



City of Killeen

Agenda City Council

Tuesday, November 18, 2025

3:00 PM

City Hall
Council Chambers
101 N. College Street
Killeen, Texas 76541

Call to Order and Roll Call

☐ Debbie Nash-King, Mayor	☐ Jessica Gonzalez
☐ Ramon Alvarez	☐ Jose Segarra
☐ Anthony Kendrick	☐ Joseph Solomon
☐ Nina Cobb	☐ Riakos Adams

Invocation

Pledge of Allegiance

Approval of Agenda

Presentations

1. [PR-25-026](#) Texas Main Street Designation
Attachments: [Presentation](#)
2. [PR-25-027](#) Texas Downtown President's Award
Attachments: [Presentation](#)
3. [PR-25-028](#) Killeen Economic Development Corporation Update

Work Session

Discuss agenda items 4-14 for the November 18, 2025 Regular Session

Citizen Comments on Agenda Items

This section allows members of the public to address the Council regarding any item, other than a public hearing item, on the agenda for Council's consideration. Each person shall sign up prior to the start of the Council meeting, may speak only one (1) time, and such address shall be limited to three (3) minutes. A timer will be placed so that the speaker and citizens can see it. A majority vote of the City Council is required for any time extensions. The Mayor and Councilmembers shall have one (1) minute to respond to citizen comments with a statement or explanation without engaging in dialogue.

Regular Session

Consent Agenda

4. [MN-25-028](#) Consider Minutes of Regular City Council Meeting of October 21, 2025.
5. [RS-25-182](#) Consider a memorandum/resolution casting votes to elect Directors for the Tax Appraisal District of Bell County for 2026.
Attachments: [Ballot](#)
[Resolution](#)
[Presentation](#)
6. [RS-25-183](#) Consider a memorandum/resolution appointing members to vacant, expired and unexpired terms on various boards, commissions and committees.
Attachments: [Presentation](#)
7. [RS-25-184](#) Consider a memorandum/resolution authorizing the City Manager to review energy proposals from L5E LLC dba 5 and execute a contract with the provider offering the best value to the city.
8. [OR-25-014](#) Consider an ordinance authorizing the issuance of City of Killeen, Texas, Limited Tax Note Series 2025 for Fire Department Self Contained Breathing Apparatus (SCBAs).
Attachments: [Ordinance](#)
[Presentation](#)

Public Hearings

9. [PH-25-065](#) Hold a public hearing and consider an ordinance submitted by City staff, on behalf of the property owners, (Case# Z25-18) to rezone approximately 1.39 acres, being Lot 3, Block 2, out of the Julius Alexander Industrial Subdivision from "M-1" (Manufacturing District) to "R-3A" (Multifamily Apartment Residential District). The subject property is locally addressed as 400 Liberty Street, Killeen, Texas.
Attachments: [Maps](#)
[Site Photos](#)
[Minutes](#)
[Ordinance](#)
[Presentation](#)
10. [PH-25-066](#) Hold a public hearing and consider an ordinance submitted by Peter J. Stanonik IV and Cleopatra Dover-Stanonik (Case# Z25-30) to rezone approximately 1.477 acres, out of the M. T. Martin Survey, Abstract No. 963, from "A" (Agricultural District) to "B-3" (Local Business District). The subject properties are generally located between the intersections of Biels Loop and Trimmier Road, Killeen, Texas.

Attachments: [Maps](#)
[Site Photos](#)
[Minutes](#)
[Ordinance](#)
[Letter of Request](#)
[Presentation](#)

11. [PH-25-067](#) Hold a public hearing and consider an ordinance submitted by Mitchell & Associates, Inc., on behalf of Henry James Holdings, LLC, (Case# Z25-32) to rezone approximately 0.813 acres, being Lot 1, Block 1, Lisa Grace Addition, from "B-1" (Professional Business District) to "NBD" (Neighborhood Business District). The subject property is locally addressed as 1607 Trimmier Road, Killeen, Texas. (Requires 3/4 Majority Vote for Approval)

Attachments: [Maps](#)
[Site Photos](#)
[Minutes](#)
[Ordinance](#)
[Letter of Request](#)
[Responses](#)
[Presentation](#)

12. [PH-25-068](#) Hold a public hearing and consider an ordinance submitted by Mitchell & Associates, Inc., on behalf of Laron Johnson Sr. & Laron Johnson Jr., (Case# Z25-33) to rezone approximately 0.230 acres, being Lots 10-11, Block 1, Stringer Addition from "B-5" (Business District) to "R-3F" (Multifamily Residential District). The subject properties are locally addressed as 805 and 807 West Avenue I, Killeen, Texas.

Attachments: [Maps](#)
[Site Photos](#)
[Minutes](#)
[Ordinance](#)
[Letter of Request](#)
[Presentation](#)

13. [PH-25-069](#) Hold a public hearing and consider an ordinance submitted by Clark Associates, on behalf of OG Central Texas Partners, LLC, (Case# Z25-34) to amend the Planned Unit Development (PUD) for approximately 31.005 acres, being Lot 1, Block 1, Final Plat of 5100 Janelle Phase 1A; Block 1, Final Plat of 5100 Janelle, Phase 2A; Lot 1, Block 1, Final Plat of 5100 Janelle, Phase 2B; and approximately 15.2 acres, out of the Thomas Robinett Survey, Abstract No. 686 and a replat of Lot 1, Block 1, Elms Creek Addition Phase 2. The subject properties are generally located on the south side of Janelle Drive and east of Clear Creek Road (S.H. 201),

Killeen, Texas.

Attachments: [Maps](#)

[Site Photos](#)

[Minutes](#)

[Ordinance](#)

[Revised PUD Development Standards](#)

[Current PUD Concept Plan](#)

[Proposed PUD Concept Plan](#)

[Presentation](#)

14. [PH-25-070](#) Hold a public hearing and consider an ordinance amending the corporate City limits of the City of Killeen, Texas (DA25-01) by disannexing approximately 126.71 acres of land, including Lots 1 and 2, Block 1 out of Live Oak Acres Addition and the remainder out of the James H. Evitts Survey, Abstract No. 287. The subject property is generally located on the south side of Chaparral Road between East Trimmier Road and F.M. 3481.

Attachments: [Maps](#)

[Petition for Disannexation](#)

[2017 Annexation Ordinance](#)

[2019 Annexation Ordinance](#)

[Ordinance](#)

[Presentation](#)

Discussion Items

15. [DS-25-053](#) Update regarding Anthem Park located on Stan Schlueter/MLK Drive

Attachments: [Presentation](#)

Adjournment

I certify that the above notice of meeting was posted on the Internet and on the bulletin board at Killeen City Hall on or before 5:00 p.m. on November 10, 2025.

Beatrice L. Canseco, Deputy City Secretary

The public is hereby informed that notices for City of Killeen meetings will no longer distinguish between matters to be discussed in open or closed session of a meeting. This practice is in accordance with rulings by the Texas Attorney General that, under the Texas Open Meetings Act, the City Council may convene a closed session to discuss

any matter listed on the agenda, without prior or further notice, if the matter is one that the Open Meetings Act allows to be discussed in a closed session.

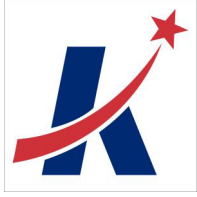
This meeting is being conducted in accordance with the Texas Open Meetings Law [V.T.C.A., Government Code, § 551.001 et seq.]. This meeting is being conducted in accordance with the Americans with Disabilities Act [42 USC 12101 (1991)]. The facility is wheelchair accessible and handicap parking is available. Requests for sign interpretive services are available upon requests received at least 48 hours prior to the meeting. To make arrangements for those services, please call 254-501-7717, City Secretary's Office, or TDD 1-800-734-2989.

Notice of Meetings

The Mayor and/or City Council have been invited to attend and/or participate in the following meetings/conferences/events. Although a quorum of the members of the City Council may or may not be available to attend this meeting, this notice is being posted to meet the requirements of the Texas Open Meetings Act and subsequent opinions of the Texas Attorney General's Office. No official action will be taken by Council.

- *Children's Advocacy Center of Central Texas Sip & See, November 13, 2025, 5:00 p.m., 402 N. Main St., Belton, TX 76513*
- *National League of Cities City Summit, November 19-22, 2025, Salt Palace Convention Center, 100 S W Temple St, Salt Lake City, UT 84101*
- *2025 City of Killeen Annual Christmas Parade, December 13, 2025, 6:00 p.m., Historic Downtown Killeen*

Dedicated Service -- Every Day, for Everyone!



City of Killeen

Staff Report

File Number: PR-25-026

Texas Main Street Designation



TEXAS MAIN STREET DESIGNATION

PR-25-026

November 18, 2025

Background

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- ❑ Main Street — Nationwide for more than 40 years, Main Street has been recognized as the national gold standard for downtown revitalization and historic preservation.
- ❑ Cities that are accepted into the program receive access to state-level technical assistance, training, design services, and marketing support.
- ❑ Locally Texas Main Street communities have:
 - ▣ Reported over \$5 billion in reinvestment into historic downtowns
 - ▣ Created more than 48,000 jobs
 - ▣ Established over 12,000 new small businesses
- ❑ Main Streets across the nation continue to prove that preservation drives economic growth and community pride.

Background

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□ **Main Street Four-Point Approach:**

- Economic Vitality – Catalyze smart new investment and cultivate a strong entrepreneurship ecosystem
- Design – Preserve and enhance historic buildings and public spaces
- Promotion – Market downtown's assets and identity, through traditional marketing and special events
- Organization – Build partnerships and sustainable leadership

Background

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- To be eligible to join the Main Street, a city must undergo a rigorous evaluation, and are scored on the following categories:
 1. Local Commitment – Demonstrated long-term dedication to downtown revitalization and historic preservation through adoption and enforcement of preservation ordinances
 2. Organizational Capacity – A structure in place to manage the program, including staff, partnerships, and funding mechanisms.
 3. Historic Character – Presence of a defined, walkable downtown area with buildings suitable for rehabilitation and reuse.

Background

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4. Public and Private Investment – Evidence of recent and ongoing reinvestment in the downtown area.
5. Economic Readiness – Active use of development tools, incentives, and plans supporting economic revitalization.
6. Community Support – Strong local engagement demonstrated through stakeholder participation, and Council support.

Becoming Eligible for Main Street

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□ Local Commitment –

- The Killeen 2040 Comprehensive Plan formally adopted the goal of joining Main Street. (DT5.8)
- Amended and began enforcing the vacant building registry. (DT4.1)
- Began enforcing preservation ordinances such as demolition by neglect, sign requirements (both permanent and temporary), window coverings, and continued to review every renovation for compliance with our downtown design guidelines. (NH2)

Becoming Eligible for Main Street

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- **Organizational Capacity** – For Texas Main Street cities with populations over 50,000, there is a minimum staffing of two (2) full time employees, and a dedicated budget.
 - The City of Killeen created the Downtown Revitalization Division within the City and hired a Revitalization Director and Coordinator. (DT5.1 and DT1.1)
 - Internally, the City of Killeen created an interdepartmental Downtown Coordination Team (DT5.2)

Becoming Eligible for Main Street

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□ Public & Private Investment –

- In 2023/2024, the City of Killeen saw over \$15,000,000 of private investment in Downtown Killeen, spurred by City investment into grant programs. (DT3.2)
- The TIRZ #2 supported efforts by expanding our grant programs, investing in streetscaping (both in the HOD and the Rancier). (DT5.6)

Becoming Eligible for Main Street

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□ Economic Readiness –

- Revived and extended the life of the TIRZ #2. (DT5.6)
- Expanded our grant programs to both interior and exterior improvements. (DT3.2)
- Created a sewer lateral replacement program to support new businesses in an area with aging infrastructure. (DT3.2)
- Adopted a Residential Tax Abatement Program. (NH3)
- Expanded the North Killeen Revitalization program to waive development fees. (NH6.2)
- Held our first downtown developer workshop to train local investors on how to be small scale developers in the area. (DT4.4)

Becoming Eligible for Main Street

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□ Community Support –

- The City also created a Downtown Advisory Board of stakeholders with the goal of establishing a Main Street Board. (DT5.2)
- The Downtown Division also created a downtown volunteer structure with over 1,000 volunteer hours served in downtown. (DT5)
- A Downtown Sponsorship program was also created and more than \$85,500 have been donated by community partners to downtown efforts. (DT5)

Texas Main Street Designation: Why it Matters

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- On November 7, 2025, Killeen was officially accepted into the Texas Main Street Program!
- After nearly two decades of groundwork by City staff, leadership, and community stakeholders, this designation affirms that our long-term investment, vision, and collaboration are paying off, and that Downtown Killeen is once again being recognized as a place of growth, pride, and opportunity.

Legacy of Leadership

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- Killeen now joins a distinguished network of cities — from Georgetown to San Marcos, Washington D.C to Oceanside, CA — that have proven downtown revitalization is a citywide investment with regional returns.
- We are the only Main Street city in Bell County, and among only 31 cities in Texas that also hold Certified Local Government (CLG) status.

What's Next?

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- ❑ A formal agreement with Texas Main Street will be brought back to Council as a commitment to upholding the standards of the program
- ❑ Program onboarding with Texas Main Street Staff
- ❑ Conversion of our Downtown Advisory Committee to a formal Main Street Board
- ❑ Visit by the First Lady of Texas
- ❑ Continue moving forward. Communities are evaluated at the national level for compliance with the program standards annually.



Photo of Avenue D looking east from Gray Street Prior to sidewalk improvements



Photo inside of 308 E Avenue D Prior to renovations



Photo inside of 305 E Avenue D prior to renovations



Photo of Ft Hood BOSS program volunteering to renovate the Avenue D pocket park



Photo of Killeen Parks team adding plants back to the planters



Photo of muralist painting at 334 E Avenue D for a façade improvement



Photo of Avenue D pocket park and planters



Photo of Avenue D pocket park

WE LOVE KILLEEN BECAUSE...

I'm a home town girl and Killeen is always going to be home for me.

This community helped me grow as a person, a mom, and a mentor.

It is growing with the future in mind.

It's a hot time in a hot town.

The downtown events are entertaining and memorable.

Down
awes

The
downt
mun
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ho

Mom and pop shops, there is a small business for everything.

Anyone can be a somebody here.

The park
vibro
and
lively

Killeen loves terans.

It's a small town in a big city.

There
who
world
delicio
optio

Photo of alley improvement at 311 N Gray Street



Photo of Touchdown Downtown Event



Photo of Holiday Under the Stars Tree Lighting



City of Killeen

Staff Report

File Number: PR-25-027

Texas Downtown President's Award

TEXAS DOWNTOWN
PRESIDENT'S AWARD

PR-25-027

November 18, 2025



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Southern Roots Brewing Company – Hacks Western Wear

Texas Downtown Presidents' Award winner

Best Economic Game Changer- Population Over 50,000

Best Economic Game Changer

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- This recognition comes from Texas Downtown, a statewide organization that celebrates excellence in downtown revitalization, preservation and economic development.
- This award honors a single project that has had the greatest measurable impact on a community's economy and downtown vitality.

About the Project

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- The Hacks Western Wear Building located in the heart of downtown, is a midcentury historic building that was originally established to serve the booming World War II era population after the creation of Camp Hood.
- For decades, this building served as a symbol of the city's growth.

Greetings from Killeen, Texas



Downtown Decline

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- ❑ As downtown declined overtime, so did the buildings.
- ❑ For more than a decade the Hacks Western Wear Building sat vacant, plagued by water intrusion, structural deterioration, and vandalism.
- ❑ Community apathy deepened, and the property was considered for demolition by neglect.
- ❑ What was once a proud landmark, had become a cautionary tale of disinvestment.



HACK'S
LEVI'S



HEAD CHAT

DAILY GRIND / MOUNTAIN BEANS COFFEE



NO
PARKING
1:00 - 1:00

TWO
HOUR
PARKING



City Intervention

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- Recognizing both the historic and economic potential of the building, the City took decisive action to:
 - ▣ Acquire the property;
 - ▣ Issue a Request for Proposals; and
 - ▣ Find a partner to not only save the structure but also redefine the trajectory of downtown.

Southern Roots Brewing Company

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- A Waco based brewery, who had a history of converting historic buildings into thriving community spaces.
- They invested over \$1.2 Million dollars to restore the building and added 22 new jobs to the local economy.
- According to geofence data, the brewery now accounts for over 10% of all visitors to Downtown Killeen.

Catalyst

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- This project became a catalyst for the broader downtown revitalization movement. Inspired neighboring property owners began renovations, new businesses opened, murals appears, and community events expanded.
- The tone surrounding downtown shifted from doubt to possibility.

Catalyst

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- The Hacks Army Western Wear Project is now not just a place for beer and conversation — it is a symbol of resilience, creativity, and what is possible when a community invests in itself.
- It stands as a model for cities across the country: proof that honoring the past can unlock new futures.





City of Killeen

Staff Report

File Number: PR-25-028

Killeen Economic Development Corporation Update



City of Killeen

Staff Report

File Number: MN-25-028

Consider Minutes of Regular City Council Meeting of October 21, 2025.

City of Killeen

City Council Meeting

Killeen City Hall

October 21, 2025 at 3:00 p.m.

Presiding: Mayor Debbie Nash-King

Attending: Mayor Protem Riakos Adams, Councilmembers Anthony Kendrick, Jose Segarra, Joseph Solomon, Ramon Alvarez and Jessica Gonzalez

Absent: Councilmember Nina Cobb

Also attending were City Manager Kent Cagle, Assistant City Manager Jeffery Reynolds, Assistant City Manager Laurie Wilson, City Attorney Holli Clements, Deputy City Secretary Beatrice Canseco and Sergeant-at-Arms Paholek

Councilmember Solomon gave the invocation. Mayor Nash-King led everyone in the Pledge of Allegiance.

Approval of Agenda

Motion was made by Mayor Protem Adams to approve the agenda, as presented. Motion was seconded by Councilmember Alvarez. The motion carried unanimously (6-0).

Presentations

PR-25-023 Hill Country Transit District Update

Hill Country Transit District General Manager, Raymond Suarez, provided an update regarding current service performance and potential service expansion options.

Work Session

Discuss agenda items 2 - 16 for the October 21, 2025 Regular Session

Citizen Comments on Agenda Items

Michael Fornino spoke regarding RS-25-167 and RS-25-169.

Regular Session

Consent Agenda

- RS-25-162** Consider a memorandum/resolution approving Change Order No. 2 to the Taxiway E Relocation Contract with TTG Utilities, Inc., resulting in a reduction of \$343,611.62.
- RS-25-163** Consider a memorandum/resolution authorizing the City Manager to enter into an Interlocal Agreement with the City of Fort Worth to allow the City of Killeen to participate in the Commercial Card Agreement with JP Morgan Chase Bank N.A.
- RS-25-164** Consider a memorandum/resolution authorizing award of Bid #26-04, Tire Services to Oyervides Tire Service, LLC, for Fiscal Year 2026, in an amount of \$382,000.00.
- RS-25-165** Consider a memorandum/resolution authorizing the award of Bid No. 26-03, Water and Sewer Materials to multiple vendors, for Fiscal Year 2026, in an amount not to exceed \$990,570.00.
- RS-25-166** Consider a memorandum/resolution awarding Bid No. 26-05, Street Construction Materials to select vendors, for Fiscal Year 2026, in an amount not to exceed \$1,000,000.00.
- RS-25-167** Consider a memorandum/resolution authorizing a professional services agreement for the design of the Mohawk Drive Roadway Project with Pape Dawson Engineers, LLC, in the amount of \$1,417,641.58.
- RS-25-168** Consider a memorandum/resolution authorizing the award of Bid No. 26-06, Lift Station No. 6 Rehabilitation and Expansion Project to Bell Contractors, Inc., in the amount of \$6,961,950.10.
- RS-25-169** Consider a memorandum/resolution authorizing a contract amendment for professional design services with BGE, Inc., for the final design of the Rancier Avenue project, in the amount of \$7,396,410.95.
- RS-25-170** Consider a memorandum/resolution authorizing the award of Bid No. 26-07, 24-inch Highway 195 and Chaparral Road Water Line Project to Blackrock Construction with a contract, in the amount of \$9,981,018.00.
- RS-25-171** Consider a memorandum/resolution authorizing Contract Amendment No. 2 for the professional services agreement with Freese and Nichols, for the final design and right of way services for Phase 1 of the Chaparral Road Widening Project, in the amount of \$6,351,144.00.
- RS-25-172** Consider a memorandum/resolution authorizing the execution of an Easement Conveyance Agreement with BTM Holding, LLC to acquire additional permanent utility easement and temporary construction easement in exchange for two tracts totaling

0.3 acres for the Highway 195 Water Line and Ground Storage Tank Projects.

RS-25-173 Consider a memorandum/resolution authorizing Change Order No. 1 with Cerris Builders for the Fire Station No. 4 Project, for a reduction of \$514,916.27.

RS-25-174 Consider a memorandum/resolution authorizing a Letter of Agreement, with Aqua-Metric Sales Company, for Phase 3 of the Water Meter Replacement Program, in an amount of \$1,305,192.78.

RS-25-175 Consider a memorandum/resolution approving a petition for release from the City of Killeen Extraterritorial Jurisdiction submitted by Bruce Whitis for approximately 161.33 acres out of the James H. Evitts Survey, Abstract No. 287.

RS-25-175 was withdrawn by the petitioner prior to the meeting.

Motion was made by Mayor Protem Adams to approve the Consent Agenda, with the exception of RS-25-175. Motion was seconded by Councilmember Solomon. The motion carried unanimously (6-0).

Public Hearings

PH-25-061 Hold a public hearing and consider an ordinance submitted by Central Texas Land Development Services, on behalf of Linda L. Cosper, (Case# Z25-27) to rezone approximately 0.23 acres out of the E. Lasere Survey, Abstract No. 528 (also known as Lots 6-8 and part of Lot 5 out of the Llewelyn Estates #3 unrecorded subdivision) from "B-5" (Business District) to "R-1" (Single-Family Residential District). The subject property is locally addressed as 4100 South WS Young Drive, Killeen, Texas.

The City Secretary Read the caption of the ordinance:

AN ORDINANCE AMENDING THE CITY OF KILLEEN ZONING ORDINANCE BY CHANGING THE ZONING OF APPROXIMATELY 0.23 ACRES, BEING OUT OF E LASERE SURVEY, ABSTRACT NO. 528, ALSO KNOWN AS LOTS 6-7, AND PART OF LOTS 5 AND 8, FROM LLEWELYN ESTATES #3 (UNRECORDED SUBDIVISION) FROM "B-5" (BUSINESS DISTRICT) TO "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff Comments: Wallis Meshier

This item was presented to City Council during their Work Session. Ms. Meshier was available to provide additional information and to answer questions.

Mayor Nash-King opened the public hearing.

With no one appearing, the public hearing was closed.

Motion was made by Mayor Protem Adams to approve PH-25-061. Motion was seconded by Councilmember Alvarez. The motion carried unanimously (6-0).

Discussion Item

DS-25-049 Discuss changes to Chapter 25 Article V - Assembly and Parade Permit Ordinance

Staff Comments: Laurie Wilson, Assistant City Manager

Ms. Wilson presented this item to City Council for discussion and consideration. Ms.

Wilson was available to provide additional information and to answer questions.

Motion of direction was made by Mayor Protem Adams to amend Chapter 25 Article V incorporating feedback received from City Council and community stakeholders for consideration at the next available meeting. Motion was seconded by Councilmember Solomon. The motion carried unanimously (6-0).

DS-25-050 Discuss combining the Construction Board of Appeals, Zoning Board of Adjustment, Fire Board of Adjustment and Aviation Board of Adjustment

Staff Comments: Holli Clements, City Attorney

Ms. Clements presented this item to City Council for discussion and consideration. Ms.

Clements was available to provide additional information and to answer questions.

Motion of direction was made by Mayor Protem Adams to combine the Construction Board of Appeals, Zoning Board of Adjustment, Fire Board of Adjustment and Aviation Board of Adjustment, and to amend the Code of Ordinances as necessary, for consideration at a future meeting. Motion of direction was seconded by Councilmember Alvarez. The motion carried unanimously (6-0).

Adjournment

With no further business, upon motion being made by Councilmember Segarra, seconded by Councilmember Kendrick, and unanimously approved, the meeting was adjourned at 5:46 p.m.



City of Killeen

Staff Report

File Number: RS-25-182

Consider a memorandum/resolution casting votes to elect Directors for the Tax Appraisal District of Bell County for 2026.

DATE: November 18, 2025

TO: Kent Cagle, City Manager

FROM: Holli Clements, City Attorney

SUBJECT: Vote to elect Directors of the Tax Appraisal District of Bell County

BACKGROUND AND FINDINGS:

Recent changes to the Texas Property Tax Code replace the previous process for appointing the Board of Directors of the Tax Appraisal District of Bell County. Earlier this year, voters elected three members to serve on the Board of Directors of the appraisal district. Additionally, either two or three directors will be elected each year by the taxing entities to the entity elected positions. Two directors will be elected by the taxing units this year for a term beginning January 1, 2026.

Entity elections will be conducted using a two-part process. This year, all taxing entities in Bell County nominated up to two candidates by resolution. The City of Killeen nominated Kenny Wells and Rickey Williams.

Each entity now has a certain number of votes to put toward whichever candidate or candidates they choose. Because there are two seats, there are 2,000 total votes. Each entity receives a percentage of the 2,000 votes based off the percentage of the total tax levy. The City of Killeen will have 218 of the 2,000 votes. The two candidates that receive the most votes will be elected to the Board of Directors beginning January 1, 2026.

The City is required to approve a resolution with its vote not later than the second meeting after receiving the ballot, which is November 18, 2025.

THE ALTERNATIVES CONSIDERED:

N/A

Which alternative is recommended? Why?

Staff recommends that City Council approve a resolution to cast a ballot allocating its 218 votes to one or more candidates for the Tax Appraisal District of Bell County Board of Directors for 2026.

CONFORMITY TO CITY POLICY:

This item conforms to city policy and applicable law.

FINANCIAL IMPACT:

What is the amount of the revenue/expenditure in the current fiscal year? For future years?

N/A

Is this a one-time or recurring revenue/expenditure?

N/A

Is this revenue/expenditure budgeted?

N/A

If not, where will the money come from?

N/A

Is there a sufficient amount in the budgeted line-item for this revenue/expenditure?

N/A

RECOMMENDATION:

Staff recommends that City Council approve a resolution to cast a ballot allocating its 218 votes to one or more candidates for the Tax Appraisal District of Bell County Board of Directors for 2026.

DEPARTMENTAL CLEARANCES:

N/a

ATTACHED SUPPORTING DOCUMENTS:

Ballot
Resolution
Presentation

Tax Appraisal District of Bell County



BOARD OF DIRECTORS NOMINEES

INSTRUCTION NOTE:

Indicate your vote for the candidate or candidates of your choice by placing the number of votes in the blank beside the candidate or candidates' name.

ENTITY _____ NUMBER OF VOTES _____

FULCHER, SAM

MINTZ, OLIVER

SCOTT, TODD

WELLS, KENNY

WILLIAMS, RICKEY

ATTEST:

Signature

Date

TAXING UNIT: CITY OF KILLEEN

RESOLUTION NO. _____

**RESOLUTION OF VOTES CAST TO ELECT DIRECTORS FOR THE
TAX APPRAISAL DISTRICT OF BELL COUNTY FOR THE YEAR
2026**

WHEREAS, Section 6.03 (k) of the Texas Property Tax Code, requires that each taxing unit entitled to vote, cast their vote by Resolution and submit the results of that vote to the Chief Appraiser of the Tax Appraisal District of Bell County District before December 15th, 2025.

THEREFORE, the City of Killeen submits the attached Official Ballot, as issued by the Chief Appraiser, stating that the vote for candidates for the election of the Board of Directors for the Tax Appraisal District of Bell County District for 2026.

ACTION TAKEN this _____ day of _____ 2025, in Regular Session of the governing body of the above-mentioned taxing unit; as authorized under Section 6.03 of the Texas Property Tax Code, for the purpose of casting votes to elect the Board of Directors for the Tax Appraisal District of Bell County.

APPROVED:

Debbie Nash-King
MAYOR

ATTEST:

Laura J. Calcote
CITY SECRETARY

A stylized graphic in the background featuring a grey five-pointed star at the top right, with a curved line swooshing upwards from the bottom left towards the star. Behind the swoosh are two grey trapezoidal shapes, one on the left and one on the right.

ELECTING DIRECTORS FOR THE TAX APPRAISAL DISTRICT OF BELL COUNTY FOR 2026

RS-25-182

November 18, 2025

Background

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- Recent changes to the Texas Property Tax Code replace the previous process for appointing the Board of Directors for the Tax Appraisal District of Bell County
- Beginning in 2025, voters elected three members to serve on the Tax Appraisal Board. Additionally, either two or three directors will be elected each year by the taxing entities to the entity elected positions.
- Two directors will be elected by the taxing units this year for a term beginning January 1, 2026.

Taxing Entity Election

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- This year, all taxing entities in Bell County nominated up to two candidates by resolution. The City of Killeen nominated Kenny Wells and Rickey Williams.
- Each entity now has a certain number of votes based off the percentage of the total tax levy to put towards whichever candidate or candidates they choose. The City of Killeen has 218 of the 2,000 total votes.
- The two candidates that receive the most votes will be members of the Board of Directors for 2026.
- The City is required to approve a resolution by November 18, 2025.

Candidates on Ballot

4

- Sam Fulcher
- Oliver Mintz
- Todd Scott
- Kenny Wells
- Rickey Williams

Recommendation

5

- Staff recommends that City Council approve a resolution to cast a ballot allocating its 218 votes to one or more candidates for the Tax Appraisal District of Bell County Board of Directors for 2026.



City of Killeen

Staff Report

File Number: RS-25-183

Consider a memorandum/resolution appointing members to vacant, expired and unexpired terms on various boards, commissions and committees.

DATE: November 18, 2025

TO: Kent Cagle, City Manager

FROM: Laura Calcote, City Secretary

SUBJECT: Additional Citizen Appointments to Boards, Commissions & Committees

BACKGROUND AND FINDINGS:

The City of Killeen has various citizen boards, commissions and committees that serve in an advisory capacity. Per City Code of Ordinances, Article IV, Sec. 2-116, City Council made annual appointments to boards, commissions and committees on Tuesday, September 16, 2025. However, some positions were left open. Council will need to decide whether or not to fill the currently vacant positions listed below.

THE ALTERNATIVES CONSIDERED:

N/A

Which alternative is recommended? Why?

N/A

CONFORMITY TO CITY POLICY:

Making these appointments conforms to relevant city ordinances and policies.

FINANCIAL IMPACT:

What is the amount of the revenue/expenditure in the current fiscal year? For future years?

There is no current or future expenditure associated with these appointments.

Is this a one-time or recurring revenue/expenditure?

N/A

Is this revenue/expenditure budgeted?

N/A

If not, where will the money come from?

N/A

Is there a sufficient amount in the budgeted line-item for this revenue/expenditure?

N/A

RECOMMENDATION:

It is recommended that the City Council appoint individuals to fill identified vacancies and expired terms.

DEPARTMENTAL CLEARANCES:

City Attorney

ATTACHED SUPPORTING DOCUMENTS:

FY 2025 -2026 Boards, Commissions and Committees

***Requested Reappointment (RR)**

Animal Advisory Committee (Sub-Comm: Riakos Adams)

Current Member	Status	New Member	Comments	Termed?	*RR
Vacant	Term Expires 09/2027	Licensed Veterinarian	N/A	N/A	

Audit Committee (All Council)

Current Member	Status	New Member	Comments	Termed?	*RR
Vacant	Term Expires 09/2026	Citizen Rep.	N/A	N/A	

Capital Improvement Advisory Committee (All Council)

Current Member	Status	New Member	Comments	Termed?	*RR
Cheddy Emile	Term Expires 09/2027	Community Rep.	N/A	N/A	
Michael Boyd	Term Expires 09/2027	Real Estate Dev./ Bldg. Industry		N/A	N/A

*Cheddy Emile and Michael Boyd were appointed on 9/16/2025 but have indicated to staff they are not interested in the positions, due to other commitments.

Heritage Preservation Board (All Council)

Current Member	Status	New Member	Comments	Termed?	*RR
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Josie Mckinney	Term Expired 09/2025	Downtown Tenant	No	Yes
Michael DeHart	Term Expired 09/2025	Realtor	Yes	No

A stylized graphic in the background featuring a grey five-pointed star at the top right, with a curved line swooshing upwards from the bottom left towards the star. Behind the swoosh are two grey trapezoidal shapes, one on the left and one on the right.

ADDITIONAL APPOINTMENT OF CITIZENS TO BOARDS, COMMISSIONS & COMMITTEES

RS-25-183

November 18, 2025

Boards, Commissions & Committees

2

- ❑ City Council made annual appointments to boards, commissions and committees on September 16, 2025, but some positions were left vacant
- ❑ The following tables show members with Expired Terms, Expiring Terms or Resignations and whether the member:
 - ▣ Is term limited – generally six (6) years, unless specialized knowledge is required, or other good cause is found by Council
 - ▣ Requested Reappointment (*RR)

Animal Advisory Committee

(Sub-Comm: Riakos Adams)

3

Current Member	Status	New Member	Comments	Termed?	*RR
Vacant	Term Expires 09/2027		Licensed Veterinarian	N/A	N/A

Audit Committee (All Council)

4

Current Member	Status	New Member	Comments	Termed?	*RR
Vacant	Term Expires 09/2026		Citizen Rep.	N/A	N/A

Capital Improvement Advisory Committee (All Council)

5

Current Member	Status	New Member	Comments	Termed?	*RR
Cheddy Emile	Term Expires 09/2027		Community Rep.	N/A	N/A
Michael Boyd	Term Expires 09/2027		Real Estate Dev./Bldg. Industry	N/A	N/A

Heritage Preservation Board (All Council)

6

Current Member	Status	New Member	Comments	Termed?	*RR
Josie Mckinney	Term Expired 09/2025		Downtown Tenant	No	Yes
Michael DeHart	Term Expired 09/2025		Realtor	Yes	No

Recommendation

7

- Staff recommends that the City Council appoint individuals to fill identified vacancies and expired terms



City of Killeen

Staff Report

File Number: RS-25-184

Consider a memorandum/resolution authorizing the City Manager to review energy proposals from L5E LLC dba 5 and execute a contract with the provider offering the best value to the city.

DATE: November 18, 2025

TO: Kent Cagle, City Manager

FROM: Judith Tangalin, Executive Director of Finance

SUBJECT: Authorize the City Manager to collaborate with L5E LLC dba 5, the City's energy advisor, to enter into a contract with the energy provider offering the best overall value to the City

BACKGROUND AND FINDINGS:

The City previously participated in the Texas General Land Office (GLO) Power Program before transitioning to independent energy procurement. Since that time, the City has engaged L5E LLC dba 5 ("5") as its energy advisor to monitor market conditions and assist in securing electricity contracts that provide the best overall value. Through this partnership, the City executed two contracts covering the service period from July 1, 2026, through December 31, 2032. Each contract includes approximately half of the City's meters, resulting in rates of \$0.0575606 per kWh and \$0.0614421 per kWh, respectively.

The Electric Reliability Council of Texas (ERCOT), which manages the flow of electric power to about 90 percent of the state's electric load, is forecasting that statewide electricity demand will nearly double over the next five years. This expected growth has already increased market prices and is anticipated to continue driving long-term cost escalation. Given current market volatility and future grid-capacity constraints, it is prudent for the City to proactively secure electricity pricing to protect the City's long-term budget stability.

This resolution authorizes the City Manager to work with L5E LLC dba 5 to evaluate market proposals and secure electricity rates for the period following December 31, 2032. The procurement will be facilitated through The Interlocal Purchasing System (TIPS), of which the City is a member.

THE ALTERNATIVES CONSIDERED:

N/A

Which alternative is recommended? Why?

N/A

CONFORMITY TO CITY POLICY:

Yes, electricity purchases are exempt from the competitive bidding process as stated in Texas Local Government Code Section 252.022 (a)(15).

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

There is no direct expenditure to the City for the services of 5. As an energy broker, 5's compensation is embedded within the contracted electricity rate and paid by the selected energy provider under the provider agreement.

Is this a one-time or recurring expenditure?

Electricity is an annual recurring expense.

Is this expenditure budgeted?

Yes. The City budgets for electricity service annually across all operating funds. While specific costs vary each year based on usage and contracted rates, sufficient appropriations are included in the FY 2026 budget to cover current electricity needs. This action pertains to future contract periods beyond 2032 and does not require an additional appropriation at this time.

If not, where will the money come from?

N/A

Is there a sufficient amount in the budgeted line-item for this expenditure?

Yes

RECOMMENDATION:

City Council to authorize the City Manager to review proposals from 5 and enter into a contract with the energy provider whose bid provides the best value for the City.

DEPARTMENTAL CLEARANCES:

Finance
Legal

ATTACHED SUPPORTING DOCUMENTS:

N/A



City of Killeen

Staff Report

File Number: OR-25-014

Consider an ordinance authorizing the issuance of City of Killeen, Texas, Limited Tax Note Series 2025 for Fire Department Self Contained Breathing Apparatus (SCBAs).

DATE: November 18, 2025

TO: Kent Cagle, City Manager

FROM: Judith Tangalin, Executive Director of Finance

SUBJECT: Self Contained Breathing Apparatus Limited Tax Note

BACKGROUND AND FINDINGS:

This ordinance authorizes the issuance of a Limited Tax Note to purchase 150 Self-Contained Breathing Apparatus (SCBA) units for the Fire Department. During the FY 2026 budget process, the Fire Department submitted a decision package requesting 150 SCBA pack assemblies with thread savers, 29 Rapid Intervention Team (RIT) packs, an SCBA decontamination machine, and one new SCBA compressor. On July 3rd, the City Manager presented the Proposed Budget, which included the issuance of a tax note to fund the SCBA equipment. The FY 2026 Budget was adopted by City Council on September 2nd.

The Fire Department currently has 150 SCBAs in inventory which consist of a mounting pack, air bottle, regulator, air house and mask, that need to be brought up into compliance with the National Fire Protection Association (NFPA) Standard 1981 (Open-Circuit Self-Contained Breathing Apparatus for Emergency Services) and NFPA Standard 1852 (Selection, Care, and Maintenance of Open-Circuit Self-Contained Breathing Apparatus). The tax note will replace the entire inventory of SCBAs so each firefighter can have the same reliable frontline equipment.

The purchase would include 150 SCBA Pack Assemblies with Thread Savers to improve longevity, 29 Rapid Intervention Team packs, SCBA decontamination machine, and 1 new SCBA compressor for station 1.

The cost for the 150 SCBA Pack Assemblies with Thread Savers, 29 Rapid Intervention Team packs, SCBA decontamination machine, and 1 new SCBA compressors is estimated \$3,500,000. The Texas Government Code, Chapter 1431, and the City's Financial Governance Policy authorize the issuance of tax notes.

The tax note will be repaid over a seven-year term with an estimated annual debt service payment of \$604,870. The fund balance in the Debt Service Fund is currently estimated to be \$5,060,621 at fiscal yearend 2025 and must be used towards the retirement of debt. Fund balance accrues when more revenue is received than budgeted and/or when expenditures are less than budget. The tax note will be repaid with Debt Service Fund. Partial increase on the tax rate in FY26 included the tax note.

The City's Financial Advisor, Dan Wegmiller of Specialized Public Finance, Inc. (SPFI), prepared and distributed an offering document describing the amount and use of the funds to bidders. Bidders will submit bids for the tax note to SPFI on November 18, 2025. The results of the bid will be provided to City Council.

THE ALTERNATIVES CONSIDERED:

N/A

Which alternative is recommended? Why?

N/A

CONFORMITY TO CITY POLICY:

Texas Government Code, Chapter 1431 - authorizes the issuance of tax notes.
City Charter, Article VI and Article VII, Section 80 - authorizes the issuance of tax notes.
Financial Governance Policy, XIV. Debt (B-D) - authorizes the issuance of tax notes.

FINANCIAL IMPACT:

What is the amount of the revenue/expenditure in the current fiscal year? For future years?

The total estimated cost inclusive of issuance costs is \$3,500,000. The annual debt service payments including interest are estimated to be:

FY 2026 - \$604,870
FY 2027 - \$604,870
FY 2028 - \$604,870
FY 2029 - \$604,870
FY 2030 - \$604,870
FY 2031 - \$604,870
FY 2032 - \$604,870

Is this a one-time or recurring revenue/expenditure?

The debt service payments are recurring from FY 2026 through FY 2032.

Is this revenue/expenditure budgeted?

Yes, funds are included in the Debt Service Fund.

If not, where will the money come from?

N/A

Is there a sufficient amount in the budgeted line-item for this revenue/expenditure?

Yes

RECOMMENDATION:

City Council approve the ordinance authorizing the issuance of Limited Tax Note, Series 2025.

DEPARTMENTAL CLEARANCES:

Finance

Fire

Legall

ATTACHED SUPPORTING DOCUMENTS:

Ordinance

Presentation

ORDINANCE NO. 25-__

**ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF KILLEEN,
TEXAS LIMITED TAX NOTES, SERIES 2025; AUTHORIZING THE LEVY OF AN AD
VALOREM TAX IN SUPPORT OF THE NOTES; APPROVING AN OFFICIAL
STATEMENT AND A PAYING AGENT/REGISTRAR AGREEMENT; AWARDING
THE SALE OF THE NOTES; AND AUTHORIZING OTHER MATTERS RELATED TO
THE ISSUANCE OF THE NOTES**

Adopted November 18, 2025

ORDINANCE NO. 25-__

**ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF KILLEEN,
TEXAS LIMITED TAX NOTES, SERIES 2025; AUTHORIZING THE LEVY OF AN AD
VALOREM TAX IN SUPPORT OF THE NOTES; APPROVING AN OFFICIAL
STATEMENT AND A PAYING AGENT/REGISTRAR AGREEMENT; AWARDING
THE SALE OF THE NOTES; AND AUTHORIZING OTHER MATTERS RELATED TO
THE ISSUANCE OF THE NOTES**

**THE STATE OF TEXAS §
COUNTY OF BELL §
CITY OF KILLEEN §**

WHEREAS, the City Council of the City of Killeen, Texas (the "City") deems it advisable to issue tax notes (the "Notes") for the purpose of: (1) public safety facilities and equipment, to include self contained breathing apparatus for the City's Fire Department, and (2) paying related professional services including construction managers, engineers, architects, attorneys, auditors, financial advisors, fiscal agents and costs related to the issuance of the Note; and

WHEREAS, the Notes hereinafter authorized and designated are to be issued and delivered pursuant to Chapter 1431, Texas Government Code, as amended; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code; and

WHEREAS, it is considered to be in the best interest of the City that the interest-bearing Notes be issued.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS:

Section 1. RECITALS, AMOUNT, PURPOSE OF THE NOTES AND DEFINITIONS. (a) Recitals and Purpose. The recitals set forth in the preamble hereof are incorporated by reference herein and shall have the same force and effect as if set forth in this Section. The Notes of the City of Killeen, Texas (the "City") are hereby authorized to be issued and delivered in the aggregate principal amount of \$3,500,000* for the purposes of (1) public safety facilities and equipment, to include self contained breathing apparatus for the City's Fire Department, and (2) paying related professional services including construction managers, engineers, architects, attorneys, auditors, financial advisors, fiscal agents and costs related to the issuance of the Note.

* Preliminary, subject to change

(b) Definitions. For all purposes of this Ordinance, except as otherwise expressly provided or unless the context otherwise requires, the terms defined in Exhibit A to this Ordinance have the meanings assigned to them in Exhibit A.

Section 2. DESIGNATION, DATE, DENOMINATIONS, NUMBERS, AND MATURITY OF NOTES. Each Note issued pursuant to this Ordinance shall be designated: "CITY OF KILLEEN, TEXAS LIMITED TAX NOTE, SERIES 2025", and initially there shall be issued, sold, and delivered hereunder fully registered Notes, without interest coupons, dated December 11, 2025 in the respective denominations and principal amounts hereinafter stated, numbered consecutively from R-1 upward (except the initial Note delivered to the Attorney General of the State of Texas which shall be numbered T-1), payable to the respective initial registered owners thereof (as designated in Section 12 hereof), or to the registered assignee or assignees of said Notes or any portion or portions thereof (in each case, the "Registered Owner"), and said Notes shall mature and be payable serially on August 1 in each of the years and in the principal amounts, respectively, as set forth in the following schedule:

<u>YEAR</u>	<u>AMOUNT</u>	<u>YEAR</u>	<u>AMOUNT</u>
2026	\$	2030	\$
2027		2031	
2028		2032	
2029			

The term "Notes" as used in this Ordinance shall mean and include collectively the Notes initially issued and delivered pursuant to this Ordinance and all substitute Notes exchanged therefor, as well as all other substitute Notes and replacement Notes issued pursuant hereto, and the term "Note" shall mean any of the Notes.

Section 3. INTEREST. The Notes scheduled to mature during the years, respectively, set forth below shall bear interest from the dates specified in the FORM OF NOTE set forth in this Ordinance to their respective dates of maturity or redemption prior to maturity at the following rates per annum:

<u>YEAR</u>	<u>RATE</u>	<u>YEAR</u>	<u>RATE</u>
2026	%	2030	%
2027		2031	
2028		2032	
2029			

Section 4. CHARACTERISTICS OF THE NOTES. (a) Registration, Transfer, Conversion and Exchange; Authentication. The City shall keep or cause to be kept at The Bank of New York Mellon Trust Company, N.A. (the "Paying Agent/Registrar") books or records for the registration of the transfer, conversion and exchange of the Notes (the "Registration Books"), and the

City hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep such books or records and make such registrations of transfers, conversions and exchanges under such reasonable regulations as the City and Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such registrations, transfers, conversions and exchanges as herein provided. The Paying Agent/Registrar shall obtain and record in the Registration Books the address of the Registered Owner of each Note to which payments with respect to the Note shall be mailed, as herein provided; but it shall be the duty of each Registered Owner to notify the Paying Agent/Registrar in writing of the address to which payments shall be mailed, and such interest payments shall not be mailed unless such notice has been given. The City shall have the right to inspect the Registration Books during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any other entity. The Paying Agent/Registrar shall make the Registration Books available within the State of Texas. The City shall pay the Paying Agent/Registrar's standard or customary fees and charges for making such registration, transfer, conversion, exchange and delivery of a substitute Note or Notes. Registration of assignments, transfers, conversions and exchanges of the Note shall be made in the manner provided and with the effect stated in the FORM OF NOTE set forth in this Ordinance. Each substitute Note shall bear a letter and/or number to distinguish it from each other Note.

Except as provided in Section 4(c) of this Ordinance, an authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Note, date and manually sign said Note, and no such Note shall be deemed to be issued or outstanding unless such Note is so executed. The Paying Agent/Registrar promptly shall cancel all paid Notes and Notes surrendered for conversion and exchange. No additional ordinances, orders, or resolutions need be passed or adopted by the governing body of the City or any other body or person so as to accomplish the foregoing conversion and exchange of any Note or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Note in the manner prescribed herein, and said Note shall be printed or typed on paper of customary weight and strength. Pursuant to Chapter 1201, Texas Government Code, as amended, and particularly Subchapter D thereof, the duty of conversion and exchange of Note as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of said Note, the converted and exchanged Note shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Note which initially was issued and delivered pursuant to this Ordinance, approved by the Attorney General and registered by the Comptroller of Public Accounts.

(b) Payment of Notes and Interest The City hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of and interest on the Notes, all as provided in this Ordinance. The Paying Agent/Registrar shall keep proper records of all payments made by the City and the Paying Agent/Registrar with respect to the Note, and of all conversions and exchanges of the Note, and all replacements of the Note, as provided in this Ordinance. However, in the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the past due interest shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of

each Registered Owner appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice.

(c) In General. The Notes (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Note to be payable only to the Registered Owners thereof, (ii) may be converted and exchanged for other Note, (iii) may be transferred and assigned, (iv) shall have the characteristics, (v) shall be signed, sealed, executed and authenticated, (vi) the principal of and interest on the Note shall be payable, and (vii) shall be administered and the Paying Agent/Registrar and the City shall have certain duties and responsibilities with respect to the Note, all as provided, and in the manner and to the effect as required or indicated, in the FORM OF NOTE set forth in this Ordinance. The Note initially issued and delivered pursuant to this Ordinance are not required to be, and shall not be, authenticated by the Paying Agent/Registrar, but on each substitute Note issued in conversion of and exchange for any Note issued under this Ordinance the Paying Agent/Registrar shall execute the PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE, in the form set forth in the FORM OF NOTE.

(d) Substitute Paying Agent/Registrar. The City covenants with the Registered Owner of the Notes that at all times while the Note is outstanding the City will provide a competent and legally qualified bank, trust company, financial institution, or other agency to act as and perform the services of Paying Agent/Registrar for the Note under this Ordinance, and that the Paying Agent/Registrar will be one entity. The City reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than 30 days written notice to the Paying Agent/Registrar, to be effective at such time which will not disrupt or delay payment on the next principal or interest payment date after such notice. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the City covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other agency to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Note, to the new Paying Agent/Registrar designated and appointed by the City. Upon any change in the Paying Agent/Registrar, the City promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each Registered Owner of the Note, by United States mail, first-class postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to each Paying Agent/Registrar.

(e) Book-Entry-Only System. The Notes issued in exchange for the Notes initially issued as provided in Section 4(h) shall be issued in the form of a separate single fully registered Note for each of the maturities thereof registered in the name of Cede & Co. as nominee of DTC and except as provided in subsection (f) hereof, all of the Outstanding Notes shall be registered in the name of Cede & Co., as nominee of DTC.

With respect to Notes registered in the name of Cede & Co., as nominee of DTC, the City and the Paying Agent/Registrar shall have no responsibility or obligation to any securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose

behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC participants (the "DTC Participant") or to any person on behalf of whom such a DTC Participant holds an interest in the Notes. Without limiting the immediately preceding sentence, the City and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Notes, (ii) the delivery to any DTC participant or any other person, other than a Registered Owner, as shown on the Registration Books, of any notice with respect to the Notes or (iii) the payment to any DTC Participant or any person, other than a Registered Owner, as shown on the Registration Books of any amount with respect to principal of, premium, if any, or interest on the Notes. Notwithstanding any other provision of this Ordinance to the contrary, but to the extent permitted by law, the City and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Note is registered in the Registration Books as the absolute owner of such Note for the purpose of payment of principal, premium, if any, and interest, with respect to such Note, for the purposes of registering transfers with respect to such Notes, and for all other purposes of registering transfers with respect to such Notes, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of, premium, if any, and interest on the Notes only to or upon the order of the respective Registered Owners, as shown in the Registration Books as provided in the Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to payment of principal of, premium, if any, and interest on the Notes to the extent of the sum or sums so paid. No person other than a Registered Owner, as shown in the Registration Books, shall receive a Note evidencing the obligation of the City to make payments of principal, premium, if any, and interest pursuant to the Ordinance. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Ordinance with respect to interest checks being mailed to the registered owner at the close of business on the Record Date the word "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

(f) Successor Securities Depository; Transfer Outside Book-Entry-Only System. In the event that the City determines to discontinue the book-entry system through DTC or a successor or DTC determines to discontinue providing its services with respect to the Notes, the City shall either (i) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants of the appointment of such successor securities depository and transfer one or more separate Notes to such successor securities depository or (ii) notify DTC and DTC Participants of the availability through DTC of Notes and transfer one or more separate Notes to DTC Participants having Notes credited to their DTC accounts. In such event, the Notes shall no longer be restricted to being registered in the Registration Books in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names Registered Owner transferring or exchanging Notes shall designate, in accordance with the provisions of this Ordinance.

(g) Payments to Cede & Co. Notwithstanding any other provision of this Ordinance to the contrary, so long as any Note is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, premium, if any, and interest on such Note and all notices with

respect to such Note shall be made and given, respectively, in the manner provided in the Blanket Representation of the City to DTC.

(h) Initial Note. The Notes herein authorized shall be initially issued as fully registered Notes, being one Note for each maturity in the denomination of the applicable principal amount and the initial Note shall be registered in the name of the purchaser or the designees thereof as set forth in Section 12 hereof. The initial Note shall be the Note submitted to the Office of the Attorney General of the State of Texas for approval, certified and registered by the Office of the Comptroller of Public Accounts of the State of Texas and delivered to the Initial Purchaser. Immediately after the delivery of the initial Note, the Paying Agent/Registrar shall cancel the initial Note delivered hereunder and exchange therefor Notes in the form of a separate single fully registered Note for each of the maturities thereof registered in the name of Cede & Co., as nominee of DTC and except as provided in Section 4(f), all of the outstanding Notes shall be registered in the name of Cede & Co., as nominee of DTC.

Section 5. FORM OF NOTE. The form of Note, including the form of Paying Agent/Registrar's Authentication Certificate, the form of Assignment and the form of Registration Certificate of the Comptroller of Public Accounts of the State of Texas to be attached to the Notes issued and delivered pursuant to this Ordinance, shall be, respectively, substantially as follows, with such appropriate variations, omissions or insertions as are permitted or required by this Ordinance.

FORM OF NOTE

NO. R-	UNITED STATES OF AMERICA STATE OF TEXAS CITY OF KILLEEN, TEXAS LIMITED TAX NOTE, SERIES 2025	PRINCIPAL AMOUNT \$ _____
---------------	--	--

<u>INTEREST RATE</u>	<u>DATE OF NOTE</u>	<u>MATURITY DATE</u>	<u>CUSIP NO.</u>
%	December 11, 2025		

REGISTERED OWNER:

PRINCIPAL AMOUNT:

ON THE MATURITY DATE specified above, the CITY OF KILLEEN, in ____ County, Texas (the "City"), being a political subdivision of the State of Texas, hereby promises to pay to the Registered Owner set forth above, or registered assigns (hereinafter called the "Registered Owner") the principal amount set forth above, and to pay interest thereon from the initial date of delivery of the Notes of December 11, 2025, on August 1, 2026 and semiannually on each February 1 and August 1 thereafter to the maturity date specified above, or the date of redemption prior to maturity, at the interest rate per annum specified above; except that if this Note is required to be authenticated

and the date of its authentication is after any Record Date (hereinafter defined) but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Note or Notes, if any, for which this Note is being exchanged or converted from is due but has not been paid, then this Note shall bear interest from the date to which such interest has been paid in full. Notwithstanding the foregoing, during any period in which ownership of the Notes is determined only by a book entry at a securities depository for the Notes, any payment to the securities depository, or its nominee or registered assigns, shall be made in accordance with existing arrangements between the City and the securities depository.

THE PRINCIPAL OF AND INTEREST ON this Note is payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Note shall be paid to the Registered Owner hereof upon presentation and surrender of this Note at maturity, at The Bank of New York Mellon Trust Company, N.A. which is the "Paying Agent/Registrar" for this Note at its designated office in Dallas, Texas (the "Designated Payment/Transfer Office"). The payment of interest on this Note shall be made by the Paying Agent/Registrar to the Registered Owner hereof on each interest payment date by check or draft, dated as of such interest payment date, drawn by the Paying Agent/Registrar on, and payable solely from, funds of the City required by the Ordinance authorizing the issuance of this Note (the "Note Ordinance") to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check or draft shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, on each such interest payment date, to the Registered Owner hereof, at its address as it appeared at the close of business on the 15th day of the preceding month each such date (the "Record Date") on the registration books kept by the Paying Agent/Registrar (the "Registration Books"). In addition, interest may be paid by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Registered Owner. In the event of a non-payment of interest on a scheduled payment date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each owner of a Note appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice. Notwithstanding the foregoing, during any period in which ownership of the Note is determined only by a book entry at a securities depository for the Note, any payment to the securities depository, or its nominee or registered assigns, shall be made in accordance with existing arrangements between the City and the securities depository.

DURING ANY PERIOD in which ownership of the Notes is determined only by a book entry at a securities depository for the Notes, if fewer than all of the Notes of the same maturity and bearing the same interest rate are to be redeemed, the particular Notes of such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the City and the securities depository.

ANY ACCRUED INTEREST due at maturity as provided herein shall be paid to the Registered Owner upon presentation and surrender of this Note for redemption and payment at the

Designated Payment/Transfer Office of the Paying Agent/Registrar. The City covenants with the Registered Owner of this Note that on or before each principal payment date, interest payment date, and accrued interest payment date for this Note it will make available to the Paying Agent/Registrar, from the "Interest and Sinking Fund" created by the Note Ordinance, the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Notes, when due.

IF THE DATE for the payment of the principal of or interest on this Note shall be a Saturday, Sunday, a legal holiday or a day on which banking institutions in the City where the principal corporate trust office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

THIS NOTE is dated December 11, 2025, authorized in accordance with the Constitution and laws of the State of Texas in the principal amount of \$3,500,000* for (1) public safety facilities and equipment, to include self contained breathing apparatus for the City's Fire Department, and (2) paying related professional services including construction managers, engineers, architects, attorneys, auditors, financial advisors, fiscal agents and costs related to the issuance of the Notes.

THE NOTES will not be subject to redemption prior to their stated maturities.

ALL NOTES OF THIS SERIES are issuable solely as fully registered Notes, without interest coupons, in the denomination of any integral multiple of \$5,000. As provided in the Note Ordinance, this Note may, at the request of the Registered Owner or the assignee or assignees hereof, be assigned, transferred, converted into and exchanged for a like aggregate principal amount of fully registered Notes, without interest coupons, payable to the appropriate Registered Owner, assignee or assignees, as the case may be, having the same denomination or denominations in any integral multiple of \$5,000 as requested in writing by the appropriate Registered Owner, assignee or assignees, as the case may be, upon surrender of this Note to the Paying Agent/Registrar for cancellation, all in accordance with the form and procedures set forth in the Note Ordinance. Among other requirements for such assignment and transfer, this Note must be presented and surrendered to the Paying Agent/Registrar, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Note or any portion or portions hereof in any integral multiple of \$5,000 to the assignee or assignees in whose name or names this Note or any such portion or portions hereof is or are to be registered. The form of Assignment printed or endorsed on this Note may be executed by the Registered Owner to evidence the assignment hereof, but such method is not exclusive, and other instruments of assignment satisfactory to the Paying Agent/Registrar may be used to evidence the assignment of this Note or any portion or portions hereof from time to time by the Registered Owner. The Paying Agent/Registrar's reasonable standard or customary fees and charges for assigning, transferring, converting and exchanging any Note or portion thereof will be paid by the City. In any circumstance, any taxes or governmental charges required to be paid with respect thereto shall be paid by the one requesting such assignment, transfer, conversion or exchange, as a

* Preliminary, subject to change

condition precedent to the exercise of such privilege. The Paying Agent/Registrar shall not be required to make any such transfer, conversion, or exchange (i) during the period commencing with the close of business on any Record Date and ending with the opening of business on the next following principal or interest payment date, or (ii) with respect to any Note or any portion thereof called for redemption prior to maturity, within 45 days prior to its redemption date; provided, however, such limitation of transfer shall not be applicable to an exchange by the Registered Owner of the unredeemed balance of the Note.

WHENEVER the beneficial ownership of this Note is determined by a book entry at a securities depository for the Note, the foregoing requirements of holding, delivering or transferring this Note shall be modified to require the appropriate person or entity to meet the requirements of the securities depository as to registering or transferring the book entry to produce the same effect.

IN THE EVENT any Paying Agent/Registrar for the Notes is changed by the City, resigns, or otherwise ceases to act as such, the City has covenanted in the Note Ordinance that it promptly will appoint a competent and legally qualified substitute therefor, and cause written notice thereof to be mailed to the Registered Owners of the Note.

IT IS HEREBY certified, recited and covenanted that this Note has been duly and validly authorized, issued and delivered; that all acts, conditions and things required or proper to be performed, exist and be done precedent to or in the authorization, issuance and delivery of this Note have been performed, existed and been done in accordance with law; that annual ad valorem taxes sufficient to provide for the payment of the interest on and principal of this Note, as such interest comes due and such principal matures, have been levied and ordered to be levied against all taxable property in said City, and have been pledged for such payment, within the limit prescribed by law, all as provided in the Note Ordinance.

BY BECOMING the Registered Owner of this Note, the Registered Owner thereby acknowledges all of the terms and provisions of the Note Ordinance, agrees to be bound by such terms and provisions, acknowledges that the Note Ordinance is duly recorded and available for inspection in the official minutes and records of the governing body of the City, and agrees that the terms and provisions of this Note and the Note Ordinance constitute a contract between each Registered Owner hereof and the City.

IN WITNESS WHEREOF, the City has caused this Note to be signed with the manual or facsimile signature of the Mayor of the City and countersigned with the manual or facsimile signature of the City Secretary of said City, and has caused the official seal of the City to be duly impressed, or placed in facsimile, on this Note.

City Secretary, City of Killeen, Texas

Mayor, City of Killeen, Texas

(CITY SEAL)

FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

(To be executed if this Note is not accompanied by
an executed Registration Certificate of the Comptroller
of Public Accounts of the State of Texas)

It is hereby certified that this Note has been issued under the provisions of the Note Ordinance described in the text of this Note; and that this Note has been issued in conversion or replacement of, or in exchange for, a Note, Notes, or a portion of a Note or Notes of a Series which originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

Dated

The Bank of New York Mellon Trust Company
Paying Agent/Registrar

By _____
Authorized Representative

FORM OF ASSIGNMENT

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto

Please insert Social Security or Taxpayer Identification Number of Transferee

(Please print or typewrite name and address, including zip code, of Transferee)

the within Note and all rights thereunder, and hereby irrevocably constitutes and appoints _____, attorney, to register the transfer of the within Note on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.

NOTICE: The signature above must correspond with the name of the Registered Owner as it appears upon the front of this Note in every particular, without alteration or enlargement or any change whatsoever.

**FORM OF REGISTRATION CERTIFICATE OF
THE COMPTROLLER OF PUBLIC ACCOUNTS**

COMPTROLLER'S REGISTRATION CERTIFICATE: REGISTER NO.

I hereby certify that this Certificate has been examined, certified as to validity and approved by the Attorney General of the State of Texas, and that this Certificate has been registered by the Comptroller of Public Accounts of the State of Texas.

Witness my signature and seal this _____.

Acting Comptroller of Public Accounts
of the State of Texas

(COMPTROLLER'S SEAL)

INSERTIONS FOR THE INITIAL NOTE

The initial Note shall be in the form set forth in this Section, except that:

- A. immediately under the name of the Note, the headings "INTEREST RATE" and "MATURITY DATE" shall both be completed with the words "As shown below" and "CUSIP NO." shall be deleted.
- B. the first paragraph shall be deleted and the following will be inserted:

"ON THE MATURITY DATE SPECIFIED ABOVE, the City of Killeen, Texas (the "City"), being a political subdivision, hereby promises to pay to the Registered Owner specified above, or registered assigns (hereinafter called the "Registered Owner"), on August 1 in each of the years, in the principal installments and bearing interest at the per annum rates set forth in the following schedule:

<u>Maturity Date</u>	<u>Maturity Amount</u>	<u>Interest Rate</u>
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(Information from Sections 2 and 3 to be inserted)

The City promises to pay interest on the unpaid principal amount hereof (calculated on the basis of a 360-day year of twelve 30-day months) from the date of initial delivery of the Notes at the respective

Interest Rate per annum specified above. Interest is payable on August 1, 2026 and semiannually on each February 1 and August 1 thereafter to the date of payment of the principal installment specified above; except, that if this Note is required to be authenticated and the date of its authentication is after any Record Date (hereinafter defined) but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Note or Notes, if any, for which this Note is being exchanged is due but has not been paid, then this Note shall bear interest from the date to which such interest has been paid in full."

C. The initial Note shall be numbered "T-1."

Section 6. INTEREST AND SINKING FUND. A special "Interest and Sinking Fund" is hereby created and shall be established and maintained by the City at an official depository bank of said City. Said Interest and Sinking Fund shall be kept separate and apart from all other funds and accounts of said City, and shall be used only for paying the interest on and principal of said Note. All ad valorem taxes levied and collected for and on account of said Note shall be deposited, as collected, to the credit of said Interest and Sinking Fund. During each year while any of said Note are outstanding and unpaid, the governing body of said City shall compute and ascertain a rate and amount of ad valorem tax which will be sufficient to raise and produce the money required to pay the interest on said Note as such interest comes due, and to provide and maintain a sinking fund adequate to pay the principal of said Note as such principal matures (but never less than 2% of the original principal amount of said Note as a sinking fund each year); and said tax shall be based on the latest approved tax rolls of said City, with full allowances being made for tax delinquencies and the cost of tax collection. Said rate and amount of ad valorem tax is hereby levied, and is hereby ordered to be levied, against all taxable property in said City, for each year while any of said Note are outstanding and unpaid, and said tax shall be assessed and collected each such year and deposited to the credit of the aforesaid Interest and Sinking Fund. Said ad valorem taxes sufficient to provide for the payment of the interest on and principal of said Note, as such interest comes due and such principal matures, are hereby pledged for such payment, within the limit prescribed by law. Accrued interest on the Note shall be deposited in the Interest and Sinking Fund and used to pay interest on the Notes.

Section 7. APPROPRIATION OF AVAILABLE FUNDS. There is hereby appropriated from funds of the City lawfully available for such purpose a sum sufficient to pay the interest and/or principal to become due on the Notes prior to receipt of applicable tax receipts.

[Section 7. ESTABLISHMENT OF PROJECT FUND. (a) Project Fund. The City's Limited Tax Note Series 2022 Project Fund is hereby created and shall be established and maintained by the City at an official depository bank of the City. Proceeds from the sale of the Note, including any premium, but excluding accrued interest, shall be deposited into the Project Fund.

(b) Investment of Funds. The City hereby covenants that the proceeds of the sale of the Note will be used as soon as practicable for the purposes for which the Note is issued. Obligations purchased as an investment of money in any fund shall be deemed to be a part of such fund. Any money in any fund created by this Ordinance may be invested as permitted by the Texas Public Funds Investment Act, as amended.

(c) Security for Funds. All funds created by this Ordinance shall be secured in the manner and to the fullest extent required by law for the security of funds of the City.

(d) Maintenance of Funds. Any funds created pursuant to this Ordinance may be created as separate funds or accounts or as subaccounts of the City's General Fund held by the City's depository, and, as such, not held in separate bank accounts, such treatment shall not constitute a commingling of the monies in such funds or of such funds and the City shall keep full and complete records indicating the monies and investments credited to each such fund.

(e) Interest Earnings. Interest earnings derived from the investment of proceeds from the sale of the Note shall be used along with the Note proceeds for the purpose for which the Note is issued as set forth in Section 1 hereof or to pay principal or interest payments on the Note; provided, however, that after completion of such purpose, if any of such interest earnings remain on hand, such interest earnings shall be deposited in the Interest and Sinking Fund. It is further provided, however, that any interest earnings on bond proceeds which are required to be rebated to the United States of America pursuant to Section 11 hereof in order to prevent the Note from being arbitrage bonds shall be so rebated and not considered as interest earnings for the purposes of this Section.

(f) Perfection. Chapter 1208, Texas Government Code, applies to the issuance of the Note and the pledge of the ad valorem taxes granted by the City under this Section, and is therefore valid, effective, and perfected. If Texas law is amended at any time while the Note is outstanding and unpaid such that the pledge of the ad valorem taxes granted by the City under this Section is to be subject to the filing requirements of Chapter 9, Business & Commerce Code, then in order to preserve to the Owners of the Note the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Business & Commerce Code and enable a filing to perfect the security interest in said pledge to occur.]

Section 8. DEFEASANCE OF NOTES. (a) Any Note and the interest thereon shall be deemed to be paid, retired and no longer outstanding ("Defeased Note") within the meaning of this Ordinance, except to the extent provided in subsections (c) and (e) of this Section, when payment of the principal of such Note, plus interest thereon to the due date or dates (whether such due date or dates be by reason of maturity, upon redemption, or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof (including the giving of any required notice of redemption) or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar or a commercial bank or trust company for such payment (1) lawful money of the United States of America sufficient to make such payment, (2) Defeasance Securities, certified by an independent public accounting firm of national reputation to mature as to principal and interest in such amounts and at such times as will ensure the availability, without reinvestment, of sufficient money to provide for such payment and when proper arrangements have been made by the City with the Paying Agent/Registrar or a commercial bank or trust company for the payment of its services until all Defeased Note shall have become due and payable or (3) any combination of (1) and (2). At such time as the Note shall be deemed to be a Defeased Note hereunder, as aforesaid, such Note and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the ad valorem taxes herein levied

as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Defeasance Securities.

(b) The deposit under clause (ii) of subsection (a) shall be deemed a payment of Note as aforesaid when proper notice of redemption of such Note shall have been given, in accordance with this Ordinance. Any money so deposited with the Paying Agent/Registrar or a commercial bank or trust company as provided in this Section may, at the discretion of the City Council, also be invested in Defeasance Securities, maturing in the amounts and at the times as hereinbefore set forth, and all income from all Defeasance Securities in possession of the Paying Agent/Registrar or a commercial bank or trust company pursuant to this Section which is not required for the payment of such Note and premium, if any, and interest thereon with respect to which such money has been so deposited, shall be remitted to the City Council.

(c) Notwithstanding any provision of any other Section of this Ordinance which may be contrary to the provisions of this Section, all money or Defeasance Securities set aside and held in trust pursuant to the provisions of this Section for the payment of principal of the Note and premium, if any, and interest thereon, shall be applied to and used solely for the payment of the particular Note and premium, if any, and interest thereon, with respect to which such money or Defeasance Securities have been so set aside in trust. Until all Defeased Note shall have become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Note the same as if they had not been defeased, and the City shall make proper arrangements to provide and pay for such services as required by this Ordinance.

(d) Notwithstanding anything elsewhere in this Ordinance, if money or Defeasance Securities have been deposited or set aside with the Paying Agent/Registrar or a commercial bank or trust company pursuant to this Section for the payment of the Note and the Note shall not have in fact been actually paid in full, no amendment of the provisions of this Section shall be made without the consent of the registered owner of the Note affected thereby.

(e) Notwithstanding the provisions of subsection (a) immediately above, to the extent that, upon the defeasance of any Defeased Note to be paid at its maturity, the City retains the right under Texas law to later call that Defeased Note for redemption in accordance with the provisions of the Ordinance authorizing its issuance, the City may call such Defeased Note for redemption upon complying with the provisions of Texas law and upon the satisfaction of the provisions of subsection (a) immediately above with respect to such Defeased Note as though it was being defeased at the time of the exercise of the option to redeem the Defeased Note and the effect of the redemption is taken into account in determining the sufficiency of the provisions made for the payment of the Defeased Note.

As used in this section, "Defeasance Securities" means (i) Federal Securities, and (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the City Council adopts or approves proceedings authorizing the issuance of refunding Notes or otherwise provide for the funding of an escrow to effect the defeasance of the Notes are rated as to investment quality by a nationally recognized investment rating firm not less than "AAA" or its equivalent.

Section 9. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED NOTES. (a) Replacement Notes. In the event any outstanding Note is damaged, mutilated, lost, stolen or destroyed, the Paying Agent/Registrar shall cause to be printed, executed and delivered, a new Note of the same principal amount, maturity and interest rate, as the damaged, mutilated, lost, stolen or destroyed Note, in replacement for such Note in the manner hereinafter provided.

(b) Application for Replacement Note. Application for replacement of a damaged, mutilated, lost, stolen or destroyed Note shall be made by the Registered Owner thereof to the Paying Agent/Registrar. In every case of loss, theft or destruction of a Note, the Registered Owner applying for a replacement Note shall furnish to the City and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft or destruction of a Note, the Registered Owner shall furnish to the City and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft or destruction of such Note, as the case may be. In every case of damage or mutilation of a Note, the Registered Owner shall surrender to the Paying Agent/Registrar for cancellation the Note so damaged or mutilated.

(c) No Default Occurred. Notwithstanding the foregoing provisions of this Section, in the event any such Note shall have matured, and no default has occurred which is then continuing in the payment of the principal of, redemption premium, if any, or interest on the Note, the City may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Note) instead of issuing a replacement Note, provided security or indemnity is furnished as above provided in this Section.

(d) Charge for Issuing Replacement Note. Prior to the issuance of any replacement Note, the Paying Agent/Registrar shall charge the Registered Owner of such Note with all legal, printing, and other expenses in connection therewith. Every replacement Note issued pursuant to the provisions of this Section by virtue of the fact that any Note is lost, stolen or destroyed shall constitute a contractual obligation of the City whether or not the lost, stolen or destroyed Note shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Note duly issued under this Ordinance.

(e) Authority for Issuing Replacement Note. In accordance with Subchapter B of Texas Government Code, Chapter 1206, this Section of this Ordinance shall constitute authority for the issuance of any such replacement Note without necessity of further action by the governing body of the City or any other body or person, and the duty of the replacement of such Note is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such Note in the form and manner and with the effect, as provided in Section 9(a) of this Ordinance for Note issued in conversion and exchange for other Note.

Section 10. CUSTODY, APPROVAL, AND REGISTRATION OF NOTES; BOND COUNSEL'S OPINION; CUSIP NUMBERS AND CONTINGENT INSURANCE PROVISION, IF OBTAINED. The Mayor of the City is hereby authorized to have control of the Notes initially issued and delivered hereunder and all necessary records and proceedings pertaining to the Notes pending their delivery and their investigation, examination, and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts

of the State of Texas. Upon registration of the Notes said Comptroller of Public Accounts (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Note attached to such Notes, and the seal of said Comptroller shall be impressed, or placed in facsimile, on such Note. The approving legal opinion of the City's Bond Counsel and the assigned CUSIP numbers may, at the option of the City, be printed on the Notes issued and delivered under this Ordinance, but neither shall have any legal effect, and shall be solely for the convenience and information of the Registered Owners of the Notes. In addition, if bond insurance is obtained, the Notes may bear an appropriate legend as provided by the insurer.

