

**SERVICE PLAN FOR THE ANNEXATION OF LAND LOCATED IN
THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF OAK RIDGE NORTH**

I. INTRODUCTION

THIS SERVICE PLAN ("PLAN") IS MADE BY THE CITY OF OAK RIDGE NORTH, TEXAS, ("CITY") PURSUANT TO THE LOCAL GOVERNMENT CODE. THIS PLAN PERTAINS TO THE FOLLOWING DESCRIBED TERRITORY ("TRACTS"), TO-WIT:

2.1755 ACRES (94,764 SQUARE FEET) OF LAND SITUATED IN THE MONTGOMERY COUNTY SCHOOL LAND SURVEY, A-350, MONTGOMERY COUNTY, TEXAS, AND BEING OUT OF THAT CERTAIN CALLED 3.66 ACRES (PARCEL 2) CONVEYED TO ANNIE MAE ROBINSON LARSON, BY INSTRUMENT RECORDED UNDER MONTGOMERY COUNTY CLERK'S FILE NO. 9718846 OF THE DEED RECORDS OF MONTGOMERY COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS SET FORTH ON THE ATTACHED EXHIBIT "1."

II. TERM AND EFFECTIVE DATE

This PLAN has been prepared in accordance with Texas Local Government Code, Section 43.056. This PLAN is proposed to be upon the annexation of the TRACTS and shall continue until such time that this PLAN is amended at the discretion of the CITY with such discretion being exercised by the City Council in such manner and for such time as the CITY may then direct.

III. SERVICE PLAN

Scope and Quality of Proposed Service. The CITY shall provide services to the TRACTS pursuant to any methods by which it extends or is authorized to extend services to any other area of the CITY. Under this PLAN, the CITY shall not provide fewer services or a lower level of services to the TRACTS than were in existence in the area immediately preceding the date of annexation. However, it is not the intent of this PLAN to require that a uniform level of services be provided to all areas of the CITY, including the TRACTS, where differing characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service. The following municipal facilities and services to the TRACTS described above will be provided or made available by the CITY at the following levels and in accordance with the following schedule:

1. Police Protection. The Police Department of the CITY will provide protection and law enforcement to the TRACTS which will include normal patrols and responses, the handling of complaints and incident reports, and other services and

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support provided by the Police Department of the CITY to other portions of the CITY, all pursuant to the CITY'S standard policies and procedures, as may be amended.

2. Fire Protection. The Fire Department serving the CITY at the time of the annexation will provide fire protection to the TRACTS in accordance with standard policies and procedures, as may be amended.

3. Emergency Medical Services. Emergency medical services will continue to be provided by County agencies on the same basis and at the same level as provided throughout the CITY.

4. Solid Waste Collection. Business and residential solid waste collection and recycling services will be provided to residents and businesses in the TRACTS, all in accordance with the CITY's standard policies and procedures, as may be amended.

5. Operation and Maintenance of Water and Wastewater System and Facilities Owned and Operated by the CITY.

- a. To the extent water and wastewater system services are already being provided, the operation and maintenance of the CITY water and wastewater system and facilities that are owned and operated by the CITY will continue to be provided on the same basis and at the same level as provided throughout the CITY prior to the annexation.
- b. To the extent water and wastewater system services are not already being provided, the operation and maintenance of the CITY water and wastewater system and facilities that are owned and operated by the CITY will be provided on the same basis and at the same level as provided throughout the CITY, after such water and wastewater services are constructed in the annexed area.
- c. Construction of water mains and wastewater (sewer) lines in the annexed area will be substantially completed within one (1) year of the effective date of the annexation, unless the construction process is interrupted by circumstances beyond the control of the CITY (i.e., weather, strikes, national emergencies, etc.)

6. Operation and Maintenance of Roads, Streets, Street Lighting and Drainage.

- a. Any roads, streets, street lighting and drainage annexed into the CITY will continue to be maintained at the same level that existed prior to the annexation in accordance with the CITY's standard

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policies and procedures or according to any applicable agreements, as may be amended.

- b. Future Improvements to any roads, streets, street lighting and drainage annexed into the CITY will comply, to the extent required by law, with all design and construction standards adopted by the CITY that are then applicable to the same or similar improvements.

7. Maintenance of Parks, Playgrounds, and Swimming Pools. At this time there are no public parks, playgrounds, or swimming pools within the TRACTS. There are existing public parks, playgrounds, and swimming pools in the municipality, and they are available for the use and enjoyment by the owner(s) or residents of the TRACTS in accordance with the CITY's standard policies and procedures, as may be amended.

8. Building Inspection, Permits and Code Enforcement. Building inspection, permitting, and code enforcement services will be provided to residents occupying and businesses operating from the TRACTS, all in accordance with the CITY's standard policies and procedures, as may be amended.

9. Planning and Zoning. The Zoning Commission's responsibility for regulating development and land use through the administration of the CITY's Zoning Ordinance will extend to the TRACTS on the effective date of the annexation. The TRACTS will also continue to be regulated under the requirements of the CITY's Subdivision Ordinance, as may be amended.

10. Other CITY Services. All other available CITY services not specifically listed above shall be extended and available to residents occupying and businesses operating from the TRACTS in accordance with the CITY's standard policies and procedures, as may be amended.

11. Fees. The CITY may impose a fee for a service to the TRACTS if the same fee was imposed within the corporate boundaries of the CITY before annexation. The CITY may impose a fee to the TRACTS, over and above *ad valorem* taxes and fees imposed within the corporate boundaries of the CITY before annexation, to maintain the level of services that existed to the TRACTS before annexation, if applicable.

