

A Report on the Proposed Limited Purpose Annexation of Certain Property in Galveston County Municipal Utility District No. 52

In accordance with §43.123 of the Texas Local Government Code, the City of Texas City, Texas (the "City") has prepared this report on the proposed limited-purpose annexation of land (the "Property") located in Galveston County Municipal Utility District No. 52 (the "District"). The limited-purpose annexation of the Property is an element of a Strategic Partnership Agreement between the City and the District.

Planning Study

Pursuant to §43.123(c) of the Texas Local Government Code, this planning study must address the following four topics: (i) the kinds and levels of development that will occur in the Property in the next ten years if the Property is not annexed for limited purposes and also if the Property is annexed for limited purposes; (ii) the issues the City considers to give rise to the need for the annexation of the Property for limited purposes and the public benefits to result from the limited-purpose annexation; (iii) the economic, environmental, and other impacts the annexation of the Property will have on the residents, landowners, and businesses in the area; and (iv) the proposed zoning of the Property.

Ten-Year Development Projections

Currently, development in the Property includes an approved Planned Unit Development which will allow for the construction of Single Family Dwellings, Patio Home Dwellings, Town Home Dwellings and a Commercial Marina. Future development of the Property is likely to be restricted to the aforementioned land uses approved by the City for this Planned Unit Development. The proposed limited-purpose annexation of the Property will not change or otherwise affect the types of development planned for the Property over the next ten years.

Issues Leading to Proposal

The limited-purpose annexation of the Property will benefit the City and is consistent with the terms of the Strategic Partnership Agreement, the Utility District Agreement, and the approved Planned Unit Development (Reference Zoning Ordinance No. 05-38), between the City and the District. The Property is located in an important area of commercial activity in Galveston County. The proposed limited-purpose annexation will provide needed revenues to the City. Reference the attached documents.

- a) Strategic Partnership Agreement

- b) Utility District Agreement
- c) Planned Unit Development Rezoning approval Ordinance No. 05-038; 10-5-05

Economic, Environmental, and Other Impacts

The limited-purpose annexation of the Property will provide revenues that will enable the City to fund needed municipal services and administrative services related to and in conjunction with the aforementioned ordinances and agreements cited under "The Issues Leading to the Proposal", text adopted for the approval of this development intent.

Proposed Zoning

The Property has obtained rezoning approved prior to the disannexation of the property and is also a contractual requirement of the developer/MUD 52. There is no anticipation of a future rezoning proposal. (within the next 20-30 years, Reference PUD Ordinance No. 05-038).

Regulatory Plan

The City is annexing the Property for the sole purpose of imposing a retail sales and use tax within the boundaries of the Property. With the exception of (i) ordinances or regulations relating to the City's retail sales and use tax and (ii) ordinances relating to the governance of areas within the City's extraterritorial jurisdiction, no other ordinances or regulations will apply within the boundaries of the Property.



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29°26'15.89" N 94°54'37.77" W

Jan 9, 2008 Eye alt 2.45 km

SERVICE PLAN FOR CITY OF TEXAS CITY

I. INTRODUCTION

This Service Plan ("Plan") is made by the City of Texas City, Texas ("City") pursuant to Chapter 43 of the Local Government Code. This relates to the annexation of the City Proposed Annexed Areas of land located within the Extraterritorial Jurisdiction of Texas City. The Proposed Annexed Areas is described by metes and bounds in Exhibit "A," attached to this Plan and with the annexation ordinance of which this Plan is a part of.

II. TERM: EFFECTIVE DATE

This Plan shall be in effect for a ten-year period commencing on the effective date for annexation of the Proposed Annexed Area, unless otherwise stated in this Plan. Renewal of this Plan shall be the option of the City. Such option may be exercised by the adoption of an Ordinance by the City Commission which refers to this Plan and specifically renews this Plan for a stated period of time.

III. SERVICE PROGRAMS

A. General Coverage

This Plan includes two service programs: (1) the early action program described below, and (2) the Capital Improvement Program also described below.

B. Scope and Quality of Services

Services under this Plan shall equal or exceed the number and level of services in existence in the Proposed Annexed Area prior to annexation. It is not the intent of this Plan to require that a uniform level of services in existence by provided to all areas of the City (including the Proposed Annexed Area) where differing characteristics of topography, land utilization and population density are considered a sufficient basis for providing differing service levels.

C. Definitions

1. As used in this Plan, providing services includes having services provided by any method or means by which the City extends municipal services to any other areas of the City. This may include causing or allowing private utilities, governmental entities and other public service organizations to provide such services, in whole or in part, it may also include separate agreements with associations or similar entities.

2. As used in this Plan, the phrase "standard policies and procedures" means those policies and procedures of the City applicable to a particular service which are in effect either at the time that the service is requested or at the time that the service is made available or provided. The policies and procedures may require that a specific type of request be made, such as an application or petition. They may require that fees or changes be paid, and may include eligibility requirements and similar provisions.

