

Draft Service Plan
for the City of La Feria
“West Business 83 Annexation Area”
August 9, 2013

I. Area Annexed:

The West Business 83 Annexation Area covers approximately 321 acres. See attached map. North of Business 83, the annexation area is bounded on the west by the eastern right-of-way line (ROW) of Mile 3 East (sometimes called County Line Road) and the ETJ line agreed to by the City of Mercedes and La Feria in 2003 (Kubiski Road)¹. North of Business 83, it is bounded on the east by the west ROW of FM 2556.² Slightly more than one mile of U.S. Bus. Highway 83 ROW is included in the annexation.

South of Business 83, the annexation area is bounded on the west by the western ROW of FM 2556 and on the east by the eastern boundary of the L & D Ranch Subdivision. The subdivisions to be annexed include Alto Real, L & D Ranch, Homesteaders, Homesteaders Too, Rainbow Acres, Tony Brook and the remaining part of Bixby Canal Estates. Approximately 1700 linear feet of Orange Grove Road ROW is included in the annexation. The southern boundary is a bit irregular, stair-stepping from south to north from the west to the east.

Less than one-fourth of the 321 acres (71 acres) is appraised for agricultural use by the Cameron County Appraisal District and expected to remain outside city limits pursuant to Development Agreements. Table 1 (next page) lists all the properties included in the annexation by Cameron County Property ID. Table 2 (on page 3) identifies ten properties, located within the boundary of the Annexation Area, but expected to remain outside city limits because the owners will enter a Development Agreement with the City, pursuant to Texas Local Government Code, §43.035.

¹ The agreement between Mercedes and La Feria established the centerline of Kubiski Road as the line dividing the two communities' ETJs. However, pursuant to Texas LGC 43.106, a municipality that proposes to annex any portion of a paved county road must annex the entire ROW.

² Most or all of the ROW of FM 2556 in this annexation area has not yet been dedicated to the State by subdivision plat and therefore is still mostly an easement on the adjoining property owners' land. The adjoining property owners still “own” to the middle of the road. For that reason, the ROW of FM 2556 is not included in this annexation. North of Business 83, the property owners on the east side of FM 2556 were not noticed of the proposed annexation and south of Business 83, the property owners on the west side of FM 2556 were not noticed of the annexation. Annexing to the middle of the ROW is usually discouraged. If the City wishes to annex the FM 2556 ROW, that be accomplished by notifying the property owners.

Table 2. Properties subject to a Development Agreement

CCAD prop id	sq ft	acres
176570	626,088	14.37
176627	174,240	4.00
176635	328,007	7.53
176635	328,007	7.53
176640	270,072	6.20
177342	281,833	6.47
177344	217,800	5.00
177347	430,678	9.89
177348	213,139	4.89
183029	212,355	4.88
	3,082,218	70.76

II. Overview:

Section 43.056 of the Texas Local Government Code requires the City to prepare a service plan that provides for the same type, kind and quality of services to be provided to the newly annexed area as presently enjoyed by the citizens of the City who reside in areas of similar topography, land use and population. La Feria may provide these services by any of the means by which it extends the services to any other area of the City. The services and facilities that will be provided to the annexed area by the City of La Feria, and the timeframe for providing them, are described below.

III. Municipal Services

Police Protection: The services and jurisdiction of the La Feria Police Department will be offered to, and exerted over, the annexed area immediately upon annexation. The La Feria Police Department has nine patrol officers, two detectives, a warrant officer and a chief. The Department presently has eleven police vehicles. The territory, households and businesses in the annexation area can be provided police services with the department's existing personnel, vehicles, and equipment with no significant diminishment of services to households and businesses within existing city limits.

Fire Protection: The annexation area is currently served by the La Feria Volunteer Fire Department through a contract with Cameron County Emergency Services District No. 1. The La Feria Fire Volunteer Department responds to structural, grass and brush, and vehicle fires. The Fire Department is also available to provide rescue services related to drowning, vehicle accidents, structural collapses, and bee attacks. Those services will continue uninterrupted upon annexation. Currently the La Feria Fire Marshall reviews the sufficiency of proposed fire hydrant plans for subdivision plats, in the City's ETJ, including the annexation area. That service will continue uninterrupted.

Emergency Medical Services: The City of La Feria has a contract with South Texas Emergency Care Foundation, Inc. (STECF) for the provision of emergency medical services (EMS) in La Feria. STECF responds to all calls to the La Feria Police or Fire Departments for EMS. Pursuant to that contract STECF, maintains and operates an emergency medical services vehicle and staff that is based at the La Feria Fire Station. Persons who receive EMS from STECF are billed by that company for services rendered. These emergency medical services will be provided to the annexed area immediately upon annexation.

Solid Waste Collection and Disposal: Residents who currently receive solid waste collection services from a private provider may continue to do so for a period of up to two years from the date of annexation. After the two-year period has expired, the City of La Feria will provide solid waste collection services in the annexed area in the same manner as provided elsewhere in the City.

