

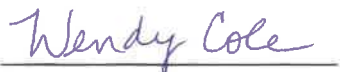
NOTICE

**THIS NOTICE IS POSTED IN COMPLIANCE WITH THE OPEN MEETING ACT
(TEX. GOV'T. CODE CHAPTER 551, SEC. 551.041)**

**AGENDA
SPECIAL CITY COUNCIL MEETING
NOVEMBER 27, 2023
5:30 P.M.
GATESVILLE CITY COUNCIL CHAMBERS
110 NORTH 8TH STREET, GATESVILLE, TEXAS 76528**

1. Call Special Meeting to Order-----
2. Quorum Check
3. Invocation and Pledge of Allegiance
4. Citizens/Public Comments Forum: Individuals wishing to address the Gatesville City Council may do so during this segment. If you intend to comment on a specific agenda item, please indicate the item(s) on the sign-in sheet before the meeting. Each speaker is allotted a maximum of 3 minutes for their remarks, and speakers are expected to conduct themselves in a respectful manner. Speakers must conduct themselves in a civil manner. In accordance with the Texas Open Meetings Act, the City of Gatesville City Council cannot deliberate or act on items not listed on the meeting agenda.
5. Discussion and possible action regarding an ordinance annexing into the corporate limits of the City of Gatesville, Texas, 135.03 ± acres situated in the Willam Suggett Survey, Abstract No. 912, Coryell County, Texas, as well as by operation of State law, the portion of the abutting County Road (Old Pidcoke Rd), including the right-of-way on either side; therefore extending the boundary limits of the City so to include within the City's limits said annexed property and abutting County Road (Old Pidcoke Rd); and granting all inhabitants and owners of the annexed property all of the rights and privileges of other citizens and binding the inhabitants and owners of the annexed property by all the acts, ordinances and regulations of the City and adopting a service plan for the annexed property and providing an effective date. (2nd reading of Ordinance No. 2023-08) (Scott Albert)
6. Adjourn Meeting

I hereby attest that the above agenda was posted on this the 22nd day of November, 2023 by 5:00 p.m. on the official City of Gatesville website, www.gatesvilletx.com and the official bulletin boards at the Gatesville City Hall, 803 E. Main Street and Gatesville Council Chambers, 110 N. 8th Street, Gatesville, Texas.



Wendy Cole
City Secretary

The City of Gatesville Council Chambers are wheelchair accessible and accessible parking spaces are available at the back entrance of City Hall. Requests for accommodations or interpretive services must be made 24 hours prior to this meeting. Please contact the City Secretary's office at 254-865-8951 or FAX 254-865-8320, or email wcole@gatesvilletx.com for further information.



CITY COUNCIL MEMORANDUM

Date: November 27 & 30
To: Mayor & City Council
From: Scott L. Albert, City Manager

Agenda Item: Discussion and possible action regarding an ordinance annexing into the corporate limits of the city 135.03 ± acres situated in the William Suggett Survey, Abstract No. 912, Coryell County, Texas. Additionally, in accordance with state law, this annexation would include the portion of the adjacent county road known as Old Pidcoke Rd, along with the right-of-way on either side. This extension of the city's boundary limits aims to encompass both the annexed property and the abutting County Road, thus granting all inhabitants and property owners within the annexed area the same rights and privileges as other city residents. Furthermore, this annexation would bind the inhabitants of the annexed property by all the acts, ordinances, and regulations of the City. A service plan for the annexed property will also be adopted for the annexed property.

Information:

On October 10, the City Council accepted a petition from Krista Moreland formally requesting the City Council to annex approximately 135± acres of land that also borders Old Pidcoke Road and F.M. Hwy 116. This annexation request has been initiated to provide the Moreland family access to water and sewer services for a specific portion of their property.

The City Charter requires an ordinance to be read on three separate occasions and the first reading was on November 14. The City Council will conduct the second reading on November 27 and the third on November 30 and consider adopting the annexation ordinance on November 30th.

The property under consideration for annexation borders Old Pidcoke Road, which is a county thoroughfare. According to Texas Local Government Code Section 43.106, by operation of law, the portion of the county road that adjoins the Moreland property, including the right-of-way on either side of the road, must be included in the annexation.

