

ORDINANCE NO 2025-02

AN ORDINANCE ANNEXING AN APPROXIMATELY 5 ACRE TRACT OF LAND LOCATED IN THE HENRY FARLEY AND J. A. CLAYTON SURVEYS AND BEING COMMONLY KNOWN AS 2204 CORYELL ROAD IN THE CITY OF GATESVILLE, CORYELL COUNTY, TEXAS AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SUCH PROPERTY WITHIN THE CITY'S CORPORATE LIMITS; GRANTING TO ALL THE INHABITANTS AND OWNERS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY; AND ADOPTING A SERVICE PLAN FOR SAID PROEPRTY; PROVIDING A CONFLICTS CLUASE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, §43 of the Texas Local Government Code authorizes the City of Gatesville, Texas, an incorporated city, to engage in the annexation of territory, subject to the laws of this state, and;

WHEREAS, the City Council of the City of Gatesville has been presented with a petition requesting annexation of an approximately 5 acre tract of land out of the Henry Farley and J.A. Clayton Surveys, being more commonly known as 2204 Coryell Road, in the City of Gatesville, Coryell County, Texas and being more particularly described and depicted in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, the notices and public hearings required by Chapter 43, Texas Local Government Code and other applicable law have been given and conducted; and

WHEREAS, the City Council has adopted a service plan as required by Section 43.056 of the Texas Local Government Code relating to the Property, the terms of which are attached hereto and incorporated herein by this reference as Exhibit "B" (the "Service Plan"); and

WHEREAS, the Property lies adjacent to the existing corporate limits of the City of Gatesville, Texas and is located within the exclusive extraterritorial jurisdiction of the city of Gatesville, Texas; and

WHEREAS, the requirements and procedures prescribed by the Texas Local Government Code and the Charter of the City of Gatesville, Texas, and the laws of this state for annexation of the Property have been duly followed; and

WHEREAS, the City Council of the City of Gatesville has concluded that the Property should be annexed to and made a part of the City of Gatesville, Texas;

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

SECTION 1. Based on the findings of fact set forth in the recitals above, which are

found to be true and correct and are incorporated herein as if set forth in full, the Property is hereby annexed into the corporate limits of the City of Gatesville, Texas.

SECTION 2. The boundary limits of the City of Gatesville shall be and the same are hereby extended to include the Property within the City's corporate limits and the territory described herein shall be and is hereby included within the corporate limits, subject to all the acts, ordinances, resolutions, and regulations of the City. The inhabitants of the Property shall hereafter be entitled to all the rights and privileges of other citizens of the City of Gatesville and they shall be bound by the acts, ordinances, resolutions, and regulations of said City.

SECTION 3. The Service Plan, Exhibit "B," for the area is hereby adopted..

SECTION 4. To the extent of any irreconcilable conflict with the provisions of this Ordinance and other ordinances of the City of Gatesville governing the use and development of the Property and which are not expressly amended by this Ordinance, the provisions of this Ordinance shall be controlling.

SECTION 5. All provisions of the ordinances of the City of Gatesville, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 6. Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 7. The City Secretary is hereby directed to file with the County Clerk of Coryell County Texas, a certified copy of this ordinance.

SECTION 8. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

The foregoing Ordinance No. 2025-02 was read the first time and passed to the second reading
this 14th day of January 2025.

The foregoing Ordinance No. 2025-02 was read the second time and passed to the third reading
this 28th day of January 2025.

The foregoing Ordinance No. 2025-02 was read the third time and was passed and adopted as an
Ordinance to the City of Gatesville, Texas, this 11th day of February 2025.



ATTESTED:


HOLLY OWENS, T.R.M.C.
CITY SECRETARY

BY: 
GARY M. CHUMLEY, MAYOR

APPROVED AS TO FORM:


VICTORIA THOMAS
CITY ATTORNEY
Victoria Thomas

EXHIBIT "A"

All that certain five (5) acres, being a part of the Henry Farley and J. A. Clayton Surveys situated in Coryell County, Texas, and being further described by metes and bounds as follows:

BEGINNING S 60 deg. 18' W, 332.02 feet and S 48 deg. 58' 29", W, 146.64 feet from the most northly corner of that certain 177 acre tract described in Volume 173, Page 580, Deed Records, Coryell County, Texas;

