



# CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		8/26/13		
Department:		Planning		
Department Head		Phyllis Jarrell		
Agenda Coordinator (include phone #): <b>T. Stuckey - 7156</b>				
<b>CAPTION</b>				
<p>An Ordinance of the City of Plano, Texas, annexing to the City of Plano, Texas a total of 3.14± acres of land located within the right-of-way of West Park Boulevard east of Midway Road, including the intersection of the two roadways, in the J. Myers Survey, Abstract No. 619, Collin County, Texas and J. Myers Survey, Abstract No. 882, Denton County, Texas, and extending the boundary limits of said city so as to include said hereinafter described property within said City Limits; adopting a service plan providing for the extension of municipal services to the area so annexed and granting to all inhabitants and owners of said property all of the rights and privileges of other citizens and binding all inhabitants by the acts, ordinances, and regulations of said city; and providing an effective date.     Applicant: City of Plano</p>				
<b>FINANCIAL SUMMARY</b>				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>	<b>TOTALS</b>
Budget	0	0	0	<b>0</b>
Encumbered/Expended Amount	0	0	0	<b>0</b>
This Item	0	0	0	<b>0</b>
<b>BALANCE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>FUND(s):     NA</b>				
<b>COMMENTS:</b> This item has no fiscal impact.				
STRATEGIC PLAN GOAL: Working with neighboring municipalities to standarize city boundaries and clarify emergency response responsibilities relates to the City's goal of Partnering for Community Benefit and Financially Strong City with Service Excellence.				
<b>SUMMARY OF ITEM</b>				
<p>The cities of Plano and Carrollton, along with the Town of Hebron, are working to standardize the city limit lines along West Park Boulevard and other streets in the area. This section of West Park Boulevard lies primarily in Collin County with a small portion in Denton County. Annexing the right-of-way into Plano will clarify responsibility for emergency response for this stretch of roadway as well as for the intersection of Midway Road and West Park Boulevard. The City Council held public hearings on July 22, 2013 and July 24, 2013, and this ordinance finalizes the annexation of the right-of-way.</p>				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Ordinance				

## Annexation Case A2013-01

**An Ordinance of the City of Plano, Texas, annexing to the City of Plano, Texas, a total of 3.14± acres of land located within the right-of-way of West Park Boulevard east of Midway Road, including the intersection of the two roadways, in the J. Myers Survey, Abstract No. 619, Collin County, Texas and J. Myers Survey, Abstract No. 882, Denton County, Texas, and extending the boundary limits of said City so as to include said hereinafter described property within said City Limits; adopting a service plan providing for the extension of municipal services to the area so annexed and granting to all inhabitants and owners of said property all of the rights and privileges of other citizens and binding all inhabitants by the acts, ordinances and regulations of said City; and providing an effective date.**

**WHEREAS**, the following described tract of land is adjoining the present city limits of the City of Plano, and the City Council of the City of Plano desires to annex and make the same a part of the City of Plano, Texas; and

**WHEREAS**, after publication of notice as required by V.T.C.A., Local Government Code, Chapters 42 and 43 (municipal annexation statutes), a public hearing was held in the Senator Florence Shapiro Council Chambers of the City of Plano on July 22, 2013, and a further public hearing was held in the Senator Florence Shapiro Council Chambers of the City of Plano on July 24, 2013, providing all persons an opportunity to voice their opinion, and the Council considered all testimony presented at said meetings; and

**WHEREAS**, the City Council of the City of Plano has considered a Service Plan providing for the extension of municipal services to the area to be annexed; and

**WHEREAS**, the members of the City Council of the City of Plano have now concluded that said area should be annexed and made a part of the City of Plano, Texas and that the Service Plan considered in connection with this annexation should be approved and adopted.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:**

**Section I.** The property described in Exhibit "A" attached hereto is hereby annexed to the City of Plano, Texas, and the boundary limits of the City of Plano are hereby extended to include the following described territory within the city limits of the City of Plano, Texas, and the same shall hereafter be included within the territorial limits of said City, and the inhabitants thereof shall hereafter be entitled to all rights and privileges of other citizens of the City of Plano, and shall be bound by the acts, ordinances, resolutions and regulations of said City.

**Section II.** The Service Plan considered in connection with this annexation, a copy of which is attached hereto as Exhibit "B", is hereby approved and adopted.

**Section III.** The Director of Planning of the City of Plano is hereby authorized and directed to change the official city limits map to reflect the annexation accomplished by this Ordinance.

