

ORDINANCE NO. 1111

AN ORDINANCE ANNEXING, FOR FULL PURPOSES PROVIDING FOR THE EXTENSION OF MUNICIPAL BOUNDARY LIMITS TO INCORPORATE SUCH PROPERTY INTO THE CITY OF ROBSTOWN, TEXAS WITH THE ANNEXATION OF, APPROXIMATELY 122.08 ACRES OUT OF THE UNDIVIDED PAUL G H 175.06 ACRE TRACT OUT OF E/2 SECTION 32 OWNED BY THE CITY OF ROBSTOWN AND LOCATED NEAR WEST AVENUE A, LOCATED IN NUECES COUNTY, TEXAS; WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ROBSTOWN, TEXAS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE; AND APPROVING A WRITTEN MUNICIPAL SERVICE PLAN

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

WHEREAS, pursuant to Texas Local Government Code, the City Council of the City of Robstown held a public hearing where all interested persons were provided with an opportunity to be heard on November 21, 2022, at 6:30 PM in the City Council Chambers at City Hall, which is located at 101 East Main Ave, Robstown, Texas 78380.

WHEREAS, as a consequence of the annexation, the Extra-territorial Jurisdiction of the City of Robstown will expand by one mile in accordance with Sec. 42.022 of the Texas Local Government Code. Sec. 42.001 of the Texas Local Government Code states that the purpose of the Extra-territorial Jurisdiction is to promote and protect the general health, safety, and welfare of persons residing in and adjacent to the city. The City of Robstown enforces its subdivision ordinance in its Extra-territorial Jurisdiction.

WHEREAS, the City will provide municipal services to the subject properties to be annexed according to the Service Plan.

PART 1. The Council finds the above recitals are hereby found to be true and correct and incorporated herein for all purposes and the Council further finds that:

(A) Notice of the public hearing concerning the voluntary annexation of the area described in **Exhibit "A"** was published in a newspaper of general circulation in the City of Robstown and in the area to be annexed, and on the City of Robstown website.

(B) The public hearing was held on November 21, 2022, at the Robstown City Hall, City of Robstown, 101 East Main, Robstown, Texas 78380.

(C) The public hearing was concluded after providing an opportunity for all persons present to be heard with respect to the proposed annexation.

(D) The City of Robstown is the owner of the area described in **Exhibit "A"**.

(E) The annexation, for full purposes, of the area described in **Exhibit "A"**, serves the interest of the current and future residents of the City of Robstown.

(F) All procedural requirements imposed by state law for the full purpose annexation of the area described in **Exhibit "A"** have been met.

PART 2. The present boundary limits of the City are amended to include the following area, which is within the limited purpose jurisdiction and adjacent to the city limits of the City of Robstown in Nueces County, Texas, and which is annexed into the City for full purposes:

Approximately 122.08 Acres out of the Paul G H Undivided 175.06 Acre Tract out of E/2 Section 32, of land located near West Avenue A, this area being more particularly described in **Exhibit "A"**, regarding 22 TAC 663.21.

PART 3. The City Council declares that its purpose is to annex to the City of Robstown each part of the area described in **Exhibit "A"** as provided in this ordinance, whether any other part of the described area is effectively annexed to the City. If this ordinance is held invalid as to part of the area annexed to the City of Robstown, the invalidity does not affect the effectiveness of this ordinance as to the remainder of the area.

If any area or lands included within the description of the area set out in **Exhibit "A"** are: (1) presently part of and included within the general limits of the City of Robstown; (2) presently part of and included within the limits of any other city, town, or village; or (3) are not within the jurisdiction of the City of Robstown to annex, then that area is excluded and excepted from the area annexed.

PART 4. The City Council approves the written municipal service plan for the area attached as **Exhibit "B"**.

PART 5. That the official map of the City is hereby amended to reflect the addition of the property described herein.

PART 6. That if any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

PART 7. That this ordinance shall take effect immediately from and after its passage and approval, in accordance with applicable law and the charter of the City of Robstown, Texas.

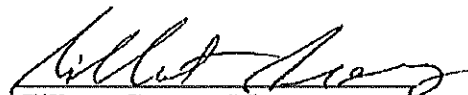
That the foregoing ordinance was read for the First time and passed to its Second reading on this the 21st day of November 2022 with the following votes:

Mayor	Gilbert Gomez	Mayor	<u>"Aye"</u>
Mayor Pro Tem	Mary Ann Y. Saenz	Place No. 1	<u>"Aye"</u>
Council Members:	Nelda Sanchez	Place No. 2	<u>"Aye"</u>
	Cordelia Bosquez	Place No. 3	<u>"Aye"</u>
	Jimmy Morales	Place No. 4	<u>"Aye"</u>
	Joe Carrion	Place No. 5	<u>"Aye"</u>
	Esmi Cueva Limon	Place No. 6	<u>"Aye"</u>