D. Early Action Program

1. **Statutory Services.** The statutory services will be provided within the Proposed Annexed Area within the period required by State law. Service will be provided immediately upon annexation. The statutory services are as follows:
 - a. **Police Protection.** The Police Department of the City will provide protection and law enforcement in the Proposed Annexed Area. These activities will include normal patrols and responses, the handling of complaints and incident reports, and, as appropriate, support by special units. Patrol Services will be provided by units based at 1004 9th Avenue North.
 - b. **Fire Protection.** The Fire Department of the City will provide fire protection, and first response medical services.
 - c. **Emergency Medical Service (EMS).** The City and/or EMS will provide EMS for emergencies occurring in the Proposed Annexed Area. Ambulances will be dispatched from Fire Station #2.
 - d. **Solid Waste Collection.** For eligible operations in the Proposed Annexed Area, contract services will be provided under City franchise agreement.
 - e. There are currently no public water distribution/wastewater facilities within the area. No maintenance will be required at this time.
 - f. **Maintenance of Roads, Drainage, and Street Lighting.** Roads, drainage, and street lighting is required immediately after annexation of the Proposed Annexed Area.
2. **Additional Service.** Certain services, in addition to the statutory services, will be provided within the Proposed Annexed Area to the same extent they are provided to similar territories elsewhere in the City. These are as follows:
 - a. Planning and inspection services will be provided for proposed facilities or activities to be constructed within the Proposed Annexed Area in accordance with City codes and ordinances.
 - b. Emergency Management Planning for the Proposed Annexed Area and any facilities or activities in the Proposed Annexed Area will be coordinated through the City, Office of Emergency Management.
 - c. Other City services, to the extent applicable to persons or properties

within the Proposed Annexed Area, in accordance with standard policies and procedures.

3. **Capital Improvement Program.** The City will initiate the construction of certain capital improvements necessary for providing municipal service for the Proposed Annexed Area. Those improvements which are necessary are indicated below, and any necessary construction or acquisition shall begin within two years of the effective date of this Plan, except as otherwise indicated.
 - a. **Police Protection.** Police protection for the Proposed Annexed Area can be provided by using existing capital improvements. Additional capital improvements are not necessary at this time to provide police protection to the Proposed Annexed Area. However, the Proposed Annexed Area will be included with other territory in connection with Planning for new, revised, or expanded facilities.
 - b. **Fire Protection.** Fire protection for the Proposed Annexed Area can initially be provided by using existing capital improvements. The Proposed Annexed Area will be included with other territory in connection with Planning for a new, revised or expanded fire fighting facility in the area.
 - c. **Solid Waste Collection.** No capital improvements are necessary at this time to provide solid waste collection services within the Proposed Annexed Area described in the Early Action Program. However, the Proposed Annexed Area will be included with other territory in connection with Planning for new, revised or expanded solid waste facilities.
 - d. **Water and Waste Facilities.** Currently no public water distribution or wastewater services exist in the area. Capital improvements for future needs if necessary will be based on the standard policies and procedures of the City, Public Works and Engineering Departments. Additionally, the Proposed Annexed Area will be included with other territory in connection with Planning for new, revised or expanded public water and wastewater facilities. The Capital Facilities Plan will be initiated as Capital Recovery Fees are collected.
 - e. **Roads, Drainage and Street Lighting.** It is not anticipated that any new roads, drainage or street lighting improvements will be required. However, the Proposed Annexed Areas will be included with other territory in connection with Planning for new, revised, widened or enlarged roads, streets or related facilities.
 - f. **Other Publicly-Owned Facilities, Buildings, or Services; Additional Services.** In general, other City functions and services, and the additional services described above, can be provided for the Proposed Annexed Area by using existing capital improvements. Additional capital improvements are not necessary to provide City services. However, the Proposed Annexed Area will be included with other territory in connection with Planning for new, revised or expanded facilities,

functions and services, including the additional services described above.

IV. AMENDMENT: GOVERNING LAW

This Plan may not be amended or repealed except as provided by the Local Government Code or other controlling law. Neither changes in the methods nor 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 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 Local Government Code, and the orders, rules and regulations of governmental bodies and officers having jurisdiction.

V. FORCE MAJEURE

In case of an emergency, such as a hurricane or other "force majeure" as that term is defined herein, in which the City is forced to temporarily divert its personnel and resources away from the Proposed Annexed Area for humanitarian purposes or for the safety of the general public, the City hereby obligates itself to take all reasonable measures to restore services to the Proposed Annexed Area to the level described in this Plan as soon as possible. "Force Majeure," for the purpose of this Plan shall include, but not be limited to acts of God, acts of the public enemy, war blockades, insurrection, riots, epidemics, landslides, lightning, earthquakes, fire, storms, floods, washouts, droughts, tornadoes, hurricanes, arrests and restraints 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 Service Plan.

VI. ENTIRE PLAN

This document contains the entire and integrated Service Plan relating to the Proposed Annexed Area and supersedes all other negotiations, representations, Plans, and agreements whether written or oral.