**Section IV.** It is not the intention of the City of Plano to annex any territory not legally subject to being annexed by said City, and should any portion of the above-described territory not be subject to legal annexation by the City of Plano, such fact will not prevent the City from annexing such territory which is described above and is subject to legal annexation by the City, and it is the intention of the City of Plano to annex only such territory as may be legally annexed by it within the limits of the above-described area.

**Section V.** This Ordinance shall take effect immediately from and after its passage.

**DULY PASSED AND APPROVED THIS THE 26TH DAY OF AUGUST, 2013.**

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Harry LaRosiliere, MAYOR

ATTEST:

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Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

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Diane C. Wetherbee, CITY ATTORNEY

## A2013-01 LEGAL DESCRIPTION

BEING approximately 3.14 acres of land lying partially in the J. Myers Survey, Abstract No. 619 situated in Collin County, Texas, and partially in the J. Myers Survey, Abstract No. 882, situated in Denton County, Texas, and being more particularly described as follows:

BEGINNING at the southwest corner of that certain called 797.7073 acre city limit parcel to the City of Plano as described in Exhibit B of Ordinance No. 78-11-6, approved November 13, 1978, said point being common with the southeast corner of that certain called 46.7212 acre city limit parcel to the City of Plano as described in Ordinance No. 81-9-8, approved September 28, 1981, with said point being in the approximate west line of Collin County and common east line of Denton County, being in the approximate west line of said J. Myers Survey, Abstract No. 619 and common east line of said J. Myers Survey, Abstract No. 882, said point lying within the intersection of the rights-of-way of East Hebron Parkway/West Park Boulevard (FM 544) and Midway Road, and being at the beginning of a tangent curve to the left, with the radius point being situated North,  $11^{\circ} 56' 42''$  West, at 909.93 feet;

THENCE in a northeasterly direction, along the curving southerly line of said Ordinance No. 78-11-6 and said curve to the left, through a central angle of  $30^{\circ} 17' 49''$ , having a radius of 909.93 feet, a tangent distance of 246.34 feet, a chord bearing North,  $62^{\circ} 54' 23''$  East, at 475.57 feet, and an arc distance of 481.16 feet to the end of said curve;

THENCE North,  $47^{\circ} 45' 29''$  East, continuing along said southerly line of Ordinance No. 78-11-6, a distance of 331.85 feet to the beginning of a tangent curve to the right, with the radius point being situated South,  $42^{\circ} 14' 31''$  East, at 863.51 feet;

THENCE in a northeasterly direction, continuing along the curving southerly line of said Ordinance No. 78-11-6 and said curve to the right, through a central angle of  $42^{\circ} 28' 19''$ , having a radius of 863.51 feet, a tangent distance of 335.56 feet, a chord bearing North,  $68^{\circ} 59' 38''$  East, at 625.54 feet, and an arc distance of 640.10 feet to the end of said curve;

THENCE South,  $01^{\circ} 19' 30''$  West, departing said southerly line of Ordinance No. 78-11-6 and traveling across the right-of-way for said West Park Boulevard (FM 544), a distance of 90.00 feet to a point at the beginning of a tangent curve to the left, from which the northeast corner of that certain called 188 acre city limit parcel to the City of Carrollton as described in Ordinance No. 750, approved April 17, 1978, bears South,  $01^{\circ} 19' 30''$  East, at 10.00 feet, with the radius of said tangent curve being situated South,  $00^{\circ} 05' 25''$  West, at 773.50 feet;

THENCE in a southwesterly direction, along said non-tangent curve to the left, being parallel to and a perpendicular distance of 10.00 feet northerly of the northerly line of said Ordinance No. 750, through a central angle of  $42^{\circ} 21' 45''$ , having a radius of 773.50 feet, a tangent distance of 299.73 feet, a chord bearing South,  $68^{\circ} 54' 33''$  West, at 558.96 feet, and an arc distance of 571.90 feet to the end of said curve;

THENCE South,  $47^{\circ} 43' 4''$  West, continuing to be parallel to and a perpendicular distance of 10.00 feet northerly of the northerly line of said Ordinance No. 750, a distance of 330.60 feet to the beginning of a tangent curve to the right, with the radius point being situated North,  $42^{\circ} 16' 19''$  West, at 999.90 feet;

THENCE in a southwesterly direction, along said non-tangent curve to the right, continuing to be parallel to and a perpendicular distance of 10.00 feet northerly of the northerly line of said Ordinance No. 750, through a central angle of  $35^{\circ} 13' 06''$ , having a radius of 999.90 feet, a tangent distance of 317.36 feet, a chord bearing South,  $65^{\circ} 20' 14''$  West, at 604.98 feet, and an arc distance of 614.61 feet to the end of said curve and being within the right-of-way for East Hebron Parkway ;

