

# **Notice of Meeting of the Governing Body of the City of Georgetown, Texas February 12, 2019**

The Georgetown City Council will meet on February 12, 2019 at 3:00 PM at 101 East 7th Street - City Council Chambers

The City of Georgetown is committed to compliance with the Americans with Disabilities Act (ADA). If you require assistance in participating at a public meeting due to a disability, as defined under the ADA, reasonable assistance, adaptations, or accommodations will be provided upon request. Please contact the City Secretary's Office, at least three (3) days prior to the scheduled meeting date, at (512) 930-3652 or City Hall at 808 Martin Luther King Jr. Street, Georgetown, TX 78626 for additional information; TTY users route through Relay Texas at 711.

## **Call to Order – A Special Meeting of the City Council**

### **Legislative Regular Agenda**

- A **First Public Hearing** for the **Voluntary Annexation** of an approximate **262.011-acre tract** of land situated in the William Roberts League Survey, Abstract No. 524, and a portion of Shell Road, a right-of-way of varying width of record described to the Williamson County, Texas, for the property generally located along Shell Road approximately 6,800 feet north of Williams Drive, to be known as the **Shell Road Development** -- Sofia Nelson, Planning Director
- B **First Public Hearing** for the **Voluntary Annexation** and designation of **Residential Estate (RE) zoning district** for an approximate **23.10 acre** tract of land out of the Joseph Pulsifer Survey, Abstract No. 498, generally located at **34 Skyline Road**, to be known as **Maravilla Subdivision** -- Sofia Nelson, CNU-A, Planning Director

### **Adjournment**

### **Certificate of Posting**

I, Robyn Densmore, City Secretary for the City of Georgetown, Texas, do hereby certify that this Notice of Meeting was posted at City Hall, 808 Martin Luther King Jr. Street, Georgetown, TX 78626, a place readily accessible to the general public at all times, on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, at \_\_\_\_\_, and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.

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Robyn Densmore, City Secretary

City of Georgetown, Texas  
City Council Special Meeting  
February 12, 2019

**SUBJECT:**

**First Public Hearing** for the **Voluntary Annexation** of an approximate **262.011-acre tract** of land situated in the William Roberts League Survey, Abstract No. 524, and a portion of Shell Road, a right-of-way of varying width of record described to the Williamson County, Texas, for the property generally located along Shell Road approximately 6,800 feet north of Williams Drive, to be known as the **Shell Road Development** -- Sofia Nelson, Planning Director

**ITEM SUMMARY:**

The subject property is located along Shell Road, north of Williams Drive, within the City's extraterritorial jurisdiction. The property has a Moderate Density Residential Future Land Use designation. It is the intent of the applicant to develop the subject property as a mixed-use community.

The action required of Council is to conduct the first public hearing for voluntary annexation submitted in accordance with State Law. No action is required for this public hearing.

In order to complete the annexation, the following process is being followed:

- **July 24, 2018:** Grant the Petition for Annexation - COMPLETED
- **February 12, 2019:** Conduct 1<sup>st</sup> Public Hearing held at City Council Meeting @ 3 p.m.
- **February 12, 2019:** Conduct 2<sup>nd</sup> Public Hearing held at City Council Meeting @ 6 p.m.
- **March 12, 2019:** Action and 1<sup>st</sup> Reading of Annexation Ordinance
- **March 26, 2019:** 2<sup>nd</sup> Reading of Annexation Ordinance

**FINANCIAL IMPACT:**

City services, including police and fire protection, emergency medical services, solid waste collection and disposal are immediately subject to the property. Extension of capital improvements such as water and wastewater systems will be subject to the City's utility extension and improvement policy or the terms of any potential agreement with the property owner.

**SUBMITTED BY:**

Jordan Feldman, Planner

**ATTACHMENTS:**

Annexation Petition

Exhibit A - Location Map

Exhibit B - Legal Description

exhibit c- service plan



May 3, 2018

Mr. Wayne Reed, Assistant City Manager  
City of Georgetown  
113 E. Eighth St.  
Georgetown, TX 78626

Dear Wayne,

Re: Letter of Intent for Annexation of the Shell Road Public Improvement District

My name is Jay Gouline, Secretary of Green Builders, Inc. ("Applicant"), which is the owner of the property as shown on Exhibit "A", located along Shell Road contiguous to the current City of Georgetown city limits and within the extra territorial jurisdiction of the City of Georgetown, (the "Property"). The Property is currently vacant, used for agricultural purposes and there are no residents living on the Property

It is the intent of the Applicant to develop a 1,000 lot detached single family and multi-family development and mixed-use development, a concept plan of which is attached as Exhibit "B" (the "Project"), including streets, drainage, water quality and residential amenities, including but not limited to, hike and bike trails, parks and park improvements, pocket parks, landscape areas, street trees, sidewalks, trails, alleyways, distinctive lighting and signage, recreational and hydration and parking facilities, water quality facilities, and other related improvements. The Applicant further intends to process an application for the creation of the Shell Road Public Improvement District, obtain Planned Unit Development Zoning for the Property and to negotiate, other process and enter into other agreements with the City to insure the consistent and orderly development of the Property.

It is the intention of the Applicant to provide, along with the development and sale of lots in the Property, the necessary streets, drainage, water, wastewater, water quality and residential amenities to serve the full build-out of the Project (the "Infrastructure"). With the filing of a petition for voluntary annexation, the landowner understands that construction of any capital improvements necessary for development on the property will not be the responsibility of the City of Georgetown if approved for annexation; rather, such improvements will occur through non-City financial assistance through the subdivision and construction process unless agree to otherwise by the City and the Applicant.

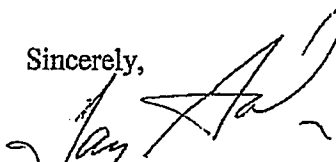
Consequently, it is the intention of the Applicant to file and process a request for voluntary annexation of the Property contemporaneously with the processing of a request for the

creation of the Shell Road Public Improvement District, the zoning of the Property as a Planned Unit Development consistent with the development regulations of the Georgetown Planned Unit Development, Ord. No. 98-21 approved by the City of Georgetown on April 28, 1998, Ord. No. 98-21 and other related agreements in furtherance of the Project.

The City by the acceptance of this Letter of Intent, will accept all applications filed with respect to the Project, including the Public Improvement District, and agree to process such, under applicable rules and regulations of the City of Georgetown, and approve such, if such applications meet applicable ordinances and regulation of the City of Georgetown.

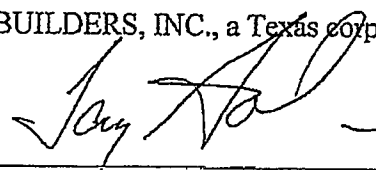
Applicant reserves the right to withdraw the petition for voluntary annexation application from consideration at any time during the proceedings.

Sincerely,

  
Jay Gouline

GREEN BUILDERS, INC., a Texas corporation

By:

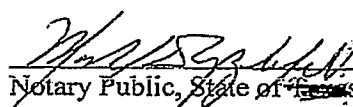
  
Jay Gouline, Secretary

~~THE STATE OF TEXAS~~

COUNTY OF ~~TEXAS~~ MARYLAND

§  
§  
§

This instrument was acknowledged before me on the 4<sup>th</sup> day of May, 2018, by Jay Gouline, Secretary of Green Builders, Inc.

  
Notary Public, State of ~~TEXAS~~ MARYLAND

June 19, 2018

Mr. Wayne Reed, Assistant City Manager  
City of Georgetown  
113 E. Eighth St.  
Georgetown, TX 78626

Dear Wayne,


Re: Letter of Intent for Annexation

My name is Dr. Fred Brent, Superintendent of Georgetown Independent School District ("Applicant"), which is the owner of 25.918 acres as shown on Exhibit "A", located along Shell Road and Bellaire Drive (the "Property"). The Property is contiguous to the current City of Georgetown city limits and within the extra territorial jurisdiction of the City of Georgetown. There is an existing elementary school on the Property as well as two other vacant lots that will be developed as schools. There are no residents living on the Property.

With this signed petition for voluntary annexation, the landowner understands that construction of any capital improvements necessary for development on the property will not be the responsibility of the City of Georgetown if approved for annexation; rather, such improvements will occur through non-City financial assistance through the subdivision and construction process. Applicant reserves the right to withdraw the petition for voluntary annexation application from consideration at any time during the proceedings.

Sincerely,

GEORGETOWN INDEPENDENT SCHOOL DISTRICT

By:   
Dr. Fred Brent

THE STATE OF TEXAS           §  
   §  
COUNTY OF WILLIAMSON   §

This instrument was acknowledged before me on the 21 day of June 2018,  
2018, by Dr. Fred Brent, Superintendent of Georgetown Independent School District.



  
Notary Public, State of Texas

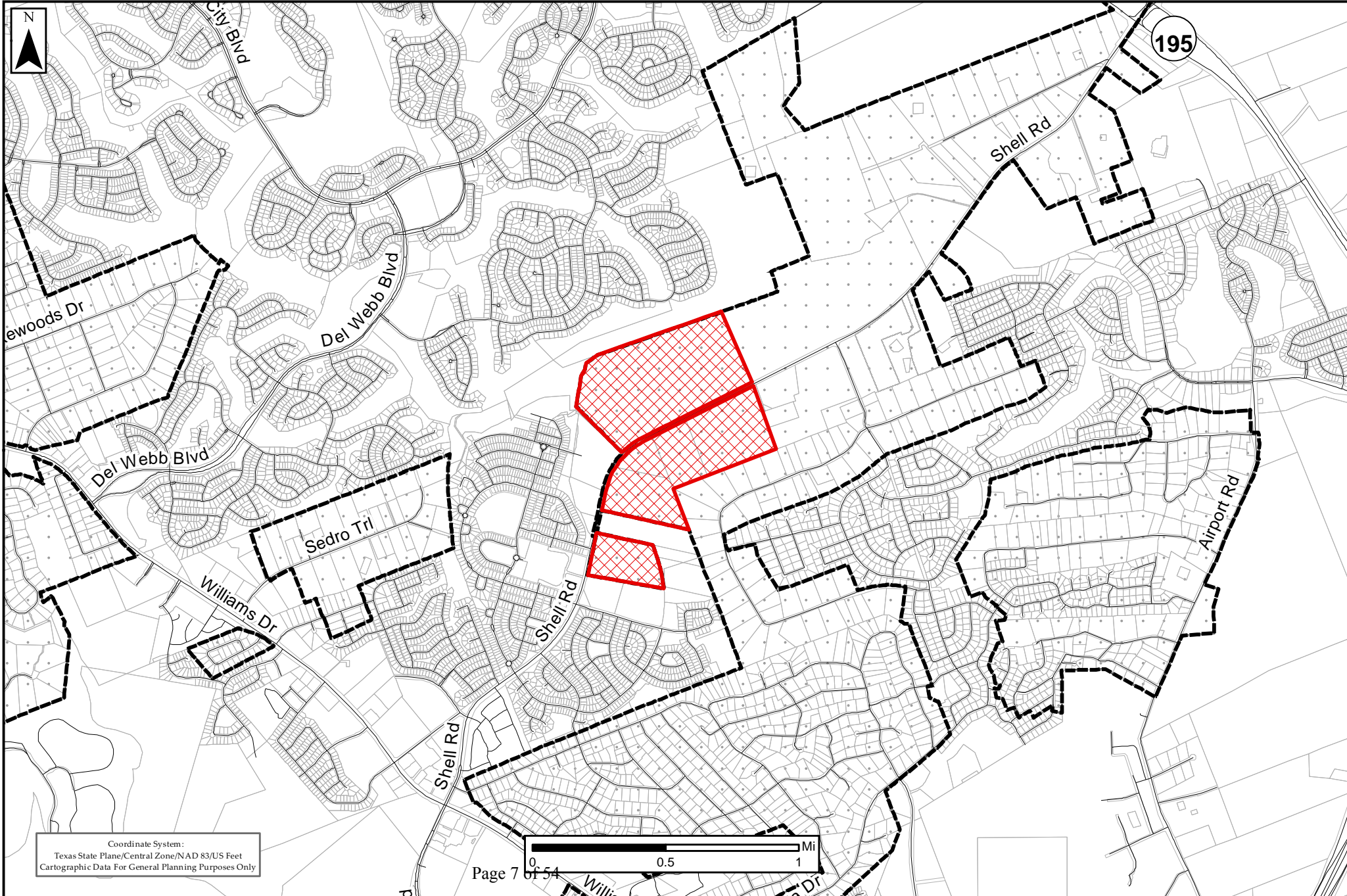
# Location Map

## ANX-2018-004

### Exhibit #1

Legend

-  Site
-  Parcels
-  City Limits
-  Georgetown ETJ



Coordinate System:  
Texas State Plane/Central Zone/NAD 83/US Feet  
Cartographic Data For General Planning Purposes Only



County: Williamson  
Project: Georgetown Village  
Half AVO: 32312.000

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May 4, 2018

BEING A DESCRIPTION OF 262.011 ACRES OF LAND, SITUATED IN THE WILLIAM ROBERTS LEAGUE, ABSTRACT NO. 524, WILLIAMSON COUNTY, TEXAS, BEING ALL OF THOSE CERTAIN TRACTS DESCRIBED AS TRACT I CONTAINING 42.552 ACRES AND TRACT II CONTAINING 124.708 ACRES IN A WARRANTY DEED TO GREEN BUILDERS, INC., OF RECORD IN DOCUMENT NO. 2017040134, OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS (O.P.R.W.C.T.); ALL OF THAT CERTAIN TRACT DESCRIBED AS 30.0 ACRES IN A WARRANTY DEED TO GREEN BUILDERS, INC., OF RECORD IN DOCUMENT NO. 2016045203, O.P.R.W.C.T.; ALL OF THAT CERTAIN TRACT DESCRIBED AS 30.000 ACRES IN A WARRANTY DEED TO GREEN BUILDERS, INC. OF RECORD IN DOCUMENT NO. 2015036587, O.P.R.W.C.T.; A PORTION OF THAT CERTAIN TRACT CALLED 10.01 ACRES IN A WARRANTY DEED TO WILSON FAMILY COMMUNITIES, INC., OF RECORD IN DOCUMENT NO. 2011045887, O.P.R.W.C.T.; ALL OF THAT CERTAIN 25.918 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO GEORGETOWN I.S.D., OF RECORD IN DOCUMENT NO. 2011045942, O.P.R.W.C.T.; AND A PORTION OF SHELL ROAD (DESCRIBED AS 35.50 ACRES IN A WARRANTY DEED TO WILLIAMSON COUNTY, TEXAS OF RECORD IN VOLUME 1751, PG. 872, OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS); SAID 262.011 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at the northeasterly corner of said 42.552 acre tract, same being the northwesterly corner of a called 6.00 acre tract of land described in a Warranty Deed to Daniel E. Adkins, of record in Document No. 2002047344, O.P.R.W.C.T., same being in the southerly right-of-way line of said Shell Road;

**THENCE**, with the easterly line of said 42.522 acre tract, the following two (2) courses and distances:

1. S19°34'38"E, a distance of 876.23 feet (Called S19°34'38"E, a distance of 876.23 feet) to a point; and
2. S19°37'03"E, a distance of 456.59 feet (Called S19°37'03"E, a distance of 456.59 feet) to a point for the southeast corner of said 42.522 acre tract;

**THENCE**, with the southerly line of said 42.522 acre tract, S69°02'22"W, a distance of 1458.77 feet (Called S69°02'22"W, a distance of 1458.77 feet) to a point for the southwesterly corner of said 42.522 acre tract, same being the southeasterly corner of said 30.0 acre tract;

