

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, ANNEXING, ON APPLICATION OF THE LANDOWNER, 8.7± ACRES OF LAND, SITUATED IN THE SAMUEL J. HAWKINS SURVEY, ABSTRACT NO. 580, DENTON COUNTY, TEXAS; DESCRIBING THE SUBJECT TRACT; PROVIDING THAT THE OWNERS AND INHABITANTS OF THE SUBJECT TRACT SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS OF FRISCO AND SHALL BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND HEREINAFTER ADOPTED; PROVIDING FOR THE PENALTY FOR A VIOLATION OF THIS ORDINANCE AND FRISCO'S ZONING ORDINANCE, ORDINANCE NO. 11-04-09, AND ANY AMENDMENTS THERETO; PROVIDING A SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, eVantage Systems, LLC ("Landowner") is the sole owner of 8.7± acres of land, situated in the Samuel J. Hawkins Survey, Abstract No. 580, Denton County Texas, and more particularly described in Exhibit A, attached hereto and incorporated herein for all purposes, and generally depicted in Exhibit B, attached hereto and incorporated herein for all purposes ("Property").

WHEREAS, Landowner submitted an application to the City of Frisco, Texas ("Frisco"), requesting voluntary annexation into the city limits of Frisco; and

WHEREAS, in accordance with Section 43.035 of the Texas Local Government Code, as amended, Frisco offered to make a development agreement with Landowner, but Landowner declined, in writing; and

WHEREAS, the Frisco City Council ("City Council"), under the authority of Sections 43.021 and 43.035 of the Texas Local Government Code, as amended, and the Frisco City Charter, investigated and determined that it would be advantageous and beneficial to Frisco and its citizens to annex the Property; and

WHEREAS, the City Council finds that Frisco has complied with all requirements for the consideration and adoption of this Ordinance pursuant to Chapter 43 of the Texas Local Government Code, as amended; and

WHEREAS, prior to conducting the public hearings required under Section 43.063 of the Texas Local Government Code, as amended, the City Council also investigated and determined that the Property is within the extraterritorial jurisdiction of Frisco and is adjacent and contiguous to the existing city limits of Frisco; and

WHEREAS, before the publication of the notice of the first public hearing regarding the annexation of the Property, the City Council directed the appropriate persons to prepare a service

plan that provides for the extension of full municipal services to the Property to be annexed, as set forth in Exhibit C, attached hereto and incorporated herein for all purposes (“Service Plan”); and

WHEREAS, the City Council finds that the Service Plan was prepared in full compliance with Section 43.065 of the Texas Local Government Code, as amended, and was made available for public inspection and was available for explanation to the inhabitants of the Property at the public hearings held under Section 43.0561 of the Texas Local Government Code; and

WHEREAS, the City Council finds that the field notes close the boundaries of the Property being annexed; and

WHEREAS, the City Council has conducted at least two (2) public hearings at which persons interested in the annexation were given an opportunity to be heard regarding the proposed annexation and the proposed Service Plan; and

WHEREAS, the City Council finds that the public hearings were conducted on or after the 40th day but before the 20th day before the date of the institution of the annexation proceedings; and

WHEREAS, the City Council finds that it has completed the annexation process within ninety (90) days after the City Council instituted annexation proceedings; and

WHEREAS, the City Council finds that all legal notices, hearings, procedures and publishing requirements for annexation have been performed and completed in the manner and form required by law.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Property Annexed. The Property (described as follows) and all public streets, roadways and alleyways located within or contiguous to the Property are hereby annexed into Frisco, to-wit:

BEING a tract of land out of the Samuel J. Hawkins Survey, Abstract No. 580, Denton County Texas, containing 8.7± acres of land; said tract is more particularly described in Exhibit A.

The general location of the Property is depicted in Exhibit B.

SECTION 3: Service Plan. The Service Plan for the Property, attached hereto as Exhibit C, is hereby approved.

SECTION 4: Rights/Privileges/Bound by Ordinances and Regulations. From and after the passage of this Ordinance, the Property shall be a part of Frisco, and the inhabitants thereof shall be entitled to all the rights and privileges of all the citizens of Frisco and shall be bound by all of the ordinances and regulations enacted pursuant to and in conformity with the City Charter and the laws of the State of Texas.

