

**ORDINANCE No. 1001**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD SHORES, TEXAS, ANNEXING LOTS A, B, and C, AND THE WIRTZ DAM ROAD IN THE CASTLE ACRES RESUBDIVISION INTO THE CITY OF COTTONWOOD SHORES, TEXAS, APPROVING A SERVICE PLAN FOR THE ANNEXED AREA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Cottonwood Shores, Texas desires to annex that certain tract or parcel of land consisting of 2.74 acres in the A.C. Fuchs Survey No. 4, Abstract No. 1484, Burnet County, Texas and being more particularly described in Exhibit "A" (herein, the "Wirtz Dam Road") attached hereto and incorporated herein for all purposes, and 7.52 acre tract of land consisting of approximately 6.1 acres out of the John Darlin Survey No. 4, Abstract No. 248 and 1.4 acres out of the A. C. Fuchs Survey No. 1448, Abstract No. 1484, Burnet County, Texas, and also being Lots Nos. A, B, and C of Castle Acres Resubdivision, the plat of which is recorded in Volume 1, page 22 of the Burnet County Plat Records, and being more particularly described in Exhibit "B" (herein, "Bay Marine Property"); and

WHEREAS, the owners of the Wirtz Dam Road and the Bay Marine Property (collectively, the "Properties") have each filed a petition with the City of Cottonwood Shores, Texas requesting the annexation of the Properties by the City of Cottonwood Shores, Texas; and

WHEREAS, the City is already providing water and sewer service to the Castle Acres Subdivision. The City of Cottonwood Shores, Texas has a population in excess of 1000, but less than 5000, and is a Type A General Law Municipality. No agreement not to annex exists and the subject lots are not appraised as agricultural or wildlife management use; and

WHEREAS, the land area of the annexed property is less than ten percent (10%) of the incorporated area of the City of Cottonwood Shores, Texas as of January 1, 2010; and

WHEREAS, the City of Cottonwood Shores, Texas is a general law municipality authorized by State law to annex territory lying adjacent and contiguous to the City; and

WHEREAS, the City of Cottonwood Shores, Texas has a population of over 1,000 and is not yet eligible to adopt a home-rule charter; and

WHEREAS, the property to be annexed is adjacent to the present city limits and lies within the boundaries of the Castle Acres Resubdivision; and

WHEREAS, two separate public hearings were conducted prior to consideration of this Ordinance in accord with §43.063, *Tex. Loc. Gov't. Code*; and

WHEREAS, the two separate public hearings that were conducted, were held not more than forty (40) nor less than twenty (20) days prior to the institution of annexation proceedings; and

WHEREAS, the Service Plan for the proposed annexed area was prepared by the City Administrator and available for inspection at the City Hall during business hours prior to the public hearings; and

WHEREAS, no railroad serves the municipality or property in the property to be annexed; and

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings and notice was timely posted on the City's internet website, all in accordance with §43.063, *Tex. Loc. Gov't Code*; and

WHEREAS, the lot owners of the proposed annexed lots were given the required written notice as well as any public entities or private entities, that provide services in the proposed area to be annexed; and

WHEREAS, the City currently provides water and sewer service and intends to provide services to the property to be annexed according to the Service Plan attached hereto as Exhibit "C"; and

WHEREAS, the City has complied with the procedural rules of *Chapter 43, Tex. Loc. Gov't Code*.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF COTTONWOOD SHORES, TEXAS, THAT:

SECTION 1: All of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this Ordinance as if copied herein in their entirety.

SECTION 2: The following described property (hereinafter referred to as the "Annexed Property") is hereby annexed into the corporate limits of the City of Cottonwood Shores, Texas: All that certain tracts, lots or parcels of land located within Castle Acres Resubdivision, described as that certain tract or parcel of land consisting of 2.74 acres in the A. C. Fuchs Survey No. 4, Abstract No. 1484, Burnet County, Texas and being more particularly described in Exhibit "A" (herein, the "Wirtz Dam Road") attached hereto and incorporated herein for all purposes, and 7.52 acre tract of land consisting of approximately 6.1 acres out of the John Darlin Survey No. 4, Abstract No. 248, and 1.4 acres out of the A. C. Fuchs Survey No. 1448, Abstract No. 1484, Burnet County, Texas, and also being Lots Nos. A, B, and C of Castle Acres Resubdivision, the plat of which is recorded in Volume 1, page 22 of the Burnet County Plat Records, and being more particularly described in Exhibit "B" (herein, "Bay Marine Property").

