

ORDINANCE NO. 2017-099

AN ORDINANCE OF THE CITY COUNCIL OF THE TOWN OF PROVIDENCE VILLAGE, ANNEXING THE HEREINAFTER DESCRIBED TERRITORY OF APPROXIMATELY 7.26 ACRES LOCATED AT 10213 LIBERTY ROAD AND THAT PORTION OF LIBERTY ROAD ADJACENT TO SAID TERRITORY BY THE TOWN OF PROVIDENCE VILLAGE, DENTON COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID TOWN SO AS TO INCLUDE THE DESCRIBED PROPERTY WITHIN THE TOWN LIMITS, AND GRANTING TO ALL THE INHABITANTS OF THE PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING THE INHABITANTS BY ALL OF THE ORDINANCES, RESOLUTIONS, ACTS AND REGULATIONS OF THE TOWN; ADOPTING A SERVICE PLAN; FINDING AND DETERMINING THAT ALL REQUIREMENTS FOR ANNEXATION INCLUDING PUBLIC HEARINGS, NOTICES AND OPEN MEETINGS HAVE BEEN MET ACCORDING TO LAW; PROVIDING INSTRUCTIONS FOR FILING THIS ORDINANCE AND FOR CORRECTING THE OFFICIAL MAP AND BOUNDARIES OF SAID TOWN; PROVIDING SEVERABILITY AND CUMULATIVE CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Providence Village (“Town”) is authorized, pursuant to Chapter 43 of the Texas Local Government Code and the home-rule charter for the Town of Providence Village to annex territory and extend the corporate limits of the Town, subject to state law; and

WHEREAS, the Town desires to annex certain territory described herein (the “Property”); and

WHEREAS, all of the Property described herein is contiguous to and within the exclusive extraterritorial jurisdiction of the Town; and

WHEREAS, all required notices, all public hearings, and all requirements for such annexation have been provided, held, and met in accordance with applicable law; and

WHEREAS, in accordance with Chapter 43 of the Texas Local Government Code, a Service Plan for the area to be annexed was prepared and made available to the public and is attached hereto and incorporated herein; and

WHEREAS, the Town Council of the Town of Providence Village finds and determines that annexation of the Property hereinafter described is in the best interests of the citizens of the Town of Providence Village and the owners and residents of the area.

NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROVIDENCE VILLAGE, TEXAS:

SECTION 1. Findings. It is hereby officially determined that the findings and recitations contained above in the preamble of this ordinance are true and correct and are incorporated herein by reference.

SECTION 2. Annexation. That the following described territory, to wit:

Denton CAD Property ID 52639, located at 10213 Liberty Road and being an approximate 7.26 acre tract of land situated in the J. Bridges Survey, Abstract No. 36a, Tract 41 as described in a Warranty Deed from the Estate of Brady E. Starr, Garry Glen Starr, Terry Don Starr, Jerry Wayne Starr, Ronnie Dale Starr and Jerall Holzer to David W. Harvey and spouse, Carol A. Harvey and Francis Leo Harvey and spouse, Mary Ann Harvey, as recorded in Instrument Number 1997-26113 of the Deed Records of Denton County, Texas, and being more particularly described in Exhibit "A" and depicted in Exhibit "B" attached hereto and made a part hereof; and all of the right-of-way of Liberty Road adjacent to the previously described property as depicted in Exhibit "C" attached hereto and made a part hereof.

be and the same is hereby annexed into the Town of Providence Village, Denton County, Texas, and that the boundary limits of the Town of Providence Village, Texas, be and the same are hereby extended to include the above-described territory within the town limits of the Town of Providence Village, and that same shall hereafter be included within the territorial limits of said Town and said land and the inhabitants thereof shall be hereafter entitled to all rights and privileges of all other citizens of the Town of Providence Village, Texas, and shall be bound by the ordinances, resolutions, acts and regulations of the Town.

