

CITY OF HUNTSVILLE, TEXAS

Andy Brauninger, Mayor

Paul Davidhizar, Position 1 At-Large
Dee Howard Mullins, Position 2 At-Large
Clyde D. Loll, Position 3 At-Large
Mari Montgomery, Position 4 At-Large



Mayor Pro Tem Joe Emmett, Ward 1
Tish Humphrey, Ward 2
Ronald Allen, Ward 3
Joe P. Rodriguez, Ward 4

HUNTSVILLE CITY COUNCIL AGENDA
TUESDAY, AUGUST 6, 2019 - REGULAR SESSION 6:00 P.M.
CITY COUNCIL CHAMBERS & LARGE CONFERENCE ROOM
HUNTSVILLE CITY HALL, 1212 AVENUE M, HUNTSVILLE, TEXAS, 77340

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the City Secretary's office (936.291.5413), two working days prior to the meeting for appropriate arrangements.

WORKSHOP [4:30 P.M.] – The City Council will hear presentations on non-profit applications and CIP budget for FY19-20.

MAIN SESSION [6:00 P.M.]

CALL TO ORDER

INVOCATION AND PLEDGES

U.S. Flag and Texas Flag: Honor the Texas Flag. I pledge allegiance to thee, Texas, one state, under God, one, and indivisible.

1. CONSENT AGENDA

Public comments will be called for by the presiding officer before action is taken on these items. *(Approval of Consent Agenda authorizes the City Manager to implement each item in accordance with staff recommendations. An item may be removed from the Consent Agenda and added to the Statutory Agenda for full discussion by request of a member of Council.)*

- a. Approve the minutes of the City Council meeting held on July 18, 2019. [Brenda Poe, City Secretary].
- b. Consider adoption of Ordinance 2019-40 to amend the budget for FY 18-19 and/or CIP Project budgets. [Steve Ritter, Finance Director]

2. STATUTORY AGENDA

- a. Consider adopting Ordinance 2019-39 authorizing the issuance of City of Huntsville, Texas general obligation bonds, Series 2019; authorizing the levy of an ad valorem tax in support of the bonds; approving an official statement, a paying agent/registrar agreement and other related documents; awarding the sale of the bonds; and authorizing other matters relating to the bonds. [Steve Ritter, Finance Director]
- b. Consider approval of announcing the City Council's intention to adopt a maximum property tax rate of \$0.3307 per \$100 valuation for the City's 2019 – 2020 Fiscal Year (Tax Year 2019). [Steve Ritter, Finance Director]
- c. Consider authorizing the City Manager to apply and accept a TxDOT Safe Routes to Schools grant, designating the City Manager as the City's Authorized Representative, and adopting Resolution 2019-35 in support of same. [Y. S. "Ram" Ramachandra, City Engineer / Kristie Hadnot, Grants Manager]
- d. **FIRST READING** - Consider Ordinance 2019-41 for the proposed annexation of approximately 1,155 acres located northwest of the current City limits, near IH 45 and SH 75 N, and known as "Area A," first reading. [Leigha Larkins, Planner]
- e. **FIRST READING** - Consider Ordinance 2019-42 for the proposed annexation of approximately 776 acres located northeast of the current City limits, near SH 19 and FM 2821, and known as "Area B," first reading. [Leigha Larkins, Planner]
- f. **FIRST READING** - Consider Ordinance 2019-43 for the proposed annexation of approximately 137 acres located east of the current City limits, near US 190 and Old Phelps Rd., and known as "Area C," first reading. [Leigha Larkins, Planner]
- g. **FIRST READING** - Consider Ordinance 2019-44 for the proposed annexation of approximately 254 acres located east of the current City limits, near SH 75 S and Rush Rd, and known as "Area D," first reading. [Leigha Larkins, Planner]

- h. **FIRST READING** - Consider Ordinance 2019-45 for the proposed annexation of approximately 3,548 acres located south of the current City limits, near SH 75 S, IH 45 and Park Rd 40, and known as “Area E,” first reading. [Leigha Larkins, Planner]
- i. **FIRST READING** - Consider Ordinance 2019-46 for the proposed annexation of approximately 164 acres located west of the current City limits, south of Westridge Subdivision, and known as “Area F,” first reading. [Leigha Larkins, Planner]
- j. **FIRST READING** - Consider Ordinance 2019-47 for the proposed annexation of approximately 1106 acres located west of the current City limits, near SH 30 and FM 1791, and known as “Area G,” first reading. [Leigha Larkins, Planner]

3. CITY COUNCIL/CITY MANAGER/CITY ATTORNEY

- a. Consider approving nominees for City boards, committees, and commissions.

4. REQUESTS FOR CITIZEN PARTICIPATION

An opportunity for citizens to be heard on any topic and for the City Council to participate in the discussion. No action will be taken.

Jason January would like to discuss City of Huntsville policies and City Charter issues.

5. MEDIA INQUIRIES RELATED TO MATTERS ON THE AGENDA

6. ITEMS OF COMMUNITY INTEREST

(Hear announcements concerning items of community interest from the Mayor, Councilmembers, and City staff, for which no action will be discussed or taken.)

7. EXECUTIVE SESSION

- a. City Council will convene in closed session as authorized by Texas Government Code, Chapter 551, 551.071 to receive legal advice on the proposed annexation of area “A” thru “G” and threats of legal actions regarding proposed annexation.

8. RECONVENE

Take action on items discussed in executive session, if needed.

ADJOURNMENT

*If, during the course of the meeting and discussion of any items covered by this notice, City Council determines that a Closed or Executive session of the Council is required, then such closed meeting will be held as authorized by Texas Government Code, Chapter 551, Section 551.071 – consultation with counsel on legal matters; 551.072 – deliberation regarding purchase, exchange, lease or value of real property; 551.073 – deliberation regarding a prospective gift; 551.074 – personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; 551.076 – implementation of security personnel or devices; 551.087 – deliberation regarding economic development negotiation; Sec. 551.089 - deliberation regarding security devices or security audits; and/or other matters as authorized under the Texas Government Code. If a Closed or Executive session is held in accordance with the Texas Government Code as set out above, the City Council will reconvene in Open Session to take action, if necessary, on the items addressed during Executive Session.

CERTIFICATE

I, Brenda Poe, City Secretary, do hereby certify that a copy of the August 6, 2019, City Council agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City’s website, www.HuntsvilleTX.gov, in compliance with Chapter 551, Texas Government Code.

DATE OF POSTING: 8/2/19

TIME OF POSTING: 7:30 am

TAKEN DOWN:



Brenda Poe, City Secretary

MINUTES FROM THE HUNTSVILLE CITY COUNCIL REGULAR MEETING HELD ON THE 16th DAY OF JULY 2019, IN THE CITY HALL, LOCATED AT 1212 AVENUE M, IN THE CITY OF HUNTSVILLE, COUNTY OF WALKER, TEXAS, AT 6:00 P.M.

The Council met in a regular session with the following:

COUNCILMEMBERS PRESENT: Andy Brauninger, Tish Humphrey, Ronald Allen, Joe P. Rodriguez, Mari Montgomery, Dee Howard Mullins, Paul Davidhizar, Joe Emmett

COUNCILMEMBERS ABSENT: Clyde D. Loll

OFFICERS PRESENT: Aron Kulhavy, City Manager; Brenda Poe, City Secretary; Leonard Schneider, City Attorney

WORKSHOP [5:00 P.M.] – The City Council heard presentations on the Sam Houston Statue and Visitor Center Gift Shop, Fee Schedule updates and the budget for FY19-20 from Economic Development/Special Projects Director Tammy Gann and City Manager Aron Kulhavy.

MAIN SESSION [6:00 P.M.]

CALL TO ORDER – Mayor Brauninger called the meeting to order at 6:01 p.m.

INVOCATION AND PLEDGES

U.S. Flag

Texas Flag: Honor the Texas Flag. I pledge allegiance to thee, Texas, one state, under God, one, and indivisible.

Mayor Brauninger led the invocation and Harbor Hoke led the pledges.

1. PUBLIC HEARING

- a. **The City Council will hear public comment on their consideration for the proposed annexation of approximately 1,155 acres located northwest of the current City limits, near Interstate 45 and State Highway 75 North, and known as “Area A”.**

Mayor Brauninger opened the hearing at 6:04 p.m. Planner Leigha Larkin reported on the entire areas in the proposed annexation. Planner Leigha Larkin gave an overview of all of the areas under consideration for annexation. Citizen Linda Powell, 800 Broadmoor, spoke against the annexation based on history of City annexation and about her mother being a model citizen. Councilmember Ronald Allen, 22 Badger Lane, read a statement in opposition of the annexation as a citizen. Danny Billingsley, of Lovelady, speaking on behalf of his mother spoke against annexation. Michelle Prehoda, 663 Moffett Springs Road, spoke in opposition and does not agree to proposed service plan. Chant Miller spoke about correspondence submitted to staff and asked for a response. City Attorney Schneider advised Miller to contact him for information. The hearing was closed at 6:38 p.m.

- b. **The City Council will hear public comment on their consideration for the proposed annexation of approximately 776 acres located northeast of the current City limits, near State Highway 19 and Farm to Market 2821, and known as “Area B”.**

Mayor Brauninger opened the hearing at 6:39 p.m. The hearing was closed at 6:39 p.m.

- c. **The City Council will hear public comment on their consideration for the proposed annexation of approximately 137 acres located east of the current City limits, near US Highway 190 and Old Phelps Road, and known as “Area C”.**

Mayor Brauninger opened the hearing at 6:40 p.m. James Murph, owner of property on Old Phelps Road, spoke in opposition based on previous annexation in the Geneva Road area. The hearing was closed at 6:42 p.m.

- d. **The City Council will hear public comment on their consideration for the proposed annexation of approximately 254 acres located east of the current City limits, near State Highway 75 South and Rush Road, and known as “Area D”.**

Mayor Brauninger opened the hearing at 6:42 p.m. The hearing was closed at 6:43 p.m.

- e. **The City Council will hear public comment on their consideration for the proposed annexation of approximately 3,548 acres located south of the current City limits, near State Highway 75 South, Interstate 45 and Park Road 40, and known as “Area E”.**

Mayor Brauninger opened the hearing at 6:43 p.m. Paul Newton 8298 Highway 75 South, spoke in opposition stating he moved to the area to not be in City limits. New Waverly Fire Department District Chief Joshua Slott, spoke on behalf of the fire department and Walker County Emergency Services District 2, stating that both oppose annexation. He also noted that the Service Plan presented was incorrect. The hearing was closed at 6:49 p.m.