SECTION 3: The Service Plan submitted herewith is hereby approved as part of this Ordinance, made a part hereof and attached hereto as Exhibit "C" and incorporated herein for all purposes,

SECTION 4: The future owners and inhabitants of the Annexed Property shall be entitled to all of the rights and privileges of the City as set forth in the Service Plan attached hereto as Exhibit "C," and are further bound by all acts, ordinances, and all other legal action now in force and effect and all those which may be hereafter adopted.

SECTION 5: The official map and boundaries of the City, heretofore adopted and amended by and hereby, are amended so as to include the Annexed Property as part of the City of Cottonwood Shores, Texas.


SECTION 6: The Annexed Property shall be temporarily zoned single family as provided in the City Zoning Ordinance, until permanent zoning is established therefore.

SECTION 7: If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 8: This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

SECTION 9: It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED on this 9th day of December, 2010.


William Plumley, Mayor Pro-tem

Attest:


Cynthia Schwertner, City Secretary



EXHIBIT "A"

ANNEXED PROPERTY

EXHIBIT "A"

FIELD NOTE DESCRIPTION OF A 2.74 ACRE TRACT SITUATED IN THE A.C. FUCHS SURVEY No. 1448, ABSTRACT No. 1484, BEING A PORTION OF THE REMAINDER OF A 62.5 ACRE TRACT OF LAND DESCRIBED IN A DEED FROM C.T. HEDGES, ET UX, TO THE LOWER COLORADO RIVER AUTHORITY, DATED AUGUST 5, 1949, RECORDED IN VOLUME 103, PAGE 234 OF THE DEED RECORDS OF BURNET COUNTY, TEXAS. THE PERIMETER OF SAID 2.74 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1-1/2 inch iron rod found in concrete (Grid Coordinates: N=10169794.05 feet, E=2925804.27 feet) for the southeasterly corner of this tract, same being the common southerly corner of said 62.5 Acre Remainder Tract and Lot 1 of Cottonwood Acres Subdivision, recorded in Volume 3, Page 48 of the Plat Records of Burnet County, Texas, same being on the northerly right-of-way line of Ridgeview Drive (R.O.W. width varies);

THENCE, S 78°22'26" W, along the southerly boundary line of said 62.5 Acre Remainder Tract and the northerly right-of-way line of said Ridgeview Drive, passing at a distance of 3.99 feet an "LCRA" monument found, and continuing for a total distance of 80.33 feet to a 1/2 inch iron rod found for the southwesterly corner of this tract, same being the southeasterly corner of an 18.113 acre lease tract described in a lease document from the Lower Colorado River Authority to LBJ Yacht Club and Marina, dated August 13, 1996, and recorded in L.C.R.A. Central Records under Lease LSE0000271, from which a broken monument stem found in concrete for a common corner of said 62.5 Acre Remainder Tract, said 18.113 Acre Lease Tract, and Lot A of Castle Acres Resubdivision, recorded in Volume 1, Page 22 of the Plat Records of Burnet County, Texas, bears, S 78°22'26" W, a distance of 360.61 feet;

THENCE, leaving the southerly boundary line of said 62.5 Acre Remainder Tract and the northerly right-of-way line of said Ridgeview Drive, through the interior of said 62.5 Acre Remainder Tract and being along the easterly boundary lines of said 18.113 Acre Lease Tract, the following four (4) courses and distances:

- 1) N 12°30'12" W, a distance of 50.35 feet to a damaged 1/2 inch iron rod found for a westerly corner of this tract, being an easterly corner of said 18.113 Acre Lease Tract,
- 2) N 08°15'12" W, a distance of 200.15 feet to a damaged 1/2 inch iron rod found for a westerly corner of this tract, being an easterly corner of said 18.113 Acre Lease Tract,
- 3) N 07°26'03" W, a distance of 359.74 feet to a computed point for a westerly corner of this tract, being an easterly corner of said 18.113 Acre Lease Tract, and
- 4) N 05°45'05" W, a distance of 331.24 feet to a 3/8 inch iron rod found for the northwesterly corner of this tract, being the northeasterly corner of said 18.113 Acre Lease Tract;