**THENCE**, with the southerly line of said 30.0 acre tract, S69°00'45"W, a distance of 745.31 feet (Called S69°00'14"W, a distance of 745.31 feet) to a point in the easterly line of said 30.000 acre tract, for the southwesterly corner of said 30.0 acre tract;

**THENCE**, with the easterly line of said 30.000 acre tract, the following two (2) courses and distances:

1. S21°06'42"E, a distance of 625.65 feet (Called S21°07'13"E, a distance of 625.65 feet) to a point; and
2. S20°32'42"E, a distance of 237.18 feet (Called S20°33'23"E, a distance of 237.18 feet) to a point for the southeasterly corner of said 30.000 acre tract, same being the northeasterly corner of that certain 19.997 acre tract described in a Warranty Deed to Wilson Family Communities, Inc., of record in Document No. 2012032637, O.P.R.W.C.T.;



County: Williamson  
Project: Georgetown Village  
Half AVO: 32312.000

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**THENCE**, with the southerly line of said 30.000 acre tract and the northerly line of said 19.997 acre tract, N77°34'31"W, a distance of 1766.33 feet (Called S77°35'03"W, a distance of 1766.26 feet) to a point in the easterly right-of-way line of said Shell Road, for the southwesterly corner of said 30.000 acre tract and the northwesterly corner of said 19.997 acre tract;

**THENCE**, with the easterly right-of-way line of Shell Road, and the westerly line of said 19.997 acre tract, S12°25'29"W, a distance of 455.23 feet (Called N12°24'54"E, a distance of 455.24 feet) to a point for the southwesterly corner of said 19.997 acre tract, same being the northwesterly corner of said 10.01 acre tract;

**THENCE**, with the northerly line of said 10.01 acre tract, same being the southerly line of said 19.997 acre tract, S77°34'35"E, a distance of 1129.95 feet (Called S77°35'45"E), to a point;

**THENCE**, over and across said 10.01 acre tract, in part with the easterly line of said 25.918 acre Georgetown ISD tract, S18°48'48"E, a distance of 325.38 feet (Called S18°48'45"E) to a point;

**THENCE**, continuing with the easterly line of said 25.918 acre Georgetown ISD tract, 581.37 feet along the arc of a curve to the right, with a radius of 2440.00 feet, and whose chord bears, S11°59'15"E, a distance of 580.00 feet (Called 581.37 feet along the arc, with a radius of 2440.00 feet and whose chord bears, S11°59'15"E, a distance of 580.00 feet) to a point for the southeasterly corner of said 25.918 acre Georgetown ISD tract, same being the northeasterly corner of that certain 14.60 acre tract described in a Special Warranty Deed to Georgetown ISD, of record in Document No. 2009066516, O.P.R.W.C.T.;

**THENCE**, with the southerly line of said 25.918 acre tract, N79°50'30"W, a distance of 801.05 feet (Called N79°50'30"W, a distance of 801.05 feet) to a point for the northwesterly corner of said 14.60 acre Georgetown ISD tract, same being the northeasterly corner of that certain 10.304 acre tract described in a Special Warranty Deed to Georgetown ISD, of record in Document No. 2016071812, O.P.R.W.C.T.;

**THENCE**, continuing with the southerly line of said 25.918 acre Georgetown ISD tract, N79°52'45"W, a distance of 737.72 feet (Called N79°52'45"W, a distance of 737.73 feet) to a point in the easterly right-of-way line of Shell Road, same being the southwesterly corner of said 25.918 acre tract and the northwesterly corner of said 10.304 acre tract;

**THENCE**, with the easterly right-of-way line of Shell Road, with the westerly line of said 25.918 acre Georgetown ISD tract, N12°21'37"E, a distance of 786.05 feet (Called N12°28'45"E) to a point;

**THENCE**, over and across the right-of-way of Shell Road, N77°35'06"W, a distance of 79.96 feet (Called 80.00 feet) to a point in the westerly right-of-way line of said Shell Road, same being the most southerly corner of that certain 1.552 acre tract described as Tract I in a Warranty Deed to Wilson Family Communities, Inc., of record in Document No. 2010029370, O.P.R.W.C.T.;

**THENCE**, with the westerly right-of-way line of Shell Road, in part with the easterly line of said 1.552 acre tract, and in part with the easterly line of that certain 7.173 acre tract described as Tract II in said Warranty Deed to Wilson Family Communities, Inc., of record in Document No. 2010029370, O.P.R.W.C.T., N12°27'28"E, a distance of 934.29 feet (Called S12°24'54"W, a distance of 934.29 feet) to a point for the

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Half AVO: 32312.000

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northeasterly corner of said 7.173 acre tract, same being the southeasterly corner of that certain 30.289 acre tract described in a Warranty Deed to Green Builders, Inc., of record in Document No. 2013052419, O.P.R.W.C.T.;

**THENCE**, continuing with the westerly right-of-way line of Shell Road, same being the easterly line of said 30.289 acre tract, 854.49 feet along the arc of a curve to the right, with a radius of 1535.24 feet, and whose chord bears, N28°22'58"E, a distance of 843.51 feet (Called an arc distance of 854.59 feet, a radius of 1535.24 feet, and a chord of which bears S28°21'48"W, a distance of 843.60 feet) to a point for the northeasterly corner of said 30.289 acre tract and the southwesterly corner of said 124.708 acre tract;

**THENCE**, with the westerly line of said 124.708 acre tract, same being the northeasterly line of said 30.289 acre tract, N44°56'11"W, a distance of 1281.69 feet (Called N44°56'11"W, a distance of 1281.69 feet) to a point in the easterly line of that certain called 22.0206 acre tract described in a Correction Special Warranty Deed to Wilson Family Communities, Inc. of record in Document No. 2013095533, O.P.R.W.C.T.;

**THENCE**, continuing with the westerly line of said 124.708 acre tract, same being the easterly line of said 22.0206 acre tract, the following five (5) courses and distances:

1. N09°15'06"E, a distance of 321.18 feet (Called N09°15'06"E, a distance of 321.18 feet) to a point;
2. N08°10'49"E, a distance of 299.25 feet (Called N08°10'49"E, a distance of 299.25 feet) to a point;
3. N34°28'50"E, a distance of 144.20 feet (Called N34°28'50"E, a distance of 144.20 feet) to a point;
4. N07°34'12"E, a distance of 132.10 feet (Called N07°34'12"E, a distance of 132.10 feet) to a point; and
5. N55°28'27"E, a distance of 277.69 feet (Called N55°28'27"E, a distance of 277.69 feet) to a point in the southerly line of Tract "R", Open Space and Drainage Easement, Amended Plat of Sun City Georgetown Neighborhoods One and Two, a subdivision of record in Cabinet U, Slides 239-250, Plat Records of Williamson County, Texas (P.R.W.C.T.), for the northwesterly corner of said 124.708 acre tract and the northeasterly corner of said 22.0206 acre tract;

**THENCE**, with the northerly line of said 124.708 acre tract, N70°48'43"E, a distance of 2603.50 feet (Called N70°48'43"E, a distance of 2603.50 feet) to a point for the northeasterly corner of said 124.708 acre tract;

**THENCE**, with the easterly line of said 124.708 acre tract, S23°34'25"E, a distance of 1516.04 feet (Called S23°34'25"E, a distance of 1516.04 feet) to a point in the northerly right-of-way line of said Shell Road, same being the southeasterly corner of said 124.708 acre tract;

**THENCE**, over and across the right-of-way of Shell Road, S27°22'26"E, a distance of 80.01 feet (Called S27°22'26"E, a distance of 80.01 feet) to the **POINT OF BEGINNING** and containing 262.011 acres of land, more or less, within these metes and bounds.

Resolution  
Exhibit "B"  
EXHIBIT "A"

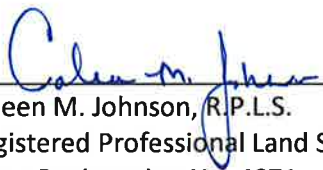
County: Williamson  
Project: Georgetown Village  
Halff AVO: 32312.000

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Basis of bearings is Tracts I & II in Warranty Deed to Green Builders, Inc., of record in Document No. 2017040134, O.P.R.W.C.T.

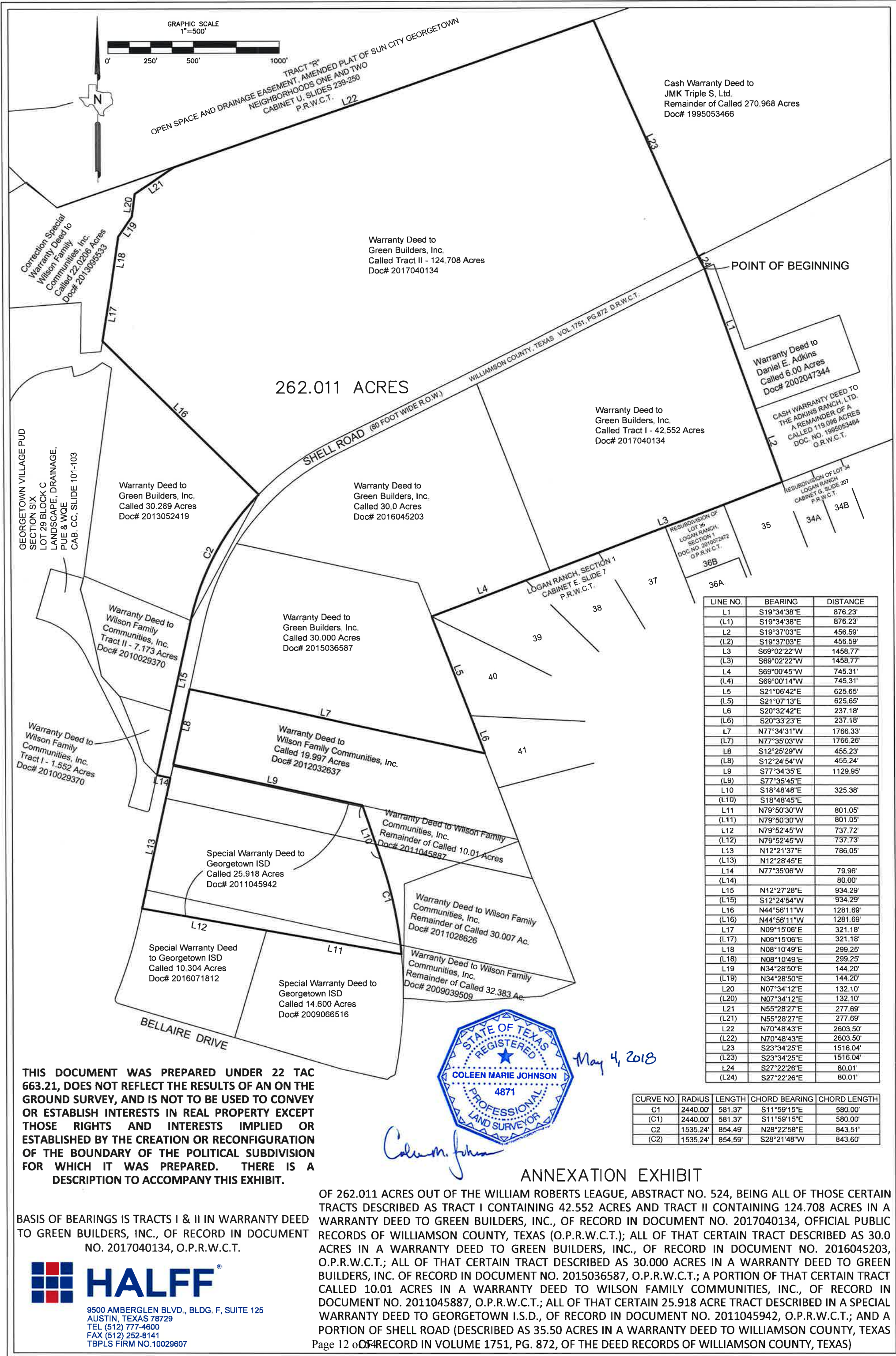
**This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared. There is an exhibit to accompany this description.**

Prepared by:

  
\_\_\_\_\_  
Coleen M. Johnson, R.P.L.S.  
Registered Professional Land Surveyor  
Texas Registration No. 4871  
Halff Associates, Inc., TBPLS Firm No. 10029607  
9500 Amberglen Blvd., Bldg. F, Suite 125  
Austin, Texas 78729  
512-777-4600cp

*May 4, 2018*  
\_\_\_\_\_  
Date





LINE NO.	BEARING	DISTANCE
L1	S19°34'38"E	876.23'
(L1)	S19°34'38"E	876.23'
L2	S19°37'03"E	456.59'
(L2)	S19°37'03"E	456.59'
L3	S69°02'22"W	1458.77'
(L3)	S69°02'22"W	1458.77'
L4	S69°00'45"W	745.31'
(L4)	S69°00'14"W	745.31'
L5	S21°06'42"E	625.65'
(L5)	S21°07'13"E	625.65'
L6	S20°32'42"E	237.18'
(L6)	S20°33'23"E	237.18'
L7	N77°34'31"W	1766.33'
(L7)	N77°35'03"W	1766.26'
L8	S12°25'29"W	455.23'
(L8)	S12°24'54"W	455.24'
L9	S77°34'35"E	1129.95'
(L9)	S77°35'45"E	
L10	S18°48'48"E	325.38'
(L10)	S18°48'45"E	
L11	N79°50'30"W	801.05'
(L11)	N79°50'30"W	801.05'
L12	N79°52'45"W	737.72'
(L12)	N79°52'45"W	737.73'
L13	N12°21'37"E	786.05'
(L13)	N12°28'45"E	
L14	N77°35'06"W	79.96'
(L14)		80.00'
L15	N12°27'28"E	934.29'
(L15)	S12°24'54"W	934.29'
L16	N44°56'11"W	1281.69'
(L16)	N44°56'11"W	1281.69'
L17	N09°15'06"E	321.18'
(L17)	N09°15'06"E	321.18'
L18	N08°10'49"E	299.25'
(L18)	N08°10'49"E	299.25'
L19	N34°28'50"E	144.20'
(L19)	N34°28'50"E	144.20'
L20	N07°34'12"E	132.10'
(L20)	N07°34'12"E	132.10'
L21	N55°28'27"E	277.69'
(L21)	N55°28'27"E	277.69'
L22	N70°48'43"E	2603.50'
(L22)	N70°48'43"E	2603.50'
L23	S23°34'25"E	1516.04'
(L23)	S23°34'25"E	1516.04'
L24	S27°22'26"E	80.01'
(L24)	S27°22'26"E	80.01'

CURVE NO.	RADIUS	LENGTH	CHORD BEARING	CHORD LENGTH
C1	2440.00'	581.37'	S11°59'15"E	580.00'
(C1)	2440.00'	581.37'	S11°59'15"E	580.00'
C2	1535.24'	854.49'	N28°22'58"E	843.51'
(C2)	1535.24'	854.59'	S28°21'48"W	843.60'



THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED. THERE IS A DESCRIPTION TO ACCOMPANY THIS EXHIBIT.

BASIS OF BEARINGS IS TRACTS I & II IN WARRANTY DEED TO GREEN BUILDERS, INC., OF RECORD IN DOCUMENT NO. 2017040134, O.P.R.W.C.T.



