.957 acres-tract 1 in the WW Avery Survey AB 231.
- C. GCAD Property ID #11004-owners James and Wanda Gillit-7.158 acres- tract 18 in the WW Avery AB 231.
- D. GCAD Property ID #983922-owners Alfred L Sheppard ETAL-18.7 acres-tract 3 in the WW Avery Survey AB 231.

EXHIBIT B

Service Plan

Annexation Service Plan

This Service Plan is promulgated by the City of Gladewater, Texas pursuant to Section 43.065 of the Texas Local Government Code. This Plan relates to the annexation of approximately 200 acres located southwest of the City center and generally designated as the "Annexation Area".

It is the intent of the City of Gladewater that services under this plan shall provide full municipal services as required and defined by the Texas Local Government Code.

- I. **Police Protection-** the Gladewater Police Department will provide immediate services to the area. Routine police patrols, traffic enforcement, and dispatch response to emergency and non-emergency service calls will be handled by the Gladewater Police Department. This protection can be afforded to the annexed area within its current budget appropriations.
- II. **Fire Protection-**The Gladewater Fire Department will provide fire protection, including response to emergency calls and calls for assistance, fire prevention education, pre-fire planning, and fire inspections. The Gladewater Fire Department goal is to respond to fires in five minutes or less. Construction and development activities undertaken after the effective date of annexation shall comply with all building and international fire codes adopted by the City of Gladewater's Code of Ordinances within ninety days of the effective annexation date. Fire protection can be afforded to the annexed area within current budget appropriations.
- III. **Building Inspections-** The Building Inspection Department will provide Building Code Enforcement Services upon annexation. This includes the issuance of building, electrical, plumbing, and mechanical permits for any new construction and remodeling, and enforcing all other applicable codes for which regulated building construction within the City of Gladewater. These services can be provided within the department's current budget.
- IV. **Parks-** There are currently no plans at this time for constructing a park in the annexed area. The people of the area will be able to utilize, all parks within the City Limits. These services can be provided within the department's current budget.
- V. **Animal Control-** The City of Gladewater will provide animal control services.
- VI. **Solid Waste Collection-** The City of Gladewater is contracted with Allied Waste for solid waste collection. Upon annexation, solid waste service will be offered on a twice weekly basis to the annexed area. Additionally, use of the landfill will be extended to the annexed area. **For the first two years following annexation, residents who live in the area of annexation may continue to utilize the services of privately owned solid waste service providers in**

accordance with provision of the Texas Local Government Code Section 43.056 (n).

VII. Code Enforcement- The City of Gladewater will provide all code enforcement services upon annexation. This includes but is not limited to enforcement of junk vehicles, tall weeds and grass, illegal dump sites, dilapidated structures, health violations and zoning ordinance violations.

VIII. Planning and Zoning- The Planning and Zoning Department's responsibility for regulating development and land use through the administration of the City of Gladewater Zoning Ordinance will extend to this area on the effective date of the annexation. The property will also continue to be regulated under the requirements of the City of Gladewater's Subdivision Ordinance. These services can be provided within the departments current budget

IX. Roads, Streets, Signage- Maintenance of Roads and Streets, Including Street Lighting

The Street Department will maintain public roads and streets that have been dedicated to the City or previously maintained by the County at a level comparable to the maintenance prior to annexation and in accordance with City policy. These services include; emergency pavement repair and preventative street maintenance. Maintenance priorities are determined on a City-wide basis taking into consideration factors such as age, traffic volume, surface conditions, nature of the maintenance, public safety hazards, and available funding.

The Sign Division of the Street Department will maintain existing street and traffic control devices according to the latest version of the (MUTCD), Manual on Uniform Traffic Control Devices.

The City will coordinate street lighting with the local electric provider in accordance with Gladewater standards.

X. Water, sewer, and street infrastructure improvements

Water and sewer services will be maintained at a level that is required by the City of Gladewater Code of Ordinances

It is the intent of the City of Gladewater to provide the level of services required by State law. The City Council finds and determines that the services, infrastructure, and infrastructure maintenance proposed by this plan are comparable to that provided to other parts of the City with topography, land use, and population density reasonably similar to the annexed area and will not reduce the level of services available to the territory prior to annexation.

New Defined Annexation Area

