

ORDINANCE NO. 2022-04

AN ORDINANCE OF THE CITY OF LA FERIA, TEXAS, ANNEXING, FOR FULL PURPOSES, TRACTS OF LAND TOTALING APPROXIMATELY 25.16 ACRES SITUATED IN THE BEAKLEY SUBDIVISION, CAMERON COUNTY TEXAS; GENERALLY LOCATED ALONG THE WEST SIDE OF WHITE RANCH ROAD AND NORTH OF KELLY DRIVE; EXTENDING THE BOUNDARIES OF THE CITY TO INCLUDE THE LAND; BINDING THE LAND TO ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF THE CITY; APPROVING A SERVICE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of La Feria, Texas (the “City”) desires to annex approximately 25.16 acres of land situated in the Beakley Subdivision, of the Real Property Records of Cameron County, Texas, and as more particularly described and depicted in **Exhibit “A”**, with the exhibit being attached hereto and incorporated herein by reference (collectively, the “Property”); and

WHEREAS, pursuant to Chapter 43, Section 43.003, of the Texas Local Government Code, a home-rule municipality may extend the boundaries of the municipality and annex area adjacent to the municipality; and

WHEREAS, Chapter 43, Subchapter C-3 of the Texas Local Government Code authorizes municipalities to annex an area on the request of all property owners in an area, whereby the City has received a petition for annexation by the property owner for the 25.16-acre tract of land further described in **Exhibit “A”**; and

WHEREAS, in accordance with Texas Local Government Code, Chapter 43, Subchapter C-3, Section 43.0672, the City has negotiated and entered into a written agreement with the owner of the Property regarding the provision of services to the Property upon annexation, of which the applicable service plan and schedule is attached hereto and incorporated herein as **Exhibit “B,”** and

WHEREAS, the City Commission has considered the annexation petition attached hereto and incorporated herein as **Exhibit “C;”** and

WHEREAS, the City Commission provided public notice of a public hearing on June 1, 2022, for all interested persons to attend and be heard in accordance with Texas Local Government Code, Chapter 43, Subchapter C-3, Section 43.0673; and

WHEREAS, Chapter 43, Subchapter E, Section 43.106 of the Texas Local Government Code requires municipalities annexing a territory abutting a county road to also annex the entire width of the county road; and

WHEREAS, a section of White Ranch Road, as also shown in **Exhibit “A”**, is a road and right-of-way situated within Cameron County, owned and maintained by Cameron County, and is adjacent to the territory being annexed pursuant to this Ordinance; and

WHEREAS, the City has complied with all conditions precedent established under the Texas Local Government Code necessary to take this action annexing the Property.

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

Section 1. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Commission and made a part hereof for all purposes as findings of fact.

Section 2. The Property, lying outside of, but adjacent to and adjoining the City, is hereby annexed into the City, and the boundaries of the City are extended to include the Property within the corporate limits of the City. From and after the date of this ordinance, the Property shall be entitled to all the rights and privileges of the City and shall be bound by all the acts, ordinances, resolutions, and regulations of the City except as otherwise provided for in the attached Exhibit B.

Section 3. The City finds annexation of the Property to be in the public interest due the Property promoting economic growth of the City.

Section 4. The service plan attached as **Exhibit "B"** is approved, and municipal services shall be provided to the Property in accordance therewith.

Section 5. The City Manager is hereby authorized and directed to take appropriate action to have the official map of the City revised to reflect the addition to the City's Corporate Limits and the City Secretary is directed to file a certified copy of this Ordinance in the office of the County Clerk of Cameron County, Texas, and in the official records of the City.

Section 6. If for any reason any section, paragraph, subdivision, clause, phrase, word, or other provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance, for it is the definite intent of this Commission that every section, paragraph, subdivision, clause phrase, word, or provision hereof shall be given full force and effect for its purpose.

Section 7. This Ordinance will take effect upon its adoption by the City Commission in accordance with the provisions of Section 6.04 of the City Charter.

PASSED AND APPROVED this 14th day of June 2022.

CITY OF LA FERIA, TEXAS

By: Olga H. Maldonado
Olga H. Maldonado, Mayor

ATTEST:

Amanda Morales
Amanda Morales, City Secretary

EXHIBIT "B"

SERVICE PLAN AGREEMENT FOR PROPERTY ANNEXED

SERVICE PLAN CITY OF LA FERIA, TEXAS

SERVICE PLAN FOR ANNEXATION OF SOL SUBDIVISION

Upon annexation of the area identified in the Petition for Voluntary Annexation, the City of La FERIA will provide City services utilizing methods by which it extends services to any other equivalent area of the City.