SECTION 5: Official Map and Boundaries Amended. The official map and boundaries of Frisco are hereby amended to include the Property as part of Frisco. A certified copy of this Ordinance shall be filed in the County Clerk's Office of Denton County, Texas.

SECTION 6: Unlawful Use. It shall be unlawful for any person, firm, entity or corporation to use the Property in a manner other than as authorized by this Ordinance and Frisco's Zoning Ordinance, Ordinance No. 11-04-09 ("Zoning Ordinance"), as they exist or may be amended, and it shall be unlawful for any person, firm, entity or corporation to construct on the Property any building that is not in conformity with the permissible uses under this Ordinance and the Zoning Ordinance, as they exist or may be amended.

SECTION 7: Penalty. Any person, firm, entity or corporation who violates any provision of this Ordinance or Frisco's Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount not exceeding Two Thousand and 00/100 Dollars (\$2,000.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Frisco from filing suit to enjoin the violation. Frisco retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 8: Savings/Repealing. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 9: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof regardless of the fact that any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 10: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by the City Charter and by law.

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DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS on this ____ day of _____, 2015.

Maher Maso, Mayor

**ATTESTED TO AND
CORRECTLY RECORDED BY:**

Jenny Page, City Secretary

APPROVED AS TO FORM:



Abernathy Roeder Boyd & Hullett, P.C.
Ryan D. Pittman, City Attorneys

Dates of Publication: _____, *Frisco Enterprise*

Exhibit A
Legal Description of the Property

345 Doe Creek Road

Being a portion of land being situated in the Samuel J. Hawkins Survey, Abstract Number 580, Denton County, Texas, said being a portion of that tract of land conveyed to Gretchen Lee Lunsford, by deed recorded in Instrument Number 2009-143807, Official Public Records, Denton County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch Iron rod found for corner, said corner being along the Southeast line of Doe Creek Road (70 foot right-of-way) and being the Northwest corner of that tract of land conveyed to Master Developers-TC82, LLC, a Texas Limited Liability Company, by deed recorded in Document Number 2014-82329, Official Public Records, Denton County, Texas;

THENCE South 01 degrees 02 minutes 23 seconds West, along the West line of said Master tract, a distance of 865.24 feet to a point for corner, said corner being the Northeast corner of that tract of land conveyed to Denton County Fresh Water Supply District No. 8-C, by deed recorded in Instrument Number 2012-135397, Official Public Records Denton County, Texas;

THENCE South 85 degrees 38 minutes 09 seconds West, along the North line of said Denton County Fresh Water Supply District tract, a distance of 644.79 feet to a 1/2 inch iron rod found for corner, said corner being the West corner of said Denton County Fresh Water Supply tract, being the East corner of that tract of land conveyed to Frisco Hills, L.P., a Texas Limited Partnership, by deed recorded in Instrument Number 2010-99644, Official Public Records, Denton County, Texas and being the Southeast corner of that tract of land conveyed to Charles G. Mullens and wife, Flora G. Mullens, by deed recorded in Volume 2268, Page 479, Deed Records, Denton County, Texas;

THENCE North 00 degrees 44 minutes 25 seconds West, along the East line of said Mullens tract, a distance of 379.86 feet to a 1/2 inch iron rod found for corner, said corner being the Northeast corner of said Mullens tract and being along the Southeast line of said Doe Creek Drive;

THENCE North 64 degrees 19 minutes 30 seconds East, along the Southeast line of said Doe Creek Drive, a distance of 121.45 feet to a 1/2 inch iron rod found for corner, said corner being in a tangent curve to the left, having a Radius of 981.49 feet, a Delta of 19 degrees 54 minutes 53 seconds, a Chord Bearing and Distance of North 54 degrees 22 minutes 03 seconds East, 339.43 feet, from which a 1/2 inch iron rod found bears North 55 degrees 25 minutes 02 seconds East, a distance of 0.60 feet for witness;

THENCE along the Southeast line of said Doe Creek Drive and along said curve to the left an arc length of 341.14 feet to a 1/2 inch iron rod found for corner and from which a 1/2 inch iron rod found bears North 49 degrees 36 minutes 17 seconds East, a distance of 0.52 feet for witness;

THENCE North 44 degrees 24 minutes 36 seconds East, along the Southeast line of said Doe Creek Drive, a distance of 397.53 feet to the POINT OF BEGINNING and containing 378,228 square feet or 8.68 acres of land.