Following a successful annexation, the next step will involve rezoning the property. Initially, the entire property will be zoned as "AG" (Agricultural). It is important to note that under the Texas Local Government Code, once a city annexes an area, the city is prohibited from restricting the landowners' continued use of the land in a manner consistent with how it was being used on the date when the annexation proceedings were initiated.

On November 14, the County Commissioners discussed the proposed annexation, and according to Judge Miller, the Commissioners Court agreed that the city was correctly executing the annexation. The court has no issues with the city proceeding to annex the Moreland Property and the adjacent road. Judge Miller mentioned that the properties on the south side of the road section being annexed will be referred to the City for any future driveway access.

Financial Impact:

Minimal property tax will be collected since the land will be zoned agriculture.

Staff Recommendation:

The staff recommends that the City Council conduct the second and third readings and then formally approve Ordinance 2023-08, annexing 135 ± acres and the adjacent County Road, Old Pidcoke Rd, into the corporate limits of Gatesville.

Motion:

I move to approve Ordinance NO. 2023-08 annexing approximately 135.03 acres and the adjacent County Road, Old Pidcoke into the corporate limits of Gatesville.

Attachments:

- Annexation ordinance.

CITY OF GATESVILLE, TEXAS

ORDINANCE NO. 2023-08

AN ORDINANCE OF THE CITY OF GATESVILLE, TEXAS ANNEXING INTO THE CORPORATE LIMITS OF THE CITY OF GATESVILLE, TEXAS, 135.03± ACRES SITUATED IN THE WILLIAM SUGGETT SURVEY, ABSTRACT NO. 912, CORYELL COUNTY, TEXAS, DESCRIBED IN EXHIBIT “A” HERETO AS WELL AS, BY OPERATION OF STATE LAW, THE PORTION OF THE ABUTTING COUNTY ROAD OLD PIDCOKE (INCLUDING THE RIGHT-OF-WAY ON EITHER SIDE THEREOF); EXTENDING THE BOUNDARY LIMITS OF THE CITY SO TO INCLUDE WITHIN THE CITY’S LIMITS SAID ANNEXED PROPERTY AND ABUTTING COUNTY ROAD; GRANTING ALL INHABITANTS AND OWNERS OF THE ANNEXED PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS; BINDING THE INHABITANTS OF THE ANNEXED PROPERTY BY ALL THE ACTS, ORDINANCES AND REGULATIONS OF THE CITY; ADOPTING A SERVICE PLAN FOR THE ANNEXED PROPERTY; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, this ordinance pertains to the hereinafter described territory being a 135.03± acres situated in the William Suggett Survey, Abstract No. 912, Coryell County, Texas, more fully described by metes and bounds and depicted in Exhibit “A” attached hereto and incorporated herein by reference (the “Annexed Property”); and

WHEREAS, the City Council of the City of Gatesville (“City Council”) has been presented with a petition by the record owners of the Annexed Property requesting Annexation of the Annexed Property into the corporate limits of the City of Gatesville, Texas (“the City”); and

WHEREAS, the City Council has given the requisite notices and conducted the public hearing required by Chapter 43 of the Texas Local Government Code; and

WHEREAS, the City Council desires to adopt a service plan as required by Section 43.056 of the Texas Local Government Code for the Annexed Property, which is attached hereto as Exhibit “B” (the “Service Plan”) and incorporated herein for all purposes; and

WHEREAS, the City Council finds that the Annexed Property lies within the City’s exclusive extraterritorial jurisdiction and is contiguous to the City’s existing corporate boundaries; and

WHEREAS, the requirements for Annexation of the Annexed Property are as stated in Chapter 43 of the Texas Local Government Code; and

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

WHEREAS, pursuant to Texas Local Government Code section 43.106, that portion of County Road Old Pidcoke abutting the Annexed Property, including the right-of-way on either side of said County Road, is included in this annexation by operation of law.

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

SECTION 1. The recitals set forth above and found to be true and correct and are adopted and incorporated herein by this reference.

SECTION 2. The Annexed Property is hereby annexed and added to the City's corporate limits, and the City's boundary limits shall be and are hereby extended to include the Annexed Property, The Annexed Property shall be and is hereafter subject to all the acts, ordinances, resolutions and regulations of the City. The inhabitants of the Annexed Property shall hereafter be entitled to all rights and privileges of other citizens of the City, and shall be bound by the acts, ordinances, resolutions, and regulations of the City.