9500 AMBERGLEN BLVD., BLDG. F, SUITE 125  
AUSTIN, TEXAS 78729  
TEL (512) 777-4600  
FAX (512) 252-8141  
TBPLS FIRM NO.10029607

ANNEXATION EXHIBIT

OF 262.011 ACRES OUT OF THE WILLIAM ROBERTS LEAGUE, ABSTRACT NO. 524, BEING ALL OF THOSE CERTAIN TRACTS DESCRIBED AS TRACT I CONTAINING 42.552 ACRES AND TRACT II CONTAINING 124.708 ACRES IN A WARRANTY DEED TO GREEN BUILDERS, INC., OF RECORD IN DOCUMENT NO. 2017040134, OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS (O.P.R.W.C.T.); ALL OF THAT CERTAIN TRACT DESCRIBED AS 30.0 ACRES IN A WARRANTY DEED TO GREEN BUILDERS, INC., OF RECORD IN DOCUMENT NO. 2016045203, O.P.R.W.C.T.; ALL OF THAT CERTAIN TRACT DESCRIBED AS 30.000 ACRES IN A WARRANTY DEED TO GREEN BUILDERS, INC. OF RECORD IN DOCUMENT NO. 2015036587, O.P.R.W.C.T.; A PORTION OF THAT CERTAIN TRACT CALLED 10.01 ACRES IN A WARRANTY DEED TO WILSON FAMILY COMMUNITIES, INC., OF RECORD IN DOCUMENT NO. 2011045887, O.P.R.W.C.T.; ALL OF THAT CERTAIN 25.918 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO GEORGETOWN I.S.D., OF RECORD IN DOCUMENT NO. 2011045942, O.P.R.W.C.T.; AND A PORTION OF SHELL ROAD (DESCRIBED AS 35.50 ACRES IN A WARRANTY DEED TO WILLIAMSON COUNTY, TEXAS

Page 12 OF 14 RECORD IN VOLUME 1751, PG. 872, OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS)

## Exhibit C

CITY OF GEORGETOWN  
ANNEXATION SERVICE PLAN  
AREA: SHELL ROAD  
DEVELOPMENT  
COUNCIL DISTRICT NO.: 5  
DATE: FEBRUARY 5, 2019

### I. INTRODUCTION

This Service Plan (the “Plan”) is made by the City of Georgetown, Texas (“City”) pursuant to Sections 43.056(b)-(o); 43.062, and 43.052(h)(1) of the Texas Local Government Code (“LGC”). This Plan relates to the annexation into the City of the land shown on Exhibit “A” to this Service Plan, which is referred to as “**Shell Road Development**”. The provisions of this Plan were made available for public inspection and explained to the public at the two public hearings held by the City on February 12, 2019 3pm and February 12, 2019 6pm in accordance with Section 43.056(j) of the LGC.

### II. TERM OF SERVICE PLAN

Pursuant to Section 43.056(l) of the LGC, this Plan shall be in effect for a ten-year period commencing on the effective date of the ordinance approving the annexation. Renewal of the Plan shall be at the discretion of the City Council and must be accomplished by Ordinance.

### III. INTENT

It is the intent of the City that municipal services under this Plan shall provide municipal services in accordance with the timetables required by the LGC. The City reserves the rights guaranteed to it by the LGC to amend this Plan if the City Council determines that changed conditions, subsequent occurrences, or any other legally sufficient circumstances exist under the LGC or other Texas laws that make this Plan unworkable, obsolete, or unlawful.

### IV. CATEGORIZATION OF MUNICIPAL SERVICES

The municipal services described herein are categorized by those services which are (1) available to the annexed area immediately upon annexation; (2) those services which will be available to the annexed area within 2½ years from the effective date of the annexation; and (3) those services for which capital improvements are needed and which will be available within 4½ years from the effective date of the annexation based upon a schedule for construction of such improvements as set forth herein.



For the purposes of this Plan, “provision of services” includes having services provided by any method or means by which the City provides municipal services to any other areas of the City, and may include causing or allowing private utilities, governmental entities and other public service organizations to provide such services by contract, in whole or in part, and may include duties on the part of a private landowner with regard to such services.

In addition, in accordance with Section 43.056(g) of the LGC, if before annexation the annexed area had a lower level of services, infrastructure, and infrastructure maintenance than the same being provided by the City to other areas within the City limits, this Plan shall be construed to allow for the provision to the annexed area of a level of services, infrastructure, and infrastructure maintenance that is comparable to the level of services, infrastructure, and infrastructure maintenance in other parts of the City with topography, land use, and population density similar to those reasonably contemplated or projected in the annexed area.

## **V. SERVICES TO BE PROVIDED UPON ANNEXATION**

1. **Police Protection** –Upon annexation, the Georgetown Police Department will extend regular and routine patrols to the area.
2. **Fire Protection and Emergency Medical Services**– Upon annexation, in the areas where the City has jurisdiction over fire protection and emergency medical services or a contract under which the City provides such services, the City of Georgetown Fire Department will provide response services in the annexed area consisting of: fire suppression and rescue; emergency response to 9-1-1 calls; fire prevention education efforts, and other duties and services provided by the Georgetown Fire Department to areas within the City limits.
3. **Solid Waste Collection** – Upon annexation, for occupied structures, the City will provide solid waste collection services to the annexed area in accordance with City ordinances and policies in effect on the date of the annexation. However, per the terms of Sections 43.056(n) and (o) of the LGC, if a property owner chooses to continue to use the services of a privately owned solid waste management provider, the City is prevented from providing solid waste services for 2 years.
4. **Operation and Maintenance of Water and Wastewater Facilities in the Annexed Area that Are Not Within the Area of Another Water or Wastewater Utility** – City-owned water and wastewater facilities that exist in the annexed area will be maintained upon annexation and such maintenance shall be governed by the City's ordinances, standards, policies and procedures. Per the provisions of Section 13.01.020 of the Unified Development Code (“UDC”), for unplatted tracts in the annexed area, the City shall not repair, maintain, install or provide any public utilities or services in any subdivision for which a Final Plat has not been approved and filed for record, nor in which the standards contained in the UDC or referred to therein have not been complied with in full.

5. **Operation and Maintenance of Streets, Roads, and Street Lighting** – The City will provide preventative maintenance of the existing public streets and roads in the annexed area over which it has jurisdiction through maintenance and preventative maintenance services such as emergency pavement repair; ice and snow monitoring; crack seal, sealcoat, slurry seal, and PM overlay; and other routine repair. The City shall not maintain private roads in the annexed area. Preventative maintenance projects are prioritized on a City-wide basis and scheduled based on a variety of factors, including surface condition, rideability, age, traffic volume, functional classification, and available funding. As new streets are dedicated and accepted for maintenance they will be included in the City's preventative maintenance program. Per the provisions of Section 13.01.020 of the UDC, for unplatted tracts in the annexed area, the City shall not repair, maintain, install or provide any streets or street lighting to any subdivision for which a Final Plat has not been approved and filed for record, nor in which the standards contained in the UDC or referred to therein have not been complied with in full. With regard to street lighting, it is the policy of the City of Georgetown that adequate street lighting for the protection of the public and property be installed in all new subdivisions. Installation procedures and acceptable standards for street lights shall be governed by the utility standards of the City in effect at the time of subdivision construction or addition thereto.
6. **Operation and Maintenance of Public Parks, Playgrounds, and Swimming Pools** - Upon annexation, publicly owned parks, playgrounds, and swimming pools in the annexed area (if any) will be operated and maintained by the City in accordance with the Section 12.20 of the City Code of Ordinances, and other applicable ordinances, policies, and procedures in effect at the time of annexation for other areas in the City limits. Privately owned parks, playgrounds, and pools will be unaffected by the annexation and shall not be maintained by the City.
7. **Operation and Maintenance of Publicly Owned Buildings, Facilities, and Services** – Should the City acquire any buildings, facilities or services necessary for municipal services in the annexed area, an appropriate City department will operate and maintain them.
8. **Library** – Upon annexation, library privileges will be available to anyone residing in the annexed area.
9. **Planning and Development, Building Permits, and Inspections Services;** - Upon annexation, the City's Unified Development Code and Title 15 of the City Code of Ordinances will apply in the area. These services include: site plan review, zoning approvals, Building Code and other standard Code inspection services and City Code enforcement; sign regulations and permits; and Stormwater Permit services. For a full description of these services, see the City's Unified Development Code and Title 15 of the City Code of Ordinances.



10. **Animal Control Services** – The provisions of Chapter 7 of the City Code of Ordinances relating to animal control services shall apply in the annexed area.
11. **Business Licenses and Regulations** – The provisions of Chapter 6 of the City Code of Ordinances relating to business licenses and regulations (Carnivals Circuses and Other Exhibitions; Electrician's Licenses; Gross Receipts Charge or Street Rental; Peddlers and Solicitors; Taxicabs, Buses and Other Vehicles for Hire; Horse Drawn Carriages and other Non-Motorized Vehicles for Hire; Sexually Oriented Businesses; and Alcoholic Beverages) shall apply in the annexed area.
12. **Health and Safety Regulations** – The provisions of Chapter 8 of the City Code of Ordinance relating to health and safety regulations (Fire Prevention Code; Fireworks; Food Sanitation; Noise Control; Nuisances; Junked Motor Vehicles; and Smoking in Public Places) shall apply in the annexed area.
13. **Regulations Pertaining to Peace, Morals and Welfare** -- The provisions of Chapter 9 of the City Code of Ordinance relating to peace, morals and welfare (Housing Discrimination; Weapons; and Enforcement of Other Miscellaneous Violations) shall apply in the annexed area.

#### **VI. SERVICES TO BE PROVIDED WITHIN 4½ YEARS OF ANNEXATION; CAPITAL IMPROVEMENTS PROGRAM**

1. **In General** – The City will initiate the construction of capital improvements necessary for providing municipal services for the annexation area as necessary for services that are provided directly by the City.
2. **Water and Wastewater Services**– Water and wastewater services are only provided to occupied lots that have been legally subdivided and platted or are otherwise a legal lot, and that are located within the boundaries of the City's authorized service areas. Further, existing residences in the annexed area that were served by a functioning onsite sewer system (septic system) shall continue to use such private system for wastewater services in conformance with the provisions of Section 13.20 of the City Code of Ordinances. Existing non-residential establishments in the annexed area may continue to use an onsite sewer system (septic system) for sewage disposal in conformance with the provisions of Section 13.20 of the City Code of Ordinances. Upon the Development of any property in the annexed area, the provisions of Chapter 13 of the UDC shall apply. The City shall have no obligation to extend water or wastewater service to any part of the annexed area that is within the service area of another water or wastewater utility. For annexed areas located within the City's authorized service areas, the City shall, subject to the terms and conditions of this Plan, extend water and wastewater service in accordance with the service extension ordinances, policies, and standards that are summarized in Section X of this Plan, which may require that the property owner or developer of a newly developed tract install water and wastewater lines. The extension

of water and wastewater services will be provided in accordance with the policies summarized in Section X of this Plan and with any applicable construction and design standards manuals adopted by the City.

3. **Water and Wastewater Capital Improvements Schedule** – Because of the time required to design and construct the necessary water and wastewater facilities to serve the annexed area, certain services cannot be reasonably provided within 2½ years of the effective date of annexation. Therefore, in accordance with Sections 43.065(b) and (e) of the LGC, the City shall implement a program, which will be initiated after the effective date of the annexation and include the acquisition or construction of capital improvements necessary for providing water and wastewater services to the area. The following schedule for improvements is proposed: construction will commence within 2 ½ years from the effective date of annexation and will be substantially complete within 4 ½ years from the effective date of annexation. However, the provisions of Section VII of this Plan shall apply to the schedule for completion of all capital improvements. In addition, the acquisition or construction of the improvements shall be accomplished by purchase, lease, or other contract or by the City succeeding to the powers, duties, assets, and obligations of a conservation and reclamation district as authorized or required by law.
4. **Roads and Streets** – No road or street related capital improvements are necessary at this time. Future extension of roads or streets and installation of traffic control devices will be governed by the City's Comprehensive Plan, the City's Overall Transportation Plan, the City's Capital Improvements Plan; the City's regular or non-impact fee Capital Improvements Program, and any applicable City ordinances, policies, and procedures, which may require that the property owner or developer install roads and streets at the property owner's or developer's expense. It is anticipated that the developer of new subdivisions in the area will install street lighting in accordance with the City's standard policies and procedures. Provision of street lighting will be in accordance with the City's street lighting policies.
5. **Capital Improvements for Other Municipal Services** – No capital improvements are necessary at this time to provide municipal Police; Fire Protection; Emergency Medical Services; Solid Waste Collection; Public Parks, Playgrounds, or Swimming Pools; Public Buildings or Facilities; or Library Services. The annexed area will be included in the City's future planning for new or expanded capital improvements and evaluated on the same basis and in accordance with the same standards as similarly situated areas of the City.

## VII. FORCE MAJEURE AND SCHEDULE EXTENSIONS

1. Certain events, described as Force Majeure Events in this Plan, are those over which the City has no control. Force Majeure Events shall include, but not be limited to, acts of God; terrorism or acts of a public enemy; war; blockages; riots; strikes; epidemics; forces

of nature including landslides, lightening, earthquakes, fires, storms, floods, washouts, droughts, tornadoes, hurricanes; arrest and restraint of government; explosions; collisions, and all other inabilities of the City, whether similar to those enumerated or otherwise, which are not within the control of the City. Any deadlines or other provisions of this Plan that are affected by a Force Majeure Event shall be automatically extended to account for delays caused by such Force Majeure Event.

2. In accordance with Section 43.056(e) of the LGC, this Plan and the schedules for capital improvements necessary to provide full municipal services to the annexed area may be amended by the City to extend the period for construction if the construction is proceeding with all deliberate speed. The construction of the improvements shall be accomplished in a continuous process and shall be completed as soon as reasonably possible, consistent with generally accepted local engineering and architectural standards and practices. However, the City does not violate this Plan if the construction process is interrupted for any reason by circumstances beyond the direct control of the City.

## **VIII. AMENDMENTS**

Pursuant to the provisions of Section 43.056(k) of the LGC, on approval by the City Council, the Plan is a contractual obligation that is not subject to amendment or repeal except as provided by state law. Section 43.056(k) of the LGC provides that if the City Council determines, after public hearings, that changed conditions or subsequent occurrences make the Plan unworkable or obsolete, the City Council may amend the Plan to conform to the changed conditions or subsequent occurrences. An amended Plan must provide for services that are comparable to or better than those established in the Plan before amendment. Before any Plan amendments are adopted, the City Council must provide an opportunity for interested persons to be heard at public hearings called and held in the manner provided by Section 43.0561 of the LGC.

## **IX. FEES**

The City may impose a fee for any municipal service in the area annexed if the same type of fee is imposed within the corporate boundaries of the City. All City fees are subject to revision from time to time by the City in its sole discretion.

