

**ORDINANCE 2013-14**

**AN ORDINANCE OF THE CITY OF LA FERIA, TEXAS ANNEXING CERTAIN AREAS ADJACENT TO THE CITY OF LA FERIA, TEXAS (KNOWN AS WEST BUSINESS 83-SOUTH); EXTENDING THE BOUNDARIES AND EXTRATERRITORIAL JURISDICTION OF THE CITY OF LA FERIA, TEXAS, SO AS TO INCLUDE SAID ANNEXED AREA WITHIN THE CORPORATE LIMITS OF THE CITY OF LA FERIA, TEXAS; GRANTING TO SAID ANNEXED AREA AND ALL OWNERS AND INHABITANTS THEREOF ALL THE RIGHTS AND PRIVILEGES ACCORDED TO OTHER CITIZENS OF THE CITY OF LA FERIA, TEXAS BY VIRTUE OF SUCH ANNEXATION; BINDING SAID AREAS AND ALL OWNERS AND INHABITANTS THEREOF TO ALL THE ACTS, ORDINANCES, AND OTHER RULES OF THE CITY OF LA FERIA, TEXAS, BY VIRTUE OF SUCH ANNEXATION, AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, the City of La FERIA, Texas is a Home Rule Municipal Corporation formed pursuant to TEX. LOC. GOV'T. CODE § 9.001, et seq; and

**WHEREAS**, the City of La FERIA is authorized by TEX. LOC. GOV'T. CODE § 43.021 and by its charter to annex area and take other action regarding its corporate boundaries; and

**WHEREAS**, the City of La FERIA has not annexed property since 2009 and is therefore eligible to annex up to thirty percent (30%) of the total land area within the current city limits as authorized by TEX.LOC.GOV'T CODE §43.054; and

**WHEREAS**, the properties as described in Exhibit A are proposed to be annexed by the City of La FERIA, Texas.

(Exhibit A Attached)

**WHEREAS**, in accordance with TEX. LOC. GOV'T. CODE § 43.035, owners of properties within the annexation area that are appraised for ad valorem tax purposes as land for agricultural or wildlife management use, or as timberland by the Cameron County Appraisal District, were offered in writing by certified mail return receipt requested the option of entering into a Development Agreement with the City of La FERIA in lieu of annexation in accordance with TEX. LOC. GOV'T. CODE § 43.035, and certified mail receipts indicate that all such owners received the written offers of a development agreement; and

**WHEREAS**, five Development Agreements have been signed and returned to the City of La FERIA and therefore, the properties as described in Exhibit B are classified as being within the City of La FERIA's extraterritorial jurisdiction, as defined by TEX. LOC. GOV'T. CODE §§ 42.01 and 42.022:

(Exhibit B Attached)

**WHEREAS**, properties with executed development agreements and located within the City of La FERIA's proposed annexed area are exempt from the thirty percent (30%) maximum amount of annexation limitation prescribed in TEX. LOC. GOV'T. CODE § 43.054; and

**WHEREAS**, the area proposed to be annexed is contiguous and adjacent to the corporate limits of the City of La Feria, Texas and is within the extraterritorial jurisdiction of the City of La Feria, Texas; and

**WHEREAS**, the area proposed to be annexed complies with the width requirements set forth in TEX. LOC. GOV'T. CODE § 43.054, and does not exceed the maximum allowable amount of annexation for 2013, as established by TEX. LOC. GOV'T. CODE § 43.055; and

**WHEREAS**, the City of La Feria has complied with all annexation hearing requirements set forth in TEX. LOC. GOV'T. CODE § 43.063 et seq.; and

**WHEREAS**, before publication of the notice of the first hearing required under TEX. LOC. GOV'T. CODE § 43.052, the City Commission of the City of La Feria directed its Planning Department to prepare a service plan that provides for the extension of full municipal services to the area proposed to be annexed; and

**WHEREAS**, the Planning Department of the City of La Feria, Texas has prepared such a service plan, a true and authentic copy of which, labeled Exhibit D, is attached hereto and made part of hereof for all purposes the same as if incorporated herein verbatim;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LA FERIA, TEXAS, THAT:**

**SECTION 1.** The City of La Feria hereby annexes the properties described in Exhibit C, and hereby extends its boundaries and extraterritorial jurisdiction so as to include said annexed area within its corporate limits:

**SECTION 2.** A Development Agreement was executed by and between the City of La Feria and the property owners of the following properties as described in Exhibit B; thereby placing these properties within the extraterritorial jurisdiction of the City of La Feria as defined by TEX. LOC. GOV'T. CODE §§ 42.021 and 42.022.