- f. **The City Council will hear public comment on their consideration for the proposed annexation of approximately 164 acres located west of the current City limits, south of Westridge Subdivision, and known as “Area F”.**

Mayor Brauninger opened the hearing at 6:49 p.m. Citizen Tony Bruner, 166 Westridge Drive, opposed the annexation, reported that City representatives had proposed a loop around city, which never occurred. She also is opposed to signing the annexation agreement presented by the City. Citizen Robin Bruner spoke in opposition, saying the Westridge group paid \$65,000 for the City to install the water lines when it was developed 40 years ago. The hearing was closed at 6:56 p.m.

- g. **The City Council will hear public comment on their consideration for the proposed annexation of approximately 1,106 acres located west of the current City limits, near State Highway 30 and Farm to Market Road 1791, and known as “Area G”.**

Mayor Brauninger opened the hearing at 6:57 p.m. The hearing was closed at 6:57 p.m.

2. **CONSENT AGENDA**

Public Comments will be called for by the presiding officer before action is taken on these items. (Approval of Consent Agenda authorizes the City Manager to implement each item in accordance with staff recommendations. An item may be removed from the Consent Agenda and added to the Statutory Agenda for full discussion by request of a member of Council.)

- a. **Approve the minutes of the City Council meeting held on July 2, 2019. [Brenda Poe, City Secretary].**
- b. **Consider authorizing the City Manager to execute Change Order No. 1 for AJ-12 Basin Sanitary Sewer Rehabilitation Project Nos. 18-10-01 and 18-10-02 and adoption of Ordinance 2019-38 to amend the budget for FY 18-19 and/or CIP Project budgets. [Y.S “Ram” Ramachandra, P.E., City Engineer]**
- c. **Consider authorizing the City Manager to enter into contract for performing construction and related improvements to the Sam Houston Visitor Center. [Tammy Gann, Economic Development/Special Projects Director]**

Councilmember Rodriguez made a motion to approve the consent agenda; the motion was seconded by Councilmember Davidhizar. Mayor Brauning pulled Item 1C for discussion. Councilmember Rodriguez made a motion to approve items a and b of the consent agenda; the motion was seconded by Councilmember Davidhizar. The motion was adopted, 8-0. Councilmember Davidhizar made a motion

to consider authorizing the City Manager to enter into contract for performing construction and related improvements to the Sam Houston Visitor Center Rodriquez; the motion was seconded by Councilmember Rodriquez. The motion failed 3-5, with Councilmembers Rodriquez, Humphrey and Davidhizar voting in support, and Mayor Brauninger, Councilmembers Mullins, Montgomery, Emmett, and Allen voting against.

3. STATUTORY AGENDA

- a. **SECOND READING - SECOND READING - Consider adoption of Ordinance 2019-37 to approve a pilot program regulating the operation of Sharable Mobility Devices, second reading. [Kevin Byal, Director of Development Services/Building Official]**

Councilmember Davidhizar moved to adopt Ordinance 2019-37 to approve a pilot program regulating the operation of Sharable Mobility Devices; the motion was seconded by Councilmember Rodriquez. The motion was adopted, 6-2, with Councilmember Humphrey and Allen voting against.

4. REQUESTS FOR CITIZEN PARTICIPATION

An opportunity for citizens to be heard on any topic and for the City Council to participate in the discussion. No action will be taken.

Rev. Tommy Manuel thanked the council and Councilmember Howard Mullins for their support in recent cleanup efforts on the east end of Huntsville. He also thanked Parks Director Joseph Wiggs, Solid Waste Supervisor Darrell Luker, and Code Enforcement Officer Jason Haecker individually for their work on behalf of the City, as well as members of the Huntsville Police Department. The group, with the City's help, identified five substandard structures with two being scheduled for demolition; there were 35 cars identified out of compliance with 29 being brought into compliance; identified 14 overgrown lots with 12 being mowed; the right-of-way was cleaned; and the group assisted cleaning the property of two senior citizens.

5. MEDIA INQUIRIES RELATED TO MATTERS ON THE AGENDA

Ryan Welch representing the Walker County Press asked about annexation history. City Manager Kulhavy responded to last annexation in the City. Councilmember Humphrey expressed her support of annexation over the last eight years.

6. ITEMS OF COMMUNITY INTEREST

(Hear announcements concerning items of community interest from the Mayor, Councilmembers, and City staff, for which no action will be discussed or taken.)

Mayor Brauninger introduced the new Huntsville/Walker County Chamber of Commerce President Ray Hernandez. He also informed residents that the last piece of equipment was officially removed from Huntsville Fire Station #2 on Friday, July 12, in preparation of demolition to begin construction of a new station. The closure is temporary, and the new fire station will be built in its place and is projected to be completed by the end of 2020. If you need HFD services such as burning permits or reports, you can visit Fire Station #4, located at 1619 State Highway 30 East, or Fire Station #1, located at 1987 Veterans Memorial Parkway. For more information, call 936-291-3047.

Councilmember Davidhizar announced the Huntsville Public Library and the Walker County Genealogical Society will host the 7th annual Frances Sprott Goforth Memorial Genealogy Weekend on August 2nd and 3rd. "Believe It or Not? – How to Verify Research" will begin at 9:30 a.m. Friday and Saturday at the Huntsville Public Library. The event is free, but pre-registration is requested. Register at MyHuntsvilleLibrary.com or call 936-291-5471.

Councilmember Montgomery reminded citizens to visit your favorite antique stores and boutiques while you're downtown for the Farmers Market on Saturdays. Front Porch Finds are featured on the first Saturday of the Month. For more information, log on to HuntsvilleMainStreet.com.

Councilmember Mullin invited citizens to come out to the Back-To-School Bash from 9 to 11:30 a.m. Wednesday, August 7th, at the Walker County Storm Shelter. The Huntsville Public Library and Sam Houston Statue have joined forces to reach more of our citizens. There will be games, bounce houses, popcorn, snow cones, school supplies, free eye exams for the kids and more. Children must be present to receive school supplies. For more information, call 936-291-5910.

7. EXECUTIVE SESSION

- a. **City Council will convene in closed session as authorized by Texas Government Code, Chapter 551, 551.071 to receive legal advice on the City of Huntsville Transfer Station facility and litigation related thereto; Cause No 1929213, City of Huntsville v Anchor Construction LLC, et. al. in the 278th District Court, Walker County, Texas.**
- b. **City Council will convene in closed session as authorized by Texas Government Code, Chapter 551, 551.071 to receive legal advice on claims filed by Jason January with the TWC and EEOC against the City.**

The Council adjourned to Executive Session at 7:54 p.m.

8. RECONVENE

- a. **Take action on items discussed in executive session, if needed.**

The Council reconvened at 8:39 p.m. City Council legal representative Jeff Chapman briefed members on discussions that led to an agreement for \$1 million to compensate damages and costs of the Transfer Station. Councilmember Davidhizar made a motion to approve the settlement and authorize the City Manager to sign the agreement; the motion was seconded by Councilmember Montgomery. The motion was adopted, 8-0.

9. CITY MANAGER/CITY COUNCIL/CITY ATTORNEY

- a. **Consider authorizing the City Manager to enter into contract for repairs to the City of Huntsville Transfer Station. [Aron Kulhavy, City Manager]**

Councilmember Montgomery made a motion to authorize the City Manager to award the construction contract in the amount of \$975,600 to Doughty Construction Company Inc of Huntsville for the Transfer Station pavement reconstruction project number 13-06-03.1; the motion was seconded by Councilmember Humphrey. The motion was adopted, 8-0.

ADJOURNMENT

Mayor Brauningger adjourned the meeting without objection at 8:41 p.m.

Brenda Poe, City Secretary

ATTEST:

CITY OF HUNTSVILLE

Brenda Poe, City Secretary

Andy Brauningger, Mayor



CITY COUNCIL AGENDA

8/6/2019
Agenda Item: 1b

Item/Subject: Consider adoption of Ordinance 2019-40 to amend the budget for FY 18-19 and/or CIP Project budgets.

Initiating Department/Presenter: Finance

Presenter: Steve Ritter – Finance Director

Recommended Motion: Move to adopt Ordinance 2019-40 to amend the budget for FY 18-19 and/or CIP Project budgets.

Strategic Initiative: Goal #6 - Finance - Provide a sustainable, efficient and fiscally sound government through conservative fiscal practices and resource management.

Discussion: Detailed explanation is provided in the attachment, Exhibit A, to the Ordinance. These Budget Amendments were presented to the Finance Committee at their July 16, 2019 meeting.

Previous Council Action: None.

Financial Implications:

See the attached Ordinance and related Budget Amendments (Exhibit A)

Approvals: City Attorney Director of Finance City Manager

Associated Information:

- Ordinance 2019-40, page 2
- Exhibit A (list of budget amendments), page 3

ORDINANCE NO. 2019-40

AN ORDINANCE OF THE CITY OF HUNTSVILLE, TEXAS, AMENDING THE 2018-2019 ANNUAL BUDGET AND CAPITAL IMPROVEMENTS PROJECTS (CIP) BUDGETS, ORDINANCE NO. 2018-36 TO AMEND ADOPTED EXPENDITURES OF THE BUDGET; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the 2018-2019 Annual Budget and CIP Budgets were adopted by Ordinance 2018-36 on September 18, 2018;

WHEREAS, various unforeseen circumstances affecting the City have presented themselves during the course of the fiscal year;

WHEREAS, the City Council considered the circumstances independently, deliberating appropriately on the associated revenues and expenditures and the overall impact on the general financial status of the City;

WHEREAS, pursuant to the laws of the State of Texas and the City Charter of the City of Huntsville, Texas, the City Council has determined that it will be beneficial and advantageous to the citizens of the City of Huntsville to amend the annual budget for fiscal year 2018 – 2019 and the Capital Improvements Projects (CIP) budget as set forth herein; and

WHEREAS, this ordinance combines the independent Council actions into one budget amendment document;

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

Section 1. The findings set forth above are incorporated into the body of this ordinance.

Section 2. The annual budget for fiscal year 2018 – 2019 is hereby amended to include the expenditures and revenues in Exhibit “A” and the Capital Improvements Projects budget is hereby amended to include the expenditures described in Exhibit “A” attached hereto and made a part of this ordinance as if set out verbatim herein.

Section 3. All ordinances of the City in conflict with the provisions of this ordinance are hereby repealed, and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 4. Should any section, portion, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, it shall not invalidate or impair the force or effect of any other section or portion of this ordinance.

Section 5. The necessity for amending the budget for the fiscal year 2018 – 2019 and Capital Improvements Projects, as required by the laws of the State of Texas, requires that this ordinance shall take effect immediately from and after its passage, as the law in such cases provides.

Section 6. This ordinance shall take effect immediately after its passage.

PASSED AND APPROVED on this the 6th day of August 2019.