## **X. SUMMARY OF CURRENT WATER AND WASTEWATER SERVICE EXTENSION POLICIES**

Per the requirements of Section 43.056(e) of the LGC, the following summary is provided regarding the City's current service extension policies for water and wastewater service. However, this is a summary of the current policies, and the policies and regulations related to water and wastewater utility extensions that are included in the City Code of Ordinances, the Unified Development Code, the City's Construction and Specifications Manual; Drainage

Manual, and other published policies and technical manuals, as the same may be amended from time to time, shall control the extension of water and wastewater services to the annexed area. In addition, these policies and ordinances are set by City Council and can be amended in the future:

1. **In General** -- The provisions of Chapter 13 of the City's Unified Development Code ("UDC") shall apply in the annexed area and Chapter 13 of the City Code of Ordinances. Portions of the current Chapter 13 of the UDC and the current Chapter 13 of the Code of Ordinances are summarized below. Note that these provisions are established by ordinance of the City Council and are subject to change from time to time.
  - A. The City shall not repair, maintain, install or provide any water services, wastewater service, gas, electricity or any other public utilities or services to any property that has not been legally subdivided or is a non-legal lot.
  - B. For property that is required by the City's UDC or other City regulations to construct water or wastewater facilities, funding and construction of those facilities are the responsibility of the property owner or developer (the "subdivider").
  - C. Subdividers shall be responsible for providing an approved public water supply system for fire protection and domestic/ commercial/ industrial usage consistent with the Comprehensive Plan. Where an approved public water supply or distribution main is within reasonable distance of the subdivision, but in no case less than one-quarter mile away, and connection to the system is both possible and permissible (including adequate system capacity), the subdivider shall be required to bear the cost of connecting the subdivision to such existing water supply. The subdivider shall, consistent with all existing ordinances, make a pro-rata contribution to funding of needed storage facilities, treatment facilities, and specific distribution lines as determined necessary by the City.
  - D. Subdividers shall be responsible for providing an approved public sanitary sewer system, consistent with the Comprehensive Plan, throughout the entire subdivision such that all lots, parcels, or tracts of land will be capable of connecting to the sanitary sewer system except as otherwise provided herein. Where an approved public sanitary sewer collection main or outfall line is ~~in no~~ <sup>at least</sup> less than one-half mile away, and connection to the system is both possible and permissible (including adequate system capacity), the subdivider shall be required to bear the cost of connecting the subdivision to such existing sanitary sewer system. Where an approved public wastewater collection main or outfall line is more than one-half mile away from the property boundary, and where extension of a sanitary sewer collection main or outfall line is scheduled in the City's Capital Improvements Plan to be completed to a point within one-half mile of the property boundary within five (5) years from the date of the Preliminary Plat approval, the subdivider shall be required to install a public

wastewater collection system. The design and construction of a public sanitary sewer system shall comply with regulations covering extension of public sanitary sewer systems adopted by the Texas Commission on Environmental Quality.

- E. All infrastructure and public improvements must be designed and installed in accordance with all of the elements of the Comprehensive Plan and shall meet the minimum requirements established by the UDC, the City's Construction Standards and Specifications for Roads, Streets, Structures and Utilities, and any other adopted City design or technical criteria. No main water line extension shall be less than eight inches. All new public sanitary sewer systems shall be designed and constructed to conform with the City's Construction Standards and Specifications and to operate on a gravity flow basis by taking advantage of natural topographic conditions and thereby reducing the need for lift stations and force mains.
2. **If the specific undeveloped property does not have City water or wastewater facilities and capacity fronting the property** – the owner may make an application for an extension of service to the property. If the Assistant City Manager for Utilities determines in writing that adequate water or wastewater capacity is available, or will be available, and if the project does not include City cost participation or reimbursement, if the proposed facilities are depicted on the City's Water and Wastewater Master Plans, and the requested service otherwise meets the City's requirements, the extension size, capacity, and routing may be approved by the Assistant City Manager for Utilities for construction by the developer at the developer's cost and expense.
  3. **If the specific undeveloped property does have adequate City water or wastewater facilities and capacity fronting the property** – the owner may receive water or wastewater service from the City by applying for a tap permit and paying the required fees.
  4. **If any property in the annexed area is using a septic system** – the property owner remains responsible for the operation and maintenance of the septic system. If the property is in a Rural Residential Subdivision as defined in Chapter 13 of the UDC, or is a legal lot greater than one acre in size and used for single family residential purposes, the property shall continue the use of a septic system after annexation until such time that the use of the property changes, the property is further subdivided or developed, or a public sanitary sewer line has been extended to within 200 feet of the property boundary and the property owner has received notification from the City of the City's desire for the property to be connected to the public sanitary sewer line. If the septic system fails before the City's centralized wastewater service is extended to within 200 feet of the property and the City determines that the provision of centralized wastewater service is not feasible or practical at that time, then the property owner must either repair or replace the septic system in accordance with the provisions of Section 13.20 of the City Code of Ordinances. Properties using a septic system that are not in a Rural Residential Subdivision , or are not legal lots greater than one acre in size and used for

single family residential purposes at the time of annexation, but that are designated as either residential, open space or agricultural on the City's Future Land Use Plan shall continue the use of a septic system until such time that the use of the property changes, the property is further subdivided or developed, or a public sanitary sewer line has been extended to within 200 feet of the property boundary and the property owner has received notification from the City of the City's desire for the property to be connected to the public sanitary sewer line.

5. **Reimbursement and cost participation by the City** – Pursuant to Section 13.09.030 of the UDC, the City, in its sole discretion and with City Council approval, may participate with a property owner or developer in the cost of oversized facilities or line extensions. The actual calculation of the cost participation and reimbursement amounts, including limits and schedules for the payments, are set forth in the UDC.
6. **City Code of Ordinances:** (The following provisions are set by the City Council and can be amended in the future by ordinance.)

**Chapter 13.10 of the City Code of Ordinances currently provides as follows:**

**Section 13.10.010 Policy established.**

This policy shall apply to improvements to the City's utility systems, including system upgrades, system expansion, and plant capacity additions. In this Section, the term "utility system" shall mean the City's water system, wastewater system, reuse irrigation system, and stormwater drainage system.

**Section 13.10.020 System Planning.**

The City shall maintain and periodically update system plans for each utility so that system improvements are implemented to maintain adequate capacity for growth while maintaining proper service levels to existing customers.

**Section 13.10.030 Project Timing.**

- A. Projects designed to expand or upgrade a utility system must be completed and ready for operations such that capacity requirements by state regulatory agencies and City system plans are met.
- B. When possible, the City should coordinate the construction of system improvements in a particular location with the expansion or maintenance of other utility infrastructure to minimize the future impact on each utility.
- C. Projects should begin the design phase when existing demand at a specific location exceeds 75% of current capacity and future demand is expected to exceed the current total capacity.

D. Projects should begin the construction phase when existing demand at a specific location exceeds 90% of current capacity and future demand is expected to exceed the current total capacity.

E. Projects required to facilitate the development of a specific tract shall be done in accordance with the Unified Development Code.

F. Projects required as a result of an annexation service plan shall be provided as stated in the approved Service Plan for such annexed tracts.

#### **Section 13.10.040 Project Financing.**

A. Projects required to facilitate the subdivision of a specific tract shall be paid by the subdivider in accordance with the Unified Development Code, unless otherwise authorized in writing and approved by the City Council in accordance with the terms of Section 13.09 of the Unified Development Code or other applicable law.

B. When utility expansion is requested within a portion of the City's utility service area, but the City is not otherwise required to provide service or planning to provide service as reflected in the City's Capital Improvements Plan, the City may nonetheless, at the City's sole option, facilitate the design and construction of the required utility extensions or upgrades by managing the project with the cost of such extensions to be shared and fully paid by the requesting landowners or subdividers prior to commencement of the project.

C. When utility expansion is requested within a portion of the City's utility service area, the City shall evaluate degree to which the project 1) facilitates contiguous growth, 2) maximizes the provision of service to the service area, 3) enhances economic development, 4) improves system operations, 5) contributes to conservation or other environmental concern, and 6) facilitates the completion of the utility master plan.

D. At the City's sole option, the City may also facilitate the installation of utility expansion requests through 1) financial cost contribution, 2) financing of the improvement using individual contracts between the City and each landowner for a proportionate share of the project cost to be paid out over a specified period of time at a specified rate of interest, 3) Impact Fee or connection fee reduction or waiver.

Chapter 13.20 of the City Code of Ordinances currently provides as follows:

#### **Sec. 13.20.010. General.**

A. It is unlawful for any owner or lessee, tenant or other person in possession of any premises where any person lives or works, or occupies the same, to establish, maintain or use any water closet, bathtub, lavatory or sink except by one of the following means and consistent with the other terms, conditions and requirements of this Chapter and with the City's Unified Development Code:



1. connection to an approved Onsite Sewage Facility that is constructed and maintained in accordance with the rules and regulations of all appropriate state and local agencies having jurisdiction over such facilities; or
  2. connection to a public centralized wastewater collection main with all wastewater discharged to a centralized public wastewater collection system.
- B. Upon the “Development” of property, the provisions of Chapter 13 of the Unified Development Code (pertaining to Infrastructure and Public Improvements) shall govern the provision of wastewater service to the property. For the purposes of this section, the term “Development” shall have the same meaning as in Section 16.05 of the City’s Unified Development Code.
- C. It is the duty of each such person referenced in subsection (A), above, to connect such fixtures to an approved wastewater system, and to maintain the same.

**Sec. 13.20.020. On Site Sewage Facilities.**

- A. General. All On Site Sewage Facilities must be constructed and maintained in accordance with the rules and regulations of the appropriate state and local agencies having jurisdiction over such facilities.
- B. Availability of a Public Centralized Wastewater Collection Main. If a public centralized wastewater collection main is located within 200 feet of a property line, and the wastewater collection main has adequate capacity to receive and transport the wastewater flow produced by the property, then property owner shall connect that property to said utility line at the earliest to occur of either of the following events: failure of the On Site Sewage Facility servicing the property, or the date that is five (5) years after receipt of notice of the availability of a wastewater collection main within 200-feet of the property line.
- C. Failure of On Site Sewage Facility. When an Onsite Sewage Facility fails, the following provisions shall apply:
- a. If a public centralized wastewater collection main is located within 200 feet of the property boundary, and the wastewater collection main has adequate capacity to receive and transport the wastewater flow produced by the property, then the property must be connected to said utility line by the property owner;
  - b. If no public centralized wastewater collection main is located within 200 feet of the property boundary, the City shall evaluate the feasibility of providing centralized wastewater collection services to the property via a gravity or low pressure system. Where the provision of gravity sewer service or low pressure system is technically feasible, utility system improvements may be made in accordance with Chapters 13.10;
  - c. If the City determines that the provision of wastewater service via a centralized wastewater collection main is not necessary due to existing or future land use, then the On Site Sewage Facility may be repaired or replaced.

(Prior code § 12-101)

### **Sec. 13.20.030. Privies prohibited.**

It is unlawful for any owner or lessee, tenant or other person in possession of any premises in the City to establish or maintain any privy or dry closet.

### **Sec.13.20.040 Low Pressure Sewer Systems**

- A. A “Low Pressure Sewer System” is an individual lift station located at each utility customer or property owner location having a private force main connecting to a public force main or gravity main located in a public utility easement or public right-of-way.
- B. Each property owner and utility customer shall be responsible for the cost of installation and maintenance of the individual lift station and private force main.

### **Section 13.20.050. Prohibited Discharges into Sewer System**

No person shall discharge, cause to be discharged, or permit to be discharged, either directly or indirectly into the public sewer system, waste or wastewater from any of the following sources unless allowed by the City Manager, or his/her designee:

- A. Any wastes or wastewater that does not meet the limitations imposed by Section 13.24 of the Code of Ordinances.
- B. Any stormwater, groundwater, rainwater, street drainage, subsurface drainage, or yard drainage;
- C. Any unpolluted water, including , but not limited to, cooling water, process water or blow-down water from cooling towers or evaporative coolers;
- D. Any wastes or wastewater, or any object, material, or other substance directly into a manhole or other opening into the sewer facilities other than wastes or wastewater through an approved service connection.
- E. Any holding tank waste, provided, that such waste may be placed into facilities designed to receive such wastes and approved by the City Manager, or his/her designee.

### **Section 13.20.060 Sewer System Maintenance**

- A. For properties with gravity wastewater service, the property owner and utility customer shall be responsible for the proper operation, maintenance, and repairs of the sewer system in the building and the service lateral between the building and the point of connection into the public sewer main.
- B. For properties with low pressure service, the property owner and utility customer shall be responsible for the proper operation, maintenance, and repairs of the

sewer system in the building and the service lateral, lift station (grinder pump) and force main between the building and the point of connection into the public sewer main.

- C. When, as a part of sewer system testing, the City identifies a flaw in a private service lateral or force main where a repair is necessary to prevent infiltration or inflow, the property owner and utility customer shall be responsible to cause the repairs to be made within one (1) year of the date of notification by the City.
- D. If repairs are not complete within one year of notification by the City, City may engage the services of a contractor to make the necessary repairs with the costs for such repairs to be paid by the City and subsequently charged to property owner and utility customer.

City of Georgetown, Texas  
City Council Special Meeting  
February 12, 2019

**SUBJECT:**

**First Public Hearing** for the **Voluntary Annexation** and designation of **Residential Estate (RE) zoning district** for an approximate **23.10 acre** tract of land out of the Joseph Pulsifer Survey, Abstract No. 498, generally located at **34 Skyline Road**, to be known as **Maravilla Subdivision** -- Sofia Nelson, CNU-A, Planning Director

**ITEM SUMMARY:**

**Overview of Applicant's Request:**

The subject property is located east of DB Wood Road, north of State Highway 29 (University Ave). The property is situated between the River Chase neighborhood and the Wolf Ranch West neighborhood, which is currently in development.

The property has a Future Land Use designation of Low Density Residential and Moderate Density Residential.

The item under consideration tonight is to conduct the first public hearing for voluntary annexation and designation of Residential Estate (RE) as the initial zoning district designation, submitted in accordance with State Law. No action is required for this public hearing.

**Meeting Schedule:**

- 1/8/2019 – City Council Grant Petition for Annexation - COMPLETED
- 2/5/2019 – P&Z Public Hearing and Recommendation for Zoning Only - COMPLETED
- 2/12/2019 at 3pm – City Council Public Hearing #1
- 2/12/2019 at 6pm – City Council Public Hearing #2
- 3/12/2019 – City Council First Reading of Ordinance
- 3/26/2019 – City Council Second Reading of Ordinance

**Planning and Zoning Commission (P&Z) Recommendation:**

At their February 5, 2019 meeting, the Planning and Zoning Commission held a public hearing and recommended approval of the zoning designation request.

**FINANCIAL IMPACT:**

City services, including police and fire protection, emergency medical services, solid waste collection and disposal are immediately subject to the property. Extension of capital improvements such as water and wastewater systems will be subject to the City's utility extension and improvement policy or the terms of any potential agreement with the property owner.