SECTION 3. Service Plan. A Service Plan prepared in accordance with applicable provision of state law pertaining to annexation is attached hereto as Exhibit "D" and is hereby incorporated herein by reference and adopted as part of this ordinance and the same shall govern the delivery of municipal services to the annexed territory.

SECTION 4. Official Map. The official map and boundaries of the Town, previously adopted, are amended to include the Property as part of the Town of Providence Village. The Town Secretary is directed and authorized to perform or cause to be performed all acts necessary to correct the official map of the Town to add the annexed Property as required by applicable law.

SECTION 5. Severability Clause. It is hereby declared by the Town Council of the Town of Providence Village that if any of the sections, paragraphs, sentences, clauses, phrases, words, or provisions of this ordinance should be declared unconstitutional or otherwise invalid for any reason, such event shall not affect any remaining sections, paragraphs, sentences, clauses, phrases, words, or provisions of this ordinance.

SECTION 6. Cumulative Clause. This ordinance shall be cumulative of all provisions of ordinances of the Town of Providence Village except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 7. Public Meeting. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

SECTION 8. Filing Instructions. The Town Secretary is hereby directed to file a certified copy of this ordinance with the County Clerk of Denton County, Texas, and with other appropriate officials and agencies as required by state and federal law.

SECTION 9. Effective Date. This ordinance shall be in full force and effect immediately upon its passage and approval by the Town Council of the Town of Providence Village, Texas.

PASSED AND APPROVED by the Town Council of the Town of Providence Village, Texas, this 3rd day of January, 2017.


Michael Jordan, Mayor Pro Tem

ATTEST:


Connie S. Hansen, Town Secretary

APPROVED AS TO FORM:


Julie Fort, Town Attorney



EXHIBIT A

All that certain lot, tract or parcel of land lying and being situated in the County of Denton, State of Texas, and being out of the James Bridges Survey, Abstract No. 36, and being part of a 40 acre tract of land heretofore conveyed by J.M. Daniel, et al, to J.F. Starr, by deed dated December 10, 1917, and shown of record in Vol. 157, Page 369, of the Deed Records of Denton County, Texas, and being more fully described as follows:

BEGINNING at the Southwest corner of said 40 acre tract of land heretofore conveyed by J.M. Daniel, et al, to J.F. Starr;

THENCE North, along the most western West Boundary Line of said tract conveyed by Daniel, et al to Starr, a distance of 1241.6 feet for corner, said corner being the most western Northwest corner of said tract conveyed by Daniel, et al to Starr;

THENCE East, a distance of 254.6 feet for corner, said corner being 333.3 feet South of the Eastern Northwest corner of said tract conveyed by Daniel, et al to Starr;

THENCE South, a parallel with the most Western West Boundary Line of said tract conveyed by Daniel, et al to Starr, a distance of 1241.6 feet for corner in the South Boundary Line of said tract conveyed by Daniel, et al to Starr;

THENCE West, along the South Boundary Line of said tract conveyed by Daniel, et al to Starr, a distance of 254.6 feet to the place of beginning.

