

RESOLUTION 2016-16
ANNEXATION SERVICE PLAN

WHEREAS, V.T.C.A., Local Government Code Section 43.056, "Provision of Services to Annexed Area" requires that a plan of service be made part of the annexation ordinance annexing an area; and

WHEREAS, V.T.C.A., Local Government Code Section 43.056 (f), requires that a service plan may not: 1) require the creation of another political subdivision; 2) require a landowner in the area to fund the capital improvement necessary to provide municipal services in a manner inconsistent with Chapter 395 unless otherwise agreed to by the landowner; or 3) provide services in the area in a manner that would have the effect of reducing by more than a negligible amount the level of fire and police protection and emergency services provided within the corporate boundaries on the City of McAllen before annexation.

WHEREAS, the City of McAllen is contemplating annexation of the areas shown on the attached Exhibit A;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF McALLEN.

SECTION 1. Pursuant to the provisions of V.T.C.A., Local Government Code Section 43.056, there is hereby adopted for the proposed annexation area the following plan of services:

- A. Services to be provided on the effective date of annexation unless otherwise specified.
1. Police Protection
Patrolling, radio response to calls and other routine police services using present personnel and equipment will be provided on the effective date of annexation. Patrol positions will be added when population warrants. Regulation of animal and fowl density will be provided on the effective date of annexation.
 2. Fire Protection
Fire protection by the present personnel and equipment of the fire fighting force within the limitations of available water will be provided on the effective date of annexation.
 3. Emergency Medical Services
Emergency medical services will be provided through contract services on the effective date of annexation.
 4. Environmental Health Code Compliance
Health protection including rabies and rodent control programs,

elimination of weedy lots, illegal dumping, unsanitary septic systems, sources of standing water and other public nuisances will be provided on the effective date of annexation. Regulation of food preparation establishments and environmental code compliance will be provided on the effective date of annexation.

5. Solid Waste Collection

Pick up will begin on the effective date of annexation at the same level of service and cost provided to other similar areas presently found within the City of McAllen.

Brush collection will be on a periodic basis as established by the City Sanitation Department.

City of McAllen will not prohibit the collection of solid waste in the area by a privately owned solid waste management service provider; or impose a fee for solid waste management services on a person who continues to use the services of a privately owned solid waste management service provider before the second anniversary of the effective date of annexation. City of McAllen will not provide solid waste collection services to a person who continues to use the services of a privately owned solid waste management service provider.

6. Operation and maintenance of public water and wastewater facilities

Routine maintenance of existing water and wastewater facilities owned by the McAllen Public Utilities that are not within the service area of another water or wastewater utility will begin on the effective date of annexation.

7. Operation and maintenance of public roads and streets

Routine maintenance of public roads and streets will begin on the effective date of annexation on the same basis as presently occurs in the city.

Maintenance of public streets including the repair of hazardous potholes and measures necessary for traffic flow will begin on the effective date of annexation. Unpaved public streets will be graded as necessary to meet city standards. Maintenance of private streets or streets on private easements shall be provided by the property owners.

Maintenance of traffic signals, street markings and other traffic control devices on public streets will begin on the effective date of annexation. Maintenance of traffic signals, street markings and other traffic control devices on private streets shall be provided by the property owners.

Maintenance and electricity of street lights on public streets will be

contracted with the local energy provider and will begin on the effective date of annexation. Maintenance and electricity of street lights on private streets shall be contracted by the property owners with the local energy provider.

8. Operation and maintenance of parks, playgrounds and swimming Pools

Operation and maintenance of public parks, playgrounds and swimming pools located in the area will begin on the effective date of annexation.

9. Operation and maintenance of any other publicly owned facility, building or service

City drainage ditches will be maintained on the effective date of annexation as necessary and as determined by the City Engineer.

B. Acquisition or construction of capital improvements necessary for providing full municipal services adequate to serve the area to be initiated within 2-1/2 years after the effective date of annexation of the area and substantially complete within 4-1/2 years after the effective date of annexation. The service plan must provide the annexed area with a level of services, infrastructure, and infrastructure maintenance that is comparable to the level of services, infrastructure, and infrastructure maintenance in other parts of the City of McAllen with topography, land use, and population density similar to those reasonably contemplated or projected in the area Section 43.056(g) LGC. The service plan does not require that a uniform level of full municipal services be provided to each area of the municipality if different characteristics of topography, land use, and population density constitute a sufficient basis of providing different levels of service Section 43.056(m).