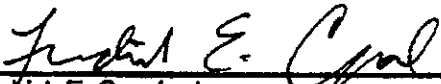
THENCE, S 88°02'05" E, leaving the easterly boundary line of said 18.113 Acre Lease Tract and continuing through the interior of said 62.5 Acre Remainder Tract, a distance of 166.11 feet to a computed point for the northeasterly corner of this tract, being on the common boundary line of said 62.5 Acre Remainder Tract and Tract 26 of Evergreen Subdivision on Lake Marble Falls, recorded in Volume 4, Page 51 of the Plat Records of Burnet County, Texas;

THENCE, S 02°00'45" E, along the easterly boundary line of said 62.5 Acre Remainder Tract and the westerly boundary lines of said Tract 26 and said Lot 1, passing at a distance of 719.09 feet a 1/2 inch iron rod found (2.4 feet west of said boundary line), and continuing for a total distance of 912.20 feet to the **POINT OF BEGINNING**. Said tract contains 2.74 acres, more or less.

Bearing Basis: Texas Lambert Grid, Central Zone, NAD 83/HARN

All distances are surface values; to obtain grid values multiply surface distances by a Combined Scale Factor of 0.99987161. All distance units are U.S. Survey Feet.

This description and plat attached hereto represent an on-the-ground survey made under my direct supervision during the month of January 2008.


Fredrick E. Crawford
Texas Registered Professional Land Surveyor #4670
Lower Colorado River Authority

1/20/08
Date

LINE TABLE

L1	S 78°22'26" W - 80.33'
	(S 86°52' W)
L2	N 12°30'12" W - 50.35'
L3	N 06°15'12" W - 200.15'
L4	N 07°28'03" W - 359.74'
L5	N 05°45'05" W - 331.24'
L6	S 86°02'05" E - 186.11'
L7	N 02°00'45" W - 252.99'
L8	N 86°28'30" W - 0.68'
L9	N 87°43'25" W - 2.48'
L10	S 78°22'28" W - 3.99'
L11	N 02°00'45" W - 810.99'