**SUBMITTED BY:**

Chelsea Irby, Senior Planner

**ATTACHMENTS:**

ANX-2018-009 - P&Z Staff Report (Rezoning)

Exhibit 1 - Location Map

Exhibit 2 - Future Land Use Map

Exhibit 3 - Zoning Map

Exhibit 4 - RE Standards and Permitted Uses

Exhibit 5 - Letter of Intent

Metes and Bounds

Draft Service Plan

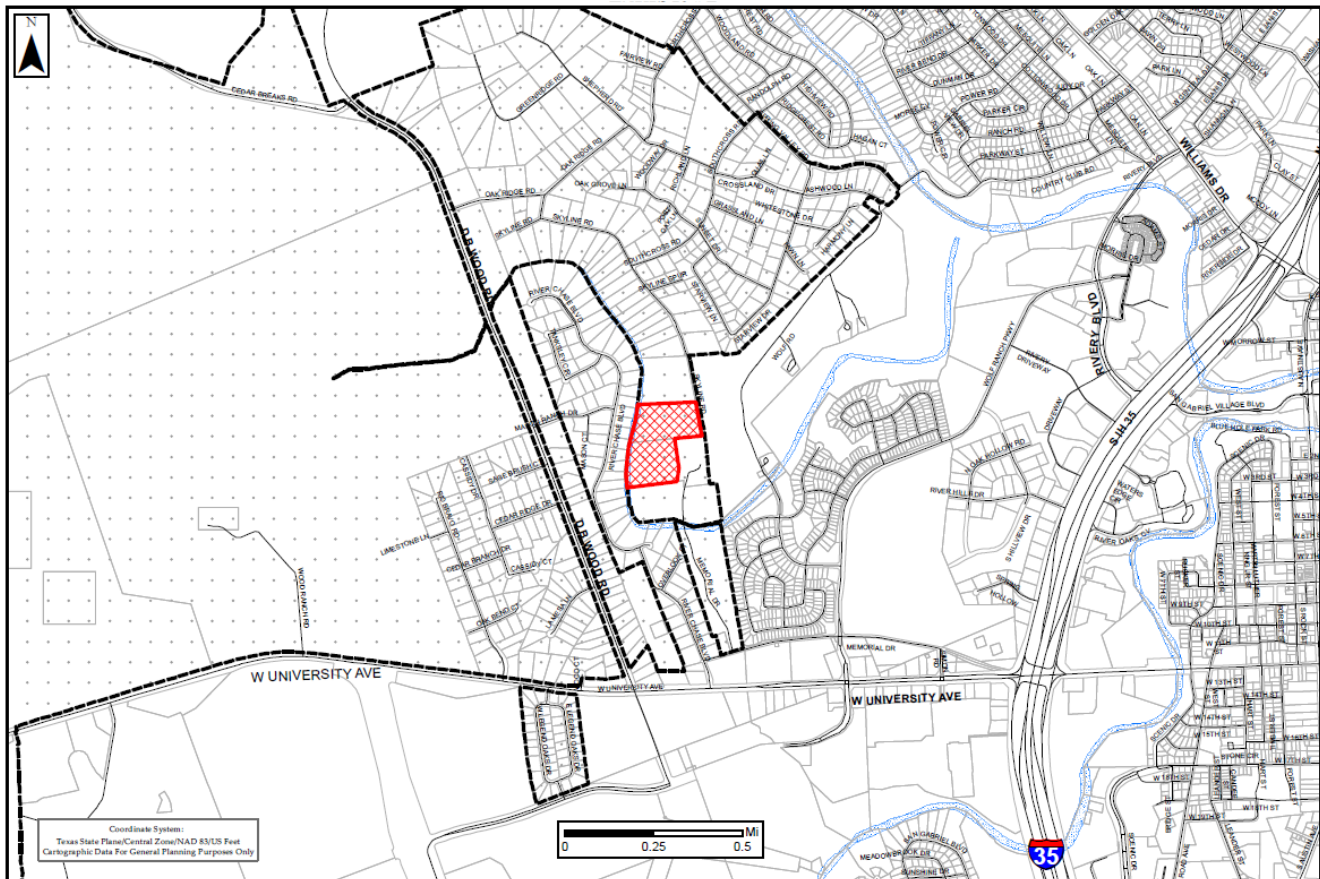
# Planning and Zoning Commission

## Planning Department Staff Report

**Report Date:** February 1, 2019  
**Case No:** ANX-2018-009  
**Project Planner:** Chelsea Irby, Senior Planner

### Item Details

**Project Name:** Maravilla Subdivision  
**Project Location:** 34 Skyline Road within the Extraterritorial Jurisdiction (City Council District 2, upon annexation).  
**Total Acreage:** 23.10  
**Legal Description:** 23.10 acres out of the Joseph Pulsifer Survey, Abstract No. 498  
**Applicant:** Matkin Hoover Engineering, c/o Matt Synatschk  
**Property Owner:** Ashby Signature Homes, c/o Norm Ashby  
**Request:** Zoning Map Amendment to rezone the subject property to **Residential Estate (RE)** upon annexation.  
**Case History:** This is the first public hearing of this request.



*Location Map*

## Planning Department Staff Report

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### Overview of Applicant's Request

The applicant is requesting to zone 23.10 acres of land to the Residential Estate (RE) zoning district upon annexation in lieu of the default Agriculture (AG) zoning designation. The annexation petition was accepted by the City Council on January 8, 2019. The applicant intends to subdivide the property into 19, 1-acre residential lots. See *Exhibit 5* for the applicant's letter of intent.

### Site Information

#### Location:

The property is located east of DB Wood Road, north of State Highway 29 (University Ave). The property is situated between the River Chase neighborhood and the Wolf Ranch West neighborhood, which is currently in development.

#### Physical and Natural Features:

The Middle Fork San Gabriel River runs along the western boundary of the property, and because of this the eastern portion of the property slopes toward the river. The property also has heavy tree cover.

#### Future Land Use and Zoning Designations:

The subject property is split between two Future Land Use designations, Low Density Residential and Moderate Density Residential. There is not a zoning designation because the property is currently in the Extraterritorial Jurisdiction (ETJ).

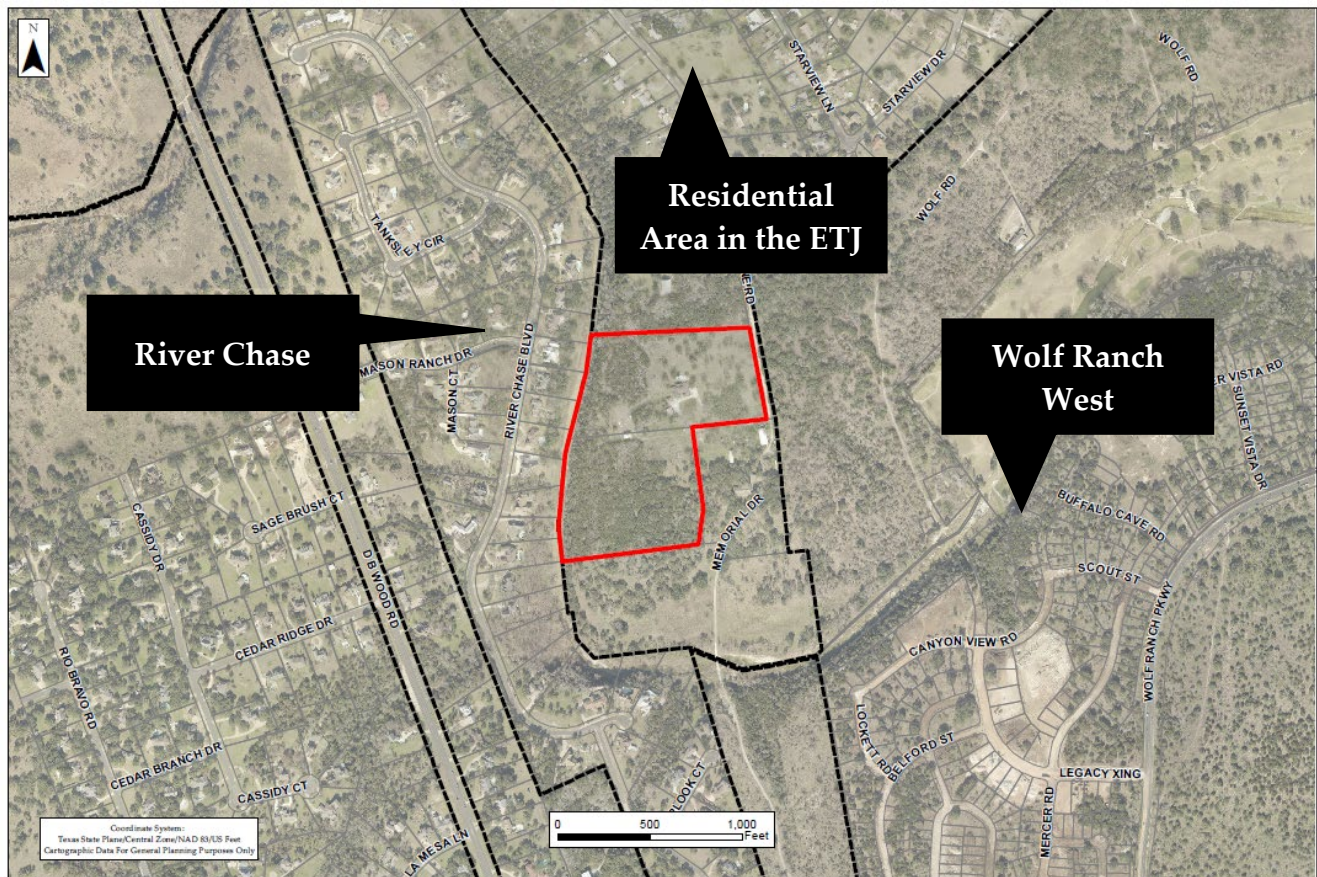
#### Surrounding Properties:

The area surrounding the property is entirely used for single-family residential. There are residential acre lots and rural residential subdivisions to the north. To the east and south, the area has grown and developed with higher density single-family residential, as well as multi-family and commercial along the major corridors such as Wolf Ranch Pkwy and University Ave.

The current zoning, Future Land Use designation, and existing uses of the adjacent properties to the north, south, east and west are outlined in the table below:

DIRECTION	ZONING DISTRICT	FUTURE LAND USE	EXISTING USE
North	N/A (ETJ)	Low Density Residential	Single-Family Residential
South	N/A (ETJ)	Moderate Density and Low Density Residential	
East	Planned Unit Development (PUD) with a base district of Residential Single-Family (RS)	Moderate Density and Low Density Residential	
West	Residential Single-Family (RS)	Low Density Residential	





*Aerial Map with Surrounding Uses*

**Property History:**

There is no notable property history. The property is located in the ETJ.

**Comprehensive Plan Guidance**

**Future Land Use Map:**

The property is split between two Future Land Use designations, Low Density Residential and Moderate Density Residential.

The Low Density Residential category includes the city's predominantly single-family neighborhoods that can be accommodated at a density between 1.1 and 3 dwelling units per gross acre. Conservation subdivisions are also encouraged in this land use district. Modifications to development standards applicable to this category could address minimum open space requirements, public facility impacts, and greater roadway connectivity. This category may also support complementary non-residential uses along arterial roadways such as neighborhood-serving retail, office, institutional, and civic uses, although such uses may not be depicted on the Future Land Use Map. Standards should be established to maximize compatibility of these uses with adjacent land uses, minimize traffic congestion and overloading of public infrastructure, and also ensure a high standard of site, landscape, and architectural design.

The Moderate Density Residential category is described in the 2030 Comprehensive Plan as comprising



## Planning Department Staff Report

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single family neighborhoods that can be accommodated at a density ranging between 3.1 and 6 dwelling units per gross acre, with housing types including small-lot detached and attached single-family dwellings (such as townhomes). This category may also support complementary non-residential uses along major roadways such as neighborhood-serving retail, office, institutional, and civic uses, although such uses may not be depicted on the Future Land Use Map.

### **Growth Tier:**

The property is located within Growth Tier 2.

**Tier 2** lies outside the city limits, but within the City's extraterritorial jurisdiction (ETJ). Until annexation occurs, land use and development controls are limited to subdivision review and signage, and in some cases building permits where City utilities are connected to new construction. However, the City may consider requests for annexation, extension of City services, and rezonings in this area.

### **Utilities**

The subject property is located within the City's service area for water and electric. Upon annexation, the subject property would also be within the City's service area for wastewater; however, wastewater services are proposed to be provided through on-site sewage facilities (OSSF). It is anticipated that there is adequate water capacity to serve the subject property at this time. A Utility Evaluation may be required at time of Subdivision Plat to determine capacity and any necessary utility improvements.

### **Transportation**

The property has frontage on Skyline Road, which is a private local street where adjacent to the subject property. The roadway provides access to DB Wood Road (Minor Arterial, south of Oakridge Rd; Major Arterial north of Oakridge Rd). Skyline Road currently terminates near the property. The Wolf Ranch West development will be connecting to Skyline Road north of the subject property and this will create a route to Wolf Ranch Parkway (Major Collector).

Skyline Road is currently a public street up until the property owned by Hillwood and is private for the portion adjacent to the subject property. It will remain private prior to the subdivision of the subject property. During the platting process, Skyline Road will need to be extended as a public street along the entire length of the property. The UDC would allow the roadway to be extended as a rural/local street.

Additional local streets would need to be constructed on the property to support residential development.

### **Proposed Zoning district**

The Residential Estate District (RE) is intended for areas of very low density single-family residential use and associated uses. The district has a lot size minimum of one acre to retain a rural character and is appropriate where topography or lack of public utilities and services may necessitate a low density.

Permitted land uses within the district include detached single-famil, group homes with six residents or less, and minor utilities. Elementary schools, churches, neighborhood amenity centers, and golf

## Planning Department Staff Report

courses are permitted subject to specific design limitations to ensure compatibility with the surrounding properties. Other uses such as accessory dwelling units, bed and breakfasts, group day cares, and youth or senior activity centers may be permitted subject to approval of a Special Use Permit (SUP). *Exhibit 4* contains a comprehensive list of RE district permitted uses and development standards.

### Interdepartmental Review

The proposed rezoning request was reviewed by all applicable City Departments to determine the appropriateness of the requested zoning on the subject property. No comments were issued regarding the zoning request.

### Approval Criteria

Staff has reviewed the proposed rezoning request and has found that it **complies with 4 of the 5** criteria established in UDC Section 3.06.030 for a Zoning Map Amendment, as outlined below:

REZONING APPROVAL CRITERIA	FINDINGS	STAFF COMMENTS
1. The application is complete and the information contained within the application is sufficient and correct enough to allow adequate review and final action.	Complies	An application must provide the necessary information to review and make a knowledgeable decision in order for staff to schedule an application for consideration by the Planning and Zoning Commission and City Council. This application was reviewed by staff and deemed to be complete.
2. The zoning change is consistent with the Comprehensive Plan.	Does Not Comply	<p>The majority of the subject property is designated as Low Density Residential on the Future Land Use Map. This category includes the city's predominantly single-family neighborhoods that can be accommodated at a density between 1.1 and 3 dwelling units per gross acre.</p> <p>The Rural Estate (RE) zoning district has a minimum lot size of 1 acre, which allows 1 dwelling unit per gross acre. However, this zoning district may also allow lots that have less than 1 dwelling unit per gross acre as the 1-acre lot size is a minimum requirement in order to retain a rural character.</p> <p>Due to the purpose of the RE zoning</p>

## Planning Department Staff Report

REZONING APPROVAL CRITERIA	FINDINGS	STAFF COMMENTS
		district, this district is most appropriate in the Agricultural/Rural Residential Future Land Use Designation, which is intended to accommodate very low levels of population and require very limited array of public services. Because of this, this designation is generally located in the outer portion of the ETJ.
3. The zoning change promotes the health, safety or general welfare of the City and the safe orderly, and healthful development of the City.	Complies	There is currently not a zoning designation on the subject property; however, it is located at the end of rural local street that has been primarily developed with rural residential subdivisions within the ETJ. The proposed RE zoning district allows for an orderly development due to the decrease in density closer to and adjacent to the ETJ residential subdivision to the north. Additionally, the subject property is situated between two single-family residential neighborhoods, one of which is a one-acre lot subdivision (River Chase to the west). Access to the property would be primarily through the ETJ subdivisions, or through one of the Wolf Ranch West subdivision to the east, once the connection to Skyline Rd is completed.
4. The zoning change is compatible with the present zoning and conforming uses of nearby property and with the character of the neighborhood.	Complies	The subject property is compatible with the present zoning and land uses because it is completely surrounded by single-family residential areas. To the east and west of the property are Residential Single-Family (RS) zoned areas and to the north and south are rural residential subdivisions within the ETJ. The proposed zoning district, should it be approved, would allow the subject property to develop at a density consistent with the residential neighborhoods to the north and west (1-ac lot subdivisions)
5. The property to be rezoned is suitable for uses	Complies	The subject property is suitable for the permitted uses of the Rural Estate (RE)

## Planning Department Staff Report

REZONING APPROVAL CRITERIA	FINDINGS	STAFF COMMENTS
permitted by the District that would be applied by the proposed amendment.		district because it has sufficient acreage to create lots that conform to the required dimensional standards.

Based on the findings listed above, the zoning of the property to Residential Estate (RE) is generally appropriate because it maintains the character of the area, fills a gap between two residential areas, and location of the property at the end of a rural street. However, it is important to note that the request does not comply with the Comprehensive Plan because the intent of the RE zoning district was for the outer fringe of the City/ETJ where a lack of public utilities and services may necessitate a low density, as well as to retain the rural character.