**SECTION 3.** The City of La Feria, Texas hereby grants to said annexed area and all owners and inhabitants thereof all the rights and privileges accorded to other citizens of the City of La Feria, Texas by virtue of said area having been annexed, and binds said area and all owners and inhabitants thereof to all the acts, ordinances and other rules of the City of La Feria, Texas applicable to them by virtue of said area having been annexed.

**SECTION 4.** The City of La Feria's extraterritorial jurisdiction is being extended one (1) mile beyond the farthest properties listed in Exhibits B and C.

**SECTION 5.** The properties with executed development agreements and located within the City of La Feria's proposed annexation are exempt from the thirty percent (30%) maximum amount of annexation limitation prescribed in TEX. LOC. GOV'T. CODE § 43.062(a).

- SECTION 6.** The service plan, a true and authentic copy of which, labeled Exhibit D, is attached hereto and made a part hereof for all purposes the same as if incorporated verbatim, is hereby approved.
- SECTION 7.** The recitals set forth in the preamble to this Ordinance are hereby adopted as findings by the City Commission.
- SECTION 8.** This Ordinance shall not repeal, impair, modify, or in anywise affect any other ordinance annexing territory to the City of La Feria, whether finally passed or otherwise. The procedure initiated hereby and the annexation proceedings instituted hereunder shall be independent of any other proposed and pending annexation of such territory, and such other proceedings shall not be affected hereby.
- SECTION 9.** Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application thereof ineffective or inapplicable as to any territory, such unconstitutionality, illegality, invalidity, or ineffectiveness of said section or part shall not affect, impair, or invalidate the remaining portion or portions thereof, but as to the remaining portion or portions, the same shall be and remain in full force and effect; and should this Ordinance for any reason be ineffective as to any part of the area hereby annexed to the City of La Feria, such ineffectiveness or this Ordinance as to any part or parts of the area shall not affect the effectiveness of this Ordinance as to all of the remainder of such area, and the City Commission hereby declares it to be its purpose to annex to the City of La Feria every part of the area described in Sections I and II of this Ordinance, regardless of whether any other part of such described area is hereby effectively annexed to the City. Provided, further, that if there is included within the general description of territory set out in Sections I and II of this Ordinance to be hereby annexed to the City of La Feria any lands or area which are presently part and included within the limits of the City of La Feria, or which are not within the City of La Feria's jurisdiction to annex, the same is hereby excluded and excepted from the territory to be annexed as fully as if such excluded and excepted area were expressly described herein.
- SECTION 10.** The City Manager of the City of La Feria, Texas or his/her designated representative is hereby directed to file a certified copy of this Ordinance with all appropriate agencies, as required by state or federal law.
- SECTION 11.** All ordinances or parts of ordinances inconsistent with the terms of this Ordinance are hereby repealed; provided however that such repeal shall be only to the extent of such inconsistency and in all other respects the Ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this Ordinance.

**SECTION 12.** If any Section, subsection, sentence, clause or phrase of this ordinance, or the application of same to a particular set of persons or circumstances, should be for any reason be held to be invalid, such invalidity shall not affect the remaining portions of this Ordinance are declared to the severable.

**SECTION 13.** This Ordinance shall become effective and be in full force immediately upon and from the dates of its passage and the effective date of the annexation shall be as of December 1, 2013.

**PASSED AND APPROVED BY THE LA FERIA CITY COMMISSION ON THIS THE 17th DAY OF SEPTEMBER, 2013.**

**APPROVED:**

  
\_\_\_\_\_  
Lori Weaver, Mayor Pro Tempore

**ATTEST:**

  
\_\_\_\_\_  
Olga Oberwetter, City Secretary

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Richard S. Talbert, City Attorney

