

ORDINANCE \_\_\_\_\_

**AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS TO INCLUDE LAND LYING ADJACENT TO THE PRESENT CITY LIMITS; DECLARING SAID LAND TO BE A PART OF SAID CITY; DECLARING SAID LAND AND PRESENT AND 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; EXTENDING THE BOUNDARY OF DISTRICT 4; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; ESTABLISHING AN EFFECTIVE DATE.**

**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 voluntary annexation, and 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 passage of this ordinance; such land being more particularly described in Exhibit 'A', and represented on map Exhibit 'B', which are attached hereto and incorporated herein for all purposes.

**SECTION II:** It is declared that the land hereby annexed and described in Section I hereof is and shall hereafter 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 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 Killeen, Texas.

**SECTION III:** It is further declared that, in accordance with state law, the above described property shall be zoned "A: (Agricultural District) on the effective date of this ordinance, pursuant to Chapter 31, Section 124, paragraph (a) of the Code of Ordinances of the City of Killeen.

**SECTION IV:** The annexation service plan for the annexed area is attached as Exhibit C and is hereby incorporated herein for all purposes and adopted as a part of this ordinance.

**SECTION V:** It is further declared that the boundary of District 4 be extended to include the land being more particularly described and represented in Exhibit 'A' and Exhibit 'B'.

**SECTION VI:** 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 VII:** 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 VIII:** 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 22nd day of September 2015, at which meeting a quorum was present, held in accordance with the provisions of Texas Government Code, Chapter 551.001, *et seq.*

**APPROVED:**

\_\_\_\_\_  
**Scott Cospers**  
**MAYOR**

**APPROVED AS TO FORM**

**ATTEST:**

\_\_\_\_\_  
**Kathryn H. Davis**  
**CITY ATTORNEY**

\_\_\_\_\_  
**Dianna Barker**  
**CITY SECRETARY**

**Attachments: Exhibit A – Field Notes**  
**Exhibit B - Maps**  
**Exhibit C-Annexation service plan**

### Exhibit A. Field Notes

Being a 161.022 acre tract of land being part of the James Cook Survey, Abstract No. 161 and being that certain tract of land conveyed to RSBP Developers, Inc., a Texas Corporation, as recorded in Instrument No. 2015-00022453, Official Public Records of Bell County, Texas; said 161.022 acre tract being more particularly described as follows:

**BEGINNING** at a 5/8" Iron Rod Found with an Aluminum Cap in the South right-of-way line of Old Copperas Cove Road, being the Northeast corner of a called 0.230 acre tract of land conveyed to the City of Killeen, as recorded in Volume 5958, Page 371, said Deed Records, for the northerly Northwest corner of this tract of land;

**THENCE**, with the south right-of-way line of said Old Copperas Cove Road, the North line of said RSBP property, and the North line of the herein described tract of land the following calls:

1. S 73° 02' 10" E, 1402.12 feet to a 3/8" Iron Rod Found;
2. S 73° 10' 01" E, 590.26 feet;
3. S 73° 08' 31" E, 908.37 feet to a 3/8" Iron Rod Found with "M&ASSOC KILLEEN" Cap, said rod being in the south right-of-way line of said Old Copperas Cove Road, the Northwest corner of a called 4.000 acre tract conveyed to the Sai Seetha, Ltd., as recorded in Vol. 4798, Page 26, said Deed Records, the Northeast corner of said RSBP property, and the Northeast corner of the herein described tract;

**THENCE**, S 17° 16' 41" W, 419.45 feet with the West line of said Sai Seetha, Ltd. tract, the East line of said RSBP property, and the East line of the herein described tract of land to a 3/8" Iron Rod Found with "M&ASSOC KILLEEN" Cap, said rod being the Southwest corner of said Sai Seetha, Ltd. tract, the Northwest corner of a tract of land conveyed to Marshall Washburn, as recorded in Instrument No. 2007-27234, said Deed Records, in the East line of said RSBP property, and in the East line of the herein described tract of land;