### Meetings Schedule

2/5/2019 – P&Z Public Hearing and Recommendation for Zoning Only  
2/12/2019 at 3pm – City Council Public Hearing #1  
2/12/2019 at 6pm – City Council Public Hearing #2  
3/12/2019 – City Council First Reading of Ordinance  
3/26/2019 – City Council Second Reading of Ordinance

### Public Notification

As required by the Unified Development Code, all property owners within a 200-foot radius of the subject property were notified of the Zoning Map Amendment request (17 notices), a legal notice advertising the public hearing was placed in the Sun Newspaper (January 20, 2019) and signs were posted on-site. To date, staff has received zero (0) written comments in favor, and zero (0) in opposition to the request.

### Attachments

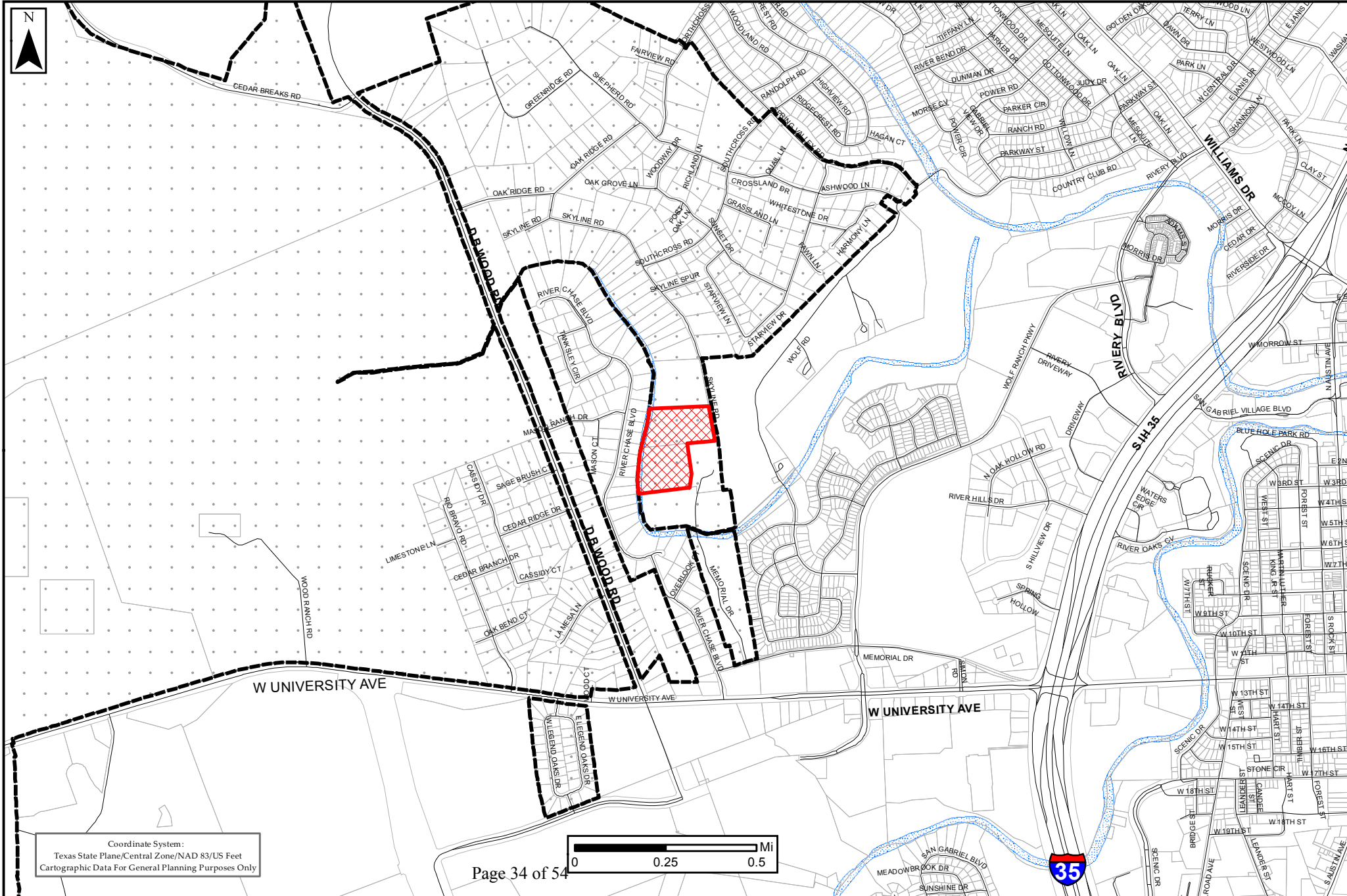
Exhibit 1 – Location Map  
Exhibit 2 – Future Land Use Map  
Exhibit 3 – Zoning Map  
Exhibit 4 – Design and development standards of the RE district  
Exhibit 5 – Letter of Intent

# Location Map

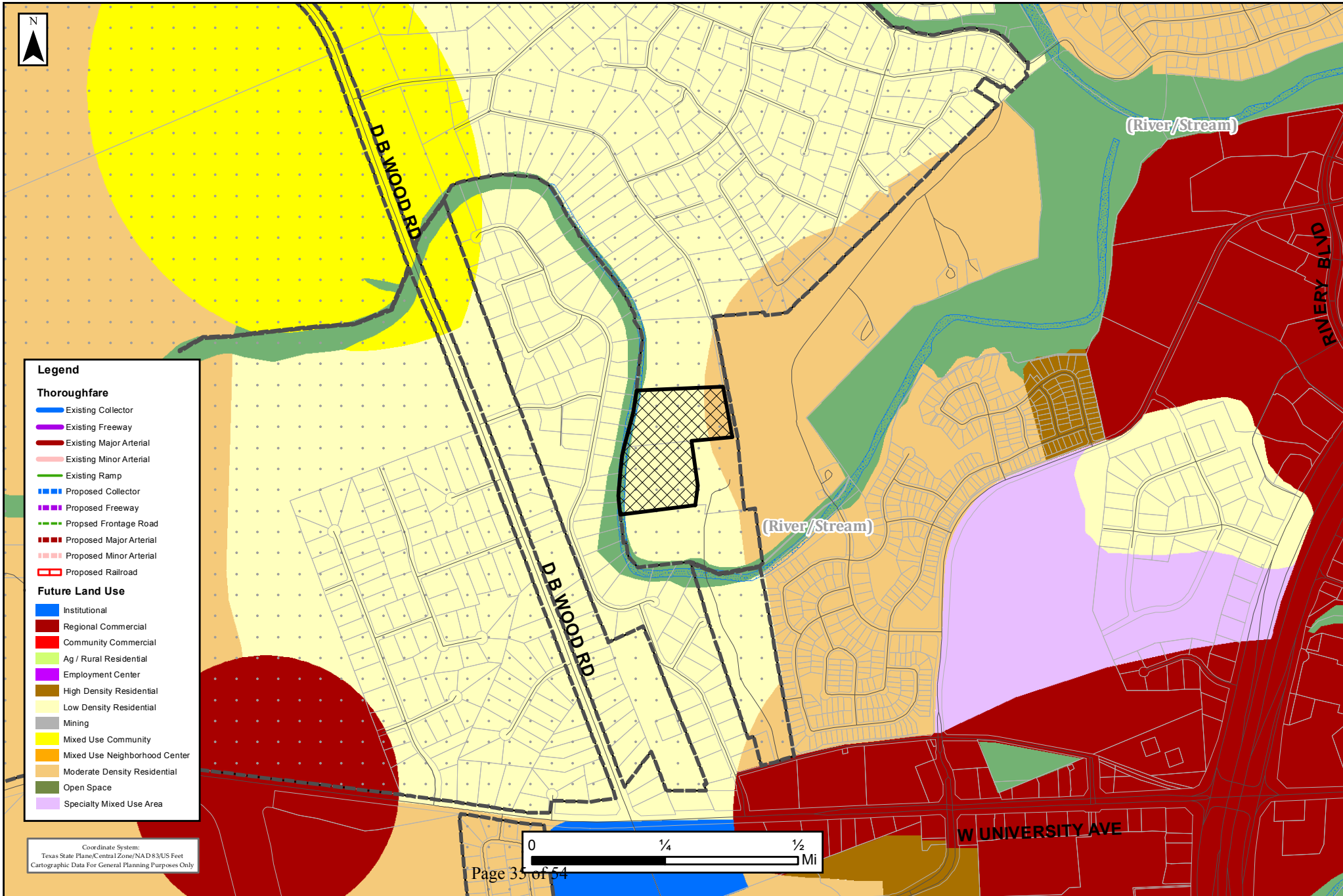
## ANX-2018-009

### Exhibit #1

- Legend**
-  Site
  -  Parcels
  -  City Limits
  -  Georgetown ETJ



Coordinate System:  
Texas State Plane/Central Zone/NAD 83/US Feet  
Cartographic Data For General Planning Purposes Only



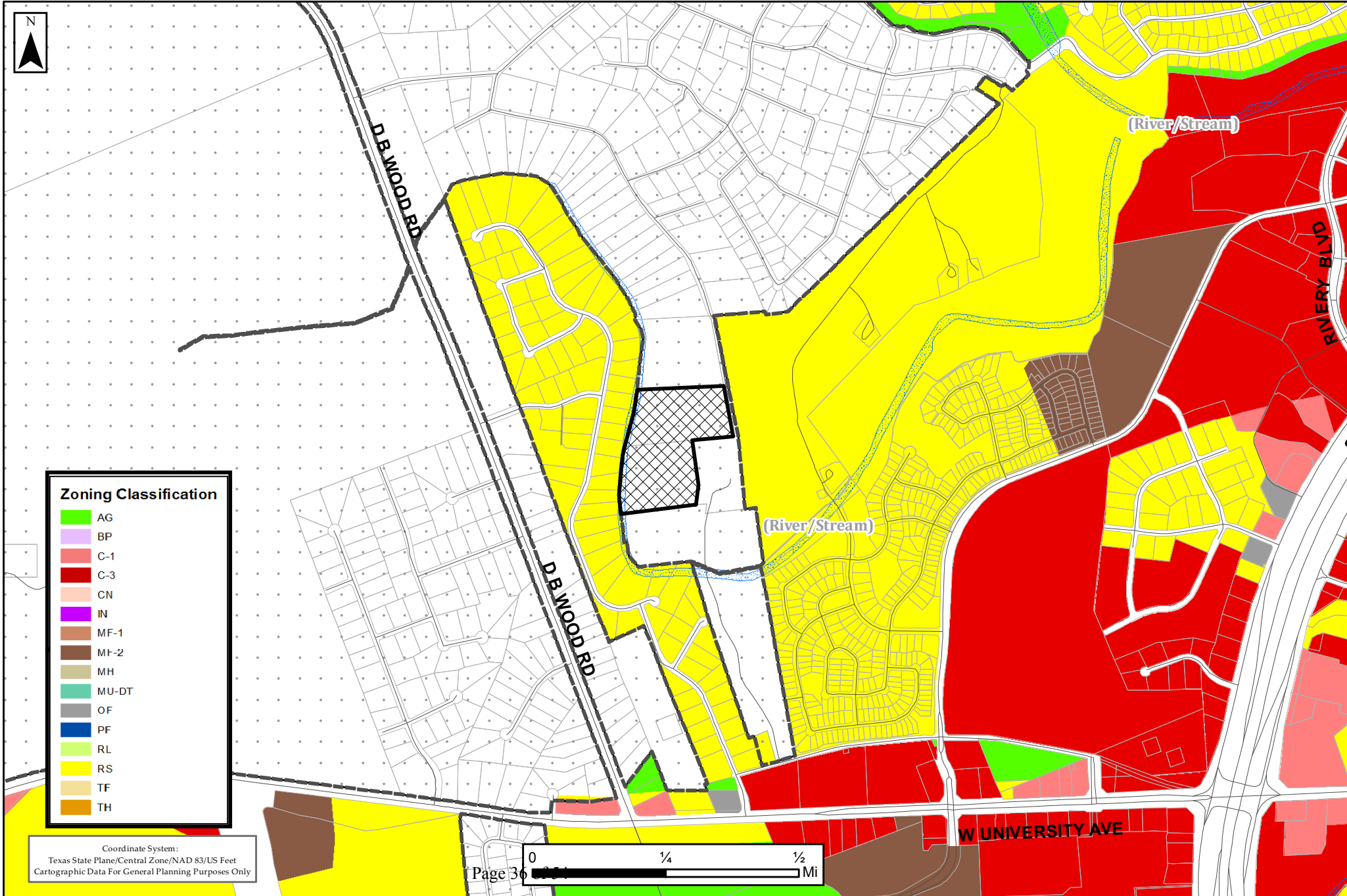


# Zoning Information

## ANX-2018-009

### Exhibit #3

- Legend
- Site
  - Parcels
  - City Limits
  - Georgetown ETJ





## Residential Estate (RE) District

District Development Standards		
District Size-min. acreage = 1	Side Setback = 10 feet	Bufferyard = 10 feet with plantings
Maximum Building Height = 35 feet	Rear Setback = 20 feet	when non-residential develops
Accessory Building Height = 25 feet	Front Setback = 25 feet	adjacent to residential
	Lot width = 100 feet	

Specific Uses Allowed within the District		
Allowed by Right	Subject to Limitations	Special Use Permit (SUP)
Single-Family, Detached Group Home (6 residents or less) Minor Utility Services	Home Based Business Elementary School Family Home, Daycare Religious Assembly Facilities Religious Assembly Facilities with Columbarium Nature Preserve or Community Garden Neighborhood Amenity, Activity or Recreation Center Neighborhood Public Park Golf Course Intermediate Utility Services Wireless Transmission Facility 40 feet or Less	Accessory Dwelling Unit Hospice Facility Halfway House Middle School Group Daycare Activity Center, Youth or Senior Emergency Service Station Bed and Breakfast Bed and Breakfast with Events

December 9, 2018

Ms. Sofia Nelson  
Planning Director  
City of Georgetown, TX

Dear Ms. Nelson,

The property owner of the 23 acres located at 34 Skyline Road wishes to submit this application for voluntary annexation. The property is contiguous to the current City of Georgetown city limits, and water to the site will be provided by Georgetown Utility Systems.

The property is currently vacant, with the most recent use being a single family residence. There are currently no residents living on the property.

The applicant wishes to submit this application concurrently with an application to zone the property to Rural Estate (RE), allowing the development of a residential subdivision comprising 19 total lots. The applicant reserves the right to withdraw this annexation application from consideration at any time in the proceedings.

With this signed petition for voluntary annexation, the property owner understands that construction of any capital improvements necessary for development on the property will not be the responsibility of the City of Georgetown if approved for annexation; rather, such improvements will occur through non-City financial assistance through the subdivision and construction process.

Sincerely,

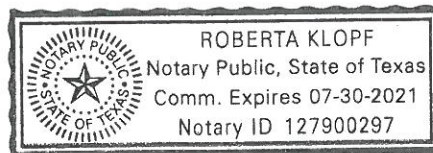
Norm Ashby  
Ashby Signature Homes

Before me, the undersigned, a notary public in and for said county and state, on this day personally appeared Norm Ashby, known to me to be the person whose name is subscribed to this foregoing instrument.

Given under my sign and seal of office this 21 day of Dec, 2018.