THENCE S 74 deg. 18' 14" E, 376.14 feet to the NE corner of this tract;

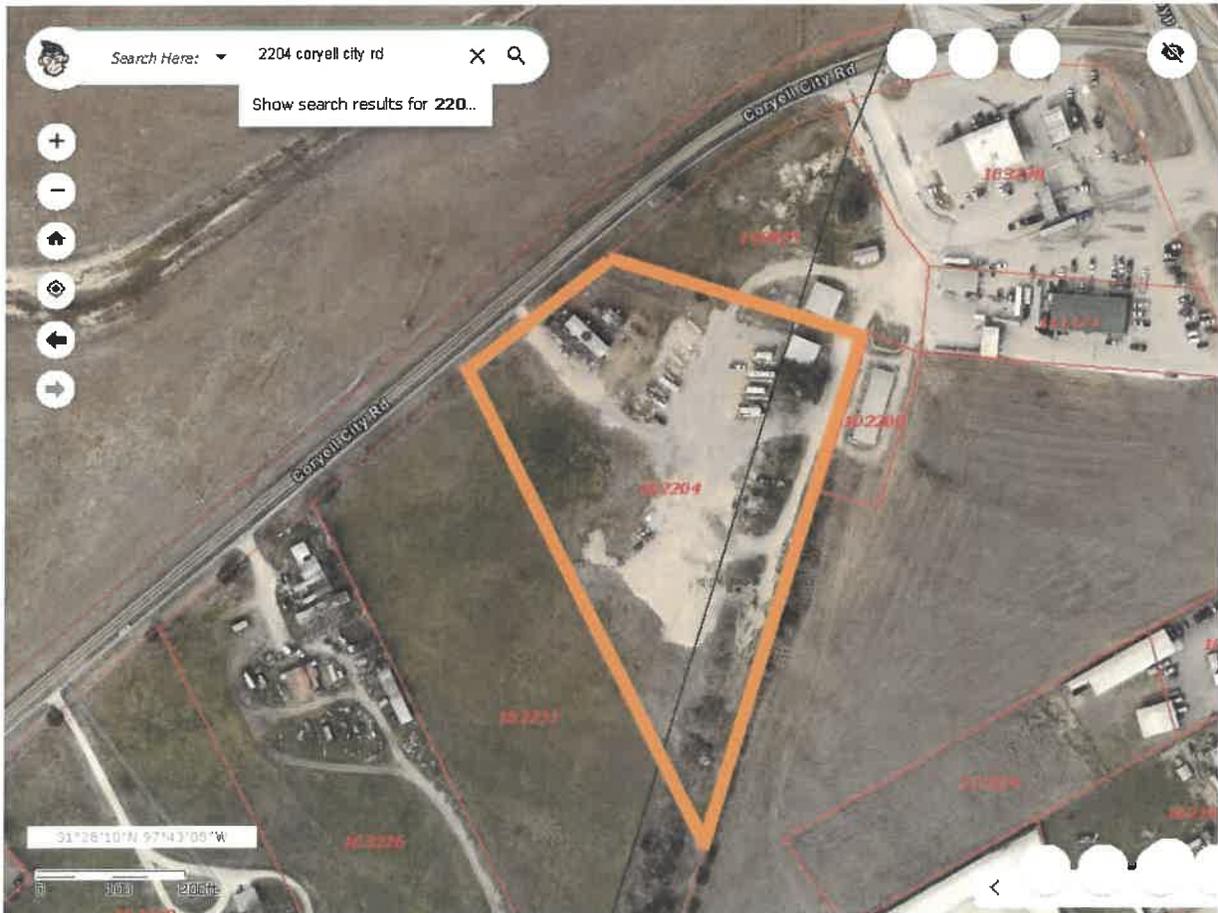
THENCE S 15 deg. 41' 33" W, 720.43 feet to the SE corner of this tract;

THENCE N 28 deg. 01' 09" W, 728.49 feet to the NW corner of this tract, also beng on the South bourndry line of FM Road 929;

THENCE N 48 deg. 58' 29" E, with the South boundry line of FM Road 929, 231.92 feet to the Place of Beginning.