**CITY OF LA FERIA  
ORDINANCE NO 2013-14**

**EXHIBIT A**

**DESCRIPTION OF PROPERTIES PROPOSED FOR ANNEXATION**

175978	84-0900-0000-0010-00	Alto Real Subdivision Lot 1
175979	84-0900-0000-0020-00	Alto Real Subdivision Lot 2
175980	84-0900-0000-0030-00	Alto Real Subdivision Lot 3
175981	84-0900-0000-0040-00	Alto Real Subdivision Lot 4
175983	84-0900-0000-0060-00	Alto Real Subdivision Lots5 & 6
175984	84-0900-0000-0070-00	Alto Real Subdivision Lot 7
175985	84-0900-0000-0080-00	Alto Real Subdivision Lot 8
175986	84-0900-0000-0080-00	Alto Real Subdivision Lot 9
175987	84-0900-0000-0100-00	Alto Real Subdivision Lot 10
175988	84-0900-0000-0110-00	Alto Real Subdivision Lot 11
175989	84-0900-0000-0120-00	Alto Real Subdivision Lot 12
175990	84-0900-0000-0130-00	Alto Real Subdivision Lot 13
175991	84-0900-0000-0140-00	Alto Real Subdivision Lot 14
175992	84-0900-0000-0150-00	Alto Real Subdivision Lot 15
175993	84-0900-0000-0160-00	Alto Real Subdivision Lot 16
175994	84-0900-0000-0170-00	Alto Real Subdivision Lot 17
176593	84-3140-0250-0120-00	Bixby & Bixby Pt Blk 25, 1.6660 Acres
176594	84-3140-0250-0120-23	Bixby & Bixby Pt Blk 25, 1.6670 Acres
176595	84-3140-0250-0120-24	Bixby Subdivision Blk 25, 1.6670 Acres
176596	84-3140-0250-0130-00	Bixby & Bixby Blk 25, 3.0000 Acres
176622	84-3140-0610-0000-00	Bixby & Bixby Blk 61, 7.660 Acres
176624	84-3140-0620-0000-00	Bixby Subdivision 3.00 Acres out of Blk 62
176625	84-3140-0620-0000-10	Bixby Subdivision 2.00 Acres out of Blk 62
176626	84-3140-0630-0000-00	Blk 63 Bixby Subdivision Abstract 10, 1.0000 Acres
176627	84-3140-0630-0000-10	Blk 63 Bixby Subdivision Abstract 10, 4.00 Acres
176628	84-3140-0640-0000-00	Blk 64 Bixby Subdivision 1.00 Acres out of 5.00 Acres
176629	84-3140-0641-0000-10	Bixby & Bixby Pt Blk 64,

		4.00 Acres
176630	84-3140-0650-0100-00	Bixby & Bixby PT Blk 65, 1.00 Acres
176631	84-3140-0650-0100-05	Bixby & Bixby Pt Blk 65, 1.00 Acres
176632	84-3140-0650-0100-10	Bixby & Bixby Pt Blk 65, 1.00 Acres
176633	84-3140-0650-0110-00	Bixby & Bixby S Pt Blk 65, 2.00 Acres
176634	84-3140-0660-0000-00	Bixby & Bixby Blk 66, 7.3110 Acres
176636	84-3140-0680-0000-00	Bixby & Bixby Blk 68, 7.6700 Acres
176637	84-3140-0690-0000-00	Bixby & Bixby Blk 69, 4.47000 Acres
176639	84-3140-0690-0100-00	Bixby & Bixby Blk 69, 2.00 Acres
176640	84-3140-0700-0000-00	Bixby & Bixby Pt Blk 70, 6.2000 Acres
176642	84-3140-0710-0000-00	Bixby & Bixby Blk 71 Pt 1.7, 0.7700 Acres
176643 & 176644 (Building)	84-3140-0710-0210-00	Bixby & Bixby Pt Blk 71, 1.0000 Acres
176645	84-3140-0720-0100-00	Bixby & Bixby Blk 72 N. 2.6550 Acres
176648	84-3140-0720-0120-00	Bixby & Bixby 1.00 Acres out of 3.655 Acres Blk 72
176664	84-3140-2000-0000-00	Bixby & Bixby E 1/3 NE Corner Bixby Townsite, 0.6600 Acres
176665	84-3140-3000-0000-00	Bixby & Bixby Pt Cen 1.3 NE Corner Bixby Townsite, 0.0700 Acres
176668	84-3140-7000-0010-00	Bixby & Bixby Pt Cen 1/3 NE Corner Bixby T/S, 0.5900 Acres
177341	85-4550-0100-0011-00	Cantu-Solis E 6W 12E 26.78 Blk J-A, 6.0000 Acres
177342	84-4550-0100-0012-00	Cantu-Solis Blk J-A Pt, 6.4700 Acres
177343	84-4550-0100-0013-00	Cantu-Solis W 6 W 12 E 26.78 Blk J-A 1.00 Acre
177344	84-4550-0100-0013-10	Cantu-Solis W 6 W 12 E 26.78 Blk J-A 5.00 Acres
177345	84-4550-0100-0014-00	Cantu-Solis Blk J-A, 1.00 Acre

