

ORDINANCE NO. 1999-05-04-001

**AN ORDINANCE OF THE CITY OF KEMPNER, TEXAS ANNEXING ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY; APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; MAKING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Kempner, (herein the "City") Texas is a general law municipality authorized by State law to annex a street, highway and other ways lying adjacent to the City pursuant to § 43.103 of the *Tex. Loc. Gov't. Code*;

**WHEREAS**, the property and right-of-way being annexed is adjacent and parallel to the present city limits;

**WHEREAS**, two separate public hearings were conducted prior to consideration of this Ordinance in accordance with § 43.052 of the *Tex. Loc. Gov't. Code*;

**WHEREAS**, the hearings were conducted and held not more than forty (40) nor less than twenty (20) days prior to the institution of annexation proceedings;

**WHEREAS**, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings; and,

**WHEREAS**, the City intends to provide services to the property to be annexed according to the Service Plan attached hereto as Exhibit "B".

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

**SECTION 1.** That all of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

**SECTION 2.** That the following described property (hereinafter referred to as the "Annexed Property") is hereby annexed into the corporate limits of the City of Kempner:

As more particularly described in attached exhibit "A" hereby incorporated as though fully transcribed herein.

**SECTION 3.** That the Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "B".

**SECTION 4.** That the future owners and inhabitants of the Annexed Property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "B", and are further bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

**SECTION 5.** That the official map and boundaries of the City, heretofore adopted and amended be and hereby are amended so as to include the Annexed Property as part of the City of Kempner.

**SECTION 6.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.


**SECTION 7.** That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

**SECTION 8.** That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

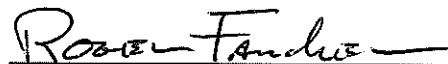
**PASSED AND APPROVED** on First Reading this 20th day of April, 1999.

**FINALLY PASSED AND APPROVED** on this the 4th day of May, 1999.

Attest:

  
\_\_\_\_\_  
Frances Spinney, City Secretary

**THE CITY OF KEMPNER, TEXAS**

  
\_\_\_\_\_  
Roger Fancher, Mayor

**Exhibit "B"**

**MUNICIPAL SERVICES PLAN  
FOR PROPERTY TO BE  
ANNEXED TO THE CITY OF KEMPNER**

**WHEREAS**, The City of Kempner, Texas intends to institute annexation proceedings for a more fully hereinafter (referred to herein as the "subject property");

**WHEREAS**, *Section 43.056, Loc. Gov't. Code*, requires a service plan be adopted with the annexation ordinance; and

**WHEREAS**, it is found that all statutory requirements have been satisfied and the City is authorized by *Chapt. 43, Loc. Gov't. Code*, to annex the subject property into the City;

**NOW, THEREFORE**, the City of Kempner agrees to provide the following services for the subject property within sixty (60) days from the effective date of annexation:

1. Police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City of Kempner.

2. Fire protection and Emergency Medical Services as follows:

Fire protection by the present personnel and equipment of the volunteer fire fighting force with the limitations of water available. Radio response for Emergency Medical Services with the present personnel and equipment.

3. Maintenance of streets and rights-of-way as provided in a Municipal Maintenance Agreement with the State.

4. Animal control as follows:

Service by present personnel, equipment and facilities or by contract with a third party, as provided within the City.

5. Maintenance of other City facilities, buildings and service.

**CAPITAL IMPROVEMENTS**

Construction of the following capital improvements shall be initiated within two (2) years

of the effective date of annexation, and shall be substantially complete within four and one-half (4 1/2) years of the effective date of annexation:

The capital improvements planned for this area are as follows: NONE

**PROPERTY DESCRIPTION**

The legal description of the subject property is as set forth in Exhibit "A" that is attached to the Annexation Ordinance to which this Service Plan is attached as Exhibit "B".

FIELD NOTES FOR A TRACT OF LAND IN LAMPASAS COUNTY, TEXAS.

MADE FOR: CITY OF KEMPNER

Being Acres, 26.36 Acres, more or less, and being the Highway 190 R-O-W North of the City of Kempner, comprised of parts of the Robert C. Wallace Survey, Abst. No. 754, and the A. E. Swope Survey, Abst. No. 1533, and being part of the R-O-W of U. S. Highway No. 190; BEGINNING at the East corner of Tract 1, Block 1, of Cheyenne Mountain Estates, First Unit, a subdivision as recorded in Plat Cabinet 1, Slide 101, of the Plat Records of Lampasas County, Texas, and in the South R-O-W line of said U. S. Highway No. 190; THENCE, with the South R-O-W line of said highway as follows: S 57° 59' W, 2631.13 Feet; and S 51° 34' W, 563.54 Feet; and S 69° 42' W, 359.79 Feet; and S 57° 59' W, 914.79 Feet; and S 62° 58' W, 238.03 Feet; and S 63° 47' W, 122.32 Feet; and S 65° 50' W, 383.97 Feet; and S 75° 28' W, 378.32 Feet; and S 81° 01' W, 193.78 Feet; and S 84° 28' W, 220.67 Feet; THENCE, N 1° 04' W, crossing said highway, 188.30 Feet, to the North R-O-W line of said U. S. Highway No. 190; THENCE, with the North R-O-W line of said highway as follows; N 84° 27' E, 357.48 Feet; and N 76° 46' E, 388.51 Feet; and N 68° 48' E, 556.74 Feet; and N 58° 37' E, 163.66 Feet; and N 57° 59' E, 210.90 Feet; and N 49° 07' E, 253.02 Feet; and N 65° 07' E, 201.56 Feet; and N 57° 09' E, 309.20 Feet; and N 29° 11' E, 114.17 Feet; N 57° 59' E, 1681.76 Feet; and N 84° 33' E, 78.26 Feet; and N 57° 59' E, 479.00 Feet; and N 50° 52' E, 201.56 Feet; and N 64° 20' E, 362.22 Feet; and N 57° 59' E, 578.06 Feet; THENCE, S 32° 01' E, crossing said highway, 173.11 Feet, to the PLACE OF BEGINNING