10/16/24, 4:30 PM

BIS Consulting Web App



<https://gis.bisclient.com/coryellcad/?find=148016>

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EXHIBIT "B"

ANNEXATION SERVICE PLAN AGREEMENT

For land described in Ordinance 2025-02 effective on the date of annexation, the following services are to be provided as set forth below:

1. POLICE PROTECTION

The City of Gatesville, 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 Gatesville, Texas, with similar topography, land use and population within the newly annexed area.

2. FIRE PROTECTION AND AMBULANCE SERVICE

The City of Gatesville, Texas will provide fire protection and 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 Gatesville, Texas, with similar topography, land use and population with the City of Gatesville.

3. SOLID WASTE COLLECTION AND RECYCLING PROGRAM

At the present time the City of Gatesville, Texas. is using a designated, specified contractor for collection of solid waste and refuse and a recycling program within the city limits of the City of Gatesville, Texas. Upon payment of any required deposits and the agreement to pay lawful service fees and charges, solid waste collection and recycling program 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. Also, periodic community wide roll-off disposal of hazardous household waste will be available.

4. MAINTENANCE OF WATER AND WASTEWATER FACILITIES

Any and all water or wastewater facilities owned or maintained by the City of Gatesville, Texas, at the time of the proposed annexation shall continue to be maintained by the City of Gatesville, 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 Gatesville, 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 Gatesville, Texas, or which are owned by the City of Gatesville, 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 Gatesville, 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 Gatesville, Texas, is not aware of the existence of any 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 Gatesville, 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 Gatesville, Texas.

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

The City Council of the City of Gatesville, 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 Gatesville, 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 Gatesville, Texas.

8. CAPITAL IMPROVEMENTS

A. GENERAL

The City provides water and wastewater treatment facilities and major distribution and collection facilities to areas within the City for which the City is authorized to provide such services (this does not include areas for which a certificate of convenience and necessity has been issued to a special district or other water provider). The City does not extend water distribution or wastewater collection mains at its own cost to new developments as part of its municipal services; instead, property owners are expected to bear such costs. Water and wastewater mains will be extended only on an as needed basis when development applications or subdivision plats that require urban level supporting services are submitted to the City in accordance with the City's subdivision and development ordinances. Once such developments begin to occur, the City also may adopt capital improvements plans for additional treatment or major distribution or collection facilities to serve the area, while property owners must pay for the mains necessary to serve their land.

B. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

The City Council of the City of Gatesville, Texas finds and determines it to be unnecessary to acquire or construct any capital improvement for the purpose 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 Gatesville, 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.

C. WATER FACILITIES

The area to be annexed shall be annexed into the City of Gatesville Certificate of Convenience and Necessity (CCN) but water will not be provided by the City. The area to be annexed is already being serviced by Coryell City Water Supply District. Capital improvements are not necessary to provide full municipal service for water.

D. WASTEWATER FACILITIES

The City Council of the City of Gatesville, Texas, has determined that given the current expected development in the next ten (10) years within the area to be annexed, if such development concerning the extension or expansion of wastewater facilities will be in accordance with the City's utility policies as generally set forth in section 8A of this Plan, in the City's development regulations and the service plan. Upon connection to existing mains, sewer will be provided at rates established by the City.

E. ROADS AND STREETS

Within 2 ½ years the City of Gatesville, Texas, with a cooperative effort of the City's designated utility company, will undertake to provide the same degree of road and street lighting as is provided in areas of similar topography, land use and population density within the present corporate limits of the City of Gatesville, Texas. Maintenance of properly dedicated roads and streets will be consistent with the maintenance provided by the City to other roads and streets in areas of similar topography, land use and population density as the annexed property. The City has determined that there are no current or proposed developments within the area to be annexed that require construction of supporting collector or arterial streets. As development occurs in the future, developers will be required pursuant to the ordinances of the City of Gatesville, Texas to provide internal and peripheral streets and to construct those streets in accordance with the specifications required by the City of Gatesville, Texas, for street dedication and construction. City participation in capital expenditures will be in accordance with generally applicable city policies. Once urban level developments begin to occur, the City also may adopt road improvements plans to serve the area, and the service plan may be amended under such circumstances. The City may also plan road improvements that are necessary to serve the area being annexed into the City.

SPECIFIC FINDINGS

The City Council of the City of Gatesville, 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.

