

ORDINANCE NO. 07-111

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 4 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 1.07 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 or 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 4, 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 4 be extended by the land contained within Tract 4.

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.

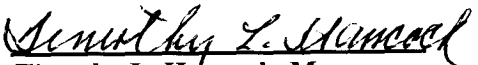
SECTION VIII: That should any section or part of any paragraph of this ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, force, or effect of any section or part of a section or paragraph of this ordinance.

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.

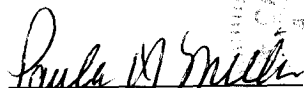
SECTION X: That this ordinance shall be effective on January 28, 2008 after its passage and publication according to the Killeen City Charter and State Law.

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.

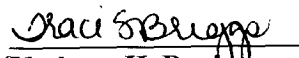
APPROVED:


Timothy L. Hancock, Mayor

ATTEST:


Paula A. Miller
CITY SECRETARY

APPROVED AS TO FORM


Kathryn H. Davis
CITY ATTORNEY

Attachments:

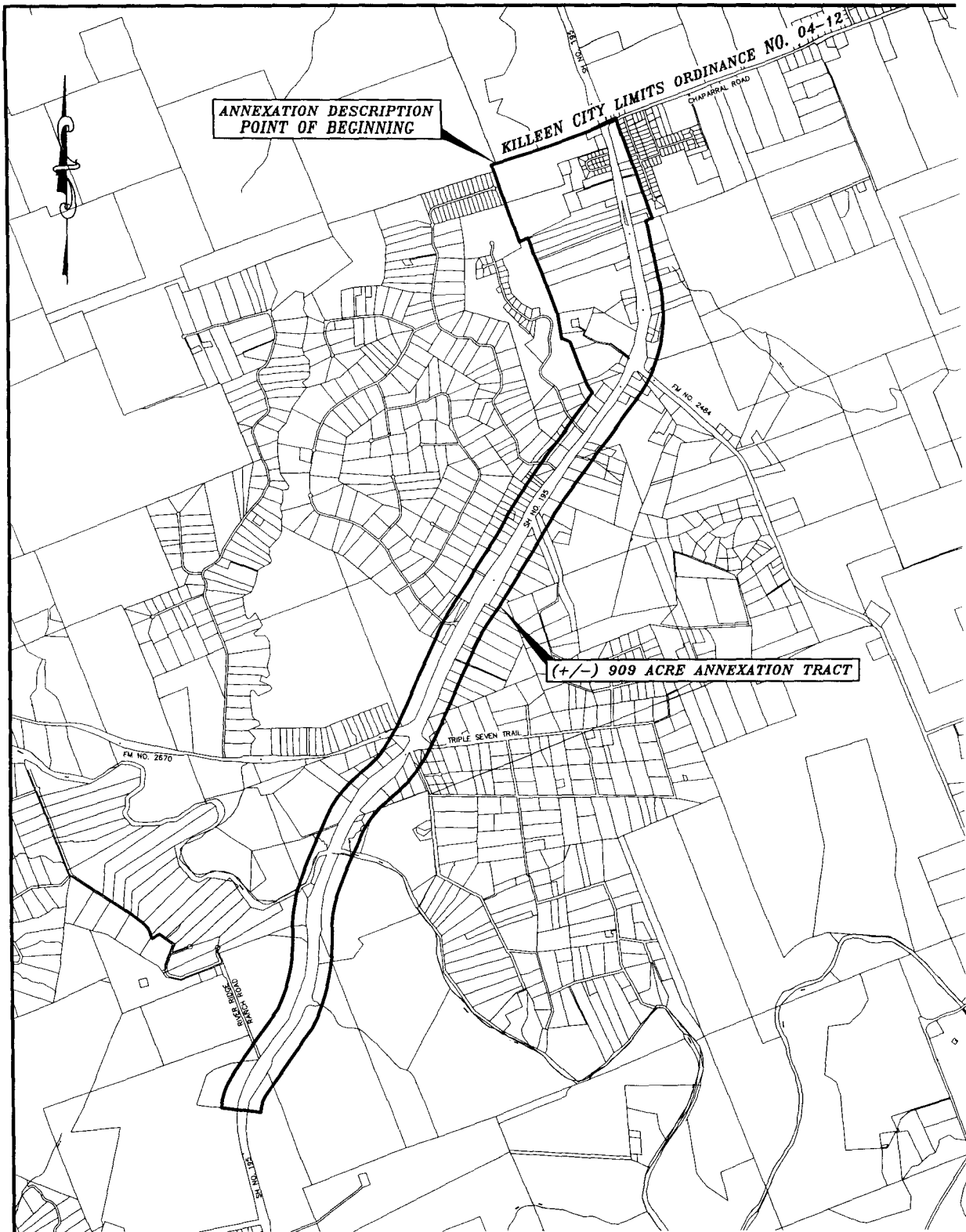
Exhibit "A" Boundary of area under consideration for annexation

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



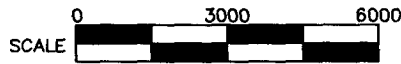
**“A” EXHIBIT SHOWING
A (+/-) 909 ACRE ANNEXATION TRACT
TO THE CITY OF KILLEEN, BELL COUNTY, TEXAS**

NOTE: THIS EXHIBIT WAS PREPARED UNDER 22 TAC §663.21 AND 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 RIGHTS AND INTEREST IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.



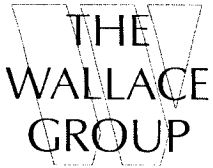
The Wallace Group, Inc.

3010 Illinois Avenue, Suite 100, Killeen, Texas 76543 (254) 554-5959
 Engineers ■ Architects ■ Planners ■ Surveyors
 Waco * Killeen * Austin * Dallas * Round Rock



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PLAT NO.	<u>E-K1990</u>	DRAFT DATE	<u>2-14-07</u>	DRAWN BY	<u>TAB</u>
WORK ORDER NO.	<u>20570</u>	FIELDBOOK/PG.	<u>N/A</u>	TAB #	<u>E-K1990</u>
DIGITAL FILE	<u>20570K-SV-EXHIBIT</u>	F/N #	<u>07-20570-01</u>		



ENGINEERS
ARCHITECTS
PLANNERS
SURVEYORS

WACO
KILLEEN
DALLAS
ROUND ROCK

Brad Bernhard, PE
Paul Boyer, PE
Dan Flaherty, RPLS
Sean Flaherty, RPLS
Tonny Gillespie, RPLS
Charlie Hershberger, RPLS
George Jezek, AIA
David Marek, PE
Matt Morgan, PE
Mike Murphy, RPLS
Doug Newport, PE
Dan Nixon, RPLS
Vana H. Proffitt, RPLS
Warren "Lynn" Simpson, RPLS
Darrell Vickers, AIA
R.E. "Bob" Wallace, PE, RPLS

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EXHIBIT "A"