12. Capital Improvements. To the extent the implementation of this PLAN requires the construction of capital improvements in the TRACTS, the construction of the necessary capital improvements will be substantially completed within the time frames specified in each applicable subject set out in this PLAN. The applicable time periods may be extended where the construction process is interrupted by

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circumstances beyond the control of the CITY, or the time period is extended by mutual agreement or by an arbitration decision.

NOTHING IN THIS PLAN SHALL BE INTERPRETED TO WAIVE OR OVERRIDE ANY PRE-EXISTING OBLIGATION THAT ANY OTHER PUBLIC AND/OR GOVERNMENTAL ENTITY CURRENTLY HAS TO CONSTRUCT AND/OR OTHERWISE MAINTAIN THE PUBLIC IMPROVEMENTS OR INFRASTRUCTURE CURRENTLY SERVING OR EXISTING ON THE TRACTS. NOTHING IN THIS PLAN SHALL BE INTERPRETED TO ALTER OR OTHERWISE WAIVE THE APPLICATION OF THE CITY'S CODE OF ORDINANCES TO THE TRACTS IN ANY WAY.

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 or means of implementing any part of the services nor changes in the responsibilities of the various departments of the CITY shall constitute amendments to this PLAN, and the CITY in its sole discretion reserves the right to make such changes. This PLAN is subject to, and shall be interpreted in accordance with the Local Government Code, the Constitution and laws of the federal government of the United States of America and the State of Texas.

V. FORCE MAJEURE

Should a *force majeure* interrupt the services described herein, the CITY shall resume services under this PLAN within a reasonable time after the cessation of the *force majeure*. The term "*force majeure*," for the purposes of this PLAN, shall include, but not be limited to, acts of God, acts of the public enemy, war, blockades, insurrection, riots, epidemics, lightning, earthquakes, fires, storms, floods, washouts, droughts, tornadoes, hurricanes, arrests and restraints of government, explosions, collisions, and any other inability imposed upon the CITY whether similar to those enumerated or otherwise, which is not within the control of the CITY.

VI. ENTIRE PLAN

This contains the entire and integrated PLAN relating to the TRACTS and supersedes all other negotiations, representations, plans and agreements, whether written or oral.

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CITY OF OAK RIDGE NORTH, TEXAS

Jim Kuykendall, Mayor

ATTEST:

Heather Neeley, City Secretary



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FIELD NOTE DESCRIPTION OF 2.1755 ACRES (94,764 SQUARE FEET) OF LAND SITUATED IN THE MONTGOMERY COUNTY SCHOOL LAND SURVEY, A-350, MONTGOMERY COUNTY, TEXAS, AND BEING OUT OF THAT CERTAIN CALLED 3.66 ACRES (PARCEL 2) CONVEYED TO ANNIE MAE ROBINSON LARSON, BY INSTRUMENT RECORDED UNDER MONTGOMERY COUNTY CLERK'S FILE NO. 9718846 OF THE DEED RECORDS OF MONTGOMERY COUNTY, TEXAS, SAID 2.1755 ACRES TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS; (ALL BEARINGS BASED ON THE SOUTH LINE OF RESTRICTED RESERVE "A", BLOCK 3, OAK RIDGE NORTH COMMERCE PARK, AS RECORDED IN CABINET 2, SHEET 1246 MONTGOMERY COUNTY MAP RECORDS, SAID SOUTH LINE BEARING N 78°26'13" E):

COMMENCING at a 5/8 inch iron rod with cap found at the intersection of the East right-of-way line of Missouri Pacific Railroad (100 feet wide) and the North right-of-way line of Robinson Road (width varies) for the Southwest corner of aforementioned Restricted Reserve "C", said iron rod also marks the Northwest corner of said called 3.66 acre tract and the Northwest corner of that certain called 0.015 acre tract dedicated for widening of Robinson Road, recorded under M.C.C.F. No. 2005096229;

THENCE, South 11°17'47" East, along the East line of said Missouri Pacific Railroad right-of-way, same being the West line of said 3.66 acre tract, at 17.51 feet pass the Southwest corner of said called 0.015 acre tract and continuing a total distance of 79.69 feet to a 5/8 inch iron rod set in the occupied South right-of-way line of Robinson Road for the Northwest corner and POINT OF BEGINNING of the herein described tract;

THENCE, North 78°26'12" East, along the South right-of-way line of Robinson Road, a distance of 195.04 feet to a 5/8 inch iron rod set for the Point of Curvature of a curve to the right;

THENCE, in a Easterly direction, continuing along the South right-of-way line of Robinson Road, with said curve to the Right, having a central angle of 01°07'50", a radius of 1038.75 feet, an arc length of 20.50 feet and a chord bearing and distance of N 78°59'38" E, 20.50 feet to a 5/8 inch iron rod set in the East line of said called 3.66 acre tract, same being the West line of Curry Road (60 foot wide road easement), as recorded under M.C.C.F. No. 9718816 and in Vol. 663, Pg. 130 M.C.D.R., said iron rod marks the Northeast corner of the herein described tract;

THENCE, South 07°53'25" East (called S 08°21' E), along an East line of said called 3.66 acre tract and the West line of Curry Road, a distance of 489.19 feet to a 5/8 inch iron rod set for the an interior corner of said called 3.66 acre tract and the Southeast corner of the herein described tract, from which a found 1/2 inch iron pipe at the Easterly most Northeast corner of said called 3.66 acre tract bears, N 89°31'35" E, 60.50 feet;

THENCE, South 89°31'35" West, across said 3.66 acre tract, a distance of 189.85 feet to a 5/8 inch iron rod set in the East right-of-way line of said Missouri Pacific Railroad right-of-way for the Southwest corner of the herein described tract;

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THENCE, North 11°17'47" West (called N 12°00' W), along said East right-of-way line, a distance of 451.87 feet to the POINT OF BEGINNING and containing 2.1755 acres (94,764 square feet) of land, more or less.