

ORDINANCE NO. 7784

AN ORDINANCE ANNEXING INTO THE CITY OF AMARILLO, POTTER AND RANDALL COUNTY, TEXAS, ON PETITION OF PROPERTY OWNER, TERRITORY GENERALLY DESCRIBED AS APPROXIMATELY 328.67 ACRES OF LAND LOCATED IN SECTIONS 65 AND 66, A PORTION OF THE RIGHT-OF-WAY IN SECTION 66, BLOCK 9, BS&F SURVEY, RANDALL COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY; PROVIDING FOR AMENDMENT OF THE BOUNDARIES AND OFFICIAL MAP OF THE CITY; ADOPTING A SERVICE PLAN; SUBJECTING THE PROPERTY SITUATED THEREIN TO BEAR ITS PRO RATA PART OF TAXES LEVIED; DIRECTING THE FILING OF THE ORDINANCE IN THE MANNER REQUIRED BY LAW; DIRECTING NOTICE TO SERVICE PROVIDERS AND STATE AGENCIES; PROVIDING A SEVERABILITY CLAUSE; DECLARING COMPLIANCE WITH OPEN MEETINGS ACT; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Amarillo, Texas is a home-rule municipality authorized by State law and the City Charter to extend its boundaries and to annex area adjacent and contiguous to its corporate limits; and

WHEREAS, the owners of the property described in Exhibit A (hereinafter the "Area"), attached hereto and incorporated herein, have petitioned the City Council in writing to annex this area into the corporate limits of the City of Amarillo; and

WHEREAS, the City did offer a development agreement pursuant to Texas Local Government Code, Section 43.016, and the petitioner rejected such offer, and the City Council then accepted such voluntary annexation petition; and

WHEREAS, a service plan has been prepared that provides for the extension of appropriate municipal services to the Area, outlined in Exhibit B, attached hereto and incorporated herein, for all purposes, and the City is capable of providing such services by any of the methods in which the City extends the services to any other areas of the corporate City limits; and

WHEREAS, an updated official map is available indicating all property owners within the proposed annexation area; and

WHEREAS, the notice, publication, time periods and other procedural requirements of Texas Local Government Code, Section 43.063, have been complied with, including with respect to this annexation that two public hearings have been held at which persons interested in annexation of the Area into the corporate limits of the City were given the opportunity to be heard; and

WHEREAS, the property and territory herein described lies within the extraterritorial jurisdiction of the City of Amarillo; and

WHEREAS, the procedures prescribed by the Texas Local Government Code, other state laws, and the City of Amarillo, Texas charter have been duly followed; and

WHEREAS, the City Council finds it in the best interest of the City of Amarillo's citizens to annex such property and territory for the public purpose of promoting economic development in the community.

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

Section 1. Findings of Fact. All of the above premises are hereby found to be true and correct and are incorporated into the body of this ordinance as if fully set forth.

Section 2. Annexation. The Area described in Exhibit A, attached hereto and incorporated herein for all purposes, is hereby added and annexed into the City of Amarillo, Texas, and said Area shall hereafter be included within the corporate limits of the City of Amarillo, and the present boundary lines of said City, are hereby altered, extended and amended so as to include said Area within the corporate limits.

Section 3. Amendment of Boundaries and Official Map. The official map and boundaries of the City of Amarillo, Texas, heretofore adopted and amended, shall be and are hereby amended so as to include the aforementioned annexed Area.

Section 4. Service Plan. The service plan attached hereto as Exhibit B is hereby approved and incorporated herein for all purposes. The City of Amarillo makes an affirmative determination that this service plan provides for services to the annexed Area which are comparable to other areas within the City of Amarillo with similar land utilization, population density and topography.

Section 5. Rights, Privileges and Duties of Inhabitants. The inhabitants of the annexed Area shall be entitled to the rights and privileges of the other citizens of the City of Amarillo and shall be bound by the Charter, Ordinances, Resolutions and other regulations of said City.