Section 11. COVENANTS REGARDING TAX EXEMPTION OF INTEREST ON THE NOTES. (a) Covenants. The City covenants to take any action necessary to assure, or refrain from any action which would adversely affect, the treatment of the Note as an obligation described in section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the City covenants as follows:

(1) to take any action to assure that no more than 10 percent of the proceeds of the Note or the projects financed therewith (less amounts deposited to a reserve fund, if any) are used for any "private business use," as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds or the projects financed therewith are so used, such amounts, whether or not received by the City, with respect to such private business use, do not, under the terms of this Ordinance or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Note, in contravention of section 141(b)(2) of the Code;

(2) to take any action to assure that in the event that the "private business use" described in subsection (1) hereof exceeds 5 percent of the proceeds of the Note or the projects financed therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" which is "related" and not "disproportionate," within the meaning of section 141(b)(3) of the Code, to the governmental use;

(3) to take any action to assure that no amount which is greater than the lesser of \$5,000,000, or 5 percent of the proceeds of the Note (less amounts deposited into a reserve fund, if any) is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;

(4) to refrain from taking any action which would otherwise result in the Note being treated as "private activity bonds" within the meaning of section 141(b) of the Code;

(5) to refrain from taking any action that would result in the Note being "federally guaranteed" within the meaning of section 149(b) of the Code;

(6) to refrain from using any portion of the proceeds of the Note, directly or indirectly, to acquire or to replace funds which were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) which produces a

materially higher yield over the term of the Note, other than investment property acquired with --

(A) proceeds of the Note invested for a reasonable temporary period of 3 years or less or, in the case of a refunding bond, for a period of 90 days or less until such proceeds are needed for the purpose for which the Note is issued,

(B) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Treasury Regulations, and

(C) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Note;

(7) to otherwise restrict the use of the proceeds of the Note or amounts treated as proceeds of the Note, as may be necessary, so that the Note does not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage) and, to the extent applicable, section 149(d) of the Code (relating to advance refundings); and

(8) to refrain from using the proceeds of the Note or proceeds of any prior bonds to pay debt service on another issue more than 90 days after the date of issue of the Note in contravention of the requirements of section 149(d) of the Code (relating to advance refundings); and

(9) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Notes) an amount that is at least equal to 90 percent of the "Excess Earnings," within the meaning of section 148(f) of the Code and to pay to the United States of America, not later than 60 days after the Notes have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code.

(b) Rebate Fund. In order to facilitate compliance with the above covenant (8), a "Rebate Fund" is hereby established by the City for the sole benefit of the United States of America, and such fund shall not be subject to the claim of any other person, including without limitation the Holder of the Notes. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.

(c) Proceeds. The City understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations and, in the case of refunding bonds, transferred proceeds (if any) and proceeds of the refunded bonds expended prior to the date of issuance of the Note. It is the understanding of the City that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated which modify or expand provisions of the Code, as applicable to the Note, the City will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Note under section 103 of the Code. In the event that regulations or

rulings are hereafter promulgated which impose additional requirements which are applicable to the Note, the City agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Note under section 103 of the Code. In furtherance of such intention, the City hereby authorizes and directs the City Manager or Director of Finance to execute any documents, Note or reports required by the Code and to make such elections, on behalf of the City, which may be permitted by the Code as are consistent with the purpose for the issuance of the Note. This Ordinance is intended to satisfy the official intent requirements set forth in Section 1.150-2 of the Treasury Regulations.

(d) Allocation Of, and Limitation On, Expenditures for the Project. The City covenants to account for the expenditure of sale proceeds and investment earnings to be used for the purposes described in Section 1 of this Ordinance (the "Project") on its books and records in accordance with the requirements of the Code. The City recognizes that in order for the proceeds to be considered used for the reimbursement of costs, the proceeds must be allocated to expenditures within 18 months of the later of the date that (1) the expenditure is made, or (2) the Project is completed; but in no event later than three years after the date on which the original expenditure is paid. The foregoing notwithstanding, the City recognizes that in order for proceeds to be expended under the Code, the sale proceeds or investment earnings must be expended no more than 60 days after the earlier of (1) the fifth anniversary of the delivery of the Note, or (2) the date the Note is retired. The City agrees to obtain the advice of nationally recognized bond counsel if such expenditure fails to comply with the foregoing to assure that such expenditure will not adversely affect the tax-exempt status of the Note. For purposes of this subsection, the City shall not be obligated to comply with this covenant if it obtains an opinion of nationally recognized bond counsel to the effect that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(e) Disposition of Project. The City covenants that the property constituting the Project will not be sold or otherwise disposed in a transaction resulting in the receipt by the City of cash or other compensation, unless the City obtains an opinion of nationally recognized bond counsel that such sale or other disposition will not adversely affect the tax-exempt status of the Note. For purposes of this subsection, the portion of the property comprising personal property and disposed of in the ordinary course shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes of this subsection, the City shall not be obligated to comply with this covenant if it obtains an opinion of nationally recognized bond counsel to the effect that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(f) Reimbursement. This Ordinance is intended to satisfy the official intent requirements set forth in section 1.150-2 of the Treasury Regulations.

Section 12. SALE OF NOTES. The Notes are hereby officially sold and shall be delivered to _____ (the "Purchaser") at the price of \$_____ (representing the par amount of the Notes plus a net premium of \$_____ and less an underwriting discount of \$_____), all in accordance with the terms and provisions of a Purchase Agreement in substantially the form presented at this meeting, which the Mayor of the City is hereby authorized

and directed to execute and deliver such Purchase Agreement. The City will initially deliver to the Underwriter the Notes authorized under this Ordinance. The Certificates shall initially be registered in the name of Cede & Co. The City finds that the terms of the sale are the most advantageous reasonably available.

Section 13. DEFAULT AND REMEDIES. (a) Events of Default. Each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an Event of Default:

(i) the failure to make payment of the principal of or interest on any of the Notes when the same becomes due and payable; or

(ii) default in the performance or observance of any other covenant, agreement or obligation of the City, the failure to perform which materially, adversely affects the rights of the Registered Owners of the Notes, including, but not limited to, their prospect or ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of 60 days after notice of such default is given by any Registered Owner to the City.

(b) Remedies for Default.

(i) Upon the happening of any Event of Default, then and in every case, any Registered Owner or an authorized representative thereof, including, but not limited to, a trustee or trustees therefor, may proceed against the City, or any official, officer or employee of the City in their official capacity, for the purpose of protecting and enforcing the rights of the Registered Owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the Registered Owners hereunder or any combination of such remedies.

(ii) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all Registered Owners of Notes then outstanding.

(c) Remedies Not Exclusive.

(i) No remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Notes or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Notes shall not be available as a remedy under this Ordinance.

(ii) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

(iii) By accepting the delivery of a Note authorized under this Ordinance, such Registered Owner agrees that the certifications required to effectuate any covenants or representations contained in this Ordinance do not and shall never constitute or give rise to a

personal or pecuniary liability or charge against the officers, employees or trustees of the City or the City Council.

(iv) None of the members of the City Council, nor any other official or officer, agent, or employee of the City, shall be charged personally by the Registered Owners with any liability, or be held personally liable to the Registered Owners under any term or provision of this Ordinance, or because of any Event of Default or alleged Event of Default under this Ordinance.

Section 14. INTEREST EARNINGS ON NOTE PROCEEDS. Interest earnings derived from the investment of proceeds from the sale of the Notes shall be used along with other Note proceeds for the purpose for which the Notes are issued set forth in Section 1 hereof; provided that after completion of such purpose, if any of such interest earnings remain on hand, such interest earnings shall be deposited in the Interest and Sinking Fund. It is further provided, however, that any interest earnings on Note proceeds which are required to be rebated to the United States of America pursuant to Section 11 hereof in order to prevent the Notes from being arbitrage Notes shall be so rebated and not considered as interest earnings for the purposes of this Section.

Section 15. APPROVAL OF PAYING AGENT/REGISTRAR AGREEMENT, AND OFFICIAL STATEMENT. The Paying Agent/Registrar Agreement in substantially the form and substance previously approved by the City is hereby approved and each of the Mayor, the City Manager and the Director of Finance are hereby authorized to amend, complete and modify such agreement as necessary and are further authorized to execute such agreement.

The City hereby approves the form and content of the Official Statement relating to the Notes and any addenda, supplement or amendment thereto, and approves the distribution of such Official Statement in the reoffering of the Notes by the Initial Purchaser in final form, with such changes therein or additions thereto as the officer executing the same may deem advisable, such determination to be conclusively evidenced by his execution thereof. The distribution and use of the Preliminary Official Statement dated _____, 2025, prior to the date hereof is ratified and confirmed. The City Council of the City hereby finds and determines that the Preliminary Official Statement and the Official Statement were and are "deemed final" (as that term is defined in 17 C.F.R. Section 240.15c-12) as of their respective dates.

[Section 15. AMENDMENT OF ORDINANCE. The City hereby reserves the right to amend this Ordinance subject to the following terms and conditions, to-wit:

(a) The City may from time to time, without the consent of any holder, except as otherwise required by paragraph (b) below, amend or supplement this Ordinance to (i) cure any ambiguity, defect or omission in this Ordinance that does not materially adversely affect the interests of the holders, (ii) grant additional rights or security for the benefit of the holders, (iii) add events of default as shall not be inconsistent with the provisions of this Ordinance and that shall not materially adversely affect the interests of the holders, (iv) qualify this Ordinance under the Trust Indenture Act of 1939, as amended, or corresponding provisions of federal laws from time to time in effect, (v) obtain insurance or ratings on the Note, (vi) obtain the approval of the Attorney General of the State Texas, or (vii) make such other provisions in regard to matters or questions arising under this

Ordinance as shall not be inconsistent with the provisions of this Ordinance and that shall not in the opinion of the City's Bond Counsel materially adversely affect the interests of the holders.

(b) Except as provided in paragraph (a) above, the holders of the Note aggregating in principal amount 51% of the aggregate principal amount of then outstanding Note that are the subject of a proposed amendment shall have the right from time to time to approve any amendment hereto that may be deemed necessary or desirable by the City; provided, however, that without the consent of 100% of the holders in aggregate principal amount of the then outstanding Note, nothing herein contained shall permit or be construed to permit amendment of the terms and conditions of this Ordinance or in the Note so as to:

- (1) Make any change in the maturity of the outstanding Note;
- (2) Reduce the rate of interest borne by the outstanding Note;
- (3) Reduce the amount of the principal of, or redemption premium, if any, payable on the outstanding Note;
- (4) Modify the terms of payment of principal or of interest or redemption premium on the outstanding Note or any of them or impose any condition with respect to such payment; or
- (5) Change the minimum percentage of the principal amount of any series of Note necessary for consent to such amendment.

(c) If at any time the City shall desire to amend this Ordinance under this Section, the City shall send by U.S. mail to each registered owner of the affected Note a copy of the proposed amendment and cause notice of the proposed amendment to be published at least once in a financial publication published in The City of New York, New York or in the State of Texas. Such published notice shall briefly set forth the nature of the proposed amendment and shall state that a copy thereof is on file at the office of the City for inspection by all holders of such Note.

(d) Whenever at any time within one year from the date of publication of such notice the City shall receive an instrument or instruments executed by the holders of at least 51% in aggregate principal amount of the Note then outstanding that are required for the amendment, which instrument or instruments shall refer to the proposed amendment and that shall specifically consent to and approve such amendment, the City may adopt the amendment in substantially the same form.

(e) Upon the adoption of any amendatory Ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be modified and amended in accordance with such amendatory Ordinance, and the respective rights, duties, and obligations of the City and all holders of such affected Note shall thereafter be determined, exercised, and enforced, subject in all respects to such amendment.

(f) Any consent given by the holder of a Note pursuant to the provisions of this Section shall be irrevocable for a period of six months from the date of the publication of the notice provided for in this Section, and shall be conclusive and binding upon all future holders of the same Note

during such period. Such consent may be revoked at any time after six months from the date of the publication of said notice by the holder who gave such consent, or by a successor in title, by filing notice with the City, but such revocation shall not be effective if the holders of 51% in aggregate principal amount of the affected Note then outstanding, have, prior to the attempted revocation, consented to and approved the amendment.]

Section 16. CONTINUING DISCLOSURE UNDERTAKING. (a) Annual Reports. The City shall provide annually to the MSRB, in an electronic format as prescribed by the MSRB, (i) within six months after the end of each fiscal year of the City ending in or after 2025, financial information and operating data, which information and data may be unaudited, with respect to the City of the general type included in the final Official Statement authorized by Section 15 of this Ordinance, being the information described in Exhibit "A" hereto, including financial statements of the City if audited financial statements of the City are then available and (ii) if not provided as part of such financial information and operating data, audited financial statements of the City, within twelve months after the end of each fiscal year of the City ending in or after 2025. Any financial statements to be so provided shall be (1) prepared in accordance with the accounting principles described in Exhibit "A" hereto, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation, and (2) audited, if the City commissions an audit of such statements and the audit is completed within the period during which they must be provided. If the audit of such financial statements is not complete within such period, then the City shall provide unaudited financial statements within such period, and audited financial statements for the applicable fiscal year to the MSRB, when and if the audit report on such statements become available.

If the City changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section.

(b) Event Notices. The City shall file notice to notify the MSRB of any of the following events with respect to the Notes in a timely manner and not more than ten business days after the occurrence of the event:

1. Principal and interest payment delinquencies;
2. Non-payment related defaults, if material;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;
4. Unscheduled draws on credit enhancements reflecting financial difficulties;
5. Substitution of credit or liquidity providers, or their failure to perform;
6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Notes, or other events affecting the tax status of the Notes

7. Modifications to rights of holders of the Notes, if material;
8. Bond calls, if material, and tender offers;
9. Defeasances;
10. Release, substitution, or sale of property securing repayment of the Notes, if material;
11. Rating changes;
12. Bankruptcy, insolvency, receivership or similar event of the City;
13. The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
14. Appointment of a successor or additional trustee or the change of name of a trustee, if material;
15. Incurrence of a Financial Obligation of the City, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the City, any of which affect security holder, if material; and
16. Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the City, any of which reflect financial difficulties.

For these purposes, (a) any event described in the immediately preceding paragraph (12) is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent, or similar officer for the City in a proceeding under the United States Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers of the City in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement, or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City, and (b) the City intends the words used in the immediately preceding paragraphs (15) and (16) and the definition of Financial Obligation in this Section to have the same meanings as when they are used in the Rule, as evidenced by SEC Release No. 34-83885, dated August 20, 2018.

The City shall notify the MSRB, in an electronic format as prescribed by the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in

accordance with subsection (a) of this Section by the time required by such subsection. All documents provided to the MSRB pursuant to this Section shall be accompanied by identifying information as prescribed by the MSRB.

(c) Limitations, Disclaimers, and Amendments. The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an "obligated person" with respect to the Notes within the meaning of the Rule, except that the City in any event will give notice of any deposit made in accordance with Section 8 of this Ordinance that causes the Notes no longer to be outstanding.

The provisions of this Section are for the sole benefit of the holders and beneficial owners of the Notes, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Notes at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY NOTE OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

No default by the City in observing or performing its obligations under this Section shall comprise a breach of or default under this Ordinance for purposes of any other provision of this Ordinance.

Should the Rule be amended to obligate the City to make filings with or provide notices to entities other than the MSRB, the City hereby agrees to undertake such obligation with respect to the Notes in accordance with the Rule as amended.

Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

The provisions of this Section may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Notes in the primary offering of the Notes in compliance with the Rule, taking into account any amendments or interpretations of the Rule since such offering as well as such changed circumstances and (2) either

(a) the holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the outstanding Notes consents to such amendment or (b) a person that is unaffiliated with the City (such as nationally recognized Bond counsel) determines that such amendment will not materially impair the interest of the holders and beneficial owners of the Notes. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with subsection (a) of this Section an explanation, in narrative form, of the reason for the amendment and of the impact of any change in the type of financial information or operating data so provided. The City may also amend or repeal the provisions of this continuing disclosure agreement if the SEC amends or repeals the applicable provision of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Notes in the primary offering of the Notes.

(d) Format, Identifying Information, and Incorporation by Reference. All financial information, operating data, financial statements, and notices required by this Section to be provided to the MSRB shall be provided in an electronic format and be accompanied by identifying information prescribed by the MSRB.

Financial information and operating data to be provided pursuant to subsection (a) of this Section may be set forth in full in one or more documents or may be included by specific reference to any document (including an official statement or other offering document) available to the public on the MSRB's Internet Web site or filed with the SEC.

Section 17. NO RECOURSE AGAINST CITY OFFICIALS. No recourse shall be had for the payment of principal of or interest on any Notes or for any claim based thereon or on this Ordinance against any official of the City or any person executing any Notes.

Section 18. FURTHER ACTIONS. The officers and employees of the City are hereby authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and under the corporate seal and on behalf of the City all such instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, the Note, the initial sale and delivery of the Note, the Paying Agent/Registrar Agreement, any insurance commitment letter or insurance policy and the Official Statement. In addition, prior to the initial delivery of the Note, the City Manager or Assistant City Manager are each hereby authorized and directed to approve any technical changes or corrections to this Ordinance or to any of the instruments authorized and approved by this Ordinance necessary in order to (i) correct any ambiguity or mistake or properly or more completely document the transactions contemplated and approved by this Ordinance and as described in the Official Statement or (ii) obtain the approval of the Notes by the Texas Attorney General's office.

In case any officer of the City whose signature shall appear on the Note shall cease to be such officer before the delivery of the Note, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

Section 19. INTERPRETATIONS. All terms defined herein and all pronouns used in this Ordinance shall be deemed to apply equally to singular and plural and to all genders. The titles and headings of the articles and sections of this Ordinance and the Table of Contents of this Ordinance have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof. This Ordinance and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein and to sustain the validity of the Note and the validity of the lien on and pledge of the Pledged Revenues to secure the payment of the Note.

Section 20. INCONSISTENT PROVISIONS. All ordinances, orders or resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict and the provisions of this Ordinance shall be and remain controlling as to the matters contained herein.

Section 21. INTERESTED PARTIES. Nothing in this Ordinance expressed or implied is intended or shall be construed to confer upon, or to give to, any person or entity, other than the City and the registered owners of the Note, any right, remedy or claim under or by reason of this Ordinance or any covenant, condition or stipulation hereof, and all covenants, stipulations, promises and agreements in this Ordinance contained by and on behalf of the City shall be for the sole and exclusive benefit of the City and the registered owners of the Note.

Section 22. INCORPORATION OF RECITALS. The City hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the City hereby incorporates such recitals as a part of this Ordinance.

Section 23. SEVERABILITY. If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid, and this governing body hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 24. REPEALER. All orders, resolutions and ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 25. EFFECTIVE DATE. This Ordinance shall become effect immediately from and after its passage on first and final reading in accordance with Section 1201.028, Texas Government Code, as amended.

Section 26. PERFECTION. Chapter 1208, Government Code, applies to the issuance of the Note and the pledge of ad valorem taxes and surplus net revenues granted by the City under Sections 6 and 7 of this Ordinance, and such pledge is therefore valid, effective and perfected. If Texas law is amended at any time while the Note is outstanding and unpaid such that the pledge of ad valorem taxes and surplus net revenues granted by the City under Sections 6 and 7 of this Ordinance is to be subject to the filing requirements of Chapter 9, Business & Commerce Code, then in order to preserve to the registered owners of the Note the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Business & Commerce Code and enable a filing to perfect the security interest in said pledge to occur.

[Section 27. REIMBURSEMENT. The City expects to pay expenditures in connection with the purposes set forth in the Section 1 of this Ordinance prior to the issuance of the Note. The City finds, considers and declares that the reimbursement of the City for the payment of such expenditures will be appropriate and consistent with the lawful objectives of the City and, as such, chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of the Treasury Regulations, to reimburse itself for such payments at such time as it issues Note to accomplish the purposes set forth in Section 1 of this Ordinance. All costs to be reimbursed pursuant hereto will be capital expenditures. No Note will be issued by the City in furtherance of this Ordinance after a date which is later than 18 months after the later of (1) the date the expenditures are paid or (2) the date on which the property, with respect to which such expenditures were made, is placed in service. The foregoing notwithstanding, no Note will be issued pursuant to this Ordinance more than three years after the date any expenditure which is to be reimbursed is paid.]

Section 28. PAYMENT OF ATTORNEY GENERAL FEE. The City hereby authorizes the disbursement of a fee equal to the lesser of (i) one-tenth of one percent of the principal amount of the Note or (ii) \$9,500, provided that such fee shall not be less than \$750, to the Attorney General of Texas Public Finance Division for payment of the examination fee charged by the State of Texas for the Attorney General's review and approval of public securities and credit agreements, as required by Section 1202.004 of the Texas Government Code. The appropriate member of the City's staff is hereby instructed to take the necessary measures to make this payment. The City is also authorized to reimburse the appropriate City funds for such payment from proceeds of the Note.

Section 29. ELECTRONIC SIGNATURES. The City's Financial Advisor, Bond Counsel and City Attorney are hereby authorized to use electronic signatures for the Mayor, the City Secretary, the Director of Finance, the City Manager or any other authorized representative of the City in connection with the offering and sale of the Notes.

Section 30. WAIVER OF JURY TRIAL. TO THE EXTENT ALLOWED BY LAW, THE CITY AND THE PURCHASER EACH HEREBY WAIVES, ANY RIGHT IT MAY HAVE TO A TRIAL BY JURY IN ANY LEGAL PROCEEDING DIRECTLY OR INDIRECTLY ARISING OUT OF OR RELATING TO THIS ORDINANCE, THE NOTE OR THE TRANSACTIONS CONTEMPLATED HEREBY (WHETHER BASED ON CONTRACT, TORT OR ANY OTHER THEORY). EACH SUCH PARTY (A) CERTIFIES THAT NO REPRESENTATIVE, AGENT OR ATTORNEY OF ANY OTHER PARTY HAS REPRESENTED, EXPRESSLY OR OTHERWISE, THAT SUCH OTHER PARTY WOULD NOT, IN THE EVENT OF LITIGATION, SEEK TO ENFORCE THE FOREGOING WAIVER AND (B) ACKNOWLEDGES THAT IT AND THE OTHER PARTIES HERETO HAVE BEEN INDUCED TO ENTER INTO THE TRANSACTIONS CONTEMPLATED HEREBY BY, AMONG OTHER THINGS, THE MUTUAL WAIVERS AND CERTIFICATIONS IN THIS SECTION.

IN ACCORDANCE WITH SECTION 1201.028, Texas Government Code, finally passed, approved and effective on this 18th day of November, 2025.

THE CITY OF KILLEEN, TEXAS

Mayor, City of Killeen, Texas

ATTEST:

City Secretary, City of Killeen, Texas

APPROVED AS TO FORM:

City Attorney, City of Killeen, Texas

[Signature Page]

EXHIBIT A

DEFINITIONS

As used in this Ordinance, the following terms and expressions shall have the meanings set forth below, unless the text hereof specifically indicates otherwise:

"*Authorized Denominations*" means the denomination of \$5,000 or any integral multiple thereof with respect to the Note and in the denomination of \$5,000 in maturity amount or any integral multiple thereof with respect to the Note.

"*Bond Insurer*" or "*Insurer*" means the provider of a municipal bond insurance policy for the Note or any other entity that insures or guarantees the payment of principal and interest on any Note.

"*Book-Entry-Only System*" means the book-entry system of note registration provided in Section 3, or any successor system of book-entry registration.

"*Business Day*" means any day which is not a Saturday, Sunday or a day on which the Paying Agent/Registrar is authorized by law or executive order to remain closed.

"*Cede & Co.*" means the designated nominee and its successors and assigns of The Depository Trust Company, New York.

"*City*" means the City of Killeen, Texas, and where appropriate, the City Council.

"*City Council*" means the governing body of the City.

"*Closing Date*" means the date of initial delivery of and payment for the Notes.

"*Defeasance Securities*" means (i) Federal Securities, (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the City Council adopts or approves proceedings authorizing the issuance of refunding notes or otherwise provide for the funding of an escrow to effect the defeasance of the Note is rated as to investment quality by a nationally recognized investment rating firm not less than "AAA" or its equivalent, (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date the City Council adopts or approves proceedings authorizing the issuance of refunding notes or otherwise provide for the funding of an escrow to effect the defeasance of the Note, are rated as to investment quality by a nationally recognized investment rating firm no less than "AAA" or its equivalent and (iv) any other then authorized securities or obligations under applicable State law that may be used to defease obligations such as the Note.

"*Depository*" means one or more official depository banks of the City.

"DTC" means The Depository Trust Company, New York, New York and its successors and assigns.

"DTC Participant" means securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants.

"Federal Securities" as used herein means direct, noncallable obligations of the United States of America, including obligations that are unconditionally guaranteed by the United States of America (including Interest Strips of the Resolution Funding Corporation).

"Financial Obligation" means a (a) debt obligation; (b) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (c) guarantee of a debt obligation or any such derivative instrument; provided that "Financial Obligation" shall not include municipal securities (as defined in the Securities Exchange Act of 1934, as amended) as to which a final official statement (as defined in the Rule) has been provided to the MSRB consistent with Rule.

"Fiscal Year" means the twelve-month accounting period used by the City in connection with the operation of the System, currently ending on September 30 of each year, which may be any twelve consecutive month period established by the City, but in no event may the Fiscal Year be changed more than one time in any three calendar year period.

"Holder," "Holders," "Owners" or "Registered Owners" means any person or entity in whose name a Note is registered in the Security Register.

"Initial Note" means the Note authorized, issued, and initially delivered as provided in Section 3 of this Ordinance.

"Insurance Policy" means an insurance policy issued by any Insurer guaranteeing the scheduled principal of and interest on the Note when due.

"Interest and Sinking Fund" means the special fund maintained by the provisions of **Section 5** of this Ordinance.

"Interest Payment Date" means a date on which interest on the Note is due and payable.

"Issuance Date" means the date of delivery of the Notes.

"MSRB" means the Municipal Securities Rulemaking Board.

"Note" or "Notes" means the "City of Killeen, Texas Limited Tax Notes, Series 2025."

"Ordinance" means this ordinance finally adopted by the City Council on November 18, 2025.

"*Outstanding*", when used with respect to the Notes, means, as of the date of determination, all Notes theretofore delivered under this Ordinance, except:

(1) Notes theretofore cancelled and delivered to the City or delivered to the Paying Agent/Registrar for cancellation;

(2) Notes deemed paid pursuant to the provisions of Section 9 of this Ordinance;

(3) Notes upon transfer of or in exchange for and in lieu of which other Note has been authenticated and delivered pursuant to this Ordinance

(4) Notes under which the obligations of the City have been released, discharged or extinguished in accordance with the terms thereof.

"*Rating Agency*" means any nationally recognized securities rating agency which has assigned, at the request of the City, a rating to the Note.

"*Record Date*" means Record Date as defined in Section 4 the Form of Note.

"*Redemption Date*" means a date fixed for redemption of any Note pursuant to the terms of this Ordinance.

"*Register*" or "*Registration Books*" means the registry system maintained on behalf of the City by the Registrar in which are listed the names and addresses of the Registered Owners and the principal amount of Note registered in the name of each Registered Owner.

"*Rule*" means SEC Rule 15c2-12, as amended from time to time.

"*SEC*" means the United States Securities and Exchange Commission.



LIMITED TAX NOTE ISSUE FOR FIRE DEPARTMENT SCBA'S

OR-25-014

November 18, 2025

Background

2

- ❑ **March 21:** Departments submitted their decision packages for the FY 2026 Budget.
 - ▣ The Fire Department submitted a request for 150 SCBA units.
- ❑ **July 3:** The City Manager presented the Proposed Budget, which included the issuance of a tax note to acquire the SCBA equipment.
- ❑ **September 2:** City Council adopted the FY 2026 Budget.

Background

3

- ❑ Texas Government Code, Chapter 1431, authorizes municipalities to issue tax notes
- ❑ Financial Government Policy allows City to issue tax notes
- ❑ Machinery and equipment are an allowed use
- ❑ Short-term debt security that must be repaid within seven years
- ❑ Open-market sale

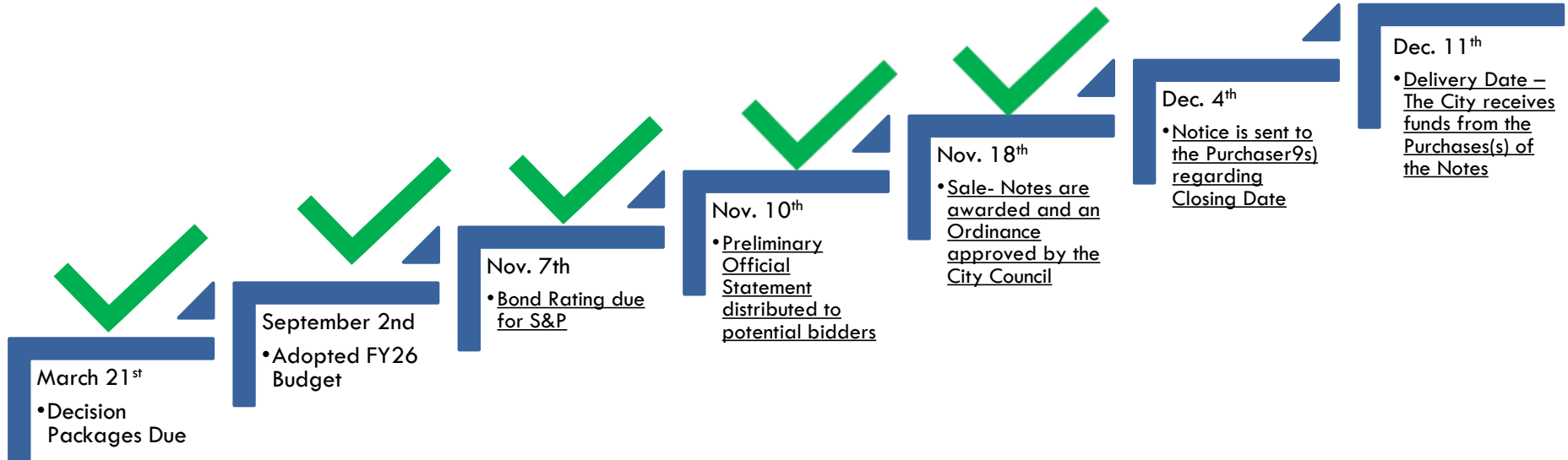
Tax Note Information

4

- ❑ 150 Self Contained Breathing Apparatus (SCBA's) with thread savers, 29 rapid intervention team packs, SCBA decontamination machine and 1 new SCBA compressors
- ❑ Estimated \$3.5 million limited tax note
- ❑ Tax notes paid over seven years at approximately \$604,870
- ❑ Payments made from accumulated fund balance in Debt Service Fund
- ❑ Partial increase on the tax rate in FY26 included the tax note

Timeline

5



Process

6

- ❑ Open-market sale
 - ▣ Cost savings due to competitive and rated Note issuance
 - ▣ Bidders are from all over the country
 - ▣ High credit quality should attract strong bidders
- ❑ Receive bids and present to City Council on November 18th
- ❑ Requires City Council approval

Bid Results

7

- Results will be available on November 18th including the summary of bids and bidders.
- Note bond rating recap will be provided.

Recommendation

8

City Council approve the ordinance authorizing the issuance of Limited Tax Note, Series 2025.



City of Killeen

Staff Report

File Number: PH-25-065

Hold a public hearing and consider an ordinance submitted by City staff, on behalf of the property owners, **(Case# Z25-18)** to rezone approximately 1.39 acres, being Lot 3, Block 2, out of the Julius Alexander Industrial Subdivision from "M-1" (Manufacturing District) to "R-3A" (Multifamily Apartment Residential District). The subject property is locally addressed as 400 Liberty Street, Killeen, Texas.

DATE: November 18, 2025

TO: Kent Cagle, City Manager

FROM: Wallis Meshier, Exec. Dir. Of Dev.

SUBJECT: Zoning Case #Z25-18: "M-1" to "R-3A"

BACKGROUND AND FINDINGS:

Property Information:

Property Owner: Urban Living Luxe V LLC
Agent: N/A
Current Zoning: "M-1" (Manufacturing District)
Proposed Zoning: "R-3A" (Multifamily Apartment Residential District)
FLUM Designation: 'Campus' (C)
Growth Sector Designation: 'Neighborhood Infill'

Summary of Request:

This is a city-initiated request to rezone the property at 400 Liberty Street from "M-1" (Manufacturing District) to "R-3A" (Multifamily Apartment Residential District) in order to allow multifamily apartment residential uses by-right.

This request aims to amend the property's current zoning to make it consistent with the existing multifamily residential land use. The existing structures are considered legal non-conforming and therefore subject to the Killeen Code of Ordinances Section 31-54, which states that a nonconforming structure cannot be rebuilt in case of total destruction. If approved, this City-initiated request to rezone the property will bring the current use of the properties into compliance. The property owner plans to rebuild the apartment building that was destroyed in the 2025 Atkinson Avenue fire. Rezoning the property to "R-3A" (Multifamily Apartment Residential District) will allow the

property owner to submit permits for the proposed multifamily building.

The goal of the City-initiated request is to ensure that the property owner can rebuild the apartment building, meet all code regulations, and to be better positioned to sell or refinance their property in the future, should they choose to do so. This rezoning initiative will have no negative impacts on this property, nor will it affect the property values.

Zoning/Plat Case History:

The subject property was annexed into the City limits on May 25, 1959. The property was subsequently zoned "M-1" (Manufacturing District). The property is currently platted as Lot 3, Block 2, Julius Alexander Industrial Subdivision.

Character of the Area:

North: Undeveloped property zoned "R-3A" (Multifamily Apartment Residential District)

South: Existing business zoned "M-1" (Manufacturing District)

East: Undeveloped property zoned "R-3A" (Multifamily Apartment Residential District)

West: Existing business zoned "B-4" (Business District) and an apartment building zoned "M-1" (Manufacturing District)

Future Land Use Map Analysis:

This property is located within the 'Neighborhood Infill' area on the Growth Sector Map and designated as 'Campus' (C) on the Future Land Use Map (FLUM) of the 2022 Comprehensive Plan.

The 'Neighborhood Infill' area on the Growth Sector Map includes areas of the city that are already developed and have access to city services and infrastructure, but have vacant, underutilized, or poorly developed properties. Growth policies for this sector should encourage development or redevelopment of these properties with accessory dwelling units, smallplexes, and micro commercial that provides incremental increases in density. Development should match the existing character and improve walkable access to businesses and amenities for people living and working in the vicinity.

The 'Campus' place type is characterized by large-scale institutional developments and the amenities and offerings that come with them. Examples of these large developments would be Texas A&M Central Texas & KISD Schools as well as large church developments. These places serve as regional destinations because of their service and educational prowess with a unique place type is critical. While these spaces are likely to be religious, office, or educational in nature, residential use is also likely here to serve the needs of those who spend a lot of time on the campus. This place type encourages one hundred percent (100%) nonresidential and twenty-five percent (25%) residential use mix.

The request supports or furthers the following Comprehensive Plan recommendations:

- **LU3** - Encourage incremental evolution of neighborhoods.
- **NH7** - Focus on delivering housing for those in need.

Development Zone Analysis:

This property is located within the City of Killeen Development Zone #2. This development zone is north of Veterans Memorial Boulevard and east of WS Young Drive.

The current land use mix within this area comprises the following acreages and percentages approximately:

<u>District</u>	<u>Acreage</u>	<u>Percent</u>
Special Districts	88.35	1.96%
Residential	2,960.10	65.57%
Industrial	990.19	21.93%
Commercial	467.44	10.35%
Agricultural	8.15	0.18%
Total	4,514.23	100.00%
Vacant Land	1729.44	38.31%

Water, Sewer and Drainage Services:

Provider: City of Killeen
Within Service Area: Yes

Feasibility Study or Service Commitment: Water, wastewater, and drainage services are located within the City of Killeen municipal utility service area and are available to the subject tract.

Water services are available for the property via an existing 8" water distribution main located in Liberty Street. Wastewater services are available for the property via an existing 10" wastewater main located in Liberty Street.

There is no existing stormwater infrastructure adjacent to the property.

Transportation and Thoroughfare Plan:

Access for the property is via Liberty Street (65' ROW), which is classified as a local street in the currently adopted Comprehensive Plan.

PARKS AND PROPOSED TRAIL PLAN:

There are no proposed parks or trails located on this site. Parkland dedication, fees in-lieu-of parkland dedication, and parkland development fees will not be required because the property is already developed.

Environmental Assessment:

The property is in the Nolan Creek / Leon River Watershed. The property is located in Zone X (Outside the 0.2% Annual Change Flood Hazard), per Federal Emergency Management Agency Flood Insurance Rate Map 48027C0280E with effective date September 26, 2008. The property is not impacted by any wetlands or riverine areas, as shown on the National Wetlands Inventory maps for the property. No visual evidence of other environmental impediments is apparent on the property at this time.

Public Notification:

Staff notified seventeen (17) surrounding property owners regarding this request. To date, staff has received no responses regarding this request.

Staff Findings:

There are two existing structures located on the property. The surrounding area includes a mix of multi-family and commercial properties. Staff finds that the request is consistent with the recommendations of the Killeen 2040 Comprehensive Plan.

THE ALTERNATIVES CONSIDERED:

N/A

Which alternative is recommended? Why?

N/A

CONFORMITY TO CITY POLICY:

This zoning request conforms to the City's policy and procedures, as detailed in Chapter 31 of the Killeen Code of Ordinances.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

This zoning request does not involve the expenditure of city funds. Public infrastructure is already in place for this property and maintained by the City. Maintenance cost will continue for the life of the development.

Is this a one-time or recurring expenditure?

This is not applicable.

Is this expenditure budgeted?

This is not applicable.

If not, where will the money come from?

This is not applicable.

Is there a sufficient amount in the budgeted line item for this expenditure?

This is not applicable.

RECOMMENDATION:

Staff recommends approval of the City-initiated request to rezone the property from "M-1" (Manufacturing District) to "R-3A" (Multifamily Residential Apartment District) as presented.

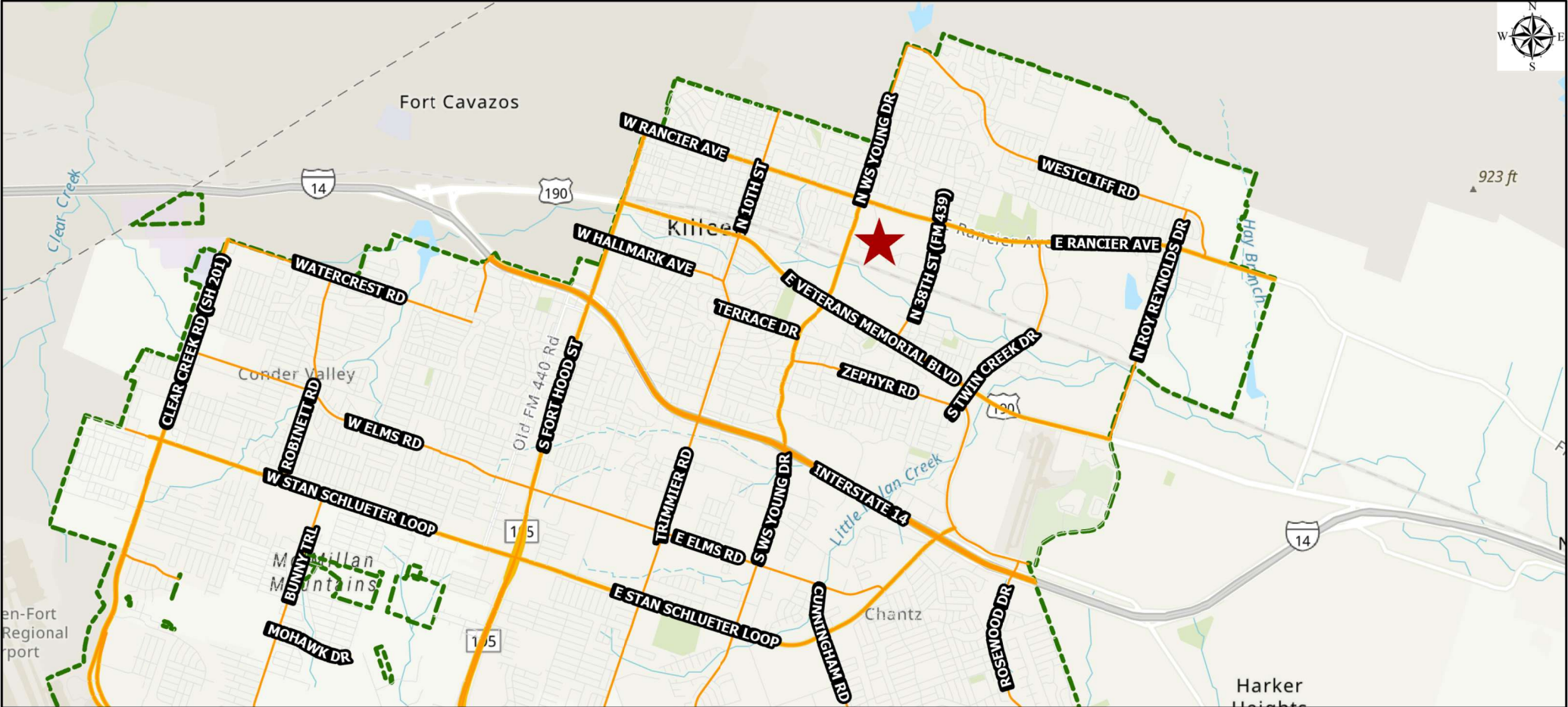
At their regular meeting on October 13, 2025, the Planning and Zoning Commission recommended approval of the request as presented by a vote of 5 to 0.

DEPARTMENTAL CLEARANCES:

This item has been reviewed by the Planning and Legal staff.

ATTACHED SUPPORTING DOCUMENTS:

Maps
Site Photos
Minutes
Ordinance
Presentation



LOCATION MAP

Council District: 1

0 1 2 Miles

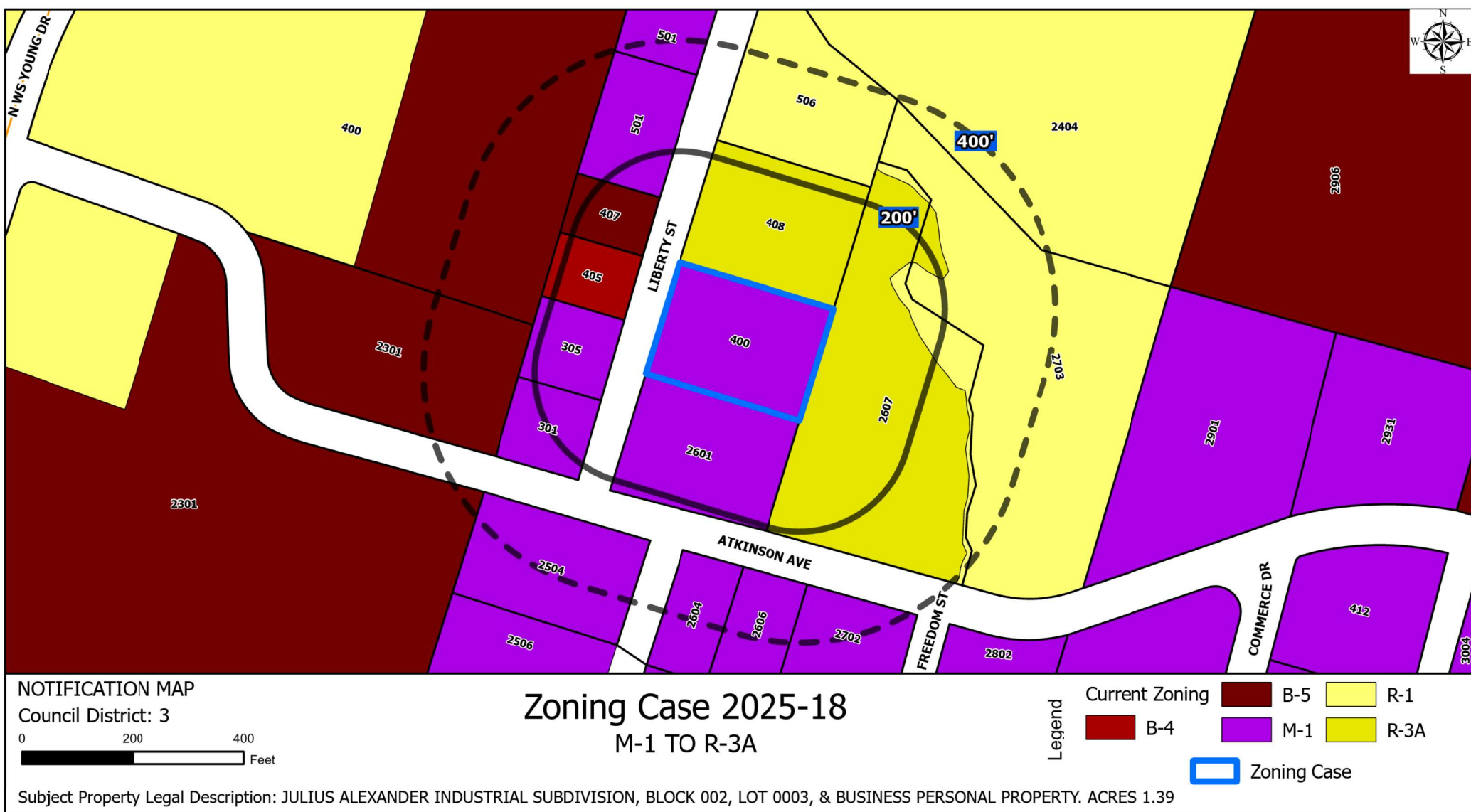
Zoning Case 2025-18

M-1 TO R-3A

Legend

- Major Roads
- City Limit
- Zoning Case Location

Subject Property Legal Description: JULIUS ALEXANDER INDUSTRIAL SUBDIVISION, BLOCK 002, LOT 0003, & BUSINESS PERSONAL PROPERTY. ACRES 1.39



SITE PHOTOS

Case #Z25-18: "M-1" to "R-3A"



View of the subject property facing east from Liberty Street:



View from the subject property facing south, towards the existing multifamily residential.



SITE PHOTOS

Case #Z25-18: "M-1" to "R-3A"



View from the subject property facing west from Liberty Street.



MINUTES
PLANNING AND ZONING COMMISSION MEETING
OCTOBER 13, 2025
CASE # Z25-18
“M-1” to “R-3A”

Hold a public hearing and consider a City-initiated request (**Case# Z25-18**) to rezone approximately 1.39 acres, being Lot 3, Block 2 out of the Julius Alexander Industrial Subdivision from “M-1” (Manufacturing District) to “R-3A” (Multifamily Apartment Residential District). The subject property is locally addressed as 400 Liberty Street, Killeen, Texas.

This item was presented to the Commission during their Work Session. Ms. Lopez was available to answer questions.

Chairman Giacomozzi opened the public hearing at 5:07 p.m.

With no one wishing to speak, the public hearing was closed at 5:07 p.m.

Commissioner Cooper moved to recommend approval of the request as presented. Commissioner Purifoy seconded, and the motion passed by a vote of 5 to 0.

AN ORDINANCE AMENDING THE CITY OF KILLEEN ZONING ORDINANCE BY CHANGING THE ZONING OF APPROXIMATELY 1.39 ACRES, BEING LOT 3, BLOCK 2, OUT OF THE JULIUS ALEXANDER INDUSTRIAL SUBDIVISION FROM “M-1” (MANUFACTURING DISTRICT) TO “R-3A” (MULTIFAMILY APARTMENT RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code and Section 31-39 of the City of Killeen Code of Ordinances, the City Council, upon application, may amend the City of Killeen Zoning Ordinance following a recommendation by the Planning and Zoning Commission and a public hearing;

WHEREAS, the City of Killeen, on behalf of the property owner, presented a request for an amendment to the City of Killeen Zoning Ordinance by changing the classification of approximately 1.39 acres, being Lot 3, Block 2, out of the Julius Alexander Industrial Subdivision, locally addressed as 400 Liberty Street, Killeen, Texas, from “M-1” (Manufacturing District) to “R-3A” (Multifamily Apartment Residential District);

WHEREAS, the Planning and Zoning Commission of the City of Killeen, following a public hearing on October 13, 2025, duly recommended approval of the application for amendment;

WHEREAS, due notice of the filing of said request and the date of hearing thereon was given as required by law, and hearing on said request was set for 3:00 P.M., on November 18, 2025, at the City Hall, City of Killeen; and

WHEREAS, the City Council at said hearing duly considered said request, the action of the Planning and Zoning Commission, and the evidence in support thereof, and the City Council being of the majority opinion that the zoning request should be approved as recommended by the Planning and Zoning Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:

SECTION I. That the zoning classification of approximately 1.39 acres, being Lot 3, Block 2, out of the Julius Alexander Industrial Subdivision, locally addressed as 400 Liberty Street, Killeen, Texas, be changed from “M-1” (Manufacturing District) to “R-3A” (Multifamily Apartment Residential District).

SECTION II. That should any section or part of this ordinance be declared unconstitutional or invalid for any reason, it shall not invalidate or impair the validity, force, or effect of any other section or parts of this ordinance.

SECTION III. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION IV. That this ordinance shall take effect immediately upon passage of the ordinance.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 18th day of November 2025, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, § 551.001, *et seq.*

APPROVED:

Debbie Nash-King, MAYOR

ATTEST:

Laura J. Calcote, CITY SECRETARY

APPROVED AS TO FORM

Holli C. Clements, CITY ATTORNEY

Case #25-18

Ord. #25-____

A stylized graphic in light gray showing a rocket launch. A curved line representing the rocket's path starts from the bottom left and curves upwards to the right, ending in a five-pointed star. Two trapezoidal shapes, representing the rocket's boosters, are positioned on either side of the launch path.

CASE #Z25-18: “M-1” TO “R-3A”

PH-25-065

November 18, 2025

Case #Z25-18: “M-1” to “R-3A”

- Hold a public hearing and consider a City-initiated request (**Case# Z25-18**) to rezone approximately 1.39 acres, being Lot 3, Block 2 out of the Julius Alexander Industrial Subdivision from “M-1” (Manufacturing District) to “R-3A” (Multifamily Apartment Residential District).
- The subject property is locally addressed as 400 Liberty Street, Killeen, Texas.

Case #Z25-18: “M-1” to “R-3A”

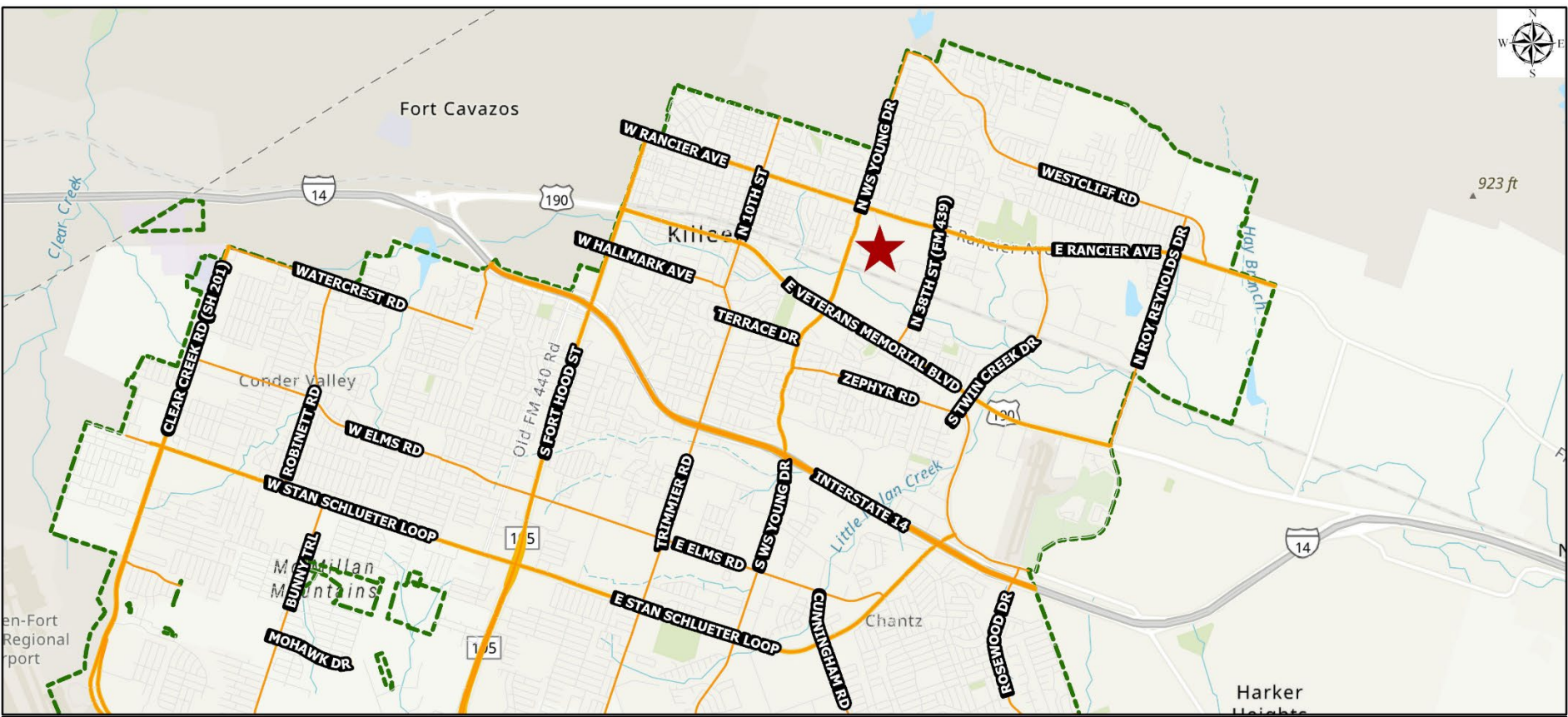
- This is a City-initiated request to rezone the property at 400 Liberty Street from “M-1” (Manufacturing District) to “R-3A” (Multifamily Apartment Residential District) to allow for use of the property as a multifamily residential apartment by-right.
- If approved, this request will amend the zoning of the property to make it consistent with the existing multifamily residential land use. The existing structures on the site are considered legal non-conforming.

Case #Z25-18: “M-1” to “R-3A”

- Killeen Code of Ordinances Sec. 31-54, states that a nonconforming structure cannot be rebuilt in case of total destruction.
- The property owner plans to rebuild an apartment building that was destroyed in a fire.
- Rezoning the property to “R-3A” (Multifamily Apartment Residential District) will allow the property owner to submit permits for the proposed multifamily building.

Case #Z25-18: “M-1” to “R-3A”

- The subject property is located within the ‘Neighborhood Infill’ on the Growth Sector Map and designated as ‘Campus’ (C) on the Future Land Use Map (FLUM) of the 2040 Comprehensive Plan.



LOCATION MAP

Council District: 1

0 1 2 Miles

Zoning Case 2025-18

M-1 TO R-3A

Legend

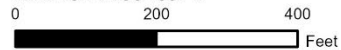
- Major Roads
- City Limit
- Zoning Case Location

Subject Property Legal Description: JULIUS ALEXANDER INDUSTRIAL SUBDIVISION, BLOCK 002, LOT 0003, & BUSINESS PERSONAL PROPERTY. ACRES 1.39



AERIAL MAP

Council District: 1



Zoning Case 2025-18

M-1 TO R-3A

Legend

 Zoning Case

Subject Property Legal Description: JULIUS ALEXANDER INDUSTRIAL SUBDIVISION, BLOCK 002, LOT 0003, & BUSINESS PERSONAL PROPERTY. ACRES 1.39

Case #Z25-18: “M-1” to “R-3A”

8

View of the subject property facing east on Liberty Street:



Case #Z25-18: “M-1” to “R-3A”

9

View from the subject property facing southwest on Liberty Street:



Case #Z25-18: “M-1” to “R-3A”

10

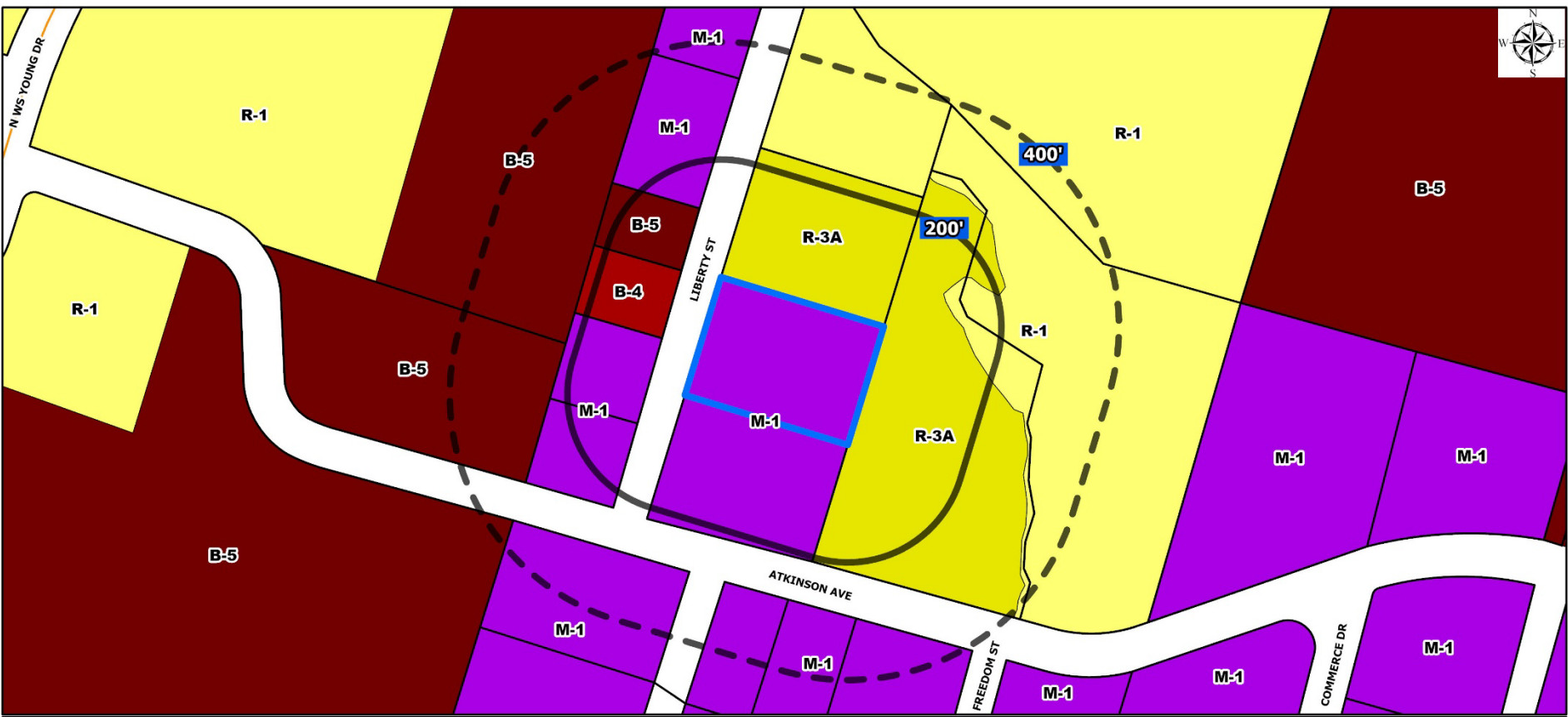
View from the subject property facing northwest on Liberty Street:



Public Notification

11

- Staff notified seventeen (17) surrounding property owners regarding this request.
- To date, staff has received no written responses regarding this request.



ZONING MAP
Council District: 1
0 200 400
Feet

Zoning Case 2025-18

M-1 TO R-3A

Subject Property Legal Description: JULIUS ALEXANDER INDUSTRIAL SUBDIVISION, BLOCK 002, LOT 0003, & BUSINESS PERSONAL PROPERTY. ACRES 1.39

Staff Recommendation

13

- Staff recommends approval of the City-initiated request to rezone the property from “M-1” (Manufacturing District) to “R-3A” (Multifamily Residential Apartment District) as presented.

Commission Recommendation

14

- At their regular meeting on October 13, 2025, the Planning and Zoning Commission recommended approval of the request by a vote of 5 to 0.



City of Killeen

Staff Report

File Number: PH-25-066

Hold a public hearing and consider an ordinance submitted by Peter J. Stanonik IV and Cleopatra Dover-Stanonik (**Case# Z25-30**) to rezone approximately 1.477 acres, out of the M. T. Martin Survey, Abstract No. 963, from "A" (Agricultural District) to "B-3" (Local Business District). The subject properties are generally located between the intersections of Biels Loop and Trimmier Road, Killeen, Texas.

DATE: November 18, 2025

TO: Kent Cagle, City Manager

FROM: Wallis Meshier, Exec. Dir. Of Dev. Serv.

SUBJECT: Zoning Case # Z25-30: "A" to "B-3"

BACKGROUND AND FINDINGS:

Property Information:

Property Owner: Peter J. Stanonik IV and Cleopatra Dover-Stanonik
Current Zoning: "A" (Agricultural District)
Proposed Zoning: "B-3" (Local Business District)
FLUM Designation: 'Neighborhood Commercial' (NC)
Growth Sector Designation: 'Open Space'

Summary of Request:

The property owner is requesting to rezone this property from "A" (Agricultural District) to "B-3" (Local Business District) to allow for the development of a retail business on the property. While the property is presently zoned agricultural, it is identified as 'Neighborhood Commercial' on the Future Land Use Map (FLUM), indicating compatibility with the proposed use.

Zoning/Plat Case History:

The subject property was annexed into the City Limits on January 13, 2008, via Ordinance No. 08-006. The property was subsequently zoned to "A" (Agricultural District) with the initial rezoning after annexation.

Character of the Area:

- North:** Single-family homes, situated on large acre tracts of land zoned "A" (Agricultural District), and "R-1" (Single-Family Residential District).
- South:** A single-family home situated on a large acre tract of land zoned "R-1" (Single-Family Residential District).
- East:** Single-family homes, situated on large acre tracts of land zoned "A" (Agricultural District).
- West:** Existing KISD Middle School zoned "R-1" (Single-Family Residential District)

Future Land Use Map Analysis:

This property is located within the 'Open Space' area on the Growth Sector Map and designated as 'Neighborhood Commercial' on the Future Land Use Map (FLUM) of the 2040 Comprehensive Plan.

This parcel is identified as 'Open Space' on the Growth Sector Map. Land in this sector has not been identified for preservation but is valuable as open space and/or public-owned property. This sector includes floodplains, floodways, and buffers; areas of unique natural habitat, viewsheds, or steep topography; desired parkland and public open space; and right-of-way and easements for desired transportation and utility corridors.

The 'Neighborhood Commercial' place type is a predominantly a commercial extension of a traditional neighborhood. These places generally grow along with a neighborhood and need to be allowed to change over time to intensify as its surrounding neighborhood does. These are placed along a corridor of some kind, often a higher traffic roadway that serves as the edge of a neighborhood. These areas bridge pedestrian and auto-oriented development patterns. Street parking and continuous building frontages are very important here as it creates a pleasant experience for people who traverse the area on foot. Shared parking should be encouraged. High intensity small lot residential is acceptable within this place type. This place type encourages one hundred percent (100%) nonresidential and twenty-five percent (25%) residential use mix.

The request supports or furthers the following Comprehensive Plan recommendations:

- **LU3** - Encourage incremental evolution of neighborhoods.

Staff finds that the applicant's request is consistent with the Killeen 2040 Comprehensive Plan.

Development Zone Analysis:

This property is located within the City of Killeen Development Zone #8. This development zone is south of Stagecoach Road, east of State Highway 195, and west of East Trimmer Road. This development zone consists of 60.33% residential uses and 39.67% commercial uses.

The current land use mix within this area comprises of the following acreages and percentages approximately:

<u>District</u>	<u>Acres</u>	<u>Percentage</u>
------------------------	---------------------	--------------------------

Special Districts	463.61	13.19%
Residential	1657.65	47.14%
Industrial	0.00	0.00%
Commercial	191.31	5.44%
Agricultural	1203.59	34.23%
Totals	3516.15	100.00%

Vacant Land	1631.73	46.41%
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Water, Sewer and Drainage Services:

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, wastewater, and drainage services are located within the City of Killeen municipal utility service area and are available to the subject tracts.

Water services are available for the property via an existing 6" water distribution main located in Trimmier Road and an existing 12" transmission main located in Biels Loop.

Wastewater services are available for the property via an existing 12" wastewater main located in Trimmier Road. There is no existing stormwater infrastructure adjacent to the property.

Transportation and Thoroughfare Plan:

Access to the property is via Trimmier Road (80' ROW), which is classified as a minor arterial, and Biels Loop (Variable Width ROW), which is classified as a local road in the currently adopted Comprehensive Plan.

An individual traffic impact analysis is not required at this time with the proposed use. If, in the future, the property owner decides on a different use, staff would review and determine if the proposed use would trigger the requirement for a Traffic Impact Analysis (TIA).

PARKS AND PROPOSED TRAIL PLAN:

There are no proposed parks or trails located on this site. If the request is approved, parkland dedication, fees in lieu of parkland dedication, and parkland development fees will not be required, as the property is a non-residential development and is exempt from parkland dedication and development requirements in accordance with Sec. 26-129(b)1.

Environmental Assessment:

The property is in the Nolan Creek / Leon River Watershed. The property is located in Zone X (Outside the 0.2% Annual Chance Flood Hazard Area), per Federal Emergency Management Agency Flood Insurance Rate Map 48027C0290E with effective date September 26, 2008. The property is not impacted by any wetlands or riverine areas, as shown on the National Wetlands

Inventory maps for the property. No visual evidence of other environmental impediments is apparent on the property at this time.

Public Notification:

Staff notified nine (9) surrounding property owners regarding this request. To date, staff has received one (1) response in opposition.

Staff Findings:

The applicant has worked closely with the Planning staff for nearly a year on this project and has concluded that establishing a neighborhood salon would be a suitable business for this area, given the lot's unusual shape and its location. Staff finds the applicant's request is consistent with the recommendations of the Killeen 2040 Comprehensive Plan.

THE ALTERNATIVES CONSIDERED:

N/A

Which alternative is recommended? Why?

N/A

CONFORMITY TO CITY POLICY:

This zoning request conforms to the City's policy and procedures, as detailed in Chapter 31 of the Killeen Code of Ordinances.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

This zoning request does not involve the expenditure of city funds. Public infrastructure is already in place for this property and maintained by the City. Maintenance cost will continue for the life of the development.

Is this a one-time or recurring expenditure?

This is not applicable.

Is this expenditure budgeted?

This is not applicable.

If not, where will the money come from?

This is not applicable.

Is there a sufficient amount in the budgeted line item for this expenditure?

This is not applicable.

RECOMMENDATION:

Staff recommends approval of the applicant's request to rezone the property from "A" (Agricultural District) to "B-3" (Local Business District) as presented.

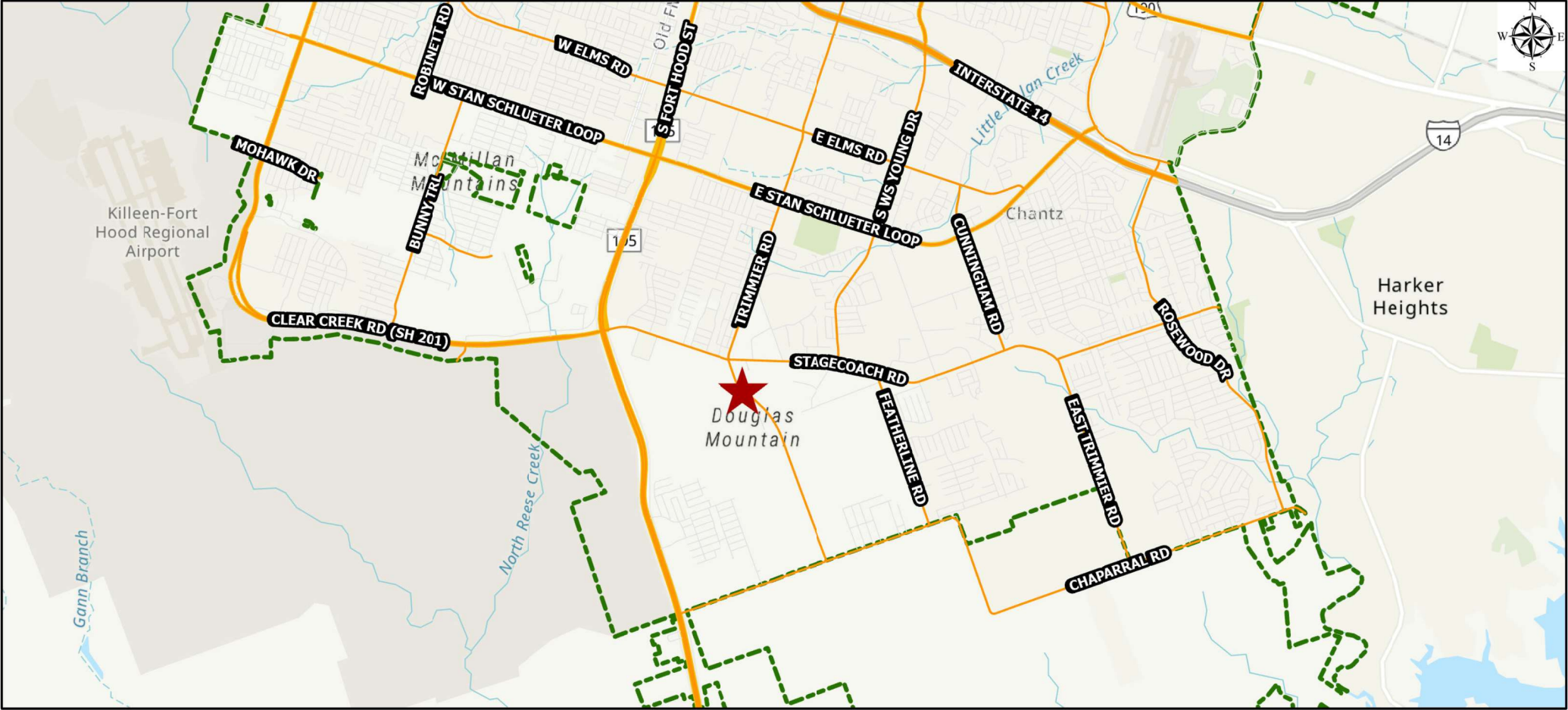
At their regular meeting on October 13, 2025, the Planning and Zoning Commission recommended approval by a vote of 5 to 0.

DEPARTMENTAL CLEARANCES:

This item has been reviewed by the Planning and Legal staff.

