

**ORDINANCE NO. 2020-0001**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELKHART, TEXAS, ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF ELKHART, ANDERSON 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; ADOPTING A SERVICE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, in accordance with state law, the City of Elkhart, Texas, an incorporated city, authorizes the annexation of territory, subject to the laws of this state; and

**WHEREAS**, an offer of a development agreement pursuant to §43.016 of the Texas Local Government Code was not required; and

**WHEREAS**, the procedures prescribed by the laws of this state have been duly followed with respect to the following described territory, to wit:

Being 26.87 acres of land lying partly in the NEWTON LEWIS SURVEY, ABSTRACT NO. 482, and the RUEBEN BROWN SURVEY, ABSTRACT NO. 13, ANDERSON COUNTY, TEXAS, and being all of that Tract No. 1 called 25.486 acres save and except 1.545 acres from Gayle Zellers to R. Lowery Investments, Inc. on February 18, 2002 and recorded in Volume 1711, Page 672 of the Official Public Records of Anderson County, Texas (hereinafter shown as volume/page, OPR), and being all of that Tract No. 2 called 2.888 acres in 1711/672, OPR.

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

1. That the heretofore described property is hereby annexed to the City of Elkhart, Anderson County, Texas, and that the boundary limits of the City of Elkhart be and the same are hereby extended to include the above described territory within the city limits of the City of Elkhart, and the same shall hereafter be included within the territorial limits of said city, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the City of Elkhart and they shall be bound by the acts, ordinances, resolutions, and regulations of said city.
2. A service plan or agreement for the area is hereby adopted and attached as Exhibit "A".
3. This ordinance shall be effective upon its adoption.

**EXHIBIT "A"**  
**Service Plan**

**CITY OF ELKHART**  
**MUNICIPAL SERVICE PLAN**

**FIRE**

*Existing Services:* Elkhart Volunteer Fire Department currently provides fire service to the area.

*Services to be Provided:* Fire suppression will continue to be provided to the area upon annexation through the Elkhart Volunteer Fire Department, which works in cooperation with the County's fire service. Adequate fire suppression activities can be afforded to the annexed area within current budget appropriation.

**POLICE**

*Existing Services:* Anderson County Sheriff's Office

*Services to be Provided:* Anderson County Sheriff's Office will remain continue to provide service upon annexation.

**BUILDING INSPECTION**

*Existing Services:* None

*Services to be Provided:* City Code Enforcement will provide building inspection upon annexation. This includes issuing building, electrical and plumbing permits for any new construction and remodeling and enforcing all other applicable codes which regulate building construction within the City of Elkhart.

**PLANNING AND ZONING**

*Existing Services:* None

*Services to be Provided:* The City Council is responsible for regulating development and land use through the administration of City ordinances and state law and will extend service 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 Elkhart Subdivision Ordinance. These services can be provided within the department's current budget.

**HEALTH CODE ENFORCEMENT SERVICE**

*Existing Services:* None

*Services to be Provided:* The City of Elkhart Code Enforcement will implement the enforcement of the City's health ordinances and regulations on the effective date of the annexation. Such

services can be provided with current personnel and within the current budget appropriation. In addition, animal control services will be provided to the area as needed.

### **STREETS**

*Existing Services:* State/County Street Maintenance

*Services to be Provided:* The roads surrounding the property are state highways, and therefore, maintenance to the street/roadway facilities will continue to be provided in the same manner by the state/county, upon the effective date of the annexation.

### **STORM WATER MANAGEMENT**

*Existing Services:* None

*Services to be Provided:* Developers will provide storm water drainage at their own expense and will be inspected at time of completion.

### **STREET LIGHTING**

*Existing Services:* State/County Street Maintenance

*Services to be Provided:* The roads surrounding the property are state highways, and therefore, maintenance to the street/roadway facilities, including lighting, will continue to be provided in the same manner by the state/county, upon the effective date of the annexation.

### **TRAFFIC ENGINEERING**

*Existing Services:* State/County

*Services to be Provided:* The roads surrounding the property are state highways, and therefore, maintenance to the street/roadway facilities, including engineering, will continue to be provided in the same manner by the state/county, upon the effective date of the annexation.

### **WATER SERVICE**

*Existing Services:* Already providing.

*Services to be Provided:* Water service to the area will continue to be provided by the City in accordance with the applicable codes and departmental policy. When other property develops in the adjacent area, water service shall be provided in accordance with extension ordinances where applicable. Extension of service shall comply with City codes and ordinances.

### **SANITARY SEWER SERVICE**

*Existing Services:* None

*Services to be Provided:* Sanitary sewer service will be provided to the area in accordance with the City of Elkhart's established policies governing extension of municipal services to newly annexed areas.

### **SOLID WASTE SERVICES**

*Existing Services:* None

*Services to be Provided:* Solid Waste Collection shall be provided to the area of annexation in accordance with the present ordinance. Service shall comply with existing City policies, beginning with occupancy of structures.

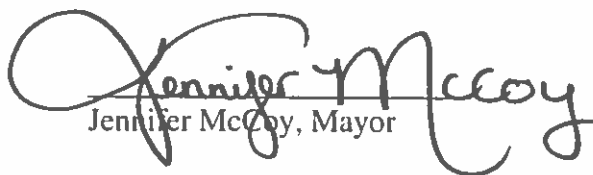
### **MISCELLANEOUS**

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

The City Secretary is hereby directed to file with the County Clerk of Anderson County, Texas, a certified copy of this ordinance.

PASSED by an affirmative vote of all members of the City Council, this the 3 day of August, 2020.

APPROVED:

  
Jennifer McCoy, Mayor

ATTEST:

  
Ami Ashworth  
Ami Ashworth, City Secretary