THE CITY OF HUNTSVILLE, TEXAS

Andy Brauning, Mayor

ATTEST:

APPROVED AS TO FORM:

Brenda Poe, City Secretary

Leonard Schneider, City Attorney

Exhibit A

<h2 style="margin: 0;">Budget Amendments FY 18-19</h2> <h3 style="margin: 0;">August 6, 2019</h3>

Decrease:	General Fund - Future Appropriations	\$	40,000
Increase:	General Fund - Transfer to Prop 1 Police & Fire Facilities CIP	\$	40,000
Explanation:	<p align="center">This budget amendment will move budget from the General Fund - Future Appropriations acct to Transfer to CIP to provide monies needed for relocation of the repeater at Fire Station #2 which is needed due to construction of the new Fire Station at the existing site. Since the bonds have not been issued yet for construction costs for these projects the funds needed for these expenses is requested to come from General Fund Future Appropriations</p>		

Increase	Prop 1 - Police & Fire Facilities CIP - Construction	\$	40,000
Explanation:	<p>Increasing the costs for this Project to include the cost to relocate the repeater at Fire Station #2. Funds to pay for the costs are coming from General Fund as bonds will not be issued until August and proceeds will not be available until early September to pay for these.</p>		
From:	General Fund - Unallocated Reserve	\$	1,256,000
Increase:	General Fund - Transfer to Prop 1 Police & Fire Facilities CIP	\$	1,256,000
Explanation:	<p>This budget amendment will move budget from the General Fund - Unallocated Reserve to Transfer to CIP to provide monies needed for Furniture, Fixtures and Equipment for the new Police and Fire facilities. Funding these costs using General Fund Unallocated Reserve saves on interest costs (about \$690,000) by not issuing debt to pay for this. When the old Police headquarters are sold it should replenish most if not all of these Unallocated Reserves being used here.</p>		

Increase	Prop 1 - Police & Fire Facilities CIP - Furniture, Fixtures and Equipment	\$	1,256,000
Explanation:	<p>Increasing the budget for this Project to include the cost for Furniture, Fixtures and Equipment with funds to pay for the costs coming from a transfer from General Fund (General Fund Unallocated Reserve).</p>		



CITY COUNCIL AGENDA

8/6/2019
Agenda Item: 2a

Item/Subject: Consider adopting Ordinance 2019-39 authorizing the issuance of City of Huntsville, Texas general obligation bonds, Series 2019; authorizing the levy of an ad valorem tax in support of the bonds; approving an official statement, a paying agent/registrar agreement and other related documents; awarding the sale of the bonds; and authorizing other matters relating to the bonds.

Initiating Department/Presenter: Finance

Presenter: Steve Ritter – Finance Director

Recommended Motion: Move to adopt Ordinance 2019-39 authorizing the issuance of City of Huntsville, Texas general obligation bonds, Series 2019; authorizing the levy of an ad valorem tax in support of the bonds; approving an official statement, a paying agent/registrar agreement and other related documents; awarding the sale of the bonds; and authorizing other matters relating to the bonds.

Strategic Initiative: Goal #6 - Finance - Provide a sustainable, efficient and fiscally sound government through conservative fiscal practices and resource management.

Discussion: This agenda item authorizes the sale of the Proposition No. 1, Series 2019 General Obligation Bonds for the Police and Fire facilities. Various amounts in this Ordinance as provided to Council on August 2, 2019 in the agenda packet will be revised based on the actual sale of the bonds the morning of August 6, 2019. Council will receive an updated version of the Ordinance the evening of August 6, 2019 for approval with amounts and terms of the actual sale of the Bonds.

Previous Council Action: None.

Financial Implications: Issuing these Series 2019 General Obligation Bonds will provide funds for Police and Fire facilities projects totaling approximately \$22,500,000 and cover issuance costs of approximately \$299,000.

Approvals: City Attorney Director of Finance City Manager

Associated Information:
Ordinance 2019-39 with Exhibits A and B (pages 2 – 33)

ORDINANCE NO. 2019-39

**ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF HUNTSVILLE, TEXAS
GENERAL OBLIGATION BONDS, SERIES 2019; AUTHORIZING THE LEVY OF AN
AD VALOREM TAX IN SUPPORT OF THE BONDS; APPROVING AN OFFICIAL
STATEMENT, A PAYING AGENT/REGISTRAR AGREEMENT AND OTHER
RELATED DOCUMENTS; AWARDING THE SALE OF THE BONDS AND
AUTHORIZING OTHER MATTERS RELATING TO THE BONDS**

Adopted August 6, 2019

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

Section 1. RECITALS, AMOUNT AND PURPOSE OF THE BONDS AND VISION STATEMENT. (a) Recitals, Amount and Purpose. The recitals set forth in the preamble hereof are incorporated herein and shall have the same force and effect as if set forth in this section. The Bond or Bonds of the City are hereby authorized to be issued pursuant to Chapter 1331, Texas Government Code, as amended and Proposition 1 of the November 8, 2016 Election. The Bonds shall be delivered in the aggregate principal amount of \$_____ for the purpose of: (i) constructing, acquiring, improving, renovating and equipping City public safety facilities for police and fire protection, including the acquisition of any necessary sites and related infrastructure, demolition and other costs as authorized by the voters in Proposition 1 of the November 8, 2016; and (ii) paying the costs of issuing the Bonds.

Section 2. DESIGNATION, DATE, DENOMINATIONS, NUMBERS AND MATURITIES OF BONDS. Each bond issued pursuant to this Ordinance shall be designated: "**CITY OF HUNTSVILLE, TEXAS GENERAL OBLIGATION BOND, SERIES 2019**" and initially there shall be issued, sold, and delivered hereunder fully registered bonds, without interest coupons, dated _____, 2019, in the respective denominations and principal amounts hereinafter stated, numbered consecutively from R-1 upward (except the Initial Bond submitted to the Attorney General of the State of Texas which will be numbered T-1), payable to the respective initial registered owners thereof (as designated in Section 11 hereof), or to the registered assignee or assignees of the Bonds or any portion or portions thereof (in each case, the "Registered Owner"), and the Bonds shall mature and be payable serially on August 15 in each of the years and in the principal amounts, respectively, as set forth in the following schedule:

<u>YEAR</u>	<u>AMOUNT</u>	<u>YEAR</u>	<u>AMOUNT</u>
2020	\$ 480,000	2035	\$ 750,000
2021	460,000	2036	770,000
2022	475,000	2037	795,000
2023	495,000	2038	820,000
2024	515,000	2039	845,000
2025	535,000	2040	870,000
2026	560,000	2041	895,000
2027	580,000	2042	920,000
2028	605,000	2043	850,000
2029	630,000	2044	975,000
2030	645,000	2045	1,005,000
2031	665,000	2046	1,040,000
2032	685,000	2047	1,070,000
2033	705,000	2048	1,105,000
2034	725,000	2049	1,140,000

The term "Bonds" as used in this Ordinance shall mean and include collectively the bonds initially issued and delivered pursuant to this Ordinance and all substitute bonds exchanged therefor, as

well as all other substitute bonds and replacement bonds issued pursuant hereto, and the term "Bond" shall mean any of the Bonds.

Section 3. INTEREST. The Bonds scheduled to mature during the years, respectively, set forth below shall bear interest from the dates specified in the FORM OF BOND set forth in this Ordinance to their respective dates of maturity at the following rates per annum:

<u>YEAR</u>	<u>RATE</u>	<u>YEAR</u>	<u>RATE</u>
2020		2035	
2021		2036	
2022		2037	
2023		2038	
2024		2039	
2025		2040	
2026		2041	
2027		2042	
2028		2043	
2029		2044	
2030		2045	
2031		2046	
2032		2047	
2033		2048	
2034		2049	

Interest shall be payable in the manner provided and on the dates stated in the FORM OF BOND set forth in this Ordinance.

Section 4. CHARACTERISTICS OF THE BONDS. (a) Registration, Transfer, Conversion and Exchange; Authentication. The City shall keep or cause to be kept at ZB, National Association dba Amegy Bank in Houston, Texas (the "Paying Agent/Registrar") books or records for the registration of the transfer, conversion and exchange of the Bonds (the "Registration Books"), and the City hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep such books or records and make such registrations of transfers, conversions and exchanges under such reasonable regulations as the City and Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such registrations, transfers, conversions and exchanges as herein provided within three days of presentation in due and proper form. The Paying Agent/Registrar shall obtain and record in the Registration Books the address of the Registered Owner of each Bond to which payments with respect to the Bonds shall be mailed, as herein provided; but it shall be the duty of each Registered Owner to notify the Paying Agent/Registrar in writing of the address to which payments shall be mailed, and such interest payments shall not be mailed unless such notice has been given. The City shall have the right to inspect the Registration Books during regular business hours of the Paying Agent/Registrar, but otherwise the Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any other entity. The Paying Agent/Registrar shall make a copy of the Registration Books available in the State of Texas. The City shall pay the Paying Agent/Registrar's standard or customary fees and charges for making such registration,

transfer, conversion, exchange and delivery of a substitute Bond or Bonds. Registration of assignments, transfers, conversions and exchanges of Bonds shall be made in the manner provided and with the effect stated in the FORM OF BOND set forth in this Ordinance. Each substitute Bond shall bear a letter and/or number to distinguish it from each other Bond.

Except as provided in Section 4(c) hereof, an authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Bond, date and manually sign the Bond, and no such Bond shall be deemed to be issued or outstanding unless such Bond is so executed. The Paying Agent/Registrar promptly shall cancel all paid Bonds and Bonds surrendered for conversion and exchange. No additional ordinances, orders, or resolutions need be passed or adopted by the governing body of the City or any other body or person so as to accomplish the foregoing conversion and exchange of any Bond or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Bonds in the manner prescribed herein, and the Bonds shall be of type composition printed on paper with lithographed or steel engraved borders of customary weight and strength. Pursuant to Chapter 1206, Texas Government Code, as amended, and particularly Subchapter B thereof, the duty of conversion and exchange of Bonds as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of the Bond, the converted and exchanged Bond shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Bonds which initially were issued and delivered pursuant to this Ordinance, approved by the Attorney General, and registered by the Comptroller of Public Accounts.

(b) Payment of Bonds and Interest. The City hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of and interest on the Bonds, all as provided in this Ordinance. The Paying Agent/Registrar shall keep proper records of all payments made by the City and the Paying Agent/Registrar with respect to the Bonds, and of all conversions and exchanges of Bonds, and all replacements of Bonds, as provided in this Ordinance. However, in the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each Registered Owner appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice.

(c) In General. The Bonds (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Bonds to be payable only to the Registered Owners thereof, (ii) may be transferred and assigned, (iii) may be converted and exchanged for other Bonds, (iv) shall have the characteristics, (v) shall be signed, sealed, executed and authenticated, (vi) the principal of and interest on the Bonds shall be payable, and (vii) shall be administered and the Paying Agent/Registrar and the City shall have certain duties and responsibilities with respect to the Bonds, all as provided, and in the manner and to the effect as required or indicated, in the FORM OF BOND set forth in this Ordinance. The Bonds initially issued and delivered pursuant to this Ordinance are not required to be, and shall not be,

authenticated by the Paying Agent/Registrar, but on each substitute Bond issued in conversion of and exchange for any Bond or Bonds issued under this Ordinance the Paying Agent/Registrar shall execute the PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE, in the form set forth in the FORM OF BOND.