That the foregoing ordinance was read for the Second time and passed FINALLY on this the 19th day of December 2022 with the following votes:

Mayor	Gilbert Gomez	Mayor	<u>"Aye"</u>
Mayor Pro Tem	Mary Ann Y. Saenz	Place No. 1	<u>"Aye"</u>
Council Members:	Nelda Sanchez	Place No. 2	<u>"Aye"</u>
	Cordelia Bosquez	Place No. 3	<u>"Aye"</u>
	Jimmy Morales	Place No. 4	<u>"Aye"</u>
	Joe Carrion	Place No. 5	<u>"Aye"</u>
	Esmi Cueva Limon	Place No. 6	<u>"Aye"</u>

**PRESENTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
ROBSTOWN, TEXAS THIS 19TH DAY OF DECEMBER 2022.**


Gilbert Gomez, Mayor

ATTEST:


Beatriz Charo, City Secretary

APPROVED AS TO FORM:

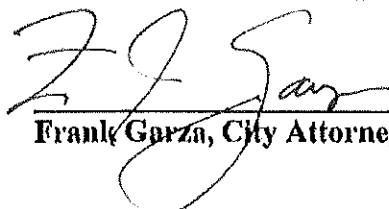

Frank Garza, City Attorney – Special Counsel

EXHIBIT "A"

MUNICIPAL SERVICE PLAN FOR THE PAUL G H UNDIVIDED 122.08 ACRES OUT OF 175.06 ACRE TRACT OUT E/2 SECTION 32

Introduction

This Service Plan ("Plan") is made by the City of Robstown, Texas pursuant to Section 43.056 of the Texas Local Government Code. This Plan relates to the annexation of Paul G H Undivided 122.08 Acres out of 175.06 Acre Tract out of E/2 Section 32 as depicted in the attached Metes and Bounds (EXHIBIT A) and annexation area map (EXHIBIT B).

a. Service to be provided pursuant to Texas Local Government Code 43.056(b)

(1) Police Protection:

Services to be Provided: The Robstown Police Department (RPD) will provide police protection within the City Limits.

(2) Fire Protection:

Services to be Provided: The Robstown Fire Department will provide fire protection and suppression within the City Limits through its existing fire stations.

(3) Emergency Medical Service:

Services to be Provided: The Robstown EMS Department will provide emergency medical services within the City Limits, directly or indirectly through a third-party contract.

(4) Solid Waste Collection:

Services to be Provided: The City of Robstown will provide solid waste services to single family residential customers within the City Limits, directly or indirectly through a third-party contract.

Commercial garbage collection service for businesses and multi-family residences is available on a subscription basis from private service providers. The City of Robstown will allow commercial refuse collectors to continue providing this service to condominium complexes, multi-family apartments and commercial and industrial establishments.

(5) Operation and Maintenance of Wastewater Facilities that are not Within the Service Area of Another Wastewater Utility:

Wastewater service will be provided within the service area in accordance with the Robstown Utility Systems Policies and engineering standards and provided the service is not within the certificated service area of another utility through existing facilities located within or adjacent

to the area. Any and all water or wastewater facilities owned or maintained by the City of Robstown, Texas, at the time of the proposed annexation shall continue to be maintained by the City of Robstown, Texas. Any and all water or wastewater facilities that may be the property of another municipality or other entity shall not be maintained by the City of Robstown unless the facilities are dedicated to and accepted by the City of Robstown. The current sewer line mains at their existing locations shall be available for point of use extension based upon the current City's standard water extension policies now existing or as may be amended.

On-site sewage facilities may be allowed contingent upon the property owner meeting all city, county, state, and federal requirements.

(6) Operation and Maintenance of Water Facilities that are not Within the Service Area of Another Water Utility:

Water service will be provided Nueces County Water Control and Improvement District No. 3 in accordance with the District No.3 Policies and engineering standards and provided the service is not within the certificated service area of another utility through existing facilities located within or adjacent to the area. Any and all water facilities owned or maintained by the District No. 3, at the time of the proposed annexation shall continue to be maintained by the District. The current water line mains at their existing locations shall be available for point of use extension based upon the current District's standard water extension policies now existing or as may be amended.

(7) Operation and Maintenance of Roads and Streets, including Street Lighting:

The City will maintain public streets over which the City has jurisdiction. Roads, streets, or alleyways which are dedicated to and accepted by the City of Robstown, Texas, or which are owned by the City of Robstown, Texas, shall be maintained to the same degree and extent that other roads, streets, and alleyways are maintained in the City. Lighting of public roads, streets and alleyways shall be maintained by the applicable utility company servicing the City unless the lighting facility has been dedicated to the public, in which case the City will be the operator.