**THENCE**, S 17° 11' 34" W, 208.25 feet with the West line of said Washburn tract, the East line of said RSBP property, and the East line of the herein described tract of land to a 3/8" Iron Rod Found with "M&ASSOC KILLEEN" Cap, said rod being the Southwest corner of said Washburn tract, in the East line of said RSBP property, and in the East line of the herein described tract of land;

**THENCE**, S 73° 02' 42" E, 86.36 feet with the South line of said Washburn tract, the East line of said RSBP property, and the East line of the herein described tract of land to a 1/2" Iron Rod

Found with "M&ASSOC KILLEEN" Cap, said rod being the Southeast corner of said Washburn tract, the Southwest corner of a tract of land conveyed to Marshall Washburn, as recorded in Volume 2487, Page 37, said Deed Records, the Northwest corner of Lot 1, Block 1, Terry Addition, as per plat of record in Cabinet B, Slide 303-B, Official Plat Records of Bell County, Texas, in the East line of said RSBP property, and in the East line of the herein described tract of land;

**THENCE**, S 17° 06' 28" W, 419.32 feet with the West line of said Lot 1, Block 1, Terry Addition, the West line of Lot 1, Block 1, Terry Addition, First Extension, as per plat of record in Cabinet B, Slide 329-B, said Plat Records, the East line of said RSBP property, and the East line of the herein described tract of land to a 3/8" Iron Rod Found with "M&ASSOC KILLEEN" Cap, said rod being the Southwest corner of said Lot 1, Block 1, Terry Addition, First Extension, in the East line of said RSBP property, and in the East line of the herein described tract of land;

**THENCE**, S 73° 12' 14" E, 330.27 feet with the South line of said Lot 1, Block 1, Terry Addition, First Extension, the East line of said RSBP property, and the East line of the herein described tract of land to a concrete flush monument with a brass cap TxDOT Right-Of-Way marker, said monument being in the West right-of-way of State Highway 201 (Clear Creek Road), the Southeast corner of said Lot 1, Block 1, Terry Addition, First Extension, in the East line of said RSBP property, and in the East line of the herein described tract of land;

**THENCE**, with the West right-of-way of State Highway 201 (Clear Creek Road), the East line of said RSBP property, and the East line of the herein described tract of land the following calls (each of the following calls end at a concrete flush monument with a brass cap TxDOT Right-Of-Way marker):

1. Along a curve to the left having a chord bearing S 17° 20' 57" W, chord distance 223.13 feet, arc length 223.13 feet, and radius 22988.89 feet
2. S 54° 38' 35" W, 56.65 feet;
3. S 17° 19' 35" W, 49.64 feet;
4. S 17° 02' 43" E, 54.37 feet;
5. S 17° 16' 45" W, 102.35 feet to a 3/8 Iron Rod Found, said rod being in the West right-of-way of said State Highway 201 (Clear Creek Road), the Northeast corner of Lot 1, Block 1, Frazier Subdivision, as per plat of record in Cabinet C, Slide 276-A, said Plat Records, the East line of said RSBP property, and the East line of the herein described tract of land;

**THENCE**, N 73° 10' 39" W, 326.48 feet with the North line of said Lot 1, Block 1, Frazier Subdivision, the North line of the remainder of called 2.000 acre tract of land conveyed to SCCR Holdings I, LLC, as recorded in Instrument No 2008-8298, said Deed Records, the East line of said RSBP property, and the East line of the herein described tract of land to a 3/8" Iron Rod Found, said rod being the Northwest corner of said SCCR Holdings I, LLC remainder, in the East line of said RSBP property, and in the East line of the herein described tract of land;

**THENCE**, S 17° 43' 43" W, 208.66 feet with the West line of said SCCR Holdings I, LLC remainder, the East line of said RSBP property, and the East line of the herein described tract of land to a 3/8" Iron Rod Found, said rod being the Southwest corner of said SCCR Holdings I, LLC remainder, in the North line of a tract of land conveyed to Albert R. & Fannie M. Hobbs, as recorded in Volume 3215, Page 142, said Deed Records, in the East line of said RSBP property, and in the East line of the herein described tract of land;