Section 6. Pro Rata Share of Taxes. The annexed Area, being a part of the City of Amarillo for all purposes, situated herein shall bear its pro rata part of taxes levied by the City of Amarillo.

Section 7. Filing of Ordinance. The City Secretary is hereby directed to file a certified copy of this ordinance with the County Clerk of Potter County, Texas, the County Tax Assessor of Potter County, Texas, the Potter County Appraisal District, the Texas Secretary of State, the Census Bureau, the Texas Department of Insurance, the Texas Public Utility Commission, the Texas Comptroller of Public Accounts, and all local utility companies, in the manner required by law.

Section 8. Severability. If any part, provision, section, subsection, sentence, clause or phrase of this ordinance (or the application of same to any person or set of circumstances) is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining parts of this Ordinance (or their application to other persons or sets of circumstances) shall not be affected thereby, it being the intent of City Council in adopting this Ordinance, that no part thereof or provision contained herein shall become inoperative or fail by reason of any unconstitutionality of any other part hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 9. Open Meeting Act Compliance. The City Council for the City of Amarillo hereby finds and declares that the meetings at which this Ordinance was introduced and finally passed were open to the public as required by law, and public notice of the time, place and purpose of said meetings was given as required by the Open Meetings Act, Chapter 551 of the Texas Local Government Code.

Section 10. Effective Date. This Ordinance shall be in full force and effect upon its passage and publication as required by law.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading on this the **23rd day of April, 2019**; and **PASSED** on Second and Final Reading on this the **30th day of April, 2019**.



Ginger Nelson, Mayor

ATTEST:



Frances Hibbs, City Secretary

Hibbs, Frances

From: Valverde, Cris
Sent: Wednesday, May 1, 2019 9:16 AM
To: Hibbs, Frances
Subject: RE: Ordinance No. 7784

Frances,

We will send it out today for publishing this Friday.

Thanks,



Cris Valverde
Assistant Director
Planning and Development Services
806-378-5241

From: Hibbs, Frances
Sent: Wednesday, May 01, 2019 7:23 AM
To: Valverde, Cris
Subject: Ordinance No. 7784

Cris,

It is my understanding that you are doing the publishing for this ordinance. If not, please let me know.

Thanks,

Frances



601 South Buchanan Street
P.O. Box 1971
Amarillo, TX 79105-1971

Ofc. (806) 378-3014
Fax. (806) 378-9394

www.amarillo.gov

Frances Hibbs, TRMC
City Secretary
frances.hibbs@amarillo.gov

EXHIBIT A

A 328.67+/- acre tract of land out of Sections 65 and 66, Block 9, B.S. & F. Survey, Randall County, Texas, being a portion of that certain 590.9343+/- acre tract of land being described in Clerk's File No. 2012013183, Official Public Records of Randall County, Texas, said 328.67+/- acre tract of land having been surveyed on the ground on December 5, 2018 by Geospatial Data, Inc. and being described by metes and bounds as follows:

Point of Beginning is a 1/2" iron rod with cap (Furman) found in the apparent West R-O-W line of Soncy Road (A.K.A. Loop 335) as filed for record in Volume 754, Page 573, Deed Records of Randall County, Texas and the East line of that certain tract or parcel of land as conveyed to Soncy Road Investments by instrument and recorded in Clerk's File No. 2016009988, Official Public Records of Randall County, Texas for the Northeast corner of this tract as referenced by instrument and recorded in Clerk's File No. 2013019301, Official Public Records of Randall County, Texas, whence a 3/8 inch iron rod (4664) found in the North line of Section 65 bears N 00° 33' 08" W – 2739.04 feet;

Thence S 00° 33' 08" E on said apparent West R-O-W line of Soncy Road (A.K.A. Loop 335), same being the East line of said Soncy Road Investments tract for a distance of 405.43 feet to a 1/2 inch iron rod found;