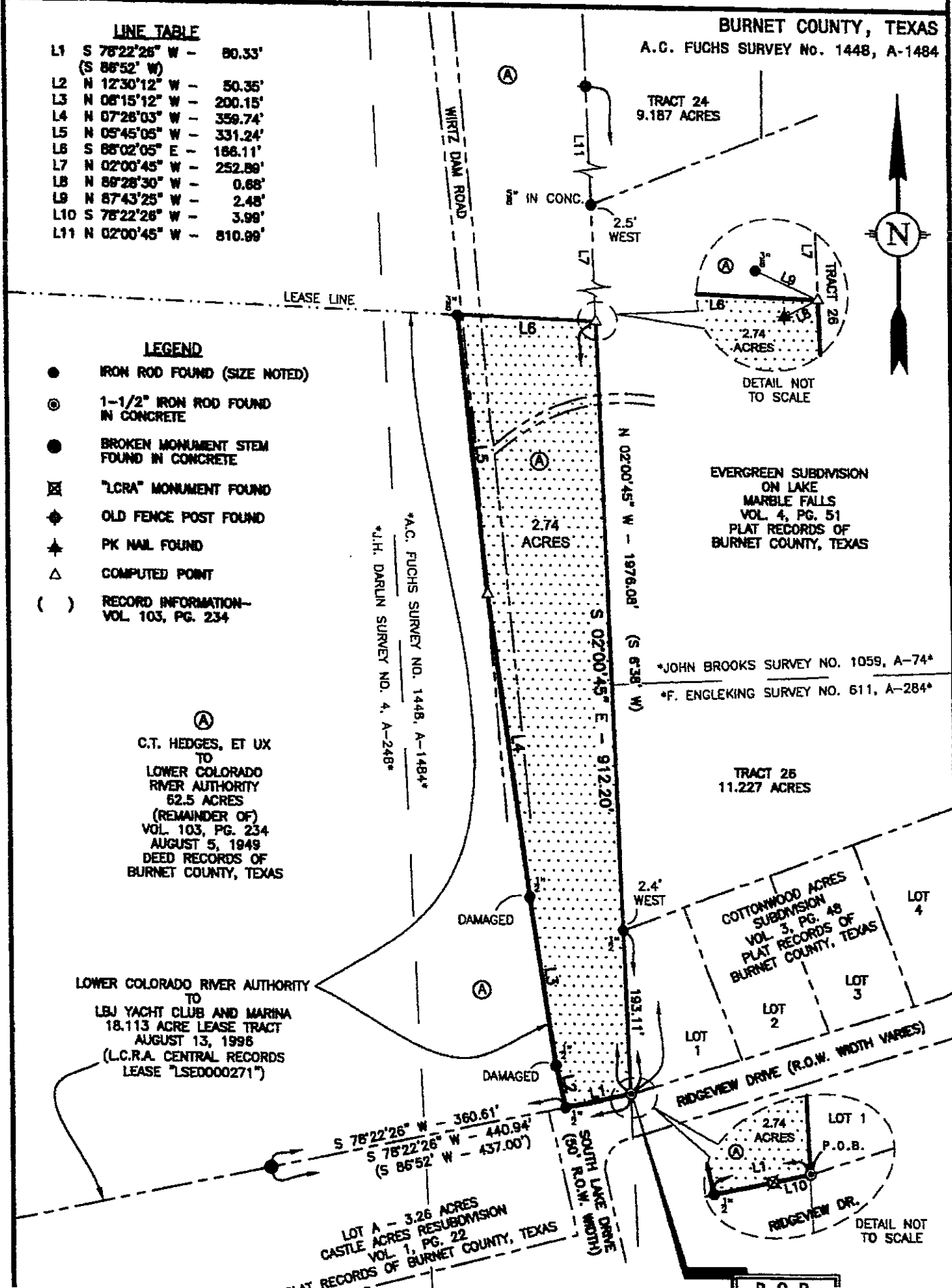
BURNET COUNTY, TEXAS
A.C. FUCHS SURVEY No. 1448, A-1484

- LEGEND**
- IRON ROD FOUND (SIZE NOTED)
 - ⊙ 1-1/2" IRON ROD FOUND IN CONCRETE
 - BROKEN MONUMENT STEM FOUND IN CONCRETE
 - ⊠ "LCRA" MONUMENT FOUND
 - ◆ OLD FENCE POST FOUND
 - ★ PK NAIL FOUND
 - △ COMPUTED POINT
 - () RECORD INFORMATION- VOL. 103, PG. 234

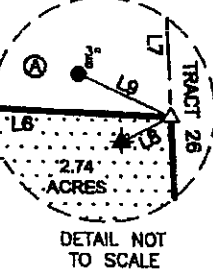
(A)
C.T. HEDGES, ET UX
TO
LOWER COLORADO
RIVER AUTHORITY
62.5 ACRES
(REMAINDER OF)
VOL. 103, PG. 234
AUGUST 5, 1949
DEED RECORDS OF
BURNET COUNTY, TEXAS

LOWER COLORADO RIVER AUTHORITY
TO
LBJ YACHT CLUB AND MARINA
18.113 ACRE LEASE TRACT
AUGUST 13, 1996
(L.C.R.A. CENTRAL RECORDS
LEASE "LSED000271")

LOT A - 3.26 ACRES
CASTLE ACRES RESUBDIVISION
VOL. 1, PG. 22
PLAT RECORDS OF BURNET COUNTY, TEXAS



TRACT 24
9.187 ACRES



EVERGREEN SUBDIVISION
ON LAKE
MARBLE FALLS
VOL. 4, PG. 51
PLAT RECORDS OF
BURNET COUNTY, TEXAS

JOHN BROOKS SURVEY NO. 1059, A-74
F. ENGLEKING SURVEY NO. 611, A-284

TRACT 25
11.227 ACRES

COTTONWOOD ACRES
SUBDIVISION
VOL. 3, PG. 48
PLAT RECORDS OF
BURNET COUNTY, TEXAS

LOT 1
LOT 2
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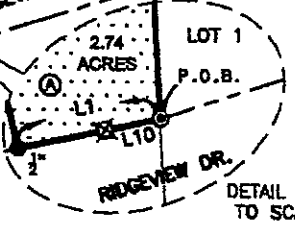