1. Police Protection

None

2. Fire Protection

None

3. Emergency Medical Services

None

4. Solid Waste Collection

None

5. Public Water and Wastewater Facilities

Water and wastewater facilities for domestic and commercial uses will be

available at City rates according to policies of the McAllen Public Utilities from existing lines not within the service area of another water or wastewater utility on the effective date of annexation.

New water and wastewater lines of the McAllen Public Utilities will be extended to the area not within the service area of another water or wastewater utility by developers as land becomes subdivided in accordance with City ordinances and policies.

Landowners in the area are not required to fund water and wastewater capital improvements necessary to provide full municipal services that are inconsistent with V.T.C.A. Local Government Code Chapter 395 unless otherwise agreed to by the landowner.

6. Public Roads and Streets

Reconstruction and resurfacing of public streets, installation of storm drainage facilities, construction of curbs and gutters, and other major improvements will be accomplished under the established policies of the city as need determines and upon development and subdivision of said areas.

Traffic signals, street markings and other traffic control devices on existing public streets will be installed as need is established by appropriate study and traffic standards.

Street lighting along new streets is to be installed by developers according to city policies when land is subdivided. Street lighting and electricity on existing public streets will be contracted with the local energy provider and installed in accordance with Section 43.056 Local Government Code, City of McAllen ordinances and policies.

Landowners in the area are not required to fund street and drainage capital improvements necessary to provide full municipal services that are inconsistent with V.T.C.A. Local Government Code Chapter 395 unless otherwise agreed to by the landowner.

7. Parks and playgrounds

None

8. Construction of any other publicly owned facility, or building necessary to provide full municipal services

None

READ, CONSIDERED, PASSED and APPROVED this 28th day of March, 2016 at a regular meeting of the Board of Commissioners of the City of McAllen at which a quorum was present and which was held in accordance with Chapter 551 of the Local Government Code.

SIGNED this 28th day of March, 2016.

CITY OF McALLEN

By: Jim Darling
Jim Darling, Mayor

ATTEST:

Perla Lara
Perla Lara, TRMC/CMC, CPM
City Secretary



Approved as to form:

Kevin Pagan
Kevin Pagan, City Attorney

EXHIBIT A

- Tract 1:** 77.41 acres out of Lots 1, 11 and 12, Block 4, Rio Bravo Plantation Company Subdivision.
- Tract 2:** 16.69 acres out of Lot 3, Block 5, Rio Bravo Plantation Company Subdivision.
- Tract 3:** 4.346 acres out of Lot 3, Block 5, Rio Bravo Plantation Company Subdivision.
- Tract 4:** 11.00 acres out of Lots 7 and 8, Block 5, Rio Bravo Plantation Company Subdivision and adjacent right-of-way.
- Tract 5:** 60.06 acres out of Lots 13 and 23, John H. Shary Subdivision.
- Tract 6:** 152.74 acres out of Lots 127, 128, 137, 138, 147 and 157 John H. Shary Subdivision and adjacent right-of-way.
- Tract 7:** 2.77 acres out of Lot 167 and 177, John H. Shary Subdivision.



JAMES E. DARLING, Mayor
HILDA SALINAS, Mayor Pro-Tem and Commissioner District 3
AIDA RAMIREZ, Mayor Pro-Tem and Commissioner District 4
RICHARD F. CORTEZ, Commissioner District 1
TREY PEBLEY, Commissioner District 2
JOHN J. INGRAM, Commissioner District 5
VERONICA VELA WHITACRE, Commissioner District 6

ROEL RODRIGUEZ, P.E., City Manager

CERTIFICATION

STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF McALLEN

I, Perla Lara, City Secretary of the City of McAllen, do hereby certify that the following is a true and correct copy of Resolution 2016-16 which was approved by the McAllen Board of Commissioners at the Regular Meeting held March 28, 2016.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed the official seal of the City of McAllen, Texas, this 7th day of April, 2016.

SEAL


Perla Lara, TRMC/CMC, CPM
City Secretary