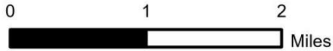
ATTACHED SUPPORTING DOCUMENTS:

Maps
Site Photos
Minutes
Ordinance
Letter of Request
Presentation



LOCATION MAP

Council District: 3

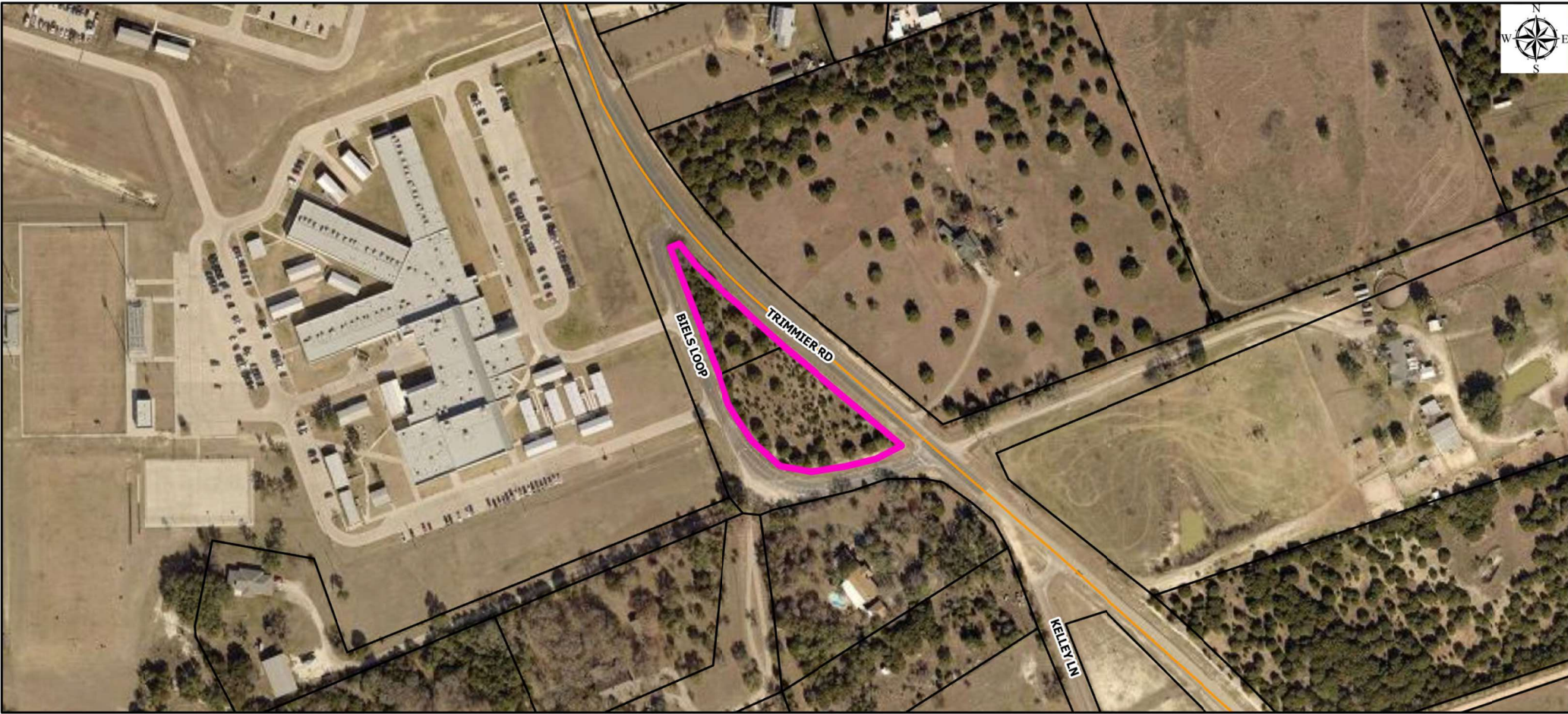


Subject Property Legal Description: A0963BC M T MARTIN, ACRES 1.477

Zoning Case 2025-30
A TO B-3

Legend

- Major Roads
- City Limit
- Zoning Case Location



AERIAL MAP

Council District: 3

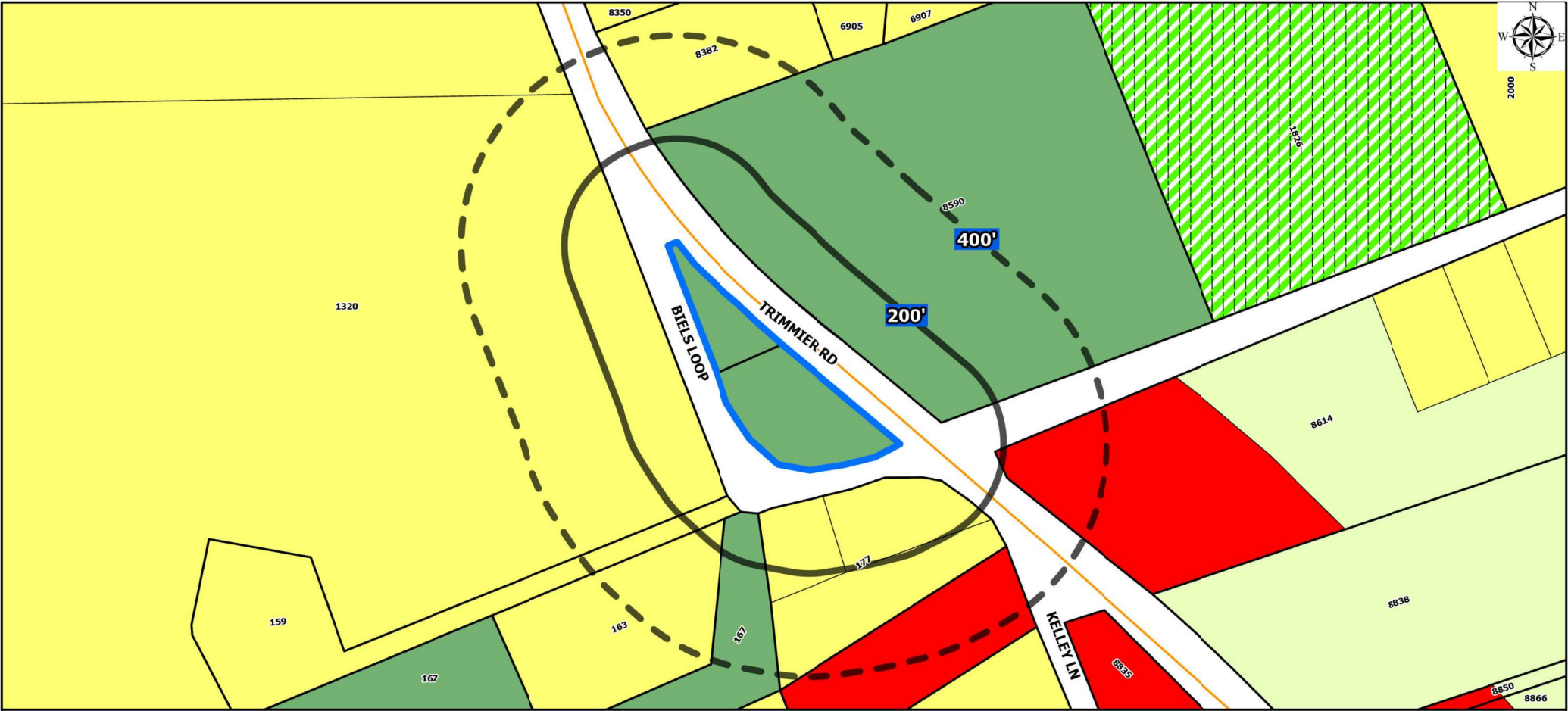
0 200 400
Feet

Zoning Case 2025-30
A TO B-3

Legend

 Zoning Case

Subject Property Legal Description: A0963BC M T MARTIN, ACRES 1.477



NOTIFICATION MAP

Council District: 3

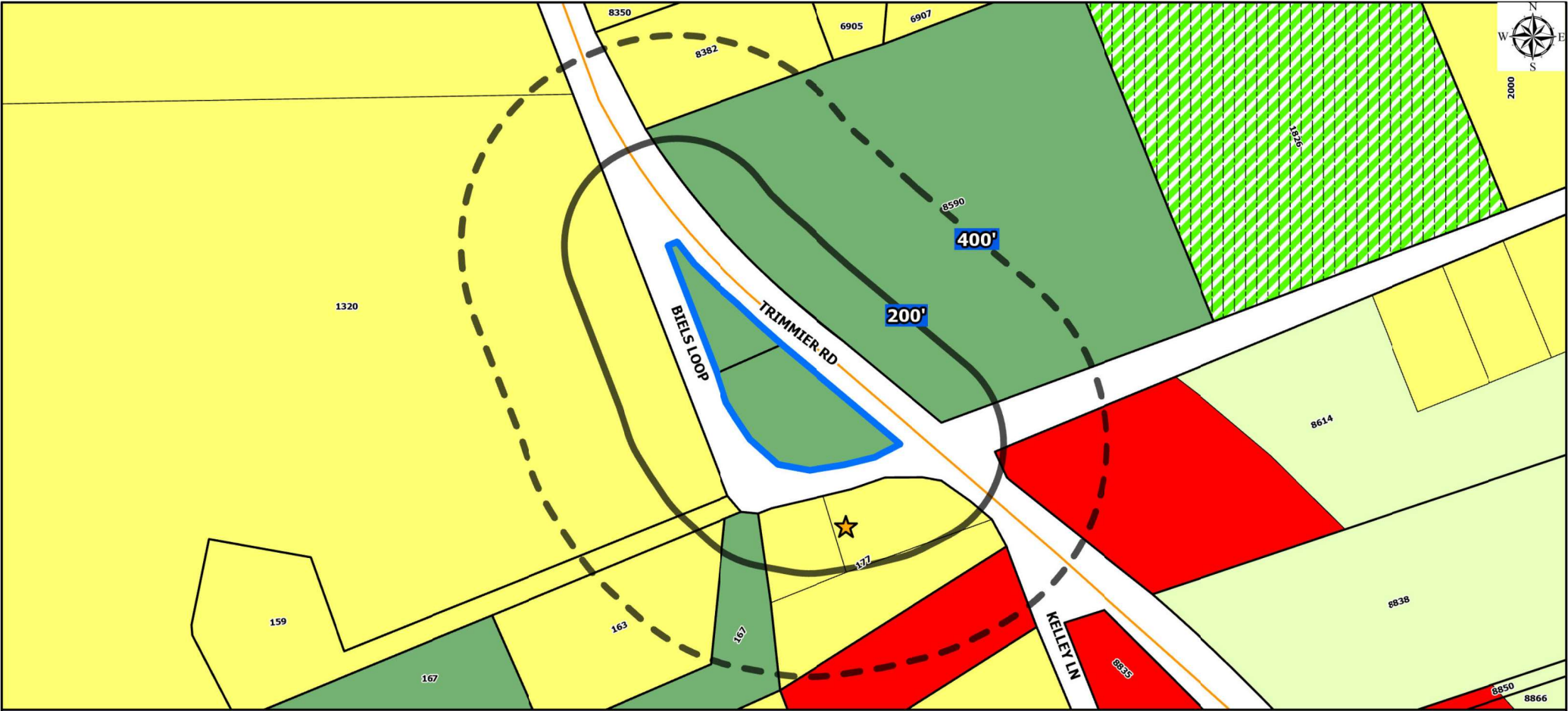


Subject Property Legal Description: A0963BC M T MARTIN, ACRES 1.477

Zoning Case 2025-30
A TO B-3

Legend

A	B-3	R-1
A-R1	PUD	
Zoning Case		



RESPONSE MAP

Council District: 3



Subject Property Legal Description: A0963BC M T MARTIN, ACRES 1.477

Zoning Case 2025-30
A TO B-3

Legend

	A		B-3		R-1
	A-R1		PUD		Opposed
	Zoning Case				

SITE PHOTOS

Case #Z25-30: "A" to "B-3"



View facing the subject property from Trimmier Road:



View from Biels Loop looking north towards Trimmier Road and the subject property:



SITE PHOTOS

Case #Z25-30: "A" to "B-3"



View from Biels Loop looking south towards Trimmier Road and the subject property:



MINUTES
PLANNING AND ZONING COMMISSION MEETING
OCTOBER 13, 2025
CASE # Z25-30
“A” to “B-3”

Hold a public hearing and consider a request submitted by Peter J. Stanonik IV and Cleopatra Dover-Stanonik (**Case# Z25-30**) to rezone approximately 1.477 acres out of the M. T. Martin Survey, Abstract No. 963 from “A” (Agricultural District) to “B-3” (Local Business District). The subject properties are generally located between the intersections of Biels Loop and Trimmier Road, Killeen, Texas.

This item was presented to the Commission during their Work Session. Ms. Lopez was available to answer questions.

The property owner, Mr. Peter J. Stanonik IV, was present to represent the case. He stated that the request is consistent with the neighboring property.

Commissioner Jones asked Mr. Stanonik what his intended use of the subject property was. Mr. Stanonik stated that he intends to utilize the property as a neighborhood hair salon. He also stated that he does not intend to sell alcohol.

Chairman Giacomozzi opened the public hearing at 5:12 p.m.

With no one wishing to speak, the public hearing was closed at 5:12 p.m.

Commissioner Sabree moved to recommend approval of the request as presented. Commissioner Purifoy seconded, and the motion passed by a vote of 5 to 0.

AN ORDINANCE AMENDING THE CITY OF KILLEEN ZONING ORDINANCE BY CHANGING THE ZONING OF APPROXIMATELY 1.477 ACRES OUT OF THE M. T. MARTIN SURVEY, ABSTRACT NO. 963, FROM “A” (AGRICULTURAL DISTRICT) TO “B-3” (LOCAL BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code and Section 31-39 of the City of Killeen Code of Ordinances, the City Council, upon application, may amend the City of Killeen Zoning Ordinance following a recommendation by the Planning and Zoning Commission and a public hearing;

WHEREAS, Peter J. Stanonik IV and Cleopatra Dover-Stanonik, presented to the City of Killeen, a request for an amendment to the City of Killeen Zoning Ordinance by changing the classification of approximately 1.477 acres out of the M. T. Martin Survey, Abstract No. 963, the subject properties are generally located between the intersections of Biels Loop and Trimmier Road, Killeen, Texas, from “A” (Agricultural District) to “B-3” (Local Business District);

WHEREAS, the Planning and Zoning Commission of the City of Killeen, following a public hearing on October 13, 2025, duly recommended approval of the application for amendment;

WHEREAS, due notice of the filing of said request and the date of hearing thereon was given as required by law, and hearing on said request was set for 3:00 P.M., on November 18, 2025, at the City Hall, City of Killeen; and

WHEREAS, the City Council at said hearing duly considered said request, the action of the Planning and Zoning Commission, and the evidence in support thereof, and the City Council being of the majority opinion that the applicant’s zoning request should be approved as recommended by the Planning and Zoning Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:

SECTION I. That the zoning classification of approximately 1.477 acres out of the M. T. Martin Survey, Abstract No. 963, the subject properties are generally located between the intersections of Biels Loop and Trimmier Road, Killeen, Texas, be changed from "A" (Agricultural District) to "B-3" (Local Business District).

SECTION II. That should any section or part of this ordinance be declared unconstitutional or invalid for any reason, it shall not invalidate or impair the validity, force, or effect of any other section or parts of this ordinance.

SECTION III. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION IV. That this ordinance shall take effect immediately upon passage of the ordinance.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 18th day of November 2025, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, § 551.001, *et seq.*

APPROVED:

Debbie Nash-King, MAYOR

ATTEST:

Laura J. Calcote, CITY SECRETARY

APPROVED AS TO FORM

Holli C. Clements, CITY ATTORNEY
Case #25-30
Ord. #25-____

THE STANONIKS
2208 Sparrow Road
Killeen, Texas 76542
pjsiv@yahoo.com • (254)462-4980

Killeen P&Z Board/City Council

SUBJECT: Proposed Zoning Change to B-3 for Property ID 22587

Dear Government Officials,

12 September 2025

This request is to bring this property to its highest and best use. The proposed use of this property is to build and operate a neighborhood salon.

I believe the impact to surrounding properties would be minimal as there are multiple commercial properties in the area.

This request is consistent with the Future Land Use Map (FLUM). The property is currently designated Neighborhood Business District (NBD).

Respectfully,



Peter J. Stanonik IV & Cleopatra Dover-Stanonik

CASE #Z25-30:
“A” TO “B-3”

PH-25-066

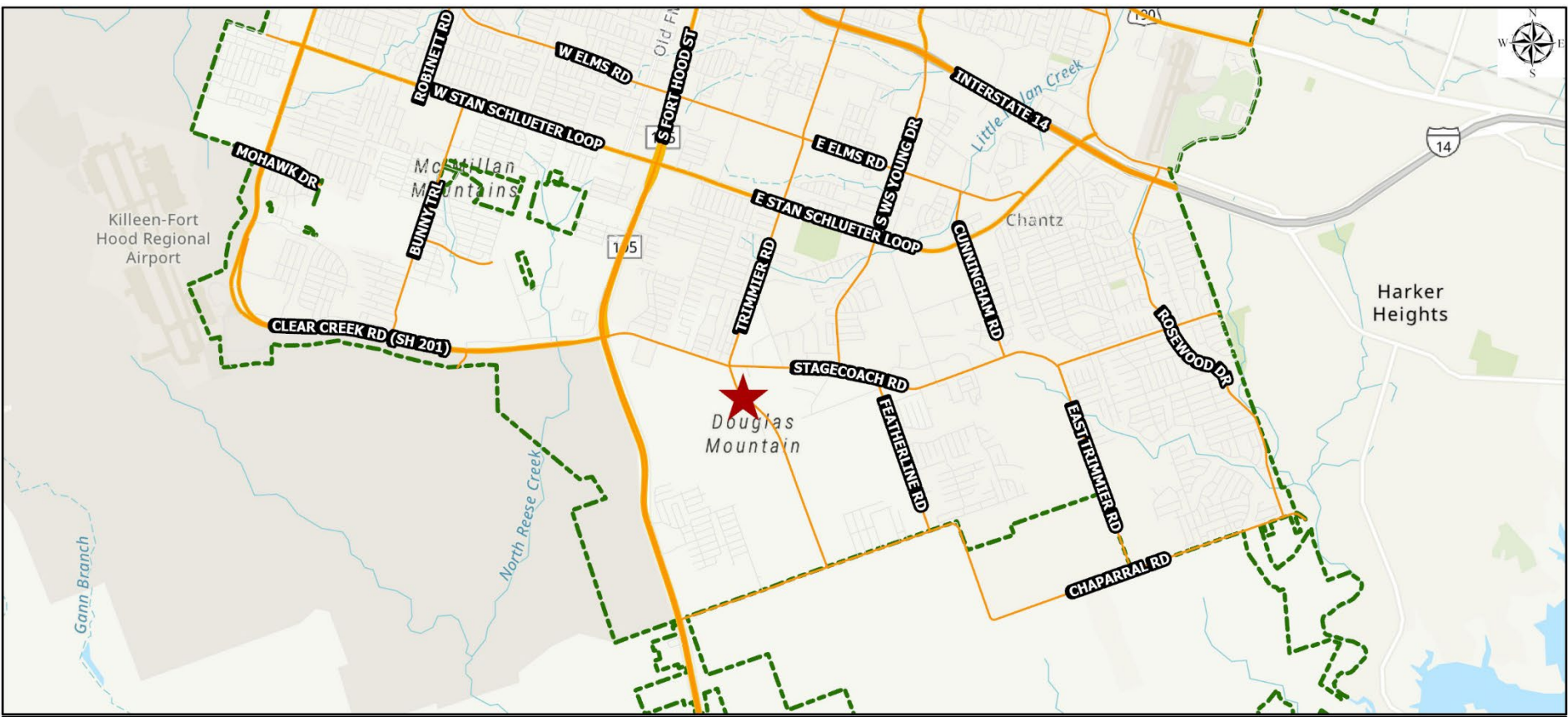
November 18, 2025

Case #Z25-30: “A” to “B-3”

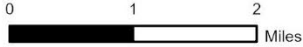
- Hold a public hearing and consider a request submitted by Peter J. Stanonik IV and Cleopatra Dover-Stanonik (**Case# Z25-30**) to rezone approximately 1.477 acres out of the M. T. Martin Survey, Abstract No. 963 from “A” (Agricultural District) to “B-3” (Local Business District).
- The subject properties are generally located between the intersections of Biels Loop and Trimmier Road, Killeen, Texas.

Case #Z25-30: “A” to “B-3”

- The property owner has submitted a request to rezone the subject property from “A” (Agricultural District) to “B-3” (Local Business District) to allow development of a retail business on the property.
- The property is identified as ‘Neighborhood Commercial’ on the Future Land Use Map (FLUM), indicating compatibility with the proposed use.



LOCATION MAP
Council District: 3

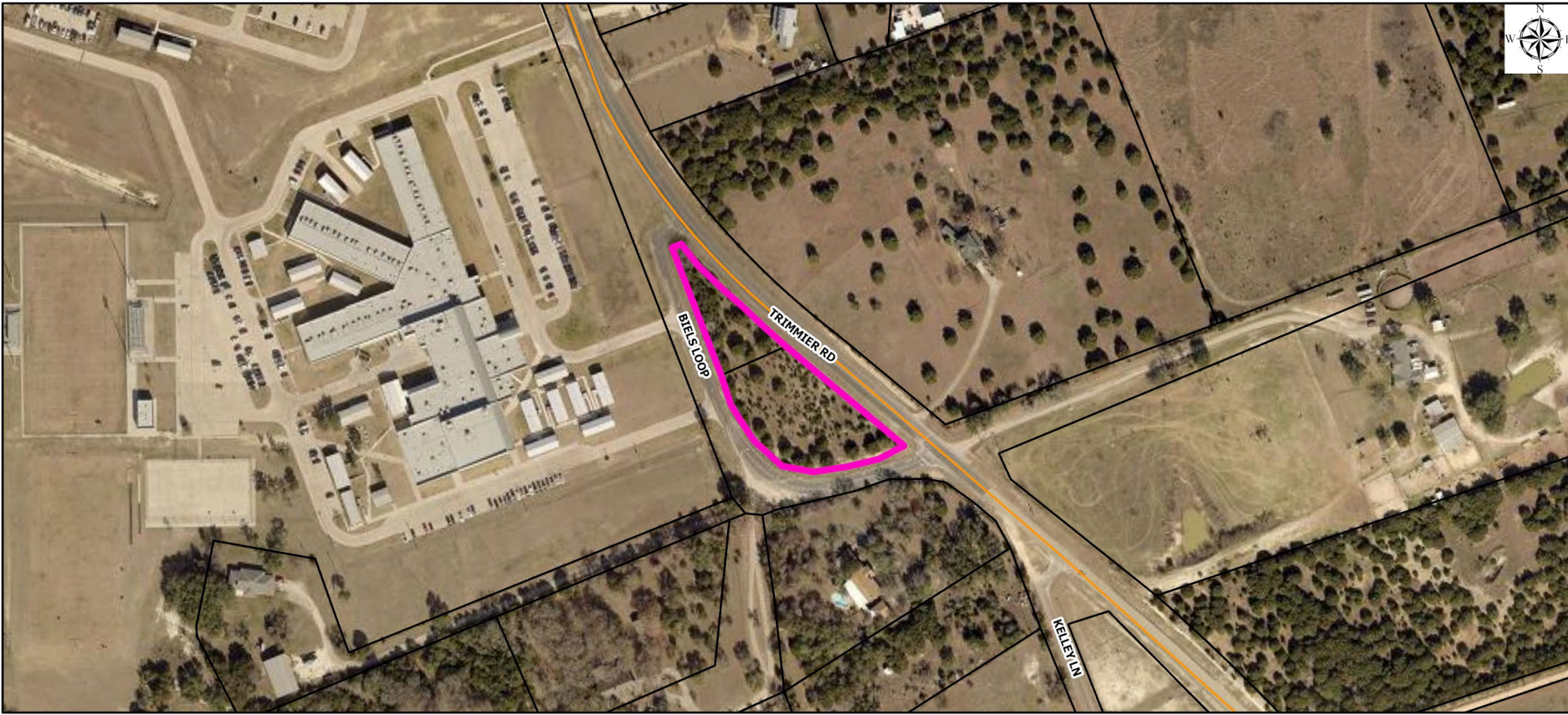


Subject Property Legal Description: A0963BC M T MARTIN, ACRES 1.477

Zoning Case 2025-30

A TO B-3

- Legend
- Major Roads
 - City Limit
 - Zoning Case Location



AERIAL MAP
Council District: 3
0 200 400
Feet

Zoning Case 2025-30 A TO B-3

Legend
 Zoning Case

Subject Property Legal Description: A0963BC M T MARTIN, ACRES 1.477

Case #Z25-30: “A” to “B-3”

6

View of the subject property from Trimmier Road:



Case #Z25-30: “A” to “B-3”

7

View from Biels Loop facing north (subject property on right)



Case #Z25-30: “A” to “B-3”

8

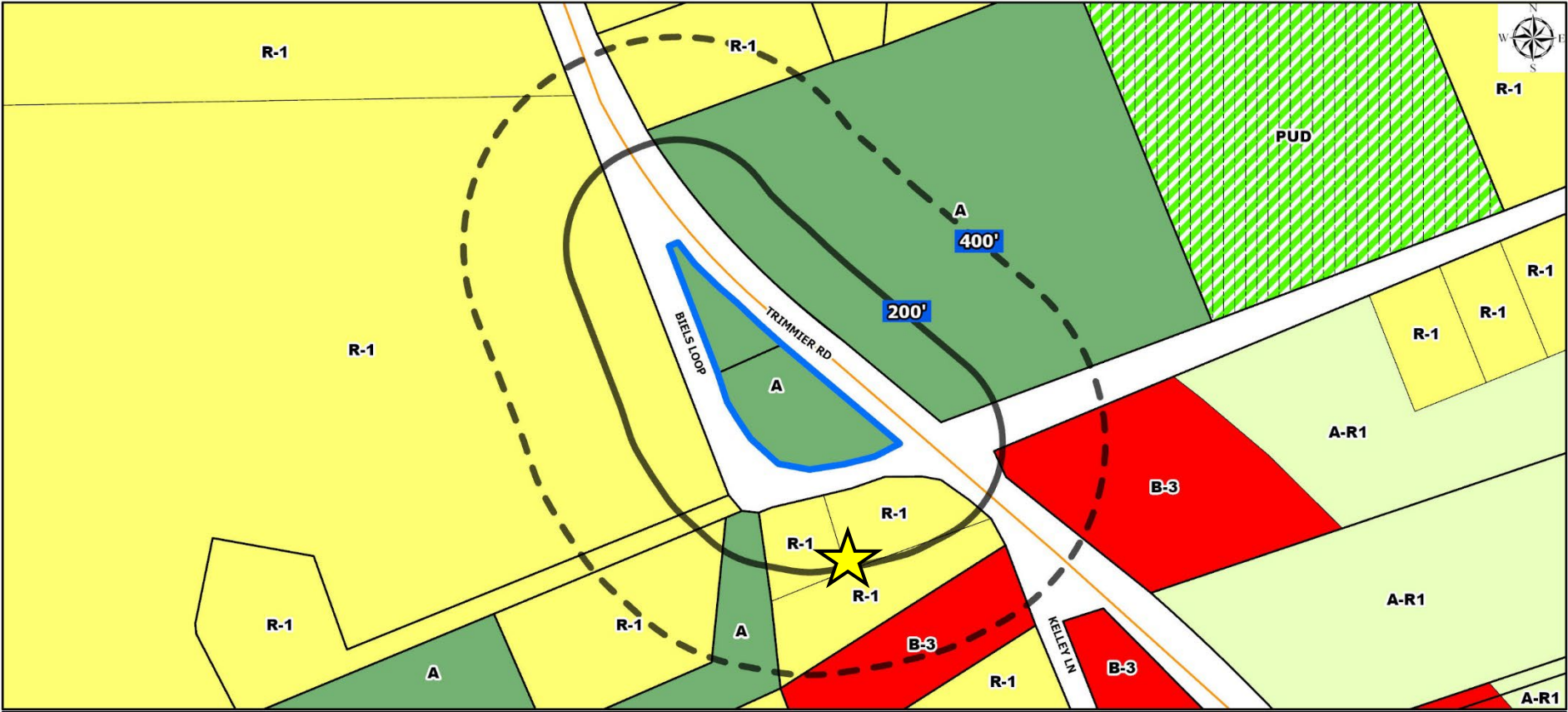
View from Biels Loop facing south (subject property on left):



Public Notification

9

- ❑ Staff notified nine (9) surrounding property owners regarding this request.
- ❑ To date, staff has received one written response in opposition to this request from the neighboring property owner to the south.
- ❑ In his response, he expressed his opinion that “B-1” (Professional Business District) would be more appropriate than the requested “B-3” (Local Business District) designation.



ZONING MAP

Council District: 3

0 200 400 Feet

Subject Property Legal Description: A0963BC M T MARTIN, ACRES 1.477

Zoning Case 2025-30

A TO B-3

 **Opposition**

Staff Recommendation

- Staff finds that the applicant's request is consistent with the 'Neighborhood Commercial' designation of the property and with the recommendations outlined in the Killeen 2040 Comprehensive Plan.
- Therefore, staff recommends approval of the applicant's request to rezone the property from "A" (Agricultural District) to "B-3" (Local Business District) as presented.

Commission Recommendation

12

- At their regular meeting on October 13, 2025, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 5 to 0.



City of Killeen

Staff Report

File Number: PH-25-067

Hold a public hearing and consider an ordinance submitted by Mitchell & Associates, Inc., on behalf of Henry James Holdings, LLC, (**Case# Z25-32**) to rezone approximately 0.813 acres, being Lot 1, Block 1, Lisa Grace Addition, from "B-1" (Professional Business District) to "NBD" (Neighborhood Business District). The subject property is locally addressed as 1607 Trimmier Road, Killeen, Texas. (Requires 3/4 Majority Vote for Approval)

DATE: November 18, 2025

TO: Kent Cagle, City Manager

FROM: Wallis Meshier, Exec. Dir. Of Dev. Serv.

SUBJECT: Zoning Case # Z25-32: "B-1" to "NBD"

BACKGROUND AND FINDINGS:

Property Information:

Property Owner: Henry James Holdings, LLC
Agent: Mitchell & Associates Inc.
Current Zoning: "B-1" (Professional Business District)
Proposed Zoning: "NBD" (Neighborhood Business District)
FLUM Designation: 'Residential Mix' (RM)
Growth Sector Designation: 'Neighborhood Infill' (NI)
Development Zone: 3

Summary of Request:

Henry James Holdings, LLC has submitted a request to rezone the subject property from "B-1" (Professional Business District) to "NBD" (Neighborhood Business District). The proposed rezoning would provide the applicant with the opportunity to expand the range of permitted uses. It would allow the applicant to introduce neighborhood-oriented services and businesses that enhance accessibility and convenience for nearby residents.

Zoning/Plat Case History:

The property was annexed into the City of Killeen in September 1954, and was subsequently zoned

"R-1" (Single-Family Residential District). In 2010, the property was rezoned to "B-1" (Professional Business District) via ordinance 10-012. The property was platted in 2021 as Lot 1, Block 1, Lisa Grace Addition.

Character of the Area:

North: Existing single-family residence zoned "R-1" (Single-Family Residential District)

South: Existing commercial property zoned "B-2" (Local Retail District)

East: Existing single-family residences zoned "R-1" (Single-Family Residential District)

West: Existing single-family residences zoned "R-1" (Single-Family Residential District)

Future Land Use Map Analysis:

The subject property is located within the 'Neighborhood Infill' (NI) area on the Growth Sector Map and designated 'Residential Mix' (RM) on the Future Land Use Map (FLUM) of the Killeen 2040 Comprehensive Plan.

The 'Neighborhood Infill' area on the Growth Sector Map includes areas of the city that are already developed and have access to city services and infrastructure, but have vacant, underutilized, or poorly developed properties. Growth policies for this sector should encourage development or redevelopment of these properties with accessory dwelling units, smallplexes, and micro commercial that provides incremental increases in density. Development should match the existing character and improve walkable access to businesses and amenities for people living and working in the vicinity.

The 'Residential Mix' place type creates neighborhoods built with a traditional walkable block/street grid network that allows a flexible mix of residential building typologies. Aside from large multiplex garden apartments, most housing types should be allowed here. This place type encourages most residential uses such as single-family detached, townhouses, small-plex (2-4 units), etc. This place type encourages a twenty-five percent (25%) nonresidential and ninety-five percent (95%) residential use mix.

The request supports the following Comprehensive Plan recommendations:

- **LU2** - Improve the fiscal productivity of development.
- **LU3** - Encourage incremental evolution of neighborhoods.

The Killeen 2040 Comprehensive Plan promotes incremental redevelopment of properties that can add to a widespread improvement. Additionally, staff finds the proposed rezoning is consistent with the surrounding area.

Development Zone Analysis:

These properties are located within the City of Killeen Development Zone #3. This development zone is between Interstate Highway 14 and Veterans Memorial Boulevard, east of Ford Hood Street. This development zone consists of 62.40% residential uses and 37.60% commercial uses.

The current land use mix within this area comprises of the following acreages and percentages, approximately:

<u>District</u>	<u>Acres</u>	<u>Percentage</u>
Special Districts	81.61	2.74%
Residential	1779.03	59.66%
Industrial	273.37	9.17%
Commercial	847.76	28.43%
Agricultural	0.00	0.00%
Totals	2981.78	100.00%

Vacant Property	716.18	24.02%
-----------------	--------	--------

Water, Sewer and Drainage Services:

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, wastewater, and drainage services are located within the City of Killeen municipal utility service area and are available to the subject tracts.

Water services are available for the property via an existing 8" water distribution main located in Trimmier Road and an existing 6" water distribution main located in Lydia Drive.

Wastewater services are available for the property via an existing 8" wastewater main located in Trimmier Road. There is no existing stormwater infrastructure adjacent to the property.

Transportation and Thoroughfare Plan:

Access to the property is via Trimmier Road (85' ROW), which is classified as a minor arterial, and Lydia Drive (Variable Width ROW), which is classified as a local road in the currently adopted Comprehensive Plan.

PARKS AND PROPOSED TRAIL PLAN:

There is a proposed trail located on this site along Trimmier Road.

Environmental Assessment:

Outside the 0.2% Annual Chance Flood Hazard Area), per Federal Emergency Management Agency Flood Insurance Rate Map 48027C0280E with effective date September 26, 2008. The property is not impacted by any wetlands or riverine areas, as shown on the National Wetlands Inventory maps for the property. No visual evidence of other environmental impediments is apparent on the property at this time.

Public Notification:

Staff notified property owners of fifty-seven (57) surrounding properties regarding this request.

To date, staff has received ten (10) written responses in opposition and one (1) written response in support of the request. Of those responses in opposition, five (5) are from within the 200-foot buffer, three (3) are from within the 400-foot buffer, and two (2) are from outside of the notification boundary.

Opposition to this request comprises approximately 25.5% of the 200-foot notification boundary. In accordance with Local Government Code Sec. 211.0061 and Killeen Code of Ordinances Sec. 31-39(f), approval of this request requires the affirmative vote of at least three-fourths (3/4) of all members of the governing body.

Staff Findings:

Staff finds that the request to rezone the subject property is consistent with the surrounding land uses and the Killeen 2040 Comprehensive Plan. The proposed "NBD" (Neighborhood Business District) zoning would allow for a broader range of neighborhood-oriented services and businesses. Enhancing accessibility and convenience for nearby residents.

THE ALTERNATIVES CONSIDERED:

N/A

Which alternative is recommended? Why?

N/A

CONFORMITY TO CITY POLICY:

This zoning request conforms to the City's policy and procedures, as detailed in Chapter 31 of the Killeen Code of Ordinances.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

This zoning request does not involve the expenditure of city funds. Public infrastructure is already in place for this property and maintained by the City. Maintenance cost will continue for the life of the development.

Is this a one-time or recurring expenditure?

This is not applicable.

Is this expenditure budgeted?

This is not applicable.

If not, where will the money come from?

This is not applicable.

Is there a sufficient amount in the budgeted line item for this expenditure?

This is not applicable.

RECOMMENDATION:

Staff recommends approval of the applicant's request to rezone the subject property from "B-1" (Professional Business District) to "NBD" (Neighborhood Business District) as presented.

At their regular meeting October 13, 2025, the Planning and Zoning Commission recommended disapproval by a vote of 5 to 0.

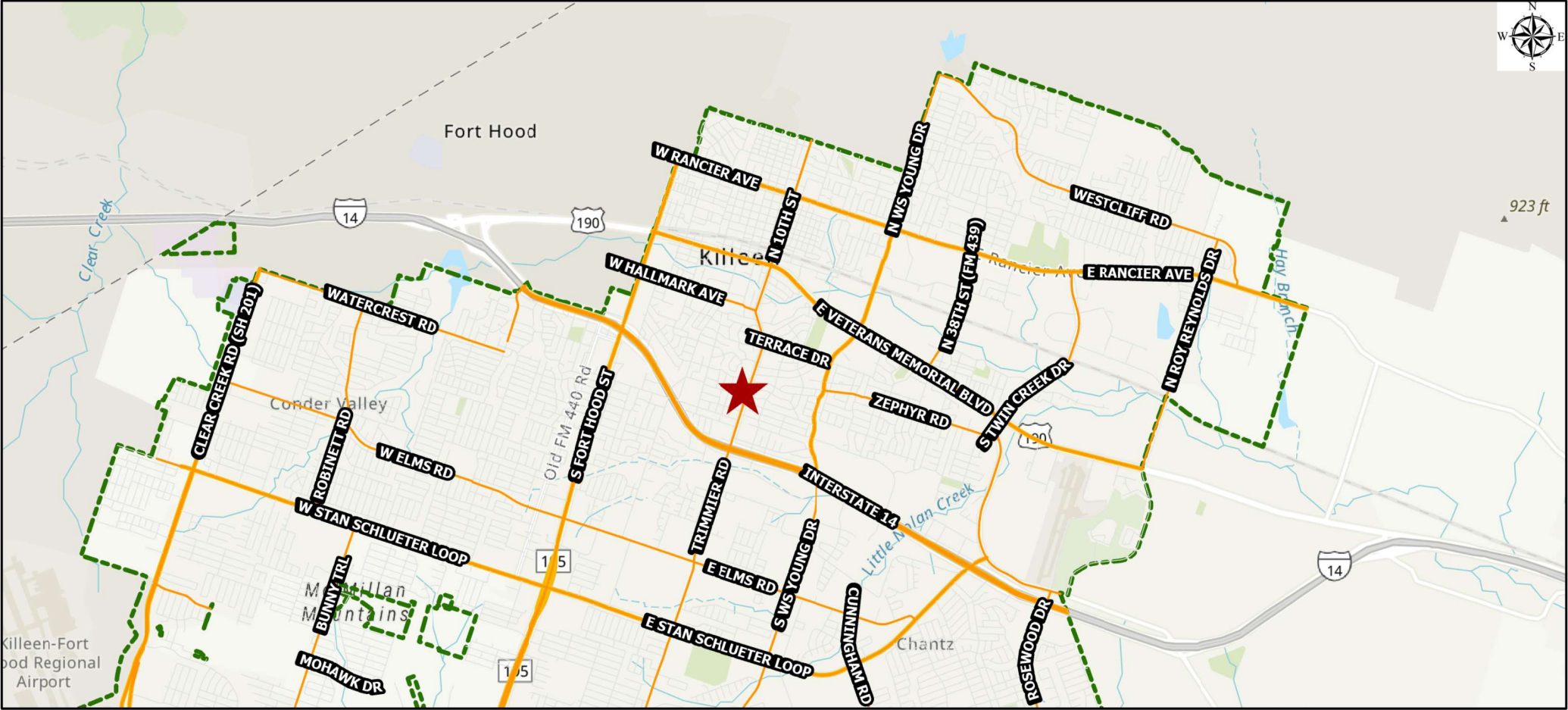
In accordance with Killeen Code of Ordinances Sec. 31-39(f), approval of the request will require the favorable vote of three-fourths (3/4) of all members of the City Council.

DEPARTMENTAL CLEARANCES:

Planning and Legal staff have reviewed this item.

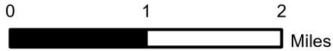
ATTACHED SUPPORTING DOCUMENTS:

Maps
Site Photos
Minutes
Ordinance
Letter of Request
Responses
Presentation



LOCATION MAP

Council District: 1



Subject Property Legal Description: LISA GRACE ADDITION, BLOCK 001, LOT 0001, ACRES 0.813

Zoning Case 2025-32
B-1 TO NBD

Legend

- Major Roads
- City Limit
- Zoning Case Location

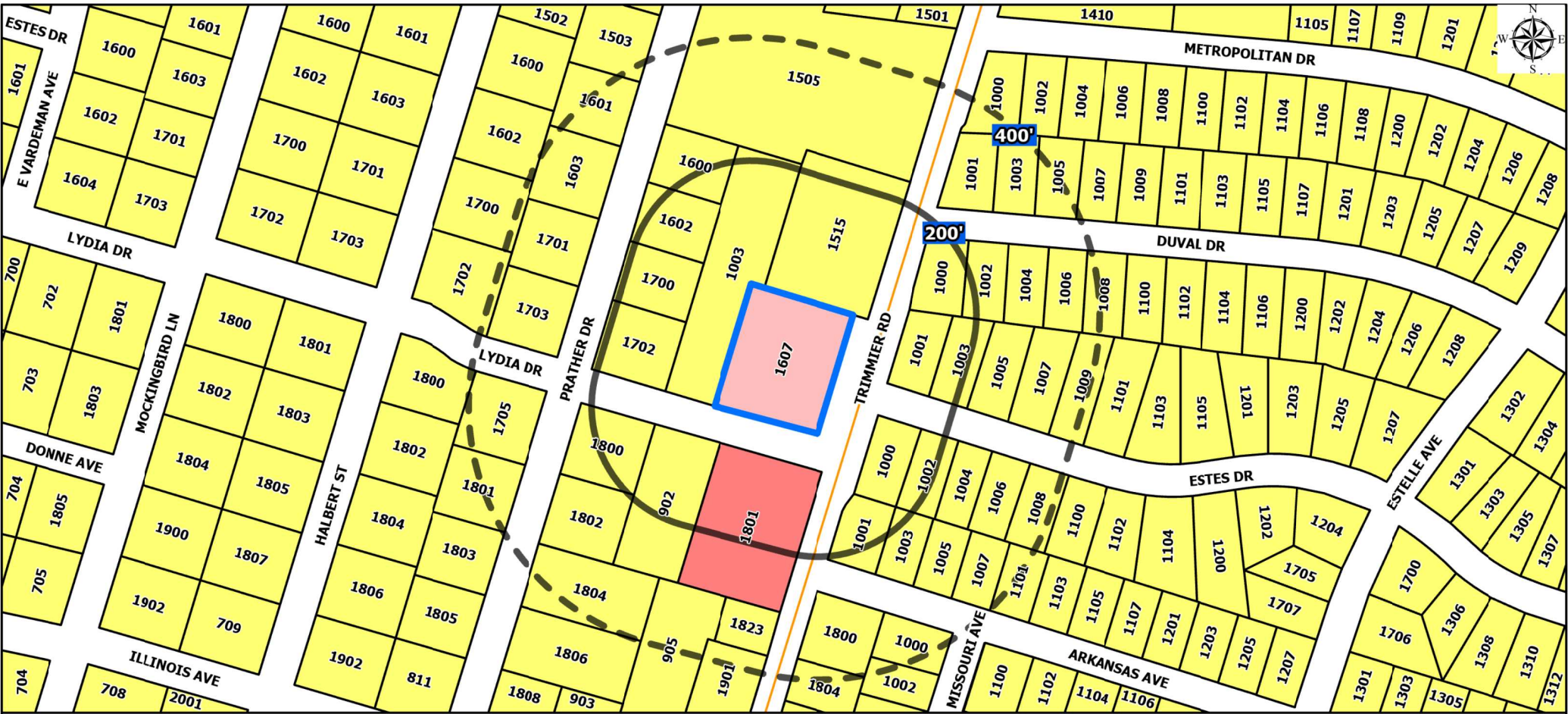


AERIAL MAP
Council District: 1
0 200 400 Feet

Zoning Case 2025-32
B-1 TO NBD

Legend
 Zoning Case

Subject Property Legal Description: LISA GRACE ADDITION, BLOCK 001, LOT 0001, ACRES 0.813



NOTIFICATION MAP

Council District: 1

0 200 400 Feet

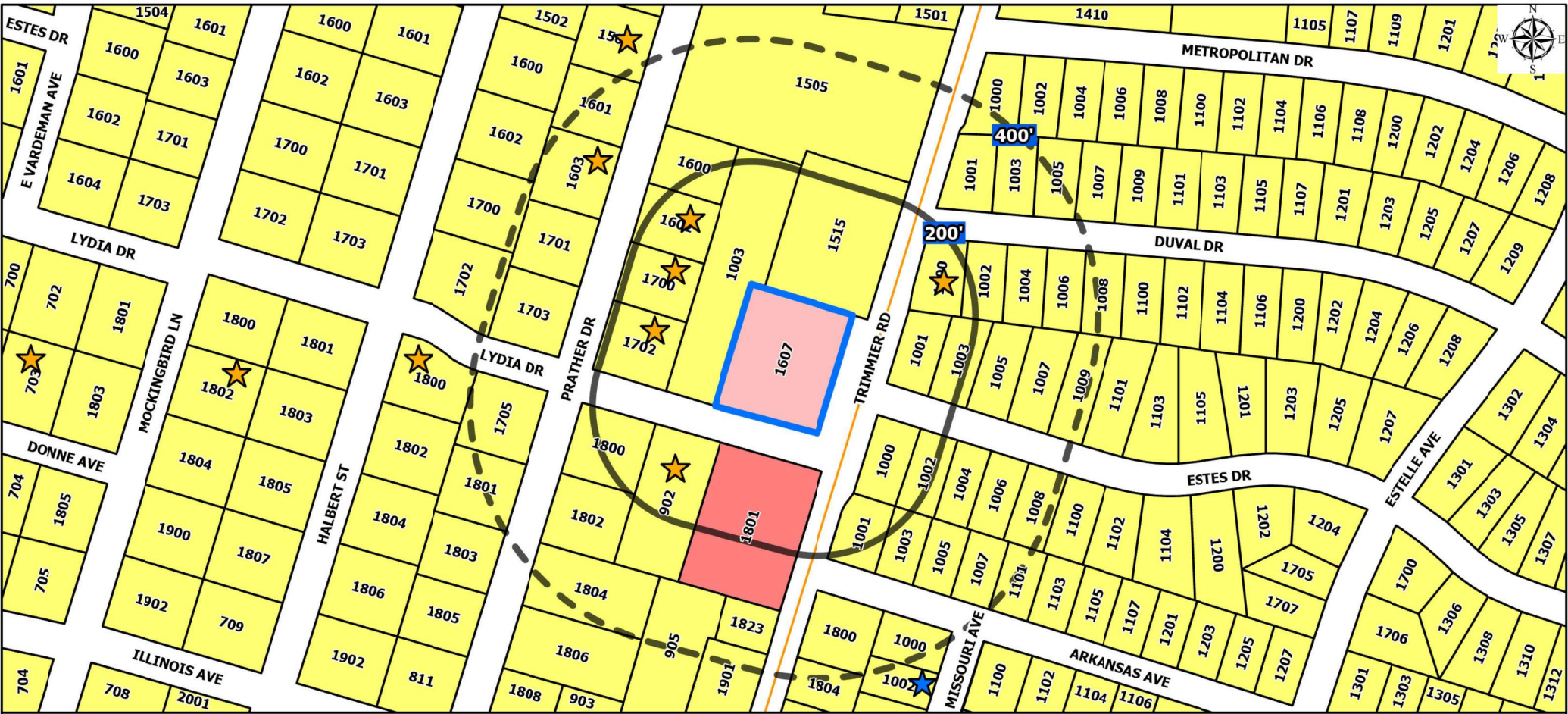
Subject Property Legal Description: LISA GRACE ADDITION, BLOCK 001, LOT 0001, ACRES 0.813

Zoning Case 2025-32

B-1 TO NDB

Legend

- B-1
- B-2
- Zoning Case
- R-1



RESPONSE MAP

Council District: 1

0 200 400 Feet

Subject Property Legal Description: LISA GRACE ADDITION, BLOCK 001, LOT 0001, ACRES 0.813

Zoning Case 2025-32

B-1 TO NBD

Legend

- B-1
- B-2
- R-1
- SUPPORT
- OPPOSED
- Zoning Case

SITE PHOTOS

Case #Z25-32: "B-1" to "NBD"



View of the subject property facing west from Trimmier Road:



View from the subject property looking across Trimmier Road towards existing single-family residential homes.



SITE PHOTOS

Case #Z25-32: "B-1" to "NBD"



View of existing business located to the south of the subject property.



View of the subject property facing north on Trimmier Road.



MINUTES
PLANNING AND ZONING COMMISSION MEETING
OCTOBER 13, 2025
CASE # Z25-32
“B-1” to “NBD”

Hold a public hearing and consider a request submitted by Mitchell & Associates, Inc. on behalf of Henry James Holdings, LLC (**Case# Z25-32**) to rezone approximately 0.813 acres, being Lot 1, Block 1, Lisa Grace Addition, from “B-1” (Professional Business District) to “NBD” (Neighborhood Business District). The subject property is locally addressed as 1607 Trimmier Road, Killeen, Texas.

This item was presented to the Commission during their Work Session. Ms. Lopez was available to answer questions.

The applicant, Mr. Ace Reneau of Mitchell & Associates, Inc., was present to represent the case. He stated that the property is currently for sale and that rezoning the property would make it more marketable. He also stated that he believes the request is consistent with the character of the area. Mr. Reneau also stated that there is an offer to purchase the property, which is contingent on the proposed rezoning.

Commissioner Purifoy asked what the intended use of the property is. Mr. Reneau stated that the requested zoning would allow for any of the permitted uses within the “NBD” (Neighborhood Business District) zoning district.

Chairman Giacomozzi opened the public hearing at 5:21 p.m.

Ms. Effel Harper spoke in opposition to the request. She expressed concern that the applicant has not disclosed what the intended use of the property is. She also expressed concern regarding traffic at that intersection.

Mr. Bernard Gillespie spoke in opposition to this request. He read a letter expressing opposition to the request that was written by Ms. Beth Matkin, who was unable to attend the public hearing. The primary concern expressed was regarding traffic. Mr. Gillespie also noted that rezoning the property to make it easier to sell does not benefit the residents of Jasper Heights. He further expressed that traffic in this area is already terrible.

Mr. Ardyth Jackson spoke in opposition to the request. He expressed concern regarding traffic and the homeless population in the area. He further stated that use of the property as a service station would be a potential hazard to the area.

Ms. Eleonora Santana spoke in opposition to this request. She stated that garden homes would be a more compatible use of the subject property. She noted her expectation that the least desirable

use permitted in the proposed zoning district, meaning a convenience store and gas station, is proposed. Ms. Santana noted concern regarding the additional traffic and homeless population associated with the speculated use of the property as a gas station.

Ms. Brittani Jean spoke in opposition to this request. She stated that she has heard that the proposed use is a gas station and expressed that she would like to know the truth from the applicant. Ms. Jean noted concerns regarding increased traffic on Trimmier Road, particularly at school pick-up and drop-off times, as well as the potential for increased crime, additional lighting, and noise.

Ms. Elva Gonzales spoke in opposition to the request. She stated that she would support a use that is allowed under the current zoning but does not support the requested rezoning. Ms. Gonzales expressed concerns regarding the traffic, light, trash, homelessness, safety, and drainage. She further expressed that she would like to preserve the existing character of the neighborhood.

Ms. Jane Abel spoke in opposition to the request. She stated that she agrees with the comments that have already been made. She also noted that there are dips at the intersections that are used to divert water drainage and may be dangerous to individuals not familiar with the area.

Ms. Cyndi Gomez-Hempel spoke in opposition to this request. She stated she was also speaking on behalf of neighboring property owners who were unable to attend the public hearing. She expressed concern that the proposed development would bring increased crime and homelessness to the area. She also stated that there is no need for another gas station in this area.

Mr. Jeff Johnson spoke in opposition to the request. He stated that he is opposed to a gas station and expressed concern regarding traffic and crime. Mr. Johnson also expressed concern that a gas leak could negatively impact the drinking water.

With no one wishing to speak, the public hearing was closed at 5:46 p.m.

Commissioner Jones moved to recommend disapproval of the applicant's request to rezone the property to "NBD" (Neighborhood Business District). Commissioner Sabree seconded, and the motion to recommend disapproval passed by a vote of 5 to 0.

ORDINANCE NO. 25-XXX

AN ORDINANCE AMENDING THE CITY OF KILLEEN ZONING ORDINANCE BY CHANGING THE ZONING OF APPROXIMATELY 0.813 ACRES, BEING LOT 1, BLOCK 1, LISA GRACE ADDITION, FROM “B-1” (PROFESSIONAL BUSINESS DISTRICT) TO “NBD” (NEIGHBORHOOD BUSINESS DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code and Section 31-39 of the City of Killeen Code of Ordinances, the City Council, upon application, may amend the City of Killeen Zoning Ordinance following a recommendation by the Planning and Zoning Commission and a public hearing;

WHEREAS, Mitchell & Associates, Inc. on behalf of Henry James Holdings, LLC, presented to the City of Killeen, a request for an amendment to the City of Killeen Zoning Ordinance by changing the classification of approximately 0.813 acres, being Lot 1, Block 1, Lisa Grace Addition, locally addressed as 1607 Trimmier Road, Killeen, Texas, from “B-1” (Professional Business District) to “NBD” (Neighborhood Business District);

WHEREAS, the Planning and Zoning Commission of the City of Killeen, following a public hearing on October 13, 2025, duly recommended disapproval of the application for amendment;

WHEREAS, due notice of the filing of said request and the date of hearing thereon was given as required by law, and hearing on said request was set for 3:00 P.M., on November 18, 2025, at the City Hall, City of Killeen; and

WHEREAS, the City Council at said hearing duly considered said request, the action of the Planning and Zoning Commission, and the evidence in support thereof, and the City Council being of the majority opinion that the applicant’s zoning request should be approved as recommended by the Planning and Zoning Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:

SECTION I. That the zoning classification of approximately 0.813 acres, being Lot 1, Block 1, Lisa Grace Addition, locally addressed as 1607 Trimmier Road, Killeen,

Texas, be changed from “B-1” (Professional Business District) to “NBD” (Neighborhood Business District).

SECTION II. That should any section or part of this ordinance be declared unconstitutional or invalid for any reason, it shall not invalidate or impair the validity, force, or effect of any other section or parts of this ordinance.

SECTION III. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION IV. That this ordinance shall take effect immediately upon passage of the ordinance.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 18th day of November 2025, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, § 551.001, *et seq.*

APPROVED:

Debbie Nash-King, MAYOR

ATTEST:

Laura J. Calcote, CITY SECRETARY

APPROVED AS TO FORM

Holli C. Clements, CITY ATTORNEY
Case #25-32
Ord. #25-____

Mitchell & Associates, Inc.

Engineering & Surveying

September 15, 2025

Wallis Meshier, CNU-A
Executive Director
City of Killeen Development Services
200 East Avenue D
Killeen, TX 76541

Dear Mrs. Meshier:

Henry James Holdins, LLC have retained us to assist in the rezoning of their property located at 1607 Trimmier Road. They request to rezone approximately 0.813 acres of property, being all of Lisa Grace Addition, from the current B-1 zoning to the NBD (Neighborhood Business District) zoning. The request for NBD is consistent with the Residential Mix use as noted in the 2022 Comprehensive Plan. The proposed use is compatible with the surrounding uses based on the frontage on a minor arterial road and adjacent development in conjunction with the protections indicative of the NBD.

Regards,



Ace Reneau, P.E.
Mitchell & Associates, Inc.

YOUR NAME:	Eleonora M. Santana	PHONE NUMBER:	254-535-0277
CURRENT ADDRESS:	10904 Opal Trail, Austin, TX, 78750		
ADDRESS OF PROPERTY OWNED:	1503 Prather Dr, Killeen, TX, 76541		
COMMENTS:	Strongly opposed to rezone the parcel from B-1 to NBD. The last thing we need is ANOTHER GAS station, 100 yards from Mickey's. There is already considerable foot traffic in neighborhood. OPPOSED.		
SIGNATURE:	Eleonora M. Santana	REQUEST: "B-1" to "NBD"	Z25-32/02:



YOUR NAME: TERON RAY ARMINGTON PHONE NUMBER: (254) 289-1195

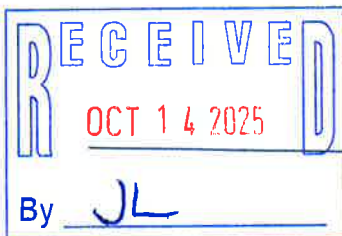
CURRENT ADDRESS: 1802 MOCKINGBIRD LA KILLEEN, TX 76541

ADDRESS OF PROPERTY OWNED: 1802 MOCKINGBIRD LA KILLEEN, TX 76541

COMMENTS: OPPOSITION

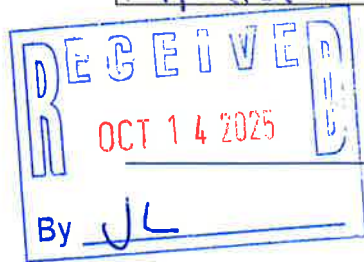
SIGNATURE: Theron Ray Armington REQUEST: "B-1" to "NBD"

Z25-32/ 225-23



P.O. Box 1329 Killeen, Texas 76541 • 254.501.7648 • Fax 254.501.7628
www.KilleenTexas.gov

YOUR NAME:	Bob Murray	PHONE NUMBER:	254-813-9634
CURRENT ADDRESS:	1000 Duvall Dr.		
ADDRESS OF PROPERTY OWNED:	same		
COMMENTS:	I strongly oppose the rezoning because it would most likely increase traffic on Trimmer Rd. which is already difficult for residents in adjacent neighborhoods to get on due to Trimmer Rd. and Florence Rd. becoming North-South cross town highways like S.W.S. Young Dr. without the roads being widened to handle the heavier traffic. IF the city continues to delay the two roads being widened, then it should take lesser measures to cut down on the amount of traffic by only allowing entrance/exit to the rezoned property from Lydia Dr. and/or making Trimmer Rd. one-way going south and Florence Rd. one-way going north to speed traffic flow.		
SIGNATURE:	Robert W. Murray	REQUEST: "B-1" to "NBD"	
		Z25-32/ 36	rezoning request for property at: 1607 Trimmer Rd. Killeen, Texas

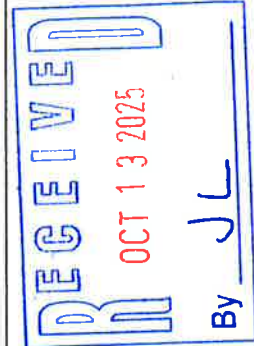


P.O. Box 1329 Killeen, Texas 76541 • 254.501.7648 • Fax 254.501.7628

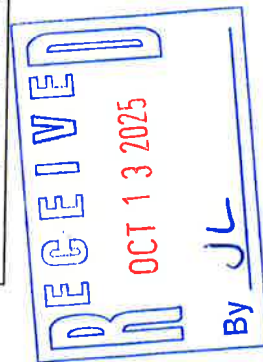
www.KilleenTexas.gov

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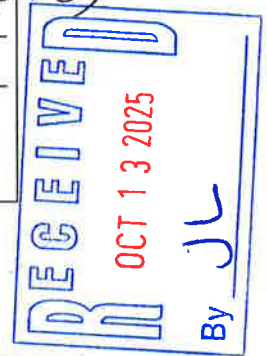
YOUR NAME:	Jim A Kamin ska	PHONE NUMBER:	254 319-6213
CURRENT ADDRESS:	1800 Helbert St Killeen Tx 76541		
ADDRESS OF PROPERTY OWNED:			
COMMENTS:	We Do Not Need another Convenient Store 300 yards from Mickey's on Trimmer/ and Illinois		
SIGNATURE:			
	REQUEST: "B-1" to "NBD"		
	Z25-32/ 225-23		



YOUR NAME:	Susan Frisch	PHONE NUMBER:	254-449-2875
CURRENT ADDRESS:	703 Donnie Ave		
ADDRESS OF PROPERTY OWNED:			
COMMENTS:			
	I am against changing the zoning.		
	We don't need more traffic in this		
	neighborhood.		
SIGNATURE:	Susan D		
	REQUEST: "B-1" to "NBD"		
	Z25-32/ Z25-23		



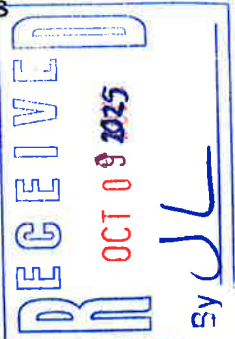
YOUR NAME:	Beth Matkin	PHONE NUMBER:	254-554-1451
CURRENT ADDRESS:	1602 Prather Dr 76541		
ADDRESS OF PROPERTY OWNED:	1602 Prather Dr 76541		
COMMENTS:	OPPOSED - convenience store 1 block away (Trimmier & Illinois) - church located in same block (Mary Jane & Trimmier) - strip center (Villa Village) corner of Trimmier & Lydia with multiple vacancies - long established neighborhood (Jasper Heights) - traffic backs up (past Lydia) because of Jasper / Trimmier light		
SIGNATURE:	Beth Matkin	REQUEST: "B-1" to "NBD"	
		Z25-32/	225-23



YOUR NAME:	EVA + Richard Gonzales	PHONE NUMBER:	254-681-0046
CURRENT ADDRESS:	1700 Prather Dr.		
ADDRESS OF PROPERTY OWNED:	1700 Prather Dr.		
COMMENTS:	I am writing to express my strong concern regarding the proposed rezoning of the lot directly behind my house! This change would significantly impact our neighborhood in several negative ways, including increased traffic, loss of homeowner privacy and safety, more trash, more foot traffic, potentially attracting more homeless activity, heightened safety concerns, bright lights all hours of the evening. Additionally, the property's development would worsen drainage and flooding issues in our backyard & neighbors. Lydia St. is a common route for school drop off of students which raises additional safety concerns. We OPPOSE this request.		
SIGNATURE:	<i>Eva Gonzales</i> <i>R</i>		
	REQUEST: "B-1" to "NBD" Z25-32/22		

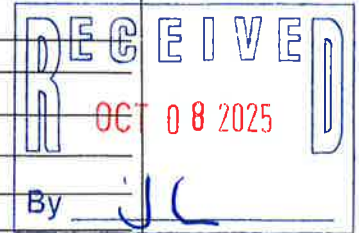
RECEIVED
OCT 09 2025
5207 60 130
JL

YOUR NAME: Ardyth L. Jackson		PHONE NUMBER: 254-289-0601
CURRENT ADDRESS: 902 Lydia Drive		
ADDRESS OF PROPERTY OWNED: 902 Lydia Drive		
COMMENTS: Jasper Heights is one of the oldest distinctive neighborhoods in our city. Rezoning would be devastating to our area to include retired elderly homeowners. A variety of convenience stores and commercial establishments are found within a three-mile radius. Let's keep the normalcy of a residential neighborhood. It is a good community let us continue to keep it that way.		
SIGNATURE: 		REQUEST: "B-1" to "NBD" Z25-32/ 20



CUT HERE

YOUR NAME:	Fred A. + Najah Safady	PHONE NUMBER:	254-702-8554
CURRENT ADDRESS:	1603 Prather Dr. Killeen, TX 76541		
ADDRESS OF PROPERTY OWNED:	1603 Prather Dr.		
COMMENTS:	Do not change the zoning		
SIGNATURE: <i>Fred A. Safady</i>		REQUEST: "B-1" to "NBD"	
Najah Safady		Z25-32/05	

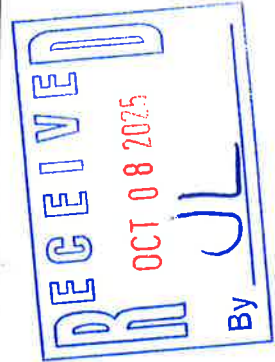


CUT HERE

YOUR NAME:	BERNARD Gillespie	PHONE NUMBER:	254-289-3932
CURRENT ADDRESS:	1702 Prather Dr Killeen TX 76541		
ADDRESS OF PROPERTY OWNED:	same as above.		
COMMENTS:	I AM AGAINST this rezoning. There is already a retail strip across from this property. There are at least 3 convenience stores within a few blocks. This is next to a nice Killeen neighborhood and the extra traffic & alcohol sales and foot traffic would be very detrimental to this area.		
SIGNATURE: <i>B. Gillespie</i>		REQUEST: "B-1" to "NBD"	
		Z25-32/21	



YOUR NAME:	Chris Larson	PHONE NUMBER:	808-341-7982
CURRENT ADDRESS:	1002 Missouri Ave 112 Bole Cove Georgetown TX		
ADDRESS OF PROPERTY OWNED:	1002 Missouri Ave,		
COMMENTS:	Good to go!		
SIGNATURE:		REQUEST: "B-1" to "NBD"	
Tanner E.S.		Z25-32/53	



CASE #Z25-32:
“B-1” TO “NBD”

PH-25-067

November 18, 2025

Case #Z25-32: “B-1” to “NBD”

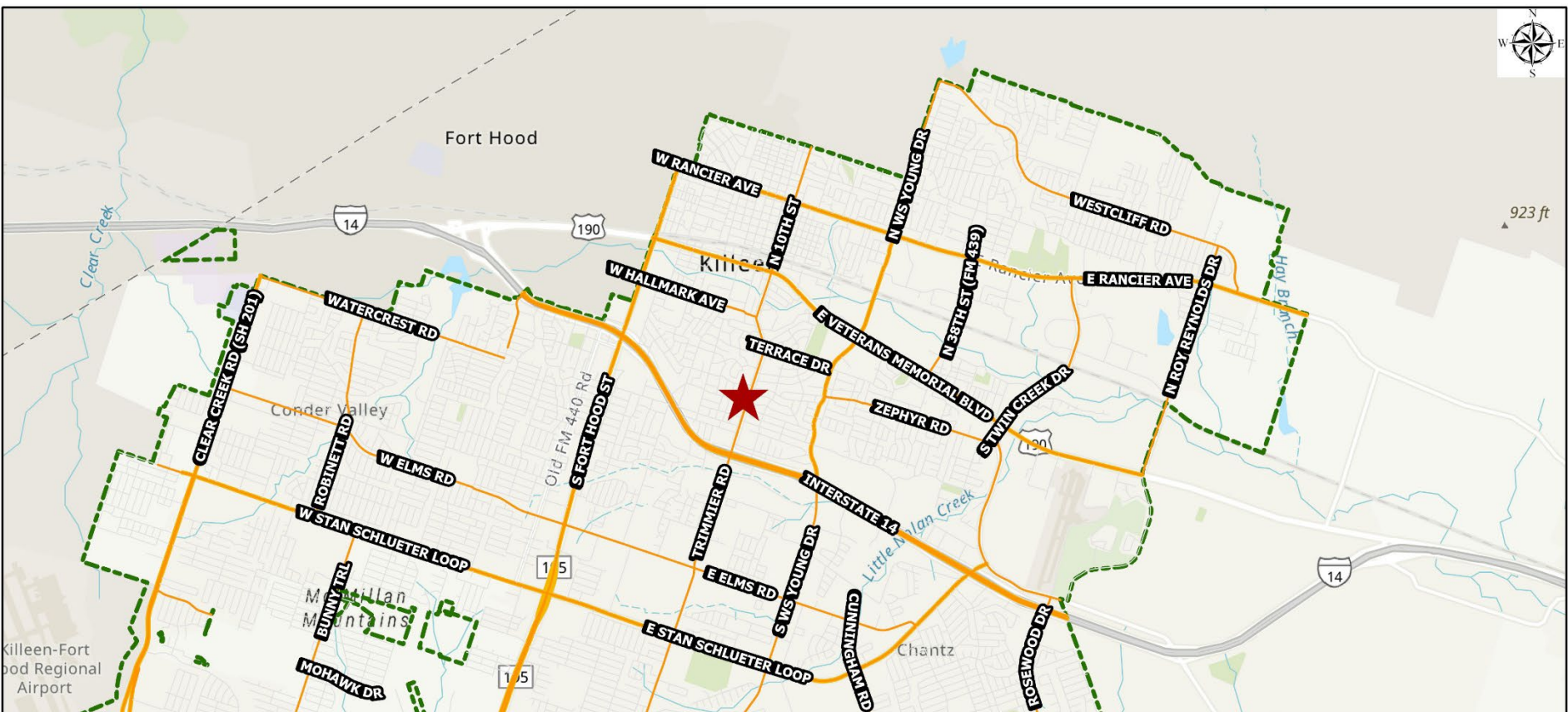
- Hold a public hearing and consider a request submitted by Mitchell & Associates, Inc. on behalf of Henry James Holdings, LLC (**Case# Z25-32**) to rezone approximately 0.813 acres, being Lot 1, Block 1, Lisa Grace Addition, from “B-1” (Professional Business District) to “NBD” (Neighborhood Business District).
- The subject property is locally addressed as 1607 Trimmier Road, Killeen, Texas.

Case #Z25-32: “B-1” to “NBD”

- The applicant has submitted a request to rezone the subject property from “B-1” (Professional Business District) to “NBD” (Neighborhood Business District).
- If approved, “NBD” (Neighborhood Business District) allows for neighborhood scale commercial uses, including sit-down restaurants, personal services establishments, and gas stations with up to four (4) pumps.

Case #Z25-32: “B-1” to “NBD”

- The subject property is located within the ‘Neighborhood Infill’ (NI) area on the Growth Sector Map and designated ‘Residential Mix’ (RM) on the Future Land Use Map (FLUM) of the Killeen 2040 Comprehensive Plan.
- The ‘Residential Mix’ (RM) place type allows for small-scale and neighborhood-scale commercial uses and encourages a use mix of up to 95% residential and up to 25% non-residential.



LOCATION MAP
Council District: 1



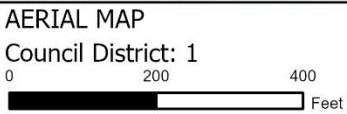
Subject Property Legal Description: LISA GRACE ADDITION, BLOCK 001, LOT 0001, ACRES 0.813

Zoning Case 2025-32

B-1 TO NBD

Legend

- Major Roads
- City Limit
- Zoning Case Location



Zoning Case 2025-32

B-1 TO NBD

Legend

 Zoning Case

Subject Property Legal Description: LISA GRACE ADDITION, BLOCK 001, LOT 0001, ACRES 0.813

Case #Z25-32: “B-1” to “NBD”

7

View of the subject property facing west from Trimmier Road:



Case #Z25-32: “B-1” to “NBD”

8

View from the subject property facing northeast along Trimmier Road:



Case #Z25-32: “B-1” to “NBD”

9

View from Trimmier Road facing southwest (subject property on right):



Case #Z25-32: “B-1” to “NBD”

10

View of the subject property from Lydia Drive facing north:



Public Notification

11

- Staff notified the owners of fifty-seven (57) surrounding properties regarding this request.
- To date, staff has received ten (10) written responses in opposition, and one (1) written response in support of this request.

Public Notification

12

- Of those responses in opposition, five (5) are from within the 200-foot buffer, three (3) are from within the 400-foot buffer, and two (2) are from outside of the notification boundary.



RESPONSE MAP

Council District: 1

0 200 400 Feet

Zoning Case 2025-32

B-1 TO NBD

Legend

	B-1		R-1		SUPPORT
	B-2				OPPOSED
	Zoning Case				

Subject Property Legal Description: LISA GRACE ADDITION, BLOCK 001, LOT 0001, ACRES 0.813

Public Notification

14

- Opposition to this request comprises approximately 25.5% of the 200-foot notification boundary.
- In accordance with Local Government Code Sec. 211.0061 and Killeen Code of Ordinances Sec. 31-39(f), approval of this request requires the affirmative vote of at least three-fourths ($3/4$) of all members of the governing body.

Public Notification

15

- During the Public Hearing at the Planning and Zoning Commission meeting on October 13, 2025, nine (9) citizens spoke in opposition to this request.

Staff Recommendation

16

- Staff finds that the applicant's request is consistent with the 'Residential Mix' (RM) designation of the property and with the recommendations outlined in the Killeen 2040 Comprehensive Plan.
- Therefore, staff recommends approval of the applicant's request to rezone the subject property from "B-1" (Professional Business District) to "NBD" (Neighborhood Business District) as presented.

Commission Recommendation

17

- At their regular meeting on October 13, 2025, the Planning and Zoning Commission recommended disapproval of the applicant's request by a vote of 5 to 0.
- Approval of this request requires the affirmative vote of at least three-fourths ($3/4$) of all members of the governing body (6 votes).



City of Killeen

Staff Report

File Number: PH-25-068

Hold a public hearing and consider an ordinance submitted by Mitchell & Associates, Inc., on behalf of Laron Johnson Sr. & Laron Johnson Jr., (**Case# Z25-33**) to rezone approximately 0.230 acres, being Lots 10-11, Block 1, Stringer Addition from "B-5" (Business District) to "R-3F" (Multifamily Residential District). The subject properties are locally addressed as 805 and 807 West Avenue I, Killeen, Texas.

DATE: November 18, 2025

TO: Kent Cagle, City Manager

FROM: Wallis Meshier, Exec. Dir. Of Dev. Serv.

SUBJECT: Zoning Case #25-33: "B-5" to "R-3F"

BACKGROUND AND FINDINGS:

Property Information:

Property Owner: Laron Johnson Sr. & Laron Johnson Jr.
Agent: Mitchell & Associates Inc.
Current Zoning: "B-5" (Business District)
Proposed Zoning: "R-3F" (Multifamily Residential District)
FLUM Designation: 'Residential Mix' (RM)
Growth Sector Designation: 'Infill Enhance' (IE)
Development Zone: 3

Summary of Request:

The applicant's request to rezone the subject properties from "B-5" (Business District) to "R-3F" (Multifamily Residential District) aligns with the Residential Mix designation outlined in the 2040 Comprehensive Plan and is compatible with the surrounding residential development. If approved, the applicant intends to replat the properties to support future multifamily residential use, contributing to the City's goals for diverse housing options and neighborhood revitalization.

Zoning/Plat Case History:

The properties were annexed into the City of Killeen on December 31, 1919. Staff is unable to

determine the date of the zoning. The properties are platted as Lots 10 and 11, Block 1, Stringer Addition.

Character of the Area:

North: Existing commercial property zoned "B-5" (Business District)

South: Existing residential property zoned "R-3" (Multifamily Residential District) and "RMH" Residential Mobile Home District.

East: Existing residential property zoned "R-3" (Multifamily Residential District)

West: Undeveloped property and existing two-family residential property zoned "B-5" (Business District)

Future Land Use Map Analysis:

The subject properties are located within the 'Infill Enhance' (IE) area on the Growth Sector Map and designated 'Residential Mix' (RM) on the Future Land Use Map (FLUM) of the Killeen 2040 Comprehensive Plan.

The Growth Sector Map indicates that these parcels are in the 'Infill Enhance' sector and, as such, have existing development and full service, but are located in areas where additional population, higher development intensities, and integration of uses is desired. This sector is primarily located in downtown and the neighborhoods immediately around it. Growth policies for this area should support infill, redevelopment, and infrastructure projects. These projects should accommodate more residents and small businesses while improving walkability.

The 'Residential Mix' place type creates neighborhoods built with a traditional walkable block/street grid network that allows a flexible mix of residential building typologies. Aside from large multiplex garden apartments, most housing types should be allowed here. This place type encourages most residential uses such as single-family detached, townhouses, small-plex (2-4 units), etc. This place type encourages a twenty-five percent (25%) nonresidential and ninety-five percent (95%) residential use mix.

The request supports the following Comprehensive Plan recommendations:

- **LU2** - Improve the fiscal productivity of development.
- **LU3** - Encourage incremental evolution of neighborhoods.
- **LU4** - Prioritize infill and revitalization in north Killeen.

The Killeen 2040 Comprehensive Plan promotes incremental redevelopment of properties that can contribute to broader neighborhood improvement. Additionally, staff finds the proposed rezoning is consistent with the surrounding area, which consists of a mix of residential and commercial properties.

Development Zone Analysis:

These properties are located within the City of Killeen Development Zone #3. This development

zone is between Interstate Highway 14 and Veterans Memorial Boulevard, east of Fort Hood Street. This development zone consists of 62.40% residential uses and 37.60% commercial uses.