EXHIBIT B

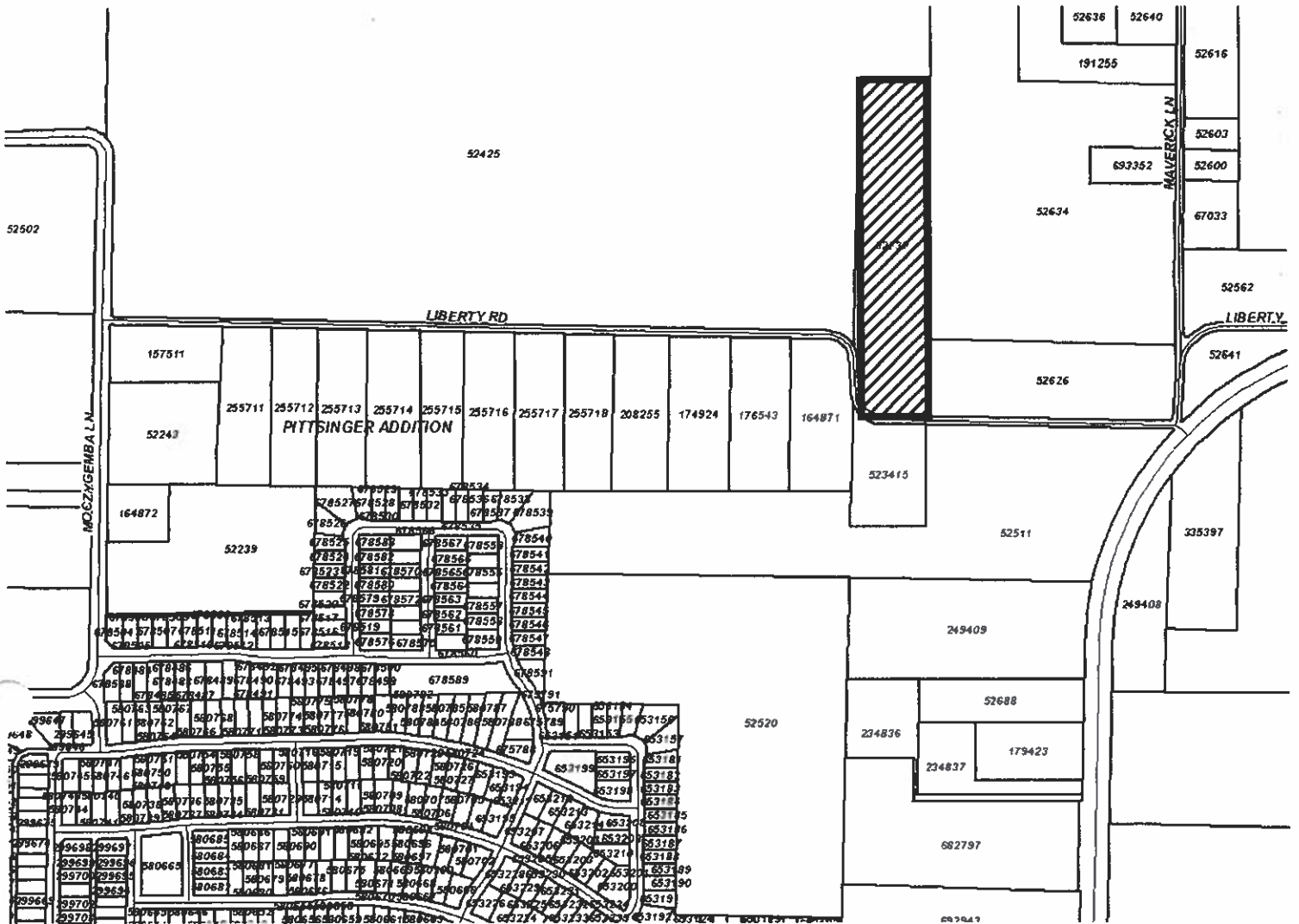


EXHIBIT C

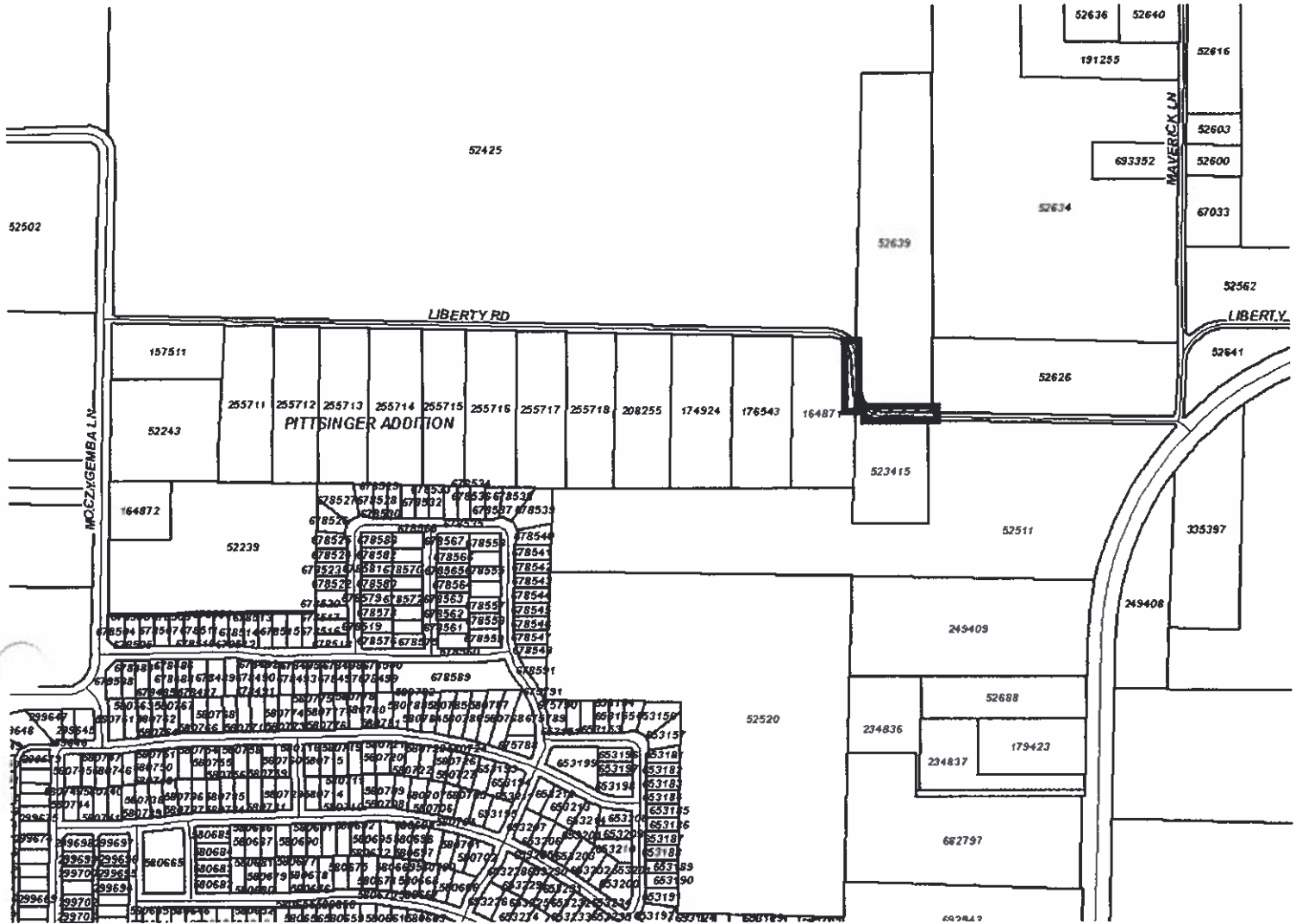


EXHIBIT D

TOWN OF PROVIDENCE VILLAGE, TEXAS MUNICIPAL SERVICE PLAN

A) SERVICE PLAN GENERALLY

- 1) This service plan has been prepared in accordance with the Texas Local Government Code ("LGC"), Sections 43.065 and 43.056(b)-(o). Municipal facilities and services to the annexed area will be provided or made available on behalf of the Town of Providence Village in accordance with the following plan. The Town of Providence Village shall provide the annexed tract the levels of service, infrastructure, and infrastructure maintenance that are comparable to the levels of service, infrastructure, and infrastructure maintenance available in other parts of the Town of Providence Village with similar topography, land use, and population density. The provisions of the service plan were made available for public inspection and explained at the two public hearings held by the Town Council in accordance with LGC Section 43.056(j).
- 2) For purposes of this service plan, to "provide" services includes having services provided by any method or means by which the Town provides municipal services to any other areas of the Town, and may include causing or allowing private utilities, governmental entities and other public service organizations to provide such services by contract or right, in whole or in part, and may include certain duties on the part of the private landowner with regard to such services.
- 3) NOTE: This annexation was initiated by petition or request of the landowners in the annexed area. Therefore, the requirement that construction of capital improvements must be substantially completed within a specific period does not apply to a development project, proposed development project or site improvements within the annexed area if the Town and landowner subsequently agree in writing, pursuant to LGC Section 43.056(e), that the development project, proposed development project or site improvements within that area, because of its size or projected manner of development by the landowner or developer, is not reasonably expected to be complete in that period. The landowners have requested a subsequent written agreement specifying longer timeframes for the construction of capital improvements than required herein or in LCG Chapter 43. Such agreement shall control the schedule of the provision of municipal services for the annexed area. To the extent there is a conflict between this service plan and said agreement, the agreement shall control.

