

ORDINANCE NO. 2015-21

AN ORDINANCE PROVIDING FOR THE VOLUNTARY ANNEXATION OF THE HEREINAFTER DESCRIBED TERRITORY INTO THE CITY OF BRIDGEPORT, TEXAS, FOR ALL MUNICIPAL PURPOSES; APPROVING A SERVICE PLAN FOR SUCH TERRITORY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bridgeport, Texas, is a Type A general law municipality located in Wise County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, a petition for voluntary annexation has been duly signed and acknowledged by each person or entity having an interest in the territory proposed for annexation, and such petition which is attached hereto as Exhibit "B" has been accepted by the City; and

WHEREAS, said tract of land is contiguous to the City, and is within the exclusive extraterritorial jurisdiction of the City; and

WHEREAS, the City has prepared a service plan for said territory which is attached as Exhibit "A" to this ordinance; and

WHEREAS, the City has published notice of hearings on said annexation and public hearings were held before the City Council on September 15, 2015, and September 22, 2015, in accordance with Chapter 43, Texas Local Government Code; and

WHEREAS, after such public hearings, the City Council desires to annex said territory into the City under the authority of Section 43.028 of the Local Government Code; and

WHEREAS, all requirements of law have been met to require this annexation in compliance with Chapter 43 of the Texas Local Government Code.

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

SECTION 1

That the territory hereinafter described is hereby annexed into the City for all municipal purposes, and that the boundary limits of the City are hereby extended to include said territory within the City limits, and said land and the future inhabitants

thereof shall hereafter be entitled to all rights and privileges of other citizens of the City and shall be bound by the acts and ordinances of said City:

Property (including any improvements):

A certain 8.00 acres out of the A. J. Roberts Survey, Abstract 398 being 5.38 acres out of a certain 5.59 acre tract (called 5.57 acres) and 2.62 acres out of a called 101.43 acre undivided interest tract; said 5.38 acres being a part of a called 5.57 acre save and except described in Volume 1539 at Page 734 and in Volume 1924 at Page 741 of the Official Records of Wise County, Texas (ORWCT) standing in the name of Norma Ruth Beville; and said 2.62 acres being a part of an undivided, called 101.43 acres as described in Volume 1539 at page 734 and in Volume 1924 at Page 741 standing in the names of Norma Ruth Beville, Angela Beville Tyson, Teresa Parish Webb, Jarrett Webb, Blaine Webb, Zane Tyson family Trust, and Rachel Tyson Family Trust. The undivided interest of the said Jarrett Webb was subsequently conveyed according to deed recorded in Volume 1941 at Page 606, ORWCT. All of the above noted property being out of the Norma Ruth Beville called 107 acre tract recorded in Volume 492 at Page 571 of the ORWCT.

SECTION 2

The official map and boundaries of the City, previously adopted, are amended to include the above described territory as a part of the City of Bridgeport, Texas. The City Secretary is directed and authorized to perform or cause to be performed all acts necessary to correct the official map of the City to add the territory annexed as required by law.

SECTION 3

That the municipal service plan for the herein annexed territory provided for in Exhibit "A" attached hereto is hereby adopted and approved.

SECTION 4

That the City Secretary is hereby directed to file with the County Clerk and other appropriate officials and agencies, as required by state and federal law and city annexation procedures, a certified copy of this ordinance.

SECTION 5

This ordinance shall be cumulative of all provisions of ordinances of the City of Bridgeport, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 6

Should any section or part of this ordinance be held unconstitutional, illegal or invalid, or the application thereof, the unconstitutionality, illegality, invalidity or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof, but as to such remaining portions, the same shall be and remain in full force and effect.