(d) Substitute Paying Agent/Registrar. The City covenants with the Registered Owners of the Bonds that at all times while the Bonds are outstanding the City will provide a competent and legally qualified bank, trust company, financial institution, or other agency to act as and perform the services of Paying Agent/Registrar for the Bonds under this Ordinance, and that the Paying Agent/Registrar will be one entity. The City reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than 30 days written notice to the Paying Agent/Registrar, to be effective at such time which will not disrupt or delay payment on the next principal or interest payment date after such notice. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the City covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other agency to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Bonds, to the new Paying Agent/Registrar designated and appointed by the City. Upon any change in the Paying Agent/Registrar, the City promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each Registered Owner of the Bonds, by United States mail, first-class postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to each Paying Agent/Registrar.

(e) Book-Entry-Only System. The Bonds issued in exchange for the Bonds initially issued as provided in Section 4(h) shall be issued in the form of a separate single fully registered Bond for each of the maturities thereof registered in the name of Cede & Co., as nominee of The Depository Trust Company of New York ("DTC") and except as provided in subsection (f) hereof, all of the outstanding Bonds shall be registered in the name of Cede & Co., as nominee of DTC.

With respect to Bonds registered in the name of Cede & Co., as nominee of DTC, the City and the Paying Agent/Registrar shall have no responsibility or obligation to any securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC participants (the "DTC Participant") or to any person on behalf of whom such a DTC Participant holds an interest in the Bonds. Without limiting the immediately preceding sentence, the City and the Paying Agent/Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any DTC Participant or any other person, other than a Registered Owner, as shown on the Registration Books, of any notice with respect to the Bonds, or (iii) the payment to any DTC Participant or any person, other than a Registered Owner, as shown on the Registration Books of any amount with respect to principal of or interest on the Bonds. Notwithstanding any other provision of this

Ordinance to the contrary, but to the extent permitted by law, the City and the Paying Agent/Registrar shall be entitled to treat and consider the person in whose name each Bond is registered in the Registration Books as the absolute owner of such Bond for the purpose of payment of principal of and interest, with respect to such Bond, for the purposes of registering transfers with respect to such Bond, and for all other purposes of registering transfers with respect to such Bonds, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of and interest on the Bonds only to or upon the order of the respective Registered Owners, as shown in the Registration Books as provided in this Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to payment of principal of and interest on the Bonds to the extent of the sum or sums so paid. No person other than a Registered Owner, as shown in the Registration Books, shall receive a Bond evidencing the obligation of the City to make payments of principal, and interest pursuant to this Ordinance. Upon delivery by DTC to the Paying Agent/Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Ordinance with respect to interest checks being mailed to the registered owner at the close of business on the Record Date the word "Cede & Co." in this Ordinance shall refer to such new nominee of DTC.

(f) Successor Securities Depository; Transfer Outside Book-Entry-Only System. In the event that the City determines to discontinue the book-entry system through DTC or a successor or DTC determines to discontinue providing its services with respect to the Bond, the City shall either (i) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants of the appointment of such successor securities depository and transfer one or more separate Bonds to such successor securities depository or (ii) notify DTC and DTC Participants of the availability through DTC of Bonds and transfer one or more separate Bonds to DTC Participants having Bonds credited to their DTC accounts. In such event, the Bonds shall no longer be restricted to being registered in the Registration Books in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names the Registered Owner transferring or exchanging Bond shall designate, in accordance with the provisions of this Ordinance.

(g) Payments to Cede & Co. Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, in the manner provided in the Letter of Representations of the City to DTC.

(h) DTC Blanket Letter of Representations. The City confirms execution of a Blanket Issuer Letter of Representations with DTC establishing the Book-Entry-Only System which will be utilized with respect to the Bonds.

(i) Cancellation of Initial Bond. On the closing date, one Initial Bond representing the entire principal amount of the Bonds, payable in stated installments to the order of the purchaser of the Bonds or its designee set forth in Section 11 of this Ordinance, executed by manual or facsimile signature of the Mayor or Mayor Pro-Tem and City Secretary, approved by the Attorney

General of Texas, and registered and manually signed by the Comptroller of Public Accounts of the State of Texas, will be delivered to such initial purchaser set forth in Section 11 of this Ordinance or its designee. Upon payment for the Initial Bond, the Paying Agent/Registrar shall cancel the Initial Bond and deliver to DTC on behalf of such purchaser one registered definitive Bond for each year of maturity of the Bonds, in the aggregate principal amount of all the Bonds for such maturity.

Section 5. FORM OF BOND. The form of the Bond, including the form of Paying Agent/Registrar's Authentication Certificate, the form of Assignment, the form of initial Bond and the form of Registration Certificate of the Comptroller of Public Accounts of the State of Texas to be attached to the Bonds initially issued and delivered pursuant to this Ordinance, shall be, respectively, substantially as follows, with such appropriate variations, omissions, or insertions as are permitted or required by this Ordinance including any reproduction of an opinion of counsel and information regarding the issuance of any bond insurance policy.

FORM OF BOND

NO. R-	UNITED STATES OF AMERICA STATE OF TEXAS WALKER COUNTY	PRINCIPAL AMOUNT \$ _____
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**CITY OF HUNTSVILLE, TEXAS
GENERAL OBLIGATION BOND,
SERIES 2019**

<u>INTEREST RATE</u>	<u>DATE OF BOND</u>	<u>MATURITY DATE</u>	<u>CUSIP NO.</u>
	_____, 2019		

REGISTERED OWNER:

PRINCIPAL AMOUNT:

ON THE MATURITY DATE specified above, **HUNTSVILLE, TEXAS** (the "City"), being a political subdivision of the State of Texas, hereby promises to pay to the Registered Owner set forth above, or registered assigns (hereinafter called the "Registered Owner") the principal amount set forth above, and to pay interest thereon from the initial date of delivery of the Bonds, on February 15, 2020 and semiannually thereafter on each August 15 and February 15 to the maturity date specified above, or the date of redemption prior to maturity, at the interest rate per annum specified above calculated on the basis of a 360-day year of twelve 30-day months; except that if this Bond is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such principal amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided,

however, that if on the date of authentication hereof the interest on the Bond or Bonds, if any, for which this Bond is being exchanged or converted from is due but has not been paid, then this Bond shall bear interest from the date to which such interest has been paid in full. Notwithstanding the foregoing, during any period in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, any payment to the securities depository, or its nominee or registered assigns, shall be made in accordance with existing arrangements between the City and the securities depository.

THE PRINCIPAL OF AND INTEREST ON this Bond are payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Bond shall be paid to the Registered Owner hereof upon presentation and surrender of this Bond at maturity or upon the date fixed for its redemption prior to maturity, at ZB, National Association dba Amegy Bank, (the "Paying Agent/Registrar") at their office for payment in Houston, Texas (the "Designated Payment/Transfer Office"). The payment of interest on this Bond shall be made by the Paying Agent/Registrar to the Registered Owner hereof on each interest payment date by check or draft, dated as of such interest payment date, drawn by the Paying Agent/Registrar on, and payable solely from, funds of the City required by the ordinance authorizing the issuance of this Bond (the "Ordinance") to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check or draft shall be sent by the Paying Agent/Registrar by United States mail, first-class postage prepaid, on each such interest payment date, to the Registered Owner hereof, at its address as it appeared on the close of business on the last business day of the month next preceding each such date (the "Record Date") on the registration books kept by the Paying Agent/Registrar (the "Registration Books"). In addition, interest may be paid by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Registered Owner. In the event of a non-payment of interest on a scheduled payment date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first-class postage prepaid, to the address of each owner of a Bond appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice.

DURING ANY PERIOD in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, if fewer than all of the Bonds of the same maturity and bearing the same interest rate are to be redeemed, the particular Bonds of such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the City and the securities depository.

ANY ACCRUED INTEREST due at maturity as provided herein shall be paid to the Registered Owner upon presentation and surrender of this Bond for payment at the Designated Payment/Transfer Office of the Paying Agent/Registrar. The City covenants with the Registered Owner of this Bond that on or before each payment date for this Bond it will make available to the Paying Agent/Registrar, from the "Interest and Sinking Fund" created by the Ordinance, the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Bonds, when due.

IF THE DATE for the payment of the principal of or interest on this Bond shall be a Saturday, Sunday, a legal holiday, or a day on which banking institutions in the City where the principal corporate trust office of the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

THIS BOND is one of a series of Bonds dated _____, 2019, authorized in accordance with the Constitution and laws of the State of Texas in the aggregate principal amount of \$_____ FOR THE PURPOSE OF: (I) CONSTRUCTING, ACQUIRING, IMPROVING, RENOVATING AND EQUIPPING CITY PUBLIC SAFETY FACILITIES FOR POLICE AND FIRE PROTECTION, INCLUDING THE ACQUISITION OF ANY NECESSARY SITES AND RELATED INFRASTRUCTURE, DEMOLITION AND OTHER COSTS AS AUTHORIZED BY THE VOTERS IN PROPOSITION 1 OF THE NOVEMBER 8, 2016; AND (II) PAYING THE COSTS OF ISSUING THE BONDS.

ON AUGUST 15, 2028, or on any date thereafter, the Bonds of this Series maturing on and after August 15, 2029 may be redeemed prior to their scheduled maturities, at the option of the City, with funds derived from any available and lawful source, at par plus accrued interest to the date fixed for redemption as a whole, or from time to time in part, and, if in part, the particular maturities, or sinking fund installments in the case of Term Bonds, to be redeemed shall be selected and designated by the City and if less than all of a maturity, or sinking fund installments in the case of Term Bonds, is to be redeemed, the Paying Agent/Registrar shall determine by lot or other customary random method the Bonds, or a portion thereof, within such maturity, or sinking fund installments in the case of Term Bonds, to be redeemed (provided that a portion of a Bond may be redeemed only in an integral multiple of \$5,000).

THE BONDS maturing on _____, 20___ (the "Term Bonds") are subject to mandatory sinking fund redemption prior to maturity in the following amounts, on the following dates and at a price of par plus accrued interest to the redemption date.