177346	84-4550-0100-0015-00	Cantu-Solis Blk J-A, 0.8300 Acres
177347	84-4550-0100-0017-00	Cantu-Solis Subdivision Abstract 2, 9.881 Ac of 14.7800 AC Blk J-A
177348	84-4550-0100-0017-01	Cantu-Solis Subdivision Abstract 2, 4.893 Acres of 14.78 Acres Blk J-A
177349	84-4550-0100-0018-00	Cantu-Solis Blk J-A, 11.8200 Acres
179624	85-2425-0000-0010-00	Lot 1 Kratovil Subdivion
179625	85-2425-0000-0020-00	Lot 2 Kratovil Subdision
179631	85-2510-0010-0010-00	L&M Subdivision Blk 1, Lot 1, 1.270 Acres
179632	85-2510-0010-0011-00	Lot 1 L&M Subdivision, 0.4320 Acre
181345	85-6800-0010-0100-00	Blk 1 Orange Grove Park Subdivision W 1.00 Acres
181346	85-6800-0010-0100-10	Orange Grove Park Blk 1, 3.0000 Acres
181350	85-6800-0010-0401-00	Blk1 Orange Grove Park Subdivision 1.00 Acres out of 12.98 Acres
181358	85-6800-0020-0100-00	Orange Grove Park Blk 2, 1.0000 Acres
181361	85-6800-0020-0400-00	Orange Grove Park Blk 2 PTN 20, 0.6500 Acres
181362	85-6800-0020-0500-00	Orange Grove Park Subdivision 0.402 Acres of NE Corner of N 2.00 Acres of W 2.65 Acres of N 20.00 Acres Blk 2
181363	85-6800-0020-0501-00	Blk 2 Orange Grove Park Subdivision 0.2870 Acres of N 20 Acres
181365	85-6800-0020-0700-00	Orange Grove Park Blk 2 S 1.5 Acres of the W 2.65 Acres of the N 20.00 Acres, (1.5 Acres)
181491	85-6802-0000-0010-00	L&D Ranch Subdivision Lot 1
181492	85-6802-0000-0020-00	L&D Ranch Subdivision Lot 2
181493	85-6802-0000-0030-00	L&D Ranch Subdivision Lot 3
181494	85-6802-0000-0040-00	L&D RanchSubdivision Lot 4
181495	85-6802-0000-0050-00	L&D RanchSubdivision Lot 5
181496	85-6802-0000-0060-00	L&D Ranch Subdivision Lot 6

181497	85-6802-0000-0070-00	L&D Ranch Subdivision Lot 7
181498	85-6802-0000-0080-00	L&D Ranch Subdivision Lot 8
181499	85-6802-0000-0090-00	L&D Ranch Subdivision Lot 9
181500	85-6802-0000-00100-00	L&D Ranch Subdivision Lot 10
181501	85-6802-0000-0110-00	L & D Ranch Subdivision Lot 11
181502	85-6802-0000-0120-00	L&D Ranch Subdivision Lot 12
181503	85-6802-0000-0130-00	L&D Ranch Subdivision Lot 13
181504	85-6802-0000-0140-00	L&D Ranch Subdivision Lot 14
181505	85-6802-0000-0150-00	L&D Ranch Subdivision Lot 15
181506	85-6802-0000-0160-00	L&D Ranch Subdivision Lot 16
183742	86-8000-0000-0000-00	William S. Brandt Subdivision R.O.W., 0.20 Acres
183743	86-8000-0000-0010-00	William S. Brandt Subdivision Lot 1, 0.87 Acres
183744	86-8000-0000-0020-00	William W. Brandt Subdivision Lot 2, 0.62 Acres



**CITY OF LA FERIA  
ORDINANCE NO. 2013-14**

**EXHIBIT B**

**DESCRIPTION OF PROPERTIES WITH EXECUTED DEVELOPMENT  
AGREEMENTS**

<b>PROPERTY ID NO.</b>	<b>CCAD GEO ID NO.</b>	<b>LEGAL DESCRIPTION</b>
176627	84-3140-063-0000-10	Blk 63 Bixby Subdivision, Abstract 10, 4.00 Acres
176640	84-3140-0700-0000-00	Bixby & Bixby Pt Blk 60, 6.200 Acres
177342	84-4550-0100-0012-00	Cantu-Solis Blk J-A Pt 6.4700 Acres
177344	84-4550-0100-0013-10	Cantu-Solis W 6 W 12 E 26.78 Blk J-A 5.00 Acres
177347	84-4550-0100-0017-00	Cantu-Solis Subdivision Abstract 2, 9.881 Ac. Of 14.7800 Acres Blk J-A
177348	84-4550-0100-0017-01	Cantu-Solis Subdivision Abstract 2, 4.893 Acres of 14.78 Acres Blk J-A