**THENCE**, N 73° 13' 35" W, 751.26 feet with the North line of said Albert R. & Fannie M. Hobbs tract, the North line of a tract of land conveyed to Albert Ray Hobbs, as recorded in Volume 5723, Page 447, said Deed Records, the East line of said RSBP property, and the East line of the herein described tract of land to a 3/8" Iron Rod Found, said rod being the Northwest corner of said Albert Ray Hobbs tract (5723/447), in the East line of said RSBP property, and the East line of the herein described tract of land;

**THENCE**, S 17° 17' 17" W, 260.56 feet with the West line of said Albert Ray Hobbs tract (5723/447), the East of said RSBP property, and the East line of the herein described tract of land to a 3/8" iron rod found, said rod being the Southwest corner of said Albert Ray Hobbs tract (5723/447), in the North line of a tract of land conveyed to Centex Humane Society, Inc., as recorded in Volume 3474, Page 778, said Deed Records, the East line of said RSBP property, and the East line of the herein described tract of land;

**THENCE**, N 73° 25' 21" W, 264.16 feet with the North line of said Centex Humane Society, Inc. tract, the East line of said RSBP property, and the East line of the herein described tract of land to a 3/8" Iron Rod Found, said rod being the Northwest corner of said Centex Humane Society, Inc. tract, in the East line of said RSBP property, and the East line of the herein described tract of land;

**THENCE**, S 17° 02' 41" W, 486.05 feet with the West line of said Centex Humane Society, Inc. tract, the West line of a tract of land conveyed to Centex Humane Society, Inc., as recorded in Volume 3474, Page 775, said Deed Records, the East line of said RSBP property, and the East

line of the herein described tract of land to a 3/8" Iron Rod Found, said rod being the Southwest corner of said Centex Humane Society, Inc. tract (3474/775), in the North line of a tract of land conveyed to Thomas A. & Ronald W. McGregor, as recorded in Volume 2669, Page 237, said Deed Records, the most southerly Southeast corner of said RSBP property, and the most southerly Southeast corner of the herein described tract of land;

**THENCE**, N 73° 15' 34" W, 2063.81 feet with the North line of said Thomas A & Ronald W McGregor tract, the South line of said RSBP property, and the South line of the herein described tract of land to a 3/8" Iron Rod Found with "M&ASSOC KILLEEN" Cap, said rod being the Northwest corner of said Thomas A & Ronald W McGregor tract, in the East line of the U.S. Government Fort Hood Military Reservation, the Southwest corner of said RSBP property, and the Southwest corner of the herein described tract of land;