Bonds Maturing _____, 20___	
Redemption Date	Principal Amount
_____, 20___	\$ _____
_____, 20___*	_____

*Final Maturity

THE PRINCIPAL AMOUNT of the Term Bonds required to be redeemed pursuant to the operation of the mandatory sinking fund redemption provisions shall be reduced, at the option of the City by the principal amount of any Term Bonds of the stated maturity which, at least 50 days prior to a mandatory redemption date, (1) shall have been acquired by the City, at a price not

exceeding the principal amount of such Term Bonds plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation, (2) shall have been purchased and canceled by the Paying Agent/Registrar at the request of the City with monies in the Interest and Sinking Fund at a price not exceeding the principal amount of the Term Bonds plus accrued interest to the date of purchase thereof, or (3) shall have been redeemed pursuant to the optional redemption provisions and not theretofore credited against a mandatory sinking fund redemption requirement.

NO LESS THAN 30 days prior to the date fixed for any optional redemption, the City shall cause the Paying Agent/Registrar to send notice by United States mail, first-class postage prepaid to the Registered Owner of each Bond to be redeemed at its address as it appeared on the Registration Books of the Paying Agent/Registrar at the close of business on the 45th day prior to the redemption date; provided, however, that the failure to send, mail or receive such notice, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bonds. By the date fixed for any such redemption due provision shall be made with the Paying Agent/Registrar for the payment of the required redemption price for the Bonds or portions thereof which are to be so redeemed. If due provision for such payment is made, all as provided above, the Bonds or portions thereof which are to be so redeemed thereby automatically shall be treated as redeemed prior to their scheduled maturities, and they shall not bear interest after the date fixed for redemption, and they shall not be regarded as being outstanding except for the right of the Registered Owner to receive the redemption price from the Paying Agent/Registrar out of the funds provided for such payment. If a portion of any Bonds shall be redeemed a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in any denomination or denominations in any integral multiple of \$5,000, at the written request of the Registered Owner, and in aggregate principal amount equal to the unredeemed portion thereof, will be issued to the Registered Owner upon the surrender thereof for cancellation, at the expense of the City, all as provided in the Ordinance.

WITH RESPECT TO any optional redemption of the Bonds, unless certain prerequisites to such redemption required by the Ordinance have been met and moneys sufficient to pay the principal of and premium, if any, and interest on the Bonds to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice shall state that said redemption may, at the option of the City, be conditional upon the satisfaction of such prerequisites and receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon any prerequisite set forth in such notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption and sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Bonds and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Bonds have not been redeemed.

ALL BONDS OF THIS SERIES are issuable solely as fully registered Bonds, without interest coupons, in the denomination of any integral multiple of \$5,000. As provided in the Ordinance, this Bond, or any unredeemed portion hereof, may, at the request of the Registered Owner or the assignee or assignees hereof, be assigned, transferred, converted into and exchanged for a like aggregate principal amount of fully registered Bonds, without interest coupons, payable to the appropriate Registered Owner, assignee or assignees, as the case may be, having the same

denomination or denominations in any integral multiple of \$5,000 as requested in writing by the appropriate Registered Owner, assignee or assignees, as the case may be, upon surrender of this Bond to the Paying Agent/Registrar for cancellation, all in accordance with the form and procedures set forth in the Ordinance. Among other requirements for such assignment and transfer, this Bond must be presented and surrendered to the Paying Agent/Registrar, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Bond or any portion or portions hereof in any integral multiple of \$5,000 to the assignee or assignees in whose name or names this Bond or any such portion or portions hereof is or are to be registered. The form of Assignment printed or endorsed on this Bond may be executed by the Registered Owner to evidence the assignment hereof, but such method is not exclusive, and other instruments of assignment satisfactory to the Paying Agent/Registrar may be used to evidence the assignment of this Bond or any portion or portions hereof from time to time by the Registered Owner. The Paying Agent/Registrar's reasonable standard or customary fees and charges for assigning, transferring, converting and exchanging any Bond or portion thereof will be paid by the City. In any circumstance, any taxes or governmental charges required to be paid with respect thereto shall be paid by the one requesting such assignment, transfer, conversion or exchange, as a condition precedent to the exercise of such privilege. The Paying Agent/Registrar shall not be required to make any such transfer, conversion, or exchange during the period commencing on the close of business on any Record Date and ending with the opening of business on the next following principal or interest payment date.

WHENEVER the beneficial ownership of this Bond is determined by a book entry at a securities depository for the Bonds, the foregoing requirements of holding, delivering or transferring this Bond shall be modified to require the appropriate person or entity to meet the requirements of the securities depository as to registering or transferring the book entry to produce the same effect.

IN THE EVENT any Paying Agent/Registrar for the Bonds is changed by the City, resigns, or otherwise ceases to act as such, the City has covenanted in the Ordinance that it promptly will appoint a competent and legally qualified substitute therefor, and cause written notice thereof to be mailed to the Registered Owners of the Bonds.

IT IS HEREBY certified, recited, and covenanted that this Bond has been duly and validly authorized, issued, and delivered; that all acts, conditions, and things required or proper to be performed, exist, and be done precedent to or in the authorization, issuance, and delivery of this Bond have been performed, existed, and been done in accordance with law; and that ad valorem taxes sufficient to provide for the payment of the interest on and principal of this Bond, as such interest comes due, and as such principal matures, have been levied and ordered to be levied against all taxable property in the City, and have been pledged for such payment, within the limit prescribed by law.

BY BECOMING the Registered Owner of this Bond, the Registered Owner thereby acknowledges all of the terms and provisions of the Ordinance, agrees to be bound by such terms and provisions, acknowledges that the Ordinance is duly recorded and available for inspection in the official minutes and records of the governing body of the City, and agrees that the terms and

provisions of this Bond and the Ordinance constitute a contract between each Registered Owner hereof and the City.

IN WITNESS WHEREOF, the City has caused this Bond to be signed with the manual or facsimile signature of the Mayor of the City and countersigned with the manual or facsimile signature of the City Secretary and has caused the official seal of the City to be duly impressed, or placed in facsimile, on this Bond.

City Secretary

Mayor

[CITY SEAL]

FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

(To be executed if this Bond is not accompanied by an executed Registration Certificate of the Comptroller of Public Accounts of the State of Texas)

It is hereby certified that this Bond has been issued under the provisions of the Ordinance described in the text of this Bond; and that this Bond has been issued in conversion or replacement of, or in exchange for, a Bond, Bonds, or a portion of a Bond or Bonds of a Series which originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

Dated

**ZB, National Association
dba Amegy Bank
Paying Agent/Registrar**

By _____
Authorized Representative

FORM OF ASSIGNMENT

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto

Please insert Social Security or Taxpayer
Identification Number of Transferee

(Please print or typewrite name and address,
including zip code, of Transferee)

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____, attorney, to register the transfer of the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.

NOTICE: The signature above must correspond with the name of the Registered Owner as it appears upon the front of this Bond in every particular, without alteration or enlargement or any change whatsoever.

FORM OF REGISTRATION CERTIFICATE OF
THE COMPTROLLER OF PUBLIC ACCOUNTS FOR THE INITIAL BOND ONLY:

COMPTROLLER'S REGISTRATION CERTIFICATE: REGISTER NO.

I hereby certify that this Bond has been approved by the Attorney General of the State of Texas, and that this Bond has been registered by the Comptroller of Public Accounts of the State of Texas.

Witness my signature and seal this _____.

Comptroller of Public Accounts

[COMPTROLLER'S SEAL]

INSERTIONS FOR THE INITIAL BOND

The Initial Bond shall be in the form set forth in this Section, except that:

A. immediately under the name of the Bond, the headings "INTEREST RATE" and "MATURITY DATE" shall both be completed with the words "As shown below" and "CUSIP NO." shall be deleted.

B. the first paragraph shall be deleted and the following will be inserted:

"**ON THE MATURITY DATE SPECIFIED BELOW**, the City of Huntsville, Texas (the "City"), being a political subdivision, hereby promises to pay to the Registered Owner specified above, or registered assigns (hereinafter called the "Registered Owner"), in each of the years on August 15 in the principal installments and bearing interest at the per annum rates set forth in the following schedule:

<u>Year</u>	<u>Amount</u>	<u>Rate</u>
-------------	---------------	-------------

(Information from Sections 2 and 3 to be inserted)

The City promises to pay interest on the unpaid principal amount hereof (calculated on the basis of a 360-day year of twelve 30-day months) from the initial date of delivery of the Bonds at the respective Interest Rate per annum specified above. Interest is payable on February 15, 2020 and semiannually on each August 15 and February 15 thereafter to the date of payment of the principal installment specified above; except, that if this Bond is required to be authenticated and the date of its authentication is later than the first Record Date (hereinafter defined), such principal amount shall bear interest from the interest payment date next preceding the date of authentication, unless such date of authentication is after any Record Date but on or before the next following interest payment date, in which case such principal amount shall bear interest from such next following interest payment date; provided, however, that if on the date of authentication hereof the interest on the Bond or Bonds, if any, for which this Bond is being exchanged is due but has not been paid, then this Bond shall bear interest from the date to which such interest has been paid in full."

C. The initial Bond shall be numbered "T-1."

Section 6. TAX LEVY. (a) Payment of the Bonds. A special Interest and Sinking Fund (the "Interest and Sinking Fund") is hereby created solely for the benefit of the Bonds, and the Interest and Sinking Fund shall be established and maintained by the City at an official depository bank of the City. The Interest and Sinking Fund shall be kept separate and apart from all other funds and accounts of the City, and shall be used only for paying the interest on and principal of the Bonds. All ad valorem taxes levied and collected for and on account of the Bonds shall be deposited, as collected, to the credit of the Interest and Sinking Fund. During each year

while any of the Bonds or interest thereon are outstanding and unpaid, the governing body of the City shall compute and ascertain a rate and amount of ad valorem tax which will be sufficient, within the limit prescribed by law, to raise and produce the money required to pay the interest on the Bonds as such interest comes due, and to provide and maintain a sinking fund adequate to pay the principal of the Bonds as such principal matures (but never less than 2% of the original principal amount of the Bonds as a sinking fund each year); and the tax shall be based on the latest approved tax rolls of the City, with full allowance being made for tax delinquencies and the cost of tax collection. The rate and amount of ad valorem tax is hereby levied, and is hereby ordered to be levied, against all taxable property in the City for each year while any of the Bonds or interest thereon are outstanding and unpaid; and the tax shall be assessed and collected each such year and deposited to the credit of the Interest and Sinking Fund. The ad valorem taxes sufficient to provide for the payment of the interest on and principal of the Bonds, as such interest comes due and such principal matures, are hereby pledged for such payment, within the limit prescribed by law. Accrued interest on the Bonds on their date of initial delivery, if any, shall be deposited in the Interest and Sinking Fund.

(b) Appropriation of Available Funds. There is hereby appropriated from funds of the City lawfully available for such purpose a sum sufficient to pay the interest and/or principal to become due on the Bonds prior to receipt of applicable tax receipts.