Thence S 01° 54' 11" E on said apparent West R-O-W line of Soncy Road (A.K.A. Loop 335), same being the East line of said Soncy Road Investments tract for a distance of 1358.17 feet to a 1/2 inch iron rod found;

Thence S 00° 19' 24" E on said apparent West R-O-W line of Soncy Road (A.K.A. Loop 335) same being the East line of said Soncy Road Investments tract for a distance of 473.91 feet to a 1/2 inch iron rod with cap stamped "GDI AMARILLO" set in said apparent West R-O-W line of Soncy Road being the most Easterly Southeast corner of this tract;

Thence N 89° 43' 56" W for a distance of 511.54 feet to a 1/2 inch iron rod with cap stamped "GDI AMARILLO" set for an interior corner of this tract;

Thence S 00° 33' 08" E at a distance of 182.77 feet pass an aluminum R-O-W marker, continue on for a total distance of 500.00 feet to a 1/2 inch iron rod with cap stamped "GDI AMARILLO" set in the apparent South R-O-W line of F.M. 2186 (A.K.A. Hollywood Road) as filed for record in Volume 1888, Page 145, Deed Records of Randall County, Texas;

Thence N 89° 43' 56" W on said South line of F.M. Highway 2186 for a distance of 1933.07 feet to a 3/8 inch iron rod found in the East line of that certain tract or parcel of land as conveyed to Adam & Lucy Creery by instrument and recorded in Clerk's File No. 2012015110, Official Public Records of Randall County, Texas;

Thence N 00° 30' 17" E for a distance of 10.00 feet to a 1/2 inch iron rod found for the Northeast corner of said Creery tract;

Thence N 89° 43' 56" W for a distance of 296.21 feet to a 1/2 inch iron rod found for the Northwest corner of said Creery tract;

Thence S 00° 10' 29" E on the West line of said Creery tract for a distance of 10.00 feet to a 3/8 inch iron rod found in said South line of F.M. 2186, same being the Northeast corner of Lot 12, Block 4, Grayhawk Landing Unit No. 5 as filed for record in Clerk's File No. 01-013366, Official Public Records of Randall, County, Texas;

Thence N 89° 43' 56" W on said South R-O-W line of F.M 2186 for a distance of 2594.18 feet to a point, from whence an aluminum cap stamped "CDS MUERY" found for the intersection of the common line of Sections 66 and 71, Block 9, B.S. & F. Survey, Randall County, Texas and the apparent South R-O-W line of F.M. 2186 for the Southwest corner of this tract bears N 89° 43' 56" W, 30.00feet;

Thence N 00° 12' 23" W along a line 30 feet East of and parallel to the East line of said Section 65 for a distance of 1382.67 feet;

Thence S 89° 48' 57" W, 30.00 feet to a point in the East line of said Section 65;

Thence N 00° 12' 23" W continue on the common line of Sections 65 & 72, said Block 9 for a total distance of 1350.38 feet to a 1/2 inch iron rod with cap stamped "GDI AMARILLO" set on said common line of Sections 65 & 72 for the Northwest corner of this tract, same being the Southwest corner of that certain tract or parcel of land recorded in Clerk's file No. 2013019301, Official Public Records of Randall County, Texas;

Thence S 89° 46' 19" E for a distance of 5318.21 feet to the Point of Beginning.

Said tract contains 328.67 acres of land, more or less.

MUNICIPAL SERVICE PLAN

FIRE

Existing Services: None

Services to be Provided: Fire suppression, prevention, and first response Emergency Medical Services (EMS) will be available to the area upon annexation. Primary fire response will be provided by Fire Station No.3, located at 7441 Oxford Ln. Fire Department and EMS activities can be afforded to the annexed area within current budget appropriation.

As the City experiences growth, additional resources may need to be addressed in order to maintain levels of services.

POLICE

Existing Services: None

Services to be Provided: Upon annexation, the City of Amarillo Police Department (APD) will extend regular and routine patrols to the area. Police Department activities can be afforded to the annexed area within current budget appropriation.