B) EMERGENCY SERVICES

- 1) Police Protection
 - a) Police protection from the Town of Providence Village shall be provided to the annexed area at a level consistent with current methods and procedures presently provided to similar areas within the Town on the effective date of the annexation ordinance. Currently the Town of Providence Village contracts with the Denton County Sheriff's Office for Police Protection. Some of these services include:

- i) Normal patrol and responses;
 - ii) Handling of complaints and incident reports;
 - iii) Special units, such as traffic enforcement and investigations; and
 - iv) Coordination with other public safety support agencies.
- b) As development commences in the annexed area, sufficient police protection, including personnel and equipment will be provided to furnish the area with the level of police services consistent with the characteristics of topography, land utilization and population density of similar areas within the Town.
- c) Upon ultimate development, police protection will be provided at a level consistent with other similarly situated areas within the Town limits.
- 2) Fire Protection
- a) The Town of Providence Village will provide emergency and fire prevention services to the annexed area. Currently the Town of Providence Village contracts with the Town of Aubrey for Fire Protection. These services include:
- i) Fire suppression and rescue;
 - ii) Pre-hospital medical services including triage, treatment and transport by Advanced Life Support (ALS) fire engines, trucks and ambulances;
 - iii) Hazardous materials response and mitigation;
 - iv) Emergency prevention and public education efforts;
 - v) Technical rescue response; and
 - vi) Construction Plan Review and required inspections.
- b) Fire protection from the Town of Providence Village shall be provided to the annexed area at a level consistent with current methods and procedures presently provided to similar areas of the Town of Providence Village on the effective date of the annexation ordinance.
- c) As development commences in the annexed area, sufficient, fire protection, including personnel and equipment will be provided to furnish the area with the level of services consistent with the characteristics of topography, land utilization and population density of similar areas within the Town. It is anticipated that the current fire protection contract will be sufficient to provide coverage for the annexed area.
- d) Upon ultimate development, fire protection will be provided at a level consistent with similarly situated areas within the Town limits.
- 3) Emergency Medical Services
- a) The Town of Providence Village will provide emergency and safety services to the annexed area. The Town of Providence Village currently contracts with the Town of Aubrey for Emergency Medical Services. These services include:
- i) Emergency medical dispatch and pre-arrival First Aid instructions;

- ii) Pre-hospital emergency Advanced Life Support (ALS) response and transport;
and
- iii) Medical rescue services.
- b) Emergency Medical Services (EMS) from the Town of Providence Village shall be provided to the annexed area at a level consistent with current methods and procedures presently provided to similar areas of the Town of Providence Village on the effective date of the annexation ordinance.
- c) As development commences in the annexed area, sufficient EMS, including personnel and equipment, will be provided to furnish the area with the level of services consistent with the characteristics of topography, land utilization and population density of the similar areas within the Town.
- d) Upon ultimate development, EMS will be provided at a level consistent with similarly situated areas within the Town limits.

C) SOLID WASTE

- 1) Solid Waste and Recycling Collection Services will be provided to the annexed area immediately upon the effective date of the annexation at a level consistent with current methods and procedures presently provided to similar areas within the Town. Private solid waste collection service providers operating in the affected area immediately prior to annexation and currently providing customers with service may continue to provide their existing service for up to two (2) years in accordance with Texas Local Government Code Section 43.056(n).