SECTION 3. The Service Plan is approved and adopted by the City Council.

SECTION 4. Pursuant to Texas Local Government Code section 43.106, that portion of County Road Old Pidcoke abutting the Annexed Property, including the right-of-way on either side of said County Road, is hereby added to the City's corporate limits and the City's boundary limits shall be and are hereby extended to include the same.

SECTION 5. All provisions of the ordinances of the City 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. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GATESVILLE,
TEXAS ON THIS THE _____ DAY OF _____ 2023.**

APPROVED:

Gary Chumley, Mayor

ATTEST:

Wendy Cole, City Secretary

APPROVED AS TO FORM:

A handwritten signature in blue ink, appearing to be "Victoria W. Thomas", written over a horizontal line.

Victoria W. Thomas, Special Counsel
4868-3553-1919, v. 1

EXHIBIT "A"
Description and Depiction of Annexed Property

Maples & Associates, Inc.

www.maplesinc.com • P.O. Box 883 • Lampasas, Texas 78550 • (512) 556-2078 • (512) 556-0500 fax • Firm No. 10097700

Being 135.03 acres of the William Suggett Survey, Abst. No. 912 in Coryell County, Texas, and being part of a 156.2 acre tract of land described in a deed from Rebecca Berry to Krista Ann Moreland, dated June 14, 2021, recorded as Doc. No. 339484 of the Official Public Records of Coryell County, Texas; said 135.03 acres being more particularly described as follows;

BEGINNING at a 5/8 inch iron pin with cap marked "RPLS 4327" found at a fence corner on the northwest line of Old Pidcoke Road for the occupied east corner of said 156.2 acre tract and the south corner of a five acre tract of land described in a deed to Troy Chasteen, et al, recorded as Doc. No. 174773 of said official public records;

THENCE with the fenced northwest line of said Old Pidcoke Road as follows;

South 50° 05' 29" West, 736.15 feet to a 1/2 inch iron pin with cap marked "MAPLES RPLS 5043" set;

South 49° 54' 59" West, 1382.11 feet to a 1/2 inch iron pin with cap marked "MAPLES RPLS 5043" set;

South 49° 47' 30" West, 1751.37 feet to a 1/2 inch iron pin with cap marked "MAPLES RPLS 5043" set at a fence corner on the north line of Airport Road;

THENCE North 73° 11' 29" West, with the fenced north line of said Airport Road, 254.31 feet to a 1/2 inch iron pin with cap marked "MAPLES RPLS 5043" set on the east right of way line of F.M. Hwy. 116;

THENCE with the east right of way line of said F.M. Hwy. 116 as follows;

North 16° 25' 50" East, 2271.14 feet to a 1/2 inch iron pin with cap marked "MAPLES RPLS 5043" set;

North 15° 16' 50" East, 425.10 feet to a 1/2 inch iron pin with cap marked "MAPLES RPLS 5043" set;

910.37 feet clockwise along the arc of a circular curve with a radius of 5669.58 feet (long chord = North 19° 52' 50" East, 909.39 feet) to a 1/2 inch iron pin with cap marked "MAPLES RPLS 5043" set;

North 24° 28' 50" East, 986.37 feet to a 1/2 inch iron pin with cap marked "MAPLES RPLS 5043" set on the northeast line of said 156.2 acre tract for the west corner of a 1.5 acre tract of land described in a deed to Donna Faye Gummelt, recorded as Doc. No. 194712 of said official public records;

THENCE South 42° 03' 23" East, with the northeast line of said 156.2 acre tract, with the southwest line of said 1.5 acre tract, and along the general course of a fence, 457.20 feet to a 1/2 inch iron pin with cap marked "MAPLES RPLS 5043" set; for the south corner of said 1.5 acre tract and the west corner of an 80 acre tract of land described in a deed to Brenda Joyce Marwitz, as recorded in Vol. 568, Page 80 of said official public records;

THENCE South 41° 57' 52" East, with the northeast line of said 156.2 acre tract, with the southwest line of said 80 acre tract, and along the general course of a fence, 1216.91 feet to a 1/2 inch iron pin with cap marked "MAPLES RPLS 5043" set for the south corner of said 80 acre tract and the west corner of said five acre tract;

THENCE South 42° 01' 24" East, with the northeast line of said 156.2 acre tract, with the southwest line of said 80 acre tract, and along the general course of a fence, 912.29 feet to the PLACE OF BEGINNING, as surveyed on the ground on September 7, 2023, by MAPLES & ASSOCIATES, INC., and as shown on an accompanying plat of even survey date herewith.