The current land use mix within this area comprises of the following acreages and percentages, approximately:

<u>District</u>	<u>Acres</u>	<u>Percentage</u>
Special Districts	81.61	2.74%
Residential	1779.03	59.66%
Industrial	273.37	9.17%
Commercial	847.76	28.43%
Agricultural	0.00	0.00%
Total	2981.78	100.00%

Vacant Property	716.18	24.02%
-----------------	--------	--------

Water, Sewer and Drainage Services:

Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, wastewater, and drainage services are located within the City of Killeen municipal utility service area and are available to the subject tracts.

Water services are available for the properties via an existing 6" water distribution main located in West Avenue I.

Wastewater services are available for the properties via an existing 8" wastewater main located in West Avenue I and an existing 10" wastewater main located in an alley at the rear of the properties.

There is no existing stormwater infrastructure adjacent to the properties.

Transportation and Thoroughfare Plan:

Access for the properties is via West Avenue I (50' ROW), which is classified as a local street in the currently adopted Comprehensive Plan.

PARKS AND PROPOSED TRAIL PLAN:

There are no parks or trails located on the site.

Environmental Assessment:

The properties are in the Nolan Creek / Leon River Watershed. The property at 805 West Avenue I

has a minor encroachment of Zone AE (Special Flood Hazard Area) and the property at 807 West Avenue I is located in Zone X (Outside the 0.2% Annual Chance Flood Hazard Area), per Federal Emergency Management Agency Flood Insurance Rate Map 48027C0280E with effective date September 26, 2008. The properties are not impacted by any wetlands or riverine areas, as shown on the National Wetlands Inventory maps for the properties. No visual evidence of other environmental impediments is apparent on the properties at this time.

Public Notification:

Staff notified the owners of fifty-seven (57) surrounding properties regarding this request.

As of the date of this staff report, no responses have been received regarding this request.

Staff Findings:

Staff finds that the proposed "R-3F" (Multifamily Residential District) is consistent with the Residential Mix designation identified in the 2040 Comprehensive Plan. The proposed development aligns with the City of Killeen's ongoing efforts to revitalize north Killeen by encouraging reinvestment and expanding housing options in underserved areas.

THE ALTERNATIVES CONSIDERED:

N/A

Which alternative is recommended? Why?

N/A

CONFORMITY TO CITY POLICY:

This zoning request conforms to the City's policy and procedures, as detailed in Chapter 31 of the Killeen Code of Ordinances.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

This zoning request does not involve the expenditure of city funds. Public infrastructure is already in place for the properties and maintained by the City. Maintenance cost will continue for the life of the development.

Is this a one-time or recurring expenditure?

This is not applicable.

Is this expenditure budgeted?

This is not applicable.

If not, where will the money come from?

This is not applicable.

Is there a sufficient amount in the budgeted line item for this expenditure?

This is not applicable.

RECOMMENDATION:

Staff recommends approval of the applicant's request to rezone the subject properties from "B-5" (Business District) to "R-3F" (Multifamily Residential District) as presented.

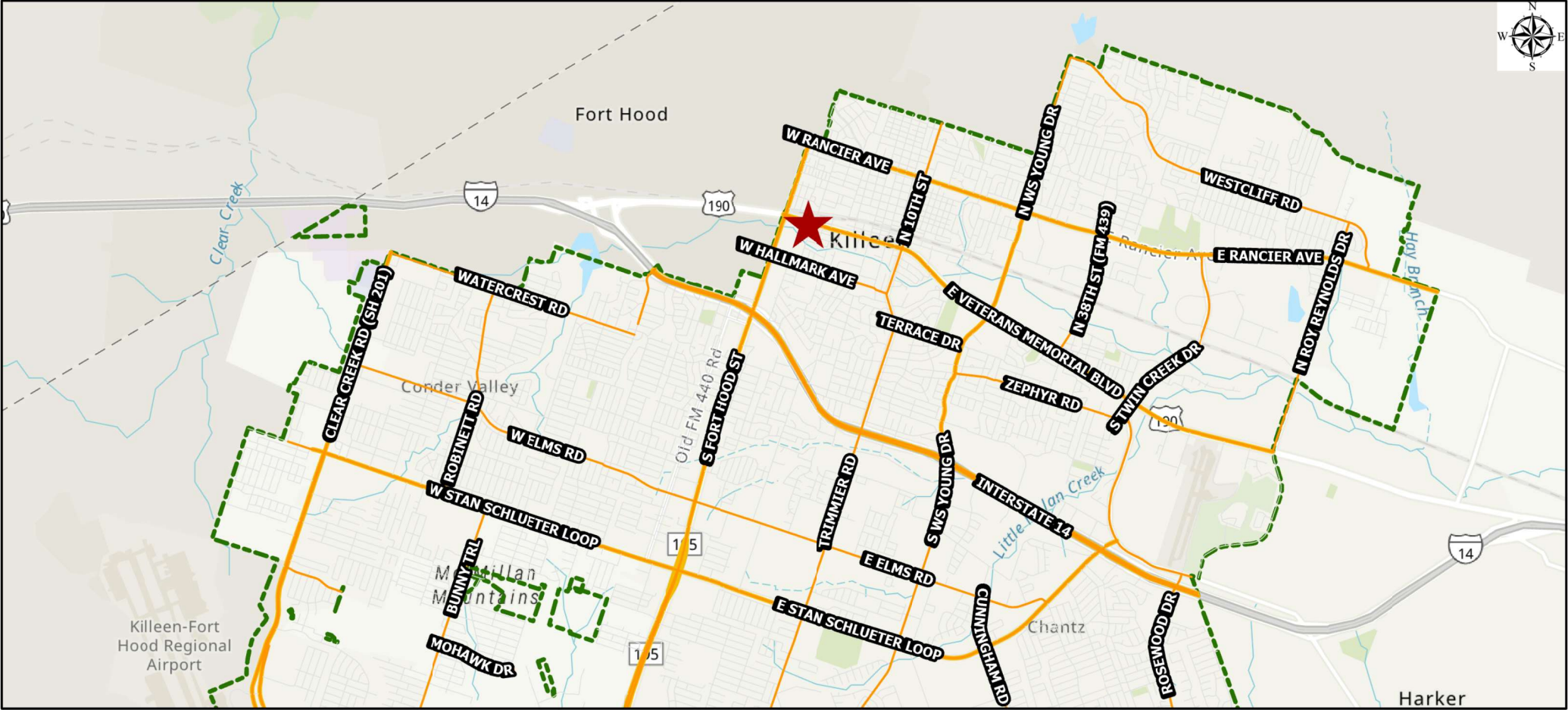
At their regular meeting on October 13, 2025, the Planning and Zoning Commission recommended approval by a recommendation by a vote of 5 to 0.

DEPARTMENTAL CLEARANCES:

Planning and Legal staff have reviewed this item.

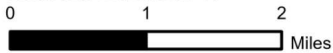
ATTACHED SUPPORTING DOCUMENTS:

Maps
Site Photos
Minutes
Ordinance
Letter of Request
Presentation



LOCATION MAP

Council District: 1

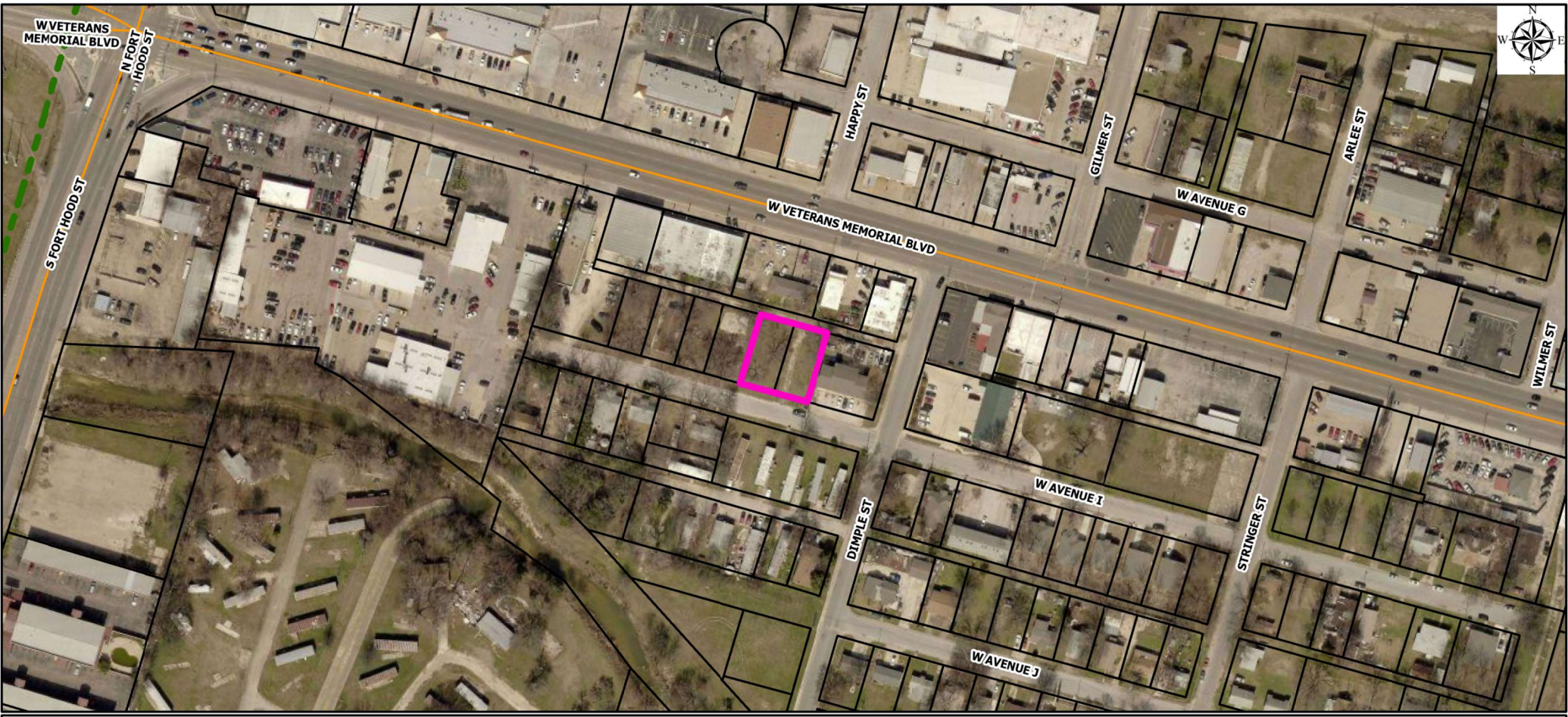


Subject Property Legal Description: STRINGER ADDITION, BLOCK 001, LOT 0010 AND 0011. ACRES 0.230

Zoning Case 2025-33
B-5 TO R-3F

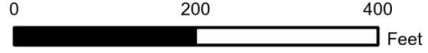
Legend

- Major Roads
- City Limit
- Zoning Case Location



AERIAL MAP

Council District: 1

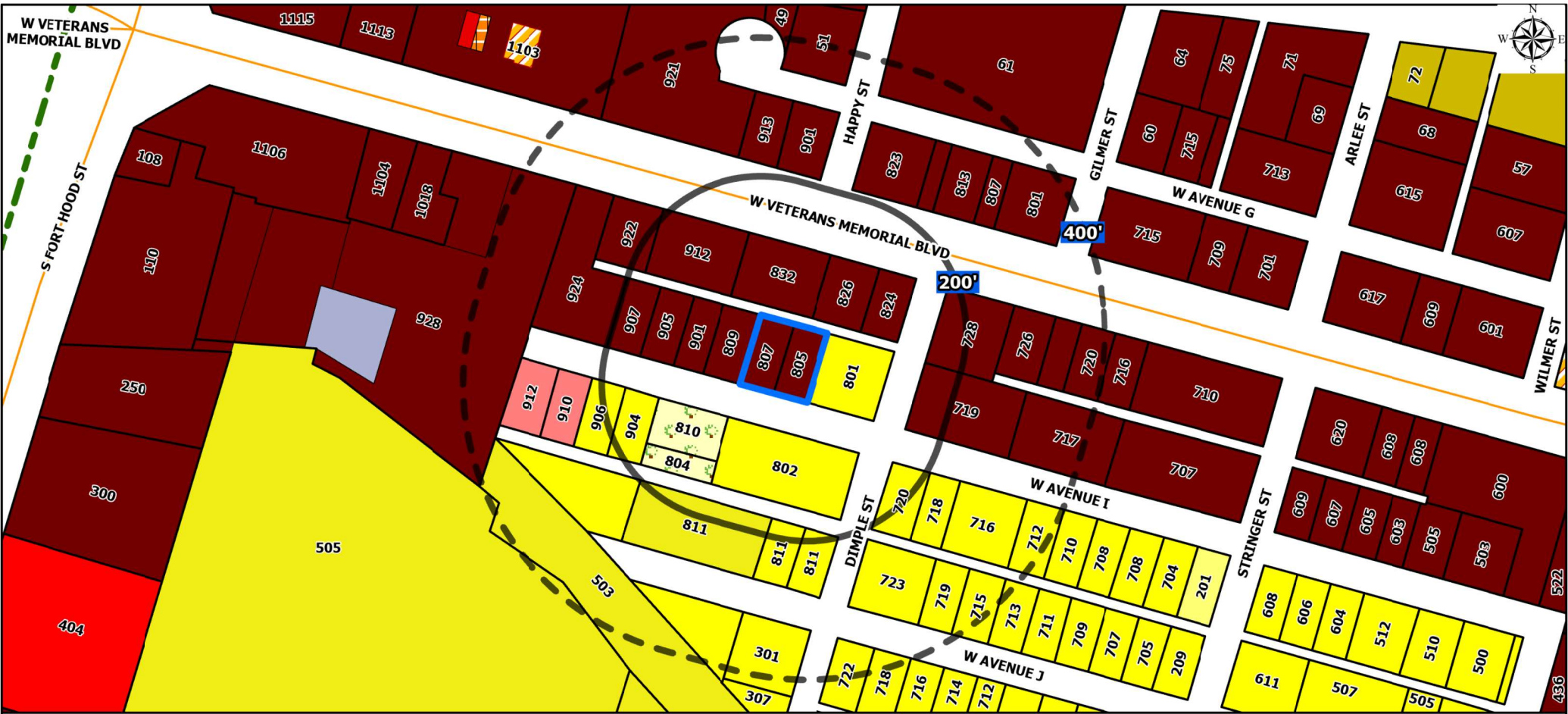


Zoning Case 2025-33
B-5 TO R-3F

Legend

 Zoning Case

Subject Property Legal Description: STRINGER ADDITION, BLOCK 001, LOT 0010 AND 0011. ACRES 0.230



NOTIFICATION MAP

Council District: 1



Subject Property Legal Description: STRINGER ADDITION, BLOCK 001, LOT 0010 AND 0011. ACRES 0.230

Zoning Case 2025-33
B-5 TO R-3F

Legend		B-2		B-5		R-1		R-MP
		B-3		RC-1		R-3		RMH
		B-3A		B-C-1		R-3F		SUP
				Zoning Case				

SITE PHOTOS

Case #Z25-33: "B-5" to "R-3F"



View of the subject property facing north on West Avenue I:



View from across the subject property facing east on West Avenue I towards an existing multifamily residential structure.



SITE PHOTOS

Case #Z25-33: "B-5" to "R-3F"



View from across the subject property facing west on West Avenue I, looking towards existing residential.



View from across the street from the subject property.



MINUTES
PLANNING AND ZONING COMMISSION MEETING
OCTOBER 13, 2025
CASE # Z25-33
“B-5” to “R-3F”

Hold a public hearing and consider a request submitted by Mitchell & Associates, Inc. on behalf of Laron Johnson Sr. & Laron Johnson Jr. (**Case# Z25-33**) to rezone approximately 0.230 acres, being Lot 10-11, Block 1, Stringer Addition from “B-5” (Business District) to “R-3F” (Multifamily Residential District). The subject properties are locally addressed as 805 and 807 West Avenue I, Killeen, Texas.

This item was presented to the Commission during their Work Session. Ms. Lopez was available to answer questions.

The applicant, Mr. Ace Reneau of Mitchell & Associates, Inc., was present to represent the case. Mr. Reneau stated that the applicant’s intent is to build a tri-plex or quadplex on the property.

Chairman Giacomozzi opened the public hearing at 5:52 p.m.

With no one wishing to speak, the public hearing was closed at 5:52 p.m.

Commissioner Purifoy moved to recommend approval of the request as presented. Commissioner Cooper seconded, and the motion passed by a vote of 5 to 0.

ORDINANCE NO. 25-XXX

AN ORDINANCE AMENDING THE CITY OF KILLEEN ZONING ORDINANCE BY CHANGING THE ZONING OF APPROXIMATELY 0.230 ACRES, BEING LOTS 10-11, BLOCK 1, STRINGER ADDITION FROM “B-5” (BUSINESS DISTRICT) TO “R-3F” (MULTIFAMILY RESIDENTIAL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code and Section 31-39 of the City of Killeen Code of Ordinances, the City Council, upon application, may amend the City of Killeen Zoning Ordinance following a recommendation by the Planning and Zoning Commission and a public hearing;

WHEREAS, Mitchell & Associates, Inc., on behalf of Laron Johnson Sr. & Laron Johnson Jr., presented to the City of Killeen, a request for an amendment to the City of Killeen Zoning Ordinance by changing the classification of approximately 0.230 acres, being Lots 10-11, Block 1, Stringer Addition, locally addressed as 805 and 807 West Avenue I, Killeen, Texas, from “B-5” (Business District) to “R-3F” (Multifamily Residential District);

WHEREAS, the Planning and Zoning Commission of the City of Killeen, following a public hearing on October 13, 2025, duly recommended approval of the application for amendment;

WHEREAS, due notice of the filing of said request and the date of hearing thereon was given as required by law, and hearing on said request was set for 3:00 P.M., on November 18, 2025, at the City Hall, City of Killeen; and

WHEREAS, the City Council at said hearing duly considered said request, the action of the Planning and Zoning Commission, and the evidence in support thereof, and the City Council being of the majority opinion that the applicant’s zoning request should be approved as recommended by the Planning and Zoning Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:

SECTION I. That the zoning classification of approximately 0.230 acres, being Lot 10-11, Block 1, Stringer Addition, locally addressed as 805 and 807 West Avenue I, Killeen, Texas, be changed from “B-5” (Business District) to “R-3F” (Multifamily Residential District).

SECTION II. That should any section or part of this ordinance be declared unconstitutional or invalid for any reason, it shall not invalidate or impair the validity, force, or effect of any other section or parts of this ordinance.

SECTION III. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION IV. That this ordinance shall take effect immediately upon passage of the ordinance.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 18th day of November 2025, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, § 551.001, *et seq.*

APPROVED:

Debbie Nash-King, MAYOR

ATTEST:

Laura J. Calcote, CITY SECRETARY

APPROVED AS TO FORM

Holli C. Clements, CITY ATTORNEY
Case #25-33
Ord. #25-____

Mitchell & Associates, Inc.

Engineering & Surveying

September 8, 2025

Wallis Meshier, CNU-A
Executive Director
City of Killeen Development Services
200 East Avenue D
Killeen, TX 76541

Dear Mrs. Meshier:

Laron Johnson, Sr. has retained us to assist in the development of their property located at 805 and 807 W Ave I. They request to rezone approximately 0.230 acres of property, being all of Lots 10 and 11 of Block 1 in Stringer Addition, from the current B-5 zoning to the R-3F zoning. The request for R-3F is consistent with the Residential Mix use as noted in the 2022 Comprehensive Plan. The proposed use is compatible with the surrounding uses based on adjacent development.

Regards,



Ace Reneau, P.E.
Mitchell & Associates, Inc.

CASE #Z25-33:
“B-5” TO “R-3F”

PH-25-068

November 18, 2025

Case #Z25-33: “B-5” to “R-3F”

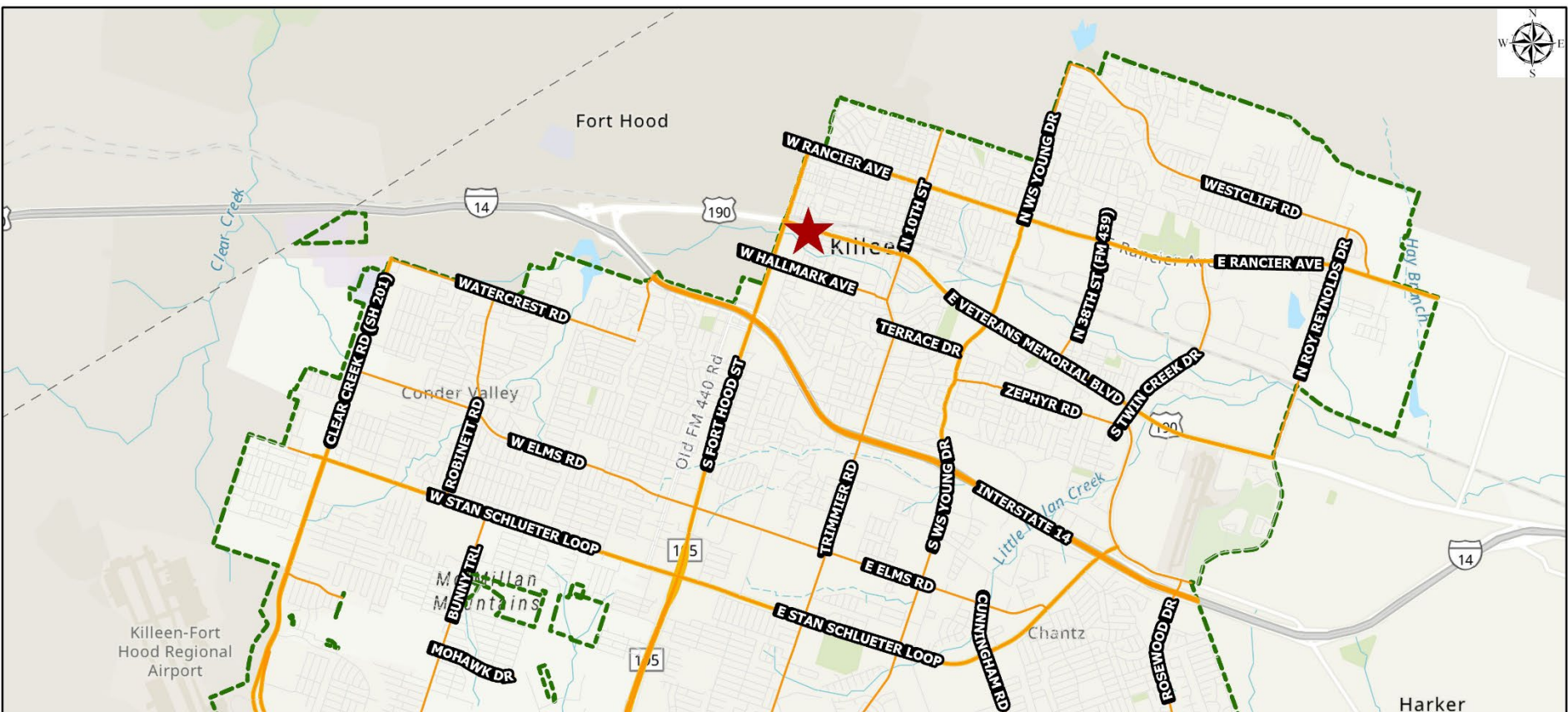
- Hold a public hearing and consider a request submitted by Mitchell & Associates, Inc. on behalf of Laron Johnson Sr. & Laron Johnson Jr. (**Case# Z25-33**) to rezone approximately 0.230 acres, being Lot 10-11, Block 1, Stringer Addition from “B-5” (Business District) to “R-3F” (Multifamily Residential District).
- The subject properties are locally addressed as 805 and 807 West Avenue I, Killeen, Texas.

Case #Z25-33: “B-5” to “R-3F”

- The applicant has requested to rezone the subject properties from “B-5” (Business District) to “R-3F” (Multifamily Residential District).
- If approved, the applicant intends to replat the property into one lot with the goal of developing a triplex or quadplex on the property.

Case #Z25-33: “B-5” to “R-3F”

- The subject property is located within the ‘Infill Enhance’ (IE) area on the Growth Sector Map and designated ‘Residential Mix’ (RM) on the Future Land Use Map (FLUM) of the Killeen 2040 Comprehensive Plan.



0 1 2

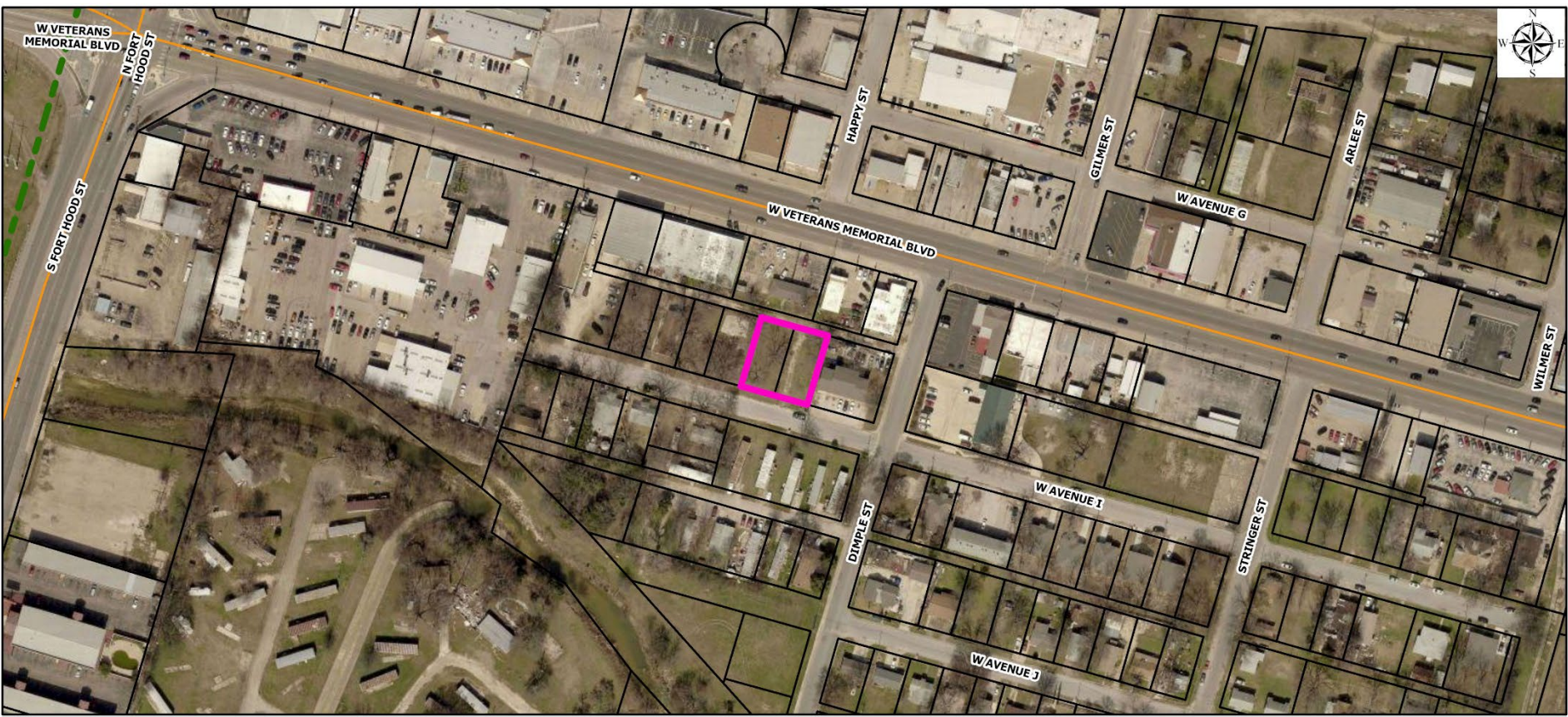
Miles

Zoning Case 2025-33

B-5 TO R-3F

 Major Roads
 City Limit

 Zoning Case Location



AERIAL MAP

Council District: 1



Zoning Case 2025-33

B-5 TO R-3F

Legend

 Zoning Case

Subject Property Legal Description: STRINGER ADDITION, BLOCK 001, LOT 0010 AND 0011. ACRES 0.230

Case #Z25-33: “B-5” to “R-3F”

7

View of the subject property facing north from W. Avenue I:



Case #Z25-33: “B-5” to “R-3F”

8

View of the adjacent property on the opposite side of W. Avenue I:



Case #Z25-33: “B-5” to “R-3F”

9

View from the subject property facing east on W. Avenue I :



Case #Z25-33: “B-5” to “R-3F”

10

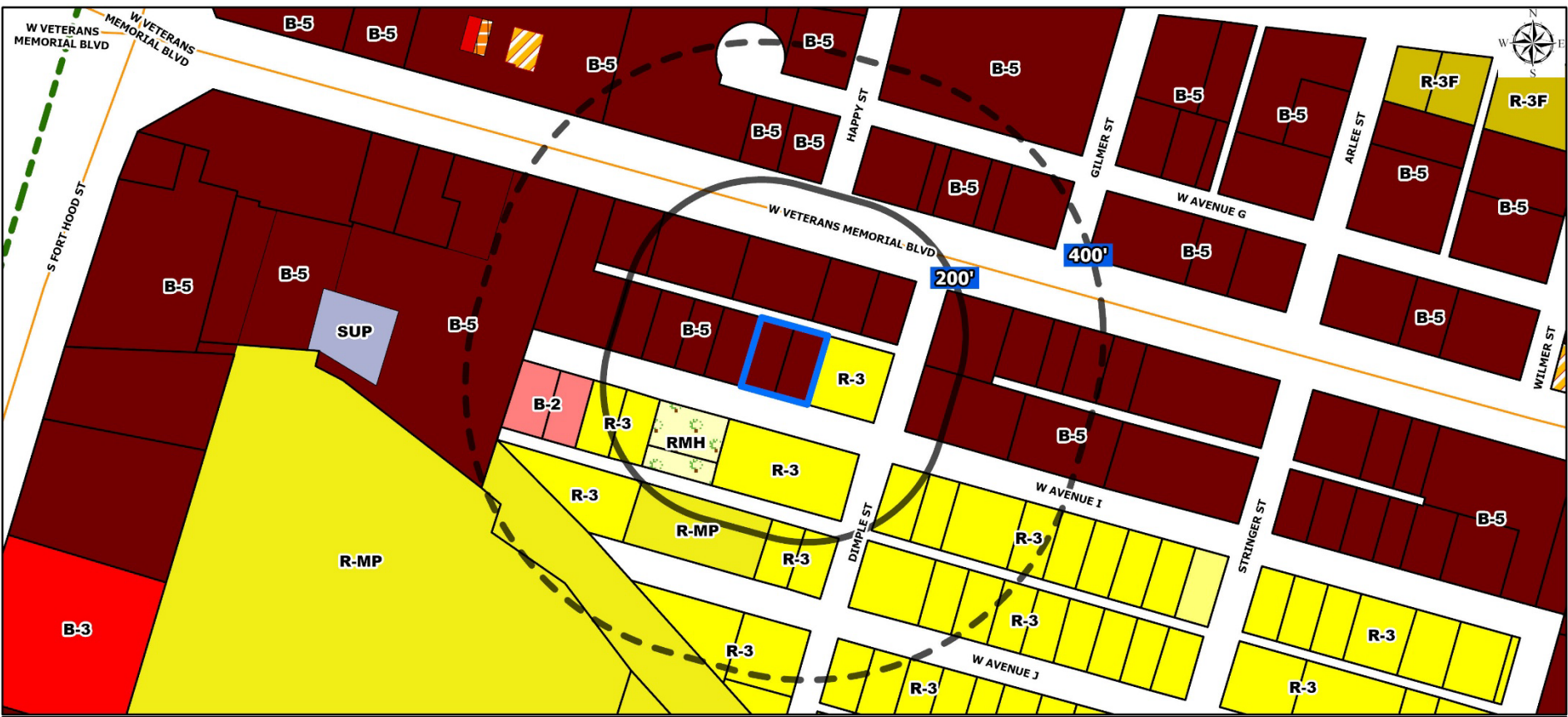
View from the subject property facing west on W. Avenue I:



Public Notification

11

- Staff notified property owners of fifty-seven (57) surrounding properties regarding this request.
- To date, the staff has received no written responses regarding this request.



ZONING MAP
 Council District: 1

Zoning Case 2025-33
 B-5 TO R-3F

Subject Property Legal Description: STRINGER ADDITION, BLOCK 001, LOT 0010 AND 0011. ACRES 0.230

Staff Recommendation

13

- Staff recommends approval of the applicant's request to rezone the subject property from "B-5" (Business District) to "R-3F" (Multifamily Residential District) as presented.

Commission Recommendation

14

- At their regular meeting on October 13, 2025, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 5 to 0.



City of Killeen

Staff Report

File Number: PH-25-069

Hold a public hearing and consider an ordinance submitted by Clark Associates, on behalf of OG Central Texas Partners, LLC, (**Case# Z25-34**) to amend the Planned Unit Development (PUD) for approximately 31.005 acres, being Lot 1, Block 1, Final Plat of 5100 Janelle Phase 1A; Block 1, Final Plat of 5100 Janelle, Phase 2A; Lot 1, Block 1, Final Plat of 5100 Janelle, Phase 2B; and approximately 15.2 acres, out of the Thomas Robinett Survey, Abstract No. 686 and a replat of Lot 1, Block 1, Elms Creek Addition Phase 2. The subject properties are generally located on the south side of Janelle Drive and east of Clear Creek Road (S.H. 201), Killeen, Texas.

DATE: November 18, 2025

TO: Kent Cagle, City Manager

FROM: Wallis Meshier, Exec. Dir. Of Dev. Serv.

SUBJECT: Zoning Case # Z25-34: Amendment to PUD

BACKGROUND AND FINDINGS:

Property Information:

Property Owner: OG Central Texas Partners, LLC
Agent: Clark Associates
Current Zoning: "PUD" (Planned Unit Development)
Proposed Zoning: "PUD" (Planned Unit Development) Amendment
FLUM Designation: 'Residential Mix' (RM) and 'Regional Commercial' (RC)
Growth Sector Designation: 'Intended Growth' (IG) and 'Neighborhood Infill' (NI)
Development Zone: 4

Summary of Request:

Clark Associates, on behalf of OG Central Texas Partners, LLC, has submitted a request to amend the existing Planned Unit Development (PUD) standards for the property located at 5100 Janelle Drive. On June 27, 2023, the City Council approved a PUD for the subject property via Ordinance No. 23-049.

Section D of the approved PUD Development Standards states in part the following: "There shall be four buildings constructed whose sizes are estimated individually at 6,000 square feet (but may be as small as 2,500 sq. ft. and as large as 9,000 sq. ft., with the aggregate interior total square

footage of all buildings estimated at 22,500 sq. ft.).

In order to accommodate the development of a proposed drive-through coffee shop, the applicant now seeks to amend this standard to reduce the minimum size of a commercial building within the PUD from 2,500 sq. ft. to 1,500 sq. ft. The proposed amendment also seeks to change the maximum size of a commercial building from 9,000 sq. ft. to 12,000 sq. ft. If approved, the proposed amendment will modify Section D as follows:

“There shall be four buildings constructed whose sizes are estimated individually at 6,000 square feet (but may be as small as ~~2,500~~ 1,500 sq. ft. and as large as ~~9,000~~ 12,000 sq. ft., with the aggregate interior total square footage of all buildings estimated at 22,500 sq. ft.”.

In addition to the proposed amendment to the PUD Development Standards, the applicant has also submitted a revised PUD Concept Plan, which proposes to change the design and configuration of the commercial component of the project in order to accommodate the contemplated drive-through coffee shop. The proposed revised concept plan ensures that the drive aisle for the coffee shop will be in the rear of the building, thereby ensuring a high-quality pedestrian experience. The proposed revised concept plan also provides for a pedestrian seating area in front of the stand-alone coffee shop, which will serve as a pedestrian amenity for the area.

Zoning/Plat Case History:

The front portion of the property along Clear Creek was annexed into the City of Killeen in 1999 via Ordinance 99-16. The remainder of the property was annexed into the city in 1999 via Ordinance 99-84. The current zoning for the PUD was approved via Ordinance 23-049. The properties are platted as Lot 1, Block 1, 5100 Janelle Phase 1A; Lot 1, Block 1, 5100 Janelle Phase 2A; and Lot 1, Block 1, 5100 Janelle Phase 2B; the rest of the property will need to be platted before it can be developed.

Character of the Area:

North: Undeveloped lots and existing commercial businesses zoned “A-R1” (Agricultural Single-Family Residential District), “B-2” (Local Retail District), and “B-3” (Local Business District)

South: Undeveloped lots, existing single-family homes, and existing commercial property zoned “A-R1” (Agricultural Single-Family Residential District), “R-1” (Single-Family Residential District), and “B-3” (Local Business District)

West: Existing commercial property zoned “B-3” (Local Business District)

East: Existing single-family homes zoned “R-1” (Single-Family Residential District)

Future Land Use Map Analysis:

The subject property is located within the ‘Intended Growth’ (IG) and ‘Neighborhood Infill’ (NI) area on the Growth Sector Map and designated ‘Residential Mix’ (RM) and ‘Regional Commercial’ (RC) on the Future Land Use Map (FLUM) of the Killeen 2040 Comprehensive Plan.

The 'Intended Growth' sector includes property that is in close proximity to existing development and has access to existing or planned infrastructure. Development in this sector should align with the Big Ideas of this plan, particularly those related to diversifying the housing and neighborhood options in the city.

The 'Neighborhood Infill' area on the Growth Sector Map includes areas of the city that are already developed and have access to city services and infrastructure, but have vacant, underutilized, or poorly developed properties. Growth policies for this sector should encourage development or redevelopment of these properties with accessory dwelling units, smallplexes, and micro commercial that provide incremental increases in density. Development should match the existing character and improve walkable access to businesses and amenities for people living and working in the vicinity.

The 'Residential Mix' place type creates neighborhoods built with a traditional walkable block/street grid network that allows a flexible mix of residential building typologies. Aside from large multiplex garden apartments, most housing types should be allowed here. This place type encourages most residential uses such as single-family detached, townhouses, small-plex (2-4 units), etc. This place type encourages a twenty-five percent (25%) nonresidential and ninety-five percent (95%) residential use mix.

These 'Regional Commercial' places are first identified by their principal focus on auto-oriented traffic. Logically placed near high-traffic intersections, these spaces bring people from many surrounding neighborhoods. Typical uses will include regional businesses including but not limited to restaurants, grocery stores, banks, retail, gas stations, and offices. This place type encourages small-scale, neighborhood-scale, regional, and industrial. This place type encourages one hundred percent (100%) nonresidential and fifty percent (50%) residential use mix.

The request supports the following Comprehensive Plan recommendations:

- **LU1** - Use place types and complete neighborhoods as building blocks
- **LU2** - Improve the fiscal productivity of development
- **LU3** - Encourage incremental evolution of neighborhoods
- **NH3** - Diversify housing mix (types and price points)
- **NH4** - Build complete neighborhoods
- **MC1** - Adjust planning approach to consider non-vehicular trips
- **MC2** - Coordinate land use and mobility strategies to create commercial nodes in each development zone of the city and within neighborhoods
- **MC4** - Design neighborhood streets to prioritize people, place, and fiscal productivity

The Comprehensive Plan's Big Idea #5 promotes neighborhoods, not subdivisions, designed and built to intentionally mix housing and commercial opportunities together so that the majority of daily needs are accessible within a safe and walkable distance that fosters a unique sense of place. Neighborhoods are flexible places with a mixture of housing and services that provide value directly to the people who reside there. The Comprehensive Plan also emphasizes the need for expanding the variety of neighborhood styles, housing types and price points available in the city since affordability and quality of life mean different things to different people.

Additionally, the Comprehensive Plan highlights building a diverse mix of housing options in order to keep housing in a community affordable and to attract and retain people in different stages of life

and different socioeconomic levels. Several elements that contribute to creating a neighborhood include housing and commercial options, parks and public spaces, and street design that prioritizes walkability and human interaction over automobiles. The applicant's proposed PUD includes a mix of housing types including, single-family detached, and multifamily apartments, neighborhood amenities such as common clubhouse with leasing center, fitness, postal/package pavilion and outdoor amenity and activity areas, and streets that include sidewalks and street trees.

Development Zone Analysis:

These properties are located within the City of Killeen Development Zone #4. This development zone is west of Fort Hood Street and north of Stan Schlueter Loop. This development zone consists of 44.81% residential uses and 55.19% commercial uses.

The current land use mix within this area comprises of the following acreages and percentages approximately:

<u>District</u>	<u>Acres</u>	<u>Percentage</u>
Special Districts	107.15	1.87%
Residential	2457.49	42.94%
Industrial	11.37	0.20%
Commercial	2937.38	51.33%
Agricultural	209.35	3.66%
Totals	5722.74	100.00%

Vacant Land	684.00	11.95%
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Water, Sewer and Drainage Services:

Water, Sewer, and Drainage Service Provider: City of Killeen

Within Service Area: Yes

Feasibility Study or Service Commitment: Water, wastewater, and drainage services are located within the City of Killeen municipal utility service area and are available to the subject tracts.

Water services are available for the properties via an existing 8" water distribution main located on the west side of Clear Creek Road and an existing 12" transmission main located on the east side of Clear Creek Road.

Wastewater services are not currently available for the properties. However, wastewater infrastructure that will serve the properties is under construction.

Existing stormwater infrastructure is located adjacent to the properties consisting of existing pipelines and inlets located in Clear Creek Road.

Transportation and Thoroughfare Plan:

Access to the property is via Clear Creek Road (SH 201 - TxDOT-managed roadway) (115' ROW),

which is classified as a minor arterial in the currently adopted Comprehensive Plan.

PARKS AND PROPOSED TRAIL PLAN:

A trail is proposed along Clear Creek Road. The applicant has already paid \$163,800 in parkland fees for Phase 1A, with a remaining balance of \$106,200 due for Phase 1B; totaling \$270,000.

Environmental Assessment:

The properties are in the Nolan Creek / Leon River Watershed. The properties are located in Zone X (Outside the 0.2% Annual Chance Flood Hazard Area), per Federal Emergency Management Agency Flood Insurance Rate Map 48027C0260E with effective date September 26, 2008. The properties are not impacted by any wetlands or riverine areas, as shown on the National Wetlands Inventory maps for the property. No visual evidence of other environmental impediments is apparent on the properties at this time.

Public Notification:

Staff notified owners of one hundred and thirty-two (132) surrounding properties regarding this request. As of the date of this staff report, no responses have been received.

Staff Findings:

Staff finds that the proposed amendment will not significantly affect the overall character of the development and will allow the opportunity to attract a national coffee retailer. The proposed amendment will accommodate the proposed coffee shop and help to drive more visitors to the development, while still ensuring a high-quality development and preserving the character of the retail environment. If approved, the requested amendment will have no significant negative impact on the character or quality of the development.

THE ALTERNATIVES CONSIDERED:

The City Council may:

- Recommend disapproval of the applicant's PUD request;
- Recommend approval of the proposed PUD with conditions; or
- Recommend approval of the PUD as presented by the applicant

Which alternative is recommended? Why?

Staff recommends approval of the applicant's request to amend the PUD as presented.

CONFORMITY TO CITY POLICY:

This zoning request conforms to the City's policy and procedures, as detailed in Chapter 31 of the Killeen Code of Ordinances.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

This zoning request does not involve the expenditure of City funds. However, long-term maintenance of all proposed municipal infrastructure will be the City's responsibility.

Is this a one-time or recurring expenditure?

This is not applicable.

Is this expenditure budgeted?

This is not applicable.

If not, where will the money come from?

This is not applicable.

Is there a sufficient amount in the budgeted line item for this expenditure?

This is not applicable.

RECOMMENDATION:

Staff recommends approval of the applicant's request to amend the Planned Unit Development as presented.

At their regular meeting on October 13, 2025, the Planning and Zoning Commission recommended approval by a vote of 5 to 0.

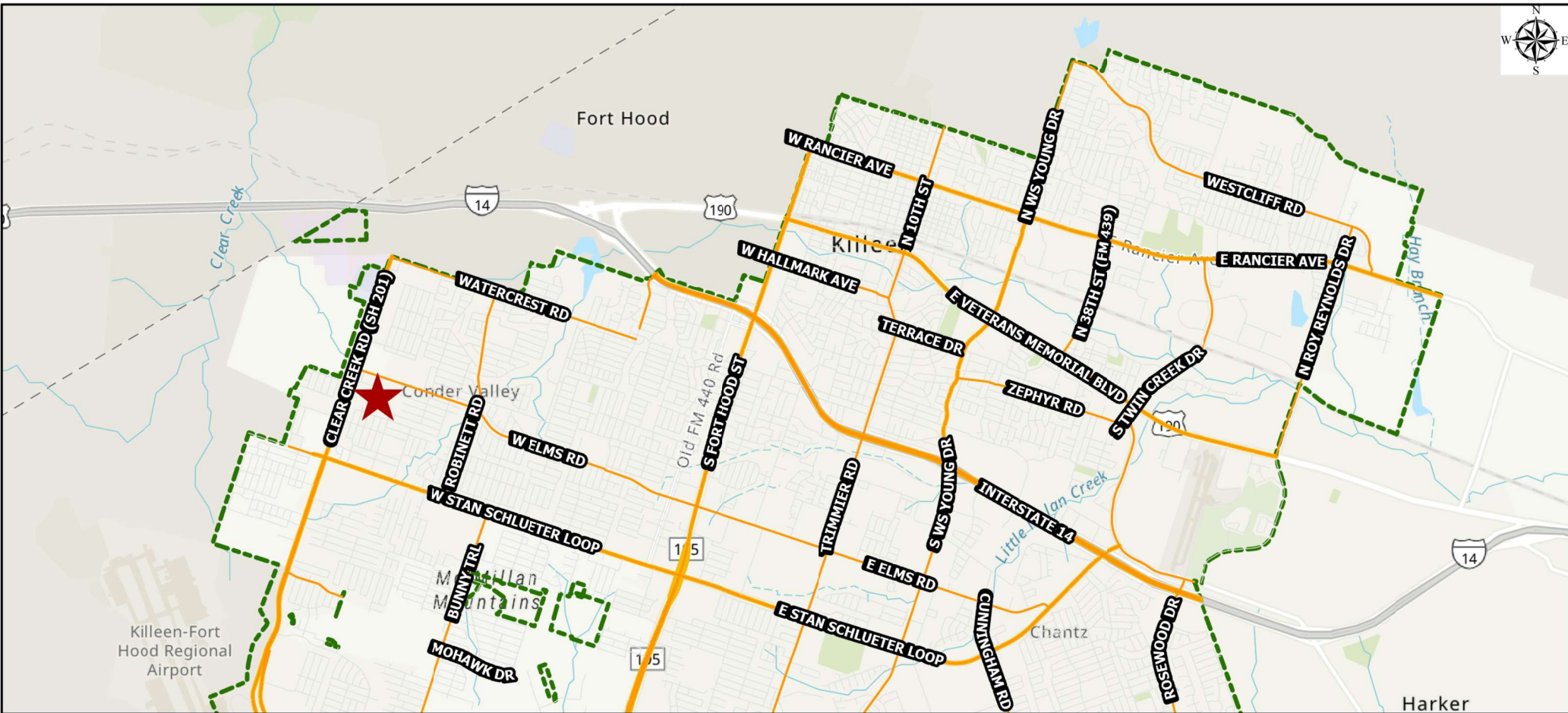
DEPARTMENTAL CLEARANCES:

Planning and Legal staff have reviewed this item.

ATTACHED SUPPORTING DOCUMENTS:

Maps
Site Photos
Minutes
Ordinance

Revised PUD Development Standards
Current PUD Concept Plan
Proposed PUD Concept Plan
Presentation



Legend

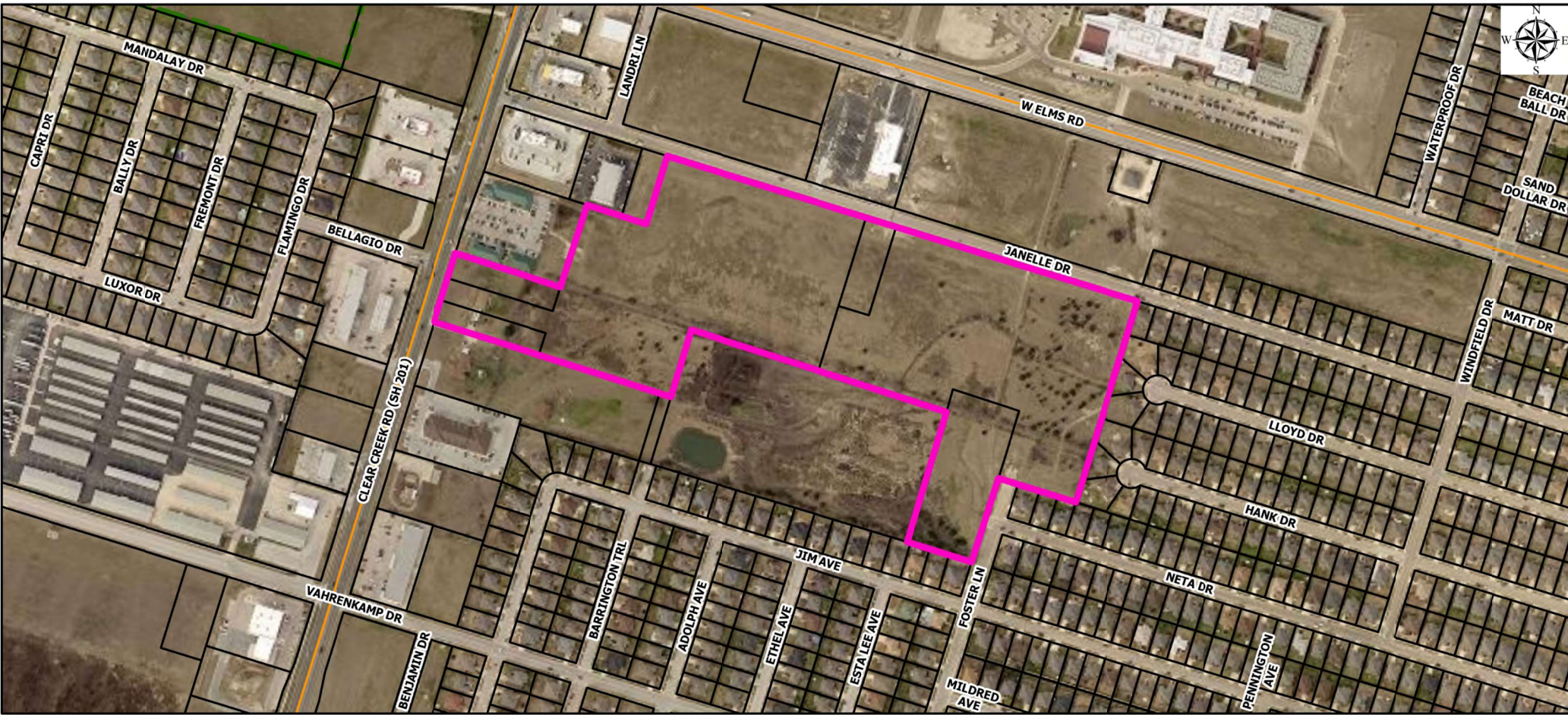
AMENDMENT TO PUD

 City Limit

 Zoning Case Location

approximately in total 31.005 acres, which includes 13.692 acres, being Lot 1, Block 1, Final Plat of 5100 Janelle Phase 1A; 0.762 acres, being Lot 1, Block 1, Final Plat of 5100 Janelle, Phase 2A; approximately 0.677 acres, being Lot 1, Block 1, Final Plat of 5100 Janelle, Phase 2B; and approximately 15.2 acres, as part of the Thomas Robinett Survey, Abstract No. 686 and a replat of Lot 1, Block 1, Elms Creek Addition Phase 2, to amend a Planned Unit Development (PUD). The subject properties are located along Janelle Drive, Killeen, Texas.

Subject Property Legal Description:



AERIAL MAP

Council District: 4

0 200 400 Feet

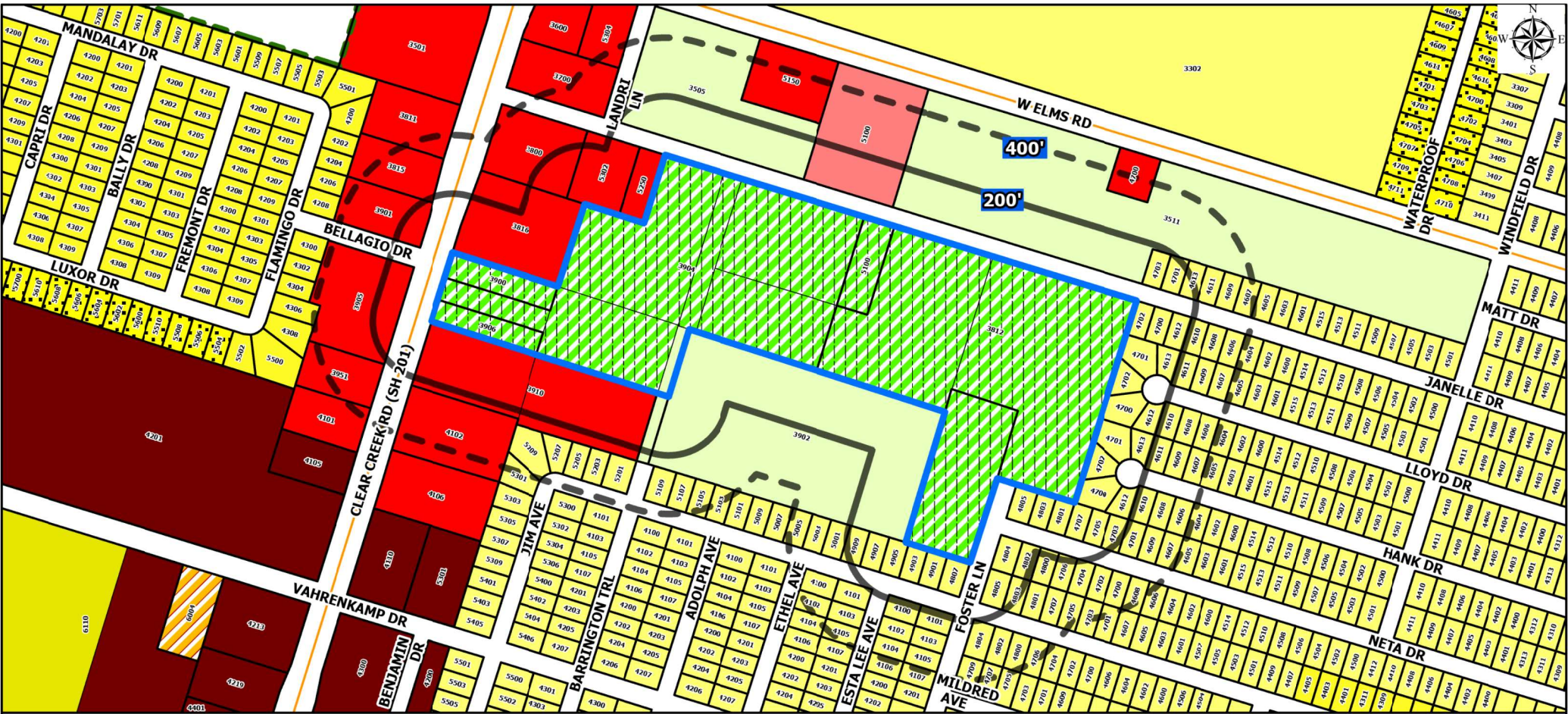
Zoning Case 2025-34

AMENDMENT TO PUD

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Legend

Zoning Case



NOTIFICATION MAP

Council District: 4

0 200 400 Feet

Zoning Case 2025-34

AMENDMENT TO PUD

approximately in total 31.005 acres, which includes 13.692 acres, being Lot 1, Block 1, Final Plat of 5100 Janelle Phase 1A; 0.762 acres, being Lot 1, Block 1, Final Plat of 5100 Janelle, Phase 2A; approximately 0.677 acres, being Lot 1, Block 1, Final Plat of 5100 Janelle, Phase 2B; and approximately 15.2 acres, as part of the Thomas Robinett Survey, Abstract No. 686 and a replat of Lot 1, Block 1, Elms Creek Addition Phase 2, to amend a Planned Unit Development (PUD). The subject properties are located along Janelle Drive, Killeen, Texas.

Legend

	A-R1		B-3		RC-1		R-1		R-3A
	B-2		B-5		PUD		R-2		R1-A
						Zoning Case			

SITE PHOTOS

Case #Z25-34: "PUD" to "PUD Amendment"



View of the subject property facing east on Clear Creek Road:



View of existing businesses across the street from the subject property:



SITE PHOTOS

Case #Z25-34: "PUD" to "PUD Amendment"



View from across the subject property facing north, looking towards existing businesses on Clear Creek Road:



View from across the subject property facing south, looking down towards Clear Creek Road:



**MINUTES
PLANNING AND ZONING COMMISSION MEETING
OCTOBER 13, 2025
CASE # Z25-33
AMENDMENT TO PUD**

Hold a public hearing and consider a request submitted by Clark Associates on behalf of OG Central Texas Partners, LLC (**Case# Z25-34**) to amend the Planned Unit Development (PUD) for approximately 31.005 acres, being Lot 1, Block 1, Final Plat of 5100 Janelle Phase 1A; Block 1, Final Plat of 5100 Janelle, Phase 2A; Lot 1, Block 1, Final Plat of 5100 Janelle, Phase 2B; and approximately 15.2 acres out of the Thomas Robinett Survey, Abstract No. 686 and a replat of Lot 1, Block 1, Elms Creek Addition Phase 2. The subject properties are generally located on the south side of Janell Drive and east of Clear Creek Road (S.H. 201), Killeen, Texas.

This item was presented to the Commission during their Work Session. Ms. Lopez was available to answer questions.

The applicant, Mr. Joseph Cyr, was present to represent the case. He stated that the intent of the request is to accommodate a national coffee chain as a stand-alone building in order to kick-off demand for the remainder of the commercial space within the development.

Chairman Giacomozzi opened the public hearing at 5:57 p.m.

With no one wishing to speak, the public hearing was closed at 5:57 p.m.

Commissioner Jones moved to recommend approval of the request as presented. Commissioner Purifoy seconded, and the motion passed by a vote of 5 to 0.

AN ORDINANCE AMENDING THE CITY OF KILLEEN ZONING ORDINANCE BY AMENDING THE PLANNED UNIT DEVELOPMENT FOR APPROXIMATELY 31.005 ACRES, BEING LOT 1, BLOCK 1, FINAL PLAT OF 5100 JANELLE PHASE 1A; BLOCK 1, FINAL PLAT OF 5100 JANELLE, PHASE 2A; LOT 1, BLOCK 1, FINAL PLAT OF 5100 JANELLE, PHASE 2B; AND APPROXIMATELY 15.2 ACRES OUT OF THE THOMAS ROBINETT SURVEY, ABSTRACT NO. 686 AND A REPLAT OF LOT 1, BLOCK 1, ELMS CREEK ADDITION PHASE 2; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code and Section 31-39 of the City of Killeen Code of Ordinances, the City Council, upon application, may amend the City of Killeen Zoning Ordinance following a recommendation by the Planning and Zoning Commission and a public hearing;

WHEREAS, Clark Associates, on behalf of OG Central Texas Partners, LLC, presented to the City of Killeen, a request for an amendment to the City of Killeen Zoning Ordinance by amending the Planned Unit Development (PUD) for approximately 31.005 acres, being Lot 1, Block 1, Final Plat of 5100 Janelle Phase 1A; Block 1, Final Plat of 5100 Janelle, Phase 2A; Lot 1, Block 1, Final Plat of 5100 Janelle, Phase 2B; and approximately 15.2 acres out of the Thomas Robinett Survey, Abstract No. 686 and a replat of Lot 1, Block 1, Elms Creek Addition Phase 2. The subject properties are generally located on the south side of Janell Drive and east of Clear Creek Road (S.H. 201), Killeen, Texas;

WHEREAS, the Planning and Zoning Commission of the City of Killeen, following a public hearing on October 13, 2025, duly recommended approval of the application for amendment;

WHEREAS, due notice of the filing of said request and the date of hearing thereon was given as required by law, and hearing on said request was set for 3:00 P.M., on November 18, 2025, at the City Hall, City of Killeen; and

WHEREAS, the City Council at said hearing duly considered said request, the action of the Planning and Zoning Commission, and the evidence in support thereof, and the City Council being of the majority opinion that the applicant's zoning request should be approved as recommended by the Planning and Zoning Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:

SECTION I. That the zoning classification to amend the Planned Unit Development (PUD) for approximately of approximately 31.005 acres, being Lot 1, Block 1, Final Plat of 5100 Janelle Phase 1A; Block 1, Final Plat of 5100 Janelle, Phase 2A; Lot 1, Block 1, Final Plat of 5100 Janelle, Phase 2B; and approximately 15.2 acres out of the Thomas Robinett Survey, Abstract No. 686 and a replat of Lot 1, Block 1, Elms Creek Addition Phase 2. The subject properties are generally located on the south side of Janell Drive and east of Clear Creek Road (S.H. 201), Killeen, Texas.

SECTION II. That should any section or part of this ordinance be declared unconstitutional or invalid for any reason, it shall not invalidate or impair the validity, force, or effect of any other section or parts of this ordinance.

SECTION III. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION IV. That this ordinance shall take effect immediately upon passage of the ordinance.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 18th day of November 2025, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, § 551.001, *et seq.*

APPROVED:

Debbie Nash-King, MAYOR

ATTEST:

Laura J. Calcote, CITY SECRETARY

APPROVED AS TO FORM

Holli C. Clements, CITY ATTORNEY

Case #25-34

Ord. #25-____

AMENDMENT TO CITY ORDINANCE – PH-23-040 – 5100 JANELLE PUD
CLEAR CREEK & JANELLE PUD
Planned Unit Development Standards

THIS AMENDED SUBMISSION DATED 25 AUGUST 2025 AMENDS SECTION D. NON-RESIDENTIAL LAND USE TO PERMIT SINGLE BUILDINGS IN THE RETAIL AREAS PLATTED AS PHASE 2A AND 2B OF THE FINAL PLAT OF 5100 JANELLE PUD TO BE SMALL AS 1500SF OR AS LARGE AS 12,000SF. IT IS ALSO NOTED THAT RETAIL SIGNAGE IS LIMITED TO GROUND MOUNTED MONUMENT SIGNS NOT TO EXCEED 60" IN HEIGHT, AND THAT NO POLE MOUNTED SIGNS ARE PERMITTED ANYWHERE IN PUD EXCEPT AS REQUIRED FOR CONSTRUCTION NOTICES TEMPORARILY INSTALLED

A. Purpose and Intent

Clear Creek & Janelle Planned Unit Development (PUD) is composed of 31.005 acres as described in Exhibit A (Surveys) and associated field notes. The development envisions a horizontal mixed-use community containing light retail, rental single-family dwellings and multifamily apartment structures with associated support and amenity buildings/features.

This PUD development seeks to characterize Traditional Neighborhood Design (TND) principles that optimize pedestrian interconnectivity and minimize parking applications visible from the public way. It intends to encourage pedestrian activity and creates nodes of promenade gathering space and green space in each grouping of buildings that invite outdoor activities.

A composite site plan attached illustrates the inter-relationships between all uses along with common area allocations for open space, recreation activity, storm water management and service facilities.

The residential portions of this development (both single and multifamily) will be divided into subtracts for phasing and financing convenience, however all will be wholly owned and not intended for incremental sale.

B. Land Use

The Project shall consist of:

- +/- 3.44 acres of light retail containing an estimated 22,000sf of interior floor space plus exterior promenade and plaza areas, guided by B3 zoning and land development standards with the following exceptions:
 - Parking shall be permitted at 1 space per 300sf of indoor area
 - A drive thru shall be permitted for a compatible use in the development.
- +/- 17.88 acres of multifamily consisting of an estimated 300 housing units of a variety of unit sizes, together with a-la-carte garage offerings, common clubhouse with leasing center, fitness, postal/package pavilion and outdoor amenity and activity areas, guided by R3A zoning and land development standards with the following exceptions:
 - Side yard set-backs shall not be less than 10 feet from adjoining property of platted lots
 - Rear yard set-backs shall not be less than 10 feet from adjoining property of platted lots
- +/- 9.69 acres of single-family homes (totaling 72 homes) grouped in clusters, each with private garage and small yard, and sharing an auto-court for communal access and “cul-de-sac” open space, guided by SF-2 zoning density, but governed by development standards specific to this PD, including the following conditions and exceptions:

- Each cluster grouping of single-family units shall be arranged on a single parcel with public road frontage.
- There shall be no more than six parcels platted, and there shall be no ability to replat without modification to this PUD.
- Each parcel shall permit up to 12 single family dwellings.
- Each dwelling shall be separated from neighboring homes by separations defined by the prevailing building and fire codes at a minimum of 10 feet.
- Setbacks shall be assigned to each “cluster parcel” and shall consist of 15’ front, side, and rear yard setbacks.
- Each dwelling shall be assigned by lease a yard area for the individual and exclusive use and share a common auto court for vehicular and pedestrian access.
- Each dwelling shall have one enclosed garage and one adjacent tandem driveway parking space exclusive to that dwelling. The garage door shall not compose more than 40% of the main level façade.
- Each garage door may be enhanced in quality to include either windows or carriage door details where architecturally appropriate.

C. Homeowner’s Association (HOA)

As a wholly owned development there will be no HOA. Shared access, storm water management, signage, and other potential infrastructure will be governed by cross access, utility and storm water easements.

D. Non-Residential Development Standards

The Neighborhood Business District (NBD) area of the property shall be developed in accordance with City standards. The property shall be a legally described single lot with the possibility of four sub-lots to allow for the buildings to be constructed as demand for space requires. There shall be four buildings constructed whose sizes are estimated individually at 6000 sf (but may be as small as 1500sf and as large as 12000sf, with the aggregate interior total square footage of all buildings estimated at 22,500 sf.)

The property shall be comprised of neighborhood services businesses that support the adjacent multifamily and single-family residents.

The boulevard entry is designed to invite patrons from outside the community for both retail and multifamily occupancies.

1. Permitted business uses shall include those compatible with neighborhood standards, by example but not limited to:
 - Restaurant/food and beverage (with optional drive through),
 - coffee shop (with optional drive through),
 - ice cream shop,
 - deli,
 - wine bar,
 - hair and nail salons,
 - spa/massage,
 - bicycle or athletic gear shops,
 - pet spa,
 - small grocery/convenience store,
 - bookstore,

- newsstand,
- laundry/dry-clean,
- and other similar small enterprises.

Uses that SHALL NOT BE permitted shall be as follows:

- tattoo parlors,
- head shops,
- cigar stores,
- stores exclusively in package liquor business,
- thrift shops,
- pawn shops,
- CBD shops,
- games of chance facilities,
- gas stations,
- adult novelty shops,
- marriage facilities,
- and any other use the property owner deems to restrict.

The list of non-permitted non-residential uses shall comply with the Killeen UDC, Article IV, Division 12B with the following exceptions:

- This PUD shall permit a restaurant, smoothie bar, café, or coffee shop with a drive-thru service.

The retail buildings shall be built according to prevailing code requirements as of the time of permitting. The retail building's exteriors shall employ a mix of masonry (brick and possibly stone accents), fiber cement siding and trim. Flat roofs will be employed whose perimeters shall contain a parapet on at least three sides for screening of HVAC equipment and to provide fall protection during maintenance. Each building shall be fronted by promenade style sidewalks to encourage pedestrian activity and allow for outside seating.

Signage Standards – Retail:

All signage for retail establishments shall be limited to ground mounted monument signage, or roof parapet face signage. Ground mounted monument signage shall not be taller than 60" from grade.

NO POLE MOUNTED SIGNS are permitted except in the case of temporary construction signage.

Design Intent Images – Retail:

Images below are representative, final designs to comply with City standards, those of this PUD, and tenant requirements.





2. Buffers

All development components of the plan shall be held under unified ownership. Buffer standards internally between uses shall not apply. Buffers shall only apply as required to overall property lines defining the subject parcel in its entirety.

Buffers shall be 20 feet when siding or backing to differing uses. Included in the buffer of 20ft shall be the installation of trees planted at a 20 foot spacing near the property line adjacent to the differing use.

E. Residential Development Standards

An overall conceptual site plan is attached as a reference tool to illustrate site design intent. The residential elements of the community plan shall consist of both single-family and multifamily buildings in separate locations.

For phasing and financing purposes only, portions of the multifamily campus shall be defined by parcels that contain dwellings plus their required parking within its borders. Similarly, each cluster grouping of single-family dwellings shall occur on a platted parcel with public road frontage. Each cluster will be served by shared auto access and will have their required parking within its borders. As may be allowed, street parking on the public right of way is proposed.

Individual dwellings and multifamily structures shall be fashioned on the exterior to create varied streetscapes with differing color, materials, and feature combinations to further minimize a uniform and repetitive appearance. Exterior materials shall employ brick, manufactured stone, cement fiber siding, asphalt shingles, vinyl or composite thermally broken double pane insulated windows, and feature trims as part of the material vocabulary.

1. Maximum Number of Units

The maximum number of residential units shall not exceed 372 units as described below:

a. Multifamily R-3A

i. Maximum of 300 units

1. Unit Mix:

- a. 1 bd - 38% to 48%
- b. 2 bd – 45% to 55%
- c. 3 bd – 7% to 15%

ii. Multifamily Amenities shall include, but not be limited to:

- 1. Clubhouse with large gathering spaces
- 2. Resort style pool with zero entry and generous sundeck
- 3. Fitness Center with Aerobic Studio
- 4. Mail and Package Delivery in centralized location
- 5. Executive Center with CyberCafe
- 6. Private offices for meetings and remote working
- 7. Pet Park
- 8. Pet Spa
- 9. Vehicle Detailing Center
- 10. Picnic areas with grilling stations
- 11. Valet waste services with centralized collection facility
- 12. Controlled Access

b. Single family SF-2

- i. Maximum of 72 units comprised of 2, 3, and 4 bedroom homes
- ii. Full access to Multifamily Amenities

2. Lots Sizes and Setbacks

The minimum lot width, depth, and setbacks shall be as follows:

	R-3A	SF-2
Minimum Lot Width	105'	230'
Minimum Lot Depth	100'	215'
Minimum Lot Area		
Front Setback	Minimum: 0' Maximum: 15'	Minimum: 15'
Side Setback	Minimum: 10'	Minimum: 15' from public right of way
Rear Setback	Minimum: 10'	Minimum 15'
Corner Setback	Minimum: 10'	Minimum 15'
Building Height	Maximum: 2 ½ story, 35ft	Maximum: 2 ½ story, 35ft

3. Block Length: This is not applicable in Multifamily areas as the streets are considered parking drives

4. Multifamily Design Standards

- a. Each Multifamily building shall consist of 8-10 dwellings of 1bd, 2bd, or 3bd configuration.
- b. Each building shall contain two individual garages which face the parking aisles
- c. Each garage shall be set back from the parking aisle and permit a parking apron that extends into the setback to permit vehicular access to the garage
- d. All service equipment such as HVAC condensers and utility services shall have landscape screening.

5. Multifamily Architectural Standards

- a. Each building shall employ new urbanist design principles recalling traditional design materials including fiber cement lap siding, masonry accents, fiber cement corner trims and window trims. Fascias may be wrapped in aluminum with relief details to prevent oil-canning. Gutters shall be metal. Roofs shall be architectural asphalt shingles. Other composite materials may be approved for use including phypon and fiberglass. The following will not be permitted: Masonite, pressed wood, or EIFS. Vinyl siding is not permitted, but vinyl shutters and corbel detailing will be permitted.