City of Killeen Annexation 2007

ANNEXATION DESCRIPTION for a 909 acre, more or less, tract of land and being all of the G. W. Allison Survey, Abstract No. 52, Bell County, Texas, and being parts of the R. A. McGee Survey, Abstract No. 561, E. Berry Survey, Abstract No. 1018, J. T. Cole Survey, Abstract No. 1008, D. Davis Survey, Abstract No. 283, H. Williams Survey, Abstract No. 915, S. B. Cox Survey, Abstract No. 1209, B. S. Hoover Survey, Abstract No. 463, Francis Kennedy Survey, Abstract No. 488, C. H Bennett Survey, Abstract No. 126, William Lewis Survey, Abstract No. 1038, J. M. Storey Survey, Abstract No. 1290, and Robert J. Gilchrist Survey, Abstract No. 1077, Bell County, Texas. Said 909 acre tract being described as follows:

BEGINNING at the southwest corner of a called 5173 acre, more or less, tract of land as described in a City of Killeen Annexation in 2004, Ordinance No. 04-12, and being of record in Volume 5309, Page 539 if the Official Public Records of Real Property, Bell County, Texas,

THENCE in an easterly direction, more or less, along the current City Limits of Killeen, Bell County, Texas as described in the above Ordinance No. 04-12 to a point that intersects with the projection of the west lines of Chaparral West Phase One, of record in Cabinet B, Slide, 102, A Chaparral West Phase Two, of record in Cabinet C, Slide, 14-A, and Chaparral Lee's Acres, of record in Cabinet D, Slide, 17-A ,of the Bell County Plat Records,

THENCE in a southerly direction, more or less, crossing Chaparral Road then along the west boundaries of the above mentioned of Chaparral West Phase One, Chaparral West Phase Two, and Chaparral Lee's Acres to the southwest corner of said Chaparral Lee's Acres,

THENCE in a westerly direction, more or less, along the north line of a called 171.5 acre tract of land as described in a deed to The City of Killeen, of record in Volume 896, Page 453 of the Deed Records of Bell County, Texas, to point that is 500 foot east, parallel and adjacent to the Base Line of State Highway No. 195 as shown in the Plans of Proposed Right of Way Project No. 8009-1-67, CSJ No. 0836-02-045 Bell County Texas,

THENCE in a southerly direction, more or less, 500 foot east, parallel and adjacent to the above mentioned Base Line of Highway No. 195 and further described in Plans of Proposed Right of way of State Highway No. 195, Account No.8009-1-93, CSJ No. 0836-02-049 Bell County, Texas, to a point in a tract of land as described in a deed to C. W. Duncan, III and Deborah Giles Allen, of record in Volume 5652, Page 189 of the Official Public Records of Real Property, Bell County, Texas that intersects with the projection of the south line of a called 27.004 acre tract of land as described in a deed to John Wade Fisher of record in Volume 2254, Page 429 of said Official Public Records,

THENCE in a westerly direction, more or less, 1000 feet and crossing State Highway 195, to a point that is 500 foot west, parallel and adjacent to the Base Line of Highway No. 195, on the south line of the above mentioned 27.004 acre tract,

THENCE in a northerly direction, more or less, 500 foot west, parallel and adjacent to the above mentioned Base Lines of Highway No. 195 to a point that is on the common line of Creek Place Section One, of record in Cabinet A, Slide 328-A&B and a tract of land as described to Calvary Baptist Church, of record in Volume 1769, Page 457 of the above mentioned Deed Records,

THENCE in a northerly direction, more or less, along the easterly lines of following tracts, Creek Place Section One, the residue of a called 162.384 acre tract, as described in a deed to G. W. Development Inc., Lot 7, Block 1 of Mountain Oaks Addition, of Record in Cabinet C, Slide 298-B of said Plat Records, and to the northeast corner of the Resubdivision of Lot 26, Block A, Creek Place, Section 1, of record in Cabinet B, Slide 107-B,

TRACT 4
EXHIBIT "B"

Number	Tract	15/5 year	Missing Info	geo_id	prop_id	FILE_AS_NAME	Addr3	Addr_City	State	Addr_zip	ag_apply	legal_acreage
1	4	15	No	0540500001	10913	BLUM, LAVALLA ROSE	2317 SUNNY LN	KILLEEN	TX	76543-4830	T	67.832
2	4	15	No	0540500004	330096	BLUM, LAVALLA ROSE	2317 SUNNY LN	KILLEEN	TX	76543-4830	T	0.896
3	4	15	No	0622185000	23291	COLLINS, GLENN	13245 STATE HWY 195	KILLEEN	TX	76542	T	1.833
4	4	15	No	0555190001	23301	COLLINS, HUBERT GLENN SR	13245 SH 195	KILLEEN	TX	76542	T	19.098
5	4	15	No	0555190500	23303	COLLINS, HUBERT GLENN SR	13245 SH 195	KILLEEN	TX	76542	T	8.945
6	4	15	No	0555190202	23305	COLLINS, HUBERT GLENN SR ETUX	13245 SH 195	KILLEEN	TX	76542	T	0.482
7	4	15	No	0555190700	31249	DUNN, RALPH A MRS	13050 STATE HIGHWAY 195	KILLEEN	TX	76542-4842	T	12.57
8	4	15	No	0555290800	31250	DUNN, RALPH A MRS	13050 STATE HIGHWAY 195	KILLEEN	TX	76542-4842	T	23.466
9	4	15	No	0555190900	34800	FARRIS, LABERA JANE	12661 STATE HIGHWAY 195	KILLEEN	TX	76542-4837	T	38.73
10	4	15	No	0626620200	36216	FISHER, JOHN WADE	5001 SH 195	KILLEEN	TX	76542	T	25.504
11	4	15	No	0472100000	40587	GIBBS, BERNICE DORRACE	11919 SH 195	KILLEEN	TX	76542	T	0.89
12	4	15	No	0472110000	40589	GIBBS, BERNICE DORRACE	11919 SH 195	KILLEEN	TX	76542	T	53.596
13	4	15	No	0626620003	187019	JOHNWADE PROPERTIES LTD	5001 SH 195	KILLEEN	TX	76542	T	326.586
14	4	15	No	0506250001	58714	KELPE, DAVID AND BETTY	14180 STATE HIGHWAY 195	KILLEEN	TX	76542-4850	T	
15	4	15		0900000021	207717	LAWRENCE, WILFORD A. & EVELYN A.	PO BOX 1109	FLORENCE	TX	76527-1109	T	23.33
16	4	15	No	0483310200	9869	LEAR, CAROL L	17049 SH 195	KILLEEN	TX	76542	T	35.49
17	4	15	No	0540580000	9870	LEAR, CAROL L	17049 SH 195	KILLEEN	TX	76542	T	11.449
18	4	15	No	0622100004	148976	LEMAY, COLETTE	22932 FM 2484	KILLEEN	TX	76542-5401	T	71.037
19	4	15	No	0537330000	64474	LETHCO, F M	16731 ST HWY 195	KILLEEN	TX	76542-4861	T	1
20	4	15	No	0483310100	64482	LETHCO, F M ETUX NELLIE	16731 ST HWY 195	KILLEEN	TX	76542-4861	T	7.586
21	4	15	No	0472160100	151031	MORRIS, DONALD LEE	12115 STATE HIGHWAY 195 UNIT A	KILLEEN	TX	76542-4888		0.5
22	4	15	No	0472160102	183594	MORRIS, DONALD LEE	12115 STATE HIGHWAY 195 UNIT A	KILLEEN	TX	76542-4888	T	3
23	4	15	No	0402160021	116425	MOSER, ROBERT D & MARCIA A	15015 STATE HIGHWAY 195	KILLEEN	TX	76542-5400	T	10.067
24	4	15	No	0402160024	116426	MOSER, ROBERT D & MARCIA A	15015 STATE HIGHWAY 195	KILLEEN	TX	76542-5400	T	10
25	4	15	No	0402160048	76946	MOSER, ROBERT D & MARCIA A	15015 STATE HIGHWAY 195	KILLEEN	TX	76542-5400	T	
26	4	15	No	0402160027	116427	MOSER, ROBERT D & MARCIA A	15015 STATE HIGHWAY 195	KILLEEN	TX	76542-5400	T	10
27	4	15	No	472110102	99263	RITZ, BARBARA	208 DAFFODIL DR	KILLEEN	TX	76542-1849	T	
28	4	15	No	0384564039	132911	STANDRIDGE, MARY L	14425 STATE HIGHWAY 195	KILLEEN	TX	76542-4854	T	4.086
29	4	15	No	0384564042	132912	STANDRIDGE, MARY L	14425 STATE HIGHWAY 195	KILLEEN	TX	76542-4854	T	2.545
30	4	15	No	0472160200	169334	VETERANS LAND BOARD	305 ILLINOIS DR	HARKER HTS	TX	76548-2021	T	5.5