SURVEYOR'S CERTIFICATE

The undersigned Registered Professional Land Surveyor Thomas W. Mauk hereby certifies to Vantage Systems LLC and Republic Title, in connection with the transaction described in G.F. 1012-132361-RTT that, (a) this survey and the property description set forth hereon were prepared from an actual on-the-ground survey; (b) such survey was conducted by the Surveyor, or under his direction; (c) all monuments shown hereon actually existed on the date of the survey, and the location, size and type of material thereof are correctly shown; Use of this survey by any other parties and/or for other purposes shall be at User's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. The plat hereon is a correct and accurate representation of the property lines and dimensions are as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, all improvements are located within the boundaries the distances indicated and there are no visible and apparent encroachments or protrusions on the ground.

Executed this 26TH day of January, 2015



Thomas W. Mauk
Registered Professional Land Surveyor No. 5119



Exhibit B
General Location of Property

A15-0002
345 Doe Creek Rd, Denton County, TX



Exhibit C
Service Plan for Annexed Area

ANNEXATION ORDINANCE NO.: _____

DATE OF ANNEXATION ORDINANCE: _____

AREA ANNEXED: 8.7± acres of land

SURVEY, ABSTRACT & COUNTY: Samuel J. Hawkins Survey, Abstract No. 580, Denton County, Texas.

Municipal services to the annexed area shall be furnished by or on behalf of Frisco, at the following levels and in accordance with the following schedule:

A. POLICE SERVICES

1. Patrolling, responses to calls and other routine police services, within the limits of existing personnel and equipment and in a manner consistent with the methods of Frisco, will be provided in the annexed area on the effective date of the annexation ordinance.
2. Upon ultimate development of the annexed area, the same level of police services will be provided to the annexed area as are furnished throughout Frisco at that time.

B. FIRE SERVICES

1. Fire protection and emergency ambulance services and equipment, within the limits of existing personnel and equipment and the limits of available water and distances from existing fire stations and in a manner consistent with the methods of Frisco, will be provided to the annexed area upon the effective date of the annexation ordinance.
2. Upon ultimate development of the annexed area, the same level of fire and emergency ambulance services will be provided to the annexed area as are furnished throughout Frisco at that time.

C. ENVIRONMENTAL HEALTH AND CODE ENFORCEMENT SERVICES

1. Enforcement of Frisco's environmental health ordinances and regulations, including but not limited to, weed and brush ordinances, junked and abandoned vehicle ordinances and animal control ordinances, shall be provided within the annexed area sixty (60) days of the effective date of the annexation ordinance. Frisco's environmental health ordinances and regulations will be enforced through the use of existing personnel.

2. Inspection services, including the review of building plans, the issuance of permits and the inspection of all buildings, plumbing, mechanical and electrical work to ensure compliance with Frisco's codes, regulations and ordinances will be provided within sixty (60) days of the effective date of the annexation ordinance. Existing personnel will be used to provide such services.
3. Frisco's zoning, subdivision, sign and other ordinances shall be enforced in the annexed area beginning on the effective date of the annexation ordinance.
4. All inspection services furnished by Frisco but not mentioned above will be provided to the annexed area beginning within sixty (60) days of the effective date of the annexation ordinance.
5. As development and construction commence in the annexed area, sufficient personnel will be provided to furnish the annexed area with the same level of environmental health and code enforcement services as are furnished throughout Frisco at that time.

D. PLANNING AND ZONING SERVICES

The planning and zoning jurisdiction of Frisco will extend to the annexed area upon the effective date of the annexation ordinance. Frisco city planning will thereafter encompass the annexed area, and it shall be entitled to consideration for zoning in accordance with Frisco's Zoning Ordinance and Comprehensive Plan.