EXHIBIT B

Field notes of a 7.524 acre tract of land consisting of approximately 6.1 acres out of the John Darlin Survey No. 4, Abstract No. 248 and 1.4 acres out of the A. C. Fuchs Survey No. 1448, Abstract No. 1484, Burnet County, Texas, and also being Lots Nos. A, B and C of Castle Acres Resubdivision, the plat of which is recorded in Volume 1, Page 22 of the Burnet County Plat Records:

Beginning at a steel stake at the Northeast corner of said Lot No. A, said point being in the South line of that certain 62.5 acre tract conveyed to L.C.R.A., from which point the Northeast corner of the A. C. Fuchs Survey No. 1448 bears N 80° 34' 00" E 100.59 ft., and N 00° 08' E 2,236.6 ft.,

Thence with the East line of said Lot No. A and the West line of South Lake Drive S 10° 28' 00" E at 149.6 ft., the Southeast corner of said Lot No. A, the Northeast corner of said Lot No. B and in all 192.59 ft. to a steel stake for the P. C. of a curve to the right,

Thence continuing with the West right of way line and said South Lake Drive, the East line of said Tract B and said curve to the right, the radius of which is 213.47 ft. through a central angle of S 09° 00' 34" an arc distance of 33.57 ft., a chord bearing and distance of S 05° 57' 43" E 33.53 ft. to a steel stake for the P. C. of a curve to the right,

Thence continuing with the West right of way line of said South Lake Drive, the East line of said Lot No. B and said curve to the right, the radius of which is 156.02 ft. through a central angle of 37° 23' 58" an arc distance of 101.84 ft., a chord bearing and distance of S 16° 18' 15" W 100.04 ft. to a steel stake for the P. T. of same,

Thence continuing with the West right of way line of said South Lake Drive and the East line of said Lot No. B S 35° 00' 13" W 194.86 ft. to a steel stake set in the East line of said Lot No. C,

Thence continuing with the West right of way line of said Lake Shore Drive and the East line of said Lot No. C S 39° 04' 13" W 90.96 ft. to a steel stake therein, said point being the most southerly corner of said Lot No. C,

Thence with the South line of said Lot No. C N 78° 32' 00" W 452.10 ft. to a steel stake and N 60° 47' 00" W 131.57 ft. to a steel stake at the approximate 825 ft. contour line of Lake Lyndon B. Johnson, said point being the Southwest corner of said Lot No. C,

Thence with the 825 ft. contour line of said Lake Lyndon B. Johnson and the West line of said Lot No. C N 22° 54' 00" W 37.70 ft. to a steel stake at the Northwest corner of said Lot No. C, said point being the Southwest corner of Lot No. B,

Thence continuing with the 825 ft. contour line of said Lake Lyndon B. Johnson and the West line of said Lot No. B N 71° 25' 00" W 91.0 ft. to a steel stake at the most westerly corner of said Lot No. B and the Southwest corner of said Lot No. A,

Thence continuing with the 825 ft. contour line of said Lake Lyndon B. Johnson and the West line of said Lot No. A N 10° 15' 00" E 139.29 ft. to a steel stake and N 27° 21' 00" W 64.15 ft. to a steel stake at the Northwest corner of said Lot No. A,

Thence with the North line of said Lot No. A and the South line of said 62.5 acre tract N 80° 34' 00" E 493.26 ft. to a steel stake, and N 80° 29' 00" E 340.33 ft. to the place of beginning.