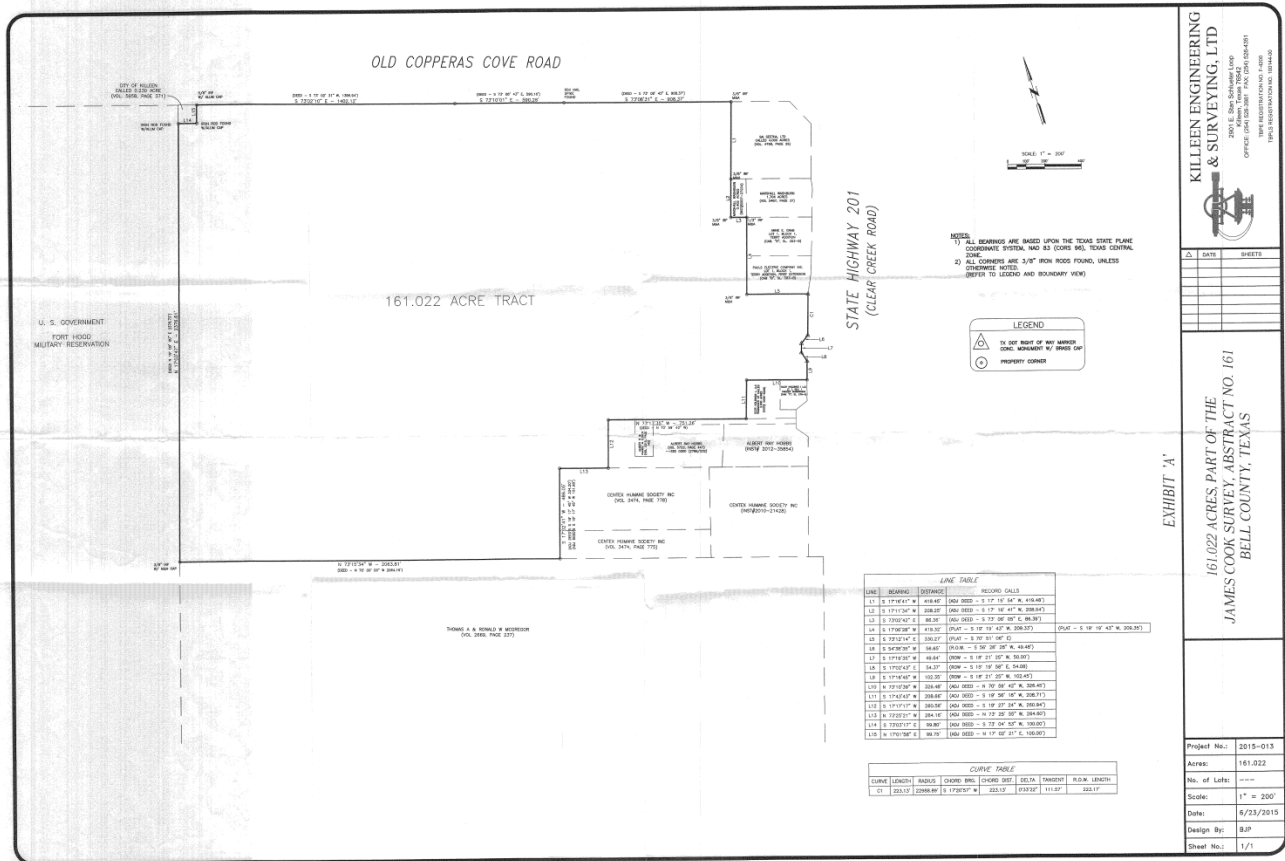
**THENCE**, N 17° 03' 47" E, 2376.61 feet with the East line of said U.S. Government Fort Hood Military Reservation, the West line of said RSBP property, and the West line of the herein described tract of land to an Iron Rod Found with Aluminum Cap, said rod being the Southwest corner of said City of Killeen tract, in the East line of said U.S. Government Fort Hood Military Reservation, the West line of said RSBP property, and the West line of the herein described tract of land;

**THENCE**, S 73° 03' 17" E, 99.80 feet with the South line of said City of Killeen tract, the West line of said RSBP property, and the West line of the herein described tract of land to an Iron Rod Found with Aluminum Cap, said rod being the Southeast corner of said City of Killeen tract, in the West line of said RSBP property, and the West line of the herein described tract of land;

**THENCE**, N 17° 01' 58" E, 99.75 feet with the East line of said City of Killeen tract, the West line of said RSBP property, and the West line of the herein described tract of land to the **POINT OF BEGINNING**, containing 161.022 acres of land, more or less.

The Bearings for the above description are based on the Texas State Plane Coordinate System, Central Zone, NAD 83.

# Exhibit B. Boundary Survey



OLD COPPERAS COVE ROAD

161.022 ACRE TRACT

STATE HIGHWAY 201  
(CLEAR CREEK ROAD)

U. S. GOVERNMENT  
FORT HOOD  
MILITARY RESERVATION

- NOTES:
- ALL BEARINGS ARE BASED UPON THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83 (COORD. 86), TEXAS CENTRAL ZONE.
  - ALL CORNERS ARE 5/16" IRON ROD FOUND, UNLESS OTHERWISE NOTED. (REFER TO LEGEND AND BOUNDARY WORK)