The City Council of the City of Gatesville, Texas further finds that there are areas within city limits with similar characteristics of topography, land utilization and population density that have service levels similar to those proposed in this service plan. 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 in other areas of the City of Gatesville, Texas. These differences are specifically dictated because of differing characteristics of the property and the City of Gatesville, Texas will undertake to perform consistently 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 Gatesville, Texas who reside in areas of similar topography, land utilization and population.

Property owners, Tracy Summers and Stacy Summers agree to fully finance the construction of a lift station and laying the necessary pipes to connect their property to the City of Gatesville's sewer system.

1. Lift Station Construction:
 - a. Pump
 - b. Control systems
 - c. Storage tank
2. Piping and Infrastructure
 - a. Digging trenches
 - b. Laying pipes
 - c. Installing manhole
3. Permits and Fees
 - a. Plumbing permits
 - b. Sewer Tap
4. City of Gatesville's Role
 - a. Specifications for the lift station design
 - b. Location of the connection to the City's sewer system
 - c. Public Work's inspection


Tracy Summers


Stacy Summers


Brad Hunt
City Manager

ATTEST:


Holly Owens
City Secretary



Agenda Item # 12

CITY COUNCIL MEMORANDUM

Date: February 11, 2025
To: Mayor & City Council
From: Holly Owens, City Secretary

Agenda Item: Discussion and possible action to approve Ordinance 2025-02, annexing the hereinafter described territory to the City of Gatesville, Coryell County, Texas and extending the boundary limits of said City so as to include said hereinafter described property within said city limits, and granting to all the inhabitants of said property all the rights and privileges of other citizens and binding said inhabitants by all of the acts, ordinances, resolutions, and regulations of said City, and adopting a service plan.

Information:

Tracy Summers and Stacy Summers are the owners of the property located at 2204 Coryell City Road and described as the Henry Farley and J.A. Clayton Survey situated in Coryell County, Texas. On December 10, 2024, the City Council accepted the application for annexation. The first reading and public hearing were heard on January 14, 2025, with no changes and the second reading was heard on January 28, 2025. The vote was unanimously approved to move forward for both readings. This is the third and final reading.

The public notice was published in the Gatesville Messenger and on the City Website on December 28, 2024. Approximately 13 notices were mailed out.

The use of the property located at 2204 Coryell City Road is currently an RV Park. **Texas Local Government Code (TLGC) Sec. 43.002.** a) A municipality may not, after annexing an area, prohibit a person from: (1) continuing to use land in the 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.

Exhibit B is a standard service agreement to provide City of Gatesville services that include water (already provided), sewer, trash, police/fire, and emergency medical per **TLGC Sec. 43.056.** The Summers have also agreed to finance and construct a lift station and lay the necessary pipes to connect their property to the City of Gatesville's sewer system.

If approved, the boundaries will be noted on the City map and Coryell County will be notified with the boundary changes.

Financial Impact:

There is no fiscal impact.

Staff Recommendation:

The staff recommend passing **Ordinance 2025-02**, annexing the property described as Henry Farley and J. A. Clayton Surveys situated in Coryell County, Texas and addressed as 2204 Coryell City Road.

Motion:

I make a motion to pass **Ordinance 2025-02**, annexing the property described as the Henry Farley and J. A. Clayton Surveys situated in Coryell County, Texas and addressed as 2204 Coryell City Road.

Attachments:

- Draft Ordinance
- Exhibit "A" Metes and Bounds
- Exhibit "B" Service Agreement
- GIS Map of property.
- Public Notice Copy (Newspaper and Letter)
- Mailing List

Staff Contacts:

Holly Owens howens@gatesvilletx.com



December 28, 2024

RE: Public Hearing and Public Notice to annex 22024 Coryell City Road

The City of Gatesville has scheduled a Public Hearing on January 14, 2025 at 110 N 8th Street at 5:30 P.M. to consider annexing the hereinafter described territory to the City of Gatesville, Coryell County, Texas and extending the boundary limits of said City so as to include said hereinafter described property within said city limits, and granting to all the inhabitants of said property all the rights and privileges of other citizens and binding said inhabitants by all of the acts, ordinances, resolutions, and regulations of said City, and adopting a service plan.