The current city-wide charge for residential solid waste collection services, established by Ord. 2011-12, is \$20.50 per month, which includes weekly pick-up of household garbage and brush. An extra container costs \$5.00/month. Bulky trash, such as furniture, carpeting, construction debris, is collected by the City only upon special arrangement and payment of the extra costs incurred. The account initiation fee is \$20.00 and the required deposit for residential households is \$75.00.

The City's existing equipment is sufficient to provide solid waste collection and disposal services to this annexation area with no significant diminishment of services to existing customers within existing city limits. An additional truck driver will be needed.

Operation and Maintenance of Water and Wastewater Facilities: The annexation area is located with the City's Certificate of Convenience and Necessity (CNN or Service Area). The operation and maintenance of existing City water and wastewater lines currently located in the annexation area will continue after annexation.

Maintenance of Roads, Streets and Drainage: Just more than one mile of Business Highway 83 ROW is included in the annexation. Also, Bixby Road, Kubiski Road and Samar Drive are included. U.S. Business Hgwy 83 is a state road operated and maintained by the Texas Department of Transportation. There are no street lights to be maintained. The Texas Department of Transportation will remain responsible for maintenance of the pavement and drainage of U.S. Business Highway 83. The City of La Feria supplements maintenance provided by TxDOT on state roads. The City runs its street sweeper and mows the right-of-way on state highways in the city's jurisdiction. This maintenance will be provided to the newly annexed area to the same extent provided elsewhere in the City.

Maintenance of City Park and Recreation Facilities: There are no existing City park and recreation facilities within the annexation area. If in the future, a public park is located in the annexation area, it will be maintained on the same basis and at the same level as provided throughout the City. City parks located elsewhere in the City are available for use by the residents of the annexation area on the same basis and at the same level as such use is available to current residents in the city.

Other Services including planning, zoning, code enforcement, animal control, library, youth recreation, court and general administration: Being located within the City's ETJ, proposed subdivision plats are now reviewed by the City Planning Department and the County Planning Department. After annexation, the City will continue to review plats and County review will cease. The other city services will be provided immediately upon annexation. Youth from this annexation area are now permitted to participate in youth recreational activities, such as football, baseball, softball, basketball, and summer recreation. That participation will continue. Full use of the library is permitted to residents of the annexation area and that will continue

IV. Capital Improvements:

Water and Wastewater –

The City's water and wastewater treatment plants have ample capacity to serve the annexation area. In 2011, the City of La Feria invested \$110,000 to acquire water and wastewater service area from North Alamo Water Supply Corporation. As a result, most, but not all, of this annexation area is located within La Feria's Certificate of Convenience and Necessity (CCN) for water and wastewater services. North Alamo Water Supply Corporation's CCN includes Homesteaders Too Subdivision and the land between that subdivision and the U.S. Business Highway 83 ROW.

Presently, the City of La Feria has limited water and wastewater infrastructure in this annexation area, but the area will soon be fully serviced. With assistance from the U.S. Economic Development Authority, in 2010-2011, the City installed 2300 linear feet of twelve-inch sanitary sewer collection line along the western ROW of FM 2556. This line is connected by a 15" line to the lift station at Memorial Drive and Old Solis Road (East Solis Road.). Additionally, the City has a ten-inch water line along FM 2556 from the Expressway to just north of the intersection with East Solis Road. Along the east-bound U.S. Exp. 83 Frontage Road, the developers of Another Closet Subdivision, with some financial participation by the City, installed approximately 1700 linear feet of 10" water line from Closner Business Park to 326 feet west of Bixby Road.

With funds from the 2011 Fiscal Year Texas Water Development Board Drinking Water State Revolving Fund, the City will be installing these water lines:

- a) 8" line on Beddoes Road between U.S. Bus. Hgwy. 83 and U.S. Exp. 83;
- b) 8" line on Kubiski Road between U.S. Bus. Hgwy. 83 and U.S. Exp. 83
- c) 10" line along Business 83 from Jo-Ed Road (FM 2556) east to L & D Ranch Subdivision, connecting to existing 6" line;
- d) 10" line along Jo-Ed Road from Bus. Hgwy 83 to serve Alto Real and Samar Road;
- e) 10" line along FM 2556, north from Bus. Hgwy 83 to East Solis Rd., then north on East Solis to connect with existing 10" line;
- f) 6" line into Alto Real Subdivision from Jo-Ed Road.

With funding from the 2011 FY Clean Water State Revolving Fund, the City will be installing these wastewater lines:

- a) 2,900 feet of 12" line along Kubiski Road;
- b) 3,420 feet of 12" line along Bixby Road;
- c) 1,650 feet of 12" line and 830 linear feet of 8" line along Jo-Ed Road (FM 2556) and into Alto Real Subdivision;
- d) 6,800 feet of 12" line along U.S. Business Highway 83;
- e) 11,000 feet of 6" pressure main east to wastewater treatment plant; and,
- f) 37 manholes and two lift stations.