**CITY OF LA FERIA  
ORDINANCE NO 2013-14**

**EXHIBIT C**

**DESCRIPTION OF PROPERTIES ANNEXED**

175978	84-0900-0000-0010-00	Alto Real Subdivision Lot 1
175979	84-0900-0000-0020-00	Alto Real Subdivision Lot 2
175980	84-0900-0000-0030-00	Alto Real Subdivision Lot 3
175981	84-0900-0000-0040-00	Alto Real Subdivision Lot 4
175983	84-0900-0000-0060-00	Alto Real Subdivision Lots5 & 6
175984	84-0900-0000-0070-00	Alto Real Subdivision Lot 7
175985	84-0900-0000-0080-00	Alto Real Subdivision Lot 8
175986	84-0900-0000-0080-00	Alto Real Subdivision Lot 9
175987	84-0900-0000-0100-00	Alto Real Subdivision Lot 10
175988	84-0900-0000-0110-00	Alto Real Subdivision Lot 11
175989	84-0900-0000-0120-00	Alto Real Subdivision Lot 12
175990	84-0900-0000-0130-00	Alto Real Subdivision Lot 13
175991	84-0900-0000-0140-00	Alto Real Subdivision Lot 14
175992	84-0900-0000-0150-00	Alto Real Subdivision Lot 15
175993	84-0900-0000-0160-00	Alto Real Subdivision Lot 16
175994	84-0900-0000-0170-00	Alto Real Subdivision Lot 17
176593	84-3140-0250-0120-00	Bixby & Bixby Pt Blk 25, 1.6660 Acres
176594	84-3140-0250-0120-23	Bixby & Bixby Pt Blk 25, 1.6670 Acres
176595	84-3140-0250-0120-24	Bixby Subdivision Blk 25, 1.6670 Acres
176596	84-3140-0250-0130-00	Bixby & Bixby Blk 25, 3.0000 Acres
176622	84-3140-0610-0000-00	Bixby & Bixby Blk 61, 7.660 Acres
176624	84-3140-0620-0000-00	Bixby Subdivision 3.00 Acres out of Blk 62
176625	84-3140-0620-0000-10	Bixby Subdivision 2.00 Acres out of Blk 62
176626	84-3140-0630-0000-00	Blk 63 Bixby Subdivision Abstract 10, 1.0000 Acres
176628	84-3140-0640-0000-00	Blk 64 Bixby Subdivision 1.00 Acres out of 5.00 Acres
176629	84-3140-0641-0000-10	Bixby & Bixby Pt Blk 64, 4.00 Acres
176630	84-3140-0650-0100-00	Bixby & Bixby PT Blk 65,

		1.00 Acres
176631	84-3140-0650-0100-05	Bixby & Bixby Pt Blk 65, 1.00 Acres
176632	84-3140-0650-0100-10	Bixby & Bixby Pt Blk 65, 1.00 Acres
176633	84-3140-0650-0110-00	Bixby & Bixby S Pt Blk 65, 2.00 Acres
176634	84-3140-0660-0000-00	Bixby & Bixby Blk 66, 7.3110 Acres
176636	84-3140-0680-0000-00	Bixby & Bixby Blk 68, 7.6700 Acres
176637	84-3140-0690-0000-00	Bixby & Bixby Blk 69, 4.47000 Acres
176639	84-3140-0690-0100-00	Bixby & Bixby Blk 69, 2.00 Acres
176642	84-3140-0710-0000-00	Bixby & Bixby Blk 71 Pt 1.7, 0.7700 Acres
176643 & 176644 (Building)	84-3140-0710-0210-00	Bixby & Bixby Pt Blk 71, 1.0000 Acres
176645	84-3140-0720-0100-00	Bixby & Bixby Blk 72 N. 2.6550 Acres
176648	84-3140-0720-0120-00	Bixby & Bixby 1.00 Acres out of 3.655 Acres Blk 72
176664	84-3140-2000-0000-00	Bixby & Bixby E 1/3 NE Corner Bixby Townsite, 0.6600 Acres
176665	84-3140-3000-0000-00	Bixby & Bixby Pt Cen 1.3 NE Corner Bixby Townsite, 0.0700 Acres
176668	84-3140-7000-0010-00	Bixby & Bixby Pt Cen 1/3 NE Corner Bixby T/S, 0.5900 Acres
177341	85-4550-0100-0011-00	Cantu-Solis E 6W 12E 26.78 Blk J-A, 6.0000 Acres
177343	84-4550-0100-0013-00	Cantu-Solis W 6 W 12 E 26.78 Blk J-A 1.00 Acre
177345	84-4550-0100-0014-00	Cantu-Solis Blk J-A, 1.00 Acre
177346	84-4550-0100-0015-00	Cantu-Solis Blk J-A, 0.8300 Acres
177349	84-4550-0100-0018-00	Cantu-Solis Blk J-A, 11.8200 Acres
179624	85-2425-0000-0010-00	Lot 1 Kratovil Subdivision
179625	85-2425-0000-0020-00	Lot 2 Kratovil Subdivision
179631	85-2510-0010-0010-00	L&M Subdivision Blk 1, Lot 1, 1.270 Acres