Regular: 12-18-07

Item#: OR-5A

EXHIBIT C REVISED

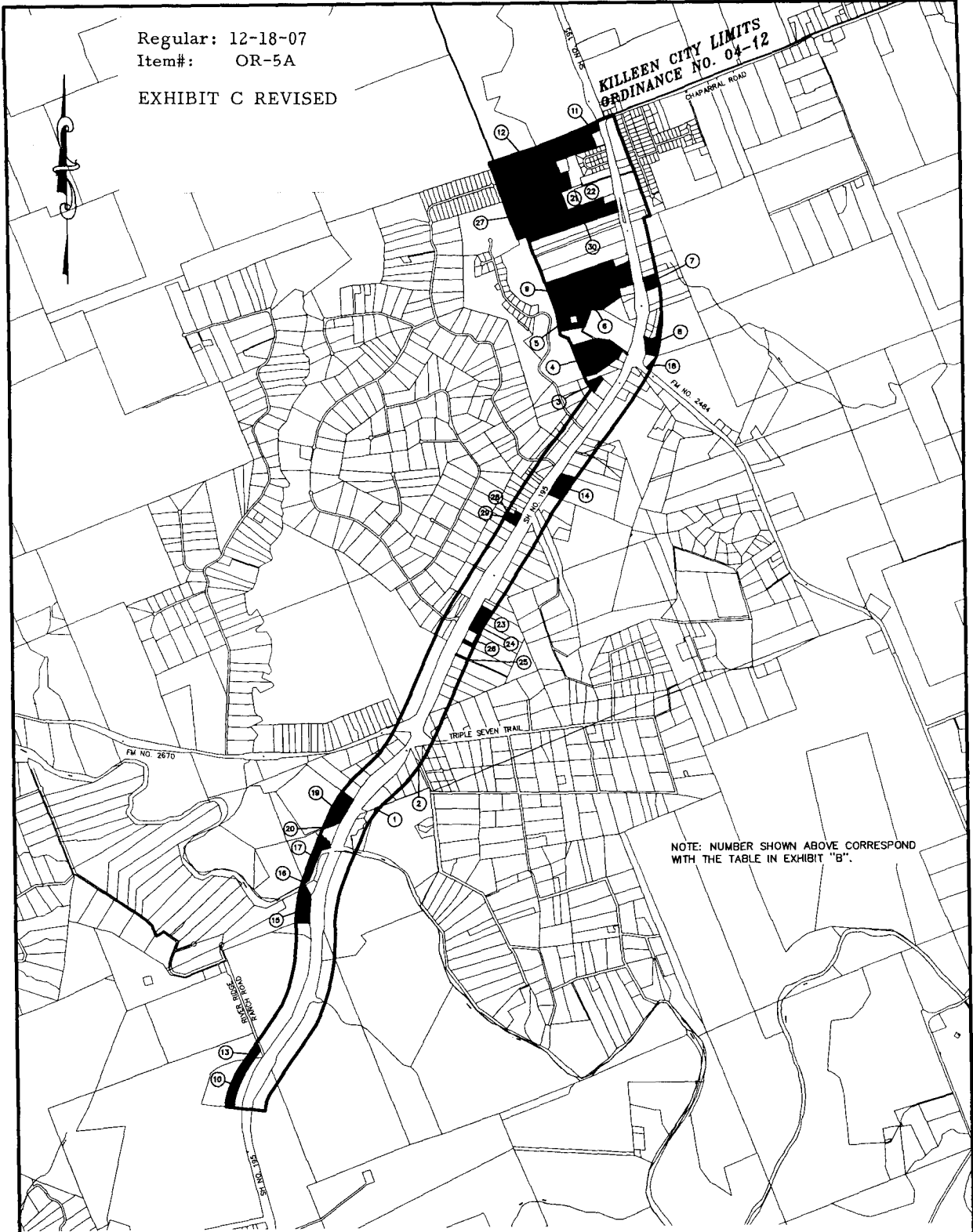


EXHIBIT "C"

ILLUSTRATION OF DEVELOPMENT AGREEMENTS WITHIN THE ANNEXATION STUDY AREA SHOWN IN EXHIBIT "A"

NOTE: THIS EXHIBIT WAS PREPARED UNDER 22 TAC §663.21 AND 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 RIGHTS AND INTEREST IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.



The Wallace Group, Inc.

3010 Illinois Avenue, Suite 100, Killeen, Texas 76543 (254) 554-5959
Engineers ■ Architects ■ Planners ■ Surveyors
Waco * Killeen * Dallas * Round Rock



SCALE

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PLAT NO.	<u>E-K2020</u>	DRAFT DATE	<u>12-14-07</u>	DRAWN BY	<u>TAB</u>
WORK ORDER NO.	<u>20570</u>	FIELDBOOK/PG.	<u>N/A</u>	TAB #	<u>E-K2020</u>
DIGITAL FILE	<u>20570K-SV-EXHIBIT</u>	F/N #	<u>N/A</u>		

EXHIBIT "D"
The City of Killeen, Bell County, Texas – Annexation, 2007

ANNEXATION DESCRIPTION for a 685 acre, more or less, tract of land and being parts of the G. W. Allison Survey, Abstract No. 52, the R. A. McGee Survey, Abstract No. 561, E. Berry Survey, Abstract No. 1018, J. T. Cole Survey, Abstract No. 1008, D. Davis Survey, Abstract No. 283, H. Williams Survey, Abstract No. 915, S. B. Cox Survey, Abstract No. 1209, B. S. Hoover Survey, Abstract No. 463, Francis Kennedy Survey, Abstract No. 488, C. H. Bennett Survey, Abstract No. 126, William Lewis Survey, Abstract No. 1038, J. M. Storey Survey, Abstract No. 1290, and Robert J. Gilchrist Survey, Abstract No. 1077, Bell County, Texas; said 685 acre tract being described as follows:

BEGINNING at a point at the intersection of the south line of a called 5,173 acre tract of land, more or less, as described in a City of Killeen Annexation in 2004, Ordinance No. 04-12, recorded in Volume 5309, Page 539 of the Official Public Records of Real Property, Bell County, Texas (O.P.R.R.P.B.C.T.) and the west right of way (R.O.W.) line of State Highway No. 195 (S.H. 195); said point being the northeast corner of a called 1.89 acre tract of land (Bell County Tax Appraisal District Geographic Identification No. 047210000) with the ownership given to Bernice Dorrace Gibbs in an Affidavit of Heirship, recorded in Volume 5300, Page 504, O.P.R.R.P.B.C.T. and described in a Warranty Deed to the Veterans Land Board of the State of Texas in care of Joe Ellwood Gibbs, recorded in Volume 861, Page 230 of the Deed Records of Bell County, Texas (D.R.B.C.T.);

THENCE in a Easterly direction, along the current City Limits of Killeen, Bell County, Texas as described in the above-mentioned Ordinance No. 04-12 to a point that intersects with the projection of the west lines of Chaparral West Phase One, recorded in Cabinet B, Slide 102-A, Chaparral West Phase Two, recorded in Cabinet C, Slide 14-A, and Chaparral Lee's Acres, recorded in Cabinet D, Slide 17-A of the Plat Records of Bell County, Texas (P.R.B.C.T.);

THENCE in a Southerly direction, crossing Chaparral Road, then along the west boundaries of the above-mentioned Chaparral West Phase One, Chaparral West Phase Two, and Chaparral Lee's Acres to the southwest corner of said Chaparral Lee's Acres;

THENCE in a Westerly direction, approximately 259 feet along the north line of a called 171.5 acre tract of land as described in a deed to The City of Killeen, recorded in Volume 896, Page 453, D.R.B.C.T. to a point that is 500 feet east, parallel and adjacent to the Base Line of S.H. 195 as shown in the Plans of Proposed R.O.W. Project No. 8009-1-67, CSJ No. 0836-02-045, Bell County, Texas, and further described in Plans of Proposed R.O.W. of S.H. 195, Account No. 8009-1-93, CSJ No. 0836-02-049, Bell County, Texas;

THENCE in a Southerly direction, along a line that is 500 feet east, parallel and adjacent to the above-mentioned Base Line of S.H. 195, approximately 1,473 feet to a point in the north line of the remainder of a called 200 acre tract of land (Bell County Tax Appraisal District Geographic Identification No. 0555190700) described in a deed to M. Y. Stacy, recorded in Volume 464, Page 507, D.R.B.C.T. and later inherited in an unrecorded Will from Jewel Stacy, viewable at the Bell County Tax Appraisal District, to her daughter, Edith Faye Dunn (Mrs. Ralph A. Dunn);

THENCE in a Westerly direction, approximately 267 feet along the north line of the above-mentioned 200 acre remainder tract to point in the east R.O.W. line of S.H. 195, being the northwest corner of said 200 acre remainder tract;

THENCE in a Southerly direction, approximately 341 feet along the common easterly R.O.W. line of said S.H. 195 and westerly line of said 200 acre remainder tract to a point being the southwest corner of said 200 acre remainder tract;

THENCE in a Easterly direction, approximately 262 feet along the south line of said 200 acre remainder tract to a point that is 500 feet east, parallel and adjacent to said Base Line of S.H. 195;

THENCE in a Southerly direction, along a line that is 500 feet east, parallel and adjacent to said Base Line of S.H. 195 approximately 960 feet to a point in the west line of that certain 200 acre remainder tract of land (Bell County Tax Appraisal District Geographic Identification No. 0555290800) described in said deed to M. Y. Stacy, recorded in Volume 464, Page 507, D.R.B.C.T.;

THENCE in a Southerly direction, approximately 332 feet along the west line of said 200 acre remainder tract to an interior point in a northerly line of said 200 acre remainder tract;

THENCE in a Westerly direction, following the northerly line of said 200 acre remainder tract with points of intersection at approximately 127 feet, at approximately 68 feet, and at approximately 156 feet to a point in the east R.O.W. line of said S.H. 195 and being a point in the west line of said 200 acre remainder tract;

THENCE in a Southerly direction, approximately 647 feet along the common easterly R.O.W. line of said S.H. 195 and westerly line of said 200 acre remainder tract to a point for the most westerly southwest corner of said 200 acre remainder tract;

THENCE in a Easterly direction, following the south line of said 200 acre remainder tract with points of intersection at approximately 229 feet and at approximately 47 feet to a point being a corner in the south line of said 200 acre remainder tract, same being the northwest corner of a called 116 acre tract of land (Bell County Tax Appraisal District Geographic Identification No. 0622100004) described in a deed to Colette Lemay, recorded in Volume 5253, Page 121, O.P.R.R.P.B.C.T.;

THENCE in a Southwesterly direction, approximately 386 feet along the northwesterly line of said 116 acre tract to a point in the northeasterly R.O.W. line of Farm to Market Road No. 2484 (F.M. 2484), and being a corner of the said 116 acre tract;

THENCE in a Southeasterly direction, approximately 84 feet along the common northeasterly R.O.W. line of said F.M. 2484 and southwesterly line of said 116 acre tract to a point that is 500 feet east, parallel and adjacent to said Base Line of S.H. 195;

THENCE in a Southwesterly direction, approximately 3,553 feet along a line that is 500 feet east, parallel and adjacent to said Base Line of S.H. 195 to a point in the north line of a called 109.320 acre tract of land (Bell County Tax Appraisal District Geographic Identification No. 0506250001) described in a deed to David M. Kelpe and wife, Betty Kelpe, recorded in Volume 3108, Page 61, O.P.R.R.P.B.C.T.;

THENCE in a Westerly direction, approximately 325 feet along the north line of the above-mentioned 109.320 acre tract to a point in the easterly R.O.W. line of said S.H. 195, same being the northwest corner of the said 109.320 acre tract;

THENCE in a Southwesterly direction, approximately 640 feet along the common easterly R.O.W. line of said S.H. 195 and the westerly line of said 109.320 acre tract to a point for the southwest corner of said 109.320 acre tract;

THENCE in a Easterly direction, approximately 301 feet along the south line of said 109.320 acre tract to a point that is 500 feet east, parallel and adjacent to said Base Line of S.H. 195;

THENCE in a Southwesterly direction, approximately 3,040 feet along a line that is 500 feet east, parallel and adjacent to said Base Line of S.H. 195 to a point in the north line of Lot 8, Block 1 of Legend Oaks Estates, recorded in Cabinet B, Slide 304-A, P.R.B.C.T. (Bell County Tax Appraisal District Geographic Identification No. 0402160021) and further described in a deed to Robert D. Moser and Marcia Adine Moser, recorded in Volume 4013, Page 125, O.P.R.R.P.B.C.T.;