Annexation will not cause or require any additional water or wastewater infrastructure to be installed. Any additional water or wastewater facilities needed are expected to be installed by the developer that proposes the use that requires the additional facilities. The City of La Feria, the La Feria Industrial Development Corporation, or the La Feria Economic Development Corporation may choose to participate in the installation of additional water or wastewater facilities, on a case-by-case basis, when in their determination such investment is warranted to facilitate economic development or achieve other public objectives.

North Alamo has a 6" water line, north from Lot 2 of Longoria Commercial Subdivision (formerly Lot 4 of Homesteaders Too Subdivision), along Mile 3 East. NAWSC currently has no sanitary sewer facilities in the annexation area.

The City Code of Ordinances, Section 13.03.071, authorizes the City to require property owners within the City's sanitary sewer service area to connect to the public sanitary sewer line whenever a residence is located within 100' of the public line. Notwithstanding this legal authority, the City's policy has been to mandate connection to the public sanitary sewer system only in cases where a risk to public health is present. One indication of a risk to public health is a lot that is smaller than the minimum lot size required by TCEQ for an on-site sewage facility (OSSF), which is currently one-half acre for a single-family residence. This service plan incorporates that city policy.

Similarly, connection to the City's water system will not be mandated for existing residences, in the absence of a risk to public health. Risk to public health is evidenced by a lot that does not meet TCEQ's standards on lot size or minimum distance from an OSSF. TCEQ now requires one acre minimum lot size for a residence serviced by a well and OSSF and a minimum distance between a domestic supply well and an OSSF of 150'. These standards may change in the future and the City will enforce any stricter standards adopted by the TCEQ.

Drainage: West of the Willacy Main Canal, drainage infrastructure and services are provided and maintained by Hidalgo and Cameron Counties Irrigation District No. 9. From just west of Bixby Road, the area drains east to the borrow ditch on the west side of the

Willacy Main Canal. From just east of Kubiski Road, the area drains northwest into a drainage ditch along the north side of Homesteaders and Homesteaders Too Subdivision, then across Mile 3 East into another ditch. Mile 3 East is improved with curb and gutter. East of the Willacy Main Canal and north of Business 83, stormwater water drains westerly to the borrow ditch on the east side of the Willacy Main Canal. South of Business 83, the area primarily drains easterly to AN-49.

Streets and Roads

Bixby Road is characterized as a local street in the City's Thoroughfare Plan, while Kubiski is identified as an existing collector and Mile Three East, between Business 83 and Expressway 83, and FM 2556, both north and south of Business 83, are identified as major streets, with a desired ROW of 80'.

The City's General Fund provides for the routine maintenance and repair of city streets. City property taxes levied on this area, assuming continuation of current land uses and current tax rates, will yield approximately \$34,380 annually. The General Fund does not fund construction of new streets or major repair of existing streets. Certificates of obligation are sometimes used by the City to complete major repairs on existing streets. In limited circumstances, the City has utilized community development block grant funds to reconstruct and re-pave city streets. However, these funds can only be used in areas that qualify as low income.

This annexation plan proposes no specific public investment for public streets. Developers who propose intensification of land use in the annexation area, either residential or commercial, that require additional or improved streets, will be responsible for the construction of such streets, consistent with City standards, in a manner not inconsistent with Texas Local Government Code, Chapter 395. The City of La Feria, the La Feria Industrial Development Corporation, or the La Feria Economic Development Corporation may choose to participate in the installation and construction of additional streets, on a case-by-case basis, when in their determination such participation is justified to facilitate or support economic development or other public objectives.

At the same time, the City recognizes that street improvements in one area of the community benefit the entire community, both directly and indirectly, and the City will endeavor to improve streets in the annexation area when resources are available to the same extent existing streets are improved in other areas of the city with similar land use and population.

Similarly, street lights will be installed by developers proposing to intensify land use, or by the City, to the same extent as street lights are installed in other areas of the city with similar land use and population. Consistent with its practice in other parts of the City, La Feria will pay the cost of electricity to operate the street lights when and if they are installed.

Sidewalks – Sidewalks will be installed in the annexation area to the same extent they are provided in other parts of the City with similar land use and population.

Parks – Parks will be created in this this annexation area to the same extent they are provided in other parts of the City with similar land use and population. Residents of the annexation area will have access to all city parks and recreation facilities, both existing and future, to the same extent as residents in other rural parts of the city.

V. Specific Findings

The City Commission of the City of La Feria finds and determines that this Service Plan will not provide fewer services nor a lower level of service in the annexation area than were in existence immediately preceding annexation, nor will the annexation cause a significant diminishment of services to areas already within City limits.

Furthermore, the City Commission of the City of La Feria finds and determines the quasi-rural nature of the annexation area is characteristically different from more intensely developed areas within the City's corporate limits. Consequently, due to the differing land utilization and population density, the service levels ultimately provided in the annexed area may differ from service levels provided to other areas of the City. The City of La Feria will undertake to provide to this annexed area the same type, kind and quality of service presently enjoyed by the citizens of the City who reside in areas of similar topography, land utilization and population.