As the City experiences growth, additional resources may need to be addressed in order to maintain levels of services.

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, mechanical, and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes which regulate building construction within the City of Amarillo. Such activities can be afforded to the annexed area within current budget appropriation.

As the City experiences growth, additional resources may need to be addressed in order to maintain levels of services.

PLANNING AND ZONING

Existing Services: None

Services to be Provided: The Planning and Zoning Department's responsibility for regulating development and land use through the administration of the City of Amarillo's 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 Amarillo's Subdivision Ordinance. Planning related activities can be afforded to the annexed area within current budget appropriation.

As the City experiences growth, additional resources may need to be addressed in order to maintain levels of services.

PARKS & RECREATION

Existing Services: None

Services to be Provided: The common areas proposed within the development will be installed and maintained by the Heritage Hills Public Improvement District. It is Parks and Recreation Department's understanding that an elementary school will be located within the area to be annexed, yet Parks and Recreation staff have not fielded any requests from the school district for dedication and/or maintenance of public park area. Should a request for such be submitted, Parks and Recreation will require the park area be improved per departmental policy (groundcover, irrigation, and ADA compliant) as well as review the department's ability to maintain the public area within the department's current budget before accepting the park area.

As the City experiences growth, additional resources may need to be addressed in order to maintain levels of services.

LIBRARY

Existing Services: None

Services to be Provided: Upon the effective date of annexation, free library use privileges will be available to anyone residing in this area. Department activities can be afforded to the annexed area within current budget appropriation.

As the City experiences growth, additional resources may need to be addressed in order to maintain levels of services.

HEALTH DEPARTMENT- HEALTH CODE ENFORCEMENT SERVICE

Existing Services: None

Services to be Provided: The Bi-City-County Health District will implement the enforcement of the City of Amarillo's health ordinances and regulations on the effective date of the annexation. In addition, Animal Management and Welfare services will be provided to the area as needed. Department activities can be afforded to the annexed area within current budget appropriation.

As the City experiences growth, additional resources may need to be addressed in order to maintain levels of services.

PUBLIC RIGHT-OF-WAY

Existing Services: None

Services to be Provided: There are no existing streets or alleys within the area of annexation. Developers will provide streets and alleys within the area to be annexed at their own expense. Construction of all streets and alleys shall comply fully with City of Amarillo Street Standard Specifications. Maintenance to any future street and alley facilities will be provided by the City upon acceptance of that street or alley by the City at the completion of the required warranty period.

Estimated first year maintenance costs (sealcoating, cracksealing, and asphalt repair), at current service levels, are \$3,834 for streets and \$8,256 for alleys with costs increasing by the same amount each year for 7 years (assuming 2.32 lane miles of streets and 0.82 lane miles of alleys are constructed each year at a maintenance cost of \$1,653 per lane mile of street and \$10,069 per lane mile of alley). Once fully developed, the anticipated annual maintenance costs are \$26,838 for streets and \$57,792 for alleys.

Estimated first year maintenance costs (sealcoating, cracksealing, and asphalt repair), at a best practices level, are \$5,783 for streets and \$10,363 for alleys with costs increasing by the same amount each year for 7 years (assuming 2.32 lane miles of streets and 0.82 lane miles of alleys are constructed each year at a maintenance cost of \$2,493 per lane mile of street and \$12,639 per lane mile of alley). Once fully developed, the anticipated annual maintenance costs are \$40,486 for streets and \$72,547 for alleys.

As the City experiences growth, additional resources may need to be addressed in order to maintain levels of services.

It is worth noting that due to the area proposed for annexation being bounded on the west, south, and east by right-of-way under TxDOT ownership, the City will not bear any cost associated with the construction of its typical portion/s of section line arterial roadways (approximately \$3,000,000 of construction cost).

Of additional note, whereas the proposed annexation will include TxDOT right-of-way (Loop 335 to the south and west), acquisition cost in the amount of \$315,310 will be borne by the City.