THENCE due North, traveling across said right-of-way for East Hebron Parkway, a distance of 90.75 feet to a point in the curving southerly line of the aforementioned City of Plano Ordinance No. 81-9-8, being a non-tangent curve to the left, with the radius point being situated North,  $07^{\circ} 45' 20''$  West, at 910.37 feet;

THENCE in a northeasterly direction, along said curving southerly line of said Ordinance No. 81-9-8 and said non-tangent curve to the left, through a central angle of  $04^{\circ} 09' 10''$ , having a radius of 910.37 feet, a tangent distance of 33.01 feet, a chord bearing North,  $80^{\circ} 10' 05''$  East, at 65.97 feet, and an arc distance of 65.98 feet to the POINT OF BEGINNING and CONTAINING approximately 3.14 acres (0.0049 square miles) of land, more or less.

EXHIBIT "B"

CITY OF PLANO, COLLIN AND DENTON COUNTIES, TEXAS

SERVICE PLAN FOR ANNEXED AREA  
(Annexation Case No. A2013-01)

**Acreage Annexed:**

3.14± acres

**Survey, Abstract and County:**

J. Myers Survey, Abstract No. 619, Collin County, Texas  
J. Myers Survey, Abstract No. 882, Denton County, Texas

**Date of Adoption of Annexation Ordinance:**

August 26, 2013

Municipal services to the acreage described above shall be furnished by or on behalf of the City of Plano, Texas, at the following levels and in accordance with the following schedule:

A. Police Service

(1) Patrolling, responses to calls, and other routine police services, within the limits of existing personnel and equipment, will be provided on the effective date of annexation.

(2) As development and construction commence within this area, sufficient police personnel and equipment will be provided to furnish this area the minimum level of police services comparable to the level of police services available in other parts of the city with similar characteristics of topography, land utilization, and population density as determined by the City Council within two and one-half (2 1/2) years from the date of adoption of the annexation ordinance, or upon commencement of development within the area, whichever occurs later.

(3) Upon ultimate development of the area, the same level of police services will be provided to this area as are furnished throughout the city.

B. Fire Services

(1) Fire protection by the present personnel and the present equipment of the Fire Department, within the limitations of available water and distances from existing fire stations, will be provided to this area on the effective date of the annexation ordinance.

(2) As development and construction of subdivisions commences within this area, sufficient fire and emergency ambulance equipment will be provided to furnish this area a level of fire and emergency ambulance services comparable to the level of fire and emergency ambulance services available in other parts of the city with similar characteristics of topography, land utilization, and population density, as determined by the City Council, within two and one-half (2 1/2) years from the date of adoption of the annexation ordinance, or upon commencement of development within this area, whichever occurs later.

(3) Upon ultimate development of the area, the same level of fire and emergency ambulance services will be provided to this area as are furnished throughout the city.

C. Environmental Health and Building Inspection Services

(1) Enforcement of the city's environmental health ordinances and regulations, including but not limited to weed and brush ordinances, junked and abandoned vehicle ordinances, food handlers ordinances and animal control ordinances, shall be provided within this area on the effective date of the annexation ordinance. These ordinances and regulations will be enforced through the use of existing personnel.

Complaints of ordinance or regulation violations within this area will be answered and investigated by existing personnel beginning with the effective date of the annexation ordinance.

(2) The city's building, plumbing, electrical, gas, heating and air conditioning, and all other construction codes will be enforced within this area beginning with the effective date of the annexation ordinance. Existing personnel will be used to provide these services.

(3) The city's zoning, subdivision, and other ordinances shall be enforced in this area beginning on the effective date of the annexation ordinance.

(4) All inspection services furnished by the City of Plano, but not mentioned above, will be provided to this area beginning on the effective date of the annexation ordinance.

(5) As development and construction commence within this area, sufficient personnel will be provided to furnish this area the same level of Environmental Health and Building Inspection services as are furnished throughout the city.

D. Planning and Zoning Services

The planning and zoning jurisdiction of the city will extend to this area on the effective date of the annexation ordinance. City planning will thereafter encompass this property, and it shall be entitled to consideration for zoning in accordance with the city's Zoning Ordinance and Comprehensive Plan.

E. Recreation and Leisure Services

(1) Residents of this property may utilize all existing recreational and leisure services facilities and sites throughout the city, beginning with the effective date of this ordinance.