SECTION 7

Should this ordinance for any reason be ineffective as to any part of the area hereby annexed to the City of Bridgeport, such ineffectiveness of this ordinance as to any such part or parts of any such area shall not affect the effectiveness of this ordinance as to the remainder of such area. The City Council hereby declares it to be its purpose to annex to the City of Bridgeport every part of the area described in Section 1 of this ordinance, regardless of whether any part of such described area is hereby not effectively annexed to the City. Provided, further, that if there is included within the general description of territory set out in Section 1 of this ordinance to be hereby annexed to the City of Bridgeport any lands or area which are presently part of and included within the limits of the City of Bridgeport, or which are presently part of and included within the limits of any other City, Town or Village, or which are not within the City of Bridgeport's jurisdiction to annex, the same is hereby excluded and excepted from the territory to be annexed hereby as fully as if such excluded and excepted area were expressly described herein.

SECTION 8

This ordinance shall be in full force and effect from and after its passage, and it is so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF BRIDGEPORT, TEXAS, BY A VOTE OF 5 TO 0, ON THIS THE 20 DAY OF October, 2015.

APPROVED:



COREY LANE, MAYOR

ATTEST:



ERIKA McCOMIS, CITY SECRETARY



**CITY OF BRIDGEPORT
ANNEXATION SERVICE PLAN**

Area Annexed: Loves Truck Stop Property

A certain 8.00 acres out of the A. J. Roberts Survey, Abstract 398 being 5.38 acres out of a certain 5.59 acre tract (called 5.57 acres) and 2.62 acres out of a called 101.43 acre undivided interest tract; said 5.38 acres being a part of a called 5.57 acre save and except described in Volume 1539 at Page 734 and in Volume 1924 at Page 741 of the Official Records of Wise County, Texas (ORWCT) standing in the name of Norma Ruth Beville; and said 2.62 acres being a part of an undivided, called 101.43 acres as described in Volume 1539 at page 734 and in Volume 1924 at Page 741 standing in the names of Norma Ruth Beville, Angela Beville Tyson, Teresa Parish Webb, Jarrett Webb, Blaine Webb, Zane Tyson family Trust, and Rachel Tyson Family Trust. The undivided interest of the said Jarrett Webb was subsequently conveyed according to deed recorded in Volume 1941 at Page 606, ORWCT. All of the above noted property being out of the Norma Ruth Beville called 107 acre tract recorded in Volume 492 at Page 571 of the ORWCT and depicted on Exhibit A.

SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION

1. POLICE PROTECTION

The City of Bridgeport, Texas will provide police protection to the newly annexed tract at the same or similar level of service now being provided to other areas of the City of Bridgeport, Texas, with similar topography, land use and population within the newly annexed area.

2. FIRE PROTECTION AND AMBULANCE SERVICE

The City of Bridgeport, Texas will provide fire protection and Wise County, or it's designated provider, will provide ambulance service to the newly annexed tract at the same or similar level of service now being provided to other areas of the City of Bridgeport, Texas, with similar topography, land use and population with the City.

3. SOLID WASTE COLLECTION

At the present time the City of Bridgeport, Texas, is using a designated, specified contractor for collection of solid waste and refuse within the city limits. Upon payment of any required deposits and the agreement to pay lawful service fees and charges, solid waste collection will be provided to citizens in the newly annexed area to the extent that the City's contractor has access to the area to be serviced.

4. MAINTENANCE OF WATER AND WASTEWATER FACILITIES

Any and all water or wastewater facilities owned or maintained by the City of Bridgeport, Texas, at the time of the proposed annexation shall continue to be maintained by the City of Bridgeport, Texas. Any and all water or wastewater facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the City of Bridgeport, Texas, to the extent of its ownership.

5. MAINTENANCE OF ROADS AND STREETS

Any and all public roads, streets or alleyways which have been dedicated to the City of Bridgeport, Texas, or which are owned by the City of Bridgeport, Texas, shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas with similar topography, land use and population density. Any and all lighting of roads, streets and alleyways which may be positioned in a right-of-way, roadway or utility company easement shall be maintained by the applicable utility company servicing the City of Bridgeport, Texas, pursuant to the rules, regulations and fees of such utility.