D) WASTEWATER FACILITIES

- 1) Wastewater facilities and services are provided by the Town. Connections to existing wastewater distribution mains for wastewater service will be provided in accordance with applicable codes, ordinances, regulations and policies of the Town. Upon connection to existing distribution mains, wastewater service will be provided at rates established by Town ordinance. The annexed area is in the CCN of another retail water provider. The Town, plans to serve the annexed area following de-certification of the existing CCN holder by application of the property owner under Section 13.254(a-5) of the Texas Water Code. If the de-certification of the annexed area does not occur, then wastewater service shall be provided in accordance with the policies of the CCN holder.
- 2) As development commences in the annexed area, wastewater distribution mains will be extended in accordance with the Town's codes, ordinances, regulations and policies. Town participation in the costs of these extensions shall be in accordance with the Town of Providence Village's codes, ordinances, regulations and policies. Wastewater service extensions and new mains shall be provided consistent with the characteristics of topography, land utilization and population density of similar areas within the Town. If the de-certification of the annexed area does not occur, then the extension of wastewater distribution mains for wastewater service shall be provided in accordance with the policies of the CCN holder.
- 3) For areas not served by another CCN holder, wastewater mains and lift stations installed or improved to applicable standards of the Town, and accepted by the Town, within the

annexed area which are located within dedicated easement, rights-of-way, or any other acceptable location approved by the Town or its duly authorized designee, shall be maintained by the Town on the effective date of this ordinance.

- 4) Operation and maintenance of wastewater facilities in the annexed area that are owned by another wastewater utility will be the responsibility of that utility. Operation and maintenance of privately-owned wastewater facilities in the annexed area will be the responsibility of the owner.

E) WATER FACILITIES

- 1) Water facilities and services are provided by the Town. Connections to existing water distribution mains for water service will be provided in accordance with applicable codes, ordinances, regulations and policies of the Town. Upon connection to existing distribution mains, water service will be provided at rates established by Town ordinance. The annexed area is in the CCN of another retail water provider. The Town, plans to serve the annexed area following de-certification of the existing CCN holder by application of the property owner under Section 13.254(a-5) of the Texas Water Code. If the de-certification of the annexed area does not occur, then water service shall be provided in accordance with the policies of the CCN holder.
- 2) As development commences in the annexed area, water distribution mains will be extended in accordance with the Town's codes, ordinances, regulations and policies. Town participation in the costs of these extensions shall be in accordance with the Town of Providence Village's codes, ordinances, regulations and policies. Water service extensions and new mains shall be provided consistent with the characteristics of topography, land utilization and population density of similar areas within the Town. If the de-certification of the annexed area does not occur, then the extension of water distribution mains for water service shall be provided in accordance with the policies of the CCN holder.
- 3) Operation and maintenance of private water facilities in the annexed area will be the responsibility of the owner.

F) ROAD AND STREETS

- 1) Emergency street maintenance shall be provided within the annexed area on the effective date of the applicable ordinance of acceptance. Routine maintenance will be provided within the annexed area and will be scheduled as part of the Town's annual program and in accordance with the Town's current codes, ordinances, regulations, policies and procedures defined therein and/or as established by the Town Council.
- 2) Any construction or reconstruction will be considered within the annexed area on a Town-wide basis and within the context of the Town's Capital Improvement Plan and/or yearly fiscal budgetary allotments by the Town Council. As development, improvement or construction of streets to Town standards commences within this property, the policies of the Town of Providence Village with regard to participation in the costs thereof, acceptance upon completion and maintenance after completion shall apply.
- 3) Roadway signage and associated posts will be replaced in priority of importance starting with regulatory signs, then warning signs, then informational signs and in conformance

with fiscal allotments by the Town Council. If a sign remains, it will be reviewed and placed on the Town's inventory listed for routine re-placement. All existing signs will be reviewed for applicability and based upon an engineering study. New signs will be installed when necessary and based upon an engineering study.