Design Intent Images – Multifamily:

Images below are representative, final designs to comply with City standards and those of this PUD

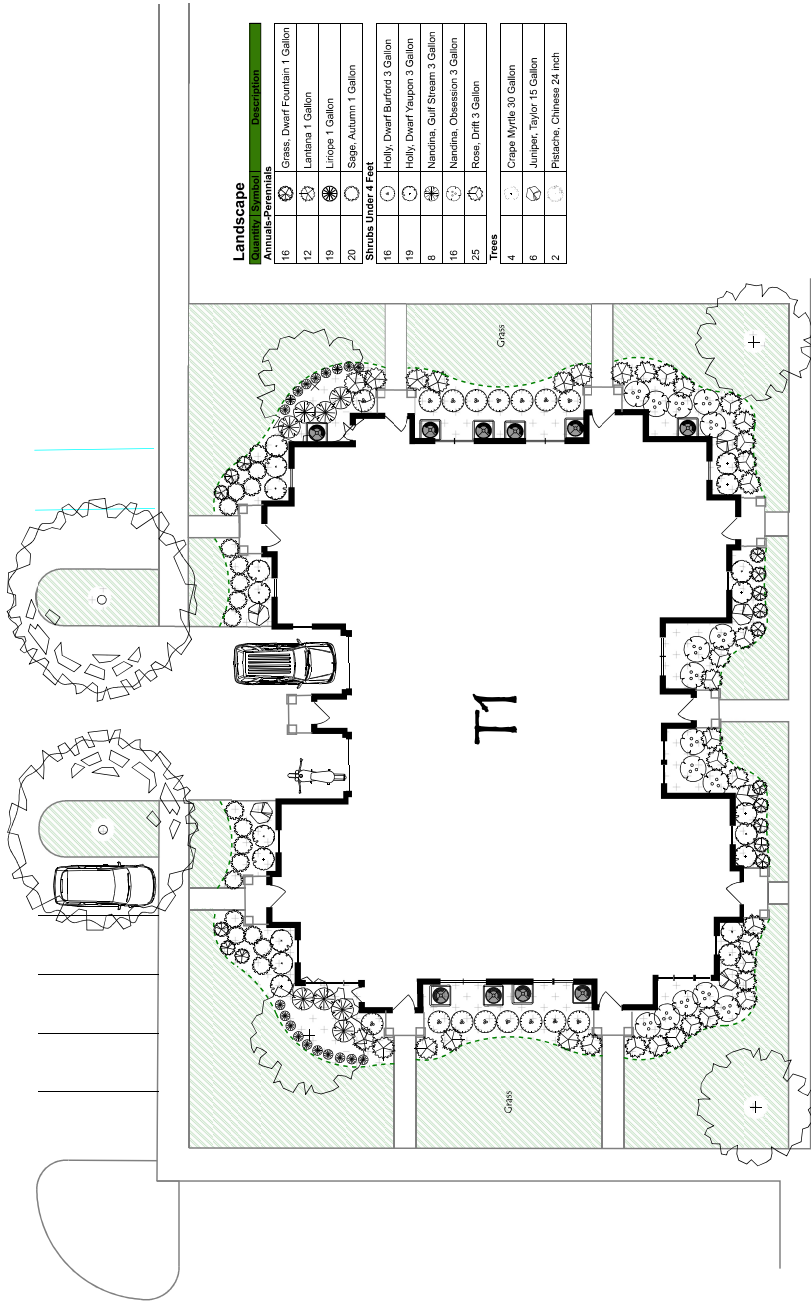




GARDEN APARTMENT



Sample Landscape of the Multi-Family building, species may vary based upon availability, but will be from approved list in Exhibit A



Landscape	
Symbol	Description
Annuals-Perennials	
16	Grass, Dwarf Fountain 1 Gallon
12	Lantana 1 Gallon
19	Liriope 1 Gallon
20	Sage, Autumn 1 Gallon
Shrubs Under 4 Feet	
16	Holly, Dwarf Burford 3 Gallon
19	Holly, Dwarf Yaupon 3 Gallon
6	Nandina, Gulf Stream 3 Gallon
16	Nandina, Obsession 3 Gallon
25	Rose, Drift 3 Gallon
Trees	
4	Crape Myrtle 30 Gallon
6	Juniper, Taylor 15 Gallon
2	Pisachia, Chinese 24 Inch



SHEET DESCRIPTION:
Landscape Plan

PROJECT:
5100 Janelle Dr
Killeen, TX

REVISIONS:
None

DATE:
4/5/2023

JOB NUMBER:
12345

DRAWN BY:
Josh Wible

CHECKED BY:
J CYR

SCALE:
1" = 20'

SHEET:
1 of 1

Design Concept for Clubhouse and Amenity Buildings (*NOTE: Representational purposes, final may vary but will comply with PUD design and materials standards*)



6. Single-Family Architectural Standards

- b. Each building shall employ principles recalling traditional design materials including fiber cement lap siding, fiber cement corner trims and window trims. Fascias may be wrapped in aluminum with relief details to prevent oil-canning. Gutters shall be metal. Roofs shall be architectural asphalt shingles. Other composite materials may be approved for use including phypon and fiberglass. The following will not be permitted: Masonite, pressed wood, or EIFS. Vinyl siding is not permitted, but vinyl shutters and corbel detailing will be permitted.

Design Intent Images – Single Family:

Images below are representative, final designs to comply with City standards and those of this PUD





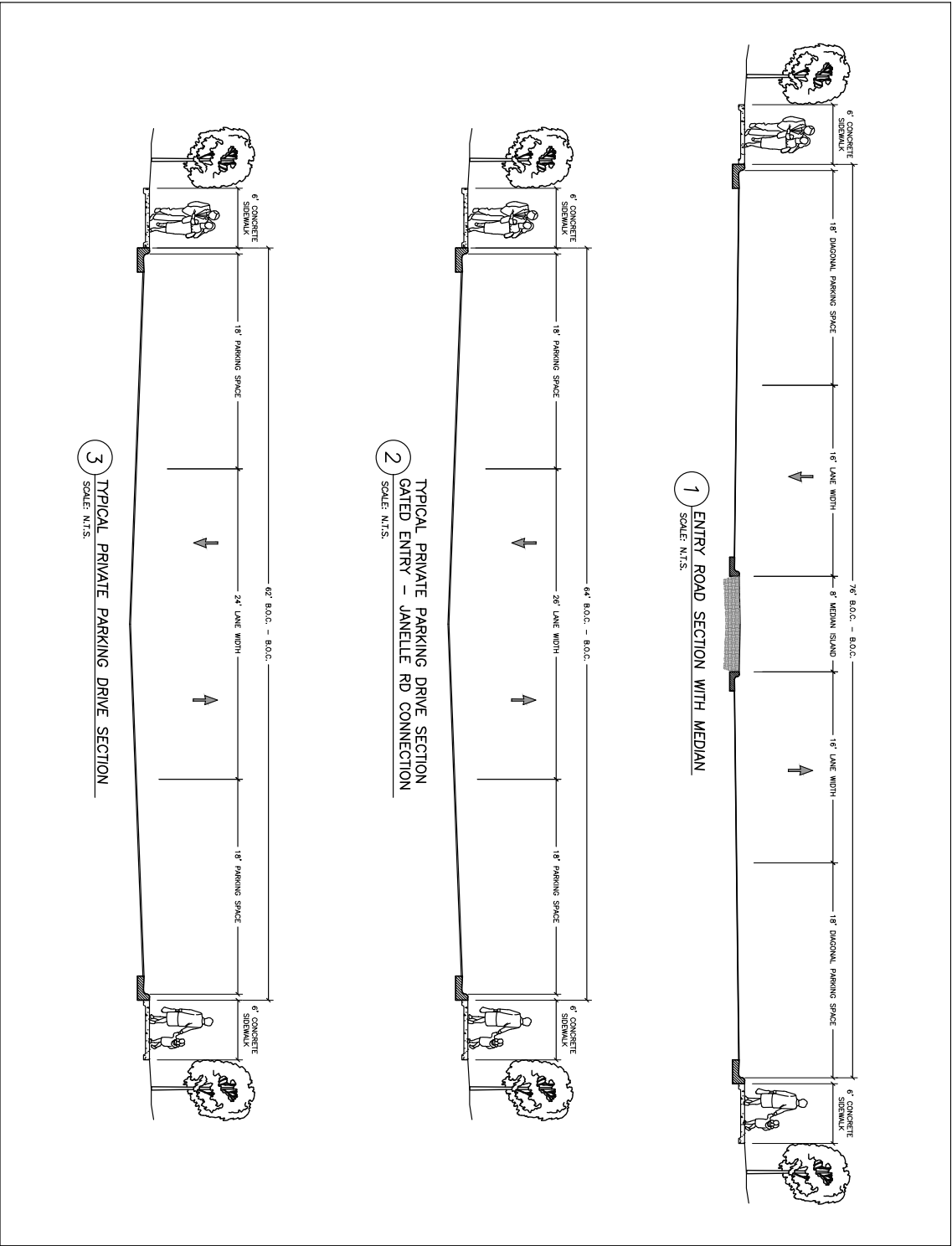
Sample Landscape of the single-family homes, species may vary based upon availability, but will be from approved list in Exhibit A. NOTE: buildings not to scale, but shown for purposes of landscape placement

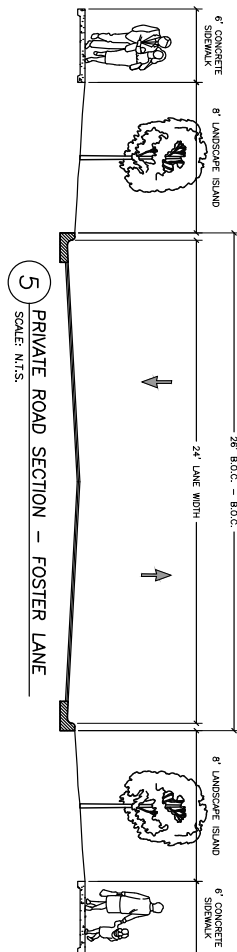
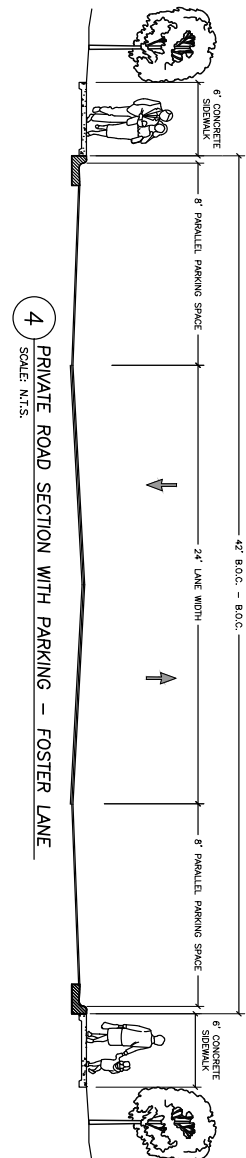
F. Vehicular Circulations

1. Roadway Types

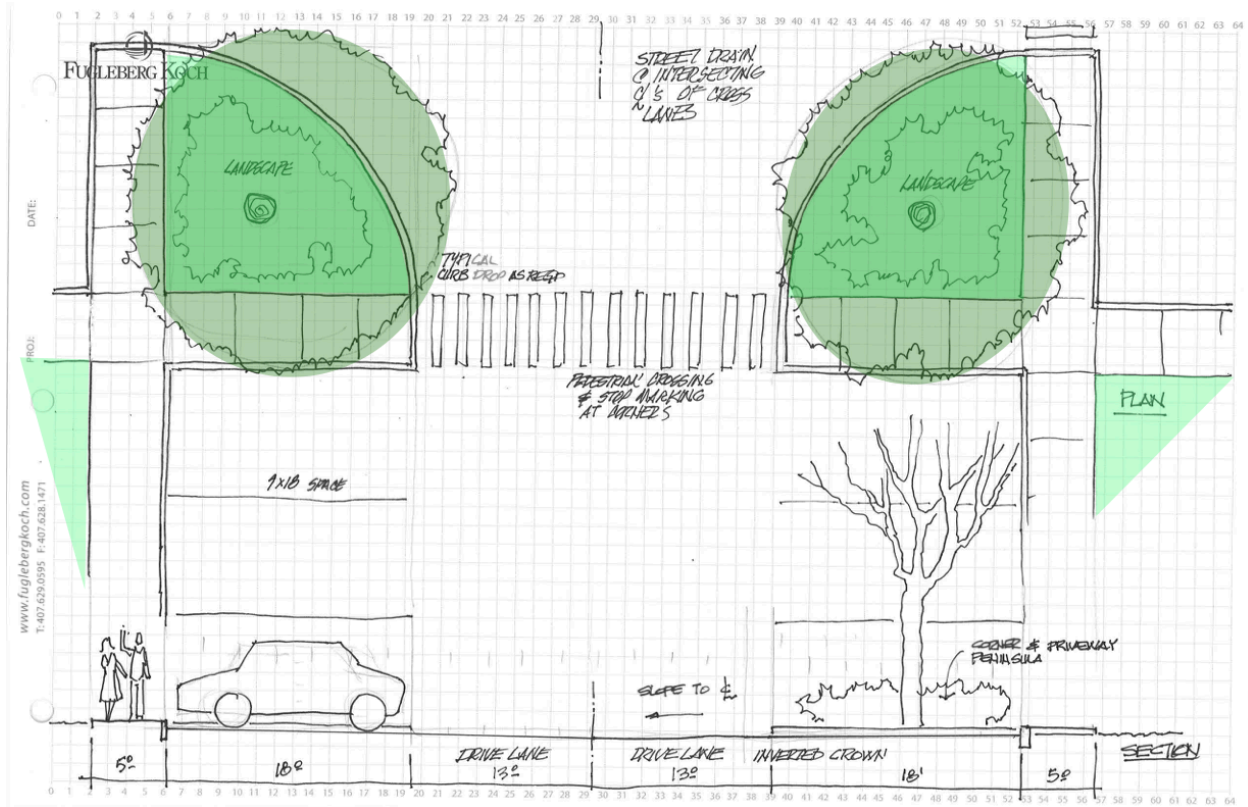
- A) Main Entrance - The Boulevard entry shall contain landscape median of 8 feet, one way drive aisle to each side of median of 16 feet, and 45 degree angled parking with spaces a minimum of 18 feet in length
- B) Foster Lane – Public Street connecting to Janelle Drive a continuing street from neighborhood to the south shall have a 60' right of way with a 37' profile to back of curb. Sidewalks shall abut the curb for parallel parking. Tree islands will be spaced a minimum of every four spaces.
- C) Multifamily drive aisles and parking lanes within the multifamily development areas shall contain 24' lane width with no striping, with adjacent parking to each side with minimum parking space length of 18 feet. Total section to back of curb is 61.'

Typical Road and Parking Drive Aisle Sections

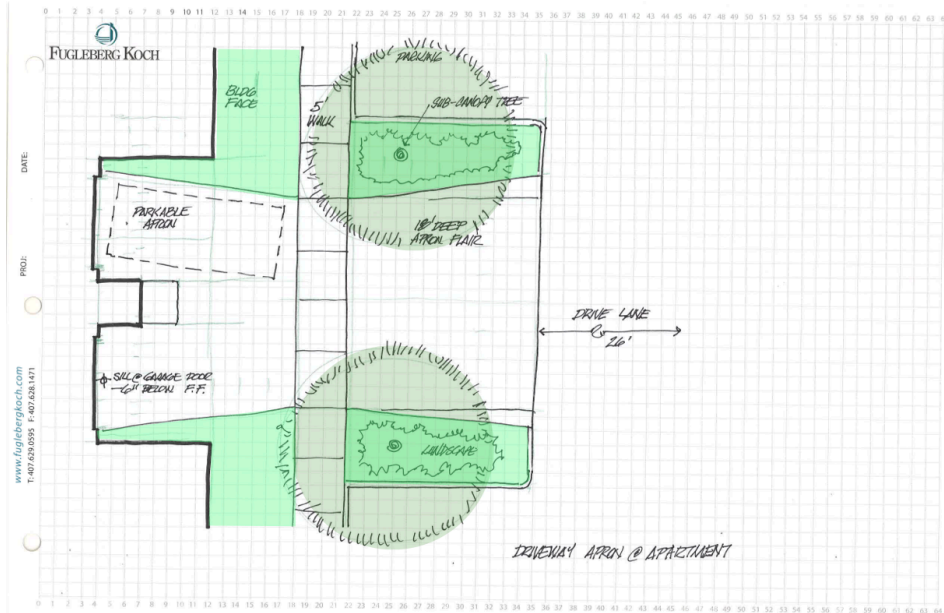




Typical drive aisle with parking and street trees at intersecting corner. NOTE: drive aisles can vary from 24' to 26')



Typical Parking Apron at Multi-Family garage entries



2. Street Trees

Street trees permitted for use are as follows:

- Cedar Elm
- Lacebark Elm
- Bur Oak
- Crepe Myrtle
- Redbud
- Yaupon Holly
- Texas Pistache

Street Tree Staking

Once installed, street trees shall be staked with seven foot (7') steel posts and shall be painted dark green. Posts shall be driven into the ground a minimum two feet (2') with five feet (5') exposed above ground. Posts shall be consistent height and aligned parallel to adjacent curbs. Twelve-gauge (12-gauge) stranded cable with rubber hose shall be used to protect the tree trunk.

Street Trees Maintenance

The owner of any lot with frontage along a public street shall maintain the street trees and other landscaping in the frontage area or in the street right-of-way adjacent to the lot, including any open space community greenspace areas.

G. Fencing Standards

- 1) Retail Area – Retail areas shall employ fencing where required with adjacent properties to provide appropriate buffer. Fence shall be metal picket and rail type fence not to exceed 72". Fencing will have planted along it appropriate ornamental trees every 25 feet.
- 2) Multi-Family Area – Fencing may occur on the perimeter of the multi-family community to create separation from Janelle Drive, the vacant land to the south of the Multi-Family, or as a buffer on the east or west boundaries of the Multi-Family. Fencing is to be metal picket and rail type fencing not to exceed 72" in height. Ornamental trees compatible with City of Killeen acceptable species list, and the permitted species in Exhibit A list shall be planted every 25 feet along Janelle Drive.
- 3) Single Family Area – Fences shall be permitted in the single-family areas in rear yards and side yards to provide privacy for those spaces of the individual dwellings. Fencing shall be uniform amongst all dwellings and shall not exceed 72" in height. Fencing may be picket and rail, wood, or vinyl privacy fencing, subject to approval by the developer.

H. Landscape Buffers

To be determined based on code evaluation by City of Killeen Planning & Development Services Department

I. Parkland and Common Space

Common Spaces will be provided throughout the community. In the retail areas large promenades that encourage pedestrian activity and outdoor dining are being provided. Woven throughout the multifamily are wide pedestrian sidewalks and generous landscaping with park benches to encourage outdoor strolling. Within the single-family clusters are large greenway cul-de-sacs that invite picnics and games.

The development will comply with the City of Killeen's requirements for park land development and associated fees. The development will contribute the in-kind land purchase dollars and the park development fees. The development reserves the right to modify its plans to build park lands within the development.

J. Subdivision Entry Signs

See attached sample of boulevard entry sign at the main entrance off of Clear Creek...

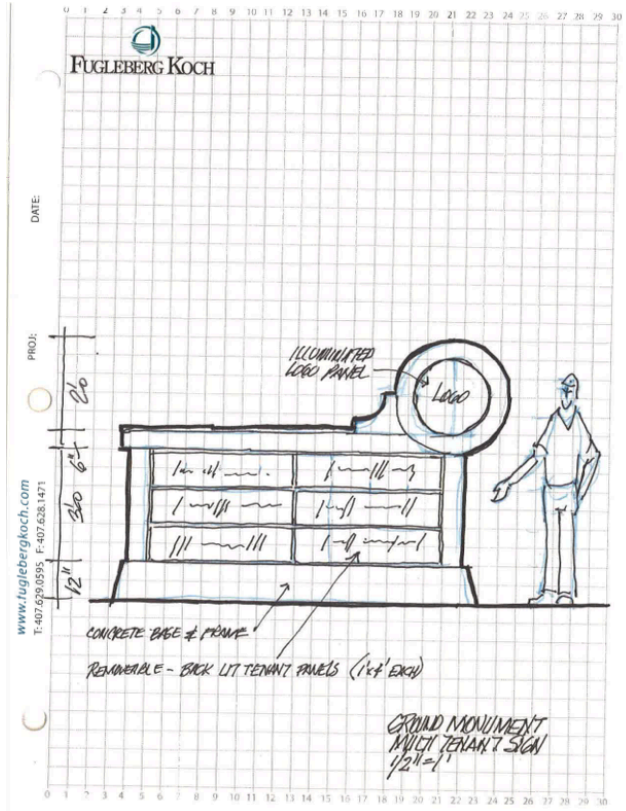


EXHIBIT A: Approved Landscape Planting List

Trees: Large

- Live Oak
- Monterrey Oak
- Bur Oak
- Cedar Elm
- Lacebark Elm

Trees: ornamental

- Vitex
- Desert Willow
- Redbud
- Yaupon Holly
- Possum haw Holly

Shrubs:

- Belinda's Dream Rose
- Red Yucca
- Agave (many varieties)
- Sea Green Juniper
- Texas Sage
- Abelia (many varieties)
- Carissa Holly
- Indian Hawthorn
- Gulf Stream Nandina
- Lemon Lime Nandina
- Upright Rosemary

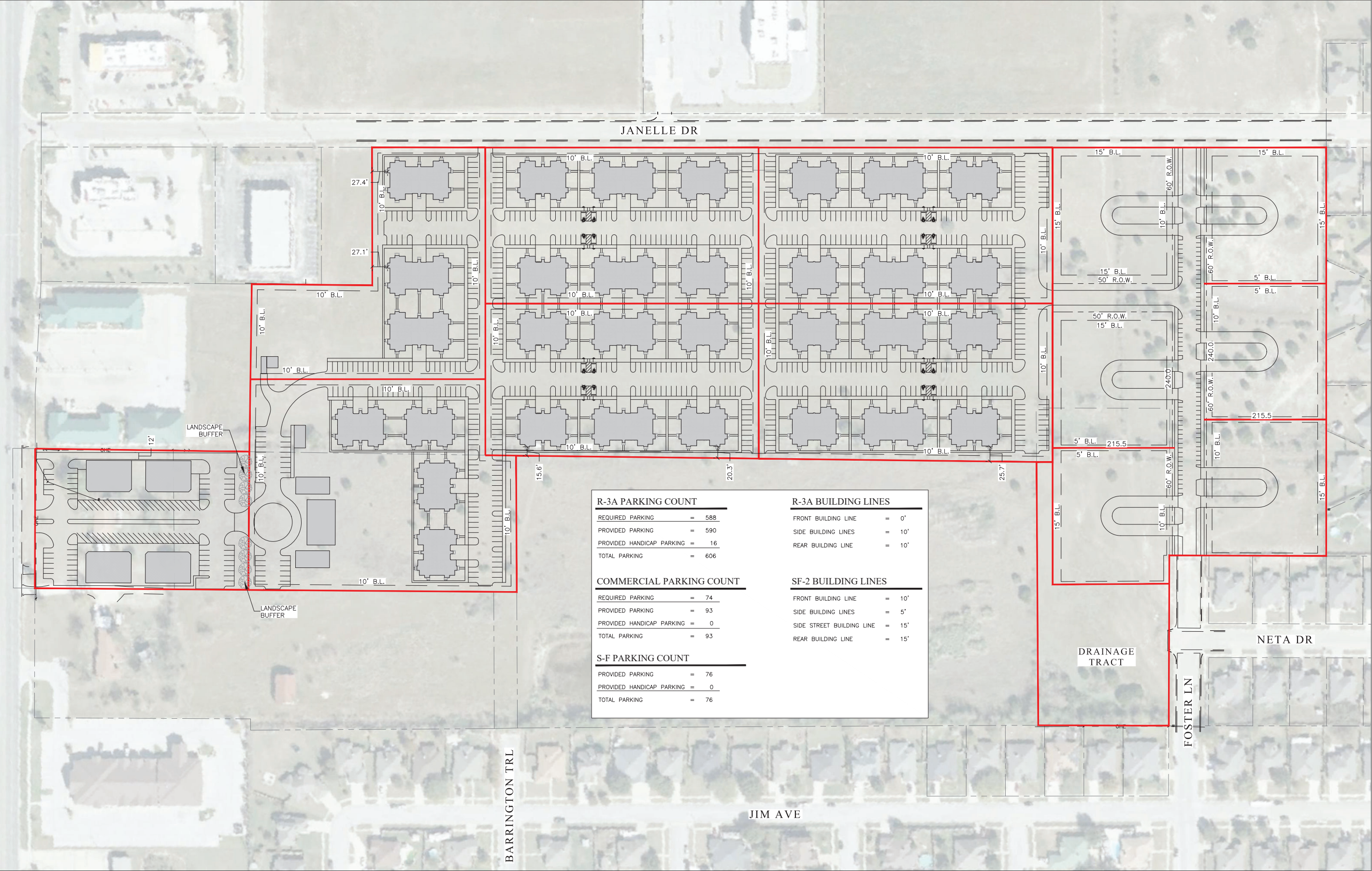
Perennials:

- Black-eyed Susan
- Coneflower
- Society Garlic
- Pink Skullcap
- Coreopsis
- Fall Aster
- Mealy Blue Sage
- Russian Sage
- Mexican feather grass
- Gulf Muhly Grass

Grasses:

- Bermuda 419
- St Augustine





R-3A PARKING COUNT

REQUIRED PARKING	=	588
PROVIDED PARKING	=	590
PROVIDED HANDICAP PARKING	=	16
TOTAL PARKING	=	606

COMMERCIAL PARKING COUNT

REQUIRED PARKING	=	74
PROVIDED PARKING	=	93
PROVIDED HANDICAP PARKING	=	0
TOTAL PARKING	=	93

S-F PARKING COUNT

PROVIDED PARKING	=	76
PROVIDED HANDICAP PARKING	=	0
TOTAL PARKING	=	76

R-3A BUILDING LINES

FRONT BUILDING LINE	=	0'
SIDE BUILDING LINES	=	10'
REAR BUILDING LINE	=	10'

SF-2 BUILDING LINES

FRONT BUILDING LINE	=	10'
SIDE BUILDING LINES	=	5'
SIDE STREET BUILDING LINE	=	15'
REAR BUILDING LINE	=	15'

CASE #Z25-34:
JANELL DRIVE
PUD AMENDMENT

PH-25-069

November 18, 2025

Case #Z25-34: PUD Amendment

- Hold a public hearing and consider a request submitted by Clark Associates on behalf of OG Central Texas Partners, LLC (**Case# Z25-34**) to amend the Planned Unit Development (PUD) for approximately 31.005 acres, being Lot 1, Block 1, Final Plat of 5100 Janelle Phase 1A; Block 1, Final Plat of 5100 Janelle, Phase 2A; Lot 1, Block 1, Final Plat of 5100 Janelle, Phase 2B; and approximately 15.2 acres out of the Thomas Robinett Survey, Abstract No. 686 and a replat of Lot 1, Block 1, Elms Creek Addition Phase 2.

Case #Z25-34: PUD Amendment

- The subject property is generally located on the south side of Janell Drive and east of Clear Creek Road (S.H. 201), Killeen, Texas.
- In June 2023, City Council approved a Planned Unit Development (PUD) for the subject property via Ordinance No. 23-049.

Response	Percentage
Yes	78%
No	21%



Case #Z25-34: PUD Amendment

- Section D of the approved PUD Development Standards states:
“There shall be four buildings constructed whose sizes are estimated individually at 6,000 square feet (but may be as small as 2,500 sq. ft. and as large as 9,000 sq. ft., with the aggregate interior total square footage of all buildings estimated at 22,500 sq. ft.).

Case #Z25-34: PUD Amendment

- In order to accommodate the development of a proposed drive-through coffee shop, the applicant now seeks to amend this standard to reduce the minimum size of a commercial building within the PUD from 2,500 sq. ft. to 1,500 sq. ft.
- The proposed amendment also seeks to change the maximum size of a commercial building from 9,000 sq. ft. to 12,000 sq. ft.

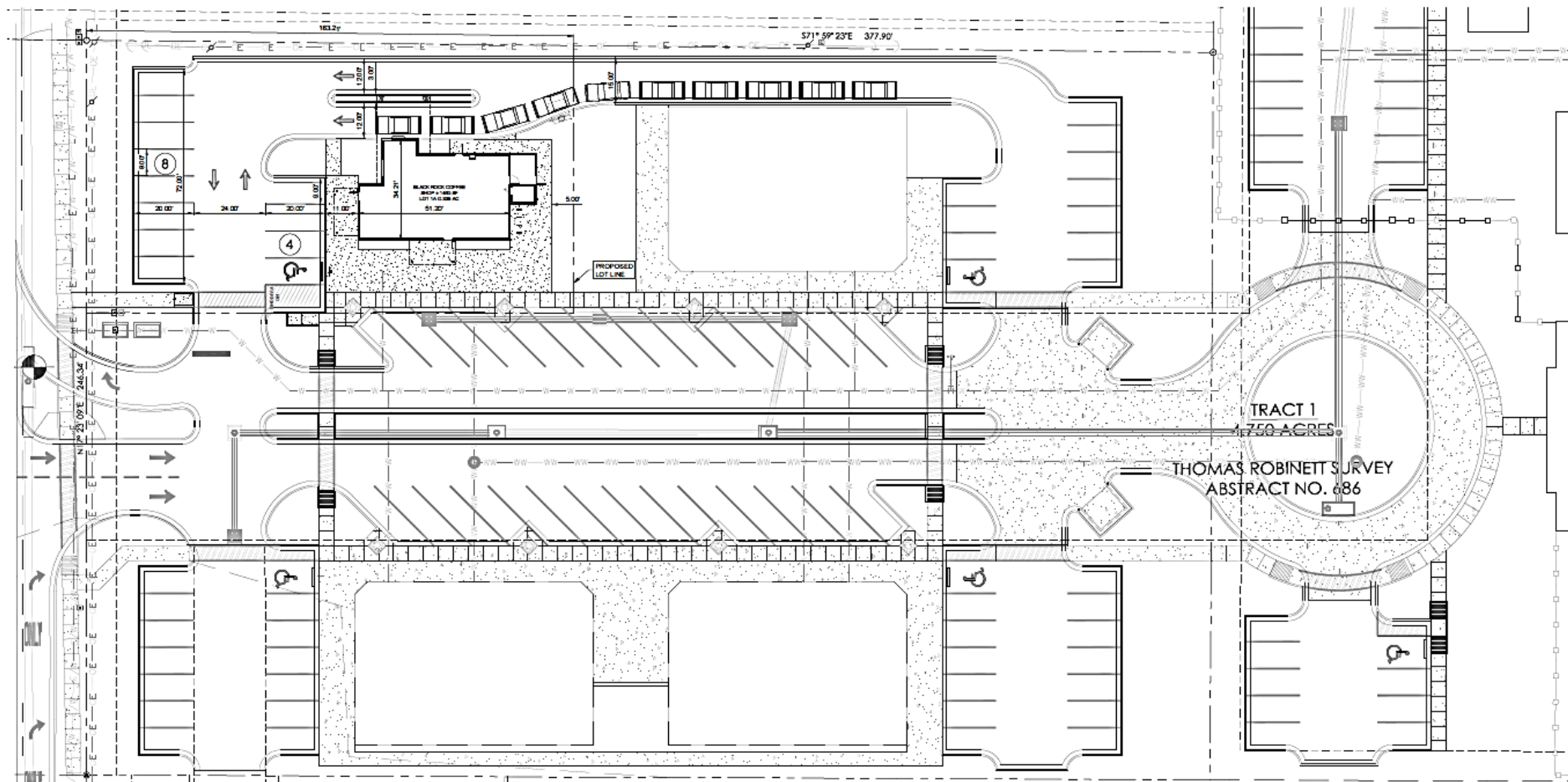
Case #Z25-34: PUD Amendment

- If approved, the proposed amendment will modify Section D as follows:

There shall be four buildings constructed whose sizes are estimated individually at 6,000 square feet (but may be as small as ~~2,500~~ 1,500 sq. ft. and as large as ~~9,000~~ 12,000 sq. ft., with the aggregate interior total square footage of all buildings estimated at 22,500 sq. ft.).

Case #Z25-34: PUD Amendment

- The applicant has also submitted a revised PUD Concept Plan, which proposes to change the design and configuration of the commercial component of the project in order to accommodate the contemplated drive-through coffee shop.

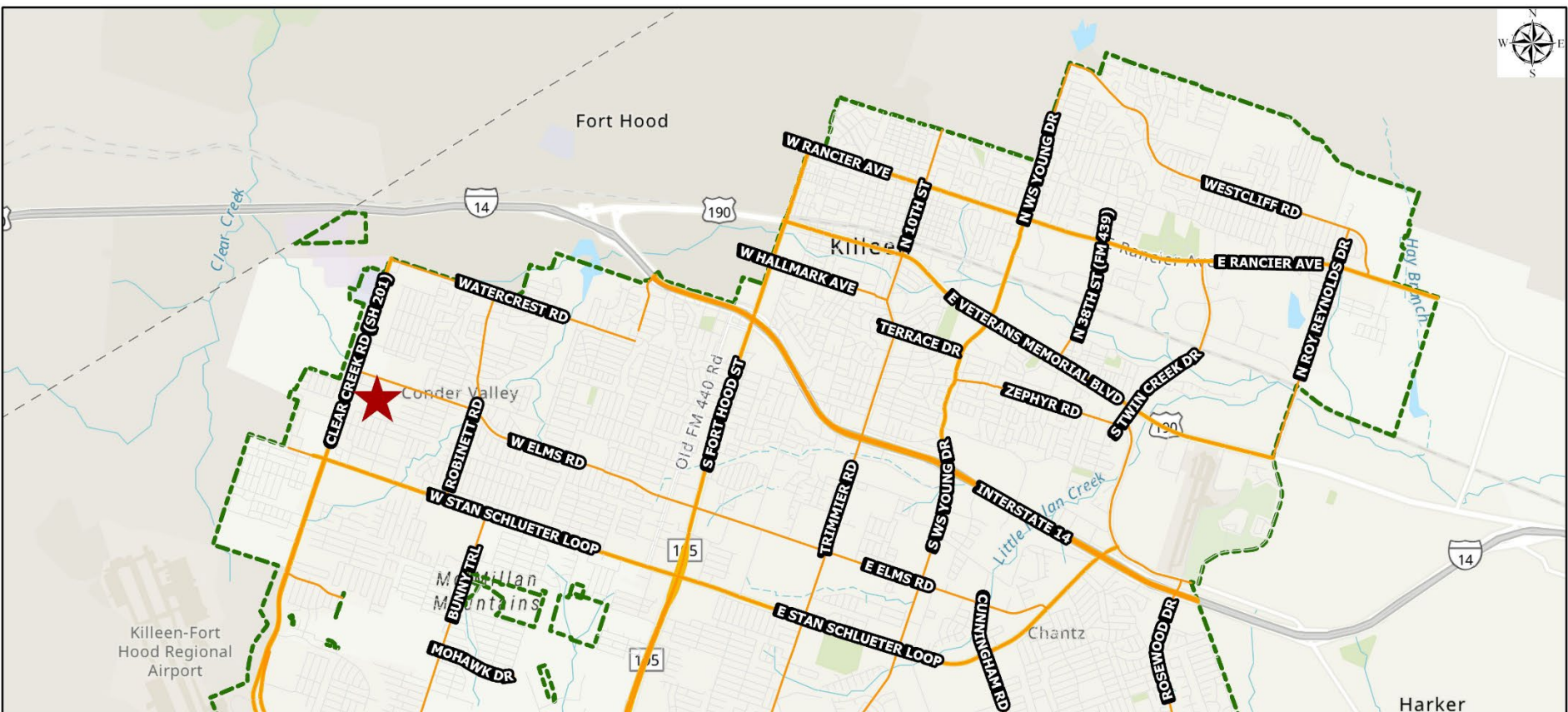


Case #Z25-34: PUD Amendment

- The proposed revised concept plan ensures that the drive aisle for the coffee shop will be in the rear of the building, thereby ensuring a high-quality pedestrian experience.
- It also provides for a pedestrian seating area in front of the stand-alone coffee shop, which will serve as a pedestrian amenity for the area.

Case #Z25-34: PUD Amendment

- The subject property is located within the 'Intended Growth' (IG) and 'Neighborhood Infill' (NI) area on the Growth Sector Map and designated 'Residential Mix' (RM) and 'Regional Commercial' (RC) on the Future Land Use Map (FLUM) of the Killeen 2040 Comprehensive Plan.



LOCATION MAP

Council District: 4



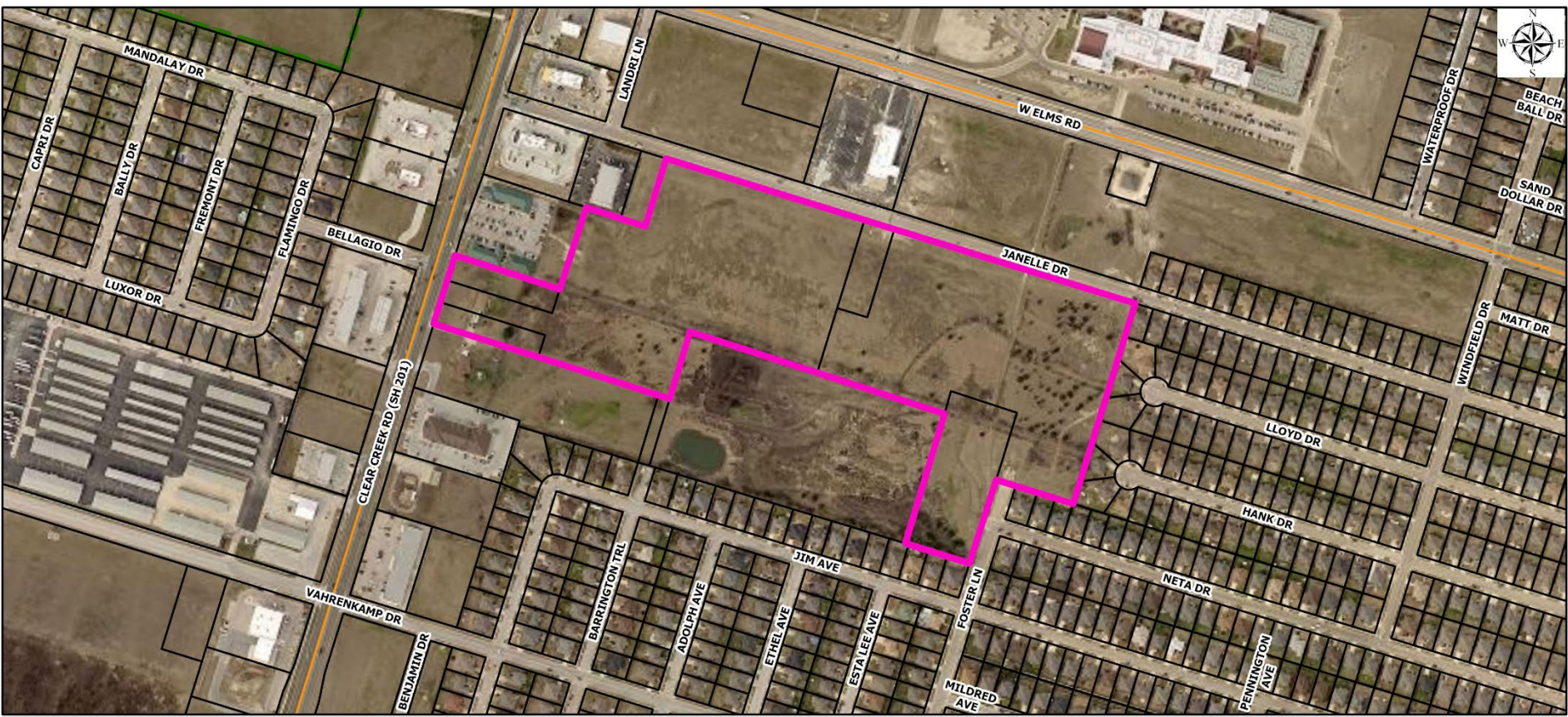
Subject Property Legal Description:

Zoning Case 2025-34 AMENDMENT TO PUD

approximately in total 31.005 acres, which includes 13.692 acres, being Lot 1, Block 1, Final Plat of 5100 Janelle Phase 1A; 0.762 acres, being Lot 1, Block 1, Final Plat of 5100 Janelle, Phase 2A; approximately 0.677 acres, being Lot 1, Block 1, Final Plat of 5100 Janelle, Phase 2B; and approximately 15.2 acres, as part of the Thomas Robinett Survey, Abstract No. 686 and a replat of Lot 1, Block 1, Elms Creek Addition Phase 2, to amend a Planned Unit Development (PUD). The subject properties are located along Janelle Drive, Killeen, Texas.

Legend

- Major Roads
- Zoning Case Location
- City Limit



AERIAL MAP
Council District: 4
0 200 400
Feet

Zoning Case 2025-34 AMENDMENT TO PUD

Legend
 Zoning Case

Subject Property Legal Description:

approximately in total 31.005 acres, which includes 13.692 acres, being Lot 1, Block 1, Final Plat of 5100 Janelle Phase 1A; 0.762 acres, being Lot 1, Block 1, Final Plat of 5100 Janelle, Phase 2A; approximately 0.677 acres, being Lot 1, Block 1, Final Plat of 5100 Janelle, Phase 2B; and approximately 15.2 acres, as part of the Thomas Robinett Survey, Abstract No. 686 and a replat of Lot 1, Block 1, Elms Creek Addition Phase 2, to amend a Planned Unit Development (PUD). The subject properties are located along Janelle Drive, Killeen, Texas.

Case #Z25-34: PUD Amendment

14

View of the subject property facing east from Clear Creek Road:



Case #Z25-34: PUD Amendment

15

View of the adjacent property from Clear Creek Road facing north:



Case #Z25-34: PUD Amendment

16

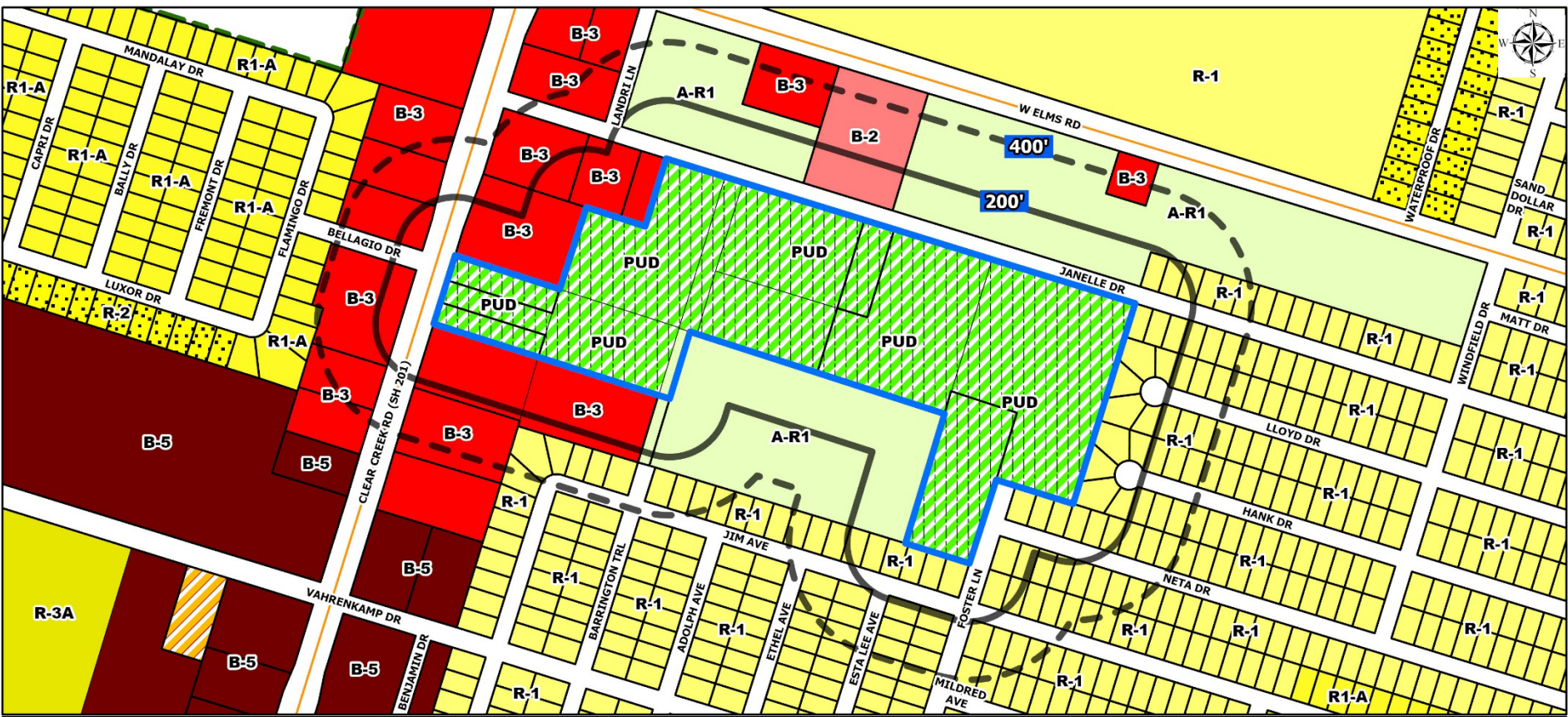
View of the adjacent property from Clear Creek Road facing south:



Public Notification

17

- Staff notified property owners of one hundred and thirty-two (132) surrounding properties regarding this request.
- As of the date of this staff report, no responses have been received regarding this request.



ZONING MAP
Council District: 4
0 200 400
Feet

Zoning Case 2025-34 AMENDMENT TO PUD

approximately in total 31.005 acres, which includes 13.692 acres, being Lot 1, Block 1, Final Plat of 5100 Janelle Phase 1A; 0.762 acres, being Lot 1, Block 1, Final Plat of 5100 Janelle, Phase 2A; approximately 0.677 acres, being Lot 1, Block 1, Final Plat of 5100 Janelle, Phase 2B; and approximately 15.2 acres, as part of the Thomas Robinett Survey, Abstract No. 686 and a replat of Lot 1, Block 1, Elms Creek Addition Phase 2, to amend a Planned Unit Development (PUD). The subject properties are located along Janelle Drive, Killeen, Texas.

Staff Recommendation

19

- Staff recommends approval of the applicant's request to amend the Planned Unit Development (PUD) as presented.

Commission Recommendation

20

- At their regular meeting on October 13, 2025, the Planning and Zoning Commission recommended approval of the applicant's request by a vote of 5 to 0.



City of Killeen

Staff Report

File Number: PH-25-070

Hold a public hearing and consider an ordinance amending the corporate City limits of the City of Killeen, Texas (DA25-01) by disannexing approximately 126.71 acres of land, including Lots 1 and 2, Block 1 out of Live Oak Acres Addition and the remainder out of the James H. Evitts Survey, Abstract No. 287. The subject property is generally located on the south side of Chaparral Road between East Trimmier Road and F.M. 3481.

DATE: November 18, 2025

TO: Kent Cagle, City Manager

FROM: Wallis Meshier, Exec. Dir. Of Dev. Serv.

SUBJECT: Petition for Disannexation

BACKGROUND AND FINDINGS:

On October 1, 2025, City staff received a petition for disannexation submitted by Jane Seals, on behalf of WBW Single Land Investment, LLC - Series 138, for three tracts of land, totaling approximately 126.71 acres, generally located on the south side of Chaparral Road between East Trimmier Road and F.M. 3481.

The subject properties were annexed into the City of Killeen as follows:

- Property ID 170866 (43.7 acres):
Involuntarily annexed on January 27, 2008, via Ordinance No. 07-112.
- Property IDs 364611 and 448337 (83.01 acres):
Voluntarily annexed on June 11, 2019, via Ordinance No. 19-025.

As required by Chapter 43 of the Texas Local Government Code, each annexation ordinance included a service plan detailing the provision of municipal services. In its petition for disannexation, WBW Single Land Investment, LLC, asserts that the City "failed to complete the Service Plan Improvements to provide services to the Property."

Tex. Local Gov't Code Sec. 43.056(g):

If the annexed area has a lower level of services, infrastructure, and maintenance than that within the corporate boundaries of the municipality before annexation, a service plan must provide the annexed area with a level of services, infrastructure, and maintenance that is comparable to other parts of the municipality with similar topography, land use, and population density.

Currently, there is an existing 16-inch water distribution main on the south side of Chaparral Road immediately adjacent to the subject property. To provide wastewater service to the property, a sewer main would need to be extended down East Trimmier Road and Chaparral Road. But, the 2007 and 2019 Annexation Service Plans both permit the use of on-site sewage system (i.e., septic).

The subject properties consist of approximately 126.71 acres of undeveloped land. The character of the surrounding area is predominately rural with very low residential density. There are several large acreage homesites in the immediate area, which do not have access to all City utilities and are served by well and/or septic systems. Therefore, the subject property currently has access to a level of services, infrastructure, and maintenance that is comparable to other parts of the municipality with similar topography, land use, and population density in accordance with State law.

WBW Single Land Investment, LLC, also asserted that the City has failed to construct numerous Capital Improvement Projects around these properties in order to support development of the properties. The 2007 and 2019 Annexation Service Plans both outline several water and wastewater capital projects that were planned for the area, including water main extensions and a lift station, which have not been completed. However, both plans also provide that the City of Killeen "finds and determines it to be unnecessary to immediately acquire or construct any currently scheduled Capital Improvements."

The 2007 Annexation Service Plan states the following:

- "As property in the annexation area is developed, property owners will be required to extend necessary utilities to support their development in accordance with Killeen Code of Ordinances and Public Works Department practices, as may be amended."
- "Nothing in the plan shall require the City to provide a uniform level of municipal services to...annexed areas, if...population density [is] sufficiently distinct to justify a different level of service."

The 2019 Annexation Service Plan states the following:

- "If the existing city utility facilities are not adjacent to the development, the developer shall construct the necessary extension of water and sewer mains, force mains, and lift stations..."
- "Sewer mains across Chaparral Road in Heritage Oaks are not adequately sized, so future developer(s) must accommodate the full cost of extending the infrastructure within their development."

THE ALTERNATIVES CONSIDERED:

N/A

Which alternative is recommended? Why?

N/A

CONFORMITY TO CITY POLICY:

The disannexation petition conforms to City policy.

FINANCIAL IMPACT:

What is the amount of the revenue/expenditure in the current fiscal year? For future years?

The disannexation petition does not involve the expenditure of City funds.

Is this a one-time or recurring revenue/expenditure?

This is not applicable.

Is this revenue/expenditure budgeted?

This is not applicable.

If not, where will the money come from?

This is not applicable.

Is there a sufficient amount in the budgeted line-item for this revenue/expenditure?

This is not applicable.

RECOMMENDATION:

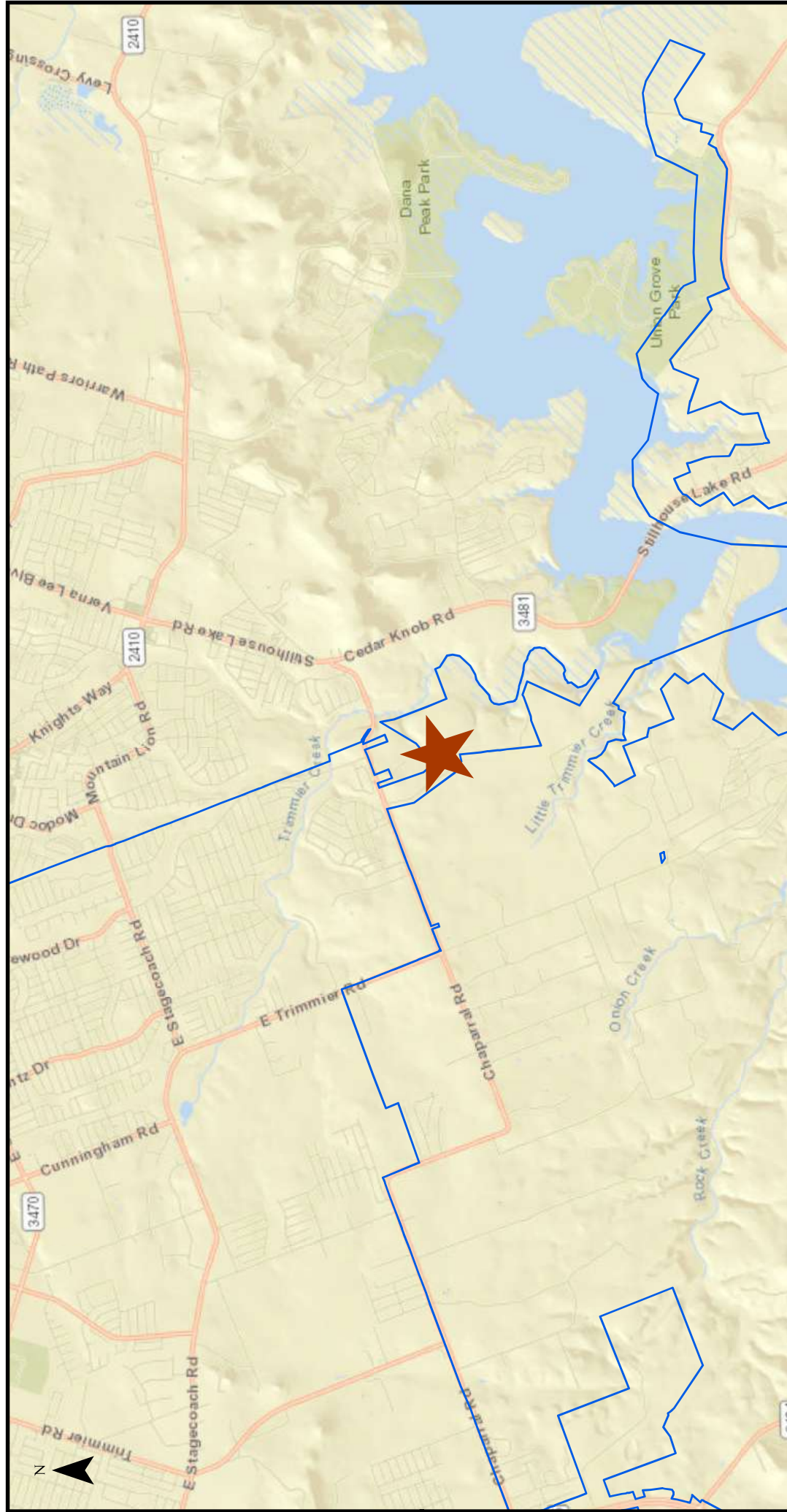
Staff finds that the City of Killeen has met all legal obligations to provide services to the property in accordance with the 2007 and 2019 Annexation Service Plans and Chapter 43 of the Tex. Local Gov't Code. Therefore, staff recommends disapproval of the applicant's petition for disannexation.

DEPARTMENTAL CLEARANCES:

This item has been reviewed by Planning and Legal staff.

ATTACHED SUPPORTING DOCUMENTS:

Maps
Petition for Disannexation
2017 Annexation Ordinance
2019 Annexation Ordinance
Ordinance
Presentation

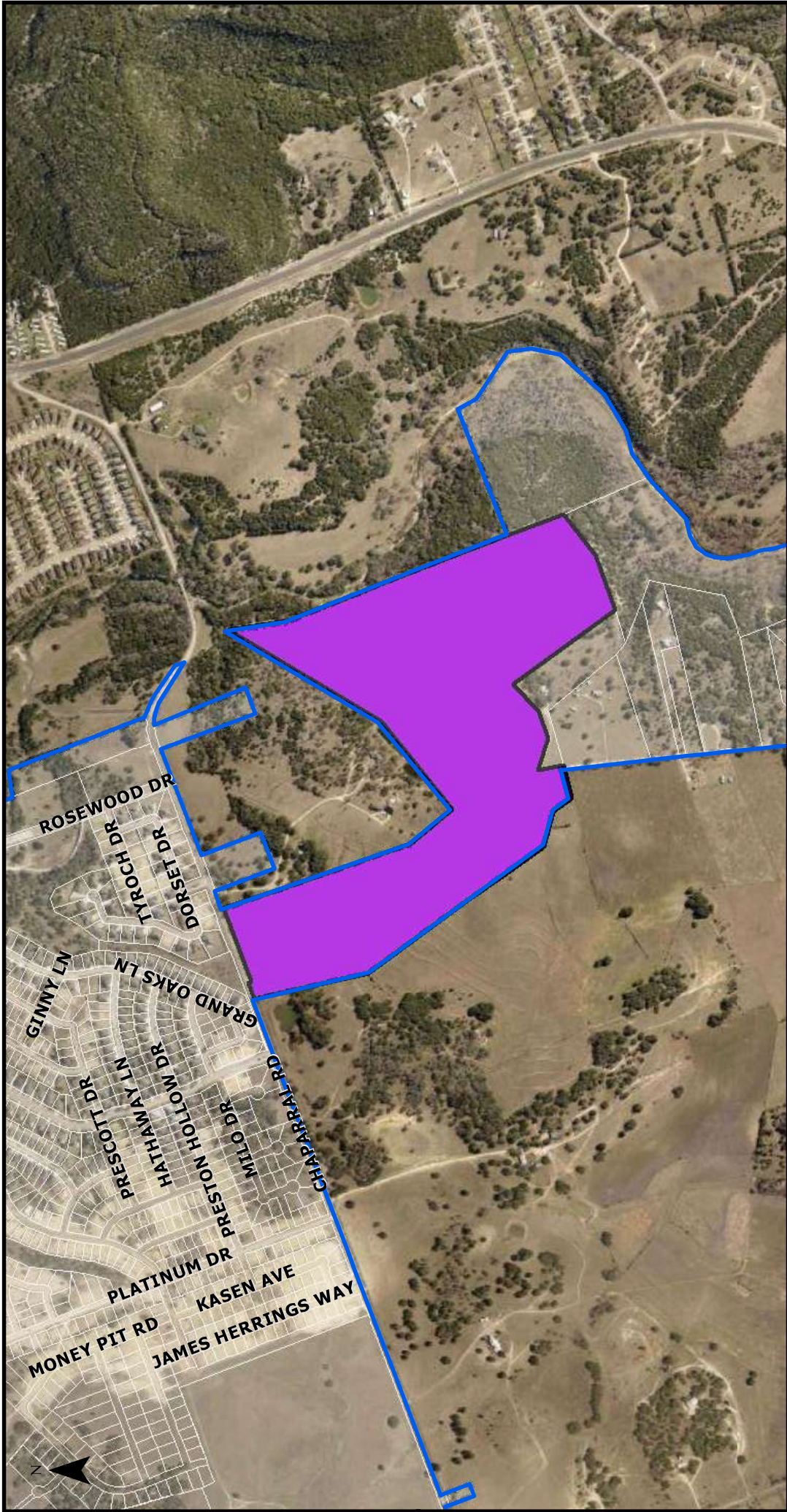


Legend

-  Killeen City Limits
-  Disannexation Location

1 inch = 5,280 feet

Disannexation Map - DA 25-01



Legend

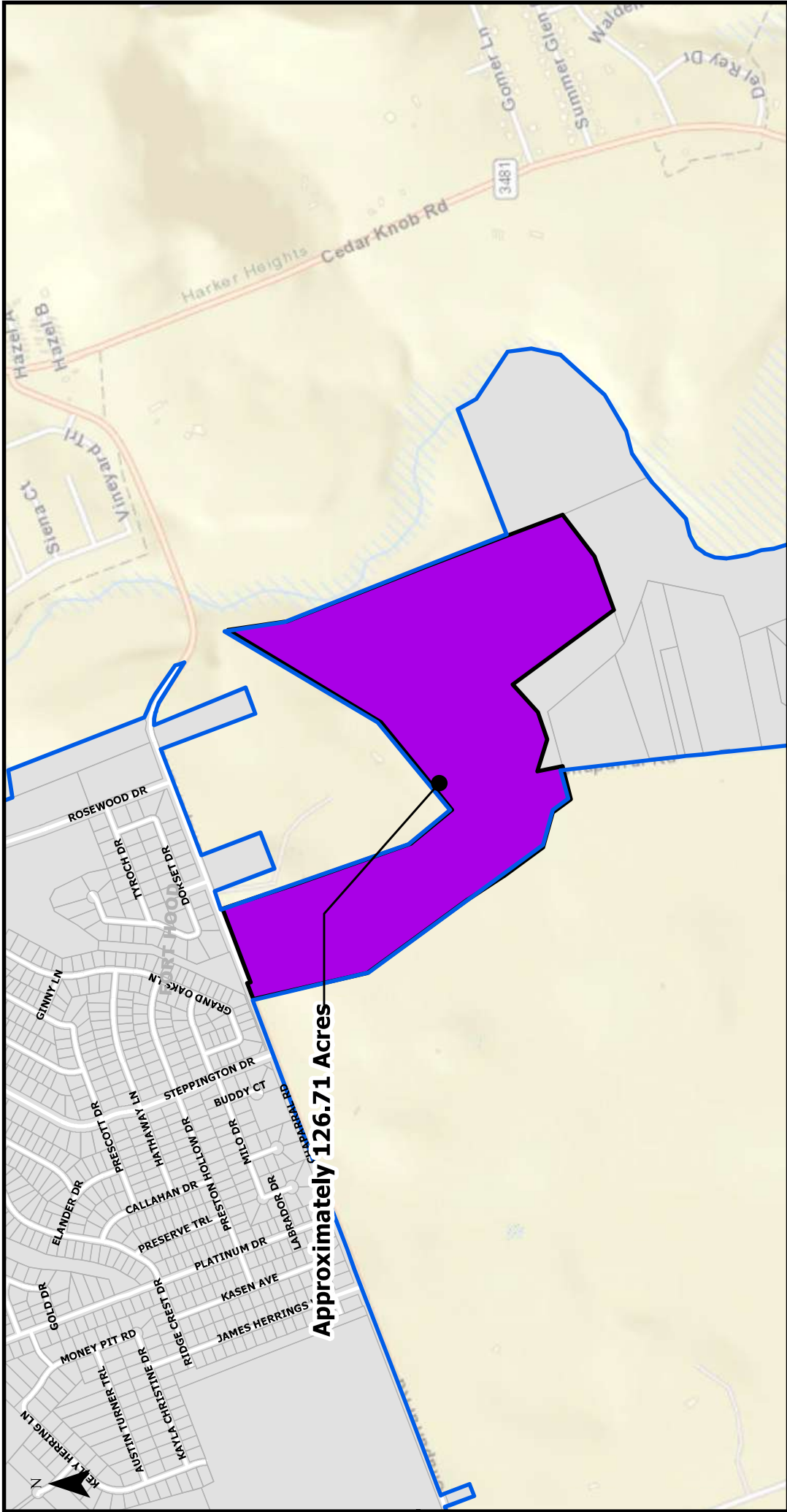


Killeen City Limits
Disannexation Location

Disannexation Map - DA 25-01

Approximately 126.71 Acres

1 inch = 1,250 feet



Legend

 Killen City Limits

 Disannexation Location

Disannexation Map - DA 25-01

1 inch = 1,250 feet



*109 West 2nd Street, Suite 201
Georgetown, TX 78626
Office: 254-953-5353 Fax: 254-953-0032*

City of Killeen
ATTN: Laura Calcote, City Secretary
101 N College Street
Killeen, TX 76541

Petition for release from the City Limits of the
City of Killeen, Bell County, TX

The attached petition serves as the official request to remove the following parcels from the City Limits of the City of Killeen:

- 10.26-acre parcel, Bell CAD Property ID 448337, described in Document Number 2023056718, Official Public Records of Bell County
- 43.70-acre parcel, Bell CAD Property ID 170866, described in Document Number 2023056718, Official Public Records of Bell County
- 72.75-acre parcel, Bell CAD Property ID 364611, described in Document Number 2023056718, Official Public Records of Bell County

Property Owner	WBW Single Land Investment LLC – Series 138
Agent	Jane Seals as Authorized Agent of Owner
Property Address	Chaparral Road, Killeen, TX 76542
Owner Contact	Bruce Whitis
	109 W 2nd St Ste 201
	Georgetown, TX 78626

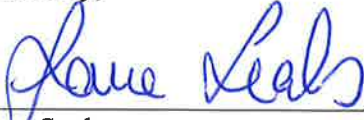
Jane Seals as Authorized Agent of Owner

The following documents are included with this petition.

1. Executed Petition for Disannexation
2. Property Deed demonstrating ownership
3. Description of the Subject Properties
4. WBW Land Investments Corporate Resolution
5. Annexation Ordinances
6. Newspaper posting & Affidavit

We appreciate your timely review and attention to this request.

Sincerely,



Jane Seals

Authorized Agent of Owner

WBW Single Land Investment LLC – Series 138



PETITION TO DISANNEX PROPERTY FROM THE CITY OF KILLEEN, TEXAS
PURSUANT TO TEXAS LOCAL GOVERNMENT CODE § 43.141

Petitioner, **WBW SINGLE LAND INVESTMENT LLC - SERIES 138** files this Petition for Release from the City of KILLEEN (the "Petition"), as authorized by Texas Local Government Code § 43.141 *et seq.*, and would show the following:

1. Petitioner owns and seeks release of the following portions of parcels (the "Property") from the municipal boundary of the City of Killeen, being identified on the map attached to this Petition as Exhibits A, B, and C and described by metes and bounds, pursuant to Texas Local Government Code § 43.141 *et seq.*
2. Petitioner, as sole property owner of the Property, satisfies the minimum requirements of Texas Local Government Code § 43.141(a).
3. The Property was annexed by Ordinance No. 07-112 and 19-02, which included a service plan for the Property (the "Service Plan"). The Service Plan, stated in both ordinances, obligated the City of Killeen to provide rate-based water and sanitary sewer services to the Property through the completion of several infrastructure projects in a three-year period, including but not limited to:
 - a. Completion of a wastewater lift station 12", 15", and 18" gravity main flowing south along Little Trimmier Creek to new lift station and then to Trimmier Creek wastewater treatment plant;
 - b. Completion of a wastewater 10" and a 12" gravity main flowing to new Onion Creek lift station then through 14" force main to Little Trimmier Creek lift station; and
 - c. Completion of a wastewater 12" collection main east to new SH 2484 lift station and then lifted through 8 force main to Little Trimmier Creek lift station (collectively, the "Service Plan Improvements").
4. The City has failed to complete the Service Plan Improvements to provide services to the Property.

THEREFORE, having satisfied all requirements of Texas Local Government Code § 43.141 *et seq.*, Petitioner seeks immediate release from the municipal boundaries of the City of KILLEEN, TX and requests that an agenda item be placed on the next regular meeting of the City Council of KILLEEN, TX to approve the Petition.

Submitted on September 29, 2025

Petitioner



Jane Seals
Authorized Agent of Owner
109 W 2nd St. Ste. 201
Georgetown, TX 78626

Acknowledged and Verified

City Secretary
City of Killeen, TX

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

WARRANTY DEED

EFFECTIVE DATE: June 1, 2023

GRANTOR: WBW Land Investments, LP, a Texas limited partnership

GRANTOR'S MAILING ADDRESS: 109 W. 2nd Street, Suite 201, Georgetown, Texas 78626

GRANTEE: WBW Single Land Investment LLC – Series 138, a Texas series limited liability company

GRANTEE'S MAILING ADDRESS: 109 W. 2nd Street, Suite 201, Georgetown, Texas 78626

CONSIDERATION: TEN AND NO/100 (\$10.00) DOLLARS and other valuable consideration.

PROPERTY:

Tract 1: Being all that certain 10.26 acres described in a deed to WBW Land Investments, LP, recorded as Instrument No. 2013007082, Official Public Records of Bell County, Texas, and being further described by metes and bounds in Exhibit "A".

Tract 2: Being all that certain 43.70 acres described in a deed to WBW Land Investments, LP, recorded as Instrument No. 2012027082, Official Public Records of Bell County, Texas, and being further described by metes and bounds in Exhibit "B".

Tract 3: Being all that certain 72.75 acres described in a deed to WBW Land Investments, LP, recorded as Instrument No. 2012019263, Official Public Records of Bell County, Texas, and being further described by metes and bounds in Exhibit "C".

RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

This conveyance is made and accepted subject to the following matters, to the extent same are in effect at this time: any and all reservations, restrictions, covenants, conditions and easements, if any, relating to the hereinaabove described property, but only to the extent they are still in effect, shown of record in the hereinabove mentioned County and State, and to all zoning laws, regulations and ordinances of municipal and/or other governmental authorities, if any, but only to the extent that they are still in effect, relating to the hereinabove described property.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, GRANTS, SELLS, AND CONVEYS to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, TO HAVE AND HOLD IT to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

SAVE AND EXCEPT all the undivided interest in the oil, gas, coal, lignite, iron, uranium, all other minerals, groundwater, and any other subsurface water by whatever method produced or extracted, in and under and that may be produced from the above property. Grantor waives and conveys to Grantee the right of ingress and egress to and from the surface of the Property relating to the portion of the mineral estate owned by Grantor. Nothing herein, however, restricts or prohibits the pooling or unitization of the portion of the mineral estate owned by Grantor with land other than the Property; on the exploration or production of the oil, gas, other minerals, and water by means of wells that are drilled or mines that open on land other than the Property but enter or bottom under the Property, provided that these operations in no manner interfere with the surface or subsurface or subsurface support of any improvements constructed or to be constructed on the Property.

When the context requires, singular nouns and pronouns include the plural.

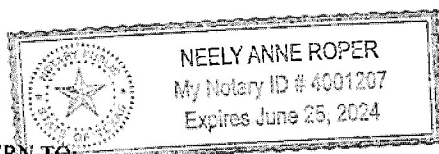
WBW Land Investments, LP, a Texas limited partnership,
By: WBW Land Investments GP, LLC, its general partner

By: Bruce Whitis, President

CORPORATE ACKNOWLEDGMENT

STATE OF TEXAS §
COUNTY OF WILLIAMSON §

This instrument was acknowledged before me on December 11, 2023, by Bruce Whitis, in his capacity as President of WBW Land Investments GP, LLC, the general partner of WBW Land Investments, LP, a Texas limited partnership,



Neely A. Roper
Neely A. Roper
Notary Public for the State of Texas
My Commission Expires 6/25/2024

AFTER RECORDING RETURN TO:
WBW Single Land Investment, LLC – Series 138
Travis Parks
109 W. 2nd Street, Suite 201, Georgetown, Texas 78626

EXHIBIT "A"

**FIELD NOTES
10.26 ACRE TRACT
BELL COUNTY, TEXAS**

BEING all that certain tract or parcel of land situated in and being a part of the James H. Evetts Survey, A-600, Bell County, Texas, and being the a part of the called 163.25 acre tract described in Deed to Dock L. Curb, et al, Co-Trustee of the D. L. Curb, Jr. Trust, recorded in Volume 5982, Page 758, Official Public Records of Real Property of Bell County, Texas, and being more particularly described as follows:

BEGINNING at a PK nail found in the center of Chaparral Road, same being called the northeast corner of said 163.25 acre tract and the northwest corner of the called 43.70 acre tract described in deed to WBW Land Investments, LP, in Volume 8221, Page 604, Official Public Records of Real Property of Bell County, Texas, and being called the northeast corner of the herein described tract;

THENCE, S 10°57'51" E, 874.03 feet along the east line of said 163.25 acre tract and west line of said 43.70 acre tract to an iron pipe found at a fence corner post for an angle point of the herein described tract;

THENCE, S 34°20'08" E, 2016.84 feet, continuing along the east line of said 163.25 acre tract and west line of said 43.70 acre tract to an iron rod set, said iron rod set bearing N 34°20'08" W, 183.26 feet from an iron rod found at a cedar fence post corner found for a corner of said 163.25 acre tract said iron rod set being a corner of the herein described tract;

THENCE, in a northwesterly direction, across and upon said 163.25 acre tract with the following courses:

1. N 72°35'18" W, 293.81 feet, to a point for corner,
2. N 34°25'15" W, 396.59 feet, to a point for corner,
3. N 31°06'10" W, 345.56 feet, to a point for corner,
4. N 34°25'15" W, 1011.56 feet, to a point for corner,
5. N 10°57'51" W, 950.46 feet, to a PK nail set in the north line of said 163.25 acre tract and centerline of Chaparral Road, for the called northwest corner of the herein described tract;

THENCE, N 71°09'25"E, 139.26 feet, along the north line of said 163.25 acre tract, center of Chaparral Road, and north line of this to the **PLACE OF BEGINNING** and containing 10.26 of land, more or less.

SURVEYOR'S NOTES:

1. The bearings for this description is a west line of said 43.70 acre tract being S 34°20'08"E per deed of record.
2. 1/2" iron rods with caps marked " CORNER '1852' " will be placed at all corners noted as "points" herein. Placement of iron rods will occur after the date of conveyance of the tract described herein.

 12-26-12
A. W. Kessler, R.P.L.S.