Paul W. Maples, RPLS
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Job No. 230531



BOUNDARY SURVEY

Being 135.03 acres of the William Suggert Survey, Abct. No. 912 in Coryell County, Texas, and being part of a 166.2 acre tract of land described in a deed from Rebecca Berry to Krista Ann Monland, dated June 14, 2021, recorded as Doc. No. 339484 of the Official Public Records of Coryell County, Texas.

A legal description of even survey date herewith of the tract shown hereon accompanies this plat. Surveyed on the ground on September 7, 2022.



Paul W. Maples

Paul W. Maples, RPLS
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Job No. 230631

LEGEND

- 1/2" Iron Pin Set with cap reading with RPLS or RPLS Block
- 3/4" Iron Pin with cap reading with RPLS or RPLS Block
- Wire Fence
- () Recent Cells



South of Boundary: Texas State Plane Coordinate System NAD83 Texas Central Zone.
This survey was purchased without the benefit of a Title Commitment.

CURVE	ARC LENGTH	RADIUS	BEARING	DISTANCE
C1	918.37'	6900.69'	N19°32'56"E	896.39'

LINE	BEARING	DISTANCE
L1	S72°11'28"W	264.31'

135.03 Acres

Krista Ann Monland
1112 S. 20th St.
Doc. No. 339484

Donna Faye Gunnelt
(1.5 acres)
Doc. No. 184712

Brenda Joyce Maroltz
(Exhibit 1 - 88 acres)
Vol. 569 Page 60

Troy Cheston, et al
(five acres)
Doc. No. 174773

Calina Cheston
(0.31 acres)
Doc. No. 520089

S43°03'23"E 457.28'

S41°57'32"E 1216.91'

S42°01'24"E 918.28'

S89°02'28"W 756.18'

S41°24'39"W 1232.14'