Section 7. DEFEASANCE OF BONDS (a) Any Bond and the interest thereon shall be deemed to be paid, retired and no longer outstanding (a "Defeased Bond") within the meaning of this Ordinance, except to the extent provided in subsections (c) and (e) of this Section, when payment of the principal of such Bond, plus interest thereon to the due date or dates (whether such due date or dates be by reason of maturity, upon redemption, or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof (including the giving of any required notice of redemption or the establishment of irrevocable provisions for the giving of such notice) or (ii) shall have been provided for on or before such due date by irrevocably depositing with or making available to the Paying Agent/Registrar or an eligible trust company or commercial bank for such payment (1) lawful money of the United States of America sufficient to make such payment, (2) Defeasance Securities, certified by an independent public accounting firm of national reputation to mature as to principal and interest in such amounts and at such times as will ensure the availability, without reinvestment, of sufficient money to provide for such payment and when proper arrangements have been made by the City with the Paying Agent/Registrar or an eligible trust company or commercial bank for the payment of its services until all Defeased Bonds shall have become due and payable or (3) any combination of (1) and (2). At such time as a Bond shall be deemed to be a Defeased Bond hereunder, as aforesaid, such Bond and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the ad valorem taxes herein levied as provided in this Ordinance, and such principal and interest shall be payable solely from such money or Defeasance Securities and thereafter the City will have no further responsibility with respect to amounts available to such Paying Agent/Registrar (or other financial institution permitted by applicable law) for the payment of such Defeased Bond, including any insufficiency therein caused by the failure of the Paying Agent/Registrar (or other financial institution permitted by law) to receive payment when due on the Defeasance Securities.

(b) The deposit under clause (ii) of subsection (a) shall be deemed a payment of a Bond as aforesaid when proper notice of redemption of such Bonds shall have been given or upon the

establishment of irrevocable provisions for the giving of such notice, in accordance with this Ordinance. Any money so deposited with the Paying Agent/Registrar or an eligible trust company or commercial bank as provided in this Section may at the discretion of the City also be invested in Defeasance Securities, maturing in the amounts and at the times as hereinbefore set forth, and all income from all Defeasance Securities in possession of the Paying Agent/Registrar or an eligible trust company or commercial bank pursuant to this Section which is not required for the payment of such Bond and premium, if any, and interest thereon with respect to which such money has been so deposited, shall be remitted to the City.

(c) Notwithstanding any provision of any other Section of this Ordinance which may be contrary to the provisions of this Section, all money or Defeasance Securities set aside and held in trust pursuant to the provisions of this Section for the payment of principal of the Bonds and premium, if any, and interest thereon, shall be applied to and used solely for the payment of the particular Bonds and premium, if any, and interest thereon, with respect to which such money or Defeasance Securities have been so set aside in trust. Until all Defeased Bonds shall have become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Bonds the same as if they had not been defeased, and the City shall make proper arrangements to provide and pay for such services as required by this Ordinance.

(d) Notwithstanding anything elsewhere in this Ordinance, if money or Defeasance Securities have been deposited or set aside with the Paying Agent/Registrar or an eligible trust company or commercial bank pursuant to this Section for the payment of Bonds and such Bonds shall not have in fact been actually paid in full, no amendment of the provisions of this Section shall be made without the consent of the registered owner of each Bond affected thereby.

(e) Notwithstanding the provisions of subsection (a) immediately above, to the extent that, upon the defeasance of any Defeased Bond to be paid at its maturity, the City retains the right under Texas law to later call that Defeased Bond for redemption in accordance with the provisions of this Ordinance, the City may call such Defeased Bond for redemption upon complying with the provisions of Texas law and upon the satisfaction of the provisions of subsection (a) immediately above with respect to such Defeased Bond as though it was being defeased at the time of the exercise of the option to redeem the Defeased Bond and the effect of the redemption is taken into account in determining the sufficiency of the provisions made for the payment of the Defeased Bond.

As used herein, "Defeasance Securities" means (i) Federal Securities and (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the City adopts or approves proceedings authorizing the issuance of refunding bonds or otherwise provide for the funding of an escrow to effect the defeasance of the Bonds are rated as to investment quality by a nationally recognized investment rating firm not less than "AAA" or its equivalent.

"Federal Securities" as used herein means direct, noncallable obligations of the United States of America, including obligations that are unconditionally guaranteed by the United States of America.

Section 8. DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED BONDS. (a) Replacement Bonds. In the event any outstanding Bond is damaged, mutilated, lost, stolen, or destroyed, the Paying Agent/Registrar shall cause to be printed, executed, and delivered, a new Bond of the same principal amount, maturity, and interest rate, as the damaged, mutilated, lost, stolen, or destroyed Bond, in replacement for such Bond in the manner hereinafter provided.

(b) Application for Replacement Bonds. Application for replacement of damaged, mutilated, lost, stolen, or destroyed Bonds shall be made by the Registered Owner thereof to the Paying Agent/Registrar. In every case of loss, theft, or destruction of a Bond, the Registered Owner applying for a replacement bond shall furnish to the City and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft, or destruction of a Bond, the Registered Owner shall furnish to the City and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft, or destruction of such Bond, as the case may be. In every case of damage or mutilation of a Bond, the Registered Owner shall surrender to the Paying Agent/Registrar for cancellation the Bond so damaged or mutilated.

(c) No Default Occurred. Notwithstanding the foregoing provisions of this Section, in the event any such Bond shall have matured, and no default has occurred which is then continuing in the payment of the principal of, redemption premium, if any, or interest on the Bond, the City may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Bond) instead of issuing a replacement Bond, provided security or indemnity is furnished as above provided in this Section.

(d) Charge for Issuing Replacement Bonds. Prior to the issuance of any replacement Bond, the Paying Agent/Registrar shall charge the Registered Owner of such Bond with all legal, printing, and other expenses in connection therewith. Every replacement Bond issued pursuant to the provisions of this Section by virtue of the fact that any Bond is lost, stolen, or destroyed shall constitute a contractual obligation of the City whether or not the lost, stolen, or destroyed Bond shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Bonds duly issued under this Ordinance.

(e) Authority for Issuing Replacement Bonds. In accordance with Subchapter B of Texas Government Code, Chapter 1206, this Section of this Ordinance shall constitute authority for the issuance of any such replacement Bond without necessity of further action by the governing body of the City or any other body or person, and the duty of the replacement of such Bonds is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such Bonds in the form and manner and with the effect, as provided in Section 4(a) of this Ordinance for Bonds issued in conversion and exchange for other Bonds.

Section 9. CUSTODY, APPROVAL, AND REGISTRATION OF BONDS; BOND COUNSEL'S OPINION; CUSIP NUMBERS AND CONTINGENT INSURANCE PROVISION, IF OBTAINED. The Mayor of the City is hereby authorized to have control of the Bonds initially issued and delivered hereunder and all necessary records and proceedings

pertaining to the Bonds pending their delivery and their investigation, examination, and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the Bonds the Comptroller of Public Accounts (or a deputy designated in writing to act for the Comptroller) shall manually sign the Comptroller's Registration Certificate attached to such Bonds, and the seal of the Comptroller shall be impressed, or placed in facsimile, on such Certificate. The approving legal opinion of the City's Bond Counsel and the assigned CUSIP numbers may, at the option of the City, be printed on the Bonds issued and delivered under this Ordinance, but neither shall have any legal effect, and shall be solely for the convenience and information of the Registered Owners of the Bonds. In addition, if bond insurance or other credit enhancement is obtained, the Bonds may bear an appropriate legend.

Section 10. COVENANTS REGARDING TAX EXEMPTION OF INTEREST ON THE BONDS. (a) Covenants. The City covenants to take any action necessary to assure, or refrain from any action which would adversely affect, the treatment of the Bonds as obligations described in section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the City covenants as follows:

(1) to take any action to assure that no more than 10 percent of the proceeds of the Bonds or the projects financed therewith (less amounts deposited to a reserve fund, if any) are used for any "private business use," as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds of the Bonds or the projects financed therewith are so used, such amounts, whether or not received by the City, with respect to such private business use, do not, under the terms of this Ordinance or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Bonds, in contravention of section 141(b)(2) of the Code;

(2) to take any action to assure that in the event that the "private business use" described in subsection (1) hereof exceeds 5 percent of the proceeds of the Bonds or the projects financed therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" which is "related" and not "disproportionate," within the meaning of section 141(b)(3) of the Code, to the governmental use;

(3) to take any action to assure that no amount which is greater than the lesser of \$5,000,000, or 5 percent of the proceeds of the Bonds (less amounts deposited into a reserve fund, if any) is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;

(4) to refrain from taking any action which would otherwise result in the Bonds being treated as "private activity bonds" within the meaning of section 141(b) of the Code;

(5) to refrain from taking any action that would result in the Bonds being "federally guaranteed" within the meaning of section 149(b) of the Code;

(6) to refrain from using any portion of the proceeds of the Bonds, directly or indirectly, to acquire or to replace funds which were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) which produces a materially higher yield over the term of the Bonds, other than investment property acquired with --

(A) proceeds of the Bonds invested for a reasonable temporary period of 3 years or less or, in the case of a refunding bond, for a period of 90 days or less until such proceeds are needed for the purpose for which bonds are issued,

(B) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Treasury Regulations, and

(C) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Bonds;

(7) to otherwise restrict the use of the proceeds of the Bonds or amounts treated as proceeds of the Bonds, as may be necessary, so that the Bonds do not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage);

(8) to refrain from using the proceeds of the Bonds or proceeds of any prior bonds to pay debt service on another issue more than 90 days after the date of issue of the Bonds in contravention of the requirements of section 149(d) of the Code (relating to advance refundings); and

(9) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Bonds) an amount that is at least equal to 90 percent of the "Excess Earnings," within the meaning of section 148(f) of the Code and to pay to the United States of America, not later than 60 days after the Bonds have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code.

(b) Rebate Fund. In order to facilitate compliance with the above covenant (9), a "Rebate Fund" is hereby established by the City for the sole benefit of the United States of America, and such fund shall not be subject to the claim of any other person, including without limitation the bondholders. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.

(c) Proceeds. The City understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations and, in the case of refunding bonds, transferred proceeds (if any) and proceeds of the refunded bonds not expended prior to the date of issuance of the Bonds. It is the understanding of the City that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated which modify or expand provisions of the Code, as applicable to the Bonds, the City

will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Bonds under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated which impose additional requirements which are applicable to the Bonds, the City agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Bonds under section 103 of the Code. In furtherance of such intention, the City hereby authorizes and directs the City Manager, the Assistant City Manager or Director of Finance of the City to execute any documents, certificates or reports required by the Code and to make such elections, on behalf of the City, which may be permitted by the Code as are consistent with the purpose for the issuance of the Bonds. This Ordinance is intended to satisfy the official intent requirements set forth in Section 1.150-2 of the Treasury Regulations.