STORM WATER MANAGEMENT

Existing Services: None

Services to be Provided: Developers will provide storm water drainage at their own expense and will be jointly inspected by the Capital Projects and Public Works Department at time of completion. Construction of all storm water drainage facilities shall comply fully with City of Amarillo Specifications. The City will then maintain the drainage upon approval.

Estimated first year maintenance costs (street sweeping and curb and gutter), at current and best practice service levels, are \$8,053 for streets with costs increasing by the same amount each year for 7 years (assuming 0.92 linear miles of streets are constructed each year at a maintenance cost of \$8,754 per linear mile). Once fully developed, the anticipated annual maintenance costs are \$56,901.

Estimated first year Drainage Utility fee revenues are \$6,242 and increasing the same amount each year for 7 years (assuming 135 residential lots at a rate of \$2.47 per lot and 4 commercial lots at a rate of \$46.69 per lot are developed each year). Once fully developed, anticipated annual revenues are \$43,694.

As the City experiences growth, additional resources may need to be addressed in order to maintain levels of services.

It is worth noting, during recent discussions with the developer, it is the City's understanding that the developer has yet to successfully resolve off-site drainage with TxDOT.

STREET LIGHTING

Existing Services: None

Services to be Provided: All residential street lighting will be provided by the developer. The City of Amarillo Traffic Engineering Department will coordinate any request for improved street lighting with the local electric provider in accordance with City of Amarillo Lighting Standards. Department activities can be afforded to the annexed area within current budget appropriation.

As the City experiences growth, additional resources may need to be addressed in order to maintain levels of services.

TRAFFIC ENGINEERING

Existing Services: None

Services to be Provided: After annexation, the City of Amarillo Traffic Engineering Department will provide additional traffic control devices deemed necessary by that Department.

Traffic signing will be placed as development occurs and appropriate locations. Signing will include Stops, Yields, Do Not Enter, 1-Way, and Speed Limit as required. Based upon the proposed street layout, a minimum of 95 individual sign pole installations will be required at a current cost of \$180 per installation for a total of \$17,100. Traffic activities be afforded to the annexed area within current budget appropriation.

Existing traffic patterns warrant a traffic signal at either Soncy Rd. and Heritage Hills Pkwy. or at the intersection of Heritage Hills Prkwy. and the future Loop 335. Signalization cost will fall between \$300,000 to \$500,000. Consultant design fees and any additional roadway preparation may push signal install costs higher.

As the City experiences growth, additional resources may need to be addressed in order to maintain levels of services.

WATER SERVICE

Existing Services: None

Services to be Provided: Water service to the area will be provided in accordance with State Law.

It is anticipated that approximately \$152,280 in water extension costs within 2 ½ years will be borne by the City to provide service to the annexed area.

Estimated first year operating and maintenance costs are \$62,550 with costs increasing by an equal amount each year for 7 years (assuming 135 residential and 4 commercial lots are developed per year at a cost of \$450 per connection). Once fully developed, the anticipated annual maintenance costs are \$438,750.

Estimated first year revenues are \$46,795 with revenue increasing by the same amount each year for 7 years (assuming 135 residential and 4 commercial lots are developed per year and a residential customer uses 8,000 gallons monthly at a rate of \$27.13 a gallon and a commercial customer uses 15,000 gallons a month at a rate of \$59.26 a gallon). Once fully developed, the anticipated annual revenues are \$327,565

As the City experiences growth, additional resources may need to be addressed in order to maintain levels of services.

It is worth noting that as phases of the area develop, the developer will be responsible to "loop" the water mains via 12" mains around the area. As this occurs, the City will participate in upsizing to a 20" main and the anticipated cost is \$1,085,561. This cost is anticipated to be spread over a 5-7 year period.

SANITARY SEWER SERVICE

Existing Services: None

Services to be Provided: Sanitary Sewer service to the area will be provided in accordance with State Law.

It is anticipated that approximately \$21,060 in Sanitary Sewer extension costs (20 linear feet of 10" sanitary sewer line and one manhole) within 2 ½ years will be borne by the City to provide service to the annexed area.