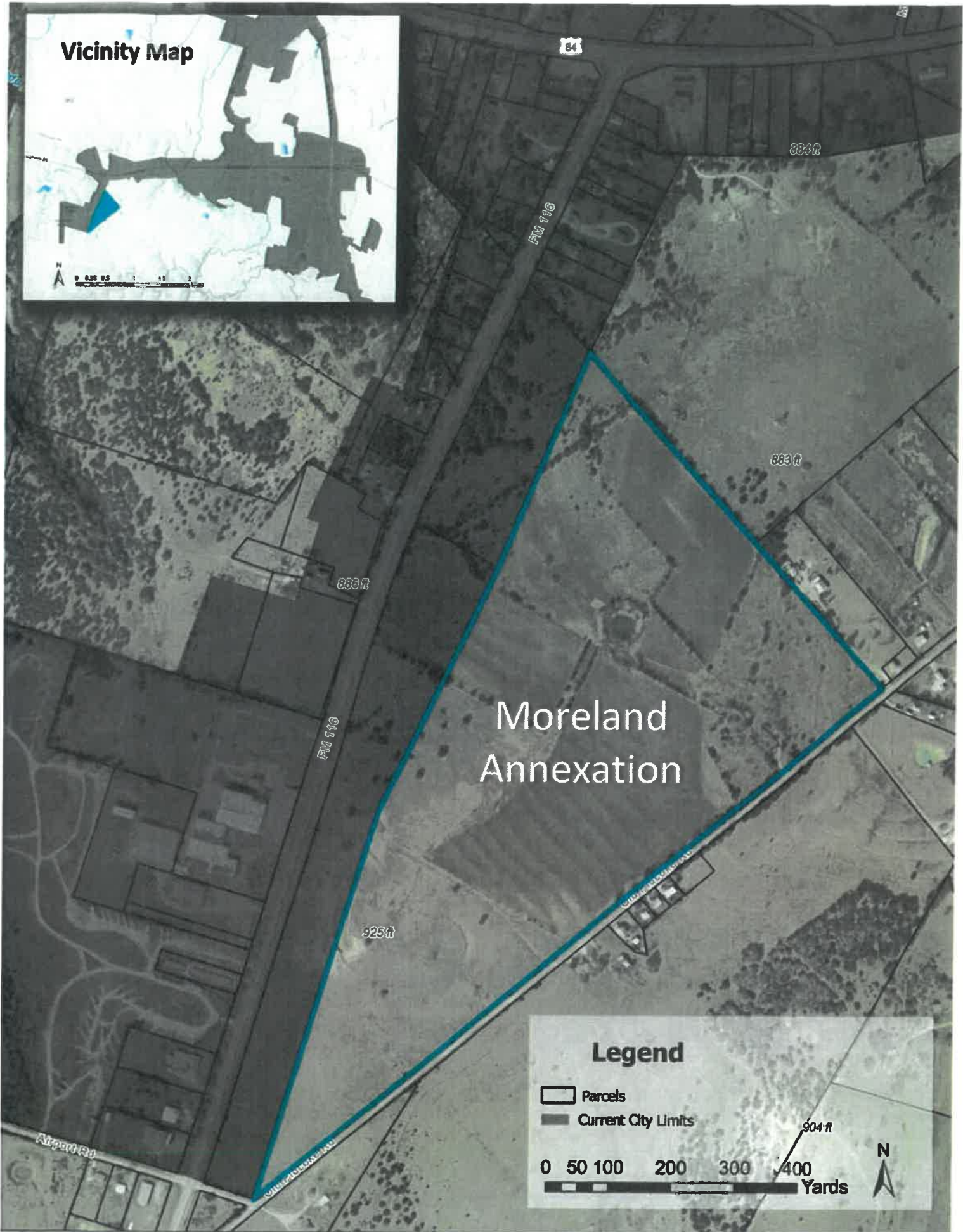
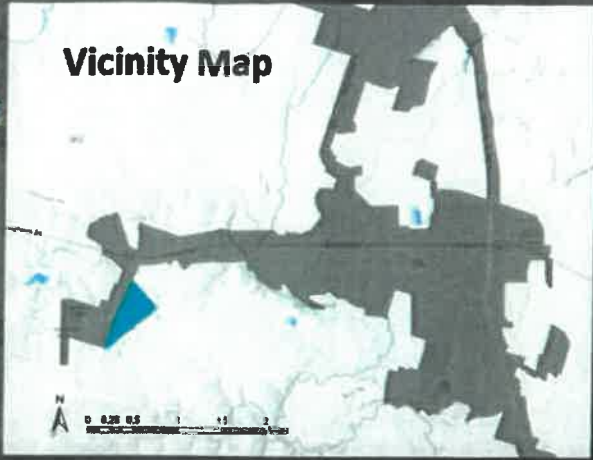
S68°47'30"W 1791.37'

Airport Road

Old Pidcoke Road

Surveyor: Maples & Associates
409 S. Lincoln, Ste 200
P.O. Box 883
Lubbock, Texas 79409
Tel: (817) 852-2078
Fax: (817) 852-0899

Vicinity Map



Moreland Annexation

Legend

- Parcels
- Current City Limits



EXHIBIT "B"
City of Gatesville
Service Plan for Voluntary Annexation -- 135.03± Acre Tract

4868-3553-1919, v. 1

EXHIBIT "C"
ANNEXATION SERVICE PLAN AGREEMENT

2023-08

For land described in Ordinance No. _____, 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.

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 WASTE WATER FACILITIES

Any and all water or waste water 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 waste water 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 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 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") and water will be provided by the City. Capital improvements are not necessary to provide full municipal services 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 8.A. 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 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 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 Gatesville, Texas who reside in areas of similar topography, land utilization and population.

APPROVED ON THIS 10th DAY OF October, 2023.

CITY OF GATESVILLE, TEXAS

APPROVED:


GARY CHUMLEY, MAYOR

ATTEST:


WENDY COLE, CITY SECRETARY

APPROVED AS TO FORM:



VICTORIA W. THOMAS, SPECIAL COUNSEL