LEGEND

X OR 'X' MARK OF SURVEY CORNER OR MONUMENT BY BOUNDARY WORK

O PROPERTY CORNER

CHANG TABLE

LINE	BEARING	DISTANCE	RECORD CALLS
L1	S 17°42'47" W	419.48'	DOWN DEED - S 17° 12' 30" W, 419.48'
L2	S 17°42'47" W	288.88'	DOWN DEED - S 17° 12' 30" W, 288.88'
L3	S 72°02'42" E	88.28'	DOWN DEED - S 72° 02' 30" E, 88.28'
L4	S 72°02'42" E	470.52'	DOWN - S 72° 02' 30" E, 470.52'
L5	S 22°22'37" E	288.88'	DOWN - S 22° 22' 30" E, 288.88'
L6	S 22°22'37" E	51.48'	DOWN - S 22° 22' 30" E, 51.48'
L7	S 17°42'47" E	419.48'	DOWN - S 17° 12' 30" W, 419.48'
L8	S 17°42'47" E	288.88'	DOWN - S 17° 12' 30" W, 288.88'
L9	S 17°42'47" E	419.48'	DOWN - S 17° 12' 30" W, 419.48'
L10	S 17°42'47" E	288.88'	DOWN DEED - S 17° 12' 30" W, 288.88'
L11	S 17°42'47" E	288.88'	DOWN DEED - S 17° 12' 30" W, 288.88'
L12	S 17°42'47" E	288.88'	DOWN DEED - S 17° 12' 30" W, 288.88'
L13	S 17°42'47" E	288.88'	DOWN DEED - S 17° 12' 30" W, 288.88'
L14	S 17°42'47" E	288.88'	DOWN DEED - S 17° 12' 30" W, 288.88'
L15	S 17°42'47" E	288.88'	DOWN DEED - S 17° 12' 30" W, 288.88'

CURVE TABLE

CURVE	LENGTH	BEARINGS	CHORD BEG.	CHORD END	DELTA	TANGENT	R.O.M. LENGTH
C1	223.57'	229°08'48" W	S 17°02'37" W	223.57'	073°02'	111.57'	223.57'

**KILLEN ENGINEERING & SURVEYING, LTD.**  
 2801 E. One-Sixth Street  
 AUSTIN, TEXAS 78702  
 OFFICE: (512) 476-1111  
 FAX: (512) 476-1112  
 TYPING: (512) 476-1113  
 TEXAS REGISTRATION NO. 16144-0000

DATE	SHEETS

EXHIBIT 'A'

161.022 ACRES, PART OF THE  
 JAMES COOK SURVEY, ABSTRACT NO. 161  
 BELL COUNTY, TEXAS

Project No.:	2015-013
Acres:	161.022
No. of Lots:	---
Scale:	1" = 200'
Date:	6/23/2015
Design By:	BSP
Sheet No.:	1/1

## Exhibit C. **September 22, 2015** **Annexation Service Plan**

### INTRODUCTION

This Service Plan (“Plan”) is made by the City of Killeen (“City”) pursuant to Chapter 43 of the Texas Local Government Code (LGC). The Plan relates to the annexation to the City of approximately 161.022 acres in one tract of land (“annexation area”). The annexation area is located southwest of the intersection of Clear Creek Road (S.H. 201) and Old Copperas Cove Road and is located in Bell County, Texas. This annexation will increase the boundaries of Council District 4. A graphic depiction of the areas to be annexed is attached at Figure 1.

This plan is divided into two 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. 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 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 (KFD) will provide Fire, EMS, Rescue and HAZMAT services and prevention services in the annexation area, from Fire Stations 6, 7, and 8, as the primary responding stations, should they be busy, another fire station will be dispatched to fill in for the unavailable station, commencing on the effective date of the annexation. Upon completion of Fire Station 9, which is being built in the area for fire protection services, Station 9 will become the primary responding station. 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 the 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. Within the ten year agreement period, the City of Killeen shall become the provider for all fire protection and emergency medical services as facilities are constructed to support these services.

## 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, ride-ability, 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 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.