(d) Allocation Of, and Limitation On, Expenditures for the Project. The City covenants to account for the expenditure of sale proceeds and investment earnings to be used for the purposes described in Section 1 of this Ordinance (the "Project") on its books and records in accordance with the requirements of the Code. The City recognizes that in order for the proceeds to be considered used for the reimbursement of costs, the proceeds must be allocated to expenditures within 18 months of the later of the date that (1) the expenditure is made, or (2) the Project is completed; but in no event later than three years after the date on which the original expenditure is paid. The foregoing notwithstanding, the City recognizes that in order for proceeds to be expended under the Code, the sale proceeds or investment earnings must be expended no more than 60 days after the earlier of (1) the fifth anniversary of the delivery of the Bonds, or (2) the date the Bonds are retired. The City agrees to obtain the advice of nationally-recognized bond counsel if such expenditure fails to comply with the foregoing to assure that such expenditure will not adversely affect the tax-exempt status of the Bonds. For purposes hereof, the City shall not be obligated to comply with this covenant if it obtains an opinion that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(e) Disposition of Project. The City covenants that the property constituting the projects financed therewith the proceeds of the Bonds will not be sold or otherwise disposed of in a transaction resulting in the receipt by the City of cash or other compensation, unless the City obtains an opinion of nationally-recognized bond counsel that such sale or other disposition will not adversely affect the tax-exempt status of the Bonds. For purposes of this subsection, the portion of the property comprising personal property and disposed in the ordinary course shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes of this subsection, the City shall not be obligated to comply with this covenant if it obtains an opinion of nationally recognized bond counsel to the effect that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

Section 11. SALE OF BONDS. The Bonds are hereby awarded and sold to the bidder whose bid produced the lowest true interest cost, pursuant to the taking of public bids therefor, on this date, and shall be delivered to _____ (the "Purchaser") at a price of \$_____ (representing the par amount of the Bonds of \$_____ plus a net

initial reoffering premium of \$ _____ less an underwriter's discount of \$ _____). It is hereby officially found, determined and declared that the terms of this sale are the most advantageous reasonably obtainable and are in the best interest of the City. The Bonds shall initially be registered in the name of the Purchaser. Pursuant to Sections 1201.029 and 1201.042, Texas Government Code, the \$ _____ of net reoffering premium generated by the sale of the Bonds is allocated to be used as follows: (i) \$ _____ for the Purchaser's discount, (ii) \$ _____ for costs of issuance of the Bonds, (iii) \$ _____, representing the rounding amount, to be deposited to the Interest and Sinking Fund and (iv) \$ _____ to be used to pay the costs of the projects being financed by the Bonds described in Section 1 (with the total voted authorization utilized by the Bonds being as set forth in the recitals to this Ordinance).

Section 12. DEFAULT AND REMEDIES. (a) Events of Default. Each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an Event of Default:

(i) the failure to make payment of the principal of or interest on any of the Bonds when the same becomes due and payable; or

(ii) default in the performance or observance of any other covenant, agreement or obligation of the City, the failure to perform which materially, adversely affects the rights of the Registered Owners of the Bonds, including, but not limited to, their prospect or ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of 60 days after notice of such default is given by any Registered Owner to the City.

(b) Remedies for Default.

(i) Upon the happening of any Event of Default, then and in every case, any Registered Owner or an authorized representative thereof, including, but not limited to, a trustee or trustees therefor, may proceed against the City, or any official, officer or employee of the City in their official capacity, for the purpose of protecting and enforcing the rights of the Registered Owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the Registered Owners hereunder or any combination of such remedies.

(ii) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all Registered Owners of Bonds then outstanding.

(c) Remedies Not Exclusive.

(i) No remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Bonds or now

or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Bonds shall not be available as a remedy under this Ordinance.

(ii) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

(iii) By accepting the delivery of a Bond authorized under this Ordinance, such Registered Owner agrees that the certifications required to effectuate any covenants or representations contained in this Ordinance do not and shall never constitute or give rise to a personal or pecuniary liability or charge against the officers, employees or trustees of the City or the City Council.

(iv) None of the members of the City Council, nor any other official or officer, agent, or employee of the City, shall be charged personally by the Registered Owners with any liability, or be held personally liable to the Registered Owners under any term or provision of this Ordinance, or because of any Event of Default or alleged Event of Default under this Ordinance.

Section 13. APPROVAL OF PAYING AGENT/REGISTRAR AGREEMENT, LETTER OF REPRESENTATIONS AND OFFICIAL STATEMENT. Attached hereto as Exhibit "A" is a substantially final form of Paying Agent/Registrar Agreement. Each the Mayor, the City Manager and the Director of Finance of the City are hereby authorized to amend, complete or modify such agreement as necessary and are further authorized to execute such agreement.

The City confirms execution of a Blanket Issuer Letter of Representations with DTC establishing the Book-Entry-Only System which will be utilized with respect to the Bonds.

The City hereby approves the form and content of the Notice of Sale and Preliminary Official Statement and Official Statement relating to the Bonds and any addenda, supplement or amendment thereto, and approves the distribution of such Official Statement in the reoffering of the Bonds by the initial Purchaser in final form, with such changes therein or additions thereto as the officer executing the same may deem advisable, such determination to be conclusively evidenced by his execution thereof. The distribution and use of the Preliminary Official Statement dated _____, 2019, prior to the date hereof is ratified and confirmed. The City Council of the City hereby finds and determines that the Preliminary Official Statement and the Official Statement were and are "deemed final" (as that term is defined in 17 C.F.R. Section 240.15c-12) as of their respective dates.

Section 14. CONTINUING DISCLOSURE UNDERTAKING. (a) Annual Reports. The City shall provide annually to the MSRB, (1) within six months after the end of each fiscal year of the City ending in or after 2019, financial information and operating data with respect to the City of the general type included in the final Official Statement authorized by Section 13 of this Ordinance, being information of the type described in Exhibit "B" hereto, including financial statements of the City if audited financial statements of the City are then available, and (2) if not provided as part of such financial information and operating data, audited financial statements of the City, when and if available. Any financial statements to be provided shall be (i) prepared in

accordance with the accounting principles described in Exhibit "B" hereto, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation, and in substantially the form included in the Official Statement, and (ii) audited, if the City commissions an audit of such financial statements and the audit is completed within the period during which they must be provided. If the audit of such financial statements is not complete within 12 months after any such fiscal year end, then the City shall file unaudited financial statements within such 12-month period and audited financial statements for the applicable fiscal year, when and if the audit report on such statements becomes available.

If the City changes its fiscal year, it will file notice of the change (and of the date of the new fiscal year end) with the MSRB prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section.

(b) Event Notices. The City shall file notice of any of the following events with respect to the Bonds with the MSRB in a timely manner and not more than 10 business days after the occurrence of the event:

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB), or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- (7) Modifications to rights of holders of the Bonds, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution, or sale of property securing repayment of the Bonds, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership, or similar event of the City;
- (13) The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of

business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and

(14) Appointment of a successor or additional trustee or the change of name of a trustee, if material;

(15) Incurrence of a Financial Obligation of the City, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the City, any of which affect security holders, if material; and

(16) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the City, any of which reflect financial difficulties.

For these purposes, (a) any event described in the immediately preceding paragraph (12) is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent, or similar officer for the City in a proceeding under the United States Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers of the City in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement, or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City and (b) the City intends the words used in the immediately preceding paragraphs (15) and (16) and the definition of Financial Obligation in this Section to have the same meanings as when they are used in the Rule, as evidenced by SEC Release No. 34-83885, dated August 20, 2018.

The City shall file notice with the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with subsection (a) of this Section by the time required by such subsection.

(c) Limitations, Disclaimers, and Amendments. The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an "obligated person" with respect to the Bonds within the meaning of the Rule, except that the City in any event will give notice of any deposit made in accordance with Section 7 of this Ordinance that causes the Bonds to be no longer outstanding.

The provisions of this Section are for the sole benefit of the holders and beneficial owners of the Bonds, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The City makes

no representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITH OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR *MANDAMUS* OR SPECIFIC PERFORMANCE.

No default by the City in observing or performing its obligations under this Section shall constitute a breach of or default under this Ordinance for purposes of any other provision of this Ordinance.

Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

The provisions of this Section may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment as well as such changed circumstances, and (2) either (a) the holders of a majority in aggregate principal amount of the outstanding Bonds consent to such amendment or (b) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the holders and beneficial owners of the Bonds. The City may also repeal or amend the provisions of this Section if the SEC amends or repeals the applicable provisions of the Rule or any court of final jurisdiction enters judgment that such provisions of the Rule are invalid, and the City also may amend the provisions of this Section in its discretion in any other manner or circumstance, but in either case only if and to the extent that the provisions of this sentence would not have prevented an underwriter from lawfully purchasing or selling Bonds in the primary offering of the Bonds, giving effect to (i) such provisions as so amended and (ii) any amendments or interpretations of the Rule. If the City so amends the provisions of this Section, the City shall include with any amended financial information or operating data next provided in accordance with this subsection (a) of this Section an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided.

(d) Format, Identifying Information, and Incorporation by Reference. All financial information, operating data, financial statements, and notices required by this Section to be

provided to the MSRB shall be provided in an electronic format and be accompanied by identifying information prescribed by the MSRB.

Financial information and operating data to be provided pursuant to subsection (a) of this Section may be set forth in full in one or more documents or may be included by specific reference to any document (including an official statement or other offering document) available to the public on the MSRB's Internet Web site or filed with the SEC.

(e) Definitions. As used in this Section, the following terms have the meanings ascribed to such terms below:

"*Financial Obligation*" means a (a) debt obligation; (b) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (c) guarantee of a debt obligation or any such derivative instrument; provided that "financial obligation" shall not include municipal securities (as defined in the Securities Exchange Act of 1934, as amended) as to which a final official statement (as defined in the Rule) has been provided to the MSRB consistent with the Rule.

"*MSRB*" means the Municipal Securities Rulemaking Board.

"*Rule*" means SEC Rule 15c2-12, as amended from time to time.

"*SEC*" means the United States Securities and Exchange Commission.

Section 15. AMENDMENT OF ORDINANCE. The City hereby reserves the right to amend this Ordinance subject to the following terms and conditions, to-wit:

(a) The City may from time to time, without the consent of any holder, except as otherwise required by paragraph (b) below, amend or supplement this Ordinance in order to (i) cure any ambiguity, defect or omission in this Ordinance that does not materially adversely affect the interests of the holders, (ii) grant additional rights or security for the benefit of the holders, (iii) add events of default as shall not be inconsistent with the provisions of this Ordinance and that shall not materially adversely affect the interests of the holders, (iv) qualify this Ordinance under the Trust Indenture Act of 1939, as amended, or corresponding provisions of federal laws from time to time in effect, (v) obtain insurance or ratings on the Bonds, (vi) obtain the approval of the Attorney General of the State of Texas, or (vii) make such other provisions in regard to matters or questions arising under this Ordinance as shall not be inconsistent with the provisions of this Ordinance and that shall not in the opinion of the City's Bond Counsel materially adversely affect the interests of the holders.