(2) Additional facilities and sites to serve this property and its residents will be acquired, developed, and maintained at locations and times provided by applicable plans, policies and programs, and decisions of the City of Plano. This property will be included in all plans for providing recreation and leisure services to the city. The same level of recreation and leisure services shall be furnished to this property as is furnished throughout the city.

(3) Existing parks, playgrounds, swimming pools, and other recreation and leisure facilities within this property shall, upon dedication to and acceptance by the city, be maintained and operated by the City of Plano; but not otherwise.

F. Solid Waste Collection

(1) Solid waste collection shall be provided to the property in accordance with existing city policies, beginning on the effective date of the annexation ordinance.

(2) As development and construction commence within this property, and population density increases to the proper level, solid waste collection shall be provided to this property in accordance with then current policies of the city as to frequency, charges and so forth.

(3) Solid waste collection, through the use of reusable containers for commercial accounts, shall be available to this property through and in accordance with the terms of the city's contract with a private company, beginning with the effective date of the annexation ordinance.

#### G. Streets

(1) The City of Plano's existing policies with regard to street maintenance, applicable throughout the entire city, shall apply to this property on the effective date of the annexation ordinance.

(2) As development, improvement, or construction of streets to city standards commence within this property, the policies of the City of Plano with regard to participation in the costs thereof, acceptance upon completion, and maintenance after completion, shall apply.

(3) The same level of maintenance shall be provided to streets within this property which have been accepted by the City of Plano as is provided to city streets throughout the city.

(4) Street lighting installed on streets shall be maintained by TU Electric Company in accordance with current city policies.

#### H. Water Services

(1) Connection to existing city water mains for water service for domestic, commercial, and industrial use within this property, will be provided in accordance with existing city policies. Upon connection to existing mains, water will be provided at rates established by city ordinances for such service throughout the city.

(2) Water mains of the city will be extended in accordance with provisions of the Subdivision Ordinance and other applicable ordinances and regulations. City participation in the costs of these extensions shall be in accordance with applicable city ordinances and regulations. Such extensions necessary to provide water services to the area that are comparable to the level of water service available in other parts of the city with similar characteristics of topography, land utilization and population density will be completed within two and one-half (2 1/2) years from the effective date of the annexation ordinance, such period may be extended to not more than four and one-half (4 1/2) years as determined by the City Council.

(3) Water mains which are within the annexed area and are connected to city mains shall be maintained by the City of Plano beginning with the effective date of the annexation ordinance.

(4) Private water lines within this property shall be maintained by their owners, in accordance with existing policies applicable throughout the city.

I. Sanitary Sewer Services

(1) Connections to existing city sanitary sewer mains for sanitary sewage service in this area will be provided in accordance with existing city policies. Upon connection, sanitary sewage service will be provided at rates established by city ordinances for such service throughout the city.

(2) Sanitary sewage mains and/or lift stations which are within the annexed area and are connected to city mains shall be maintained by the City of Plano beginning with the effective date of the annexation ordinance.

(3) Sanitary sewer mains of the city will be extended in accordance with provisions of the Subdivision Ordinance and other applicable ordinances and regulations. City participation in the costs of these extensions shall be in accordance with applicable city ordinances and regulations. Such extensions necessary to provide water services to the area that are comparable to the level of water service available in other parts of the city with similar characteristics of topography, land utilization and population density will be completed within two and one-half (2 1/2) years from the effective date of the annexation ordinance, but such period may be extended to not more than four and one-half (4 1/2) years as determined by the City Council.

J. Miscellaneous

(1) Any facility or building located within the annexed area and utilized by the City of Plano in providing services to the area will be maintained by the city commencing upon the date of use or the effective date of the annexation ordinance, whichever occurs later.

(2) General municipal administration and administrative services of the city shall be available to the annexed area beginning with the effective date of the annexation ordinance.

K. Agreement and Acceptance

It is agreed, as signified by the adoption of the Service Plan by the city and signature of acceptance by the landowner(s) of the annexed area, that:

(1) In the event the Service Plan is not fulfilled, the landowner may (1) seek to enforce the Service Plan by applying for a writ of mandamus not later than the second anniversary of the date the landowner knew or should have known that the city was not complying with the Service Plan, or (2) seek disannexation pursuant to Section 43.141 of the Local Government Code.