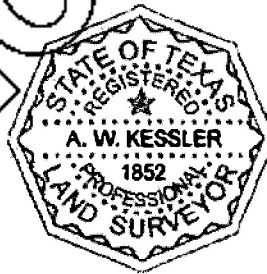


Exhibit "B"

FIELD NOTES
BELL COUNTY, TEXAS

Being all that certain tract or parcel of land situated in the James H. Evitts Survey, Abstract No. 287, and the land herein described being part of the called Tract One (50.0 Acres) and all of Tract Two (30' Easement) described in Deed to William D. Morris in Volume 5764, Page 467, and all of the tract 30' easement tract described in Deed to William D. Morris in Volume 5830, Page 442, Official Public Records of Real Property, Bell County, Texas, also being a part of a called 120.9 acre tract described in Deed to Edwin H. Vale and Marilyn Vale, in Volume 1200, Page 69, Deed Records of Real Property, Bell County, Texas, and being more particularly described as follows:

BEGINNING at a, a 8" cedar fence corner post marked with a 60D nail at the northeast corner of said Morris 50.0 acre tract, and being in the east line of said Vale 120.9 acre tract and west line of a called 152.523 acre tract described in deed to the Trudo Family Living Trust in Volume 5045, Page 590, official Records, bell County, Texas, and being a corner of the herein described tract

THENCE S 19° 23' 58" E, 668.72 feet, (Deed - S 19° 14' 40" E, 659.40 feet) along the east line of said Morris 50.0 acre tract, Vale 120.9 acre tract, and Trudo 152.523 acre tract, to a U.S. Government monument with brass disc Marked 4-33 for a corner of said Trudo 152.253 acre tract and being an angle corner of the herein described tract;

THENCE S 19° 11' 25" E, 499.29 feet , (Deed-S 19° 17' 10" E, 499.10 feet along the east line of said Morris 50.0 acre tract and Vale 120.9 acre tract, to a U.S. Government monument with brass disc Marked 4-34 for a corner of said Vale and Morris tracts and being called the southeast corner of the herein described tract;

THENCE S 55° 08' 58" W, 428.38 feet , (Deed-S 55° 05' 10" W, 428.50 feet) along the south line of said Morris 50.0 acre tract and Vale 120.9 acre tract, to a U.S. Government monument with brass disc Marked 4-35 for a corner of said Vale and Morris tracts and being an angle corner of the herein described tract;

THENCE S 71° 45' 33" W, 463.01 feet , (Deed-S 71° 42' 40" W) continuing along the south line of said Morris 50.0 acre tract and Vale 120.9 acre tract, to an iron rod with cap marked "Mitchell Associates, Killeen" same bears N 71° 45' 33" E, 311.79 feet from U.S. Government monument with brass disc Marked 4-36, said iron rod found being the southeast corner of a called 5.353 acre tract described in Deed to Deborah M. Dudley and Halford M. Dudley in Instrument # 2011-00001536, Official Records, Bell County, Texas, and being a corner of the herein described tract;

THENCE in a westerly direction across and upon said Morris 50.0 acre tract with the north said Dudley 5.353 acre tract and south line of this with the following courses:

1. N. 34° 25' 01" W., 1017.79 feet, to a "Mitchell Associates, Killeen" iron rod found for corner;
2. S. 50° 03' 23" W., 305.88 feet, to a "Mitchell Associates, Killeen" iron rod found at a at a pipe fence corner post, and being an angle corner;
3. S. 72° 38' 30" W., 231.28 feet, to a "Mitchell Associates, Killeen" iron rod found at a at a pipe fence corner post, and being an angle corner;
4. N. 70° 34' 09" W., 272.08 feet, to a "Mitchell Associates, Killeen" iron rod found at a at a pipe fence corner post, and being an angle corner;
5. S. 09° 35' 13" E., 209.88 feet, to a "Mitchell Associates, Killeen" iron rod found at a at a pipe fence corner post, same being in the north line of a called 10.75 acre tract described in Deed to Olive J. Chenowith in Volume 6189, page 418, Official Records, Bell County, Texas, and being a corner of the herein described tract;

THENCE S 77° 33' 49" W, along the south line of said Morris 50.0 acre tract, at 44.50 feet, a cedar fence corner post for the northwest corner of said Chenowith 10.75 acre tract , continuing for a total distance of 274.74 feet to a 1" pipe found at a cedar fence corner post, same being the southwest corner of said Morris 50.0 acre tract, said 1" pipe found being a corner in the east line of the called 163.25 acre tract described in Deed to Dock L. Curb in Volume 5982, Page 758, Official Records, Bell County, Texas, and being a corner of the herein described tract;

THENCE N 34° 20' 08" W, 2200.09 feet, along the east line of said Curb 163.25 acre tract, west line of said Morris 50.0 acre tract, and west line of said Morris 30' easement tracts to a 1" pipe found at a cedar fence corner post for an angle corner in the herein described tract;

THENCE N 10° 57' 51" W, 845.81 feet, continuing along the east line of said Curb 163.25 acre tract and west line of said Morris 30' easement tracts to a cedar fence corner post found in the south margin of Chapparral Rd. for corner of the herein described tract;

THENCE N 71° 32' 00" E, 29.98 feet, along the south margin of Chapparral Rd. to an iron rod found at a cedar fence corner post in the west line of a called 149.57 acre tract described in Deed to Earl W. and Terri L. Horn, being of record in Volume 5267, Page 434, Official Public Records of Real Property, Bell County, and being called the northwest corner of Lot 1, Block 1, Live Oak Acres, an addition to the City of Killeen, Texas, recorded in Cabinet D, Slide 33-B, Plat Records of Bell County, Texas, said iron rod found which bears S 10° 56' 27" E., 28.38 feet from a cotton spindle found near the center of Chapparral Road marking the northwest corner of said 149.57 acre tract, said iron rod found being the northeast corner of said Morris 30' easement tracts and corner of the herein described tract;

THENCE in a southerly direction with east line of said Morris 30' easement tracts and west line of said Horn 149.57 acre tract, with the following two (2) courses:

1. S 10° 56' 33" E., 844.97 feet, to a cedar fence corner post for an angle corner;
2. S 34° 20' 30" E., 1680.60 feet, to an 8" cedar fence corner post in the north line of said Morris 50.0 acre tract, same being the southwest corner of said Horn 149.57 acre tract and southeast corner of said Morris 30' easement tracts and being a corner of the herein described tract;

THENCE N 73° 22' 28" E., 2285.97 feet, with the south line of said Horn 149.57 acre tract, and the north line of a said Morris 50.0 acre tract to the POINT OF BEGINNING and containing 43.70 acres of land, more or less.

The 43.70 acre tract described herein encompasses 2.39 acres of either 40' wide or 30' wide passage easements yielding a calculated net acreage of 40.341 acres of land, more or less.

The bearings for the above description are based on the north line of said 149.57 acre tract as shown on Live Oak Acres, of record in Cabinet D, Slide 33-B, Plat Records, Bell County, Texas, and shown on the attached drawing.

-END-

A. W. Kessler 6-26-12
A. W. Kessler, R.P.L.S. 1852

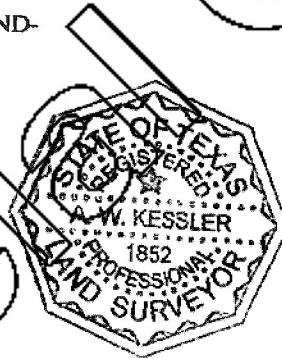


Exhibit "C"

FIELD NOTES
BELL COUNTY, TEXAS

Being all that certain tract or parcel of land situated in the James H. Everts Survey, Abstract No. 287, and the land herein described being all of the Tract One and Tract Two described in Correction Warranty Deed to Michael Aycock and Lou Aycock in Volume 6720, Page 673, and a called 11.35 acre tract described in Special Warranty Deed to Michael Aycock and Lou Aycock in Volume 5431, Page 649, Official Public Records of Real Property, Bell County, Texas, also being a part of a called 149.57 acre tract described in a Deed to Earl W. and Terri L. Horn, being of record in Volume 5267, Page 434, Official Public Records of Real Property, Bell County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron found at a cedar fence corner post in the west line of said 149.57 acres tract and south margin of Chapparral Road and being called the northwest corner of Lot 1, Block 1, Live Oak Acres, an addition to the City of Kilgus, Texas, recorded in Cabinet D, Slide 33-B, Plat Records of Bell County, Texas, said iron rod found which bears S 10° 56' 27" E., 28.38 feet from a cotton squidle found near the center of Chapparral Road marking the northwest corner of said 149.57 acre tract, for the northwest corner of the herein described tract;

THENCE N. 71° 02' 51" E., 609.40 feet, along the north line of said Block 1, south margin of Chapparral Road to a 1/2" iron set in the east line of said called 11.35 acre tract, and for corner of the herein described tract;

THENCE in a southerly direction with the east line of said 11.35 acre tract, the following three (3) courses:

1. S. 16° 16' 37" E., 581.81 feet, to a 1/2" iron pin found for an angle corner;
2. S. 17° 20' 54" E., 1030.66 feet (Deed S. 17° 22' 35" E., 1030.34 feet), an iron rod with yellow cap found for an angle corner;
3. S. 37° 20' 21" E., 438.10 feet (Deed- S. 37° 17' 33" E., 438.10 feet) feet, to a point at the southerly corner of said 11.35 acre tract, for an ell corner of the herein described tract;

THENCE N. 52° 39' 22" E., 920.06 feet, (Deed- N. 52° 42' 27" E., 920.00) feet with the a line of said 11.35 acre tract, to an iron rod with yellow cap found in a lake dam, same being the northeast corner of said 11.35 acre tract, and an angle point of the herein described tract;

THENCE N. 32° 58' 52" E. 1445.68 feet, over and across said 149.57 acre tract and north line of said Aycock Tract Two, to a 1/2" iron pin set on the east line of said 149.57 acre tract and the west line of a called 152.523 acre tract conveyed to Trudo Family Living Trust, being recorded in Volume 5045, Page 590, Official Public Records of Real Property, Bell County, Texas, for the easterly northeast corner of the herein described tract;

THENCE in a southerly direction with east line of said 149.57 acre tract, east line of said Aycock Tract Two, and the west line of said 152.523 acre tract, the following two (2) courses:

1. S. 06° 22' 14" E., 485.98 feet, to a 24" spanish oak and fence corner of said 149.57 acre tract, said 152.523 acre tract, and said Tract Two, for an angle corner;
2. S. 19° 30' 30" E., 1229.95 feet, to a 8" cedar fence corner post marked with a 60D nail at the southeast corner of said 149.57 acre tract, southeast corner of said Aycock Tract Two, and southeast corner of the herein described tract;

THENCE S. 73° 22' 28" W., 2285.97 feet, with the south line of said Aycock Tract Two, south line of said 149.57 acre tract, and the north line of a called 50 acre tract (Tract One) conveyed to William D. Morris recorded in Volume 5764, Page 467, Official Public Records of Real Property, Bell County, Texas, to a 8" cedar fence corner post found in the west line of a 30' Passage Easement described as "Tract Two" of said Morris Deed, same being at the southwest corner of said 149.57 acre tract and southwest corner of the herein described tract;

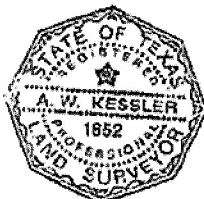
THENCE N. 34° 20' 30" W., 1640.60 feet, with the west line of said 149.57 acre tract, west line of said Aycock Tract Two, east line of said Morris Tract Two, and east line of a called tract conveyed to Donk L. Curb, Jr. recorded in Volume 5982, Page 758, Official Public Records of Real Property, Bell County, Texas, and west line of this tract, to a 8" cedar fence corner post found for an angle corner of said 149.57 acre tract, for an angle corner of this tract;

THENCE N. 10° 56' 33" W., 844.97 feet, with the west line of said 149.57 acre tract, west line of said Aycock tract, east line of said Curb Tract, East line of said 30' Passage Easement, to a POINT OF BEGINNING and containing 72.75 acres of land, more or less.

The bearings for the above description are based on the north line of said 149.57 acre tract as shown on Live Oak Acres, of record in Cabinet D, Slide 33-B, Plat Records, Bell County, Texas.

-END-

A. W. Kessler 5-10-12
A. W. Kessler, R.P.L.S. 1852





Bell County
Shelley Coston
County Clerk
Belton, Texas 76513

Instrument Number: 2023056718
As
DEED

Recorded On: December 29, 2023
Parties: WBW LAND INVESTMENTS LP
To WBW SINGLE LAND INVESTMENT LLC - SERIES 138
Comment:

Billable Pages: 5
Number of Pages: 6

(Parties listed above are for Clerks' reference only)

**** Examined and Charged as Follows ****

CLERKS RMF:	\$5.00
COURT HOUSE SECURITY:	\$1.00
RECORDING:	\$21.00
Total Fees:	\$27.00

***** DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information

Instrument Number: 2023056718
Receipt Number: 381494
Recorded Date/Time: 12/29/2023 10:24:56 AM
User / Station: zbranead - BCCCD0642

Record and Return To:

WBW Development Group
109 W 2ND ST STE 201
GEORGETOWN, TX 78626-2927



I hereby certify that this instrument was filed on the date and time stamped hereon and was duly recorded in the Real Property Records in Bell County, Texas

Shelley Coston
Bell County Clerk

EXHIBIT "A"

**FIELD NOTES
10.26 ACRE TRACT
BELL COUNTY, TEXAS**

BEING all that certain tract or parcel of land situated in and being a part of the James H. Evetts Survey, A-600, Bell County, Texas, and being the a part of the called 163.25 acre tract described in Deed to Dock L. Curb, et al, Co-Trustee of the D. L. Curb, Jr. Trust, recorded in Volume 5982, Page 758, Official Public Records of Real Property of Bell County, Texas, and being more particularly described as follows:

BEGINNING at a PK nail found in the center of Chaparral Road, same being called the northeast corner of said 163.25 acre tract and the northwest corner of the called 43.70 acre tract described in deed to WBW Land Investments, LP, in Volume 8221, Page 604, Official Public Records of Real Property of Bell County, Texas, and being called the northeast corner of the herein described tract;

THENCE, S 10°57'51" E, 874.03 feet along the east line of said 163.25 acre tract and west line of said 43.70 acre tract to an iron pipe found at a fence corner post for an angle point of the herein described tract;

THENCE, S 34°20'08" E, 2016.84 feet, continuing along the east line of said 163.25 acre tract and west line of said 43.70 acre tract to an iron rod set, said iron rod set bearing N 34°20'08" W, 183.26 feet from an iron rod found at a cedar fence post corner found for a corner of said 163.25 acre tract said iron rod set being a corner of the herein described tract;

THENCE, in a northwesterly direction, across and upon said 163.25 acre tract with the following courses:

1. N 72°35'18" W, 293.81 feet, to a point for corner,
2. N 34°25'15" W, 396.59 feet, to a point for corner,
3. N 31°06'10" W, 345.56 feet, to a point for corner,
4. N 34°25'15" W, 1011.56 feet, to a point for corner,
5. N 10°57'51" W, 950.46 feet, to a PK nail set in the north line of said 163.25 acre tract and centerline of Chaparral Road, for the called northwest corner of the herein described tract;

THENCE, N 71°09'25"E, 139.26 feet, along the north line of said 163.25 acre tract, center of Chaparral Road, and north line of this to the **PLACE OF BEGINNING** and containing 10.26 of land, more or less.

SURVEYOR'S NOTES:

1. The bearings for this description is a west line of said 43.70 acre tract being S 34°20'08"E per deed of record.
2. 1/2" iron rods with caps marked " CORNER '1852' " will be placed at all corners noted as "points" herein. Placement of iron rods will occur after the date of conveyance of the tract described herein.


A. W. Kessler, R.P.L.S.

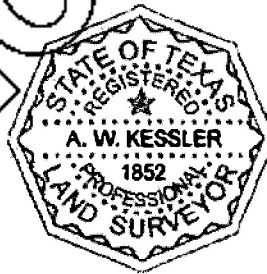


Exhibit "B"

FIELD NOTES
BELL COUNTY, TEXAS

Being all that certain tract or parcel of land situated in the James H. Evitts Survey, Abstract No. 287, and the land herein described being part of the called Tract One (50.0 Acres) and all of Tract Two (30' Easement) described in Deed to William D. Morris in Volume 5764, Page 467, and all of the tract 30' easement tract described in Deed to William D. Morris in Volume 5830, Page 442, Official Public Records of Real Property, Bell County, Texas, also being a part of a called 120.9 acre tract described in Deed to Edwin H. Vale and Marilyn Vale, in Volume 1200, Page 69, Deed Records of Real Property, Bell County, Texas, and being more particularly described as follows:

BEGINNING at a, a 8" cedar fence corner post marked with a 60D nail at the northeast corner of said Morris 50.0 acre tract, and being in the east line of said Vale 120.9 acre tract and west line of a called 152.523 acre tract described in deed to the Trudo Family Living Trust in Volume 5045, Page 590, official Records, bell County, Texas, and being a corner of the herein described tract

THENCE S 19° 23' 58" E, 668.72 feet, (Deed - S 19° 14' 40" E, 659.40 feet) along the east line of said Morris 50.0 acre tract, Vale 120.9 acre tract, and Trudo 152.523 acre tract, to a U.S. Government monument with brass disc Marked 4-33 for a corner of said Trudo 152.253 acre tract and being an angle corner of the herein described tract;

THENCE S 19° 11' 25" E, 499.29 feet , (Deed-S 19° 17' 10" E, 499.10 feet along the east line of said Morris 50.0 acre tract and Vale 120.9 acre tract, to a U.S. Government monument with brass disc Marked 4-34 for a corner of said Vale and Morris tracts and being called the southeast corner of the herein described tract;

THENCE S 55° 08' 58" W, 428.38 feet , (Deed-S 55° 05' 10" W, 428.50 feet) along the south line of said Morris 50.0 acre tract and Vale 120.9 acre tract, to a U.S. Government monument with brass disc Marked 4-35 for a corner of said Vale and Morris tracts and being an angle corner of the herein described tract;

THENCE S 71° 45' 33" W, 463.01 feet , (Deed-S 71° 42' 40" W) continuing along the south line of said Morris 50.0 acre tract and Vale 120.9 acre tract, to an iron rod with cap marked "Mitchell Associates, Killeen" same bears N 71° 45' 33" E, 311.79 feet from U.S. Government monument with brass disc Marked 4-36, said iron rod found being the southeast corner of a called 5.353 acre tract described in Deed to Deborah M. Dudley and Halford M. Dudley in Instrument # 2011-00001536, Official Records, Bell County, Texas, and being a corner of the herein described tract;

THENCE in a westerly direction across and upon said Morris 50.0 acre tract with the north said Dudley 5.353 acre tract and south line of this with the following courses:

1. N. 34° 25' 01" W., 1017.79 feet, to a "Mitchell Associates, Killeen" iron rod found for corner;
2. S. 50° 03' 23" W., 305.88 feet, to a "Mitchell Associates, Killeen" iron rod found at a at a pipe fence corner post, and being an angle corner;
3. S. 72° 38' 30" W., 231.28 feet, to a "Mitchell Associates, Killeen" iron rod found at a at a pipe fence corner post, and being an angle corner;
4. N. 70° 34' 09" W., 272.08 feet, to a "Mitchell Associates, Killeen" iron rod found at a at a pipe fence corner post, and being an angle corner;
5. S. 09° 35' 13" E., 209.88 feet, to a "Mitchell Associates, Killeen" iron rod found at a at a pipe fence corner post, same being in the north line of a called 10.75 acre tract described in Deed to Olive J. Chenowith in Volume 6189, page 418, Official Records, Bell County, Texas, and being a corner of the herein described tract;

THENCE S 77° 33' 49" W, along the south line of said Morris 50.0 acre tract, at 44.50 feet, a cedar fence corner post for the northwest corner of said Chenowith 10.75 acre tract , continuing for a total distance of 274.74 feet to a 1" pipe found at a cedar fence corner post, same being the southwest corner of said Morris 50.0 acre tract, said 1" pipe found being a corner in the east line of the called 163.25 acre tract described in Deed to Dock L. Curb in Volume 5982, Page 758, Official Records, Bell County, Texas, and being a corner of the herein described tract;

THENCE N 34° 20' 08" W, 2200.09 feet, along the east line of said Curb 163.25 acre tract, west line of said Morris 50.0 acre tract, and west line of said Morris 30' easement tracts to a 1" pipe found at a cedar fence corner post for an angle corner in the herein described tract;

THENCE N 10° 57' 51" W, 845.81 feet, continuing along the east line of said Curb 163.25 acre tract and west line of said Morris 30' easement tracts to a cedar fence corner post found in the south margin of Chapparral Rd. for corner of the herein described tract;

THENCE N 71° 32' 00" E, 29.98 feet, along the south margin of Chapparral Rd. to an iron rod found at a cedar fence corner post in the west line of a called 149.57 acre tract described in Deed to Earl W. and Terri L. Horn, being of record in Volume 5267, Page 434, Official Public Records of Real Property, Bell County, and being called the northwest corner of Lot 1, Block 1, Live Oak Acres, an addition to the City of Killeen, Texas, recorded in Cabinet D, Slide 33-B, Plat Records of Bell County, Texas, said iron rod found which bears S 10° 56' 27" E., 28.38 feet from a cotton spindle found near the center of Chapparral Road marking the northwest corner of said 149.57 acre tract, said iron rod found being the northeast corner of said Morris 30' easement tracts and corner of the herein described tract;

THENCE in a southerly direction with east line of said Morris 30' easement tracts and west line of said Horn 149.57 acre tract, with the following two (2) courses:

1. S 10° 56' 33" E., 844.97 feet, to a cedar fence corner post for an angle corner;
2. S 34° 20' 30" E., 1680.60 feet, to an 8" cedar fence corner post in the north line of said Morris 50.0 acre tract, same being the southwest corner of said Horn 149.57 acre tract and southeast corner of said Morris 30' easement tracts and being a corner of the herein described tract;

THENCE N 73° 22' 28" E., 2285.97 feet, with the south line of said Horn 149.57 acre tract, and the north line of a said Morris 50.0 acre tract to the POINT OF BEGINNING and containing 43.70 acres of land, more or less.

The 43.70 acre tract described herein encompasses 2.39 acres of either 40' wide or 30' wide passage easements yielding a calculated net acreage of 40.341 acres of land, more or less.

The bearings for the above description are based on the north line of said 149.57 acre tract as shown on Live Oak Acres, of record in Cabinet D, Slide 33-B, Plat Records, Bell County, Texas, and shown on the attached drawing.

-END-

A. W. Kessler 6-26-12
A. W. Kessler, R.P.L.S. 1852

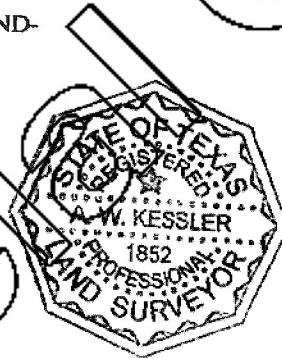


Exhibit "C"

FIELD NOTES
BELL COUNTY, TEXAS

Being all that certain tract or parcel of land situated in the James H. Everts Survey, Abstract No. 287, and the land herein described being all of the Tract One and Tract Two described in Correction Warranty Deed to Michael Aycock and Lou Aycock in Volume 6720, Page 673, and a called 11.35 acre tract described in Special Warranty Deed to Michael Aycock and Lou Aycock in Volume 5431, Page 649, Official Public Records of Real Property, Bell County, Texas, also being a part of a called 149.57 acre tract described in a Deed to Earl W. and Terri L. Horn, being of record in Volume 5267, Page 434, Official Public Records of Real Property, Bell County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron found at a cedar fence corner post in the west line of said 149.57 acres tract and south margin of Chapparral Road and being called the northwest corner of Lot 1, Block 1, Live Oak Acres, an addition to the City of Kilgus, Texas, recorded in Cabinet D, Slide 33-B, Plat Records of Bell County, Texas, said iron rod found which bears S 10° 56' 27" E., 28.38 feet from a cotton squidle found near the center of Chapparral Road marking the northwest corner of said 149.57 acre tract, for the northwest corner of the herein described tract;

THENCE N. 71° 02' 51" E., 609.40 feet, along the north line of said Block 1, south margin of Chapparral Road to a 1/2" iron set in the east line of said called 11.35 acre tract, and for corner of the herein described tract;

THENCE in a southerly direction with the east line of said 11.35 acre tract, the following three (3) courses:

1. S. 16° 16' 37" E., 581.81 feet, to a 1/2" iron pin found for an angle corner;
2. S. 17° 20' 54" E., 1030.66 feet (Deed S. 17° 22' 35" E., 1030.34 feet), an iron rod with yellow cap found for an angle corner;
3. S. 37° 20' 21" E., 438.10 feet (Deed- S. 37° 17' 33" E., 438.10 feet) feet, to a point at the southerly corner of said 11.35 acre tract, for an ell corner of the herein described tract;

THENCE N. 52° 39' 22" E., 920.06 feet, (Deed- N. 52° 42' 27" E., 920.00) feet with the a line of said 11.35 acre tract, to an iron rod with yellow cap found in a lake dam, same being the northeast corner of said 11.35 acre tract, and an angle point of the herein described tract;

THENCE N. 32° 58' 52" E. 1445.68 feet, over and across said 149.57 acre tract and north line of said Aycock Tract Two, to a 1/2" iron pin set on the east line of said 149.57 acre tract and the west line of a called 152.523 acre tract conveyed to Trudo Family Living Trust, being recorded in Volume 5045, Page 590, Official Public Records of Real Property, Bell County, Texas, for the easterly northeast corner of the herein described tract;

THENCE in a southerly direction with east line of said 149.57 acre tract, east line of said Aycock Tract Two, and the west line of said 152.523 acre tract, the following two (2) courses:

1. S. 06° 22' 14" E., 485.98 feet, to a 24" spanish oak and fence corner of said 149.57 acre tract, said 152.523 acre tract, and said Tract Two, for an angle corner;
2. S. 19° 30' 30" E., 1229.95 feet, to a 8" cedar fence corner post marked with a 60D nail at the southeast corner of said 149.57 acre tract, southeast corner of said Aycock Tract Two, and southeast corner of the herein described tract;

THENCE S. 73° 22' 28" W., 2285.97 feet, with the south line of said Aycock Tract Two, south line of said 149.57 acre tract, and the north line of a called 50 acre tract (Tract One) conveyed to William D. Morris recorded in Volume 5764, Page 467, Official Public Records of Real Property, Bell County, Texas, to a 8" cedar fence corner post found in the west line of a 30' Passage Easement described as "Tract Two" of said Morris Deed, same being at the southwest corner of said 149.57 acre tract and southwest corner of the herein described tract;

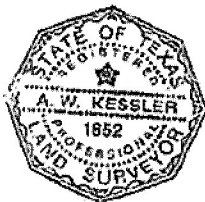
THENCE N. 34° 20' 30" W., 1640.60 feet, with the west line of said 149.57 acre tract, west line of said Aycock Tract Two, east line of said Morris Tract Two, and east line of a called tract conveyed to Doug L. Curb, Jr. recorded in Volume 5982, Page 758, Official Public Records of Real Property, Bell County, Texas, and west line of this tract, to a 8" cedar fence corner post found for an angle corner of said 149.57 acre tract, for an angle corner of this tract;

THENCE N. 10° 56' 33" W., 844.97 feet, with the west line of said 149.57 acre tract, west line of said Aycock tract, east line of said Curb Tract, East line of said 30' Passage Easement, to a POINT OF BEGINNING and containing 72.75 acres of land, more or less.

The bearings for the above description are based on the north line of said 149.57 acre tract as shown on Live Oak Acres, of record in Cabinet D, Slide 33-B, Plat Records, Bell County, Texas.

-END-

A. W. Kessler 5-10-12
A. W. Kessler, R.P.L.S. 1852



CONSENT TO ACTION

Bruce Whitis, being the President and sole manager of WBW Single Land Investment, LLC and each series thereof (the "**Company**") organized under the Texas Business Organizations Code, do by this writing give unanimous consent to take the following action and adopt the following resolutions :

RESOLVED, the Company is manager ruled.

RESOLVED, that Bruce Whitis, in his capacity as President of the Company, and Jane Seals, as Agent, on behalf of the Company, be and are each hereby authorized to act alone and without the joinder of each other, and with respect to each and every Series of the Company, to do the following upon such terms and conditions as they in the exercise of their judgment may deem necessary, advisable and appropriate:

DEVELOPMENT ACTIVITIES: Execute and deliver all documents necessary and appropriate for real estate development, including public dedications, easements, covenants, conditions and restrictions (CCRs), agreements to acquire or furnish bonds or letters of credit, surveys, plats, applications for annexation, zoning, platting, subdivisions or re-subdivisions, vacations, variances, conditional use permits, planned developments, concept plans, land disturbance permits, development agreements, POD/GDP applications, stormwater documents (including drainage agreements, liability waivers, Notices of Intent (NOI), Notices of Change (NOC), and Notices of Termination (NOT)), TCEQ Core Data forms, TDLR owner agent designations, TxDOT permits, FEMA documents and floodplain development approvals, general development plans (GDP) and applications, Municipal Utility District (MUD) documents, other governmental permits or approvals, and other relative papers pertaining to the development of real estate and construction of projects. In addition, each of them is hereby authorized and directed to obtain all bids and permits, and perform such other actions as they may deem necessary in connection with such matters.

RESOLVED, that all actions taken or performed by any person authorized herein to act, and taken or performed prior to the date hereof in respect to the matters referred to in these resolutions, be and hereby are approved, ratified and confirmed in all respects.

FURTHER RESOLVED that any person, corporation, partnership, limited partnership, association, joint venture or other business entity may presume upon the validity of the acts of any person authorized herein to act, without further recourse to the Certificate of Formation or the Company Agreement, or other proceedings of this Company, and without joinder of any other member, manager, officer, partner or employee of the Company.

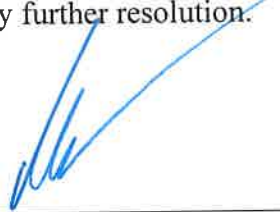
RESOLVED FURTHER, that the Company consents to the foregoing resolutions.

The undersigned direct that this consent be filed with the minutes of the proceedings of the Managers of the Company.

This consent is executed pursuant to the Texas Business Organizations Code, which authorizes the taking of action by the Managers by unanimous written consent without a meeting. This unanimous written consent may be executed in one or more counterparts, all of which together shall be one and the same instrument.

This consent is supplementary to and does not supersede any prior resolutions or consents that may bear on the same or a similar matter. This consent becomes effective upon execution and remains valid in perpetuity until revoked by further resolution.

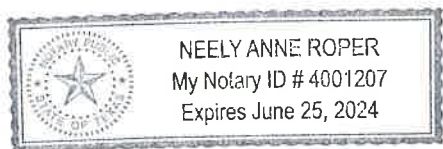
Effective July 30, 2020



Bruce Whitis, President
WBW Single Land Investment, LLC
a Texas series limited liability company

STATE OF TEXAS §
 §
BELL COUNTY §

This instrument was acknowledged before me on July 30, 2020, by Bruce Whitis, President of WBW Single Land Investment, LLC on behalf of said company and each series thereof.





Neely A. Roper
Notary Public for the State of Texas
My Commission Expires 06-25-2024



109 W 2nd St. Ste 201, Georgetown, TX 78626
Office: 254-953-5353 Fax: 254-953-0032

Annexation Ordinances

Annexation Ordinance 07-112

- 43.70-acre parcel, Bell CAD Property ID 170866, described in Document Number 2023056718, Official Public Records of Bell County

Annexation Ordinance 19-02

- 10.26-acre parcel, Bell CAD Property ID 448337, described in Document Number 2023056718, Official Public Records of Bell County
- 72.75-acre parcel, Bell CAD Property ID 364611, described in Document Number 2023056718, Official Public Records of Bell County

KILLEEN DAILY HERALD

Serving The Growing Central Texas Area

PUBLISHER'S AFFIDAVIT

THE STATE OF TEXAS

COUNTY OF BELL

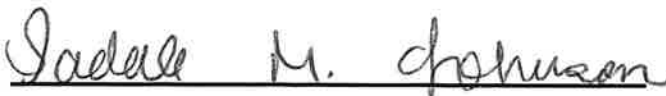
Personally appeared before the undersigned authority

GERTRUDE PEACOCK who being sworn says that
the attached ad for: **WBW SINGLE LEAD
INVESTMENT LLC** published in the **KILLEEN DAILY
HERALD** on the following dates to-wit: **SEPTEMBER 17,
2025** at a cost of **\$382.50**.



Advertising Representative

Subscribed and sworn before me on SEPTEMBER 17,
2025.



Notary Public, Bell, Texas



**PETITION TO DISANNEX PROPERTY FROM THE CITY
OF KILLEEN, TEXAS PURSUANT TO TEXAS LOCAL
GOVERNMENT CODE § 43.141**

Petitioner, WBW SINGLE LAND INVESTMENT LLC - SERIES 138 files this Petition for Release from the City of KILLEEN (the "Petition"), as authorized by Texas Local Government Code § 43.141 et seq., and would show the following:

1. Petitioner owns and seeks release of the following portions of parcels (the "Property") from the municipal boundary of the City of Killeen, being identified on the map attached to the Petition as Exhibits A, B, and C and described by metes and bounds, pursuant to Texas Local Government Code § 43.141 et seq.
2. Petitioner, as sole property owner of the Property, satisfies the minimum requirements of Texas Local Government Code § 43.141(a).
3. The Property was annexed by Ordinance No. 07-112 and 19-02, which included a service plan for the Property (the "Service Plan"). The Service Plan, stated in both ordinances, obligated the City of Killeen to provide rate-based water and sanitary sewer services to the Property through the completion of several infrastructure projects in a three-year period, including but not limited to:
 - a. Completion of a wastewater lift station 12", 15", and 18" gravity main flowing south along Little Trimmier Creek to new lift station and then to Trimmier Creek wastewater treatment plant;
 - b. Completion of a wastewater 10" and a 12" gravity main flowing to new Onion Creek lift station then through 14" force main to Little Trimmier Creek lift station; and
 - c. Completion of a wastewater 12" collection main east to new SH 2484 lift station and then lifted through 8 force main to Little Trimmier Creek lift station (collectively, the "Service Plan Improvements").
4. The City has failed to complete the Service Plan Improvements to provide services to the Property.

THEREFORE, having satisfied all requirements of Texas Local Government Code §43.141 et seq., Petitioner seeks immediate release from the municipal boundaries of the City of KILLEEN, TX and requests that an agenda item be placed on the next regular meeting of the City Council of KILLEEN, TX to approve the Petition. Additional information may be requested at info@wbdevelopment.com

(Legal Notice published in the Killeen Daily Herald on September 17, 2025.)

ORDINANCE NO. 07-112

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, TO INCLUDE LAND LYING ADJACENT TO THE PRESENT CITY LIMITS, MORE COMMONLY REFERRED TO AS TRACT 5 AND MORE ACCURATELY DESCRIBED HEREIN; DECLARING SAID LAND TO BE A PART OF SAID CITY; DECLARING SAID LAND AND ITS INHABITANTS AND ANY FUTURE INHABITANTS OF SAID LAND TO BE ENTITLED TO ALL THE RIGHTS AND PRIVILEGES OF OTHER LANDS AND CITIZENS OF THE CITY AND TO BE BOUND BY THE ACTS AND ORDINANCES OF THE CITY; PROVIDING FOR WAIVER OF CERTAIN FEES DURING THE FIRST YEAR OF INCORPORATION; EXTENDING DISTRICT BOUNDARIES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, the City Council of the City of Killeen, pursuant to its Home Rule Charter, Section 7, is authorized to extend the boundary lines of the City and annex additional territory adjacent to the City of Killeen; and

WHEREAS, the City Council of the City of Killeen, pursuant to Local Government Code §43.055 is authorized to annex in any one calendar year only territory equivalent in size to ten (10%) percent or less of the total corporate area of the City unless the City fails in any calendar year or years to annex the total amount which it is authorized to annex in such calendar year or years, but, may not annex in any one calendar year an amount of territory in excess of thirty (30%) percent of its total area as of the first day of the calendar year; and

WHEREAS, the City of Killeen has not used its annual ten percent (10%) annexation authority in the preceding three years, therefore, it is now eligible to annex up to a total of 13.5 square miles of property into the City during the calendar year 2007; and

WHEREAS, the area to be annexed, as described in this ordinance, being approximately 3.47 square miles does not exceed the amount authorized for annexation; and

WHEREAS, a home rule city may not annex any area, whether publicly or privately owned, unless the width of such area at its narrowest point is at least one thousand (1,000) feet, or unless the area is contiguous with the City of Killeen boundary on at least two sides; and

WHEREAS, the area to be annexed, as described in this ordinance, is within the extraterritorial jurisdiction of the City of Killeen; and is either adjacent to and contiguous with the existing boundary limits, and is at least one thousand (1,000) feet in width at its narrowest point or is contiguous with the City of Killeen boundary on at least two sides; and

WHEREAS, Texas Legislative House Bill 1472, codified and effective as of May 25, 2007 as Section 43.035 of the Local Government Code, states that a municipality may not annex an area of land appraised for ad valorem tax purposes and classified as agricultural, wildlife management or timberland unless the municipality offers a development agreement and the landowner declines to enter into the development agreement; and

WHEREAS, the City has offered a development agreement to each affected parcel that qualifies to receive an agreement as reflected by the Bell County Tax Appraisal Office's tax rolls under Local Government Code Section 43.035, the City has received three signed and returned agreements for properties located in the originally proposed annexation area 5 and the City has removed these properties from the original area as more specifically extracted in Exhibits B, C and D attached hereto; and

WHEREAS, properties entering into development agreements under Local Government Code Section 43.035 are guaranteed the continuation of extraterritorial status by virtue of the terms of the agreements, but remain subject to the enforcement of all regulations and planning authority of the City that do not interfere with the use of the area as agricultural, wildlife management or timberland; and

WHEREAS, Local Government Code Section 43.035 provides that those properties that the municipality has entered into development agreements with in conjunction with this annexation are contiguous and adjacent to the municipal boundary for the express purpose of considering those properties which are not eligible for development agreements, in this annexation or in potential future annexations, contiguous and adjacent to the municipal boundary; and

WHEREAS, all properties affected by this annexation are contiguous and adjacent to the municipal boundary of the City by virtue of physical location or the express language of Local Government Code Section 43.035; and,

WHEREAS, in accordance with Local Government Code Section 43.052(h)(1), this area is not required to be included in the City's three-year plan as the area contains fewer than one-hundred (100) separate tracts of land on which one or more residential dwellings are located on each tract; and

WHEREAS, in compliance with the Local Government Code §43.065, a proposed service plan has been prepared prior to the publication of the notice for the first hearing and, required newspaper publications have been given and, public hearings conducted;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:

SECTION I: That on and after the effective date of this ordinance, the City Limits of the City of Killeen, Texas, shall be and they are hereby extended to include certain lands lying adjacent and contiguous to the City Limits of said City of Killeen as they existed prior to the effective date of this ordinance; such land being more particularly described in Exhibits A, B, C, and D, which are attached hereto and incorporated herein for all purposes.

SECTION II: It is declared that the lands thereby annexed and described in Section I hereof are and shall hereafter be a part of the City of Killeen, Bell County, Texas and it is hereby further declared that said lands and the present and future inhabitants thereof are hereafter entitled to all the rights and privileges as other lands and other citizens of the City of

Killeen which are similarly situated and shall be bound by the acts and ordinances of the City of Killen, Texas.

SECTION III: It is further declared that the above described properties shall be zoned “A” Agriculture on the effective date of this ordinance, pursuant to Section 31-124(a) of the Code of Ordinances of the City.

SECTION IV: The Service Plan for the annexed area is attached as Exhibit E and is hereby incorporated herein for all purposes and adopted as a part of this ordinance.

SECTION V: During the period beginning from the effective date of this ordinance and continuing until midnight of the day of the first anniversary (one year) of the effective date, persons residing within the area annexed shall be exempt from the payment of the following described fees which are otherwise set by ordinances or resolutions of the City of Killeen.

- A. Permit fee for garage sales [Code of Ordinances § 15-72(3)];
- B. Licensing fee for animal vendor [Code of Ordinances § 6-156]; and
- C. Licensing fee for dog and cat registration [Code of Ordinances § 6-109]

The relief granted by this section shall be strictly construed as only a waiver of the stated fees for the stated period of time. This section does not waive, excuse, or release any person from complying with the duties, restrictions, procedures, conditions, benefits and privileges of the ordinances listed in this section. This section shall not be construed as a waiver of enforcement, or of prosecution, or of any remedies available, for violation of the ordinances listed in this section, save and except the collection of fees.

SECTION VI: It is further declared that the boundary of the City of Killeen City Council District 2 be extended by the land contained within Tract 5.

SECTION VII: That all ordinances or resolutions or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict or amended as specified herein to the extent of any conflict.

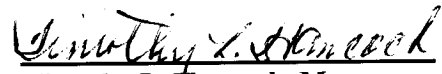
SECTION VIII: That should any section or part of any paragraph of this ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force, or effect of any section or part of a section or paragraph of this ordinance.

SECTION IX: That the ordinances and resolutions of the City of Killeen, Texas, and the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

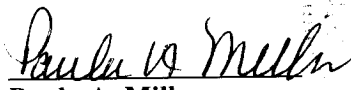
SECTION X: That this ordinance shall be effective on January 28, 2008 after its passage and publication according to the Killeen City Charter and State Law.

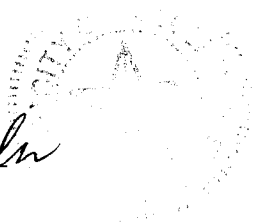
PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 18th day of December, 2007, at which meeting a quorum was present, held in accordance with the provisions of the Texas Open Meetings Act, Texas Government Code Chapter 551, as amended.

APPROVED:

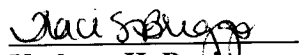

Timothy L. Hancock, Mayor

ATTEST:


Paula A. Miller
CITY SECRETARY



APPROVED AS TO FORM


Kathryn H. Davis
CITY ATTORNEY

Attachments:

Exhibit "A" Boundary of area under consideration for annexation

Exhibit "B" Table of properties under commitment for Development Agreements

Exhibit "C" Map depicting properties under commitment for Development Agreements

Exhibit "D" Final annexation area boundary

Exhibit "E" Annexation Service Plan

SCALE:
1"=3000'



EXHIBIT "A" PART 1
CITY OF KILLEEN, TEXAS
ANNEXATION BOUNDARY
STUDY AREA TRACT 5
DECEMBER, 2007



MITCHELL & ASSOCIATES, INC.
ENGINEERING & SURVEYING
102 N. COLLEGE, KILLEEN, TEXAS
(254) 634-5541

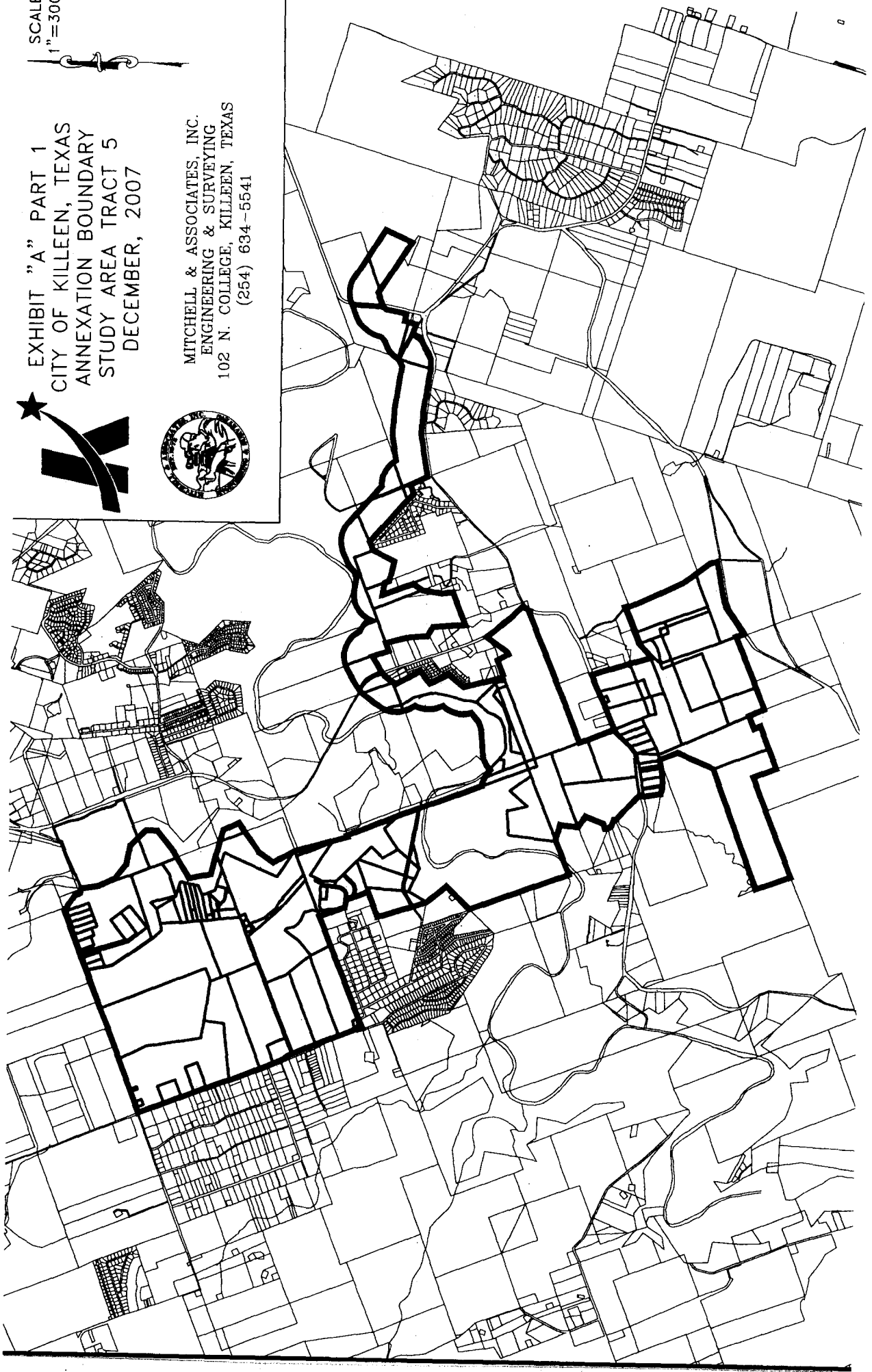


EXHIBIT A PART 2 FIELD NOTES

CITY OF KILLEEN
PROPOSED ANNEX 2007

FIELD NOTES for a tract of land in Bell County, Texas, being out of and a part of the following surveys: James H. Evitts, Abstract No. 287, John Goslin, Abstract No. 343, M. H. Renick, Abstract No. 720, C. B. Roberts, Abstract No. 718, J. P. Dupuy, Abstract No. 1072, K. Erhardt, Abstract No. 292, F. C. Brookman, Abstract No. 1103, W. H. Bruce, Abstract No. 1296, W. Leftwick, Abstract No. 520, J. H. Huffman, Abstract No. 410, Willis Bruce, Abstract No. 1065, H. Dickinson, Abstract No. 281, A. J. James, Abstract No. 472, J. H. Glasscock, Abstract No. 368, John L. Smith, Abstract No. 757, Rhody Reed, Abstract No. 699, Jos. Weeks, Abstract No. 859, M. Young, Abstract No. 936, Gideon Brightman, Abstract No. 60, P.M. Levy, Abstract No. 962, J. W. White, Abstract No. 927, John Teague, Abstract No. 817, James Johnston, Abstract No. 481, and the Robert Irvin, Abstract No. 469, and being more particularly described as follows:

BEGINNING at a point on the north line of said Evitts Survey at the extreme southeast corner of the present City Limits of the City of Killeen, Texas;

THENCE N. 70° 42' 18" E., 322.70 feet, to a 1/2" iron rod with cap, found at the northeast corner of said Evitts Survey;

THENCE southeasterly with the east line of said Evitts Survey, approximately 900 feet to the south right-of-way line of Chaparral Road where it turns east;

THENCE northeasterly with the south line of said Chaparral Road to the center of Little Trimmier Creek;

THENCE southerly with the meanders of the center of Little Trimmier Creek to a point on the south line of said Evitts Survey and the north line of said Goslin Survey;

THENCE southwesterly with the south line of said Evitts Survey, approximately 460 feet to the northeast corner of a tract conveyed to Rocky Morgan, et al, in Volume 3929, Page 344;

THENCE southeasterly at approximately 105 feet, pass the northwest corner of said Dupuy Survey, continuing with the west line of said Dupuy Survey to the southwest corner of said Dupuy Survey, being an interior corner of USA Tract No. 409-1;

THENCE northeasterly with the south line of said Dupuy Survey, approximately 61 feet to the southerly northeast corner of said USA Tract No. 409-1;

THENCE southerly with the east line of said USA Tract No. 409-1, approximately 1905 feet to the southerly northeast corner of a 27.17 acre tract conveyed to Diane Wilson, of record in Volume 4643, Page 574;

THENCE southerly with the east line of said Wilson Tract, approximately 780 feet to the southeast corner of said Wilson Tract and the northeast corner of USA Tract No. 407;

THENCE southeasterly with the east line of said USA Tract No. 407 and the west line of USA Tract No. 405, approximately 2430 feet to a point;

THENCE in an easterly direction over and across USA Tract No's. 205, 206, 306, 307, 308, 312-2, 313, 314, 315, 320 and 405 the following courses: S. 88° 35' 44" E., 681.70 feet, S. 64° 20' 40" E., 546.08 feet, N. 82° 54' 25" E., 873.59 feet, N. 02° 36' 22" E., 2310.93 feet, N. 13° 19' 19" E., 1818.66 feet, N. 27° 23' 16" E., 1176.29 feet, N. 58° 37' 33" E., 824.73 feet, N. 65° 27' 21" E., 386.82 feet, N. 89° 28' 08" E., 908.33 feet, S. 52° 25' 07" E., 861.60 feet, S. 77° 30' 34" E., 1647.40 feet, N. 39° 21' 49" E., 405.55 feet, N. 49° 28' 18" E., 376.91 feet, N. 77° 29' 13" E., 894.34 feet, S. 53° 51' 13" E., 2354.87 feet, S. 77° 15' 43" E., 129.69 feet, S. 60° 03' 12" E., 226.78 feet, S. 43° 09' 53" E., 174.08 feet, S. 23° 24' 46" E., 419.67 feet, N. 86° 23' 58" E., 988.25 feet, S. 88° 47' 17" E., 1121.90 feet, S. 85° 57' 18" E., 1569.82 feet, N. 26° 11' 36" E., 1600.58 feet, N. 73° 05' 19" E., 1124.87 feet, N. 83° 05' 48" E., 1079.06 feet, S. 76° 59' 11" E., 431.36 feet, S. 59° 06' 57" E., 1656.58 feet and S. 21° 46' 58" W., 1547.97 feet to a point on the south line of USA Tract No. 205, being the northeast corner of a tract conveyed to Ronald and Nancy Goodnight, of record in Volume 2545, Page 772;

THENCE northwesterly with a south line of said USA Tract No. 205 and the north line of said Goodnight tract, approximately 2040 feet to an interior corner of said USA Tract No. 205 and the most northerly corner of said Goodnight tract;

THENCE southwesterly with a south line of said USA Tract No. 205 and the north line of said Goodnight tract, to the east right-of-way line of Union Grove Lane;

THENCE southwesterly crossing said Union Grove Lane to an angle corner in the east line of USA Tract No. 206 and an angle corner in the west right-of-way line of said Union Grove lane;

THENCE southwesterly with the east line of said USA Tract No. 206 and the west right-of-way line of said Union Grove Lane, approximately 719 feet to an ell corner of said USA Tract No. 206, being the northeast corner of a 3.30 acre tract conveyed to Jack and Janelle Burson, of record in Volume 836, Page 491;

THENCE southwesterly with an east line of said USA Tract No. 206 and the west line of said Burson tract to the southwest corner of said Burson tract on the north right-of-way line of the Union Grove and Killeen Road;

THENCE northwesterly with the north right-of-way line of said Union Grove and Killeen Road approximately 367 feet to a point;

THENCE southwesterly approximately 25 feet to a point near the center of said Union Grove and Killeen Road at the northwest corner of a 0.83 acre tract conveyed to Chester Critchfield, of record in Volume 4592, Page 198;

THENCE southwesterly with the west line of said Critchfield tract to the north right-of-way line of F.M. Highway 2484;

THENCE westerly with the north right-of-way line of said F.M. Highway 2484 to the east right-of-way line of Union Grove Park Road;

THENCE southwesterly across said Union Grove Park Road to the intersection of the north right-of-way line of said F.M. Highway 2484 and the west right-of-way line of Union Grove Park Road;

THENCE northwesterly with the west right-of-way line of said Union Grove Park Road, approximately 685 feet to the northeast corner of a 0.522 acre tract conveyed to Sundown Properties, LP, of record in Volume 4940, Page 87;

THENCE southwesterly with the north line of said Sundown Properties tract, approximately 340 feet to the most easterly corner of Lots 9 and 10 of South Shore Subdivision, First Extension, of record in Cabinet A, Slide 281-C, Plat Records of Bell County, Texas;

THENCE northwesterly with the easterly line of said South Shore Subdivision, First Extension, and the easterly line of South Shore Subdivision, of record in Cabinet A, Slide 280-C, Plat Records of Bell County, Texas, passing the southwest corner of USA Tract No. 308, continuing with the west line of said USA Tract No. 308, to the northwest corner of said USA Tract No. 308, being on the south line of USA Tract No. 306;

THENCE southwesterly with the north line of said South Shore Subdivision to the northwest corner of said South Shore Subdivision and the southwest corner of said USA Tract No. 306 and being the southeast corner of USA Tract No. 309;

THENCE southwesterly with the south line of said USA Tract No. 309, to the southern most corner of said USA Tract No. 309;

THENCE northwesterly with the south line of said USA Tract No. 309, to the southwest corner of said USA Tract No. 309, being on the east line of a 3.89 acre tract conveyed to Wanda Wear, of record in Volume 4271, Page 139;

THENCE northwesterly with the west line of said USA Tract No. 309 and the east line of said Wear tract, to the northeast corner of said Wear tract, being the most northerly southeast corner of USA Tract No. 311;

THENCE northwesterly with the north line of said Wear tract and the most northerly south line of said USA Tract No. 311 to the northwest corner of said Wear tract, being an interior corner of said USA Tract No. 311;

THENCE southwesterly with the west line of said Wear tract and the westerly east line of said USA Tract No. 311 to the most southerly southeast corner of said USA Tract No. 311, being the most northerly corner of a 11.604 acre tract conveyed to Edward Nelson, of record in Volume 2690, Page 137, and being on the east line of USA Tract No. 312-1;

THENCE southwesterly with the northwesterly line of said 11.604 acre Nelson tract and the southeasterly line of said USA Tract No. 312-1, to the northwest corner of said 11.604 acre Nelson tract, being the north corner of a 1.68 acre tract conveyed to Edward Nelson, of record in Volume 2675, Page 59;

THENCE southwesterly with the northwesterly line of said 1.68 acre Nelson tract and the southeasterly line of said USA Tract No. 312-1, passing the southwest corner of said 1.68 acre Nelson tract, being the northwest corner of the remainder of a 3.53 acre tract conveyed to Edward Nelson, of record in Volume 2674, Page 76, continuing with the northwesterly line of said 3.53 acre Nelson tract, to an angle corner of said 3.53 acre Nelson tract;

THENCE southwesterly with the west line of said 3.53 acre Nelson tract and the southeasterly line of said USA Tract No. 312-1, to the westerly northeast corner of a 16.23 acre tract conveyed to David and Patricia Shumate, of record in Volume 4779, Page 382, being the southeast corner of said USA Tract No. 312-1;

THENCE southwesterly with the north line of said 16.23 acre Shumate tract and the south line of said USA Tract No. 312-1, passing the northwest corner of said 16.23 acre Shumate tract, continuing with the south line of said USA Tract No. 312-1, to the southwest corner of said USA Tract No. 312-1, being the southeast corner of a 8.357 acre tract conveyed to John and Deborah Rank, of record in Volume 2045, Page 251;

THENCE northwesterly with the east line of said 8.357 acre Rank tract, the east line of three tracts conveyed to Kwi Son Mantz, of record in Volume 4180, Page 769, the east line of two tracts conveyed to David Mabry, of record in Volume 5304, Page 570 and Volume 1868, Page 59, the east line of an 11.76 acre tract conveyed to Ricky Rubendall, of record in Volume 3312, Page 554 and the east line of a 10.67 acre tract conveyed to J. T. and Billie Long, of record in Volume 3896, Page 767, and the west line of said USA Tract No. 312-1, to the southerly northeast corner of said 10.67 acre Long tract and the northwest corner of said USA Tract No. 312-1, being on the south line of USA Tract No. 315;

THENCE southwesterly with the southerly north line of said 10.67 acre Long tract and the south line of said USA Tract No. 315, to the southwest corner of said USA Tract No. 315, being an interior corner of said 10.67 acre Long tract;

THENCE northwesterly with the west line of said USA Tract No. 315 and the westerly east line of said 10.67 acre Long tract, to the northeast corner of said 10.67 acre Long tract, being the southeast corner of USA Tract No. 314;

THENCE southwesterly with the north line of said 10.67 acre Long tract, to the east right-of-way line of F. M. Highway 3481, at the northwest corner of said 10.67 acre Long tract;

THENCE southwesterly with the south line of said USA Tract No. 314, across said F. M. Highway 3481 to a point on the west right-of-way line of said F. M. Highway 3481 at the northeast corner of a 1.10 acre tract conveyed to Clint and Missy Timm, of record in Volume 4826, Page 89;

THENCE southwesterly with the north line of said 1.10 acre Timm tract and the south line of said USA Tract No. 314, to an angle point in the south line of said USA Tract No. 314, at the northwest corner of said 1.10 acre Timm tract and the northeast corner of a 5.25 acre tract conveyed to Gerald Berg, of record in Volume 4493, Page 355;

THENCE southwesterly with the north line of said 5.25 acre Berg tract to the northwest corner of said 5.25 acre Berg tract, being an interior corner of USA Tract No. 312-2;

THENCE southeasterly with the west line of said 5.25 acre Berg tract, passing it's southwest corner, being the northerly northwest corner of Cedar Knob Estates Subdivision, continuing with a west line of said Cedar Knob Estates and an east line of said USA Tract No. 312-2, to an interior corner of said Cedar Knob Estates, being an ell corner of said USA Tract No. 312-2;

THENCE southwesterly with a northwesterly line of said Cedar Knob Estates and a southerly line of said USA Tract No. 312-2, to an ell corner of said Cedar Knob Estates, being an interior corner of said USA Tract No. 312-2;

THENCE southeasterly with a west line of said Cedar Knob Estates and an east line of said USA Tract No. 312-2, to an interior corner of said Cedar Knob Estates, being an ell corner of said USA Tract No. 312-2;

THENCE southwesterly with a northwesterly line of said Cedar Knob Estates and a southerly line of said USA Tract No. 312-2, to an ell corner of said Cedar Knob Estates, being an interior corner of said USA Tract No. 312-2;

THENCE southeasterly with an easterly line of said USA Tract No. 312-2, to the extreme southwest corner of said Cedar Knob Estates, being the northwest corner of a 17.512 acre tract owned by Randy Rubendall, of record in Will Probate #25073, Probate Records of Bell County, Texas;

THENCE southeasterly with the west line of said Rubendall tract and the east line of said USA Tract No. 312-2, to the extreme southeast corner of said USA Tract No. 312-2, being on the north line of a 225.29 acre tract conveyed to Alfred Fant, of record in Volume 1535, Page 779, now owned by Christine Clara Goodwin Fant by virtue of heirship;

THENCE northeasterly with the north line of said 225.29 acre Fant tract, to the northwest corner of a 5.00 acre tract conveyed to Robert and Fannie Ator, of record in Volume 4322, Page 22;

THENCE southeasterly with the west line of said 5.00 acre Ator tract, to the southwest corner of said 5.00 acre Ator tract;

THENCE northeasterly with the south line of said 5.00 acre Ator tract, to the west right-of-way line of F. M. Highway 3481 at the southeast corner of said 5.00 acre Ator tract;

THENCE southeasterly with the west right-of-way line of said F. M. Highway 3481, to the north right-of-way line of F. M. Highway 2484;

THENCE southwesterly with the north right-of-way line of said F. M. Highway 2484, to the south line of said 225.29 acre Fant tract, being the northeast corner of a 17.85 acre tract conveyed to Tony McPherson, Sr., of record in Volume 5742, Page 31;

THENCE southwesterly with the south line of said 225.29 acre Fant tract and the north line of various small tracts, to the southwest corner of said 225.29 acre Fant tract, being the northwest corner of a 27.578 acre tract conveyed to Clifford and Mary Brown, of record in Volume 5358, Page 137, being on the east line of a 92.92 acre tract conveyed to Betty Petrucci in Partition Deed, of record in Volume 1880, Page 665;

THENCE southeasterly with the west line of said 27.578 acre Brown tract and the east line of said 92.92 acre Petrucci tract, passing the southeast corner of said Petrucci tract on the north right-of-way line of said F.M. Highway 2484, continuing across said highway to a point on the south right-of-way line of said highway;

THENCE northeasterly with the south line of said F.M. Highway 2484, approximately 2085 feet to the northwest corner of a 3.00 acre tract conveyed to Clifford Blair, of record in Volume 1677, Page 353;

THENCE southeasterly with the west line of said 3.00 acre Blair tract, the west line of a 6.00 acre tract conveyed to Clifford Blair, of record in Volume 2530, Page 287, the west line of a 24.587 acre tract conveyed to Clifford Blair, of record in Volume 2715, Page 294, the west line of a tract owned by Eagle Nest Partnership and the east line of a tract owned by Theresa Sutton, approximately 2165 feet to the southeast corner of said Sutton property and the southwest corner of said Eagle Nest Partnership property, being on the north line of a 108.52 acre tract conveyed to Jon and Melinda Williams, of record in Volume 3067, Page 423;

THENCE northeasterly with the south line of said Eagle Nest Partnership property and the north line of said 108.52 acre Williams tract, also with the north line of a 0.96 acre tract conveyed to Jon and Melinda Williams as Tract Two, of record in Volume 2797, Page 354, to the northeast corner of said 0.96 acre Williams tract, being on the west line of Eagle Nest Road;

THENCE southeasterly with the west line of said Eagle Nest Road and the east line of said 0.96 acre Williams tract, over and across a 160 acre tract conveyed to Eagle Nest Holdings, Ltd., of record in Volume 6356, Page 325, to the intersection of the west line of said Eagle Nest Road with the north line of Crows Ranch Road;

THENCE southwesterly with the north line of said Crows Ranch Road, approximately 2775 feet to the west line of the A.J. James Survey, Abstract No. 472 and the east line of the F.A. Coward Survey, Abstract No. 236;

THENCE northwesterly with the west line of said James Survey, approximately 267 feet to the northeast corner of said Coward Survey, being the southeast corner of a 100.0 acre tract conveyed to Jon and Melinda Williams, of record in Volume 2611, Page 565;

THENCE southwesterly with the north line of said Coward Survey and the south line of said 100.0 acre Williams tract, approximately 2750 feet to the northwest corner of said Coward Survey, being the southwest corner of said 100.0 acre Williams tract, being on the east line of the R. Chappell Survey, Abstract No. 238;

THENCE northwesterly with the east line of said Chappell Survey, approximately 578 feet to the northeast corner of said Chappell Survey;

THENCE southwesterly with the north line of said Chappell Survey, approximately 472 feet to the easterly northwest corner of said Chappell Survey;

THENCE southeasterly approximately 237 feet to an interior corner of said Chappell Survey;

THENCE southwesterly with the southerly north line of said Chappell Survey, approximately 1600 feet to the easterly southwest corner of the Willis Bruce Survey, Abstract No. 1065, being the northwest corner of said Chappell Survey, being on the east line of the J. Litten Survey, Abstract No. 509;

THENCE northwesterly with the east line of said Litten Survey and the easterly west line of said Bruce Survey, approximately 870 feet to an interior corner of said Bruce Survey, being the northeast corner of said Litten Survey;

THENCE southwesterly with the south line of said Bruce Survey and the north line of said Litten Survey, approximately 3780 feet to the southwest corner of said Bruce Survey;

THENCE northwesterly approximately 1312 feet to the northwest corner of said Bruce Survey, being an interior corner of the F. C. Brookman Survey, Abstract No. 1103;

THENCE northeasterly with a south line of said Brookman Survey and the north line of said Bruce Survey, approximately 4510 feet to the northeast corner of said Bruce Survey, being another interior corner of said Brookman Survey, being an interior corner of a 191.30 acre tract owned by Janelle Burson, by virtue of heirship, of record in Will Probate #10854, Probate Records of Bell County, Texas;

THENCE with the line between two tracts owned by Janelle Burson, northeasterly approximately 1390 feet and northwesterly approximately 685 feet to a point on the south line of a 5.000 acre tract conveyed to Jeanie Hamilton and Brantley Hudson, of record in Volume 5247, Page 565, being on the north line of said Janelle Burson property;

THENCE northwesterly with the north line of said Burson property and the south line of various small tracts, approximately 1210 feet to the southwest corner of a 3.844 acre tract conveyed to Andrew and Cynthia Foulkrod, of record in Volume 4318, Page 582, same being the southeast corner of a 10.00 acre tract conveyed to Honorato and Johanna Sanchez, of record in Volume 6296, Page 369;

THENCE northwesterly with the west line of said 3.844 acre Foulkrod tract and the east line of said 10.00 acre Sanchez tract, to the south line of F.M. Highway 2484 at the northwest corner of said Foulkrod tract, and the northeast corner of said 10.00 acre Black tract;

THENCE northeasterly across said F.M. Highway 2484 to the southwest corner of a 72.86 acre tract conveyed to John and Joan Vanderlaan, of record in Volume 5624A, Page 500, same being the southeast corner of a 17.76 acre tract conveyed to Bennie and Bonnie Tomecek, of record in Volume 4151, Page 31;

THENCE northwesterly with the meanders of the west line of said 72.86 acre Vanderlaan tract and with the east line of said Tomecek tract and the east line of USA Tract No. 500, to the northeast corner of said USA Tract No. 500, the northwest corner of said Vanderlaan tract and the southwest corner of a 106.07 acre tract conveyed to William Dorr, of record in Volume 2039, Page 13, and the southeast corner of USA Tract No. 407;

THENCE northeasterly with the west line of said 106.07 acre Dorr tract and with the east line of said USA Tract No. 407, to an angle corner in the west line of said Vanderlaan tract and in the east line of said USA Tract No. 407;

THENCE northwesterly with the west line of said 106.07 acre Dorr tract and with the east line of said USA Tract No. 407 to a point on the north line of said Brookman Survey and the south line of said Erhardt Survey at an angle corner of said Dorr tract, being the northeast corner of said USA Tract No. 407 and the westerly southeast corner of USA Tract No. 408;

THENCE southwesterly with the south line of said Erhardt Survey, the south line of said USA Tract No. 408 and the north line of said USA Tract No. 407, to the southwest corner of said Erhardt Survey, the northwest corner of said USA Tract No. 407 and a southwest corner of said USA Tract No. 408;

THENCE northwesterly with the west line of said Erhardt Survey, at approximately 1875 feet, pass the southeast corner of the E.A. Briggs Survey, Abstract No. 101, continuing with the west line of said Erhardt Survey and the east line of said Briggs Survey, to an angle corner in the west line of said USA Tract No. 408, at the northeast corner of USA Tract No. 409-2, being the southwest corner of a 27.134 acre Tract One, conveyed to Elosie Clark and Jim Adrian III, of record in Volume 3237, Page 77;

THENCE northeasterly with the south line of said Clark Tract One and a north line of said USA Tract No. 408, to the southeast corner of said Clark Tract One, at an interior corner of said USA Tract No. 408;

THENCE northwesterly with the east line of said Clark Tract One and a west line of said USA Tract No. 408, to the northeast corner of said Clark Tract One, at an angle corner of said USA Tract No. 408 and the southeast corner of Clark Tract Four and the southwest corner of Clark Tract Three, both of record in Volume 3237, Page 77;

THENCE northwesterly with the west line of said Clark Tract Three and the east line of said Clark Tract Four, to the north line of said Erhardt Survey at the northeast corner of said Clark Tract Four and the northwest corner of said Clark Tract Three;

THENCE northeasterly with the north line of said Erhardt Survey and the north line of said Clark Tract Three, to the southeast corner of a 9.973 acre tract conveyed to Richard Clark and Patricia Walker, of record in Volume 3630, Page 71, same being the southwest corner of a 11.599 acre tract conveyed to David Carelock, et al, of record in Volume 3991, Page 376;

THENCE northwesterly with the east line of said 9.973 acre Clark Tract and the west line of said 11.599 acre Carelock tract, to the south line of Schrader Road, at the northeast corner of said Carelock tract;

THENCE northwesterly with the south line of said Schrader Road, approximately 285 feet to a point;

THENCE northwesterly across said Schrader Road, approximately 60 feet to the southwest corner of a 12.342 acre tract conveyed to Jason and Jutta Demmon, of record in Volume 5084, Page 376, same being the southeast corner of a 10.0 acre tract and the south corner of a 1.94 acre tract, both conveyed to William and Carolyn Reed, of record in Volume 2780, Page 256;

THENCE northwesterly with the east line of said 10.0 acre Reed tract and the west line of said 1.94 acre Reed tract to the south line of said Evitts Survey at the northeast corner of said 10.0 acre Reed tract and the northwest corner of said 1.94 acre Reed tract;

THENCE southwesterly with the south line of said Evitts Survey and the north line of said Reed tracts and the north line of Stillhouse Hollow Estates Subdivision, Section One, of record in Cabinet A, Slide 280-A, Plat Records of Bell County, Texas, approximately 4190 feet to the southerly projection of the east right-of-way line of East Trimmier Road;

THENCE northwesterly with the east right-of-way line of said East Trimmier Road, approximately 8470 feet to a point at the intersection of the east right-of-way line of said East Trimmier Road with the north right-of-way line of said Chaparral Road;

THENCE northeasterly with the north right-of-way line of said Chaparral Road, approximately 7670 feet to the POINT OF BEGINNING and containing approximately 4313 acres of land.

NOTES:

1. Bearings recited in the above description are based on the Texas State Plane Coordinate System, Central Zone, NAD 83, per GPS observations.
2. All recording information (Volume & Page) referred to above are Deed Records and Official Public Records of Real Property of Bell County, Texas, unless otherwise noted.
3. 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 interest in real property except those right and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was it prepared.

Compiled on March 19, 2007.

Revised on April 17, 2007.

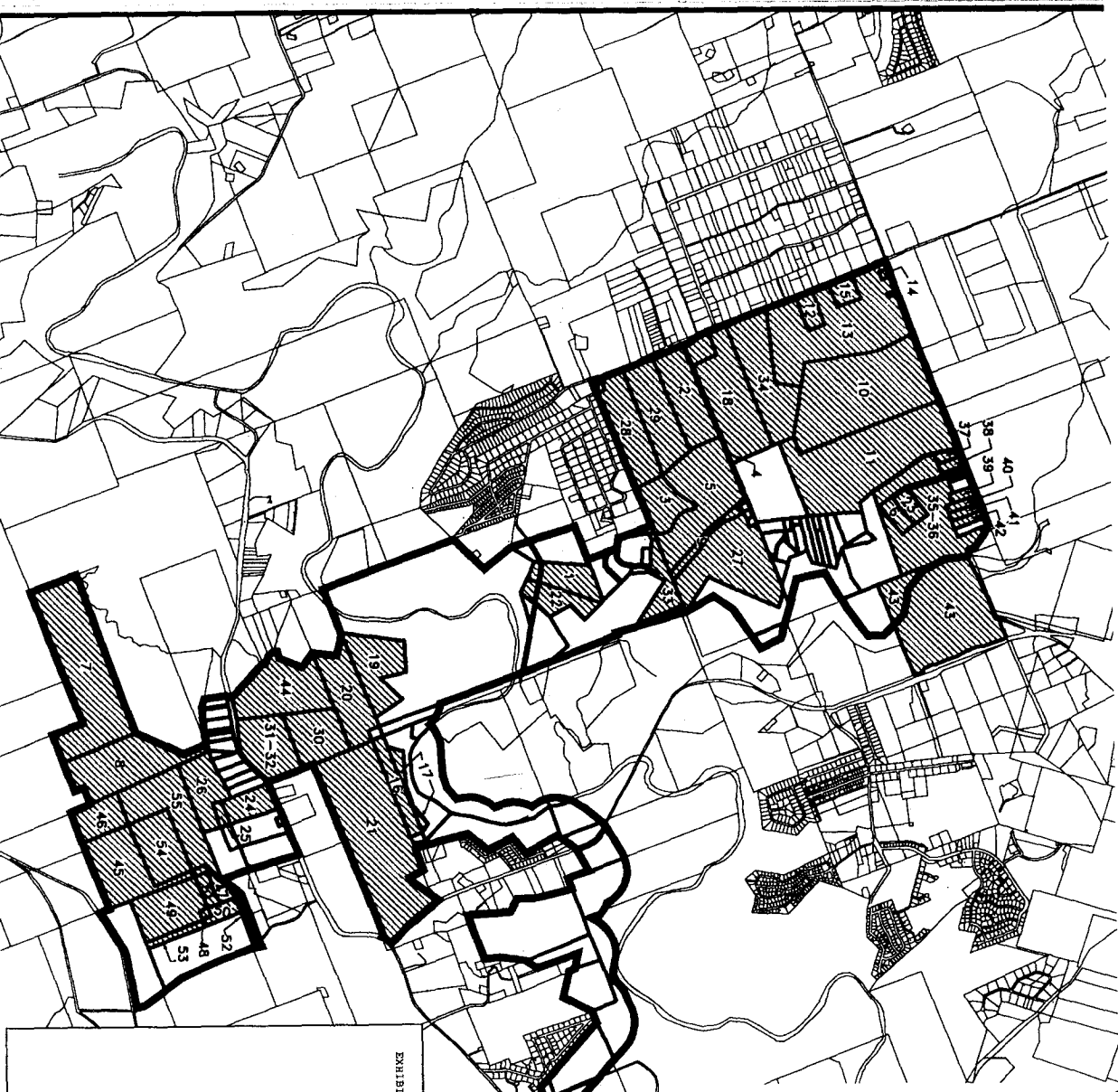
Revised on June 4, 2007.