THENCE in a Westerly direction, approximately 373 feet to point in the east R.O.W. line of said S.H. 195, same being the northwest corner of the above-mentioned Lot 8;

THENCE in a Southwesterly direction, approximately 667 feet along the easterly R.O.W. line of S.H. 195, and partway along the westerly line of said Lot 8, and partway along the westerly line of Lot 9, Block 1 of the above-mentioned Legend Oaks Estates, and further described in a deed to Robert D. Moser and Marcia Adine Moser, recorded in Volume 4616, Page 37, O.P.R.R.P.B.C.T. to a point for the southwest corner of the above-mentioned Lot 9;

THENCE in a Easterly direction, approximately 250 feet along the south line of said Lot 9 to point being the northernmost corner of Lot 10, Block 1 of said Legend Oaks Estates (Bell County Tax Appraisal District Geographic Identification No. 0402160027) and being further described in a deed to Robert Diar Moser and Marcia Adine Moser, recorded in Volume 4415, Page 799, O.P.R.R.P.B.C.T.;

THENCE in a Southwesterly direction, approximately 288 feet along a west line of above-mentioned Lot 10 to a point marking an interior corner;

THENCE in a Westerly direction, approximately 250 feet along a north line of said Lot 10 to a point in the east R.O.W. line of said S.H. 195 and being a corner of said Lot 10;

THENCE in a Southwesterly direction, approximately 74 feet along the common easterly R.O.W. line of said S.H. 195 and the westerly line of said Lot 10 to a point for the southwest corner of said Lot 10;

THENCE in a Southeasterly direction, approximately 365 feet along the south line of said Lot 10 to a point that is 500 feet east, parallel and adjacent to the said Base Line of S.H. 195;

THENCE in a Southwesterly direction, approximately 329 feet along a line that is 500 feet east, parallel and adjacent to said Base Line of S.H. 195 to a point in a northerly line of Lot 17, Block 1 of said Legend Oaks Estates (Bell County Tax Appraisal District Geographic Identification No. 0402160048) and further described in a deed to Robert Diar Moser and Marcia Adine Moser, recorded in Volume 3091, Page 704, O.P.R.R.P.B.C.T.;

THENCE in a Northwesterly direction, approximately 372 feet along the north line of above-mentioned Lot 17 to a point in the east R.O.W. line said S.H. 195 and being the northwest corner of said Lot 17;

THENCE in a Southwesterly direction, approximately 30 feet along the common easterly R.O.W. line of said S.H. 195 and westerly line of said Lot 17 to a point for the westernmost corner of said Lot 17;

THENCE in a Southeasterly direction, approximately 373 feet along the south line of said Lot 17 to a point that is 500 feet east, parallel and adjacent to the said Base Line of S.H. 195;

THENCE in a Southwesterly direction, approximately 2,929 feet along a line that is 500 feet east, parallel and adjacent to said Base Line of S.H. 195 to a point in the northeasterly line of the remainder of a called 49.42 acre tract of land (Bell County Tax Appraisal District Geographic Identification No. 0540500004) described in a deed to Harvey Blum, recorded in Volume 852, Page 49, D.R.B.C.T. and the easterly R.O.W. line of said S.H. 195;

THENCE in a Southwesterly direction, approximately 11 feet along the common line of the above-mentioned 49.42 acre remainder tract and said S.H. 195 to a point being a corner of said 49.42 acre remainder tract;

THENCE in a Southeasterly direction, approximately 8 feet along a west line of said 49.42 acre remainder tract to a point that is 500 feet east, parallel and adjacent to said Base Line of S.H. 195;

THENCE in a Southwesterly direction, approximately 1,559 feet along a line that is 500 feet east, parallel and adjacent to said S.H. 195 to a point in the northerly line of a called 6.9 acre tract of land (Bell County Tax Appraisal District Geographic Identification No. 0540500001) described in a deed to Harvey Blum, recorded in Volume 838, Page 335, D.R.B.C.T.;

THENCE in a Southwesterly direction, approximately 195 feet along the northerly line of the above-mentioned 6.9 acre tract to a point being the northwest corner of said 6.9 acre tract;

THENCE in a Southwesterly direction, approximately 574 feet along the west line of said 6.9 acre tract to a point that is 500 feet east, parallel and adjacent to said Base Line of S.H. 195;

THENCE in a Southwesterly direction, approximately 7,832 feet along a line that is 500 feet east, parallel and adjacent to said Base Line of S.H. 195 to a point in a tract of land (Bell County Tax Appraisal District Geographic Identification No. 0626600000) as described in a deed to C. W. Duncan, III and Deborah Giles Allen, recorded in Volume 5652, Page 189, O.P.R.R.P.B.C.T., said point intersects with the projection of the south line of a called 27.004 acre tract of land (Bell County Tax Appraisal District Geographic Identification No. 0626620100) as described in a deed to John Wade Fisher, recorded in Volume 2254, Page 429, D.R.B.C.T.;

THENCE in a Westerly direction, approximately 853 feet and crossing said S.H. 195 to a point that is 200 foot west, parallel and adjacent to the west R.O.W. line of said S.H. 195, and being on the south line of the above-mentioned 27.004 acre tract,

THENCE in a Northeasterly direction, approximately 1,786 feet along a line that is 200 foot west, parallel and adjacent to the west R.O.W. line of said S.H. 195 to a point in the common line of a called 484.499 acre tract of land (Bell County Tax Appraisal District Geographic Identification No. 0626620003) as described in a deed to Johnwade Properties, Ltd., recorded in Volume 3592, Page 455, O.P.R.R.P.B.C.T. and River Ridge Ranch Road;

THENCE in a Northwesterly direction, approximately 139 feet along the common line of the above-mentioned 484.499 acre tract and River Ridge Ranch Road to a point that is 500 feet west, parallel and adjacent to the said Base Line of S.H. 195;

THENCE in a Northeasterly direction, approximately 3,373 feet along a line that is 500 feet west, parallel and adjacent to said Base Line of S.H. 195 to a point in the south line of a called 23.33 acre tract of land (Bell County Tax Appraisal District Geographic Identification No. 0900000021) also known as Tract 7, River Ridge Ranch, described in a deed to Wilford A. Lawrence and wife, Evelyn A. Lawrence, recorded in Volume 3907, Page 757, O.P.R.R.P.B.C.T.;

THENCE in a Easterly direction, along the south line of the above-mentioned 23.33 acre tract, with points of intersection at approximately 43 feet, approximately 148 feet, and approximately 120 feet to a point in the west R.O.W. line of said S.H. 195, same being the southeast corner of said 23.33 acre tract;

THENCE in a Northerly direction, approximately 736 feet along the common east line of said 23.33 acre tract and west R.O.W. line of said S.H. 195 to a point for a corner of the said 23.33 acre tract;