### 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 Planning and Development Services Department-Building Inspections Division will provide inspection services (building, electrical, plumbing, code enforcement, etc.), at the same or similar level of service now being provided to other areas of the City with similar land use, population density and topography as the newly annexed area.

### 6. Land Use Management

The property is currently designated as 'Rural' on the Future Land Use Map of the Comprehensive Plan. This land use designation encourages wide open landscapes, with no sense of enclosure, as well as very low density development, providing privacy and detachment from other dwellings in the area. The City of Killeen Code of Ordinances mandates that all property annexed into the City be initially zoned 'A' Agricultural District. 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. Within twelve months of the effective date of the annexation, a recommendation for more specific land use designation (if necessary) and zoning of the property will be submitted to the City Council for consideration.

The property owner of the annexation area will be contacted and asked to present their desires for the future land use designation and zoning of their property in a public hearing. This 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.

The property owner 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. The property owner 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 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 (5,000) 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 Public Works Department- Solid Waste Division will be available immediately upon annexation for the 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 (LGC Section 43.056(n)). 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 (LGC Section 43.056(o)). 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, 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 and inclusion in future curbside recycling collection services;
- yard waste and brush collection;
- special collection services; and
- 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 annexed areas the population density is low compared to other incorporated areas of the city. The present land use in the annexed area is characterized by large undeveloped parcels and 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.

- a. Water and Wastewater Utilities – It is the intent of the City of Killeen to provide water and 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.

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. Developers of property in the annexation areas 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.

- b. 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.
- c. 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 1000 feet that can accept gravity flow.

### 3. Drainage Utility

The City of Killeen adopted a comprehensive Drainage Master Plan on November 8, 2011, that provides a process to evaluate existing drainage problems and to prioritize drainage system improvement projects. The City intends to continue its current ongoing capital improvement

program (CIP) for both minor and major drainage problems as funding is provided. As problems are identified in the newly annexed area, data will be collected to rank and prioritize potential projects. Drainage problems that are the result of drainage infrastructure inadequacies will be included in the CIP. Drainage problems that are a civil matter (e.g., adverse grading of an adjoining private property; alteration of surface water run-off patterns) may not be included in the CIP. Public Works staff will, however, provide advice for possible drainage solutions to be accomplished by private property owners. The City anticipates that routine drainage maintenance concerns (e.g., clearing of debris that may cause flooding from storm drains; repair of failed or failing drainage infrastructure; abatement of illegal or illicit storm drainage discharges) in the newly annexed area will be essentially the same as ongoing maintenance requirements in the City's current Municipal Drainage Utility service area. Routine drainage maintenance concerns in the newly annexed area will be assessed by Public Works personnel and remedial actions will be performed on a priority-driven basis. At the time the annexation is complete, the resources of the City's drainage maintenance crews will be available to address drainage inspection, maintenance, and repair. As new development and re-development is completed within the newly annexed area, drainage infrastructure for such projects will be required to be brought into conformance with City standards. Under the State of Texas storm water discharge permits program, the newly annexed area will become a part of the City of Killeen's municipal separate storm sewer system (MS4) and be subject to the requirements of a storm water management program under the City's small MS4 general permit application approved by the Texas Commission on Environmental Quality (TCEQ).

## **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 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 the Killeen-Temple Metropolitan Planning Organization (KTMPO) Regional 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 the annexed area, if different characteristics of topography, land use, and population density are sufficiently distinct to justify a different level of service.

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. Presently, the land use in the annexation area is characterized by mostly vacant land in a rural open area with minor residential development. Future changes in land use shall be in accordance with the Comprehensive Plan

and, if, necessary, the Water and Wastewater Master Plan's timetable (and corresponding expenditures) could be expedited to provide water and wastewater sooner than is now justified by the current use. The City of Killeen estimated population exceeds 138,154 persons within a corporate area of approximately 55 square miles, and the population density of the annexation area is zero persons.

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 of the Killeen Code of Ordinances as amended.

Figure 1. Boundary survey of the subject tract is contained below.

