

ORDINANCE NO. 19

AN ORDINANCE OF THE CITY OF POST OAK BEND, TEXAS, ANNEXING A TRACT OF LAND, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF; ADOPTING A SERVICE PLAN AS EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the property owners of the area described below have petitioned the City Council to annex the area; and

WHEREAS, the City Council of the City of Post Oak Bend has conducted two public hearings at which persons interested in the annexation have been given the opportunity to be heard; and

WHEREAS, such public hearings were conducted pursuant to notice published in a newspaper of general circulation in the City and in the area proposed for annexation at least once on or after the twentieth day but before the tenth day before the date of each such hearing; and

WHEREAS, a service plan for the area has been approved as required by law; and

WHEREAS, this ordinance is enacted not less than twenty (20) days after the second of such public hearings and not more than forty (40) days after the first of such public hearings;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POST OAK BEND, TEXAS:

SECTION 1. That all of the property described in Exhibit "A" attached hereto and made a part hereof for all purposes is within the exclusive extraterritorial jurisdiction of the City of Post Oak Bend, and adjacent and contiguous to the boundary limits thereof and the same is hereby annexed into the City of Post Oak Bend, and the boundary lines of the City of Post Oak Bend are hereby extended to include such described property within the city limits of Post Oak Bend, 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 Post Oak Bend, and shall be bound by the acts, ordinances, resolutions, and regulations of said city.

SECTION 2. That the premises hereof are found and determined by the City Council to be correct in all respects.

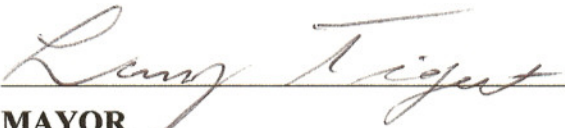
SECTION 3. That it is the intent of the City Council to annex into the corporate limits of the City of Post Oak Bend all the property described in Exhibit "A," and the City Council hereby finds and determines that the provisions of Chapter 43 of the Texas Local Government Code have been complied with in effecting this annexation. It is not the intent of the City of Post Oak Bend to annex any territory that it has no legal right to annex, but to annex only such territory as may be legally annexed by it within the limits of the described property.

SECTION 4. That a service plan, as required by Section 43.056 of the Local Government Code for such property, is attached hereto as Exhibit "B," made a part hereof for all purposes, and adopted and approved as a part of this ordinance.

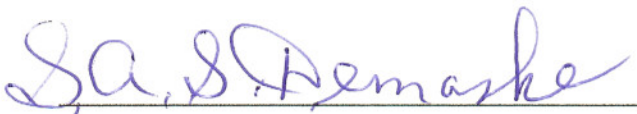
SECTION 5. This ordinance shall take effect immediately from and after its passage as the law in such cases provides.

DULY APPROVED AND PASSED by the City Council of the City of Post Oak Bend, Texas, on the 15th day of February 2005.

APPROVED:


MAYOR

ATTEST:


CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY

EXHIBIT "B" ANNEXATION SERVICE PLAN

In connection with the annexation of the tract of land by the City of Post Oak Bend, Kaufman County, Texas, described in Exhibit "A", the following service plan is adopted as required by Section 43.056 of the Texas Local Government Code.

The City of Post Oak Bend does not presently provide any of the below listed services to its citizens. To the extent that the City of Post Oak Bend provides the following services in the future, the City will provide such services in the area of the annexation:

- (1) City Marshal protection;
- (2) Fire protection;
- (3) Emergency medical services;
- (4) Police protection;
- (5) Solid waste collection;
- (6) Operation and maintenance of roads;
- (7) Parks; and
- (8) Water and wastewater facilities.

The City will also provide other services such as planning, zoning, code enforcement, subdivision regulation, court, construction and building codes and general administration when such services are provided to other citizens of the City.

Miscellaneous Provisions:

- (1) This service plan is valid for ten years. Renewal of the service plan is at the discretion of the City of Post Oak Bend.
- (2) This service plan does not require a uniform level of full municipal services to each area of the City, including the annexed area, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.
- (3) This service plan shall not be amended unless public hearings are held in accordance with VTCA, Local Government Code, Section 43.056.
- (4) This service plan is adopted as Exhibit "B" to the Ordinance annexing the property described in Exhibit "A" to the City of Post Oak Bend. The City shall provide the area or cause the area to be provided with services in accordance with this service plan.

- (5) At present, the City does not provide any capital improvements or facilities or utilities such as water, wastewater, and roads, and does not anticipate being able to do so within the next several years. These facilities are now furnished by other public entities or private entities, as needed. The City anticipates that any new development in the area being annexed will have facilities provided by the property owner in the course of development.