THENCE in a Northwesterly direction, approximately 292 feet along the northeasterly line of said 23.33 acre tract to the approximate center of the Lampasas River and being in the south line of a called 52.22 acre tract of land (Bell County Tax Appraisal District Geographic Identification No. 0483310200 & 0540580000) described in an agreement between Kay and Greg Crouch and Carol Lear, recorded in Volume 4239, Page 796, O.P.R.R.P.B.C.T.;

THENCE in a Northeasterly direction, downstream with the approximate center of the Lampasas River and the south line of the above-mentioned 52.22 acre tract, with points of intersection at approximately 146 feet, approximately 960 feet, and approximately 165 feet to point where the approximate center of a tributary waterway intersects with approximate center of the Lampasas River, same being the easternmost corner of the said 52.22 acre tract;

THENCE in a Northwesterly direction, upstream with the approximate center of said tributary waterway and the east line of said 52.22 acre tract, with points of intersection at approximately 54 feet, approximately 55 feet, approximately 45 feet, approximately 50 feet, approximately 41 feet, approximately 69 feet, approximately 44 feet, approximately 80 feet, and approximately 31 feet to a point that is 500 feet west, parallel and adjacent to said Base Line of S.H. 195;

THENCE in a Northeasterly direction, approximately 153 feet along a line that is 500 feet west, parallel and adjacent to said Base Line of S.H. 195 to a point in the southeasterly line of a called 49.349 acre tract of land (Bell County Tax Appraisal District Geographic Identification No. 0483310100) described in a deed to F. M. Lethco and wife, Nellie Lethco, recorded in Volume 4139, Page 348, O.P.R.R.P.B.C.T.;

THENCE in a Northeasterly direction, approximately 464 feet along the southeasterly line of the above-mentioned 49.349 acre tract to a point in the west R.O.W. line of S.H. 195, and being a corner of said 49.349 acre tract;

THENCE in a Northeasterly direction, approximately 41 feet along the common easterly line of said 49.349 acre tract and westerly R.O.W. line of said S.H. 195 to a point for a corner of the said 49.349 acre tract, same being the southeast corner of Tract Two, a called 47.689 acre tract of land (Bell County Tax Appraisal District Geographic Identification No. 0537330000) described in a deed to F. M. Lethco, recorded in Volume 1365, Page 435, D.R.B.C.T.;

THENCE in a Northeasterly direction, approximately 744 feet along the common easterly line of the above-mentioned Tract Two and westerly R.O.W. line of said S.H. 195 to a point for the easternmost corner of said Tract Two;

THENCE in a Northwesterly direction, approximately 254 feet along the north line of said Tract Two to a point that is 500 feet west, parallel and adjacent to the said Base Line of S.H. 195;

THENCE in a Northeasterly direction, approximately 8,346 feet along a line that is 500 feet west, parallel and adjacent to said Base Line of S.H. 195 to a point in the south line of Lot 15, Block 1 of Creek Place, Section Three described in deed for Lots 13, 14, and 15, Block 1, Creek Place, Section Three (Bell County Tax Appraisal District Geographic Identification No. 0384564039 through 0384564042) to Mary L. Roberts, recorded in Volume 3612, Page 538, O.P.R.R.P.B.C.T.;

THENCE in a Southeasterly direction, approximately 436 feet along the south line of above-mentioned Lot 15 to the west R.O.W. line of said S.H. 195, and being the southeast corner of said Lot 15;

THENCE in a Northeasterly direction, approximately 323 feet along the west R.O.W. line of said S.H. 195, and partway along the east line of said Lot 15, and partway along the east line of the above-mentioned Lot 14 to a point being the northeast corner of said Lot 14 and the southeast corner of the above-mentioned Lot 13;

THENCE in a Northwesterly direction, approximately 191 feet along the common line of said Lots 13 and 14 to a point in the east line of a 175 foot by 200 foot house lot on said Lots 13 and 14;

THENCE following the perimeter of the above mentioned house lot in a Southerly direction, approximately 107 feet, in a Northwesterly direction, approximately 175 feet, and in a Northerly direction, approximately 107 feet to a point in the common line of said Lots 13 and 14;

THENCE in a Northwesterly direction, approximately 74 feet along the common line of said Lots 13 and 14 to a point that is 500 feet west, parallel and adjacent to said Base Line of S.H. 195;

THENCE in a Northeasterly direction, approximately 3,439 feet to a point in the common line of Creek Place, Section One, recorded in Cabinet A, Slide 328-A&B, P.R.B.C.T. and an unrecorded called 1.953 acre tract by description (Bell County Tax Appraisal District Geographic Identification No. 0622185000) provided by the owner Glenn Collins;

THENCE following the perimeter of the above mentioned 1.953 acre tract in a Southeasterly direction, approximately 144 feet, in a Northeasterly direction, approximately 420 feet, in a Northwesterly direction, approximately 117 feet, in a Southwesterly direction, approximately 344 feet to a point in the easterly line of the above-mentioned Creek Place, Section One;

THENCE in a Northwesterly direction, approximately 150 feet along the easterly line of said Creek Place, Section One to a point being the southernmost corner of a called 17.104 acre tract of land (Bell County Tax Appraisal District Geographic Identification No. 0555190001) described in deed to Hubert Glenn Collins, Sr. and wife, Patricia Ann Collins, recorded in Volume 1811, Page 749, D.R.B.C.T.;

THENCE following the perimeter of the above-mentioned 17.104 acre tract in a Northeasterly direction, approximately 315 feet, in a Northeasterly direction, approximately 357 feet, in a Northeasterly direction, approximately 268 feet, in a Southeasterly direction, approximately 46 feet, in a Northeasterly direction, approximately 236 feet, in a Northwesterly direction, approximately 413 feet, in a Westerly direction, approximately 353 feet, and in a Southwesterly direction, approximately 624 feet to a point being the westernmost corner of said 17.104 acre tract and being in the easterly line of the remainder of a called 162.384 acre tract, as described in a deed to G. W. Development Inc., recorded in Volume 3021, Page 331, O.P.R.R.P.B.C.T.;

THENCE in a Northwesterly direction, along the easterly line of the above-mentioned 162.384 acre remainder tract with points of intersection approximately at 299 feet, at approximately 173 feet, and at approximately 73 feet for the southwest corner of a called 8.945 acre tract of land (Bell County Tax Appraisal District Geographic Identification No. 0555190500) described in a deed to Hubert Glenn Collins, Sr. and wife, Patricia Ann Collins, recorded in Volume 2195, Page 109, D.R.B.C.T.;

THENCE in a Northeasterly direction, approximately 592 feet along the southerly line of the above-mentioned 8.945 acre tract to a point for a corner of said 8.945 acre tract in the west line of a called 1.010 acre tract of land (Bell County Tax Appraisal District Geographic Identification No. 0555190501) described in a deed to John Albert Enger, recorded in Volume 5526, Page 848, O.P.R.R.P.B.C.T.;

THENCE following the perimeter of the above-mentioned 1.010 acre tract in a northwesterly direction, approximately 197 feet, in a westerly direction, approximately 144 feet, in a northerly direction, approximately 197 feet, in a easterly direction, approximately 168 feet, in a northerly direction, approximately 21 feet, in a easterly direction, approximately 32 feet, in a southerly direction, approximately 21 feet, in a westerly direction, approximately 11 feet, in a southerly direction, approximately 198 feet, in a southeasterly direction, approximately 197 feet to a point being a corner of the said 1.010 acre tract and the southeast corner of the said 8.945 acre tract;