Estimated first year operating and maintenance costs are \$44,550 with costs increasing by an equal amount each year for 7 years (assuming 135 residential and 4 commercial lots are developed per year at a cost of \$211 per connection). Once fully developed, the anticipated annual maintenance costs are \$311,850.

Estimated first year revenues are \$43,862 with revenue increasing by the same amount each year for 7 years (assuming 135 residential and 4 commercial lots are developed per year and an average monthly rate of \$25.88 per residential customer and \$40.36 per commercial customer). Once fully developed, the anticipated annual revenues are \$307,040.

As the City experiences growth, additional resources may need to be addressed in order to maintain levels of services.

SOLID WASTE SERVICES

Existing Services: None

Services to be Provided: After annexation, solid waste collection shall be provided to the area of in accordance with the present City ordinance. Service shall begin with occupancy of structures.

Estimated first year service and maintenance costs are \$27,338 with costs increasing by the same amount each year for 7 years (assuming 135 residential and 4 commercial lots are developed per year at a monthly cost of \$16.39 per lot). Once fully developed, the anticipated annual service and maintenance costs are \$287,267 (a service cost rate of \$16.39 per lot totaling \$191,369 annual service costs plus an additional annual service cost of \$95,504 for an additional truck driver salary and monthly side-loader rental rate).

Estimated first year revenues are \$26,057 with revenue increasing by the same amount each year for 7 years (assuming 135 residential and 4 commercial lots are developed per year and average monthly rate of \$15.59 per customer). Once fully developed, the anticipated annual revenues are \$182,403 annually.

It is worth noting that as significant development occurs, an additional one time cost of \$135,000 for an additional truck is necessary to continue services. Budgeting for the additional truck will need to be taken into account as development occurs. Additionally, as each phase is developed, upfront costs for equipment (dumpsters) at a rate of \$500 each will be required to serve the area. One dumpster is required for every 3.5 homes developed.

As the City experiences growth, additional resources may need to be addressed in order to maintain levels of services.

TRANSIT

Existing Services: None

Services to be Provided: There are no plans for fixed route service within the area proposed for annexation, yet Spec-Trans service will be provided upon annexation. First year service cost is estimated to be \$3,741 with an average yearly increase in service cost of approximately \$5,225 a year (yearly increase takes into account inflation and increased trip lengths) for a total of \$127,782 service cost at the end of the build out period.

Estimated maintenance costs for service is \$35,100 assuming all factors remain the same and no fixed route service is added to the area.

At the end of the build out period, it is anticipated that purchase of an additional Spec-Trans vehicle in the amount of \$110,000, would be required to continue Spec-Trans service to the area. As the City experiences growth, additional resources may need to be addressed in order to maintain levels of services.