FIELD NOTES FOR APPROXIMATELY 5 ACRES OF LAND LOCATED IN THE HENRY FARLEY AND J. A. CLAYTON SURVEYS SITUATED IN CORYELL COUNTY, TEXAS, ADDRESSED AS 2204 CORYELL CITY ROAD, AND BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING S 60 DEG. 18' W, 332.02 FEET AND S 48 DEG. 58' 29", W, 146.64 FEET FROM THE MOST NORTHLY CORNER OF THAT CERTAIN 177 ACRE TRACT DESCRIBED IN VOLUME 173, PAGE 580, DEED RECORDS, CORYELL COUNTY, TEXAS;

THENCE S 74 DEG. 18' 14" E, 376.14 FEET TO THE NE CORNER OF THIS TRACT;

THENCE S 15 DEG. 41' 33" W, 720.43 FEET TO THE SE CORNER OF THIS TRACT;

THENCE N 28 DEG. 01' 09" W, 728.49 FEET TO THE NW CORNER OF THIS TRACT, ALSO BEING ON THE SOUTH BOUNDARY LINE OF FM ROAD 929;

THENCE N 48 DEG. 58' 29' E, WITH THE SOUTH BOUNDARY LINE OF FM ROAD 929, 231.92 FEET TO THE PLACE OF BEGINNING.

If you have any questions, please contact me directly.

Holly Owens, T.R.M.C.
City Secretary
254-865-8951, ext. 105

PID	Property Address	Owner	Mailing Address	City	State	Zip	Letters Returned
103237	2070 Coryell City Rd	WIBBENMEYER NORMAN	2016 CORYELL CITY ROAD	GATESVILLE	TX	76528	
102195	1111 N Hwy 36	PRUITT JOYCE MARIE M TRUSTEE OF THE DANNY	KYLE PRUITT ESTATE TAX EXEMPTION TRUST 4215 FM 929	GATESVILLE	TX	76528	
102200	2224 Coryell City Rd	PRUITT DANNY KYLE ESTATE TAX EXEMPTION TRUST	JOYCE PRUITT 4215 FM 929	GATESVILLE	TX	76528	
141422	13312 N Hwy 36	KDA PARTNERS LLC	785 COUNTY ROAD 258	VALLEY MILLS	TX	76689	
148925	2224 Coryell City Rd	PRUITT DANNY KYLE ESTATE TAX EXEMPTION TRUST	JOYCE PRUITT 4215 FM 929	GATESVILLE	TX	76528	
103238	1316 N Hwy 36	PRUITT JOYCE MARIE M TRUSTEE OF THE DANNY	KYLE PRUITT ESTATE TAX EXEMPTION TRUST 4215 FM 929	GATESVILLE	TX	76528	
102204	2204 Coryell City Rd	SUMMERS RENTAL	448 CATTLE ROAD	GATESVILLE	TX	76528	Applicant
		Coryell County	620 E Main St.	GATESVILLE	TX	76528	
		TNMP	201 N 8th St.	GATESVILLE	TX	76528	
		Gateville ISD	311 S Lovers Lane	GATESVILLE	TX	76528	
		Atmos Energy	409 TX-36	GATESVILLE	TX	76528	
		Coryell Health	1507 W Main St.	GATESVILLE	TX	76528	
		Waste Management	2201 W Avenue D	TEMPLE	TX	76504	

Signature: *Victoria Thomas*

Victoria Thomas (May 28, 2025 10:04 CDT)

Email: vthomas@njdhs.com

Ord 2025-02 Coryell City Road Annexation

Final Audit Report

2025-05-28

Created:	2025-05-28
By:	Holly Owens (hblake5@yahoo.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAASE3JF5OuQDy225YaKw6O3UULGbLiS-Tm

"Ord 2025-02 Coryell City Road Annexation" History

-  Document created by Holly Owens (hblake5@yahoo.com)
2025-05-28 - 2:38:10 PM GMT- IP address: 143.55.56.242
-  Document emailed to Victoria Thomas (vthomas@njdhs.com) for signature
2025-05-28 - 2:38:16 PM GMT
-  Email viewed by Victoria Thomas (vthomas@njdhs.com)
2025-05-28 - 3:02:45 PM GMT- IP address: 104.47.56.126
-  Document e-signed by Victoria Thomas (vthomas@njdhs.com)
Signature Date: 2025-05-28 - 3:04:14 PM GMT - Time Source: server- IP address: 76.197.25.157
-  Agreement completed.
2025-05-28 - 3:04:14 PM GMT