MUNICIPAL SERVICES PLAN FOR PROPERTY ANNEXED BY THE
CITY OF COTTONWOOD SHORES, TEXAS

WHEREAS, the City of Cottonwood Shores, Texas intends to institute annexation proceedings of an area of land described more fully hereinafter (referred to herein as the "subject property"); and

WHEREAS, § 43.056, *Tex. Loc. Gov't. Code*, requires a service plan be adopted with the annexation ordinance; and

WHEREAS, the subject property is comprised of less than 100 subdivision lots, each less than one acre and are located wholly within the Castle Terrace Subdivision, Sections I and II, which are already within the city limits of Cottonwood Shores and currently each subdivision lot, including the subject property, has immediate availability to municipal water and sewer connections; and

WHEREAS, the subject property is not included in the municipal annexation plan and is exempt from the requirements thereof;

WHEREAS, the infrastructure provided for herein and that existing are sufficient to service the subject property on the same terms and conditions as other similarly situated properties currently within the City limits and no capital improvements are required to offer the same terms and conditions as other similarly situated properties within the City; and

WHEREAS, it is found that all statutory requirements have been satisfied and the City is authorized by *Chapt. 43, Tex. Loc. Gov't. Code*, to annex the subject property into the City;

NOW, THEREFORE, the City of Cottonwood Shores agrees to provide the below described municipal services for the subject property within the specified time from the effective date of annexation as follows:

1. Within 10 days, police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the City of Cottonwood Shores.

2. Within 10 days, fire protection and Emergency Medical Services as follows:

Fire protection by the present personnel and equipment of the firefighting force with the limitations of water available. Radio response for Emergency Medical Services with the present personnel and equipment, both as now being offered to the citizens of the City of Cottonwood Shores.

3. Within 10 days, solid waste collection services as follows:

**MUNICIPAL SERVICES PLAN FOR PROPERTY ANNEXED BY THE
CITY OF COTTONWOOD SHORES, TEXAS**

Solid waste collection and services as now being offered to the citizens of the City of Cottonwood Shores. Citizens living within the subject property that currently contract with a qualified third party provider of such service will have the option to continue such contract for 18 months from the date of annexation at established fees.

- 4. Immediately, water service and maintenance of water facilities as follows:**
 - (1) Inspection of water distribution lines as provided by statutes of the State of Texas.**
 - (2) Water service will be provided by the City utility department at the City's existing rates and fees for in-City water customers. The system will be maintained by the City in accordance with its usual maintenance policies.**

- 5. Immediately, wastewater service and maintenance of wastewater will be provided as follows:**
 - (1) Inspection of sewer lines as provided by statutes of the State of Texas.**
 - (2) Connections to the City sewer/water systems will become mandatory 18 months from the date of annexation at established fees payable over a period of six months following connection.**
 - (3) Sewer service will be provided by the City utility department at the City's existing rates and fees for sewer system customers. The system will be maintained by the City in accordance with its usual maintenance policies.**

- 6. Within 10 days, maintenance of streets and rights-of-way, as appropriate, as follows:**
 - (1) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.**
 - (2) Routine maintenance as presently performed within the City.**
 - (3) Reconstruction and resurfacing of streets, installation of drainage facilities, and other such major improvements as the need therefore is determined by the governing body under City policies.**
 - (4) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards.**

MUNICIPAL SERVICES PLAN FOR PROPERTY ANNEXED BY THE
CITY OF COTTONWOOD SHORES, TEXAS

- (5) **Installation and maintenance of street lighting in accordance with established policies of the City.**
7. **Within 10 days, animal control as follows:**
- Service by present personnel, equipment and facilities or by contract with a third party, as provided within the City.**
8. **Within 10 days, maintenance of parks and playgrounds within the City.**
9. **Within 10 days, inspection services in conjunction with building permits and routine City code enforcement services by present personnel, equipment and facilities.**
10. **Within 10 days, maintenance of other City facilities, buildings and service.**
11. **Within 10 days, land use regulation as follows:**
- On the effective date of annexation, the zoning jurisdiction of the City shall be extended to include the annexed area, and all non-public property therein to be temporarily grandfathered. The property shall be initially zoned as single family upon annexation.**

PROPERTY DESCRIPTION

All that certain area, lots, tracts and parcels of land described in Exhibits "A" and "B" to the Annexation Ordinance, to which this Service Plan is attached as Exhibit "C."