THENCE in a Northerly direction, approximately 475 feet along the easterly line of said 8.945 acre tract to a point being the southwest corner of a called 0.482 acre tract of land (Bell County Tax Appraisal District Geographic Identification No. 0555190202) described in a deed to Hubert Glenn Collins, Sr. and wife, Patricia Ann Collins, recorded in Volume 2670, Page 769, O.P.R.R.P.B.C.T.;

THENCE in a Easterly direction, approximately 296 feet along the south line of the above-mentioned 0.482 acre tract to point being the easternmost corner of said 0.482 acre tract and being in the southeasterly line of the remainder of a called 42.37 acre tract of land (Bell County Tax Appraisal District Geographic Identification No. 0555190900) described in a deed to LaBera Jane Farris, recorded in Volume 1660, Page 11, D.R.B.C.T.;

THENCE in a Northeasterly direction, along the southeasterly line of the above-mentioned 42.37 acre remainder tract, with points of intersection at approximately 550 feet, at approximately 251 feet, and at approximately 409 feet to a point in the west R.O.W. line of said S.H. 195, same being the easternmost corner of said 42.37 acre remainder tract;

THENCE in a Northwesterly direction, approximately 568 feet along the common west R.O.W. line of said S.H. 195 and east line of said 42.37 acre remainder tract to a point being the most easterly northeast corner of said 42.37 acre remainder tract;

THENCE in a Southwesterly direction, along the northerly line of the said 42.37 acre remainder tract, with points of intersection at approximately 408 feet, at approximately 201 feet, and at approximately 1,800 feet to a point being the westernmost corner of said 42.37 acre remainder tract and being in the east line of said 162.384 acre remainder tract;

THENCE in a Northwesterly direction, approximately 1,133 feet along the east line of said 162.384 acre remainder tract to a point for the southwest corner of a called 10.000 acre tract of land (Bell County Tax Appraisal District Geographic Identification No. 0472160200) described in a deed to Thomas Barker, recorded in Volume 3464, Page 435, O.P.R.R.P.B.C.T.;

THENCE in a Northeasterly direction, approximately 2,431 feet along the south line of the above-mentioned 10.000 acre tract to a point in the west R.O.W. line of said S.H. 195 and being the southeast corner of said 10.000 acre tract;

THENCE in a Northwesterly direction, approximately 181 feet along the common west R.O.W. line of said S.H. 195 and the east line of said 10.000 acre tract to a point for the northeast corner of said 10.000 acre tract, same being the southeast corner of the remainder of a called 10.476 acre tract of land (Bell County Tax Appraisal District Geographic Identification No. 0472160100) described in a deed to Donald Lee Morris, recorded in Volume 4289, Page 286, O.P.R.R.P.B.C.T.;

THENCE in a Northwesterly direction, approximately 120 feet along the common west R.O.W. line of said S.H. 195 and the east line of the above-mentioned 10.476 acre remainder tract to a point for the northeast corner of said 10.476 acre remainder tract;

THENCE in a Southwesterly direction, along the north line of said 10.476 acre remainder tract, with points of intersection at approximately 334 feet, approximately 156 feet, approximately 886 feet, to a point being a corner of said 10.476 acre remainder tract and a corner in the east line of a called 30.741 acre tract of land (Bell County Tax Appraisal District Geographic Identification No. 0472110102) with the ownership given to Ute-Barbara Ritz in an Affidavit of Heirship, recorded in Volume 6271, Page 402, O.P.R.R.P.B.C.T. and further described in a deed Charles E. Ritz and wife, Barbara U. Ritz, recorded in Volume 1809, Page 69, D.R.B.C.T. ;

THENCE in a Northwesterly direction, along the east line of the above-mentioned 30.741 acre tract, with points of intersection at approximately 479 feet, at approximately 283 feet, and at approximately 430 feet to a point for the northernmost corner of the said 30.741 acre tract;

THENCE in a Southwesterly direction, approximately 187 feet along a north line of said 30.741 acre tract to a point in the east line of the remainder of a called 123 acre tract of land (Bell County Tax Appraisal District Geographic Identification No. 0472100000) with the ownership given to Bernice Dorrace Gibbs in an Affidavit of Heirship, recorded in Volume 5300, Page 504, O.P.R.R.P.B.C.T. and described in a deed to the Veterans Land Board of the State of Texas in care of Joe Ellwood Gibbs, recorded in Volume 2639, Page 272, D.R.B.C.T.;

THENCE in a Northerly direction, along an east and south line of the above-mentioned 123 acre remainder tract, with points of intersection at approximately 353 feet, and at approximately 1,100 feet to a corner of said 1.89 acre tract;

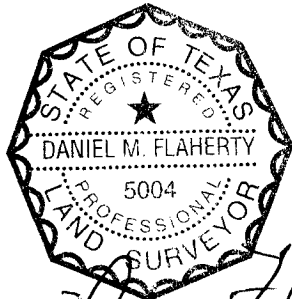
THENCE in a Northwesterly direction, approximately 384 feet along the east line of said 123 acre remainder tract to a point in the south line of the above-mentioned 1.89 acre tract;

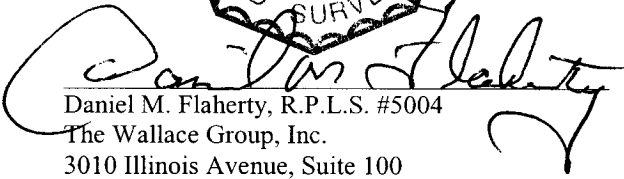
THENCE in a Northeasterly direction, approximately 233 feet to a point in the west R.O.W. line of said S.H. 195;

THENCE in a Northerly direction, along the common east line said 1.89 acre tract and west R.O.W. line of said S.H. 195 approximately 207 feet to the **POINT OF BEGINNING** and containing 685 acres of land, more or less.