Rex D. Haas
Registered Professional
Land Surveyor

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Mitchell & Associates, Inc., 102 N. College St. Killeen, Texas 76541 (254)-634-5541



"EXHIBIT C"
CITY OF KILLEEN, TEXAS
DEVELOPMENT AGREEMENT TRACTS
ANNEXATION TRACT 5
DECEMBER, 2007



MITCHELL & ASSOCIATES, INC.
ENGINEERING & SURVEYING
102 N. COLLEGE, KILLEEN, TEXAS
(254) 634-5541

 = CITY OF KILLEEN
 DEVELOPMENT AGREEMENT

SCALE:
 1"=3000'

EXHIBIT TABLE #

OWNERSHIP

EXHIBIT TABLE #

OWNERSHIP

- | | | | |
|----|-------------------------------|----|------------------|
| 1 | ARLAIN, ERLE K JR ETAL | 29 | MORGAN, ROCKY |
| 2 | ATCHEISON, JERRY D ETUX SUSAN | 30 | PETROCCI, BETTIE |
| 3 | ATCHEISON, JERRY D ETUX SUSAN | 31 | PETROCCI, BETTIE |
| 4 | ATCHEISON, JERRY D ETUX SUSAN | 32 | PETROCCI, BETTIE |
| 5 | ATCHEISON, JERRY D ETUX SUSAN | 33 | PETROCCI, BETTIE |
| 6 | ATCHEISON, JERRY D ETUX SUSAN | 34 | PETROCCI, BETTIE |
| 7 | ATCHEISON, JERRY D ETUX SUSAN | 35 | PETROCCI, BETTIE |
| 8 | ATCHEISON, JERRY D ETUX SUSAN | 36 | PETROCCI, BETTIE |
| 9 | ATCHEISON, JERRY D ETUX SUSAN | 37 | PETROCCI, BETTIE |
| 10 | ATCHEISON, JERRY D ETUX SUSAN | 38 | PETROCCI, BETTIE |
| 11 | ATCHEISON, JERRY D ETUX SUSAN | 39 | PETROCCI, BETTIE |
| 12 | ATCHEISON, JERRY D ETUX SUSAN | 40 | PETROCCI, BETTIE |
| 13 | ATCHEISON, JERRY D ETUX SUSAN | 41 | PETROCCI, BETTIE |
| 14 | ATCHEISON, JERRY D ETUX SUSAN | 42 | PETROCCI, BETTIE |
| 15 | ATCHEISON, JERRY D ETUX SUSAN | 43 | PETROCCI, BETTIE |
| 16 | ATCHEISON, JERRY D ETUX SUSAN | 44 | PETROCCI, BETTIE |
| 17 | ATCHEISON, JERRY D ETUX SUSAN | 45 | PETROCCI, BETTIE |
| 18 | ATCHEISON, JERRY D ETUX SUSAN | 46 | PETROCCI, BETTIE |
| 19 | ATCHEISON, JERRY D ETUX SUSAN | 47 | PETROCCI, BETTIE |
| 20 | ATCHEISON, JERRY D ETUX SUSAN | 48 | PETROCCI, BETTIE |
| 21 | ATCHEISON, JERRY D ETUX SUSAN | 49 | PETROCCI, BETTIE |
| 22 | ATCHEISON, JERRY D ETUX SUSAN | 50 | PETROCCI, BETTIE |
| 23 | ATCHEISON, JERRY D ETUX SUSAN | 51 | PETROCCI, BETTIE |
| 24 | ATCHEISON, JERRY D ETUX SUSAN | 52 | PETROCCI, BETTIE |
| 25 | ATCHEISON, JERRY D ETUX SUSAN | 53 | PETROCCI, BETTIE |
| 26 | ATCHEISON, JERRY D ETUX SUSAN | 54 | PETROCCI, BETTIE |
| 27 | ATCHEISON, JERRY D ETUX SUSAN | 55 | PETROCCI, BETTIE |
| 28 | ATCHEISON, JERRY D ETUX SUSAN | | |

CITY OF KILLEEN
ANNEXATION DISTRICT 5
TRACT 5
DECEMBER, 2007



= AREA TO BE ANNEXED

MITCHELL & ASSOCIATES, INC.
ENGINEERING & SURVEYING
102 N. COLLEGE, KILLEEN, TEXAS
(254) 634-5541

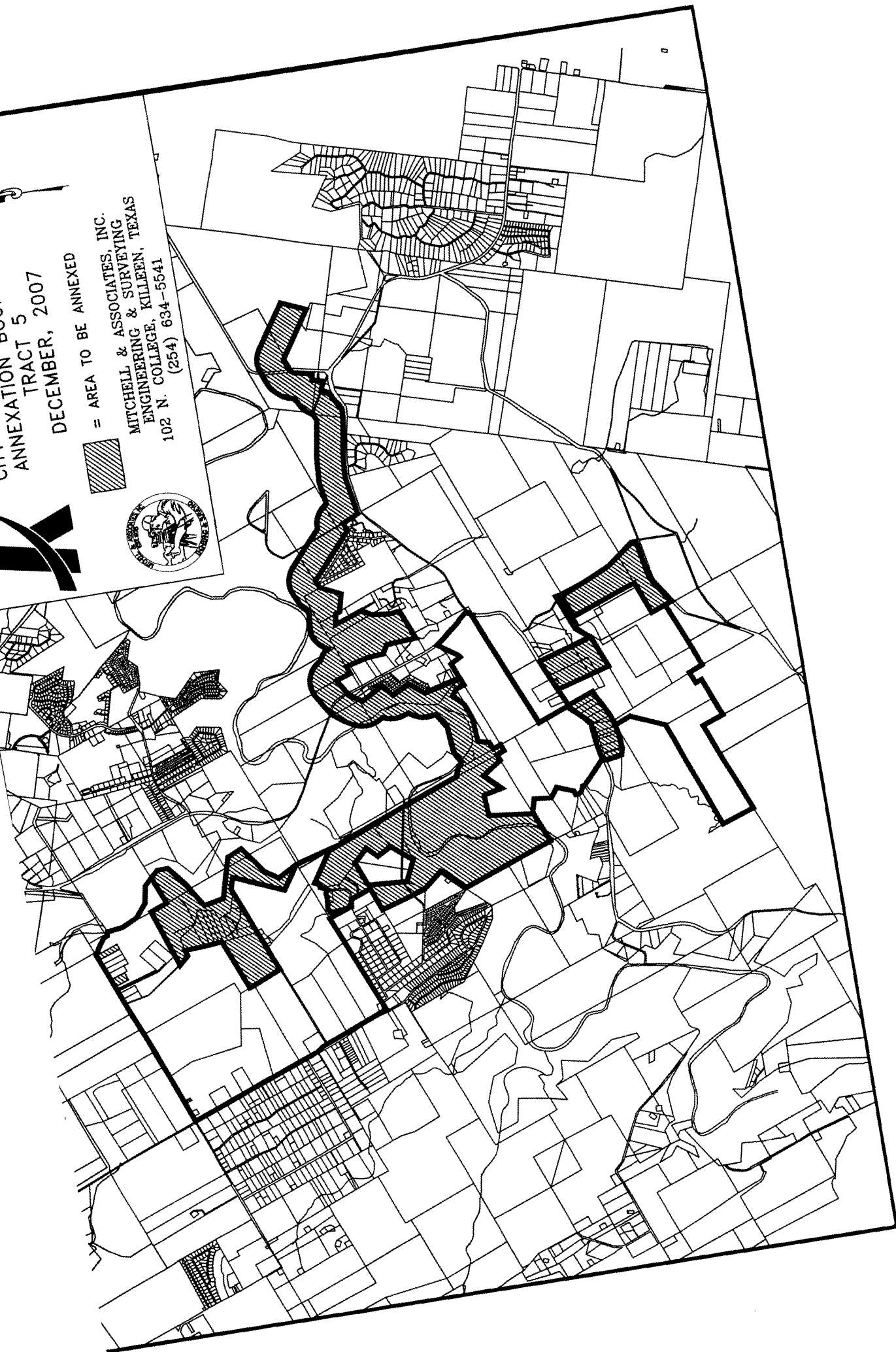


EXHIBIT D FIELD NOTES

CITY OF KILLEEN
PROPOSED ANNEX 2007

FIELD NOTES for a tract of land in Bell County, Texas, being out of and a part of the following surveys: James H. Evitts, Abstract No. 287, John Goslin, Abstract No. 343, M. H. Renick, Abstract No. 720, C. B. Roberts, Abstract No. 718, J. P. Dupuy, Abstract No. 1072, K. Erhardt, Abstract No. 292, F. C. Brookman, Abstract No. 1103, W. H. Bruce, Abstract No. 1296, W. Leftwick, Abstract No. 520, J. H. Huffman, Abstract No. 410, Willis Bruce, Abstract No. 1065, H. Dickinson, Abstract No. 281, A. J. James, Abstract No. 472, J. H. Glasscock, Abstract No. 368, John L. Smith, Abstract No. 757, Rhody Reed, Abstract No. 699, Jos. Weeks, Abstract No. 859, M. Young, Abstract No. 936, Gideon Brightman, Abstract No. 60, P.M. Levy, Abstract No. 962, J. W. White, Abstract No. 927, John Teague, Abstract No. 817, James Johnston, Abstract No. 481, and the Robert Irvin, Abstract No. 469, and being more particularly described as follows:

BEGINNING at a point on the north line of said Evitts Survey at the extreme southeast corner of the present City Limits of the City of Killeen, Texas, which point bears S. 70° 42' 18" W., 322.70 feet from the northeast corner of said Evitts Survey;

THENCE S. 19° 00' 00" E., approximately 70 feet to the center of Chaparral Road;

THENCE southeasterly with the center of said Chaparral Road to the intersection with the center of Little Trimmier Creek;

THENCE southerly with the meanders of the center of Little Trimmier Creek to a point on the south line of said Evitts Survey and the north line of said Goslin Survey;

THENCE southwesterly with the south line of said Evitts Survey, approximately 460 feet to the northeast corner of a tract conveyed to Rocky Morgan, et al, in Volume 3929, Page 344;

THENCE southeasterly at approximately 105 feet, pass the northwest corner of said Dupuy Survey, continuing with the west line of said Dupuy Survey to the southwest corner of said Dupuy Survey, being an interior corner of USA Tract No. 409-1;

THENCE northeasterly with the south line of said Dupuy Survey, approximately 61 feet to the southerly northeast corner of said USA Tract No. 409-1;

THENCE southerly with the east line of said USA Tract No. 409-1, approximately 1905 feet to the southerly northeast corner of a 27.17 acre tract conveyed to Diane Wilson, of record in Volume 4643, Page 574;

THENCE southerly with the east line of said Wilson Tract, approximately 780 feet to the southeast corner of said Wilson Tract and the northeast corner of USA Tract No. 407;

THENCE southeasterly with the east line of said USA Tract No. 407 and the west line of USA Tract No. 405, approximately 2430 feet to a point;

THENCE in an easterly direction over and across USA Tract No's. 205, 206, 306, 307, 308, 312-2, 313, 314, 315, 320 and 405 the following courses: S. 88° 35' 44" E., 681.70 feet, S. 64° 20' 40" E., 546.08 feet, N. 82° 54' 25" E., 873.59 feet, N. 02° 36' 22" E., 2310.93 feet, N. 13° 19' 19" E., 1818.66 feet, N. 27° 23' 16" E., 1176.29 feet, N. 58° 37' 33" E., 824.73 feet, N. 65° 27' 21" E., 386.82 feet, N. 89° 28' 08" E., 908.33 feet, S. 52° 25' 07" E., 861.60 feet, S. 77° 30' 34" E., 1647.40 feet, N. 39° 21' 49" E., 405.55 feet, N. 49° 28' 18" E., 376.91 feet, N. 77° 29' 13" E., 894.34 feet, S. 53° 51' 13" E., 2354.87 feet, S. 77° 15' 43" E., 129.69 feet, S. 60° 03' 12" E., 226.78 feet, S. 43° 09' 53" E., 174.08 feet, S. 23° 24' 46" E., 419.67 feet, N. 86° 23' 58" E., 988.25 feet, S. 88° 47' 17" E., 1121.90 feet, S. 85° 57' 18" E., 1569.82 feet, N. 26° 11' 36" E., 1600.58 feet, N. 73° 05' 19" E., 1124.87 feet, N. 83° 05' 48" E., 1079.06 feet, S. 76° 59' 11" E., 431.36 feet, S. 59° 06' 57" E., 1656.58 feet and S. 21° 46' 58" W., 1547.97 feet to a point on the south line of USA Tract No. 205, being the northeast corner of a tract conveyed to Ronald and Nancy Goodnight, of record in Volume 2545, Page 772;

THENCE northwesterly with a south line of said USA Tract No. 205 and the north line of said Goodnight tract, approximately 2040 feet to an interior corner of said USA Tract No. 205 and the most northerly corner of said Goodnight tract;

THENCE southwesterly with a south line of said USA Tract No. 205 and the north line of said Goodnight tract, to the east right-of-way line of Union Grove Lane;

THENCE southwesterly crossing said Union Grove Lane to an angle corner in the east line of USA Tract No. 206 and an angle corner in the west right-of-way line of said Union Grove lane;

THENCE southwesterly with the east line of said USA Tract No. 206 and the west right-of-way line of said Union Grove Lane, approximately 719 feet to an ell corner of said USA Tract No. 206, being the northeast corner of a 3.30 acre tract conveyed to Jack and Janelle Burson, of record in Volume 836, Page 491;

THENCE southwesterly with an east line of said USA Tract No. 206 and the west line of said Burson tract to the southwest corner of said Burson tract on the north right-of-way line of the Union Grove and Killeen Road;

THENCE northwesterly with the north right-of-way line of said Union Grove and Killeen Road approximately 367 feet to a point;

THENCE southwesterly approximately 25 feet to a point near the center of said Union Grove and Killeen Road at the northwest corner of a 0.83 acre tract conveyed to Chester Critchfield, of record in Volume 4592, Page 198;

THENCE southwesterly with the west line of said Critchfield tract to the north right-of-way line of F.M. Highway 2484;

THENCE westerly with the north right-of-way line of said F.M. Highway 2484 to the east right-of-way line of Union Grove Park Road;

THENCE southwesterly across said Union Grove Park Road to the intersection of the north right-of-way line of said F.M. Highway 2484 and the west right-of-way line of Union Grove Park Road;

THENCE northwesterly with the west right-of-way line of said Union Grove Park Road, approximately 685 feet to the northeast corner of a 0.522 acre tract conveyed to Sundown Properties, LP, of record in Volume 4940, Page 87;

THENCE southwesterly with the north line of said Sundown Properties tract, approximately 340 feet to the most easterly corner of Lots 9 and 10 of South Shore Subdivision, First Extension, of record in Cabinet A, Slide 281-C, Plat Records of Bell County, Texas;

THENCE northwesterly with the easterly line of said South Shore Subdivision, First Extension, and the easterly line of South Shore Subdivision, of record in Cabinet A, Slide 280-C, Plat Records of Bell County, Texas, passing the southwest corner of USA Tract No. 308, continuing with the west line of said USA Tract No. 308, to the northwest corner of said USA Tract No. 308, being on the south line of USA Tract No. 306;

THENCE southwesterly with the north line of said South Shore Subdivision to the northwest corner of said South Shore Subdivision and the southwest corner of said USA Tract No. 306 and being the southeast corner of USA Tract No. 309;

THENCE southwesterly with the south line of said USA Tract No. 309, to the southern most corner of said USA Tract No. 309;

THENCE northwesterly with the south line of said USA Tract No. 309, to the southwest corner of said USA Tract No. 309, being on the east line of a 3.89 acre tract conveyed to Wanda Wear, of record in Volume 4271, Page 139;

THENCE northwesterly with the west line of said USA Tract No. 309 and the east line of said Wear tract, to the northeast corner of said Wear tract, being the most northerly southeast corner of USA Tract No. 311;

THENCE northwesterly with the north line of said Wear tract and the most northerly south line of said USA Tract No. 311 to the northwest corner of said Wear tract, being an interior corner of said USA Tract No. 311;

THENCE southwesterly with the west line of said Wear tract and the westerly east line of said USA Tract No. 311 to the most southerly southeast corner of said USA Tract No. 311, being the most northerly corner of a 11.604 acre tract conveyed to Edward Nelson, of record in Volume 2690, Page 137, and being on the east line of USA Tract No. 312-1;

THENCE southwesterly with the northwesterly line of said 11.604 acre Nelson tract and the southeasterly line of said USA Tract No. 312-1, to the northwest corner of said 11.604 acre Nelson tract, being the north corner of a 1.68 acre tract conveyed to Edward Nelson, of record in Volume 2675, Page 59;

THENCE southwesterly with the northwesterly line of said 1.68 acre Nelson tract and the southeasterly line of said USA Tract No. 312-1, passing the southwest corner of said 1.68 acre Nelson tract, being the northwest corner of the remainder of a 3.53 acre tract conveyed to Edward Nelson, of record in Volume 2674, Page 76, continuing with the northwesterly line of said 3.53 acre Nelson tract, to an angle corner of said 3.53 acre Nelson tract;

THENCE southwesterly with the west line of said 3.53 acre Nelson tract and the southeasterly line of said USA Tract No. 312-1, to the westerly northeast corner of a 16.23 acre tract conveyed to David and Patricia Shumate, of record in Volume 4779, Page 382, being the southeast corner of said USA Tract No. 312-1;

THENCE southwesterly with the north line of said 16.23 acre Shumate tract and the south line of said USA Tract No. 312-1, passing the northwest corner of said 16.23 acre Shumate tract, continuing with the south line of said USA Tract No. 312-1, to the southwest corner of said USA Tract No. 312-1, being the southeast corner of a 8.357 acre tract conveyed to John and Deborah Rank, of record in Volume 2045, Page 251;

THENCE northwesterly with the east line of said 8.357 acre Rank tract, the east line of three tracts conveyed to Kwi Son Mantz, of record in Volume 4180, Page 769, the east line of two tracts conveyed to David Mabry, of record in Volume 5304, Page 570 and Volume 1868, Page 59, the east line of an 11.76 acre tract conveyed to Ricky Rubendall, of record in Volume 3312, Page 554 and the east line of a 10.67 acre tract conveyed to J. T. and Billie Long, of record in Volume 3896, Page 767, and the west line of said USA Tract No. 312-1, to the southerly northeast corner of said 10.67 acre Long tract and the northwest corner of said USA Tract No. 312-1, being on the south line of USA Tract No. 315;

THENCE southwesterly with the southerly north line of said 10.67 acre Long tract and the south line of said USA Tract No. 315, to the southwest corner of said USA Tract No. 315, being an interior corner of said 10.67 acre Long tract;

THENCE northwesterly with the west line of said USA Tract No. 315 and the westerly east line of said 10.67 acre Long tract, to the northeast corner of said 10.67 acre Long tract, being the southeast corner of USA Tract No. 314;

THENCE southwesterly with the north line of said 10.67 acre Long tract, to the east right-of-way line of F. M. Highway 3481, at the northwest corner of said 10.67 acre Long tract;

THENCE southwesterly with the south line of said USA Tract No. 314, across said F. M. Highway 3481 to a point on the west right-of-way line of said F. M. Highway 3481 at the northeast corner of a 1.10 acre tract conveyed to Clint and Missy Timm, of record in Volume 4826, Page 89;

THENCE southwesterly with the north line of said 1.10 acre Timm tract and the south line of said USA Tract No. 314, to an angle point in the south line of said USA Tract No. 314, at the northwest corner of said 1.10 acre Timm tract and the northeast corner of a 5.25 acre tract conveyed to Gerald Berg, of record in Volume 4493, Page 355;

THENCE southwesterly with the north line of said 5.25 acre Berg tract to the northwest corner of said 5.25 acre Berg tract, being an interior corner of USA Tract No. 312-2;

THENCE southeasterly with the west line of said 5.25 acre Berg tract, passing it's southwest corner, being the northerly northwest corner of Cedar Knob Estates Subdivision, continuing with a west line of said Cedar Knob Estates and an east line of said USA Tract No. 312-2, to an interior corner of said Cedar Knob Estates, being an ell corner of said USA Tract No. 312-2;

THENCE southwesterly with a northwesterly line of said Cedar Knob Estates and a southerly line of said USA Tract No. 312-2, to an ell corner of said Cedar Knob Estates, being an interior corner of said USA Tract No. 312-2;

THENCE southeasterly with a west line of said Cedar Knob Estates and an east line of said USA Tract No. 312-2, to an interior corner of said Cedar Knob Estates, being an ell corner of said USA Tract No. 312-2;

THENCE southwesterly with a northwesterly line of said Cedar Knob Estates and a southerly line of said USA Tract No. 312-2, to an ell corner of said Cedar Knob Estates, being an interior corner of said USA Tract No. 312-2;

THENCE southeasterly with an easterly line of said USA Tract No. 312-2, to the extreme southwest corner of said Cedar Knob Estates, being the northwest corner of a 17.512 acre tract owned by Randy Rubendall, of record in Will Probate #25073, Probate Records of Bell County, Texas;

THENCE southeasterly with the west line of said Rubendall tract and the east line of said USA Tract No. 312-2, to the extreme southeast corner of said USA Tract No. 312-2, being on the north line of a 225.29 acre tract conveyed to Alfred Fant, of record in Volume 1535, Page 779, now owned by Christine Clara Goodwin Fant by virtue of heirship;

THENCE northeasterly with the north line of said 225.29 acre Fant tract, to the northwest corner of a 5.00 acre tract conveyed to Robert and Fannie Ator, of record in Volume 4322, Page 22;

THENCE southeasterly with the west line of said 5.00 acre Ator tract, to the southwest corner of said 5.00 acre Ator tract;

THENCE northeasterly with the south line of said 5.00 acre Ator tract, to the west right-of-way line of F. M. Highway 3481 at the southeast corner of said 5.00 acre Ator tract;

THENCE southeasterly with the west right-of-way line of said F. M. Highway 3481, to the north right-of-way line of F. M. Highway 2484;

THENCE southwesterly with the north right-of-way line of said F. M. Highway 2484, to the south line of said 225.29 acre Fant tract, being the northeast corner of a 17.85 acre tract conveyed to Tony McPherson, Sr., of record in Volume 5742, Page 31;

THENCE southwesterly with the south line of said 225.29 acre Fant tract and the north line of various small tracts, to the southwest corner of said 225.29 acre Fant tract, being the northwest corner of a 27.578 acre tract conveyed to Clifford and Mary Brown, of record in Volume 5358, Page 137, being on the east line of a 92.92 acre tract conveyed to Betty Petrucci in Partition Deed, of record in Volume 1880, Page 665;

THENCE southeasterly with the west line of said 27.578 acre Brown tract and the east line of said 92.92 acre Petrucci tract, passing the southeast corner of said Petrucci tract on the north right-of-way line of said F.M. Highway 2484, continuing across said highway to a point on the south right-of-way line of said highway;

THENCE northeasterly with the south line of said F.M. Highway 2484, approximately 2085 feet to the northwest corner of a 3.00 acre tract conveyed to Clifford Blair, of record in Volume 1677, Page 353;

THENCE southeasterly with the west line of said 3.00 acre Blair tract, the west line of a 6.00 acre tract conveyed to Clifford Blair, of record in Volume 2530, Page 287, the west line of a 24.587 acre tract conveyed to Clifford Blair, of record in Volume 2715, Page 294, the west line of a tract owned by Eagle Nest Partnership and the east line of a tract owned by Theresa Sutton, approximately 2165 feet to the southeast corner of said Sutton property and the southwest corner of said Eagle Nest Partnership property, being on the north line of a 108.52 acre tract conveyed to Jon and Melinda Williams, of record in Volume 3067, Page 423;

THENCE northeasterly with the south line of said Eagle Nest Partnership property and the north line of said 108.52 acre Williams tract, also with the north line of a 0.96 acre tract conveyed to Jon and Melinda Williams as Tract Two, of record in Volume 2797, Page 354, to the northeast corner of said 0.96 acre Williams tract, being on the west line of Eagle Nest Road;

THENCE southeasterly with the west line of said Eagle Nest Road and the east line of said 0.96 acre Williams tract, over and across a 160 acre tract conveyed to Eagle Nest Holdings, Ltd., of record in Volume 6356, Page 325, to the intersection of the west line of said Eagle Nest Road with the north line of Crows Ranch Road;

THENCE southwesterly with the north line of said Crows Ranch Road, approximately 2775 feet to the west line of the A.J. James Survey, Abstract No. 472 and the east line of the F.A. Coward Survey, Abstract No. 236;

THENCE northwesterly with the west line of said James Survey, approximately 267 feet to the northeast corner of said Coward Survey, being the southeast corner of a 100.0 acre tract conveyed to Jon and Melinda Williams, of record in Volume 2611, Page 565;

THENCE southwesterly with the north line of said Coward Survey and the south line of said 100.0 acre Williams tract, approximately 2750 feet to the northwest corner of said Coward Survey, being the southwest corner of said 100.0 acre Williams tract, being on the east line of the R. Chappell Survey, Abstract No. 238;

THENCE northwesterly with the east line of said Chappell Survey, approximately 578 feet to the northeast corner of said Chappell Survey;

THENCE southwesterly with the north line of said Chappell Survey, approximately 472 feet to the easterly northwest corner of said Chappell Survey;

THENCE southeasterly approximately 237 feet to an interior corner of said Chappell Survey;

THENCE southwesterly with the southerly north line of said Chappell Survey, approximately 1600 feet to the easterly southwest corner of the Willis Bruce Survey, Abstract No. 1065, being the northwest corner of said Chappell Survey, being on the east line of the J. Litten Survey, Abstract No. 509;

THENCE northwesterly with the east line of said Litten Survey and the easterly west line of said Bruce Survey, approximately 870 feet to an interior corner of said Bruce Survey, being the northeast corner of said Litten Survey;

THENCE southwesterly with the south line of said Bruce Survey and the north line of said Litten Survey, approximately 3780 feet to the southwest corner of said Bruce Survey;

THENCE northwesterly approximately 1312 feet to the northwest corner of said Bruce Survey, being an interior corner of the F. C. Brookman Survey, Abstract No. 1103;

THENCE northeasterly with a south line of said Brookman Survey and the north line of said Bruce Survey, approximately 4510 feet to the northeast corner of said Bruce Survey, being another interior corner of said Brookman Survey, being an interior corner of a 191.30 acre tract owned by Janelle Burson, by virtue of heirship, of record in Will Probate #10854, Probate Records of Bell County, Texas;

THENCE with the line between two tracts owned by Janelle Burson, northeasterly approximately 1390 feet and northwesterly approximately 685 feet to a point on the south line of a 5.000 acre tract conveyed to Jeanie Hamilton and Brantley Hudson, of record in Volume 5247, Page 565, being on the north line of said Janelle Burson property;

THENCE northwesterly with the north line of said Burson property and the south line of various small tracts, approximately 1210 feet to the southwest corner of a 3.844 acre tract conveyed to Andrew and Cynthia Foulkrod, of record in Volume 4318, Page 582, same being the southeast corner of a 10.00 acre tract conveyed to Honorato and Johanna Sanchez, of record in Volume 6296, Page 369;

THENCE northwesterly with the west line of said 3.844 acre Foulkrod tract and the east line of said 10.00 acre Sanchez tract, to the south line of F.M. Highway 2484 at the northwest corner of said Foulkrod tract, and the northeast corner of said 10.00 acre Black tract;

THENCE northeasterly across said F.M. Highway 2484 to the southwest corner of a 72.86 acre tract conveyed to John and Joan Vanderlaan, of record in Volume 5624A, Page 500, same being the southeast corner of a 17.76 acre tract conveyed to Bennie and Bonnie Tomecek, of record in Volume 4151, Page 31;

THENCE northwesterly with the meanders of the west line of said 72.86 acre Vanderlaan tract and with the east line of said Tomecek tract and the east line of USA Tract No. 500, to the northeast corner of said USA Tract No. 500, the northwest corner of said Vanderlaan tract and the southwest corner of a 106.07 acre tract conveyed to William Dorr, of record in Volume 2039, Page 13, and the southeast corner of USA Tract No. 407;

THENCE northeasterly with the west line of said 106.07 acre Dorr tract and with the east line of said USA Tract No. 407, to an angle corner in the west line of said Vanderlaan tract and in the east line of said USA Tract No. 407;

THENCE northwesterly with the west line of said 106.07 acre Dorr tract and with the east line of said USA Tract No. 407 to a point on the north line of said Brookman Survey and the south line of said Erhardt Survey at an angle corner of said Dorr tract, being the northeast corner of said USA Tract No. 407 and the westerly southeast corner of USA Tract No. 408;

THENCE southwesterly with the south line of said Erhardt Survey, the south line of said USA Tract No. 408 and the north line of said USA Tract No. 407, to the southwest corner of said Erhardt Survey, the northwest corner of said USA Tract No. 407 and a southwest corner of said USA Tract No. 408;

THENCE northwesterly with the west line of said Erhardt Survey, at approximately 1875 feet, pass the southeast corner of the E.A. Briggs Survey, Abstract No. 101, continuing with the west line of said Erhardt Survey and the east line of said Briggs Survey, to an angle corner in the west line of said USA Tract No. 408, at the northeast corner of USA Tract No. 409-2, being the southwest corner of a 27.134 acre Tract One, conveyed to Elosie Clark and Jim Adrian III, of record in Volume 3237, Page 77;

THENCE northeasterly with the south line of said Clark Tract One and a north line of said USA Tract No. 408, to the southeast corner of said Clark Tract One, at an interior corner of said USA Tract No. 408;

THENCE northwesterly with the east line of said Clark Tract One and a west line of said USA Tract No. 408, to the northeast corner of said Clark Tract One, at an angle corner of said USA Tract No. 408 and the southeast corner of Clark Tract Four and the southwest corner of Clark Tract Three, both of record in Volume 3237, Page 77;

THENCE northwesterly with the west line of said Clark Tract Three and the east line of said Clark Tract Four, to the north line of said Erhardt Survey at the northeast corner of said Clark Tract Four and the northwest corner of said Clark Tract Three;

THENCE northeasterly with the north line of said Erhardt Survey and the north line of said Clark Tract Three, to the southeast corner of a 9.973 acre tract conveyed to Richard Clark and Patricia Walker, of record in Volume 3630, Page 71, same being the southwest corner of a 11.599 acre tract conveyed to David Carelock, et al, of record in Volume 3991, Page 376;

THENCE northwesterly with the east line of said 9.973 acre Clark Tract and the west line of said 11.599 acre Carelock tract, to the south line of Schrader Road, at the northeast corner of said Carelock tract;

THENCE northwesterly with the south line of said Schrader Road, approximately 285 feet to a point;

THENCE northwesterly across said Schrader Road, approximately 60 feet to the southwest corner of a 12.342 acre tract conveyed to Jason and Jutta Demmon, of record in Volume 5084, Page 376, same being the southeast corner of a 10.0 acre tract and the south corner of a 1.94 acre tract, both conveyed to William and Carolyn Reed, of record in Volume 2780, Page 256;

THENCE northwesterly with the east line of said 10.0 acre Reed tract and the west line of said 1.94 acre Reed tract to the south line of said Evitts Survey at the northeast corner of said 10.0 acre Reed tract and the northwest corner of said 1.94 acre Reed tract;

THENCE southwesterly with the south line of said Evitts Survey and the north line of said Reed tracts and the north line of Stillhouse Hollow Estates Subdivision, Section One, of record in Cabinet A, Slide 280-A, Plat Records of Bell County, Texas, approximately 4190 feet to the southerly projection of the east right-of-way line of East Trimmier Road;

THENCE northwesterly with the east right-of-way line of said East Trimmier Road, approximately 8470 feet to a point at the intersection of the east right-of-way line of said East Trimmier Road with the north right-of-way line of said Chaparral Road;

THENCE northeasterly with the north right-of-way line of said Chaparral Road, approximately 7670 feet to the POINT OF BEGINNING and containing approximately 4313 acres of land, *SAVE AND EXCEPT* the following fifty five (55) parcels of land containing approximately 2092 acres, to remain in the ETJ of the City of Killeen, Texas, leaving approximately 2221 acres of land.

1. Erle K. Adrian, Jr. et al, 26.937 acres
2. Jerry D. Atchison and wife, Susan Atchison, 49.801 acres
3. Jerry D. Atchison and wife, Susan Atchison, 2.854 acres
4. Jerry D. Atchison and wife, Susan Atchison, 6.271 acres
5. Jerry D. Atchison and wife, Susan Atchison, 1.0 acre
6. Michael Aycock and wife, Lou Aycock, 11.35 acres
7. Janelle Burson, 139.75 acres
8. Janelle Burson, 195 acres
9. Kristin M. Butler, 104.25 acres
10. Billy L. Curb, 192.79 acres
11. Dock L. Curb, Jr, and D. L. Curb, Jr. Trust, 136.25 acres
12. Kenneth L. Curb, 9.0 acres
13. Louis E. Curb Children's Trust, 50.0 acres
14. Louis E. Curb Children's Trust, 1.0 acre
15. Louis E. Curb, and wife, Patsy R. Curb, 9.007 acres
16. Winfred L. Curb, et al, 19.91 acres
17. Winfred L. Curb, et al, 8.8 acres
18. Winfred L. Curb and wife, Lynda L. Curb, 28.011 acres
19. William W. Dorr, 49.07 acres
20. William W. Dorr, 55.0 acres
21. Christine Clara Goodwin Fant, 50.0 acres
22. Donavon K. Glass and Nancy B. Glass, Trustees of The Donavon and Nancy Glass Family Trust, 26.58 acres
23. Earl W. Horn and wife, Terri L. Horn, 11.35 acres
24. Larry Delane Jackson, 19.124 acres
25. Larry Delane Jackson, 5.129 acres
26. Larry Delane Jackson, 32.518 acres
27. Henry A. Mayer et al, 104.25 acres
28. Rocky Morgan, 55.876 acres
29. Rocky Morgan, 56.463 acres
30. Bettie Petrucci, 46.46 acres
31. Bettie Petrucci, 9.0 acres
32. Bettie Petrucci, 37.46 acres
33. Pheasant Ranches, LLC, 22.182 acres
34. Ronnie Melvin Reaves and Jeanne Ellan Hodges, 19.0 acres
35. Tel'M Development, L.P., 89.463 acres
36. Tel'M Development, L.P., 3.0 acres
37. Tel'M Development, L.P., 3.37 acres
38. Tel'M Development, L.P., 3.62 acres
39. Tel'M Development, L.P., 3.76 acres
40. Tel'M Development, L.P., 4.151 acres
41. Tel'M Development, L.P., 4.151 acres
42. Tel'M Development, L.P., 4.151 acres
43. Trudo Family Living Trust, 147.753 acres
44. John C. Vanderlaan and Joan K. Vanderlaan, 1.687 acres
45. J. P. Williams and wife, Melinda E. Williams, 66.30 acres
46. J. P. Williams and wife, Melinda E. Williams, 25.1 acres
47. J. P. Williams and wife, Melinda E. Williams, 8.6 acres
48. Jon P. Williams and wife, Melinda E. Williams, 1.377 acres
49. Jon P. Williams and wife, Melinda E. Williams, 48.203 acres
50. Jon P. Williams and wife, Melinda E. Williams, 9.583 acres
51. Jon P. Williams and wife, Melinda E. Williams, 7.219 acres
52. Jon P. Williams and wife, Melinda E. Williams, 1.0 acre
53. Jon P. Williams and wife, Melinda E. Williams, 5.308 acres
54. Jon P. Williams and wife, Melinda E. Williams, 44.706 acres
55. Jon P. Williams and wife, Melinda E. Williams, 63.814 acres

NOTES:

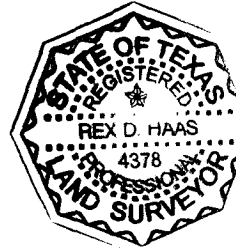
1. Bearings recited in the above description are based on the Texas State Plane Coordinate System, Central Zone, NAD 83, per GPS observations.
2. All recording information (Volume & Page) referred to above are Deed Records and Official Public Records of Real Property of Bell County, Texas, unless otherwise noted.
3. 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 interest in real property except those right and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was it prepared.

Compiled March 19, 2007

Revised April 17, 2007

Revised June 4, 2007

Revised December 04, 2007



A handwritten signature in black ink, appearing to read "Rex D. Haas".

Rex D. Haas
Registered Professional
Land Surveyor

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Mitchell & Associates, Inc., 102 N. College St. Killeen, Texas 76541 (254)-634-5541

CARROLL B.

Tract	Exhibit Table #	15/5 year	Missing Info	geo. id	prop. id	FILE AS NAME		Add3	Addr City	State	Addr zip	sq. apply	Legal acreage
5	1	No		056970000	936	ADRIAN ERLE K JR ETAL		PO BOX 254	BOERNE	TX	78006-0254	T	26.937
5	2	No		0507140400	4104	ATCHISON JERRY D ETUX SUSAN		10653 E TRIMMIER RD	KILLEEN	TX	76542-4928	T	48.801
5	3	No		060715002	4106	ATCHISON JERRY D ETUX SUSAN		10653 E TRIMMIER RD	KILLEEN	TX	76542-4928	T	2.654
5	4	No		0607140000	4107	ATCHISON JERRY D ETUX SUSAN	ETAL	10653 E TRIMMIER RD	KILLEEN	TX	76542-4928	T	6.271
5	5	No		0507150003	153027	ATCHISON JERRY D ETUX SUSAN		10653 E TRIMMIER RD	KILLEEN	TX	76542-4928	F	11.35
5	6	No		0507100109	350878	ATCOCK MICHAEL M ETUX LOU E		PO BOX 2407	HARKER HTS	TX	76548-0407	T	138.75
5	7	No		0625500000	15449	BURSON JAVELLE		14808 CROWS RANCH RD	SALADO	TX	76571-5024	T	138.75
5	8	No		0625220000	15450	BURSON JAVELLE		14808 CROWS RANCH RD	SALADO	TX	76571-5024	T	185
5	9	No		0607140500	382709	BUTLER KRISTIN M		10645 E TRIMMIER	KILLEEN	TX	76542-4912	T	104.25
5	10	No		0507080200	383045	CARR BILLY L		7205 CHAPARRAL RD	KILLEEN	TX	76542-4912	T	192.79
5	11	No		0607070200	383063	CARR DOCK L JR & CARR D L JR TRUST	C/O CARR DAVID L & C/O CARR WINFRED L	6699 CHAPARRAL RD	KILLEEN	TX	76542-4910	T	136.25
5	12	No		0507080102	169900	CARR KENNETH L		6721 E TRIMMIER RD	KILLEEN	TX	76542-4915	T	9
5	13	No		0607080000	257539	CARR LOUIS E CHILDRENS TRUST ETAL	C/O CARR WINFRED L TRUSTEE	9399 E TRIMMIER RD	KILLEEN	TX	76542-4912	T	50
5	14	No	Ch 212	0507080300	383095	CARR LOUIS E CHILDRENS TRUST ETAL		9399 E TRIMMIER RD	KILLEEN	TX	76542-4912	F	1
5	15	No		0507050101	26800	CARR LOUIS E ETUX PATSY R		9399 E TRIMMIER RD	KILLEEN	TX	76542-4912	T	8.007
5	16	No		0531210000	26791	CARR WINFRED L ETAL		10465 E TRIMMIER RD	KILLEEN	TX	76542-4922	T	19.91
5	17	No		0540060000	26792	CARR WINFRED L ETAL		10465 E TRIMMIER RD	KILLEEN	TX	76542-4922	T	8.8
5	18	No		0507130000	26812	CARR WINFRED L ETUX LINDA		10465 E TRIMMIER RD	KILLEEN	TX	76542-4922	T	28.011
5	19	No		0508780001	29995	DORR WILLIAM W		13270 FM 2494	SALADO	TX	76571-5058	T	49.07
5	20	No		0529340000	29997	DORR WILLIAM W		13270 FM 2494	SALADO	TX	76571-5058	T	55
5	21	No		0531200001	34550	FANT CHRISTINE CLARA GOODWIN		3902 EDERHOCK DR	AUSTIN	TX	78731-1427	T	50
5	22	No		0509790000	41170	GLASS DON K ETUX NANCY FAMILY TRUST	C/O GLASS DON K ETUX NANCY	533 ANDRONACK WAY	WALNUT CREEK	CA	94598-2124	T	28.59
5	23	No		0507090001	6150	HORN EARL W & TERRI L		7709 CHAPARRAL RD	KILLEEN	TX	76542-4153	T	10.35
5	24	No		0574050100	54552	JACKSON LARRY DELANE		525 TREY JACK	SALADO	TX	76571-5166	T	18.124
5	25	No		0629330100	54553	JACKSON LARRY DELANE		525 TREY JACK	SALADO	TX	76571-5166	T	5.129
5	26	No		0629330400	54554	JACKSON LARRY DELANE		525 TREY JACK	SALADO	TX	76571-5166	T	32.518
5	27	No		0507140300	89732	MAYER HENRY A ETAL		10963 E TRIMMIER RD	KILLEEN	TX	76542-4928	T	104.25
5	28	No		0507140100	49264	MORGAN ROCKY		10963 E TRIMMIER RD	KILLEEN	TX	76542-4928	T	56.876
5	29	No		0507140200	76433	MORGAN ROCKY		10963 E TRIMMIER RD	KILLEEN	TX	76542-4928	T	56.453
5	30	No		0629390000	92901	PETRUCI BETTIE		9820 CIRCLE DR	AUSTIN	TX	78736-7926	T	46.46
5	31	No		0643930001	92902	PETRUCI BETTIE		9820 CIRCLE DR	AUSTIN	TX	78736-7926	T	9
5	32	No		0517610003	206856	PHEASANT RANCHES LLC ETAL		10693 E TRIMMIER RD	KILLEEN	TX	76542-4171	T	22.182
5	33	No		0507170001	87145	REAVES RONNIE M & JEANNE E	HODGES	456 CIRCLE DR	KILLEEN	TX	76542-4171	T	19
5	34	No		0507002000	351698	TEL M DEVELOPMENT LP		614 CHAPARRAL RD	KILLEEN	TX	76542	F	89.483
5	35	No		0507002000	351698	TEL M DEVELOPMENT LP		614 CHAPARRAL RD	KILLEEN	TX	76542	F	3
5	36	No		0507002000	351698	TEL M DEVELOPMENT LP		614 CHAPARRAL RD	KILLEEN	TX	76542	F	3.37
5	37	No		0402248000	364613	TEL M DEVELOPMENT LP		614 CHAPARRAL RD	KILLEEN	TX	76542	T	3.82
5	38	No		0402248000	364614	TEL M DEVELOPMENT LP		614 CHAPARRAL RD	KILLEEN	TX	76542	T	3.76
5	39	No		0402248006	364618	TEL M DEVELOPMENT LP		614 CHAPARRAL RD	KILLEEN	TX	76542	T	4.151
5	40	No		0402248012	364617	TEL M DEVELOPMENT LP		614 CHAPARRAL RD	KILLEEN	TX	76542	T	4.151
5	41	No		0402248015	364618	TEL M DEVELOPMENT LP		614 CHAPARRAL RD	KILLEEN	TX	76542	T	4.151
5	42	No		0402248018	364619	TEL M DEVELOPMENT LP		614 CHAPARRAL RD	KILLEEN	TX	76542	T	4.151
5	43	No		0579600101	118287	TRUDO FAMILY LIVING TRUST	C/O TRUDO ROBERT F & MARTHA J TRUSTEES	804 CAGLE LN	HARKER HTS	TX	76548-1714	T	147.753
5	44	No		0629300101	18148	VANDERLAAN JOHN C & JOAN K		1802 MCINNIS CT	HARKER HEIGHTS	TX	76548-0023	T	1.887
5	45	No		0506000300	128767	WILLIAMS J P ETUX MELINDA		12242 EAGLE NEST RD	SALADO	TX	76571-5028	T	86.3
5	46	No		0629330800	128768	WILLIAMS J P ETUX MELINDA		12242 EAGLE NEST RD	SALADO	TX	76571-5028	T	25.1
5	47	No		0629330900	128769	WILLIAMS J P ETUX MELINDA		12242 EAGLE NEST RD	SALADO	TX	76571-5028	T	8.6
5	48	No		0506000100	128824	WILLIAMS JON P ETUX MELINDA		12242 EAGLE NEST RD	SALADO	TX	76571-5028	T	1.377
5	49	No		0506000200	128825	WILLIAMS JON P ETUX MELINDA		12242 EAGLE NEST RD	SALADO	TX	76571-5028	T	48.203
5	50	No		0629330600	128826	WILLIAMS JON P ETUX MELINDA		12242 EAGLE NEST RD	SALADO	TX	76571-5028	T	9.593
5	51	No		0629330600	128827	WILLIAMS JON P ETUX MELINDA		12242 EAGLE NEST RD	SALADO	TX	76571-5028	T	7.219
5	52	No		0629330601	128828	WILLIAMS JON P ETUX MELINDA		12242 EAGLE NEST RD	SALADO	TX	76571-5028	F	1
5	53	No		0629330700	128829	WILLIAMS JON P ETUX MELINDA		12242 EAGLE NEST RD	SALADO	TX	76571-5028	T	5.308
5	54	No		0506000000	128830	WILLIAMS JON P ETUX MELINDA E		12242 EAGLE NEST RD	SALADO	TX	76571-5028	T	44.708
5	55	No		0629331200	128831	WILLIAMS JON P ETUX MELINDA E		12242 EAGLE NEST RD	SALADO	TX	76571-5028	T	63.814

Mailed 15 year agreement 11/7/07

18 December 2007

Annexation Service Plan

Tract 5

INTRODUCTION

This Service Plan ("Plan") is made by the City of Killeen ("City") pursuant to Chapter 43 of the Texas Local Government Code. The Plan relates to the annexation to the City of an approximately 2,220 acre tract of land ("Tract 5") generally located in the southeast corner of the City of Killeen extraterritorial jurisdiction. The annexation area is roughly defined by Chaparral Road to the north (NNW), the City of Killeen and City of Harker Heights ETJ agreement line extending to the SSE approximately 25,500 feet maintaining a minimum 1,000 feet width. The area includes a 1,000 feet corridor within the U.S. Army Corps of Engineers controlled Federal property extending to the current City of Killeen Extraterritorial Jurisdiction. This annexation will extend the city council district two (2) boundary to the south and east. The area is depicted in a map attached as Exhibit E.

This plan is divided into two (2) main parts; tax based services and rate based services. Tax based services are those services that are financed by tax revenues; such as police and fire protection. The tax based services will commence on the effective date of the annexation. Rate based services are those services which citizens acquire by paying a fee; such as water, sanitary sewer and solid waste pick-up. The cost of rate based services is directly related to the cost of providing the service.

EFFECTIVE TERM

This Plan shall be in effect for a ten (10) year period commencing on the effective date of the annexation, unless otherwise stated in the Plan. The Plan represents the concept the City of Killeen will use to initially deliver services. It is subject to modification and its change and renewal shall be at the option of the City. Such option may be exercised by the adoption of an ordinance by the City Council which refers to this Plan and specifically renews this Plan for a stated period of time. The City reserves the right guaranteed to it by Section 43.056 (k) Local Government Code, to amend this Plan if the City Council determines that changed conditions or subsequent occurrences or any other legally sufficient circumstances exist under the Local Government Code, or other Texas laws to make this Plan unworkable, obsolete or unlawful.

TAX BASED SERVICE COMPONENTS

1. Public Safety:

- a. Police Protection – The Killeen Police Department (KPD) will provide protection and law enforcement services in the annexation area, commencing on the effective date of annexation.

These Services include:

- normal patrols and responses;
- handling of complaints and incident reports;
- special units, such as traffic enforcement, criminal investigations, narcotics and gang suppression, and special weapons tactics team.

The Killeen Police Department will provide service to the annexation area with the same level of service now being provided to other comparable areas of the City.

b. Fire Protection – The Killeen Fire Department will provide fire protection, prevention and emergency medical services to the annexation area commencing on the effective date of the annexation. These services include:

- fire suppression and rescue;
- emergency medical services;
- hazardous materials mitigation and regulation;
- emergency prevention and public education services;
- construction plan review;
- inspections;
- emergency management planning

These services are provided on a City – wide basis and Killeen Fire Department will provide fire protection and prevention services to the annexation area with the same level of service being provided to other comparable areas of the City. Fire services to this area will be provided by Fire Station 6 located at 2001 Elms Rd . as the primary response Station, Fire Station 5 located at 905 West Jasper Dr., and Central Fire Station located at 208 N. 28th St. providing support to Fire Station 6. Additionally, the City will establish an automatic aid agreement with the City of Harker Heights Fire Department and Southwest Bell County Volunteer Fire Department to provide fire protection and emergency medical services in the annexation area, commencing on the effective date of the annexation. The City of Killeen Fire Department will respond to structure fires in this annexation area from Fire Stations 6, 5, and Central fire station. The City will establish an automatic aid agreement with the City of Harker Heights for the provision of emergency medical service in the portion of the annexation area north of Stillhouse Hollow Lake and south of Stillhouse Hollow Lake east of Tres Jack Road and north of FM 2484. Emergency medical services for the portion of the annexation area to the south of Stillhouse Hollow Lake west of Tres Jack Rd will be provided through an automatic aid agreement with Southwest Bell Volunteer Fire Department as first responders with Killeen providing the EMS unit for transport of the patient. The Killen Fire Department will dispatch emergency medical service from Fire Station 6 located at 2001 Elms Rd. if the City of Harker Heights is unable to respond. Currently, fire protection services and emergency medical service are provided to the annexation area through an inter-local agreement with Bell County.

2. Maintenance of Roads, Streets, and Lighting

The Street Division, Public Works Department will maintain public streets over which the

City has jurisdiction. These services include:

- emergency pavement repair;
- ice and snow monitoring of major thoroughfares;
- repair maintenance of public streets on an as-needed basis;
- traffic control signals;
- right-of-way maintenance

Public roads and streets in the annexation area will be included in the City's preventive maintenance program. Preventive 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. The Streets Division will also provide regulatory traffic signage. Engineering studies to determine if traffic control devices are warranted will be conducted as needed in conjunction with growth and increased traffic volumes.

Anticipated future development within the annexation area may generate the requirement to construct streets in compliance with the City of Killeen development standards and requirements published in the Killeen Code of Ordinances and Public Works Department practices, as may be amended. Street lighting will be installed by property developers as development in the area warrants.

3. Maintenance of Parks and Recreation Facilities

The City of Killeen is not aware of the existence of any public parks, play grounds, or recreational facilities in the annexation area. In the event any such public facilities do exist, the City of Killeen will maintain such areas to the same extent that it maintains similar recreational facilities located in other areas of the City. As the annexation area is developed, current master plans for parks and recreational facilities will be reviewed and amended as appropriate to accommodate future growth and provide the same level of service as is provided in other areas of the city of comparable population density, land use and topography.

Recreational facilities and area amenities that are privately owned, maintained or operated will be unaffected by an annexation.

4. Maintenance of Publicly Owned Facilities or Buildings

The City of Killeen is not aware of the existence of any publicly owned facilities or buildings now located in the area proposed for annexation. In the event any such publicly owned facilities or buildings do exist, the City of Killeen will maintain such areas to the same extent and degree that it maintains other publicly owned facilities or buildings located in the City. Any such facilities developed in the future for dedication to and maintenance by the City will be constructed to City standards and maintained by the developer/builder for the required warranty period. Subsequent to the warranty period, the City of Killeen will maintain such facilities to the same extent and degree that it maintains other publicly owned facilities or buildings, located in other areas of the City.

5. Inspection Services

The City of Killeen and its Building and Inspections Department will provide inspection services (building, electrical, plumbing, code enforcement, etc.), with the same or comparable level of service now being provided to other areas of the City with comparable land use, population density and topography as the newly annexed area.

6. Land Use Management

The City of Killeen Code of Ordinances mandates that all property annexed into the City be initially zoned Agriculture (AG). A building or premises in such a district may be used for stables, buildings in support of agriculture uses, single family residential structures and accessory uses. The City Planning and Zoning Commission is required to initiate a land use study of any areas annexed into the city. Within twelve (12) months of the effective date of the annexation, a recommendation for more specific zoning of tracts and lots will be submitted to the City Council for consideration.

In the conduct of the land use study citizens owning property in the annexation area will be provided notification of study meetings and asked to present their desires for the zoning of their property. This rezoning process will be conducted in strict compliance with notification and due process requirements of the Local Government Code and City of Killeen Code of Ordinances.

Property owners may continue to use their land in the newly annexed area in the manner in which the land was being used on the date the annexation proceedings were instituted if the land use was legal at that time. Property owners may seek land use protection for a land use begun after the date that annexation proceedings were initiated only if: (a) one or more licenses, certificates, permits, approvals, or other forms of authorization by a government entity were required by law for the planned land use; and (b) a completed application for the initial authorization was filed with the government entity before the date the annexation proceedings were instituted.

However, the City of Killeen's Code of Ordinances Killeen shall impose the following:

- (a) a regulation related to the location of adult oriented businesses;
- (b) a regulation preventing imminent destruction of property or injury to persons;
- (c) a regulation relating to public nuisances;
- (d) a regulation relating to flood control;
- (e) a regulation relating to the storage and use of hazardous substances;
- (f) a regulation relating to the sale and use of fireworks; and,
- (g) a regulation relating to the discharge of firearms or other weapons.

7. Other Services

The City of Killeen will provide other City Services to the annexation area, such as animal control, library, municipal court and general administration services at the same level of

service now being provided to other areas of the City with similar population density, land use and topography. The requirement to register and license unneutered dogs and cats will be waived until the one (1) year anniversary of the date of annexation. City Limit signs to encompass the new boundaries of the City as a result of the annexation will be installed within ninety (90) days of the effective date of the annexation. The City's authority to abate nuisances (fireworks, etc.) within five thousand (5000) feet of its boundary is extended to provide protection to the annexation area.

RATE BASED SERVICE COMPONENTS

1. Solid Waste Services

Solid Waste services provided by the City of Killeen's Solid Waste Services Department will be available to annexation areas immediately upon annexation. The normally required solid waste deposit fee will be waived for the annexation area. The solid waste collection and disposal services provided to the annexation area will be equal to the service being provided to other areas of the City. The annexation area will be provided collection service at the same frequency of service as other areas of the City. The City may not prohibit the collection of solid waste in the area by a privately owned solid waste provider or impose a fee for solid waste management services to a person who continues to use the services of a privately owned solid waste management service provider before the second anniversary of the date the area is included within the corporate boundaries of the City (43.056(n) of the LGC). The City is not required to provide solid waste collection services to a person who continues to use the services of a privately owned solid waste management service provider (43.056(o) of the LGC). After the second anniversary of the date the annexation is effective the City of Killeen shall be the exclusive provider of solid waste services within the annexation area.

Services shall be provided in accordance with the City of Killeen Code of Ordinances, Chapter 24, to all residential and commercial customers requesting such service. Services shall include:

- garbage collection – in accordance with City of Killeen "pay-as-you-throw" guidelines and Chapter 24 of the Killeen Code of Ordinances;
- recycling – access to City of Killeen Recycling Center and inclusion in future curbside recycling collection services;
- yard waste and brush collection;
- special collection services;
- commercial service is provided on subscription basis from the City.

2. Maintenance of Water and Wastewater Services

The City of Killeen strives to provide comparable levels of service in all areas of the City, allowing for differences in population density, land use, and topography. In the annexation area the population density is low compared to other incorporated areas of the city. The present land use in the annexation area is characterized by undeveloped parcels and/or low density residential development. While further development is anticipated, the timeline

and quantity of this development is currently too uncertain to predict the specific future needs. As the population density increases and land use patterns change, the City will provide comparable water and sewer services as in other comparable areas of the City.

The topography of the annexed area places it in the Stillhouse Hollow Lake drainage basin. Municipalities are restricted from introducing treatment plant effluent into Stillhouse Hollow Lake. The City's Water and Wastewater Master Plan contains several major projects scheduled over the next three years to provide rate-based water and sanitary sewer municipal service to the annexed area. The projects include:

- 12" and 16" water main extensions to the southern portion of the new city limits,
- a 12" loop extending eastward to connect to water mains referenced in Tract 4,
- a waste water lift station, 12", 15" and 18" gravity main flowing south along Little Trimmier Creek to new lift station, and then to Trimmier Creek waste water treatment plant,
- a waste water 10" and a 12" gravity main flowing to new Onion Creek lift station, then through 14" force main to Little Trimmier Creek lift station, and
- a waste water 12" collection main east to new SH 2484 lift station, and then lifted through 8" force main to Little Trimmier Creek lift station.

a. Water Utilities – It is the intent of the City of Killeen to provide water utility services to the annexation area in an expedient and orderly manner. This plan provides continued quality service while minimizing the utility rate impact to both the newly acquired citizens as well as the existing customers of the City's utility system. The May 2007 Water and Wastewater Master plan includes projects with an estimated cost of \$8.2 million dollars to begin in approximately May 2009. These projects will directly support the provision of water service to this annexation area.

Under this service plan concept, existing members of the West Bell County Water Supply Corporation (WBCWSC) would initially remain WBCWSC customers pursuant to § 402.101 Texas Local Government Code. Thus, the annexation area will continue to receive equivalent service as they are now receiving. This service is comparable to the service received by other comparable areas of the City.

The City will request joint jurisdiction of WBCWSC's Certificate of Convenience and Necessity (CCN) area. As with previous annexations, the City of Killeen will purchase existing WBCWSC utility infrastructure/construct parallel infrastructure in the annexation area at a rate consistent with the May 2007 City of Killeen Water and Wastewater Master Plan (as may be amended). As WBCWSC CCN area is acquired, WBCWSC purchased infrastructure or new parallel infrastructure constructed by the City will be inter-connected to the City's existing water system with a corresponding transfer of customers into the City's then existing rate structure. Existing water wells in the annexation area may be retained and used by the resident; however, if the resident connects to a public water system for potable water, the well water system must be disconnected to assure that water from the two systems cannot be mixed.

b. Wastewater Utilities – It is the intent of the City of Killeen to provide wastewater utility services to the annexation area in an expedient and orderly manner. This plan

provides continued quality service while minimizing the utility rate impact to both the newly acquired citizens as well as the existing customers of the City's utility system. The May 2007 Water and Wastewater Master Plan includes projects with an estimated cost of \$15.3 million dollars to begin in approximately May 2009. These projects will directly support the provision of wastewater service to this annexation area.

Water and wastewater service availability is defined as the specific projects in the schedule provided for in the City of Killeen Water and Wastewater Master Plan. As property in the annexation area is developed, property owners will be required to extend necessary utilities to support their development in accordance with the Killeen Code of Ordinances and Public Works Department practices, as may be amended.

c. The following is a summary of the City of Killeen Water and Wastewater Utility Service Extension Policy.

1. The intent and purpose of the water and wastewater extension policy is to provide equitable charges for water and sewer connections as a proportionate distribution of the cost of the water and sewer main extensions to serve property within the city.
2. If the existing City utility facilities are not within or adjacent to the development, the property owner/developer shall construct the necessary extension of water and sewer mains, force mains, and lift stations, including all valves, manholes, and piping necessary to serve any future development of abutting property.
3. The property owner/developer's engineer shall prepare a proposed plan of service for the subdivision and property along the extension, which shall be reviewed by the plat review committee. These facilities shall be constructed in accordance with the Water and Wastewater Master Plan (as amended).
4. It is the general policy of the City that water and sewer mains should be large enough to serve all the lots platted and, should the City determine over sizing is necessary, the City may participate in those lines greater than 8" for water and greater than 10" for sewer.
5. All utilities shall be required to extend across the full width of the last lot platted on each street proposed within the development, in such an alignment that it can be extended to the next property in accordance with the master sewer and water plans for the City, provided such plan(s) exist.
6. Properties already served by water and sewer shall not be required to install additional facilities unless the current lines are not of adequate capacity to serve the proposed development; in which case the applicant will be required to install adequate facilities.
7. Every lot of a plat shall have direct access to the water and sewer system.

Utility service shall be from a water/sewer main located in an abutting right-of-way or through easements from the lot or property being developed to a water/sewer main.

8. The City provides a “pro rata” program that in some instances allows a person to recover some costs of extending a line from the point of availability to the person’s property, thereby reducing the economic impact on the person constructing the line. Under this program, when a “pro rata” line is extended, anyone who connects to the line is required to pay their “pro rata” cost of the line extension if the connection is made within ten (10) years from the date of the execution of the agreement.

d. Under limited circumstances, the City of Killeen Director of Public Works may allow the continued use of or the establishment of an on-site sewage facility in locations where sanitary sewer service is not readily available. Such on-site sewage facilities must be permitted by the Bell County Health Department. Generally, sewer service shall be considered available when City owned infrastructure is located at a distance not to exceed 1000 feet that can accept gravity flow.

CAPITAL IMPROVEMENTS, AVAILABILITY AND LEVEL OF SERVICE

The City Council of the City of Killeen finds and determines it to be unnecessary to immediately acquire or construct any currently unscheduled Capital Improvements to provide the same type, kind and level of service which is presently being administered to other areas of the City with the same or similar topography, land use and population density. However, the annexation area has been included in the City of Killeen Water and Wastewater Master Plan and Transportation Thoroughfare Plan and will be included with all other areas of the City for future planning for any new or expanded facilities, functions, and services to be funded by future capital improvements programs. The priorities assigned by these plans are driven by a desire to maintain an equitable level of service to all areas of the City with the same population density, land use and topography characteristics.

Nothing in this plan shall require the City to provide a uniform level of municipal services to each area of the City, including annexed areas, if different characteristics of topography, land use, and population density are sufficiently distinct to justify a different level of service.

- Topography – The majority of the existing City of Killeen is located in the Nolan Creek drainage basin. The City’s sewer collection system transports wastewater to a Bell County WCID #1 Treatment Plant on the north side of the City (38th Street). The effluent from that plant is discharged into the Nolan Creek Tributary.

The basis for the Rate Based Service Components portion of the Annexation Service plan is the Water Wastewater Master Plan and the City of Killeen utility extension policy documented in Chapter 26, City of Killeen Code of Ordinances.

- Land Use – The City is characterized by clusters of lot/block residential development

and platted professional, retail, industrial, and commercial development. The urban nature of the land use is so prevalent the Texas Department of Transportation required the reduction of speed limits on U.S. Highway 190. Areas within the current City limits that are comparable in land use, topography and population density to the proposed annexation area are the areas between Stagecoach Road and Chaparral Road annexed in 2004.

Presently, the land use in the annexation area is characterized by agriculture activities in a rural open area with low density residential development. Should there be an unexpected and dramatic change in land use in the proposed annexation area (e.g. 150 acre electronics manufacturer or a 50 acre air freight terminal), then such change could justify advancing the Master Plan's timetable (and corresponding expenditures) to provide water and wastewater sooner than is now justified by agriculture use.

- Population Density – In January 2007, the City of Killeen estimated population was 100,233, with a corporate area of 45.3 square miles; the City population density is approximately 2,213 people per square mile. Bell County had a population of 238,756 in the year 2000 and an area of approximately 1,060 square miles, giving a density of about 225 persons per square mile. Bell County listed 15 parcels with residences in this annexation area. Therefore, the population density is estimated to be 5.8 persons per square mile.

Water and wastewater utility availability addresses the accessibility to a sufficient supply of water and the capacity of the wastewater system to accept and treat wastewater. The extension of utilities to any area of the City, to include the annexation area, is based on the Water and Wastewater Master Plan and the utility extension policy contained in Section 26-111, Division 3, Article IV, Chapter 26 of the Killeen Code of Ordinances as amended.

CITY COUNCIL MEMORANDUM

AGENDA ITEM

**DISCUSS AND CONSIDER AN
ORDINANCE ANNEXING
APPROXIMATELY 3.47 SQUARE MILES
AND ADOPTING A SERVICE PLAN**

ORIGINATING DEPARTMENT

**PLANNING & ECONOMIC
DEVELOPMENT**

BACKGROUND INFORMATION

On September 25, 2007, the City Council directed staff to prepare a service plan providing for the extension of municipal service to a 3.47 square mile area (known as Tract 5) generally located in the southeast encompassed area of the City of Killeen extraterritorial jurisdiction. The annexation area is roughly defined by Chaparral Road to the north (NNW), the City of Killeen and City of Harker Heights ETJ agreement line extending to the SSE approximately 25,500 feet maintaining a minimum 1,000 feet width. The area includes a 1,000 feet corridor within the U.S. Army Corps of Engineers controlled Federal property extending to the current City of Killeen Extraterritorial Jurisdiction. This annexation will extend the council district two (2) boundary to the south and east. On September 28, 2007 written notice was provided to land owners (per tax rolls) and public/private entities that provide services to the area to be annexed. Properly noticed public hearings were held on November 13th and 27th, 2007.

DISCUSSION/CONCLUSION

Staff has prepared an ordinance effecting annexation of 3.47 square miles into the corporate limits of the City of Killeen. The ordinance assigns an initial zoning of "A" (Agricultural District) to the annexed area, extends voting District 4 and waives certain fees for one year from the effective date of the ordinance.

RECOMMENDATIONS

Staff recommends that the City Council discuss and consider approval of an ordinance annexing 3.47 square miles to include the service plan attached as part of the annexation ordinance.

ORDINANCE NO. 19-025

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, TO INCLUDE LAND LYING ADJACENT TO THE PRESENT CITY LIMITS, MORE COMMONLY REFERRED TO AS TRACT 1 AND MORE ACCURATELY DESCRIBED HEREIN; DECLARING SAID LAND TO BE A PART OF SAID CITY; DECLARING SAID LAND AND ITS INHABITANTS AND ANY FUTURE INHABITANTS OF SAID LAND TO BE ENTITLED TO ALL THE RIGHTS AND PRIVILEGES OF OTHER LANDS AND CITIZENS OF THE CITY AND TO BE BOUND BY THE ACTS AND ORDINANCES OF THE CITY; PROVIDING FOR WAIVER OF CERTAIN FEES DURING THE FIRST YEAR OF INCORPORATION; EXTENDING DISTRICT BOUNDARIES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, the City Council of the City of Killeen, pursuant to its Home Rule Charter, Section 7, is authorized to extend the boundary lines of the City and annex additional territory adjacent to the City of Killeen; and

WHEREAS, the City Council of the City of Killeen, pursuant to Local Government Code §43.055 is authorized to annex in any one calendar year only territory equivalent in size to ten (10%) percent or less of the total corporate area of the City unless the City fails in any calendar year or years to annex the total amount which it is authorized to annex in such calendar year or years, but, may not annex in any one calendar year an amount of territory in excess of thirty (30%) percent of its total area as of the first day of the calendar year; and

WHEREAS, the area to be annexed, as described in this ordinance, being approximately 83.01 acres does not exceed the amount authorized for annexation; and

WHEREAS, a home rule city may not annex any area, whether publicly or privately owned, unless the width of such area at its narrowest point is at least one thousand (1,000) feet, or unless the area is contiguous with the City of Killeen boundary on at least two sides; and

WHEREAS, the area to be annexed, as described in this ordinance, is within the extraterritorial jurisdiction of the City of Killeen; and is either adjacent to and contiguous with the existing boundary limits, and is at least one thousand (1,000) feet in width at its narrowest point or is contiguous with the City or Killeen boundary on at least two sides; and

WHEREAS, in accordance with Local Government Code Section 43.052(h)(1), this area is not required to be included in the City's three-year plan as the area contains fewer than one-hundred (100) separate tracts of land on which one or more residential dwellings are located on each tract; and

WHEREAS, in compliance with the Local Government Code §43.065, a proposed service plan has been prepared prior to the publication of the notice for the first hearing and, required newspaper publications have been given and, public hearings conducted;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN:

SECTION I: That on and after the effective date of this ordinance, the City Limits of the City of Killeen, Texas, shall be and they are hereby extended to include certain lands lying adjacent and contiguous to the City Limits of said City of Killeen as they existed prior to the effective date of this ordinance; such land being more particularly described as 83.01 acres of land lying east and west of 7501 Chaparral Road, Killeen, Texas.

SECTION II: It is declared that the lands thereby annexed and described in Section I hereof are and shall hereafter be a part of the City of Killeen, Bell County, Texas and it is hereby further declared that said lands and the present and future inhabitants thereof are hereafter entitled to all the rights and privileges as other lands and other citizens of the City of Killeen which are similarly situated and shall be bound by the acts and ordinances of the City of Killen, Texas.

SECTION III: It is further declared that the above described properties shall be zoned "A" Agriculture on the effective date of this ordinance, pursuant to Section 31-124(a) of the Code of Ordinances of the City.

SECTION IV: That the Service Plan for the annexed area is hereby adopted as a part of this ordinance.

SECTION V: It is further declared that the boundary of the City of Killeen City Council District 2 be extended by the land contained within the annexed area.

SECTION VI: That all ordinances or resolutions or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict or amended as specified herein to the extent of any conflict.

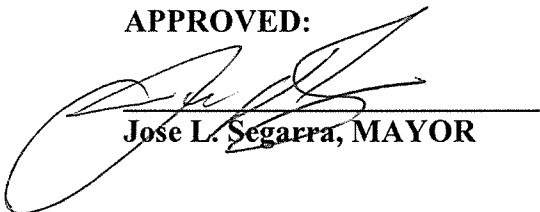
SECTION VII: That should any section or part of any paragraph of this ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force, or effect of any section or part of a section or paragraph of this ordinance.

SECTION VIII: That the ordinances and resolutions of the City of Killeen, Texas, and the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

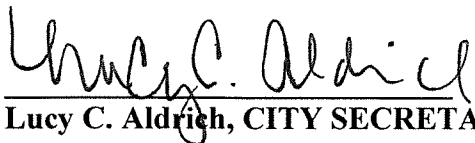
SECTION IX: That this ordinance shall be effective on June 11, 2019, after its passage and publication according to the Killeen City Charter and State Law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 11th day of June 2019, at which meeting a quorum was present, held in accordance with the provisions of the Texas Open Meetings Act, Texas Government Code Chapter 551, as amended.

APPROVED:


Jose L. Segarra, MAYOR

ATTEST:


Lucy C. Aldrich, CITY SECRETARY

APPROVED AS TO FORM


Kathryn H. Davis, CITY ATTORNEY



Annexation Service Plan VA#19-02

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1. EXECUTIVE SUMMARY

General Information:

The City of Killeen has been petitioned for voluntary annexation of this subject property consisting of two tracts of land, one measuring 10.26 acres located west of 7501 Chaparral Road, the second tract measuring 72.75 acres located east of 7501 Chaparral Road, Killeen, Texas. Both properties are vacant and contiguous to current municipal city limits on the southeast corner of the city. The Heritage Oaks subdivision is to the north and sparsely developed county property to the east and west. In accordance with Local Government Code 43.065, this annexation service plan describes how municipal services may be provided to the subject area. A fiscal impact analysis is included.

After public hearings on May 7, 2019 and May 21, 2019, the Killeen City Council may approve or disapprove this voluntary annexation petition at its June 11, 2019 meeting or some later date.

Services Impacts:

Police Service:

- Anticipates this project would add approximately 900 residential calls for service; an increase of .6 percent of the total calls for service.

Fire & EMS Services:

- An additional 117 EMS responses and 67 fire responses are expected to this area.
- The property falls within the response area of Fire Station 8. Estimated response time to the annexed property would be 3 minutes for an in-house unit and 13 minutes for a secondary unit (from another station).

Public Works Services:

- An existing 16" water transmission main can adequately serve the entire property. Sewer mains across Chaparral Road in Heritage Oaks are not adequately sized so future developer(s) must accommodate the full cost of extending the infrastructure within their development.
- Chaparral Road is currently designed to county standards; however, the County, impacted cities, KISD and other entities are exploring a potential Memorandum of Agreement (MOU) for proposed widening to arterial capacity. Infrastructure proposed in new subdivisions are subject to applicable standards, regulations and inspection and approval requirements.
- This development may add to the need for a new solid waste route in the future. A portion of the cost associated with this potential new solid waste route is included in the fiscal impact analysis.

Parks & Recreations Services:

- The City's deficit of parks acreage per capita would increase if annexation and associated potential new development occurs. Additional impacts may also be felt in leisure and recreational, programs, services and facilities.

Operation & Maintenance of Other Publicly Owned Facility. Building or Service:

- This potential annexation would increase Killeen's population by approximately 800 people, impacting the library's facilities and potentially affecting accreditation.

- Future residents of the annexed area will own pets. Animal Services anticipates an increase in demands for service as a result of the new development associated with the annexation.

Fiscal Impact Analysis:

A fiscal impact analysis concludes that estimated revenue would exceed estimated expenses if the property is annexed and developed as single family residential as projected. Highlight assumptions and factors used for the fiscal analysis include:

- 290 homes @ equal buildout rate over four years (72.5 homes per year)
- Average permit value of \$164,232
- 3% annual property value increase
- 14% allowance for DV Exemption
- No rate changes
- Current cost of providing a service used to estimate the cost of providing the service to subject area

	Fiscal Year					
	2020	2021	2022	2023	2024	2025
Revenues						
General Fund	\$ 112,420	\$ 229,493	\$ 351,431	\$ 478,452	\$ 488,629	\$ 499,115
General Fund - One time revenue	27,913	27,913	27,913	27,913	-	-
Water & Sewer	59,351	118,703	178,054	237,406	237,406	237,406
Solid Waste	17,209	34,417	51,626	68,834	68,834	68,834
Drainage	5,220	10,440	15,660	20,880	20,880	20,880
Street Maintenance	1,479	2,958	4,437	5,916	5,916	5,916
Total Revenues	\$ 223,592	\$ 423,924	\$ 629,120	\$ 839,400	\$ 821,665	\$ 832,151
Cumulative Revenues	\$ 223,592	\$ 647,515	\$ 1,276,635	\$ 2,116,035	\$ 2,937,700	\$ 3,769,851
Expenses						
General Fund	\$ 102,439	\$ 209,446	\$ 319,153	\$ 430,133	\$ 439,280	\$ 450,399
Water & Sewer	22,388	45,348	68,760	92,531	93,675	94,945
Solid Waste	4,993	6,617	19,932	21,787	22,042	22,352
Drainage	3,408	6,944	10,557	14,207	14,466	14,780
Street Maintenance	1,479	2,958	4,437	5,916	5,916	5,916
Total Expenses	\$ 134,707	\$ 271,314	\$ 422,839	\$ 564,574	\$ 575,378	\$ 588,391
Cumulative Expenses	\$ 134,707	\$ 406,020	\$ 828,860	\$ 1,393,433	\$ 1,968,812	\$ 2,557,203
Difference						
General Fund	\$ 37,893	\$ 47,960	\$ 60,190	\$ 76,232	\$ 49,349	\$ 48,716
Water & Sewer	36,963	73,355	109,295	144,874	143,731	142,461
Solid Waste	12,216	27,800	31,693	47,047	46,792	46,482
Drainage	1,812	3,496	5,103	6,673	6,414	6,100
Street Maintenance	-	-	-	-	-	-
Total Difference	\$ 88,885	\$ 152,610	\$ 206,281	\$ 274,827	\$ 246,287	\$ 243,759
Cumulative Difference	\$ 88,885	\$ 241,495	\$ 447,775	\$ 722,602	\$ 968,888	\$ 1,212,648

- Expenses adjusted annually for inflation

2. FISCAL IMPACT ANALYSIS METHODOLOGY

The fiscal impact model uses the current cost of providing a service to estimate the cost of providing the service to the subject area. The following is included in the fiscal impact analysis:

1. Expenditures:

- a. Cost of municipal services to be provided.
- b. Annual operation and maintenance costs.
- c. Capital improvement costs.