E. PARK AND RECREATION SERVICES

1. Inhabitants of the annexed area may utilize all existing park and recreational services, facilities and sites throughout Frisco beginning on the effective date of the annexation ordinance.
2. Additional facilities and sites to serve the annexed area will be acquired, developed and maintained at locations and times provided by applicable plans, policies, programs and decisions of Frisco. The annexed area will be included in all future plans for providing parks and recreation services to Frisco.
3. Existing parks, playgrounds, swimming pools and other recreational facilities within the annexed area shall, upon dedication to and acceptance by Frisco, be maintained and operated by Frisco, but not otherwise.

F. SOLID WASTE COLLECTION SERVICES

1. Solid waste collection services shall be provided to the annexed area in accordance with Frisco's existing policies, beginning on the effective date of the annexation ordinance.

2. As development and construction commence in the annexed area and population density increases in the annexed area, solid waste collection services shall be provided to the annexed area in accordance with Frisco's policies regarding frequency, changes and the like as are existing at that time.

G. STREETS

1. Frisco's existing policies with regard to street maintenance, applicable throughout Frisco, shall apply to the annexed area beginning on the effective date of the annexation ordinance. Unless a street within the annexed area has been constructed or is improved to Frisco's standards and specifications, such street will not be maintained by Frisco.
2. As development, improvement or construction of streets to Frisco's standards commences within the annexed area, the policies of Frisco with regard to participation in the costs thereof, acceptance upon completion thereof and maintenance after completion thereof shall apply as such policies exist at that time.
3. The same level of maintenance shall be provided to streets within the annexed area that are accepted by Frisco as is provided to streets throughout Frisco.
4. Street lighting installed on streets improved to Frisco's standards and specifications shall be maintained by either TXU Energy, Oncor, Collin County Co-Op or the appropriate franchise holder in accordance with existing Frisco policies.

H. WATER SERVICES

1. Connection to existing Frisco water mains for water service for domestic, commercial and industrial use within the annexed area will be provided in accordance with existing Frisco policies. Upon connection to existing mains, water will be provided at rates established by Frisco ordinances for such service throughout Frisco.
2. As development and construction commence on the annexed area, Frisco water mains will be extended in accordance with provisions of the Subdivision Ordinance and other applicable ordinances and regulations in effect at that time. Frisco's participation in the costs of such extensions shall be in accordance with the applicable Frisco ordinances and regulations in effect at that time. Such extensions will be commenced within two and one-half (2½) years from the effective date of the annexation ordinance and substantially completed within four and one-half (4½) years after that date.
3. Water mains installed or improved to Frisco's standards which are within the annexed area and are within dedicated easements shall be maintained by Frisco beginning on the effective date of the annexation ordinance.

4. Private water lines within the annexed area shall be maintained by their respective owners in accordance with existing policies applicable throughout Frisco.

I. SANITARY SEWER SERVICES

1. Connections to existing Frisco sanitary sewer mains for sanitary sewer service in the annexed area will be provided in accordance with existing Frisco policies. Upon connection, sanitary sewer service will be provided at rates established by Frisco ordinances for such service throughout Frisco.
2. Sanitary sewer mains and/or lift stations installed or improved to Frisco's standards that are located in dedicated easements, are within the annexed area and are connected to Frisco mains will be maintained by Frisco beginning on the effective date of the annexation ordinance.
3. As development and construction commence in the annexed area, Frisco sanitary sewer services will be extended in accordance with provisions of the Subdivision Ordinance and other applicable Frisco ordinances and regulations in effect at that time. Such extensions will be commenced within two and one-half (2½) years from the effective date of the annexation ordinance and substantially completed within four and one-half (4½) years after that date.

J. MISCELLANEOUS

1. Any facility or building located within the annexed area and utilized by Frisco in providing services to the annexed area will be maintained by Frisco commencing on the date of use or on the effective date of the annexation ordinance, whichever occurs later.
2. General municipal administration and administrative services of Frisco shall be available to the annexed area beginning on the effective date of the annexation ordinance.
3. Notwithstanding anything set forth above, this Service Plan does not require all municipal services be provided as set forth above if different characteristics of topography, land use and population density are considered a sufficient basis for providing different levels of service.
4. The Service Plan is valid for ten (10) years from the effective date of the Ordinance.