NOTE: 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 rights and interest implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Compiled December, 2007




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Work Order No. 20570
FN 07-20570-02

12-14-2007
Date

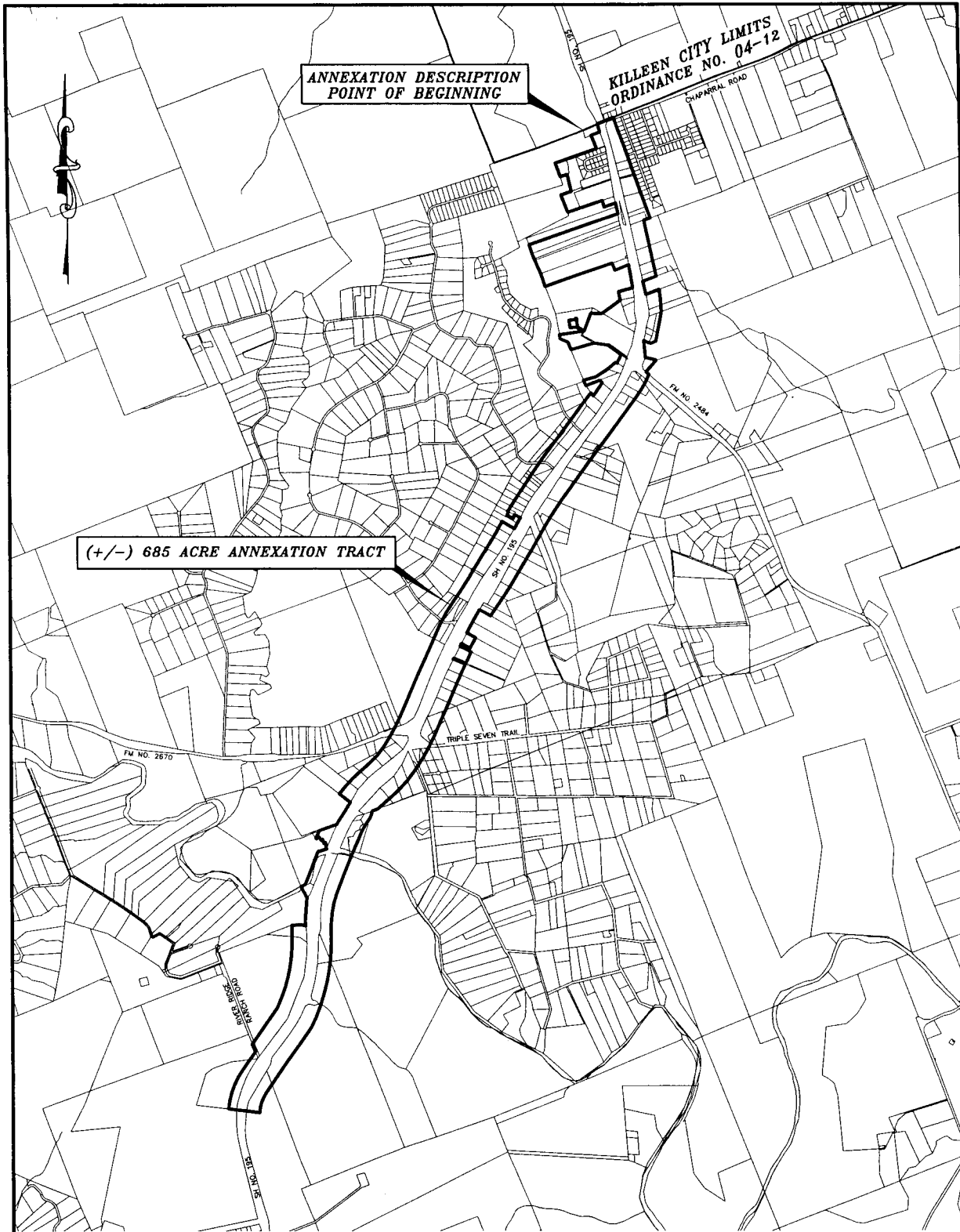


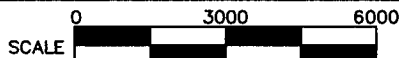
EXHIBIT "D"
A (+/-) 685 ACRE ANNEXATION TRACT
TO THE CITY OF KILLEEN, BELL COUNTY, TEXAS

NOTE: THIS EXHIBIT WAS PREPARED UNDER 22 TAC §663.21 AND 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 RIGHTS AND INTEREST IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.



The Wallace Group, Inc.

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 Engineers ■ Architects ■ Planners ■ Surveyors
 Waco * Killeen * Dallas * Round Rock



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PLAT NO.	<u>E-K2018</u>	DRAFT DATE	<u>12-14-07</u>	DRAWN BY	<u>TAB</u>
WORK ORDER NO.	<u>20570</u>	FIELDBOOK/PG.	<u>N/A</u>	TAB #	<u>E-K2018</u>
DIGITAL FILE	<u>20570K-SV-EXHIBIT</u>	F/N #	<u>07-20570-02</u>		

18 December 2007
Annexation Service Plan
Tract 4

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 684 acre tract of land ("Tract 4") located in the southwest corner of the City of Killeen extraterritorial jurisdiction. The annexation area is generally located 1,000 ft. along the SH 195 corridor. The north boundary of the annexation area is south of the Central Texas State Veterans Cemetery, and the east boundary is to the west of Chaparral West Phase One and Two and Chaparral Lees subdivisions. The south boundary of the annexation area is approximately 1,153 ft. north of the City of Killeen extraterritorial jurisdiction line. This annexation will extend the council district four (4) boundary to the south. The area is depicted in a map attached as Exhibit D.

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. The City will establish an automatic aid agreement with Southwest Bell County Volunteer Fire Department to assist in providing fire protection and emergency medical services in annexation Tract 4 (see exhibit map on Tract 4). Southwest Bell County Volunteer Fire Department will provide first response Fire and Emergency Medical Services. The Killeen Fire Department will dispatch Fire Station 5 located at 905 West Jasper Dr. as primary response, Fire Station 6 located at 2001 Elms Rd and Southwest Bell County Volunteer Fire Department providing support to Fire Station 5. New Fire Station 8 is in the development phase and should come on line in the fall of 2008. Station 8 will be located on East Trimmier south of Stagecoach Road. Fire Station 8, when complete, will provide a quicker response to Tract 4 and will assist with response when it comes on line. Emergency medical Services first response will be provided by Southwest Bell County Volunteer Fire Department with Killeen providing the EMS unit for patient care and transport.

Currently, fire protection services and emergency medical service are provided to the annexation area through an inter-local Mutual Aid 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:

- a water project with 12" water lines providing a loop in the vicinity of SH195
- a water project with a loop connecting a 12" water line between the above project (12" loop in vicinity of SH195) to another new water line in the region,
- a waste water 16" force main along Chaparral Rd.,
- a waste water lift station, 14" force main, 12" gravity main and 10" gravity main along Chaparral Rd., and
- a waste water lift station, 10" force main and 12" gravity main along SH195 corridor.

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 over \$6 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 \$7 million dollars respectively, to begin in approximately December 2010. 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.

However, the annexation area is in the Stillhouse Hollow Lake drainage basin. This is one of the highest water quality lakes in the State of Texas. The discharge of treated effluent into Stillhouse Hollow Lake would have a negative impact for Bell County and the Brazos River Authority as documented by engineering studies completed by Roming-Parker Associates.

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 65 parcels with residences in this annexation area. Therefore, the population density is estimated to be 639 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 1.07 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 1.07 square mile area (known as Tract 4) generally located in the southwest encompassed area of the City of Killeen extraterritorial jurisdiction. The annexation area is generally located 1,000 ft. along the SH 195 corridor. The north boundary of the annexation area is south of the Central Texas State Veterans Cemetery, and the east boundary is to the west of Chaparral West Phase One and Two and Chaparral Lees subdivisions. The south boundary of the annexation area is approximately 1,153 ft. north of the City of Killeen extraterritorial jurisdiction line. This annexation will extend the council district four (4) boundary to the west. 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 1.07 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 1.07 square miles to include the service plan attached as part of the annexation ordinance.