6. MAINTENANCE OF PARKS, PLAYGROUNDS AND SWIMMING POOLS

The City Council of the City of Bridgeport, Texas, is not aware of the existence of any public parks, playgrounds or swimming pools now located in the area proposed for annexation. In the event any such parks, playgrounds or swimming pools do exist and are public facilities, the City of Bridgeport, Texas, will maintain such areas to the same extent and degree that it maintains parks, playgrounds and swimming pools and other similar areas of the City now incorporated in the City of Bridgeport, Texas.

7. MAINTENANCE OF MUNICIPALLY OWNED FACILITY, BUILDING OR MUNICIPAL SERVICE

The City Council of the City of Bridgeport, Texas, is not aware of the existence of any municipally owned facility, building or other municipal service now located in the area proposed for annexation. In the event any such municipally owned facility, building or municipal service does exist and are public facilities, the City of Bridgeport, Texas, will maintain such areas to the same extent and degree that it maintains publicly owned facilities, buildings or municipal services of the City now incorporated in the City of Bridgeport, Texas.

CAPITAL IMPROVEMENTS

1. GENERAL

a. The City policy for extending water and wastewater service is to extend service on an as required basis when development applications or subdivision plats are submitted to the City in accordance with the City's subdivision and

development ordinances.

b. Landowners may be required to fund capital improvements necessary to provide service in a manner consistent with law. Nothing in this plan shall be interpreted to require a landowner within the newly annexed area to fund capital improvements necessary to provide municipal services in a manner inconsistent with Chapter 395 of the Local Government Code, unless otherwise agreed to by the landowner.

2. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

The City Council of the City of Bridgeport, Texas finds and determines it to be unnecessary to acquire or construct any capital improvement for the purposes of providing police protection, fire protection, or emergency medical services. The City Council finds and determines that it has at the present time adequate facilities to provide the same type, kind and level of protection and service which is presently being administered to other areas already incorporated in the City of Bridgeport, Texas, with the same or similar topography, land use and population density, without reducing by more than a negligible amount the level of fire, police and emergency services provided within the corporate limits of the City.

3. WATER FACILITIES

The City Council of the City of Bridgeport, Texas, has determined that the area to be annexed is within the West Wise Special Utility District Certificate of Convenience and Necessity (CCN), and water will be provided by that entity. Therefore, capital improvements are not necessary to provide full municipal services for water.

4. WASTEWATER FACILITIES

The City Council of the City of Bridgeport, Texas, has determined that the area to be annexed has wastewater facilities provided by the City and it is not necessary to construct capital improvements to provide full municipal services. Service extensions will be available in accordance with City's utility policies and ordinances.

5. ROADS AND STREETS

The City Council of the City of Bridgeport, Texas, has determined that the area to be annexed abuts Highway 380 which is a public roadway owned and maintained by the Texas Department of Transportation (TxDOT). Maintenance of properly dedicated roads and streets will be consistent with the maintenance provided by TxDOT and/or the City to other roads and streets in areas of similar topography, land use and subdevelopment of the annexed property. If necessary, developers will be required pursuant to the ordinances of the City of Bridgeport, Texas, to provide internal and peripheral streets and to construct those streets in accordance with the specifications

required by the City of Bridgeport, Texas, for the properly dedicated street. City participation in capital expenditures will be in accordance with city policies.

SPECIFIC FINDINGS

The City Council of the City of Bridgeport, Texas finds and determines that this proposed Service Plan will not provide any fewer services, and it will not provide a lower level of service in the area proposed to be annexed than were in existence in the proposed area at the time immediately preceding the annexation process.

Because of the differing characteristics of topography, land utilization and population density, the service levels which may ultimately be provided in the newly annexed area may differ somewhat from services provided other areas of the City of Bridgeport, Texas. These differences are specifically dictated because of differing characteristics of the property and the City of Bridgeport, Texas will undertake to perform consistent with this contract so as to provide the newly annexed area with the same type, kind and quality of service presently enjoyed by the citizens of the City of Bridgeport, Texas who reside in areas of similar topography, land utilization and population.

APPROVED ON THIS 10 DAY OF September, 2015.

City of Bridgeport, Texas

[Handwritten Signature]

Mayor

ATTEST:

[Handwritten Signature]

City Secretary