SERVICES PROVIDED BY THE EFFECTIVE DATE OF ANNEXATION

1. **Police Protection**

The City of La FERIA, Texas and its Police Department will provide police protection to newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed areas. The Police Department will have the responsibility to respond to all dispatched calls for service or assistance within the newly annexed areas.

2. **Fire Protection and Emergency Medical Services**

Fire protection will be provided by the City of La FERIA Fire Department to the newly annexed area at the same or similar level of service now being provided to other areas of the City, with like topography, land use and population density as those found within the newly annexed areas.

EMS services will be provided by South Texas Emergency Management, or by whichever company or entity is otherwise contracted with by the City, to the newly annexed area at the same or similar level of service now being provided to other areas of the City, with like topography, land use and population density as those found within the newly annexed areas.

3. **Maintenance of Water and Wastewater Facilities**

Water and Wastewater facilities are owned and maintained by City of La FERIA. Water and wastewater services will be provided by City of La FERIA to the newly annexed area at the same or similar level of service now being provided to other areas of the City, with like topography, land use and population density as those found within the newly annexed areas. On-site sewerage systems may be maintained in accordance with the City's Code of Ordinances.

4. **Solid Waste Collection**

Solid waste collection will be provided to citizens in the newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and density as those found within the newly annexed areas. The City may negotiate with annexed areas to allow continued services with an existing solid waste management provider. After the second anniversary of the annexation date, the City will impose fees and provide the service.

5. **Maintenance of Roads and Streets**

The City of La FERIA, Texas is not aware of the existence of any public roads, streets or alleyways located within the area subject to the annexation petition. Private roads will remain under the ownership of the property owner.

6. **Maintenance of Parks, Playgrounds, and Swimming Pools**

The City of La Feria, Texas is not aware of the existence of any publicly owned parks, playgrounds or swimming pools now located in the proposed areas of annexation.

7. **Maintenance of any Publicly owned Facility, Building or Municipal Service**

The City of La Feria, Texas is not aware of the existence of any publicly owned facility, building, or other municipal service now located in the proposed areas of annexation.

8. **Other Services**

The City of La Feria, Texas finds and determines that such services as planning, code enforcement, animal control, parks and recreation, court and general administration will be made available after the effective date of annexation at the same or similar level of service now being provided to other areas of the City with similar topography, land use and density as those found within the newly annexed areas.

CONSTRUCTION OF ANY CAPITAL IMPROVEMENTS TO BE COMPLETED WITHIN 2 ½ YEARS

1. **Police and Fire Protection and Solid Waste Collection**

The City of La Feria, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas for the purpose of providing police protection, fire protection, emergency medical services or solid waste collection. The City finds and determines that it has at the present time adequate facilities and other resources to provide the same type, kind and level of service and protection which is presently being administered to other areas already incorporated in the City of La Feria, Texas with like topography, land use and population density as those found within the newly annexed areas.

2. **Roads and Streets**

The City of La Feria, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas.

3. **Maintenance of Parks, Playgrounds, and Swimming Pools and Any Other Publicly Owned Facility, Building, or Service**

The City of La Feria, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas for the purpose of parks maintenance, playgrounds, swimming pools and other publicly owned facility, building or service.

SPECIFIC FINDINGS

The City of La Feria, Texas, finds and determines that this proposed service plan will not provide any fewer services and will not provide a lower level of service in the areas being considered for annexation that were in existence in the proposed areas at the time immediately preceding the annexation process. Given the proposed annexation areas' topography, land utilization and population density, the service levels to be provided in the newly annexed areas will be equivalent to those provided to other areas of the City with similar characteristics.

TERMS

This plan shall be valid for a term of ten (10) years. Renewal of the Service Plan is at the discretion of the City of La Feria.

LEVEL OF SERVICE

Nothing in this plan shall require the City to provide a uniform level of full municipal services to each area of the City, including the annexed areas, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

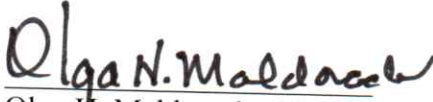
AMENDMENTS

The plan shall not be amended unless public hearings are held in accordance with Chapter 43 of the Texas Local Government Code.

Agreed to on this the 14th day of June 2022 by the following parties and subject to acceptance by the City Commission of the City of La Feria.

City of La Feria:

Property Owner:


Olga H. Maldonado, Mayor



Attest:

Property Owner:



Amanda Morales, City Secretary

EXHIBIT "C"

PETITION FOR ANNEXATION BY THE CITY
(see attached)