(8) Operation and Maintenance of Parks, Playgrounds and Swimming Pools:

Currently there are no public recreational facilities in the annexation area including parks, playgrounds, or swimming pools. Any park that may be under the responsibility of the County will be maintained by the City only upon dedication of the park by the County to the City and acceptance of the park by the City Council.

(9) Operation and Maintenance of any other Publicly Owned Facility, Building, or Service:

Currently there are no such other publicly owned facilities, buildings, or services identified. If the City acquires any publicly owned facilities, buildings, or services within the annexation area, an appropriate City department will provide maintenance services.

b. Services to be provided pursuant to Texas Local Government Code 43.056(C)

(1) Water Service:

Existing Services: Currently, the Nueces County Water Control and Improvement District No. 3 holds a water certificate of convenience and necessity (“CCN”) for the annexation area.

Services to be Provided: The Nueces County Water Control and Improvement District No. 3 will continue to provide water service to the annexed area. In accordance with the applicable rules and regulations for the provision of water service, water service will be provided to the subject property, or applicable portions thereof, by the utility holding a water CCN for the subject property or portions thereof (the “CCN holder”) and, as applicable, the utility providing wholesale or retail water service to said CCN holder.

(2) Wastewater Service:

Existing Services: Currently, the annexation area lies outside a wastewater certificate of convenience and necessity (“CCN”).

Services to be Provided: Absent a wastewater CCN, by the utility in whose jurisdiction the subject property, or portions thereof as applicable, is located, the extension of wastewater service will be provided in accordance with all the ordinances, regulations, and policies of the City. When areas are not reasonably accessible to a public wastewater facility of sufficient capacity as determined by adopted City wastewater standards, individual aerobic system or individual wastewater treatment plant will be utilized in accordance with all the ordinances, regulations, and policies of the City.

(3) Planning and Zoning Services:

Existing Services: Subdivision planning services currently provided when plats are submitted for City review.

Services to be Provided: Planning and zoning services will be provided by the City of Robstown. The use of land in a legal manner may continue in accordance with Texas Local Government Code §43.002.

(4) Other Municipal Services:

All other City Departments with jurisdiction in the area will provide services within the City Limits according to City policy and procedure.

c. Capital improvement program pursuant to Texas Local Government Code 43.056(e)

(1) Police Protection: No capital improvements are necessary at this time to provide police services.

(2) Fire Protection: No capital improvements are necessary at this time to provide fire services.

(3) Emergency Medical Service: No capital improvements are necessary at this time to provide emergency medical services.

(4) Solid Waste Collection: No capital improvements are necessary at this time to provide solid waste collection services.

(5) Water and Wastewater Facilities: No additional capital improvements are necessary at this time to provide water or wastewater services.

(6) Natural Gas Service: No capital improvements are necessary at this time to provide natural gas services. Should natural gas services be required, the City of Robstown will extend the distribution system and services as part of future Capital Improvement Plan.

(7) Parks, Playgrounds and Swimming Pools. No capital improvements are necessary at this time to provide services.

(8) Other Publicly Owned Facilities, Buildings or Services: In general, other City functions and services, and the additional services described above can be provided for the annexation area by using existing capital improvements. Additional capital improvements are not necessary to provide other City services.

(9) Capital Improvements Planning: The annexation area will be included with other territory in connection with the planning for new or expanded facilities, functions, and services as part of the City's Capital Improvement Plan and Capital Budget program.

d. Effective Term pursuant to Texas Local Government Code 43.056(l)

This Plan shall be in effect for a ten-year period commencing on the effective date of the annexation, unless otherwise stated in this Plan. Renewal of the Plan shall be at the option of the City. A renewal of this Plan may be exercised by the City Council provided the renewal is adopted by ordinance and specifically renews this Plan for a stated period of time.

e. Special Findings

The City Council of the City of Robstown, Texas, finds and determines that this Plan will not provide any fewer services or a lower level of services in the annexation area than were in existence in the annexation area at the time immediately preceding the annexation process. The service plan will provide the annexed area with a level of service, infrastructure, and infrastructure maintenance that is comparable to the level of service, infrastructure, and infrastructure maintenance available in other parts of the municipality with topography, land use, and population density similar to those reasonably contemplated or projected in the area.