179632	85-2510-0010-0011-00	Lot 1 L&M Subdivision, 0.4320 Acre
181345	85-6800-0010-0100-00	Blk 1 Orange Grove Park Subdivision W 1.00 Acres
181346	85-6800-0010-0100-10	Orange Grove Park Blk 1, 3.0000 Acres
181350	85-6800-0010-0401-00	Blk1 Orange Grove Park Subdivision 1.00 Acres out of 12.98 Acres
181358	85-6800-0020-0100-00	Orange Grove Park Blk 2, 1.0000 Acres
181361	85-6800-0020-0400-00	Orange Grove Park Blk 2 PTN 20, 0.6500 Acres
181362	85-6800-0020-0500-00	Orange Grove Park Subdivision 0.402 Acres of NE Corner of N 2.00 Acres of W 2.65 Acres of N 20.00 Acres Blk 2
181363	85-6800-0020-0501-00	Blk 2 Orange Grove Park Subdivision 0.2870 Acres of N 20 Acres
181365	85-6800-0020-0700-00	Orange Grove Park Blk 2 S 1.5 Acres of the W 2.65 Acres of the N 20.00 Acres, (1.5 Acres)
181491	85-6802-0000-0010-00	L&D Ranch Subdivision Lot 1
181492	85-6802-0000-0020-00	L&D Ranch Subdivision Lot 2
181493	85-6802-0000-0030-00	L&D Ranch Subdivision Lot 3
181494	85-6802-0000-0040-00	L&D RanchSubdivision Lot 4
181495	85-6802-0000-0050-00	L&D RanchSubdivision Lot 5
181496	85-6802-0000-0060-00	L&D Ranch Subdivision Lot 6
181497	85-6802-0000-0070-00	L&D Ranch Subdivision Lot 7
181498	85-6802-0000-0080-00	L&D RanchSubdivision Lot 8
181499	85-6802-0000-0090-00	L&DRanch Subdivision Lot 9
181500	85-6802-0000-00100-00	L&D RanchSubdivision Lot 10
181501	85-6802-0000-0110-00	L & D Ranch Subdivision Lot 11
181502	85-6802-0000-0120-00	L&D Ranch Subdivision Lot 12
181503	85-6802-0000-0130-00	L&D Ranch Subdivision Lot 13
181504	85-6802-0000-0140-00	L&D Ranch Subdivision Lot 14
181505	85-6802-0000-0150-00	L&D Ranch Subdivision

		Lot 15
181506	85-6802-0000-0160-00	L&D Ranch Subdivision Lot 16
183742	86-8000-0000-0000-00	William S. Brandt Subdivision R.O.W., 0.20 Acres
183743	86-8000-0000-0010-00	William S. Brandt Subdivision Lot 1, 0.87 Acres
183744	86-8000-0000-0020-00	William W. Brandt Subdivision Lot 2, 0.62 Acres

## **EXHIBIT D – ORDINANCE NO. 2013-14**

### **Service Plan for the City of La Feria “West Business 83 Annexation Area South Portion”**

**UPDATED AS OF SEPTEMBER 17, 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)<sup>1</sup>. North of Business 83, it is bounded on the east by the west ROW of FM 2556.<sup>2</sup> 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.

#### **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

---

<sup>1</sup> 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.

<sup>2</sup> 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.

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 to serve the area.

With funding from the 2011 FY Clean Water State Revolving Fund, the City will be installing these wastewater lines to serve the area.

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.