Notary Public, State of Texas

My commission expires on: 7/30/2021



# QUICK INC.

## LAND SURVEYING

Office Address: 3303 Shell Rd. Suite 4, Georgetown, Texas 78628  
Phone: 512-915-4950

### FIELD NOTES FOR A 23.120 ACRE TRACT OF LAND:

**BEING A 23.120 ACRE TRACT OF LAND, LOCATED IN THE JOSEPH PULSIFER SURVEY, ABSTRACT NO. 498, WILLIAMSON COUNTY, TEXAS; SAID 23.120 ACRE TRACT, BEING ALL OF THAT CALLED 12.09 ACRE TRACT RECORDED IN VOLUME 1620, PAGE 700, OFFICIAL PUBLIC RECORDS, WILLIAMSON COUNTY, TEXAS, AND BEING ALL OF THAT CALLED 11.20 ACRE TRACT OF LAND RECORDED IN VOLUME 1855, PAGE 39, OFFICIAL PUBLIC RECORDS, WILLIAMSON COUNTY, TEXAS; SAID 23.120 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING** at a 1/2" iron rod located for the northeast corner of a 12.09 acre tract, being the southeast corner of a called 12.84 acre tract of land recorded in Volume 2477, Page 240, Official Public Records, Williamson County, Texas, being in the west line of a called 1.43 acre, 50' wide access easement recorded in Volume 2477, Page 240, Official Public Records, Williamson County, Texas, said point being the northeast corner of the herein described tract of land which bears S 11° 07' 46" E, a distance of 707.99' from a 1/2" iron rod located for the northeast corner of said 12.84 acre tract, the southeast corner of Lot 1, Oak Crest Ranchettes, recorded in the plat of record in Cabinet B, Slide 150-153, Plat Records, Williamson County, Texas, and the northwest corner of said 1.43 acre access easement, said point being the northeast corner of the herein described tract of land;

1. **Thence**, with the east line of said 12.09 acre tract, the west line of said 1.43 acre access easement, S 10° 42' 16" E, a distance of 540.77' (Record: S 07° 12' 00" E, a distance of 539.73'), to a 1/2" iron rod located for the southeast corner of said 12.09 acre tract, the southwest corner of said 1.43 acre access easement, the southeast corner of a called 1.37 acre access easement recorded in Volume 1620, Page 700, Official Public Records, Williamson County, Texas, being in the north line of a called 7.21 acre tract of land recorded in Volume 2031, Page 413, Official Public Records, Williamson County, Texas, said point being the most easterly southeast corner of the herein described tract of land;
2. **Thence**, with the south line of said 12.09 acre tract, the south line of said 1.37 acre access easement, the north line of said 7.21 acre tract, S 83° 39' 51" W, a distance of 370.81' (Record: S 87° 07' 00" W, a distance of 371.20'), to a 1/2" located in the south line of said 12.09 acre tract, being the northeast corner of said 11.20 acre tract, the northwest corner of said 7.21 acre tract, and being an interior corner of the herein described tract of land;

3. **Thence**, with the east line of said 11.20 acre tract, the west line of said 7.21 acre tract, **S 09° 10' 00" E**, a distance of **454.78'** (Record: S 05° 45' 00" E, a distance of 454.79'), to a 1/2" iron rod with a blue "Quick Inc. RPLS 6447" plastic cap set for an angle point of said 11.20 acre tract, and angle point of said 7.21 acre tract, and being an angle point of the herein described tract of land;
4. **Thence**, continuing with the east line of said 11.20 acre tract, the west line of said 7.21 acre tract, **S 01° 54' 00" W**, a distance of **166.31'** (Record: S 05° 19' 00" W, a distance of 166.31'), to a 1/2" iron rod located for the southeast corner of said 11.20 acre tract, being in the west line of said 7.21 acre tract, being an exterior corner of a called 39.17 acre tract of land recorded in Volume 1620, Page 700, Official Public Records, Williamson County, Texas, and being the most southerly southeast corner of the herein described tract of land;
5. **Thence**, with the south line of said 11.20 acre tract, a north line of said 39.17 acre tract, **S 83° 55' 01" W**, passing a 1/2" iron rod at a distance of 755.77' for reference, continuing an all distance of **826.76'** (Record: S 87° 24' 00" W, a distance of 804.82'), to a calculated point in the center of Middle Fork San Gabriel River, located for the southwest corner of said 11.20 acre tract, the northwest corner of said 39.17 acre tract, and being the southwest corner of the herein described tract of land;

Thence, with the centerline of Middle Fork San Gabriel River, the west lines of said 11.20 acre tract and said 12.09 acre tract, the following five (5) courses and distances;

6. **N 00° 40' 19" W**, a distance of **138.28'**, to a calculated point for an angle point of the herein described tract of land;
7. **N 05° 30' 59" E**, a distance of **353.84'**, to a calculated point for an angle point of the herein described tract of land;
8. **N 08° 47' 26" E**, a distance of **282.79'**, to a calculated point for an angle point of the herein described tract of land;
9. **N 13° 43' 35" E**, a distance of **269.10'**, to a calculated point for an angle point of the herein described tract of land;
10. **N 10° 17' 27" E**, a distance of **145.34'**, to a calculated point for the northwest corner of said 12.09 acre tract, the southwest corner of said 12.84 acre tract, and being the northwest corner of the herein described tract of land;
11. **Thence**, with the north line of said 12.09 acre tract, the south line of said 12.84 acre tract, **N 83° 18' 09" E**, passing an 8" cedar post at a distance of 138.59', continuing an all

distance of **863.73'** (Record: N 87° 07' 00" E, a distance of 872.54'), to the **POINT OF BEGINNING** containing **23.120 acres** of land.

**Basis of Bearing: Texas State Plane, Central Zone, NAD83**



Travis L. Quicksall Date: 09/25/2018  
RPLS #6447  
Job #18-2212

## **Exhibit C**

**CITY OF GEORGETOWN  
ANNEXATION SERVICE PLAN  
AREA: MARAVILLA  
COUNCIL DISTRICT NO.: 2  
DATE: MARCH 26, 2019**

### **I. INTRODUCTION**

This Service Plan (the “Plan”) is made by the City of Georgetown, Texas (“City”) pursuant to Sections 43.056(b)-(o); 43.062, and 43.052(h)(1) of the Texas Local Government Code (“LGC”). This Plan relates to the annexation into the City of the land shown on Exhibit “A” to this Service Plan, which is referred to as “**Maravilla**”. The provisions of this Plan were made available for public inspection and explained to the public at the two public hearings held by the City on February 12, 2019, at 3pm, and February 12, 2019, at 6pm, in accordance with Section 43.056(j) of the LGC.

### **II. TERM OF SERVICE PLAN**

Pursuant to Section 43.056(l) of the LGC, this Plan shall be in effect for a ten-year period commencing on the effective date of the ordinance approving the annexation. Renewal of the Plan shall be at the discretion of the City Council and must be accomplished by Ordinance.

### **III. INTENT**

It is the intent of the City that municipal services under this Plan shall provide municipal services in accordance with the timetables required by the LGC. The City reserves the rights guaranteed to it by the LGC to amend this Plan if the City Council determines that changed conditions, subsequent occurrences, or any other legally sufficient circumstances exist under the LGC or other Texas laws that make this Plan unworkable, obsolete, or unlawful.

### **IV. CATEGORIZATION OF MUNICIPAL SERVICES**

The municipal services described herein are categorized by those services which are (1) available to the annexed area immediately upon annexation; (2) those services which will be available to the annexed area within 2½ years from the effective date of the annexation; and (3) those services for which capital improvements are needed and which will be available within 4½ years from the effective date of the annexation based upon a schedule for construction of such improvements as set forth herein.

For the purposes of this Plan, “provision of services” includes having services provided by any method or means by which the City provides municipal services to any other areas of the City, and may include causing or allowing private utilities, governmental entities and other public service organizations to provide such services by contract, in whole or in part, and may include duties on the part of a private landowner with regard to such services.

In addition, in accordance with Section 43.056(g) of the LGC, if before annexation the annexed area had a lower level of services, infrastructure, and infrastructure maintenance than the same being provided by the City to other areas within the City limits, this Plan shall be construed to allow for the provision to the annexed area of a level of services, infrastructure, and infrastructure maintenance that is comparable to the level of services, infrastructure, and infrastructure maintenance in other parts of the City with topography, land use, and population density similar to those reasonably contemplated or projected in the annexed area.

## **V. SERVICES TO BE PROVIDED UPON ANNEXATION**

1. **Police Protection** –Upon annexation, the Georgetown Police Department will extend regular and routine patrols to the area.
2. **Fire Protection and Emergency Medical Services**– Upon annexation, in the areas where the City has jurisdiction over fire protection and emergency medical services or a contract under which the City provides such services, the City of Georgetown Fire Department will provide response services in the annexed area consisting of: fire suppression and rescue; emergency response to 9-1-1 calls; fire prevention education efforts, and other duties and services provided by the Georgetown Fire Department to areas within the City limits.
3. **Solid Waste Collection** – Upon annexation, for occupied structures, the City will provide solid waste collection services to the annexed area in accordance with City ordinances and policies in effect on the date of the annexation. However, per the terms of Sections 43.056(n) and (o) of the LGC, if a property owner chooses to continue to use the services of a privately owned solid waste management provider, the City is prevented from providing solid waste services for 2 years.
4. **Operation and Maintenance of Water and Wastewater Facilities in the Annexed Area that Are Not Within the Area of Another Water or Wastewater Utility** – City-owned water and wastewater facilities that exist in the annexed area will be maintained upon annexation and such maintenance shall be governed by the City’s ordinances, standards, policies and procedures. Per the provisions of Section 13.01.020 of the Unified Development Code (“UDC”), for unplatted tracts in the annexed area, the City shall not repair, maintain, install or provide any public utilities or services in any subdivision for which a Final Plat has not been approved and filed for record, nor in which the standards contained in the UDC or referred to therein have not been complied with in full.

5. **Operation and Maintenance of Streets, Roads, and Street Lighting** – The City will provide preventative maintenance of the existing public streets and roads in the annexed area over which it has jurisdiction through maintenance and preventative maintenance services such as emergency pavement repair; ice and snow monitoring; crack seal, sealcoat, slurry seal, and PM overlay; and other routine repair. The City shall not maintain private roads in the annexed area. Preventative maintenance projects are prioritized on a City-wide basis and scheduled based on a variety of factors, including surface condition, rideability, age, traffic volume, functional classification, and available funding. As new streets are dedicated and accepted for maintenance they will be included in the City's preventative maintenance program. Per the provisions of Section 13.01.020 of the UDC, for unplatted tracts in the annexed area, the City shall not repair, maintain, install or provide any streets or street lighting to any subdivision for which a Final Plat has not been approved and filed for record, nor in which the standards contained in the UDC or referred to therein have not been complied with in full. With regard to street lighting, it is the policy of the City of Georgetown that adequate street lighting for the protection of the public and property be installed in all new subdivisions. Installation procedures and acceptable standards for street lights shall be governed by the utility standards of the City in effect at the time of subdivision construction or addition thereto.
6. **Operation and Maintenance of Public Parks, Playgrounds, and Swimming Pools** - Upon annexation, publicly owned parks, playgrounds, and swimming pools in the annexed area (if any) will be operated and maintained by the City in accordance with the Section 12.20 of the City Code of Ordinances, and other applicable ordinances, policies, and procedures in effect at the time of annexation for other areas in the City limits. Privately owned parks, playgrounds, and pools will be unaffected by the annexation and shall not be maintained by the City.
7. **Operation and Maintenance of Publicly Owned Buildings, Facilities, and Services** – Should the City acquire any buildings, facilities or services necessary for municipal services in the annexed area, an appropriate City department will operate and maintain them.
8. **Library** – Upon annexation, library privileges will be available to anyone residing in the annexed area.
9. **Planning and Development, Building Permits, and Inspections Services;** - Upon annexation, the City's Unified Development Code and Title 15 of the City Code of Ordinances will apply in the area. These services include: site plan review, zoning approvals, Building Code and other standard Code inspection services and City Code enforcement; sign regulations and permits; and Stormwater Permit services. For a full description of these services, see the City's Unified Development Code and Title 15 of the City Code of Ordinances.



10. **Animal Control Services** – The provisions of Chapter 7 of the City Code of Ordinances relating to animal control services shall apply in the annexed area.
11. **Business Licenses and Regulations** – The provisions of Chapter 6 of the City Code of Ordinances relating to business licenses and regulations (Carnivals Circuses and Other Exhibitions; Electrician's Licenses; Gross Receipts Charge or Street Rental; Peddlers and Solicitors; Taxicabs, Buses and Other Vehicles for Hire; Horse Drawn Carriages and other Non-Motorized Vehicles for Hire; Sexually Oriented Businesses; and Alcoholic Beverages) shall apply in the annexed area.
12. **Health and Safety Regulations** – The provisions of Chapter 8 of the City Code of Ordinance relating to health and safety regulations (Fire Prevention Code; Fireworks; Food Sanitation; Noise Control; Nuisances; Junked Motor Vehicles; and Smoking in Public Places) shall apply in the annexed area.
13. **Regulations Pertaining to Peace, Morals and Welfare** -- The provisions of Chapter 9 of the City Code of Ordinance relating to peace, morals and welfare (Housing Discrimination; Weapons; and Enforcement of Other Miscellaneous Violations) shall apply in the annexed area.

#### **VI. SERVICES TO BE PROVIDED WITHIN 4½ YEARS OF ANNEXATION; CAPITAL IMPROVEMENTS PROGRAM**

1. **In General** – The City will initiate the construction of capital improvements necessary for providing municipal services for the annexation area as necessary for services that are provided directly by the City.
2. **Water and Wastewater Services**– Water and wastewater services are only provided to occupied lots that have been legally subdivided and platted or are otherwise a legal lot, and that are located within the boundaries of the City's authorized service areas. Further, existing residences in the annexed area that were served by a functioning onsite sewer system (septic system) shall continue to use such private system for wastewater services in conformance with the provisions of Section 13.20 of the City Code of Ordinances. Existing non-residential establishments in the annexed area may continue to use an onsite sewer system (septic system) for sewage disposal in conformance with the provisions of Section 13.20 of the City Code of Ordinances. Upon the Development of any property in the annexed area, the provisions of Chapter 13 of the UDC shall apply. The City shall have no obligation to extend water or wastewater service to any part of the annexed area that is within the service area of another water or wastewater utility. For annexed areas located within the City's authorized service areas, the City shall, subject to the terms and conditions of this Plan, extend water and wastewater service in accordance with the service extension ordinances, policies, and standards that are summarized in Section X of this Plan, which may require that the property owner or developer of a newly developed tract install water and wastewater lines. The extension

of water and wastewater services will be provided in accordance with the policies summarized in Section X of this Plan and with any applicable construction and design standards manuals adopted by the City.

3. **Water and Wastewater Capital Improvements Schedule** – Because of the time required to design and construct the necessary water and wastewater facilities to serve the annexed area, certain services cannot be reasonably provided within 2½ years of the effective date of annexation. Therefore, in accordance with Sections 43.065(b) and (e) of the LGC, the City shall implement a program, which will be initiated after the effective date of the annexation and include the acquisition or construction of capital improvements necessary for providing water and wastewater services to the area. The following schedule for improvements is proposed: construction will commence within 2 ½ years from the effective date of annexation and will be substantially complete within 4 ½ years from the effective date of annexation. However, the provisions of Section VII of this Plan shall apply to the schedule for completion of all capital improvements. In addition, the acquisition or construction of the improvements shall be accomplished by purchase, lease, or other contract or by the City succeeding to the powers, duties, assets, and obligations of a conservation and reclamation district as authorized or required by law.
4. **Roads and Streets** – No road or street related capital improvements are necessary at this time. Future extension of roads or streets and installation of traffic control devices will be governed by the City's Comprehensive Plan, the City's Overall Transportation Plan, the City's Capital Improvements Plan; the City's regular or non-impact fee Capital Improvements Program, and any applicable City ordinances, policies, and procedures, which may require that the property owner or developer install roads and streets at the property owner's or developer's expense. It is anticipated that the developer of new subdivisions in the area will install street lighting in accordance with the City's standard policies and procedures. Provision of street lighting will be in accordance with the City's street lighting policies.
5. **Capital Improvements for Other Municipal Services** – No capital improvements are necessary at this time to provide municipal Police; Fire Protection; Emergency Medical Services; Solid Waste Collection; Public Parks, Playgrounds, or Swimming Pools; Public Buildings or Facilities; or Library Services. The annexed area will be included in the City's future planning for new or expanded capital improvements and evaluated on the same basis and in accordance with the same standards as similarly situated areas of the City.