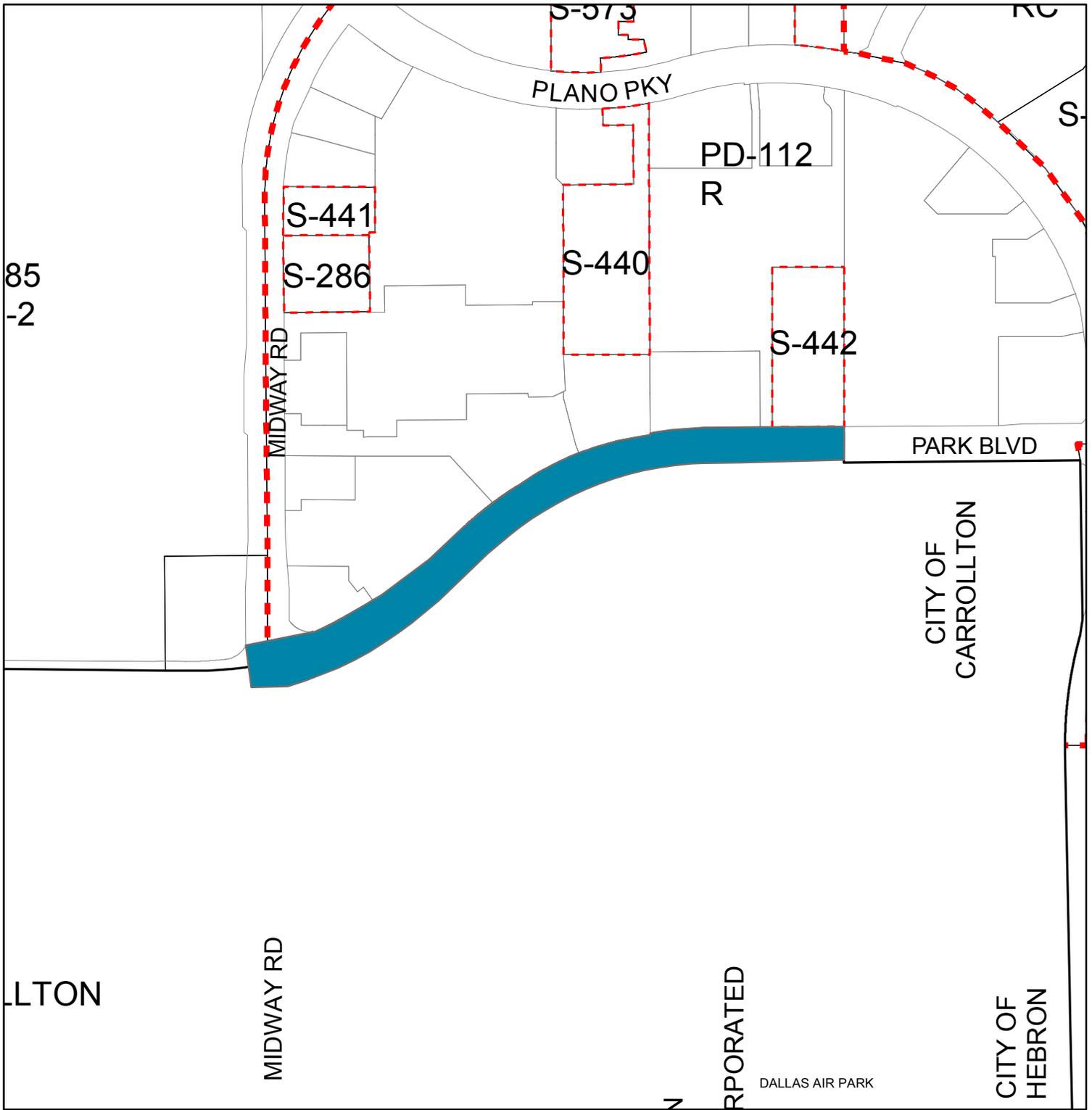
(2) The provisions of the city's Subdivision Ordinance and other city ordinances and regulations requiring the construction of capital improvements or funding of capital improvements are incorporated into this Service Plan by reference as if fully set forth herein. Nothing in this Service Plan shall be construed to alleviate the landowner's responsibility to construct and fund such capital improvements as required by such ordinances. By its agreement to this Service Plan and by virtue of the landowner's petition to be annexed into the city, the landowner agrees to abide by such ordinances and regulations.

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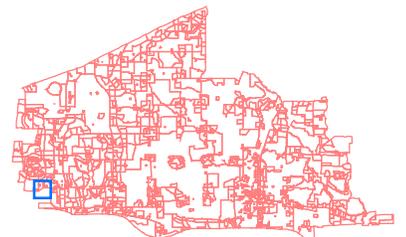
OWNER

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DATE



ANNEXATION CASE #2013-01



○ 200' Notification Buffer