- 4) Routine maintenance of road/street markings will be placed on a priority listing and scheduled within the yearly budgetary allotments by the Town Council.
- 5) The Town will coordinate any request for improved road and street lighting with the local electric provider. Any and all road and street lighting will be pursuant to the rules, regulations and fees of such electric utility and shall be maintained by the applicable utility company.

G) ENVIRONMENTAL HEALTH, INSPECTIONS AND CODE ENFORCEMENT SERVICES

- 1) Enforcement of the Town's environmental health ordinances and regulations, including but not limited to, weed and brush ordinances, junked and abandoned vehicle ordinances and animal control ordinances, shall be provided within the annexed area within sixty (60) days of the effective date of the annexation ordinance. These ordinances and regulations will be enforced through the use of existing personnel.
- 2) Inspection services including the review of building plans, the issuance of permits and the inspection of all buildings, plumbing, mechanical and electrical work to ensure compliance with Town codes and ordinances will be provided within sixty (60) days of the effective date of the annexation ordinance. Existing personnel will be used to provide these services.
- 3) The Town's zoning, subdivision, sign and other ordinances shall be enforced in this area beginning upon the effective date of the annexation.
- 4) All inspection services furnished by the Town of Providence Village, but not mentioned above, will be provided to the annexed area beginning within sixty (60) days of the effective date of the annexed ordinance.
- 5) As development and construction commence in the annexed area, sufficient resources will be provided to furnish this area with the same level of environmental health, inspection and code enforcement services as are furnished throughout similar areas within the Town.

H) PLANNING AND ZONING SERVICES

- 1) The Planning and zoning jurisdiction of the Town will extend to the annexed area upon the effective date of the annexation ordinance. Town planning will thereafter encompass this property, and it shall be entitled to consideration for zoning in accordance with the Town's Zoning Ordinance and Comprehensive Plan.

I) PARKS, PLAYGROUNDS, LIBRARIES, SWIMMING POOLS

- 1) Residents within the annexed area may utilize all existing park and recreation facilities, on the effective date of this ordinance. Fees for such usage shall be in accordance with current fees established by ordinance.

- 2) As development commences in the annexed area, additional park and recreation facilities shall be constructed based on park policies defined in the Park Master Plan and as specified in the Park Dedication Ordinance. The general planned locations and classifications of parks will ultimately serve residents within the current Town limits and residents of areas being considered for annexation.

J) PUBLICLY OWNED FACILITIES

- 1) Any publicly owned facility, building, or service located within the annexed area, and not otherwise owned or maintained by another governmental entity, shall be maintained by the Town of Providence Village on the effective date of the annexation ordinance.

K) OTHER SERVICES

- 1) Other services that may be provided by the Town of Providence Village, such as municipal and general administration will be made available on the effective date of the annexation. The Town of Providence Village shall provide levels of service, infrastructure, and infrastructure maintenance to the annexed area that are comparable to the levels of services, infrastructure, and infrastructure maintenance available in other parts of the Town of Providence Village with similar topography, land use, and population density.

L) UNIFORM LEVEL OF SERVICES IS NOT REQUIRED

- 1) Nothing in this Service Plan shall require the Town of Providence Village to provide a uniform level of full municipal services to each area of the Town, 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 Town Council finds and determines that this Service Plan will not provide any fewer services, and it will not provide a lower level of services, than were in existence in the annexed area at the time immediately preceding the annexation process.
- 2) The Town of Providence Village's codes, ordinances, regulations and policies that apply throughout the Town may be reviewed at Town Hall and at <http://www.townofprovidencevillage.com>.

M) TERM

- 1) This Service Plan shall be valid for a term of ten (10) years. Renewal of the Service Plan shall be at the discretion of the Town Council and must be approved by ordinance.

N) AMENDMENTS

- 1) This Service Plan may be amended if the Town Council determines at a public hearing that changed conditions or subsequent occurrences make this Service Plan unworkable or obsolete. The Town Council may amend the Service Plan to conform to the changed conditions, or if subsequent events or any other legally sufficient circumstances exist pursuant to the LGC or other Texas or Federal laws that make this service plan unworkable, obsolete or unlawful.