AD VALOREM TAX

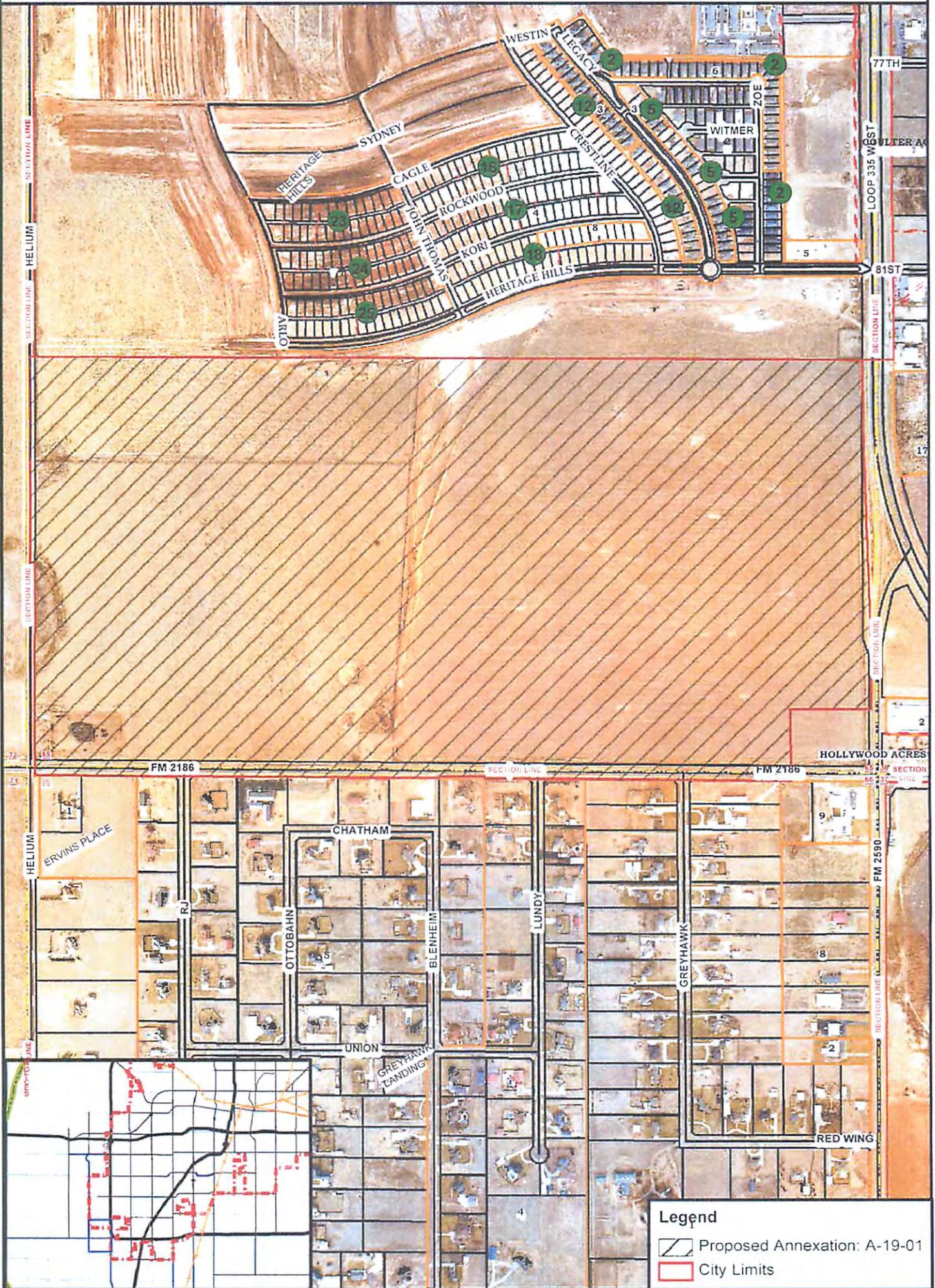
Expected first year Residential Ad Valorem taxes are expected to be \$95,620 and \$37,487 for commercial development (assuming 135 residential lots and 4 commercial lots are developed per year at a tax rate of \$0.368380). Once fully developed, anticipated annual revenue is \$931,749 annually once fully developed.

MISCELLANEOUS

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

CASE A-19-01

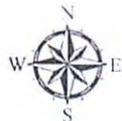
Annexation of 328.67+/- Acres



**CITY OF AMARILLO
PLANNING DEPARTMENT**

Annexation of a 328.67+/- acre tract of land out
of Sections 65 & 66, Block 9, BS&F Survey,
Randall County Texas.

Scale: 1 inch = 750 feet
Date: 4/5/2019
Case No: A-19-01



Vicinity: Soncy Rd.
Applicant: Seth Williams

DISCLAIMER: The City of Amarillo is providing this information as a public service. The information shown is for information purposes only and except where noted, all of the data or features shown or depicted on this map is not to be construed or interpreted as accurate and/or reliable; the City of Amarillo assumes no liability or responsibility for any discrepancies or errors for the use of the information provided.