The City reserves the right guaranteed to it by the Texas Local Government Code to amend this Plan if the City Council determines that changed conditions or subsequent occurrences or any other legally sufficient circumstances exist under the Local Government Code or other Texas laws to make this Plan unworkable or obsolete or unlawful.

f. Amendment: Governing Law

This Plan may not be amended or repealed except as provided by the Texas Local Government Code or other controlling law. Neither changes in the methods or means of implementing any part of the service programs nor changes in the responsibilities of the various departments of the City shall constitute amendments to this Plan, and the City reserves the right to make such changes. This Plan is subject to and shall be interpreted in accordance with the Constitution and laws of the United States of America and the State of Texas, the Texas Local Government Code, and the orders, rules and regulations of governmental bodies and officers having jurisdiction.

g. Force Majeure

In case of an emergency, such as force majeure as that term is defined in this Plan, in which the City is forced to temporarily divert its personnel and resources away from the annexation area for humanitarian purposes or protection of the general public, the City obligates itself to take all reasonable measures to restore services to the annexation area of the level described in this Plan as soon as possible. Force Majeure shall include, but not be limited to, acts of God, acts of the public enemy, war, blockages, insurrection, riots, epidemics, landslides, lightning, earthquakes, fires, storms, floods, washouts, droughts, tornadoes, hurricanes, arrest and restraint of government, explosions, collisions, and other inability of the City, whether similar to those enumerated or otherwise, which is not within the control of the City. Unavailability or shortage of funds shall not constitute Force Majeure for purposes of this Plan.

h. Level of Service

Nothing in this plan shall require the City to provide a uniform level of full municipal services to each area of the City, including the annexed areas, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

The City of Robstown will provide services to the newly annexed area in a manner that is similar in type, kind, quantity, and quality of service presently enjoyed by the citizens of the City of Robstown, Texas, who reside in areas of similar topography, land utilization and population density.

EXHIBIT "B"

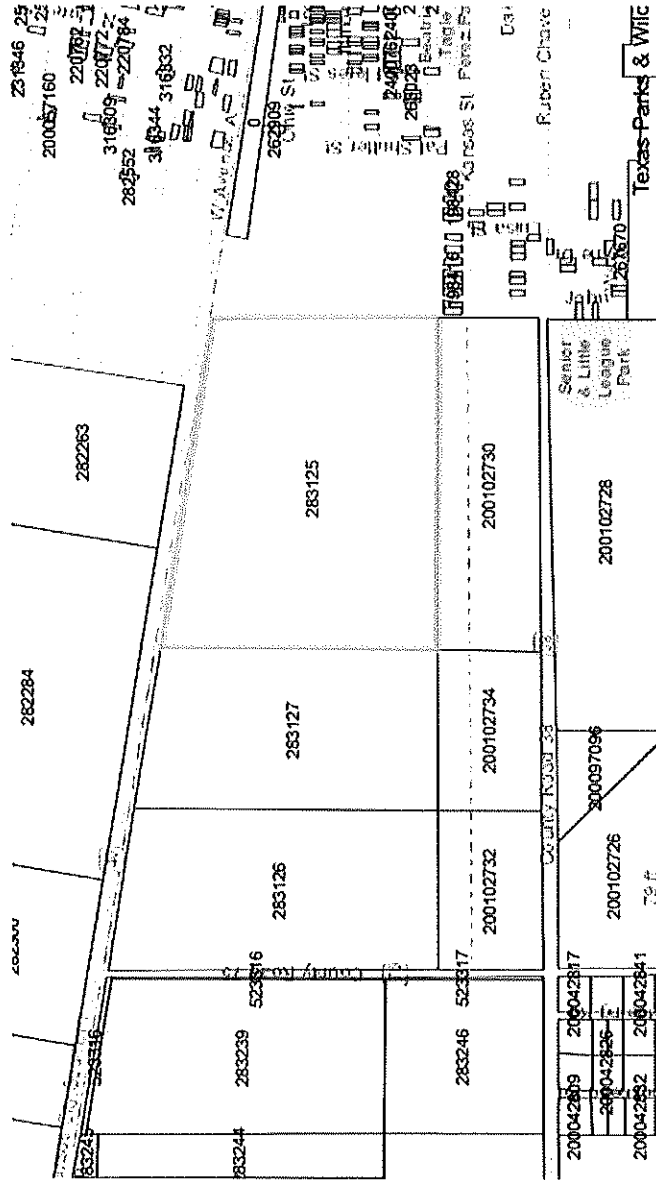
Property Identification #: 283125

Owner Identification #: 481191

Geo ID: 6489-0032-0000
 Situs Address: COUNTY RD 38 & CR 40 ROBSTOWN, TX 76380
 Property Type: Real
 State Code: E3

Legal: PAUL G H UNDIV 122.08 ACS OUT 175.06 AC TR
 Description: OUT E2 SEC 32, OCL
 Abstract: S8489
 Neighborhood: PAUL G H
 Appraised Value: N/A
 Jurisdictions: CAD, DQ, GNU, RFM, SO, HOSP

Name: CITY OF ROBSTOWN
 Exemptions: EX-XV
 DBA: Null



This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The Nueces County Appraisal District expressly disclaims any and all liability in connection herewith.