2. Revenues:

- a. Property taxes for the proposed development (based on current tax rate).
- b. User fees for business-type services.
- c. Other revenues (e.g. other local taxes, permit fees, etc.).

Common Assumption Across All Funds

The fiscal impact model is based certain underlying assumptions including:

- Total buildout: 290 residential lots, with the phased buildout of the proposed annexation happening equally over a four-year period (i.e. 72.5 lots per year).
- Revenues calculated based on current rates. There are no rate increases assumed throughout the analyzed period.
- Expenses are adjusted annually by the estimated rate of inflation. The inflation rates used for each fiscal period include: FY21 – 2.2%, FY22 – 2.3%, FY23 – 2.0%, FY24 – 2.1%, FY25 – 2.5% (FY21-FY22 inflation from the International Monetary Fund U.S. Inflation Forecast; FY23-FY25 inflation estimated using regression analysis).

Fund Specific Assumptions

1. General Fund

Revenues:

Property tax – calculated using the 2018 average home permit value of \$164,232. Estimated property tax revenue is adjusted for the disabled veteran exemption. The disabled veteran exemption is 14% of residential assessed property valuation. Property tax valuations are estimated to increase by 3.03 percent each year. This represents the five-year average increase in the City's property valuation.

Sales tax – calculated using an estimated household annual income of \$49,886. The household annual income was determined using the 28% Rule that states a household should spend a maximum of 28% of gross monthly income for mortgage related costs (Mortgage cost calculated based on a \$164,232 home). A consumer expenditures study conducted by the Bureau of Labor Statistics reported that the average household expends 81.5% of their gross income. Of that amount, 28.4% is taxable.

Franchise taxes (outside entities) – residential units make up a total of 68% of total properties in the City. This percentage was applied to the FY19 franchise tax budget to determine the amount of revenue per residential property.

Franchise taxes (City enterprises) – the City charges a 9% franchise fee to enterprise funds for use of right-of-ways and easements.

Emergency medical services – revenue calculated by using the projected increase in population to estimate the number of calls for service.

Recreation – revenue calculated based on the projected increase in population. Revenue per capita was determined by using the FY19 Recreation (Community Services) revenue budget.

Permits – one-time revenue was calculated based on the estimated number of residential units in the proposed annexation.

Expenses:

Police Department – the projected population was used to estimate the increase in the number of calls for service. The FY19 Police Department expense budget, less fuel and vehicle maintenance costs, was allocated based on the percent increase in estimated calls. Fuel and vehicle maintenance costs were calculated using the additional area of the proposed annexation to be patrolled.

Fire Department – the projected population was used to estimate the increase in the number of calls for service. The cost of responding to each type of service call was determined. FTEs per capita were used to calculate certain costs not related to calls for service.

Recreation – the acres of community parks per 1,000 residents is currently 1.7460. The cost to maintain the current level of service was determined by the projected increase in population.

Library – the library must maintain a collection of 1 library item per capita. The projected population was used to determine the number of materials that would need to be purchased.

2. Street Maintenance Fund

Revenues:

Calculated using the projected number of residential units in the proposed annexation.

Expenses:

Calculated using the average cost to maintain streets, sidewalks, signage, and pavement marking.

3. Water and Sewer Fund

Revenues:

Water – calculated using the average residential rate of \$38.06, which assumes 10,000 gallons is used monthly.

Sewer – calculated using the average residential rate of \$30.16, which assumes 6,000 gallons is treated monthly.

Expenses:

Water and Sewer – calculated using operational costs per active accounts. The projected number of residential units associated with the proposed annexation were used to estimate costs. The rates the City pays for water and sewer treatment were increased by 1 cent per year.

4. Solid Waste Fund

Revenues:

Calculated using the projected number of residential lots.

Expenses:

Calculated using the current number of routes in FY20 and FY21. The proposed annexation area would make up an estimated 16% of a current route. In FY22, an additional route may be needed, and the proposed annexation area will make up 16% of the new route.

5. Drainage Fund

Revenues:

Calculated using the projected number of residential units in the proposed annexation.

Expenses:

Calculated using the projected residential units, and the full-time equivalents required to service the residential units.

3. GENERAL FUND SERVICES

Police Protection

The Killeen Police Department (KPD) would provide protection and law enforcement services commencing on an effective date of annexation. These services are provided on a citywide basis. Service levels would be the same as that for comparable areas of the City. These Services include:

- normal patrols and responses;
- handling of complaints and incident reports;
- special units, such as traffic enforcement, criminal investigations, narcotics and gang suppression, and special weapons tactics team.

The proposed annexation of approximately 83 acres of land in the 7500 block of Chaparral Road would comprise of approximately 290 lots and a school site. Estimating a population of about 832 upon full development, the department anticipates that there would be very minimal impact in the first few years, depending on how long the building process would take. Initially there would be very few patrol calls for service, criminal investigations, etc. During the building process, there would be a minor increase in patrols, a slight increased use of fuel, and possibly calls for property crime investigations.

The Department anticipates approximately 900 additional residential calls for service per year; an increase of .6 percent of the total calls for service and investigations. Based on an adjusted department budget (the budget less the separated fuel and vehicle maintenance, addressed below). These additional calls for service would add approximately six seconds to the average response time for all priority one and priority two calls for service.

Fire Protection

The Killeen Fire Department (KFD) will provide fire protection and prevention services in the annexation area, commencing on the effective date of the annexation. These services include:

- fire suppression and rescue;
- emergency medical services;
- hazardous materials mitigation and regulation;
- emergency prevention and public education services;
- construction plan review;
- inspections;
- emergency management planning.

These services are provided on a citywide basis and the Killeen Fire Department would provide fire protection and prevention services to the annexation area with the same level of service being provided to other comparable areas of the City.

The National Fire Protection Association (NFPA) creates and maintains private, copyrighted standards and codes for usage and adoption by local governments. Standards pertinent to the referenced annexations are as follows:

5.2.4.1: Initial Arriving Company:

“The fire department’s fire suppression resources shall be deployed to provide for arrival of an engine company within a 240-second travel time to 90 percent of the incidents as established in Chapter 4.”

5.2.4.2: Initial Full Alarm Assignment Capability:

“The fire department shall have the capability to deploy an initial full alarm assignment within a 480-second travel time to 90 percent of the incidents as established in Chapter 4.” For the year of 2018 the Killeen Fire Department responded to 18,686 EMS calls and 10,351 Fire calls. This equals a total of 29,037 Emergency calls within the response area of Killeen, with an average response time of 8 minutes and 40 seconds.

The annexation area will fall within the response area of Station 8 which is located at 7252 East Trimmier Rd and houses one EMS unit, one fire pumper, and Battalion 2 Command. With a response from an in-house unit, the estimated response time to the entry of the annexed property would be 3 minutes. Should the in-house unit be on another call, a secondary unit will be dispatched from another fire station with an average estimated arrival time of 13 minutes and 40 seconds. Based upon historical data, we expect there to be an additional 117 EMS responses and 67 fire responses to this area. In addition to fire/rescue/EMS/Haz-Mat resources needed to service the annexation area, other specialties such as Public Education, Plans Review, Inspections and Emergency Management will be impacted.

With each additional annexation, capabilities are stretched. Ideally, at least one additional fire station with one EMS unit and one fire pumper would be recommended. However, understanding the current situation city wide, the Killeen Fire Department would be able to provide service to these annexed areas with existing resources.

Parks and Recreation Services & Facilities

The City of Killeen Parks and Recreation Department does not have any parks or trails in the

identified area of annexation. However, this area is closely linked to The City of Harker Heights' Purser Park which is linked to the City of Killeen Heritage Oaks trail. Although there isn't a direct impact on parks currently, continued growth will impact our ability to maintain parks and trails. Currently there isn't an identified crew hired to maintain the Heritage Oaks trail.

There are five (5) four person crews responsible for maintaining 254.8 acres of community parks, which makes the current level of service for community parks 1.8 acres per 1,000 residents. When compared to the recommended standard of 5.9 acres for every 1,000 residents, the City has a deficit of 450 acres. An annexation would increase the City's deficit of Community Park's acreage per capita. Additional impact may also be felt in athletic, aquatics center and senior center services, though there is no way to measure if residents would frequent Killeen or Harker Heights recreation activities.

Maintenance of Publicly Owned Facilities or Buildings

The City of Killeen is not aware of the existence of any publicly owned facilities or buildings now located in the area proposed for annexation. In the event any such publicly owned facilities or buildings do exist, the City of Killeen will maintain such areas to the same extent and degree that it maintains other publicly owned facilities or buildings located in the City. Any such facilities developed in the future for public dedication to and maintenance by the City would be constructed to City standards and maintained by the developer/builder for the required warranty period. Subsequent to the warranty period, the City of Killeen would maintain such facilities to the same extent and degree that it maintains other publicly owned facilities or buildings in other areas of the City.

Land Use & Inspection Services

The City of Killeen Code of Ordinances mandates that all property annexed into the City be initially zoned Agricultural District ("A"). A building or premises in such a district may be used for stables, buildings in support of agriculture uses and single family residential structures and accessory uses on three acre tracts. The property owner reserves the right to petition for a change in zoning. Rezoning process would be conducted in strict compliance with notification and due process requirements of the Local Government Code and City of Killeen Code of Ordinances.

The City of Killeen's Planning and Development Services Department would provide land use planning and inspection services (building, electrical, plumbing, code enforcement, etc.), at the same level available to other areas of the City with similar population density, land use and topography.

Other Services

The City of Killeen would provide other City Services to the annexation area, such as animal services, library, municipal court and general administration services at the same level of service now being provided to other areas of the City with similar population density, land use and topography.

Library Services – The City of Killeen is not aware of any additional public libraries planned in the annexation area. This annexation will increase Killeen's population by approximately 800 people, impacting the library's state accreditation. The addition of 800 literary items will need to occur to accommodate the increase in population. The library must maintain a minimum of 1 item per capita for our citizens. The library's ability to provide materials and services will become increasingly hampered by the two small existing facilities. It should also be noted that the library does not have a presence in this portion of the City, making it difficult to serve those citizens at an appropriate level.

City Limit signs to encompass the new boundaries of the City as a result of the annexation would be installed within ninety (90) days of the effective date of the annexation if approved. The City's authority to abate nuisances (fireworks, etc.) within five thousand (5,000) feet of its boundary is extended to provide protection to an annexed area.

4. RATE BASED SERVICES

Street Maintenance

The Street Operations Division of the Public Works Department will maintain public streets over which the City has jurisdiction. These services include:

- emergency pavement repair;
- ice and snow monitoring of major thoroughfares;
- repair maintenance of public streets on an as-needed basis;
- traffic control signals;
- right-of-way maintenance.

Public roads and streets in the annexation area would be included in the City's preventive maintenance program. Preventive maintenance projects are prioritized on a citywide basis and scheduled based on a variety of factors, including surface condition, age, traffic volume, functional classification, and available funding. The Streets Operations Division will also provide regulatory traffic signage. Engineering studies to determine if traffic control devices are warranted will be conducted as needed, in conjunction with growth and increased traffic volumes. Anticipated future development within the annexation area will generate the requirement to construct streets in compliance with the City of Killeen development standards and requirements published in the Killeen Code of Ordinances and Public Works Department practices, as may be amended. Street lighting will be installed by property developers as development in the area warrants. Upon development of the annexation area, street maintenance fees will be charged in accordance with City of Killeen Code of Ordinances Chapter 25. The numbers of vehicle trips projected are 2,900 for full residential buildout.

Water and Wastewater

An existing 16" water transmission main that can adequately serve the entire property is located in the south right-of-way of Chaparral Road along the frontage of the property. The annexed area is located in the Lower Pressure Plane which has an overflow elevation of 1,125'. The 2012 Water & Sewer Master Plan includes Project 29W during the 2025 – 2027 time period, which includes a 12" water line along the east property line.

The sewer mains across Chaparral Road in the Heritage Oaks subdivision are not adequately sized to handle the sewer flow from this property. Approximately 2,500' of larger sewer main will need to be installed to carry the sewer flow from this property to the 30" sewer interceptor that parallels the north side of Trimmer Creek. The 2012 W&S Master Plan includes Project 30S during the 2028 – 2030 time period which includes a sewer main that this property may be able to tie into.

The City would provide comparable water and sewer services as in other comparable areas of the City. Water and wastewater utility availability addresses the accessibility to a sufficient supply of water and the capacity of the wastewater system to accept and treat wastewater. The extension of utilities to any area of the City is based on the Water and Wastewater Master Plan and the utility extension policy contained in Chapter 26, Article IV, Division 3, Section 26-111, of the Killeen Code of Ordinances as

amended. Developers of property in the annexation area would be required to extend necessary utilities to support their development in accordance with the Killeen Code of Ordinances and Public Works Department practices, as may be amended.

The following is a summary of the City of Killeen Water and Wastewater Utility Service Extension Policy.

1. The intent and purpose of the water and wastewater extension policy is to provide equitable charges for water and sewer connections as a proportionate distribution of the cost of the water and sewer main extensions to serve property within the city.
2. If the existing city utility facilities are not within or adjacent to the development, the developer shall construct the necessary extension of water and sewer mains, force mains, and lift stations, including all valves, manholes, and piping necessary to serve any future development of abutting property.
3. The developer's engineer shall prepare a proposed plan of service for the subdivision and property along the extension, which shall be reviewed by the plat review committee. These facilities shall be constructed in accordance with the Water and Wastewater Master Plan (as amended).
4. It is the general policy of the city that water and sewer mains should be large enough to serve all the lots platted and, should the city determine oversizing is necessary, the city may participate in those lines greater than 8" for water and greater than 10" for sewer.
5. All utilities shall be required to extend across the full width of the last lot platted on each street proposed within the development, in such an alignment that it can be extended to the next property in accordance with the master sewer and water plans for the city, provided such plan(s) exist.
6. Properties already served by water and sewer shall not be required to install additional facilities unless, the current lines are not of adequate capacity to serve the proposed development; in which case the applicant will be required to install adequate facilities.
7. Every lot of a plat shall have direct access to the water and sewer system. Utility service shall be from a water/sewer main located in an abutting right-of-way or through easements from the lot to a water/sewer main.
8. The City provides a "pro rata" program that in some instances allows a person to recover some costs of extending a line from the point of availability to the person's property, thereby reducing the economic impact on the person constructing the line.

Under limited circumstances, the City of Killeen Executive Director of Public Works may allow the continued use of or the establishment of an on-site sewage facility in locations where sanitary sewer service is not readily available. Such on-site sewage facilities must be permitted by the Bell County Health Department. Generally, sewer service shall be considered available when City owned infrastructure is located at a distance not to exceed 1,000 feet that can accept gravity flow.

Solid Waste

Solid Waste services provided by the City of Killeen's Solid Waste Services Department would begin immediately upon annexation. The solid waste collection and disposal services provided to the annexation area would be comparable to that provided to other areas of the City.

The annexation area would be provided collection service at same frequency as other areas of the City.

Services shall be provided in accordance with the City of Killeen Code of Ordinances, Chapter 24, for residential and commercial customers:

- garbage collection – in accordance with City of Killeen “pay-as-you-throw” guidelines and Chapter 24 of the Killeen Code of Ordinances;
- recycling – access to City of Killeen Recycling Center;
- yard waste and brush collection;
- special collection services;
- commercial service is provided on subscription basis from the City.

Drainage Utility

Drainage Utility services provided by the City of Killeen's Public Works Department would begin immediately upon annexation of developed parcels and platting of undeveloped parcels. Services would be comparable to those provided to other areas of the City. Service frequency would be comparable as well.

The undeveloped parcel contains three man-made freshwater ponds totaling approximately 4.2 acres in surface area. These ponds have been noted by USGS to hold water year-round. Additionally, a portion of a Zone A FEMA special flood hazard area is within the proposed annexation area. As a result, a creek buffer zone (CBZ) may be required upon development of this area. The Natural Resource Conservation Service also identified rock outcrops within the subject area. This indicates that the amount of storm water runoff is considered high prior to development. Development within the annexation area would require the filing of a plat. This development action will require compliance with all city codes, ordinances and manuals in place at the time of plat submission. This parcel is currently undeveloped.

Drainage Utility services shall be provided in accordance with the City of Killeen Code of Ordinances, Chapter 32, for drainage utility customers:

Drainage Maintenance – in accordance with City of Killeen's Drainage Master Plan and Chapters 8 and 32 of the Killeen Code of Ordinances;

Inspection and Permit Reviews – in accordance with City of Killeen's Drainage Design Manual (DDM), Infrastructure Design and Development Standards Manual (IDDSM) and Chapters 26, 31, and 32 of the Killeen Code of Ordinances;

Public Education and Outreach – in accordance with the City of Killeen's Municipal Separate Storm Sewer (MS4) Permit;

Emergency Response – in accordance with City of Killeen's Drainage Master Plan and Chapter 32 of the Killeen Code of Ordinances; and

Right-of-way (R-O-W) Maintenance to include Street Sweeping within public rights-of-way – in accordance with Chapter 8 of the Killeen Code of Ordinances and the City of Killeen’s MS4.s

5. STRATEGIC DECISIONS REGARDING CAPITAL IMPROVEMENTS, AVAILABILITY AND LEVELS OF SERVICE

The City Council of the City of Killeen finds and determines it to be unnecessary to immediately acquire or construct any Capital Improvements to provide the same type, kind and level of service which is presently being administered to other areas of the City with the same or similar topography, land use and population density. However, the annexation area has been included in the City of Killeen Water and Wastewater Master Plan and Transportation Thoroughfare Plan and will be included with all other areas of the City for future planning for any new or expanded facilities, functions, and services to be funded by future capital improvements programs. The priorities assigned by these plans are driven by a desire to maintain an equitable level of service to all areas of the City with the same population density, land use and topography characteristics.

Nothing in this plan shall require the City to provide a uniform level of municipal services to each area of the City, including annexed areas, if different characteristics of topography, land use, and population density are sufficiently distinct to justify a different level of service.

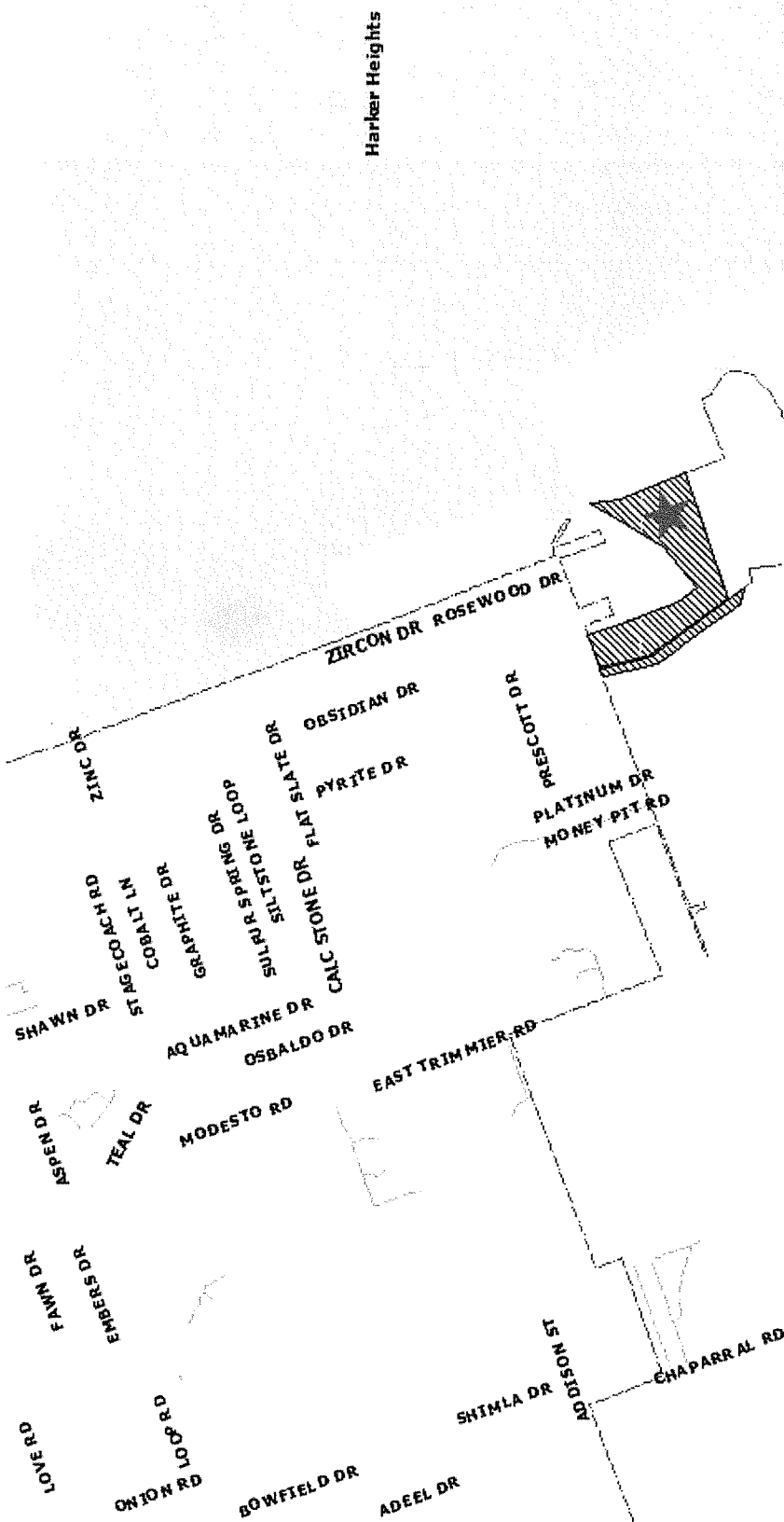
Topography – The Water and Wastewater Master Plan provides a timeline detailing the process for engineering and construction of water and wastewater collection and transportation facilities. The basis for the Rate Based Service Components portion of the Annexation Service plan is the Water Wastewater Master Plan and the afore-mentioned City of Killeen utility extension policy.

Land Use – The subject corridor is a mixture of rural and suburban in nature, characterized by large homestead properties and the suburban residential development, Heritage Oaks. Presently, the land use in the annexation area is characterized as a rural, open area with no development. Changes in development shall be in accordance with the City’s Future Land Use Map and Thoroughfare Plan as amended by the City Council. Developers of the property within the annexed area shall be responsible for their proportionate share of public facilities and roadways.

Population Density – The annexed area is vacant. Therefore, the timeline and construction of any future Capital improvements (if necessary) shall be identified and prioritized by the City Council as part of a master planning process.

6. EFFECTIVE TERM

The Service Plan represents the concept the City of Killeen will use for initial service delivery. It is subject to modification and its change and renewal shall be at the option of the City. Such option may be exercised by the adoption of an ordinance by the City Council which refers to this Plan and specifically renews this Plan for a stated period of time. The City reserves the right guaranteed to it by Section 43.056 (k) Local Government Code, to amend this Plan if the City Council determines that changed conditions or subsequent occurrences or any other legally sufficient circumstances exist under the Local Government Code, or other Texas laws to make this Plan unworkable, obsolete or unlawful.



Legend



Annexation Location Map

1 inch = 3,000 feet

Harker Heights



Harker Heights

ROSEWOOD DR

TYRCH DR

DORSET DR

GRAND OAKS LN

HATHAWAY LN

PRESTON HOLLOW DR

STEPPINGTON DR

CALLAHAN DR

CHANDLER RD

THIS AREA IS OUTSIDE CITY LIMITS

Legend



Annexation Map

1 inch = 667 feet

**FIELD NOTES
BELL COUNTY, TEXAS**

Being all that certain tract or parcel of land situated in the James H. Evitts Survey, Abstract No. 287, and the land herein described being all of the Tract One and Tract Two described in Correction Warranty Deed to Micheal Aycock and Lou Aycock in Volume 6720, Page 673, and a called 11.35 acre tract described in Special Warranty Deed to Micheal Aycock and Lou Aycock in Volume 5431, Page 649, Official Public Records of Real Property, Bell County, Texas, also being a part of a called 149.57 acre tract described in a Deed to Earl W. and Terri L. Horn, being of record in Volume 5267, Page 434, Official Public Records of Real Property, Bell County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron found at a cedar fence corner post in the west line of said 149.57 acres tract and south margin of Chapparral Road and being called the northwest corner of Lot 1, Block 1, Live Oak Acres, an addition to the City of Killean, Texas, recorded in Cabinet D, Slide 33-B, Plat Records of Bell County, Texas, said iron rod found which bears S 10° 56' 27" E., 28.38 feet from a cotton spindle found near the center of Chapparral Road marking the northwest corner of said 149.57 acre tract, for the northwest corner of the herein described tract;

THENCE N. 71° 02' 51" E., 609.40 feet, along the north line of said Block 1, south margin of Chapparral Road to a 1/2" iron set in the east line of said called 11.35 acre tract, and for corner of the herein described tract;

THENCE in a southerly direction with the east line of said 11.35 acre tract, the following three (3) courses:

1. S. 16° 36' 57" E., 581.83 feet, to a 1/2" iron pin found for an angle corner;
2. S. 17° 20' 54" E., 1030.66 feet (Deed S. 17° 22' 35" E., 1030.34 feet), an iron rod with yellow cap found for an angle corner;
3. S. 37° 20' 21" E., 438.10 feet (Deed S. 37° 17' 33" E., 438.10 feet) feet, to a point at the southerly corner of said 11.35 acre tract, for an ell corner of the herein described tract;

THENCE N. 52° 39' 22" E., 920.06 feet, (Deed N. 52° 42' 27" E., 920.00) feet with the a line of said 11.35 acre tract, to an iron rod with yellow cap found in a lake dam, same being the northeast corner of said 11.35 acre tract, and an angle point of the herein described tract;

THENCE N. 32° 58' 52" E. 1445.68 feet, over and across said 149.57 acre tract and north line of said Aycock Tract Two, to a 1/2" iron pin set on the east line of said 149.57 acre tract and the west line of a called 152.523 acre tract conveyed to Trudo Family Living Trust, being recorded in Volume 5045, Page 590, Official Public Records of Real Property, Bell County, Texas, for the easterly northeast corner of the herein described tract;

THENCE in a southerly direction with east line of said 149.57 acre tract, east line of said Aycock Tract Two, and the west line of said 152.523 acre tract, the following two (2) courses:

1. S. 06° 22' 14" E., 485.98 feet, to a 24" spanish oak and fence corner of said 149.57 acre tract, said 152.523 acre tract, and said Tract Two, for an angle corner;
2. S. 19° 30' 30" E., 1229.95 feet, to a 8" cedar fence corner post marked with a 60D nail at the southeast corner of said 149.57 acre tract, southeast corner of said Aycock Tract Two, and southeast corner of the herein described tract;

THENCE S. 73° 22' 28" W., 2285.97 feet, with the south line of said Aycock Tract Two, south line of said 149.57 acre tract, and the north line of a called 50 acre tract (Tract One) conveyed to William D. Morris recorded in Volume 5764, Page 467, Official Public Records of Real Property, Bell County, Texas, to a 8" cedar fence corner post found in the west line of a 30' Passage Easement described as "Tract Two" of said Morris Deed, same being at the southwest corner of said 149.57 acre tract and southwest corner of the herein described tract;

THENCE N. 34° 20' 30" W., 1680.60 feet, with the west line of said 149.57 acre tract, west line of said Aycock Tract Two, east line of said Morris Tract Two, and east line of a called tract conveyed to Dock L. Curb, Jr. recorded in Volume 5982, Page 758, Official Public Records of Real Property, Bell County, Texas, and west line of this tract, to an 8" cedar fence corner post found for an angle corner of said 149.57 acre tract, for an angle corner of this tract;

THENCE N. 10° 56' 33" W., 844.97 feet, with the west line of said 149.57 acre tract, west line of said Aycock tract, east line of said Curb Tract, East line of said 30' Passage Easement, to a POINT OF BEGINNING and containing 72.75 acres of land, more or less.

The bearings for the above description are based on the north line of said 149.57 acre tract as shown on Live Oak Acres, of record in Cabinet D, Slide 33-B, Plat Records, Bell County, Texas.

-END-

A. W. Kessler 5-10-12

A. W. Kessler, R.P.L.S. 1852



**FIELD NOTES
10.26 ACRE TRACT
BELL COUNTY, TEXAS**

BEING all that certain tract or parcel of land situated in and being a part of the James H. Evetts Survey, A-600, Bell County, Texas, and being the a part of the called 163.25 acre tract described in Deed to Dock L. Curb, et al, Co-Trustee of the D. L. Curb, Jr. Trust, recorded in Volume 5982, Page 758, Official Public Records of Real Property of Bell County, Texas, and being more particularly described as follows:

BEGINNING at a PK nail found in the center of Chaparral Road, same being called the northeast corner of said 163.25 acre tract and the northwest corner of the called 43.70 acre tract described in deed to WBW Land Investments, LP, in Volume 8221, Page 604, Official Public Records of Real Property of Bell County, Texas, and being called the northeast corner of the herein described tract;

THENCE, S 10°57'51" E, 874.03 feet along the east line of said 163.25 acre tract and west line of said 43.70 acre tract to an iron pipe found at a fence corner post for an angle point of the herein described tract;

THENCE, S 34°20'08" E, 2016.84 feet, continuing along the east line of said 163.25 acre tract and west line of said 43.70 acre tract to an iron rod set, said iron rod set bearing N 34°20'08" W, 183.26 feet from an iron rod found at a cedar fence post corner found for a corner of said 163.25 acre tract said iron rod set being a corner of the herein described tract;

THENCE, in a northwesterly direction, across and upon said 163.25 acre tract with the following courses:

1. N 72°35'18" W, 293.81 feet, to a point for corner,
2. N 34°25'15" W, 396.59 feet, to a point for corner,
3. N 31°06'10" W, 345.56 feet, to a point for corner,
4. N 34°25'15" W, 1011.56 feet, to a point for corner,
5. N 10°57'51" W, 950.46 feet, to a PK nail set in the north line of said 163.25 acre tract and centerline of Chaparral Road, for the called northwest corner of the herein described tract;

THENCE, N 71°09'25"E, 139.26 feet, along the north line of said 163.25 acre tract, center of Chaparral Road, and north line of this to the **PLACE OF BEGINNING** and containing 10.26 of land, more or less.

SURVEYOR'S NOTES:

1. The bearings for this description is a west line of said 43.70 acre tract being S 34°20'08"E per deed of record.
2. 1/2" iron rods with caps marked " CORNER '1852" will be placed at all corners noted as "points" herein. Placement of iron roads will occur after the date of conveyance of the tract described herein.

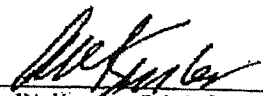
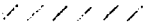
 12-26-12
A. W. Kessler, R.P.L.S.



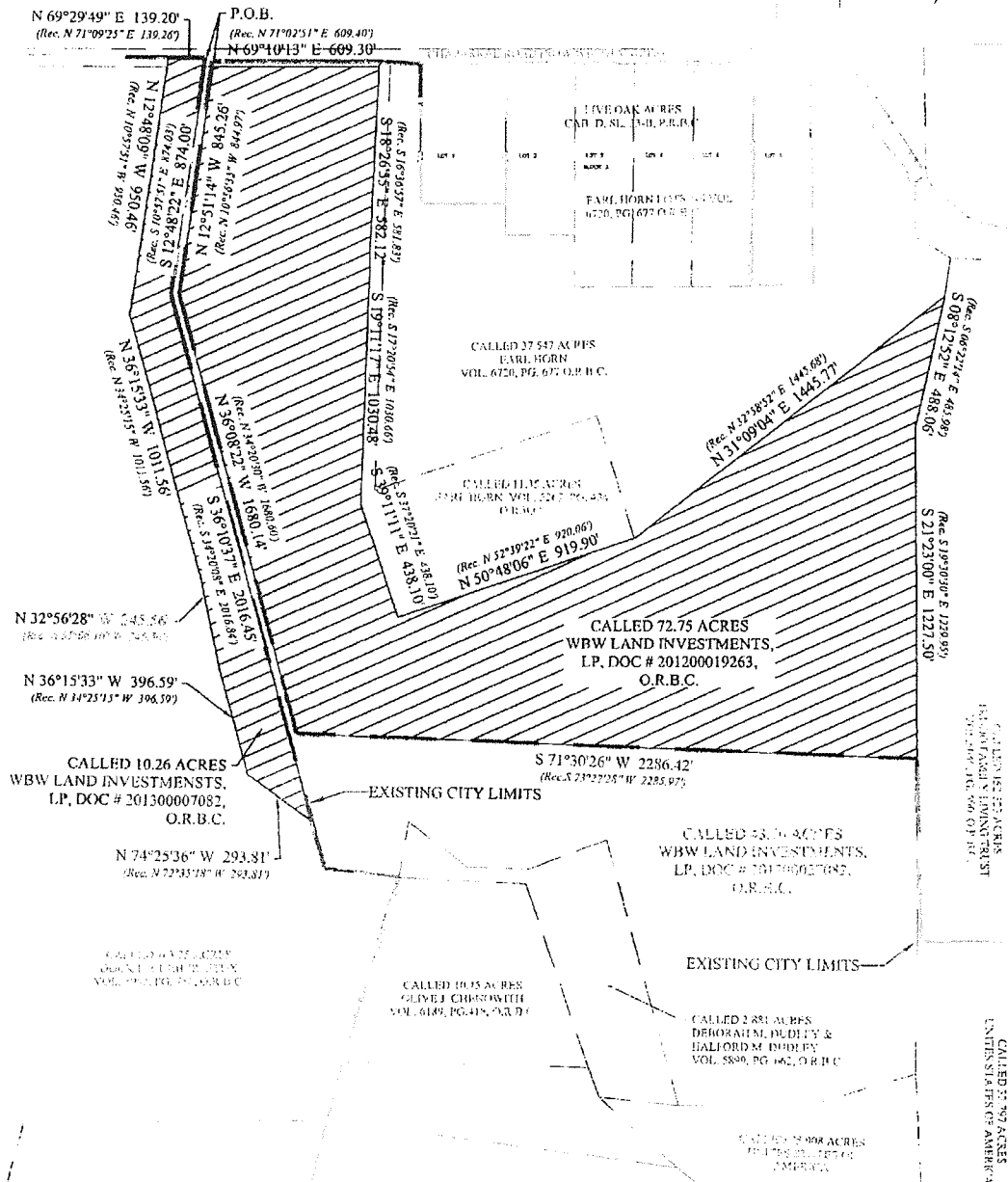
Exhibit "A"

EXHIBIT OF 72.75 ACRES AND 10.26 ACRES SITUATED IN AND BEING OUT OF THE JAMES II. EVITT'S SURVEY, ABSTRACT NO. 287, BELL COUNTY, TEXAS, FOR PROPOSED ANNEXATION TO THE CITY OF KILLEEN, TEXAS.

LEGEND  AREA TO BE ANNEXED

SURVEYOR'S NOTE:

The bearings and distances recited hereon are grid bearings and grid distances derived from GPS observations based on the Texas State Plane Coordinate System, NAD 1983 (2011) datum, Texas Central Zone No. 3203. The Combined Correction Factor (CCF) is 0.9998510. Ground distance = Grid distance / CCF.



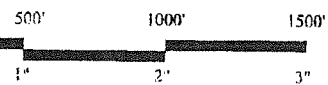
SURVEYOR'S CERTIFICATE

I, the undersigned, Registered Professional Land Surveyor, in the State of Texas, do hereby certify to the best of my knowledge and belief, that this map is true and correct, that it was prepared from an actual survey of the property made on the ground, and that the metes and bounds described hereon will describe a closer geometric form.

Luther E. Probst
Luther E. Probst
Registered Professional Land Surveyor, No. 6200, Firm No. 10194095



GRAPHIC SCALE



IN FEET



Bell County
Shelley Coston
County Clerk
Belton, Texas 76513

Instrument Number: 2020007213

As

ANNEXATION

Recorded On: February 12, 2020

Parties: CITY OF KILLEEN

To EX PARTE

Comment:

Billable Pages: 20

Number of Pages: 21

(Parties listed above are for Clerks' reference only)

**** Examined and Charged as Follows ****

CLERKS RMF:	\$5.00
COURT HOUSE SECURITY:	\$1.00
RECORDING:	\$81.00

Total Fees:

***** DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT *****

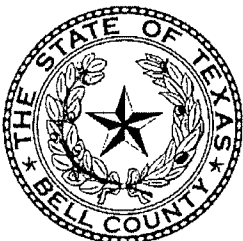
Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY
because of color or race is invalid and unenforceable under federal law.

File Information

Instrument Number: 2020007213
Receipt Number: 103437
Recorded Date/Time: 02/12/2020 4:16:27 PM
User / Station: zbranead - BCCCD0639

Record and Return To:

CITY OF KILLEEN
PO BOX 1329
KILLEEN, TX 76540



I hereby certify that this instrument was filed on the date and time stamped hereon and was duly
recorded in the Real Property Records in Bell County, Texas

Shelley Coston
Bell County Clerk

CITY COUNCIL MEMORANDUM FOR ORDINANCE

DATE: June 4, 2019

TO: Ronald L. Olson, City Manager

FROM: Ray Shanaa, Executive Director of Planning & Dev. Services

SUBJECT: Consider an ordinance annexing approximately 83.01 acres of land, being adjacent to 7501 Chaparral Road, Killeen, Texas, and approving the annexation service plan.

BACKGROUND AND FINDINGS:

On March 14, 2019, the Planning and Development Services Department received a voluntary petition for annexation from WBW Land Investments Limited Partnership. The subject area is comprised of two tracts of land with one tract measuring 10.26 acres, being located west of 7501 Chaparral Road and the second tract measuring 72.75 acres, being located east of 7501 Chaparral Road, Killeen, Texas. The property is vacant, contiguous to current municipal city limits and is therefore exempt from a three year annexation plan. The owner is making the request to have the property annexed into the corporate limits of Killeen.

On April 9th, the City Council decided to conduct public hearings and institute annexation proceedings, which included directing the City Manager to prepare a service plan providing for the extension of full municipal services to the area, by any method used to give services in any other area of city. The City Council conducted two (2) public hearings on May 7th and May 21st.

Staff provided the service plan to the City Council prior to the May 21st public hearing. Per Local Government Code (LGC) 43.064, the City Council may approve or disapprove the annexation ordinance and service plan at its June 11 meeting at the earliest.

THE ALTERNATIVES CONSIDERED:

The City Council may approve or disapprove the annexation ordinance and service plan.

Which alternative is recommended? Why?

Staff has no recommendation on the annexation petition.

CONFORMITY TO CITY POLICY:

The request for voluntary annexation conforms with state law.

FINANCIAL IMPACT:

What is the amount of the expenditure in the current fiscal year? For future years?

There are no expenditures in the current fiscal year. The service plan details the fiscal impacts of the annexation from FY 2020 through FY 2025.

Is this a one-time or recurring expenditure?

Expenditures related to the extension of municipal services would be a recurring cost.

Is this expenditure budgeted?

It is not budgeted within the current fiscal year.

If not, where will the money come from?

Future expenditures will be incurred from the General Fund, Water & Sewer, Solid Waste, Drainage and Street Maintenance funding sources.

Is there a sufficient amount in the budgeted line-item for this expenditure?

Fiscal projections (based on staff's assumptions) indicate that there will be sufficient amounts available to be budgeted in the afore-mentioned funding sources.

RECOMMENDATION:

Staff recommends that the City Council approve or disapprove the annexation ordinance and service plan.

DEPARTMENTAL CLEARANCES:

City Attorney

ATTACHED SUPPORTING DOCUMENTS:

Service Plan
Maps
Exhibits
Ordinance

TEXAS COMPTROLLER *of* PUBLIC ACCOUNTS

P.O. Box 13528 • AUSTIN, TX 78711-3528



June 5, 2020

Ms. Lucy Aldrich
City Secretary
City of Killeen
PO Box 1329
Killeen, TX 76540-1329

Dear Ms. Aldrich:

We have received Killeen annexation ordinance nos. 10-065, 11-093, 12-049, 13-062, 15-031, 15-049, 19-024, 19-025, 19-053 and the maps indicating the property annexed into the City of Killeen.

The local sales and use tax will become effective July 1, 2020 in the annexed area as indicated on the maps.

If you have any questions or need more information, please call me toll free at 1-800-531-5441, ext. 51907. My direct number is 512-475-1907.

Sincerely,

A handwritten signature in black ink that reads "Josh Hastie".

Josh Hastie
Revenue Accounting Division
Tax Allocation Section

AN ORDINANCE AMENDING THE CORPORATE CITY LIMITS OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS TO DISANNEX APPROXIMATELY 126.71 ACRES OF LAND INCLUDING LOTS 1 AND 2, BLOCK 1, OUT OF LIVE OAK ACRES AND THE REMAINDER OUT OF THE JAMES H. EVITTS SURVEY, ABSTRACT NO. 287; DECLARING SAID LAND TO NO LONGER BE A PART OF SAID CITY; DECLARING SAID LAND AND PRESENT AND FUTURE INHABITANTS OF SAID LAND TO NOT BE ENTITLED TO ANY OF THE RIGHTS AND PRIVILEGES OF CITIZENS OF THE CITY AND TO NOT BE BOUND BY THE ACTS AND ORDINANCES OF THE CITY; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Jane Seals, on behalf of WBW Single Land Investment, LLC Series 138, presented to the City of Killeen a request for disannexation of approximately 126.71 acres of land, including Lots 1 and 2, Block 1, out of Live Oak Acres and the remainder out of the James H. Evitts Survey, abstract No. 287. The subject properties are generally located along Chaparral Road, Killeen, Texas; and

WHEREAS, the City Council of the City of Killeen, pursuant to Local Government Code § 43.142 is authorized to disannex an area in the municipality according to rules as may be provided by the charter of the municipality; and

WHEREAS, the City Council of the City of Killeen, pursuant to its Home Rule Charter, Section 7, is authorized to fix the boundaries and relinquish territory of the City of Killeen.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS:

SECTION I: That on and after the date of passage of this ordinance, the City of Killeen grants the petition for disannexation, and the city limits of the City of Killeen, Texas shall be and are hereby amended to relinquish approximately 126.71 acres of land, including Lots 1 and 2, Block 1, out of Live Oak Acres and the remainder out of the James H. Evitts Survey, abstract No. 287. The subject

properties are generally located along Chaparral Road, Killeen, Texas; said land being more particularly described in the Deed of Trust, which is recorded in Volume 13472 Page 612 of the Bell County Real Property Records as Instrument Number 2023056718.

SECTION II: It is declared that the land hereby disannexed and described in Section I hereof is not and shall hereafter no longer be a part of the City of Killeen, Bell County, Texas, and it is hereby further declared that said land and the present and future inhabitants thereof are hereafter not entitled to any of the rights and privileges of citizens of the City of Killeen and shall not be bound by the acts and ordinances of the City of Killeen, Texas.

SECTION III: That should any section or part of this ordinance be declared unconstitutional or invalid for any reason, it shall not invalidate or impair the validity, force, or effect of any other section or parts of this ordinance.

SECTION IV: That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION V. That the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION VI: That this ordinance shall take effect immediately upon passage of the ordinance.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this 18th day of November 2025, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 *et seq.*

APPROVED:

Debbie Nash-King, MAYOR

ATTEST:

Laura J. Calcote, CITY SECRETARY

APPROVED AS TO FORM:

Holli C. Clements, CITY ATTORNEY
Case #DA25-01
Ord. #25-____

PETITION FOR
DISANNEXATION –
126.71 ACRES

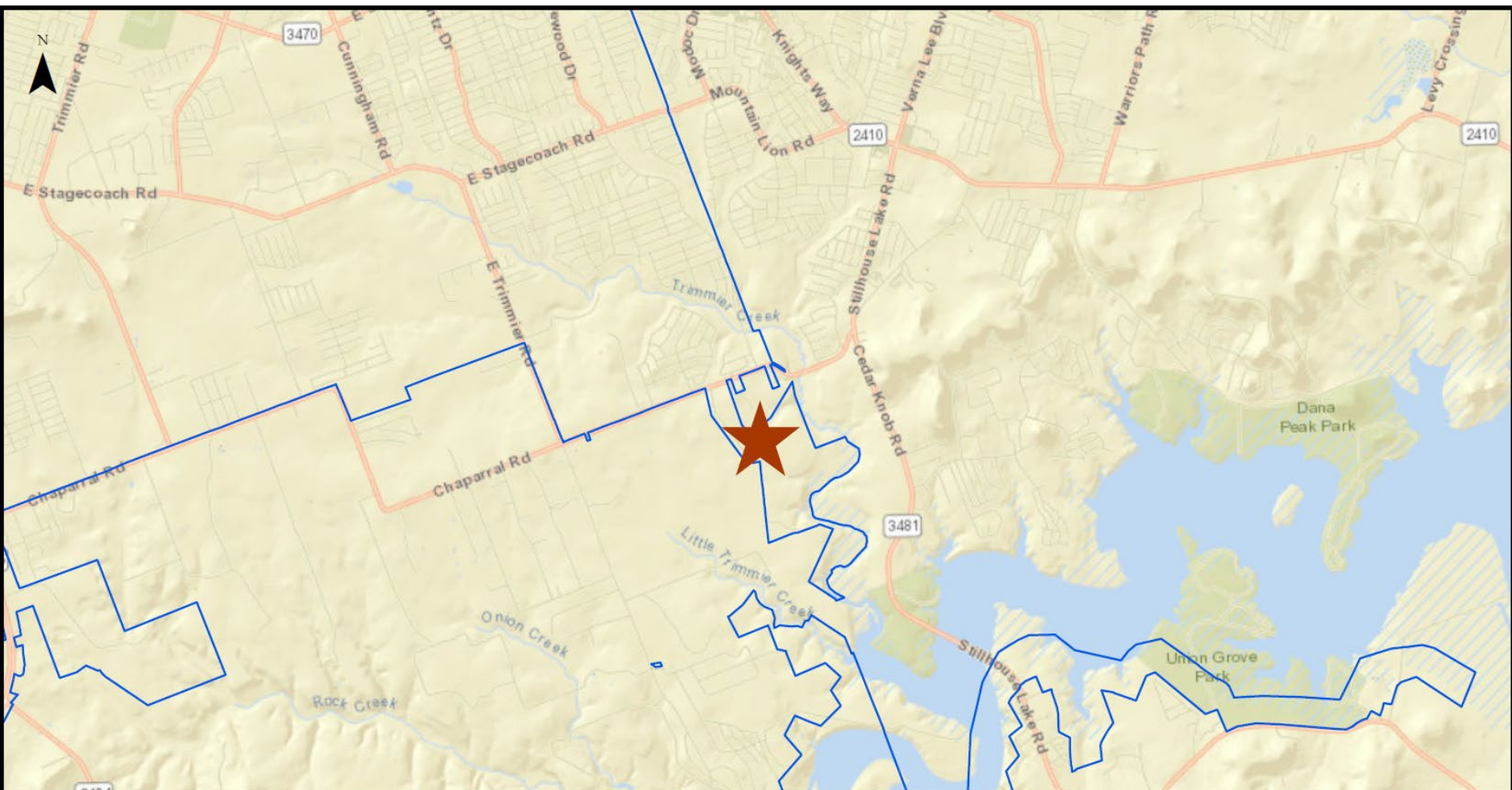
PH-25-070

November 18, 2025

Petition for Disannexation – 126.71 acres

2

- On October 1, 2025, City staff received a petition for disannexation submitted by Jane Seals, on behalf of WBW Single Land Investment, LLC – Series 138, for the disannexation of three tracts, totaling approximately 126.71 acres, generally located on the south side of Chaparral Road between East Trimmier Road and F.M. 3481.



Legend

-  Killen City Limits
-  Disannexation Location

Disannexation Map - DA 25-01

1 inch = 5,280 feet

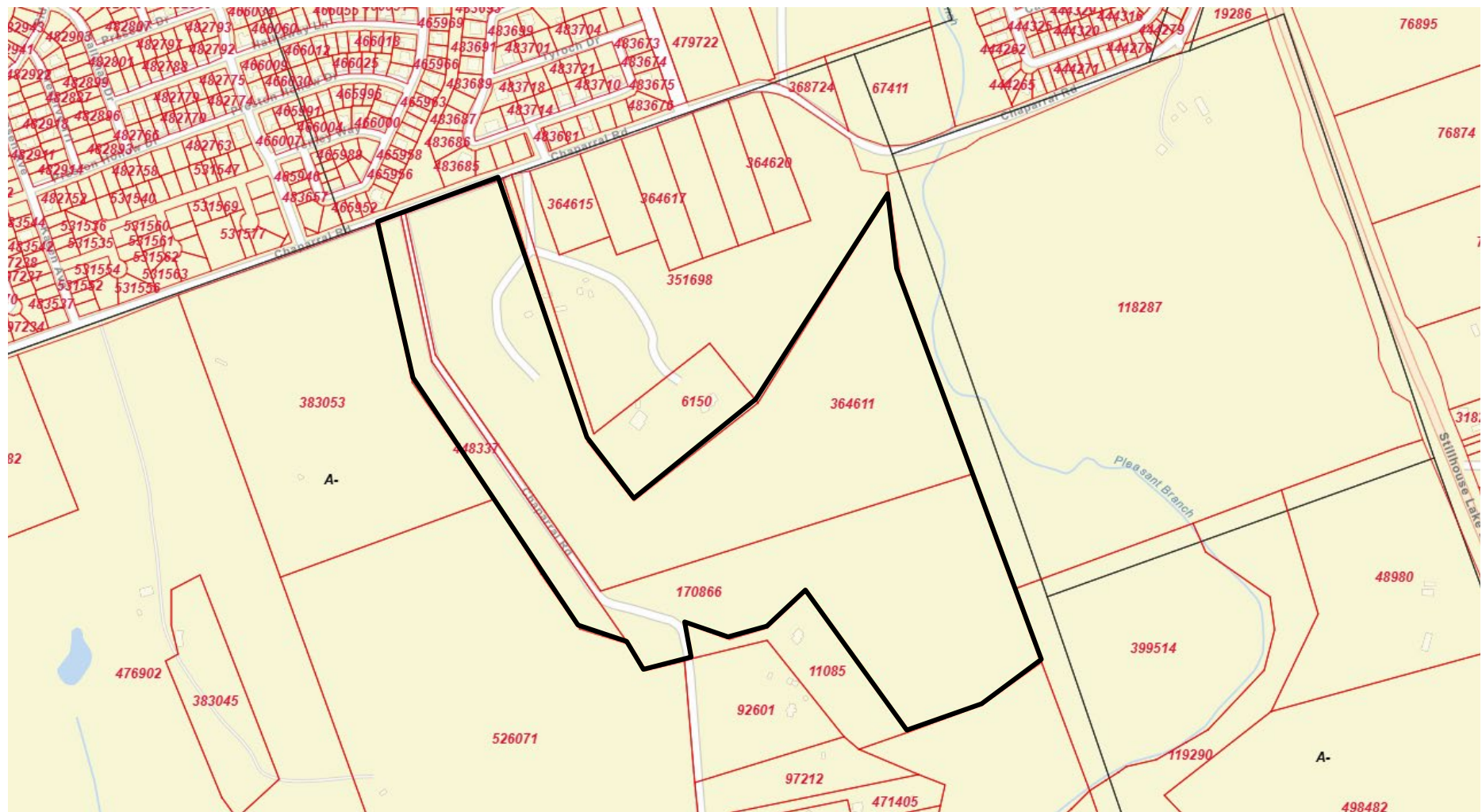
Approximately 126.71 Acres

Legend

 Killen City Limits  Disannexation Location

Disannexation Map - DA 25-01

1 inch = 1,250 feet



Petition for Disannexation – 126.71 acres

6

- The subject properties were annexed into the City of Killeen as follows:
 - ▣ Property ID 170866 (43.7 acres):
Involuntarily annexed on January 27, 2008, via Ordinance No. 07-112.
 - ▣ Property IDs 364611 and 448337 (83.01 acres):
Voluntarily annexed on June 11, 2019, via Ordinance No. 19-025.

Petition for Disannexation – 126.71 acres

7

- As required by Chapter 43 of the Texas Local Government Code, each annexation ordinance included a service plan detailing the provision of municipal services.
- In its petition for disannexation, WBW Single Land Investment, LLC, asserts that the City “failed to complete the Service Plan Improvements to provide services to the Property.”

Petition for Disannexation – 126.71 acres

8

□ Tex. Local Gov't Code Sec. 43.056(g):

If the annexed area has a lower level of services, infrastructure, and maintenance than that within the corporate boundaries of the municipality before annexation, a service plan must provide the annexed area with a level of services, infrastructure, and maintenance that is comparable to other parts of the municipality with similar topography, land use, and population density.

Petition for Disannexation – 126.71 acres

9

- Currently, there is an existing 16-inch water distribution main on the south side of Chaparral Road immediately adjacent to the subject property.
- To provide wastewater service to the property, a sewer main would need to be extended down East Trimmier Road and Chaparral Road. But, the 2007 and 2019 Annexation Service Plans both permit the use of on-site sewage system (i.e., septic).

Petition for Disannexation – 126.71 acres

10

- The subject properties consist of approximately 126.71 acres of undeveloped land. The character of the surrounding area is predominately rural with very low residential density.
- There are several large acreage homesites in the immediate area, which do not have access to all City utilities and are served by well and/or septic systems.

Petition for Disannexation – 126.71 acres

11

- Therefore, the subject property currently has access to a level of services, infrastructure, and maintenance that is comparable to other parts of the municipality with similar topography, land use, and population density in accordance with State law.

Petition for Disannexation – 126.71 acres

12

- WBW Single Land Investment, LLC, also asserted that the City has failed to construct numerous Capital Improvement Projects around these properties in order to support development of the properties.

Petition for Disannexation – 126.71 acres

13

- The 2007 and 2019 Annexation Service Plans both outline several water and wastewater capital projects that were planned for the area, including water main extensions and a lift station, which have not been completed.
- However, both plans also provide that the City of Killeen “finds and determines it to be unnecessary to immediately acquire or construct any currently scheduled Capital Improvements.”

Petition for Disannexation – 126.71 acres

14

- The 2007 Annexation Service Plan states the following:
 - ▣ “As property in the annexation area is developed, property owners will be required to extend necessary utilities to support their development in accordance with Killeen Code of Ordinances and Public Works Department practices, as may be amended.”
 - ▣ “Nothing in the plan shall require the City to provide a uniform level of municipal services to...annexed areas, if...population density [is] sufficiently distinct to justify a different level of service.”

Petition for Disannexation – 126.71 acres

15

- The 2019 Annexation Service Plan states the following:
 - ▣ “If the existing city utility facilities are not adjacent to the development, the developer shall construct the necessary extension of water and sewer mains, force mains, and lift stations...”
 - ▣ “Sewer mains across Chaparral Road in Heritage Oaks are not adequately sized, so future developer(s) must accommodate the full cost of extending the infrastructure within their development.”

Staff Findings

16

- Staff finds that the City of Killeen has met all legal obligations to provide services to the property in accordance with the 2007 and 2019 Annexation Service Plans and Chapter 43 of the Tex. Local Gov't Code.

Staff Recommendation

17

- Therefore, staff recommends disapproval of the applicant's petition for disannexation.



City of Killeen

Staff Report

File Number: DS-25-053

Update regarding Anthem Park located on Stan Schlueter/MLK Drive



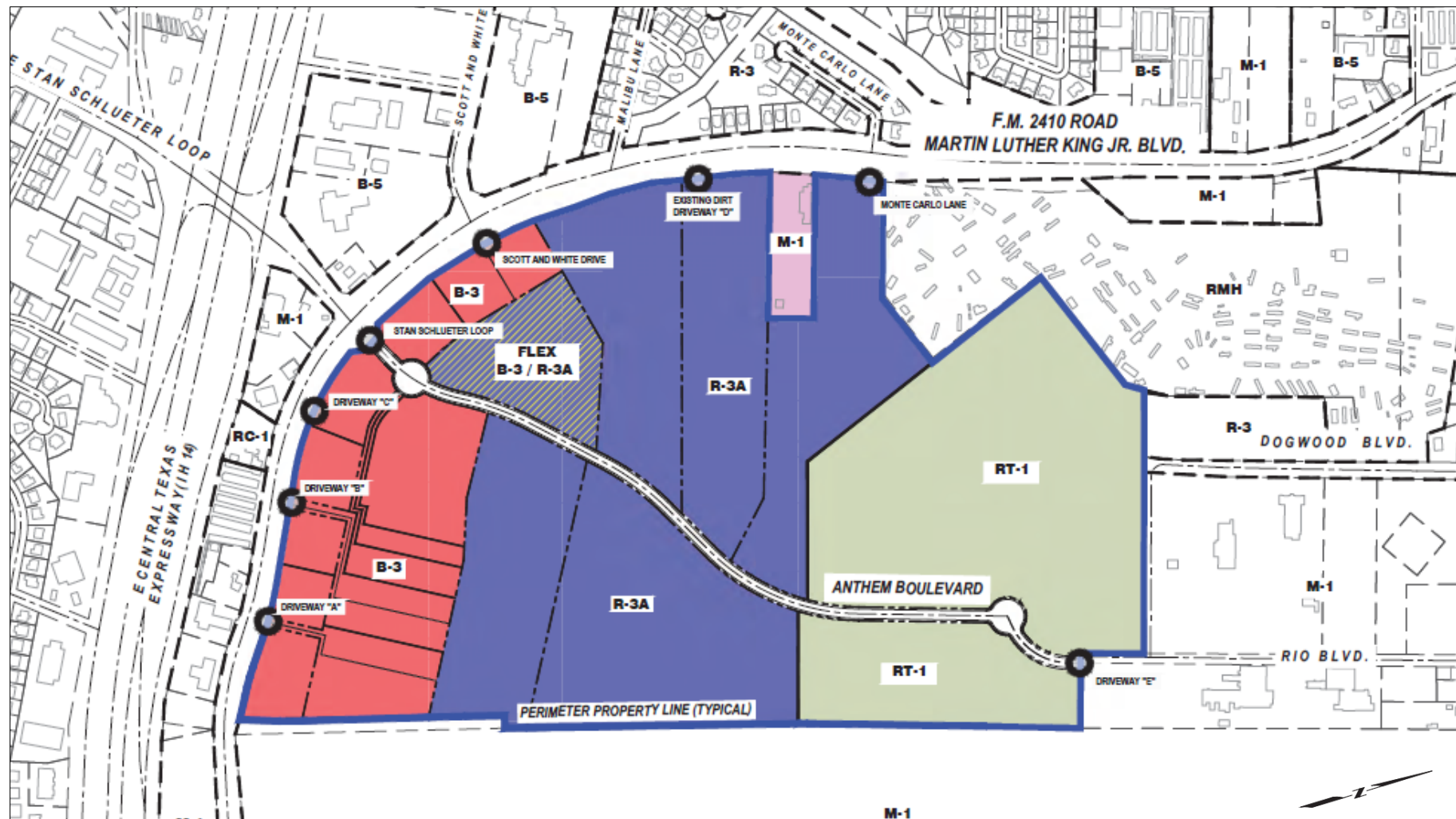
ANTHEM PARK UPDATE

DS-25-053

November 18, 2025

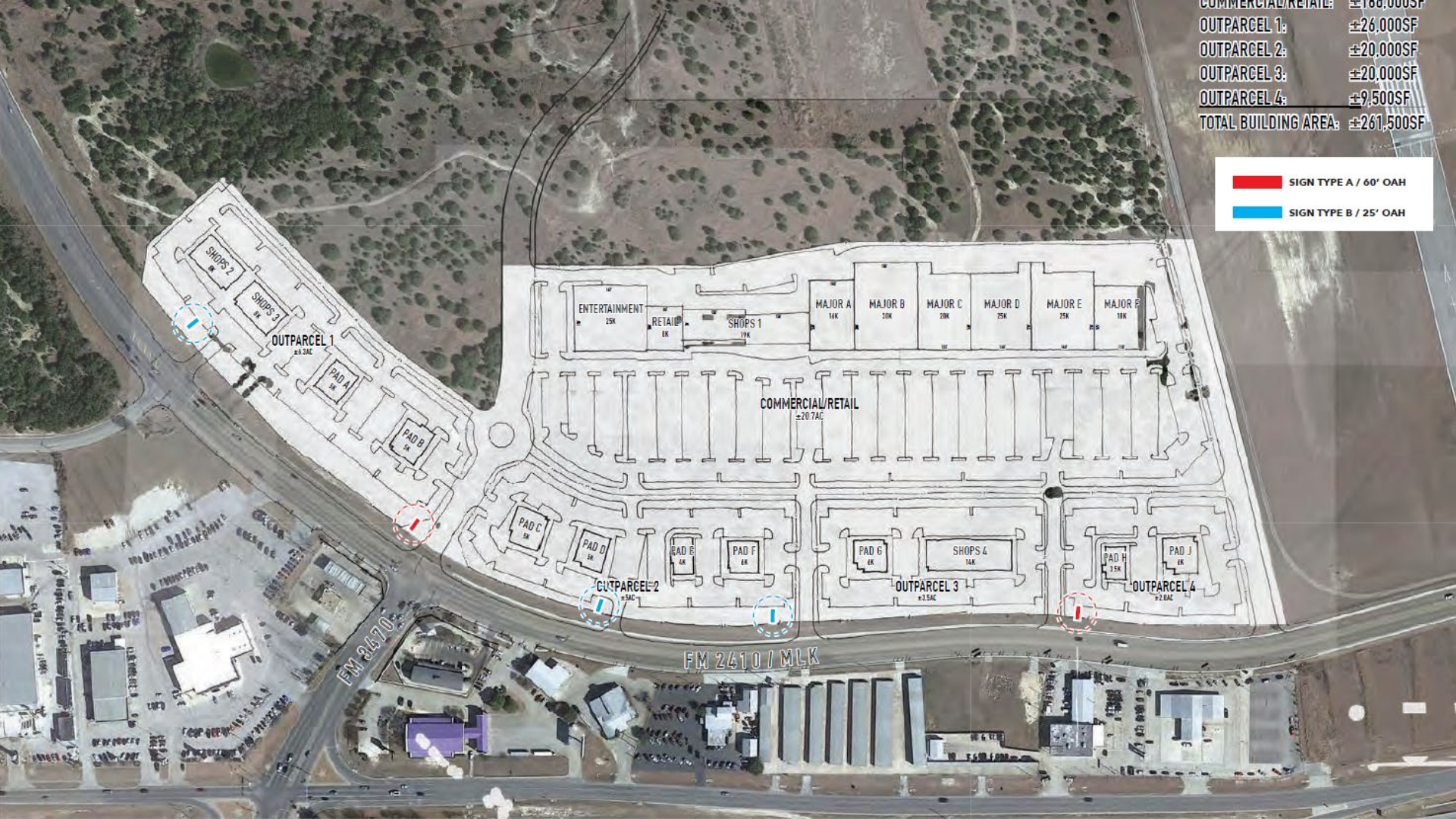
Background

- ❑ In March 2023, City Council approved a 203 acre Planned Unit Development (PUD) for the Anthem Park via Ordinance No. 23-019.
- ❑ At full build-out, this mixed-use development will include approximately 38 acres of commercial/retail, 90 acres (1,720 units) of multi-family, 60 acres (630 units) of build-to-rent residential, and 9 acres of office/flex.
- ❑ The development also contemplates a spine road to be known as Anthem Boulevard.



COMMERCIAL/RETAIL: ±168,000SF
 OUTPARCEL 1: ±26,000SF
 OUTPARCEL 2: ±20,000SF
 OUTPARCEL 3: ±20,000SF
 OUTPARCEL 4: ±9,500SF
 TOTAL BUILDING AREA: ±261,500SF

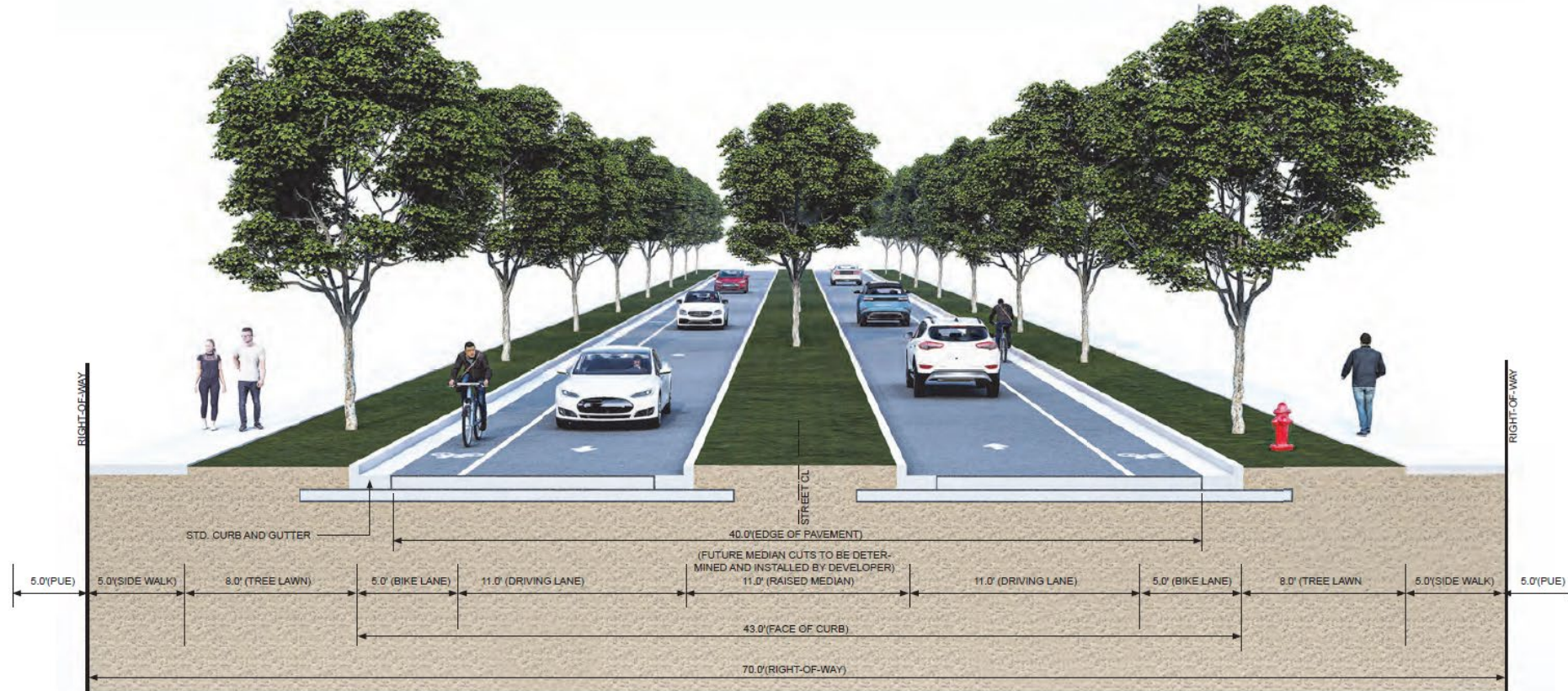
 SIGN TYPE A / 60' OAH
 SIGN TYPE B / 25' OAH



TIRZ Reimbursement Agreement

- Also in April 2023, the City Council approved a TIRZ reimbursement agreement with CSW Killeen, L.P. via Resolution No. 23-072.
- This agreement will provide for reimbursements to the developer for costs associated with public infrastructure in an amount not to exceed \$12,741,099.

Anthem Boulevard



Economic Impact



- The projected property value of the project at full build-out is \$534 million, and the projected property & sales tax revenue is approximately \$7 million/year at full build-out.

Dave & Buster's

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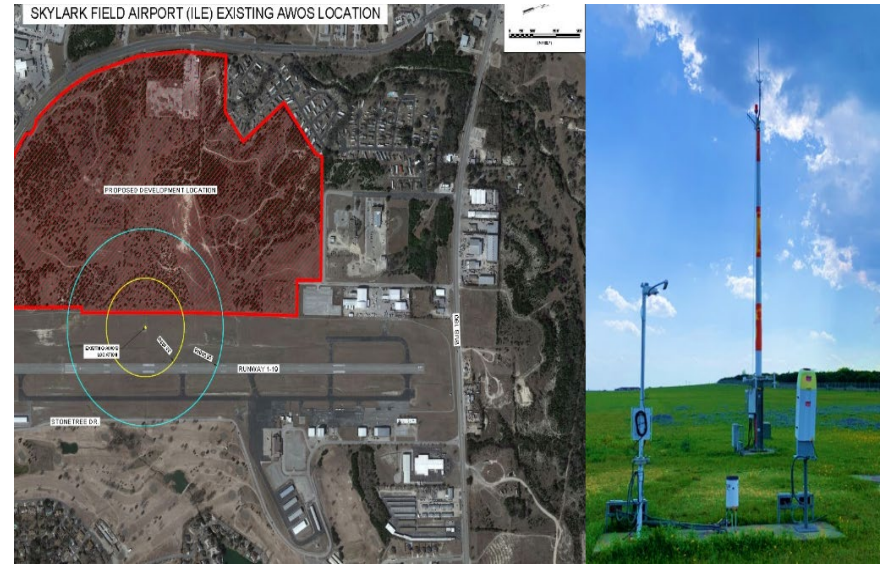
- Dave & Buster's held their grand opening in May 2025.



Automated Weather Observing System (AWOS)

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- In association with Anthem Park, the AWOS located at Skylark Field needed to be relocated. The project is currently awaiting FAA to coordinate construction and site observations when they are available.



TXDOT Coordination

- Anthem Park falls between and takes access to TXDOT Roadways W. FM 2410, East Veterans Memorial Blvd (Bus 190), East Stan Schluter Loop (SR 3470)
- A Traffic Impact Analysis was required by TXDOT and included analysis of existing intersections along the roadways.
- The TIA determined that offsite improvements were needed as a result of the added traffic.

TXDOT Coordination

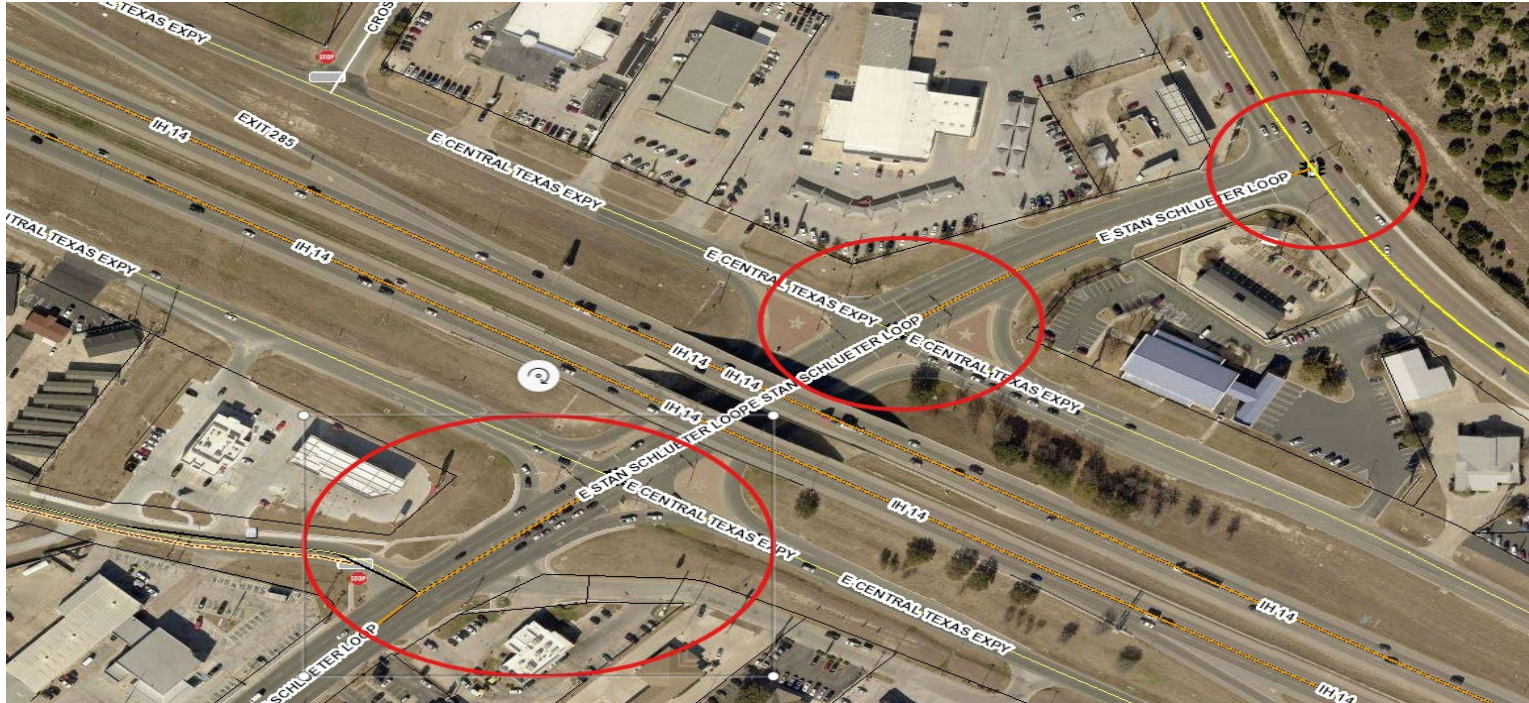
- The study showed that improvements were needed at several intersections that included I-14 at Stan Schlueter, I-14 and Rosewood intersections, Scott & White Drive at MLK, Rio Boulevard and East Veterans, and all proposed driveways for the development.

TXDOT Coordination

- To help address and plan for the improvements, city staff have been assisting the developer with coordination with TXDOT and specifically address the intersections with Stan Schlueter.
- Staff has contracted with StructurePoint consultants to study Stan Schlueter and develop proposals for a future state funded project.

TXDOT Coordination

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Intersections Currently Being Studied