## **VII. FORCE MAJEURE AND SCHEDULE EXTENSIONS**

1. Certain events, described as Force Majeure Events in this Plan, are those over which the City has no control. Force Majeure Events shall include, but not be limited to, acts of God; terrorism or acts of a public enemy; war; blockages; riots; strikes; epidemics; forces

of nature including landslides, lightening, earthquakes, fires, storms, floods, washouts, droughts, tornadoes, hurricanes; arrest and restraint of government; explosions; collisions, and all other inabilities of the City, whether similar to those enumerated or otherwise, which are not within the control of the City. Any deadlines or other provisions of this Plan that are affected by a Force Majeure Event shall be automatically extended to account for delays caused by such Force Majeure Event.

2. In accordance with Section 43.056(e) of the LGC, this Plan and the schedules for capital improvements necessary to provide full municipal services to the annexed area may be amended by the City to extend the period for construction if the construction is proceeding with all deliberate speed. The construction of the improvements shall be accomplished in a continuous process and shall be completed as soon as reasonably possible, consistent with generally accepted local engineering and architectural standards and practices. However, the City does not violate this Plan if the construction process is interrupted for any reason by circumstances beyond the direct control of the City.

## **VIII. AMENDMENTS**

Pursuant to the provisions of Section 43.056(k) of the LGC, on approval by the City Council, the Plan is a contractual obligation that is not subject to amendment or repeal except as provided by state law. Section 43.056(k) of the LGC provides that if the City Council determines, after public hearings, that changed conditions or subsequent occurrences make the Plan unworkable or obsolete, the City Council may amend the Plan to conform to the changed conditions or subsequent occurrences. An amended Plan must provide for services that are comparable to or better than those established in the Plan before amendment. Before any Plan amendments are adopted, the City Council must provide an opportunity for interested persons to be heard at public hearings called and held in the manner provided by Section 43.0561 of the LGC.

## **IX. FEES**

The City may impose a fee for any municipal service in the area annexed if the same type of fee is imposed within the corporate boundaries of the City. All City fees are subject to revision from time to time by the City in its sole discretion.

## **X. SUMMARY OF CURRENT WATER AND WASTEWATER SERVICE EXTENSION POLICIES**

Per the requirements of Section 43.056(e) of the LGC, the following summary is provided regarding the City's current service extension policies for water and wastewater service. However, this is a summary of the current policies, and the policies and regulations related to water and wastewater utility extensions that are included in the City Code of Ordinances, the Unified Development Code, the City's Construction and Specifications Manual; Drainage

Manual, and other published policies and technical manuals, as the same may be amended from time to time, shall control the extension of water and wastewater services to the annexed area. In addition, these policies and ordinances are set by City Council and can be amended in the future:

1. **In General** -- The provisions of Chapter 13 of the City's Unified Development Code ("UDC") shall apply in the annexed area and Chapter 13 of the City Code of Ordinances. Portions of the current Chapter 13 of the UDC and the current Chapter 13 of the Code of Ordinances are summarized below. Note that these provisions are established by ordinance of the City Council and are subject to change from time to time.
  - A. The City shall not repair, maintain, install or provide any water services, wastewater service, gas, electricity or any other public utilities or services to any property that has not been legally subdivided or is a non-legal lot.
  - B. For property that is required by the City's UDC or other City regulations to construct water or wastewater facilities, funding and construction of those facilities are the responsibility of the property owner or developer (the "subdivider").
  - C. Subdividers shall be responsible for providing an approved public water supply system for fire protection and domestic/ commercial/ industrial usage consistent with the Comprehensive Plan. Where an approved public water supply or distribution main is within reasonable distance of the subdivision, but in no case less than one-quarter mile away, and connection to the system is both possible and permissible (including adequate system capacity), the subdivider shall be required to bear the cost of connecting the subdivision to such existing water supply. The subdivider shall, consistent with all existing ordinances, make a pro-rata contribution to funding of needed storage facilities, treatment facilities, and specific distribution lines as determined necessary by the City.
  - D. Subdividers shall be responsible for providing an approved public sanitary sewer system, consistent with the Comprehensive Plan, throughout the entire subdivision such that all lots, parcels, or tracts of land will be capable of connecting to the sanitary sewer system except as otherwise provided herein. Where an approved public sanitary sewer collection main or outfall line is ~~in no~~ <sup>in no</sup> case less than one-half mile away, and connection to the system is both possible and permissible (including adequate system capacity), the subdivider shall be required to bear the cost of connecting the subdivision to such existing sanitary sewer system. Where an approved public wastewater collection main or outfall line is more than one-half mile away from the property boundary, and where extension of a sanitary sewer collection main or outfall line is scheduled in the City's Capital Improvements Plan to be completed to a point within one-half mile of the property boundary within five (5) years from the date of the Preliminary Plat approval, the subdivider shall be required to install a public

wastewater collection system. The design and construction of a public sanitary sewer system shall comply with regulations covering extension of public sanitary sewer systems adopted by the Texas Commission on Environmental Quality.

- E. All infrastructure and public improvements must be designed and installed in accordance with all of the elements of the Comprehensive Plan and shall meet the minimum requirements established by the UDC, the City's Construction Standards and Specifications for Roads, Streets, Structures and Utilities, and any other adopted City design or technical criteria. No main water line extension shall be less than eight inches. All new public sanitary sewer systems shall be designed and constructed to conform with the City's Construction Standards and Specifications and to operate on a gravity flow basis by taking advantage of natural topographic conditions and thereby reducing the need for lift stations and force mains.
2. **If the specific undeveloped property does not have City water or wastewater facilities and capacity fronting the property** – the owner may make an application for an extension of service to the property. If the Assistant City Manager for Utilities determines in writing that adequate water or wastewater capacity is available, or will be available, and if the project does not include City cost participation or reimbursement, if the proposed facilities are depicted on the City's Water and Wastewater Master Plans, and the requested service otherwise meets the City's requirements, the extension size, capacity, and routing may be approved by the Assistant City Manager for Utilities for construction by the developer at the developer's cost and expense.
  3. **If the specific undeveloped property does have adequate City water or wastewater facilities and capacity fronting the property** – the owner may receive water or wastewater service from the City by applying for a tap permit and paying the required fees.
  4. **If any property in the annexed area is using a septic system** – the property owner remains responsible for the operation and maintenance of the septic system. If the property is in a Rural Residential Subdivision as defined in Chapter 13 of the UDC, or is a legal lot greater than one acre in size and used for single family residential purposes, the property shall continue the use of a septic system after annexation until such time that the use of the property changes, the property is further subdivided or developed, or a public sanitary sewer line has been extended to within 200 feet of the property boundary and the property owner has received notification from the City of the City's desire for the property to be connected to the public sanitary sewer line. If the septic system fails before the City's centralized wastewater service is extended to within 200 feet of the property and the City determines that the provision of centralized wastewater service is not feasible or practical at that time, then the property owner must either repair or replace the septic system in accordance with the provisions of Section 13.20 of the City Code of Ordinances. Properties using a septic system that are not in a Rural Residential Subdivision, or are not legal lots greater than one acre in size and used for

single family residential purposes at the time of annexation, but that are designated as either residential, open space or agricultural on the City's Future Land Use Plan shall continue the use of a septic system until such time that the use of the property changes, the property is further subdivided or developed, or a public sanitary sewer line has been extended to within 200 feet of the property boundary and the property owner has received notification from the City of the City's desire for the property to be connected to the public sanitary sewer line.

5. **Reimbursement and cost participation by the City** – Pursuant to Section 13.09.030 of the UDC, the City, in its sole discretion and with City Council approval, may participate with a property owner or developer in the cost of oversized facilities or line extensions. The actual calculation of the cost participation and reimbursement amounts, including limits and schedules for the payments, are set forth in the UDC.
6. **City Code of Ordinances:** (The following provisions are set by the City Council and can be amended in the future by ordinance.)

**Chapter 13.10 of the City Code of Ordinances currently provides as follows:**

**Section 13.10.010 Policy established.**

This policy shall apply to improvements to the City's utility systems, including system upgrades, system expansion, and plant capacity additions. In this Section, the term "utility system" shall mean the City's water system, wastewater system, reuse irrigation system, and stormwater drainage system.

**Section 13.10.020 System Planning.**

The City shall maintain and periodically update system plans for each utility so that system improvements are implemented to maintain adequate capacity for growth while maintaining proper service levels to existing customers.

**Section 13.10.030 Project Timing.**

- A. Projects designed to expand or upgrade a utility system must be completed and ready for operations such that capacity requirements by state regulatory agencies and City system plans are met.
- B. When possible, the City should coordinate the construction of system improvements in a particular location with the expansion or maintenance of other utility infrastructure to minimize the future impact on each utility.
- C. Projects should begin the design phase when existing demand at a specific location exceeds 75% of current capacity and future demand is expected to exceed the current total capacity.

D. Projects should begin the construction phase when existing demand at a specific location exceeds 90% of current capacity and future demand is expected to exceed the current total capacity.

E. Projects required to facilitate the development of a specific tract shall be done in accordance with the Unified Development Code.

F. Projects required as a result of an annexation service plan shall be provided as stated in the approved Service Plan for such annexed tracts.

#### **Section 13.10.040 Project Financing.**

A. Projects required to facilitate the subdivision of a specific tract shall be paid by the subdivider in accordance with the Unified Development Code, unless otherwise authorized in writing and approved by the City Council in accordance with the terms of Section 13.09 of the Unified Development Code or other applicable law.

B. When utility expansion is requested within a portion of the City's utility service area, but the City is not otherwise required to provide service or planning to provide service as reflected in the City's Capital Improvements Plan, the City may nonetheless, at the City's sole option, facilitate the design and construction of the required utility extensions or upgrades by managing the project with the cost of such extensions to be shared and fully paid by the requesting landowners or subdividers prior to commencement of the project.

C. When utility expansion is requested within a portion of the City's utility service area, the City shall evaluate degree to which the project 1) facilitates contiguous growth, 2) maximizes the provision of service to the service area, 3) enhances economic development, 4) improves system operations, 5) contributes to conservation or other environmental concern, and 6) facilitates the completion of the utility master plan.

D. At the City's sole option, the City may also facilitate the installation of utility expansion requests through 1) financial cost contribution, 2) financing of the improvement using individual contracts between the City and each landowner for a proportionate share of the project cost to be paid out over a specified period of time at a specified rate of interest, 3) Impact Fee or connection fee reduction or waiver.

Chapter 13.20 of the City Code of Ordinances currently provides as follows:

#### **Sec. 13.20.010. General.**

- A. It is unlawful for any owner or lessee, tenant or other person in possession of any premises where any person lives or works, or occupies the same, to establish, maintain or use any water closet, bathtub, lavatory or sink except by one of the following means and consistent with the other terms, conditions and requirements of this Chapter and with the City's Unified Development Code:

1. connection to an approved Onsite Sewage Facility that is constructed and maintained in accordance with the rules and regulations of all appropriate state and local agencies having jurisdiction over such facilities; or
  2. connection to a public centralized wastewater collection main with all wastewater discharged to a centralized public wastewater collection system.
- B. Upon the “Development” of property, the provisions of Chapter 13 of the Unified Development Code (pertaining to Infrastructure and Public Improvements) shall govern the provision of wastewater service to the property. For the purposes of this section, the term “Development” shall have the same meaning as in Section 16.05 of the City’s Unified Development Code.
- C. It is the duty of each such person referenced in subsection (A), above, to connect such fixtures to an approved wastewater system, and to maintain the same.

**Sec. 13.20.020. On Site Sewage Facilities.**

- A. General. All On Site Sewage Facilities must be constructed and maintained in accordance with the rules and regulations of the appropriate state and local agencies having jurisdiction over such facilities.
- B. Availability of a Public Centralized Wastewater Collection Main. If a public centralized wastewater collection main is located within 200 feet of a property line, and the wastewater collection main has adequate capacity to receive and transport the wastewater flow produced by the property, then property owner shall connect that property to said utility line at the earliest to occur of either of the following events: failure of the On Site Sewage Facility servicing the property, or the date that is five (5) years after receipt of notice of the availability of a wastewater collection main within 200-feet of the property line.
- C. Failure of On Site Sewage Facility. When an Onsite Sewage Facility fails, the following provisions shall apply:
- a. If a public centralized wastewater collection main is located within 200 feet of the property boundary, and the wastewater collection main has adequate capacity to receive and transport the wastewater flow produced by the property, then the property must be connected to said utility line by the property owner;
  - b. If no public centralized wastewater collection main is located within 200 feet of the property boundary, the City shall evaluate the feasibility of providing centralized wastewater collection services to the property via a gravity or low pressure system. Where the provision of gravity sewer service or low pressure system is technically feasible, utility system improvements may be made in accordance with Chapters 13.10;
  - c. If the City determines that the provision of wastewater service via a centralized wastewater collection main is not necessary due to existing or future land use, then the On Site Sewage Facility may be repaired or replaced.

(Prior code § 12-101)



### **Sec. 13.20.030. Privies prohibited.**

It is unlawful for any owner or lessee, tenant or other person in possession of any premises in the City to establish or maintain any privy or dry closet.

### **Sec.13.20.040 Low Pressure Sewer Systems**

- A. A “Low Pressure Sewer System” is an individual lift station located at each utility customer or property owner location having a private force main connecting to a public force main or gravity main located in a public utility easement or public right-of-way.
- B. Each property owner and utility customer shall be responsible for the cost of installation and maintenance of the individual lift station and private force main.

### **Section 13.20.050. Prohibited Discharges into Sewer System**

No person shall discharge, cause to be discharged, or permit to be discharged, either directly or indirectly into the public sewer system, waste or wastewater from any of the following sources unless allowed by the City Manager, or his/her designee:

- A. Any wastes or wastewater that does not meet the limitations imposed by Section 13.24 of the Code of Ordinances.
- B. Any stormwater, groundwater, rainwater, street drainage, subsurface drainage, or yard drainage;
- C. Any unpolluted water, including , but not limited to, cooling water, process water or blow-down water from cooling towers or evaporative coolers;
- D. Any wastes or wastewater, or any object, material, or other substance directly into a manhole or other opening into the sewer facilities other than wastes or wastewater through an approved service connection.
- E. Any holding tank waste, provided, that such waste may be placed into facilities designed to receive such wastes and approved by the City Manager, or his/her designee.

### **Section 13.20.060 Sewer System Maintenance**

- A. For properties with gravity wastewater service, the property owner and utility customer shall be responsible for the proper operation, maintenance, and repairs of the sewer system in the building and the service lateral between the building and the point of connection into the public sewer main.
- B. For properties with low pressure service, the property owner and utility customer shall be responsible for the proper operation, maintenance, and repairs of the

sewer system in the building and the service lateral, lift station (grinder pump) and force main between the building and the point of connection into the public sewer main.

- C. When, as a part of sewer system testing, the City identifies a flaw in a private service lateral or force main where a repair is necessary to prevent infiltration or inflow, the property owner and utility customer shall be responsible to cause the repairs to be made within one (1) year of the date of notification by the City.
- D. If repairs are not complete within one year of notification by the City, City may engage the services of a contractor to make the necessary repairs with the costs for such repairs to be paid by the City and subsequently charged to property owner and utility customer.