(b) Except as provided in paragraph (a) above, the holders of Bonds aggregating in principal amount 51% of the aggregate principal amount of then outstanding Bonds that are the subject of a proposed amendment shall have the right from time to time to approve any amendment hereto that may be deemed necessary or desirable by the City; provided, however, that without the consent of 100% of the holders in aggregate principal amount of the then outstanding Bonds,

nothing herein contained shall permit or be construed to permit amendment of the terms and conditions of this Ordinance or in any of the Bonds so as to:

- (1) Make any change in the maturity of any of the outstanding Bonds;
- (2) Reduce the rate of interest borne by any of the outstanding Bonds;
- (3) Reduce the amount of the principal of, or redemption premium, if any, payable on any outstanding Bonds;
- (4) Modify the terms of payment of principal or of interest or redemption premium on outstanding Bonds or any of them or impose any condition with respect to such payment; or
- (5) Change the minimum percentage of the principal amount of any series of Bonds necessary for consent to such amendment.

(c) If at any time the City shall desire to amend this Ordinance under this Section, the City shall send by U.S. mail to each registered owner of the affected Bonds a copy of the proposed amendment and cause notice of the proposed amendment to be published at least once in a financial publication published in The City of New York, New York or in the State of Texas. Such published notice shall briefly set forth the nature of the proposed amendment and shall state that a copy thereof is on file at the office of the City for inspection by all holders of such Bonds.

(d) Whenever at any time within one year from the date of publication of such notice the City shall receive an instrument or instruments executed by the holders of at least 51% in aggregate principal amount of all of the Bonds then outstanding that are required for the amendment, which instrument or instruments shall refer to the proposed amendment and that shall specifically consent to and approve such amendment, the City may adopt the amendment in substantially the same form.

(e) Upon the adoption of any amendatory Ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be modified and amended in accordance with such amendatory Ordinance, and the respective rights, duties, and obligations of the City and all holders of such affected Bonds shall thereafter be determined, exercised, and enforced, subject in all respects to such amendment.

(f) Any consent given by the holder of a Bond pursuant to the provisions of this Section shall be irrevocable for a period of six months from the date of the publication of the notice provided for in this Section, and shall be conclusive and binding upon all future holders of the same Bond during such period. Such consent may be revoked at any time after six months from the date of the publication of said notice by the holder who gave such consent, or by a successor in title, by filing notice with the City, but such revocation shall not be effective if the holders of 51% in aggregate principal amount of the affected Bonds then outstanding, have, prior to the attempted revocation, consented to and approved the amendment.

Section 16. NO RECOURSE AGAINST CITY OFFICIALS. No recourse shall be had for the payment of principal of or interest on the Bonds or for any claim based thereon or on this Ordinance against any official of the City or any person executing any Bonds.

Section 17. FURTHER ACTIONS. The officers and employees of the City are hereby authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and under the corporate seal and on behalf of the City all such instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, the Bonds, the initial sale and delivery of the Bonds, the Paying Agent/Registrar Agreement and the Official Statement. In addition, prior to the initial delivery of the Bonds, the Mayor or City Manager, is hereby authorized and directed to approve any changes or corrections to this Ordinance or to any of the instruments authorized and approved by this Ordinance necessary in order to (i) correct any ambiguity or mistake or properly or more completely document the transactions contemplated and approved by this Ordinance and as described in the Official Statement or (ii) obtain the approval of the Bonds by the Texas Attorney General's office.

In case any officer of the City whose signature shall appear on any Bond shall cease to be such officer before the delivery of such Bond, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

Section 18. INTERPRETATIONS. All terms defined herein and all pronouns used in this Ordinance shall be deemed to apply equally to singular and plural and to all genders. The titles and headings of the articles and sections of this Ordinance have been inserted for convenience of reference only and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof. This Ordinance and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein and to sustain the validity of the Bonds and the validity of the lien on and pledge to secure the payment of the Bonds.

Section 19. INCONSISTENT PROVISIONS. All ordinances, orders or resolutions, or parts thereof, which are in conflict or inconsistent with any provisions of this Ordinance are hereby repealed to the extent of such conflict and the provisions of this Ordinance shall be and remain controlling as to the matters contained herein.

Section 20. INTERESTED PARTIES. Nothing in this Ordinance expressed or implied is intended or shall be construed to confer upon, or to give to, any person or entity, other than the City and the registered owners of the Bonds, any right, remedy or claim under or by reason of this Ordinance or any covenant, condition or stipulation hereof, and all covenants, stipulations, promises and agreements in this Ordinance contained by and on behalf of the City shall be for the sole and exclusive benefit of the City and the registered owners of the Bonds.

Section 21. INCORPORATION OF RECITALS. The City hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the City hereby incorporates such recitals as a part of this Ordinance.

Section 22. SEVERABILITY. The provisions of this Ordinance are severable; and in case any one or more of the provisions of this Ordinance or the application thereof to any person or circumstance should be held to be invalid, unconstitutional, or ineffective as to any person or circumstance, the remainder of this Ordinance nevertheless shall be valid, and the application of any such invalid provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

Section 23. EFFECTIVE DATE. This Ordinance shall become effect immediately from and after its passage on first and final reading in accordance with Section 1201.028, Texas Government Code, as amended.

Section 24. PERFECTION. Chapter 1208, Government Code, applies to the issuance of the Bonds and the pledge of ad valorem taxes granted by the City under Section 6 of this Ordinance, and such pledge is therefore valid, effective and perfected. If Texas law is amended at any time while the Bonds are outstanding and unpaid such that the pledge of ad valorem taxes granted by the City under Section 6 of this Ordinance is to be subject to the filing requirements of Chapter 9, Business & Commerce Code, then in order to preserve to the registered owners of the Bonds the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Business & Commerce Code and enable a filing to perfect the security interest in said pledge to occur.

Section 25. PAYMENT OF ATTORNEY GENERAL FEE. The City hereby authorizes the disbursement of a fee equal to the lesser of (i) one-tenth of one percent of the principal amount of each series of the Bonds or (ii) \$9,500, provided that such fee shall not be less than \$750, to the Attorney General of Texas Public Finance Division for payment of the examination fee charged by the State of Texas for the Attorney General's review and approval of public securities and credit agreements, as required by Section 1202.004 of the Texas Government Code. The appropriate member of the City's staff is hereby instructed to take the necessary measures to make this payment. The City is also authorized to reimburse the appropriate City funds for such payment from proceeds of the Bonds.

IN ACCORDANCE WITH SECTION 1201.028, Texas Government Code, passed and approved on the first and final reading on the 6th day of August, 2019.

CITY OF HUNTSVILLE

Andy Brauning, Mayor
City of Huntsville, Texas

ATTEST:

Brenda Poe, City Secretary

APPROVED AS TO FORM:

Leonard Schneider, City Attorney

EXHIBIT A

PAYING AGENT/REGISTRAR AGREEMENT

EXHIBIT B

DESCRIPTION OF ANNUAL FINANCIAL INFORMATION

The following information is referred to in Section 14 of this Ordinance.

Annual Financial Statements and Operating Data

The financial information and operating data with respect to the City to be provided annually in accordance with such Section are as specified (and included in the Appendix or under the headings of the Official Statement referred to) below:

- (1) Table 1 – Valuation, Exemptions and General Obligation Debt;
- (2) Table 2 – Taxable Assessed Valuations by Category;
- (3) Table 3 – Valuation and General Obligation Debt History;
- (4) Table 4 – Tax Rate, Levy and Collection History;
- (5) Table 5 – Ten Largest Taxpayers;
- (6) Table 6 – Tax Adequacy;
- (7) Table 8 – Pro-Forma General Obligation Debt Service Requirements;
- (8) Table 9 – Interest and Sinking Fund Budget Projection;
- (9) Table 10 – Computation of Self-Supporting Debt;
- (10) Table 11 – Authorized But Unissued General Obligation Bonds;
- (11) Table 12 – Other Obligations;
- (12) Table 13 – Change in Net Assets;
- (13) Table 13A – General Fund Revenues and Expenditure History;
- (14) Table 14 – Municipal Sales Tax History; and
- (15) Table 15 – Current Investments.
- (16) Appendix B.

Accounting Principles

The accounting principles referred to in such Section are the accounting principles described in the notes to the financial statements referred to in Appendix B to the Official Statement.



CITY COUNCIL AGENDA

8/6/19

Agenda Item: 2b

Item/Subject: Consider approval of announcing the City Council's intention to adopt a maximum property tax rate of \$0.3307 per \$100 valuation for the City's 2019 – 2020 Fiscal Year (Tax Year 2019).

Roll call vote.

Initiating Department/Presenter: Finance

Presenter: Steve Ritter, Finance Director

Recommended Motion: Move to approve announcing the City Council's intention to adopt a maximum property tax rate of \$0.3307 per \$100 valuation for the City's 2019 – 2020 Fiscal Year (Tax Year 2019).

Strategic Initiative: Goal #6 - Finance - Provide a sustainable, efficient and fiscally sound government through conservative fiscal practices and resource management.

Discussion: In order to comply with State "Truth-in-Taxation" laws, the City Council must announce its intent to adopt a tax rate. Making this announcement using language of "a maximum property tax rate of \$0.3307", the Council may ultimately adopt a rate below the amount declared but cannot adopt a rate that exceeds the maximum rate amount declared.

This maximum property tax rate is below the \$.03422 current rate, the \$0.3308 "Rollback Rate" provided by the Walker County Appraisal District and exceeds the \$0.3048 "Effective Rate" which is also provided by the Walker County Appraisal District. The tax rate included in the FY 19 – 20 budget at this point in time is \$0.3148 (the Effective rate of \$0.3048 plus 1 cent). Because the maximum tax rate included in this agenda item exceeds the "Effective Rate" (the tax rate at which the City would collect the same amount of property tax in FY 19-20 as it will the FY 18-19; excluding new property added to the rolls) 2 public hearings on the Tax Rate will be required. In order to comply with timing requirements in the "Truth-in-Taxation" laws for public hearings and adoption of the FY 2019 – 2020 Budget and Tax Rate the Public Hearings on the Tax Rate should be held during the August 20, 2019 and September 3, 2019 City Council meetings. The actual vote to adopt a Tax Rate will be scheduled for the September 17, 2019 City Council meeting. Staff will ensure all required postings and public notices are made.

Previous Council Action: No previous Council action.

Financial Implications:

There is no financial impact associated with this item. The actual fiscal impact of this comes formally with the budget and tax rate adoption in September.

Approvals: City Attorney Director of Finance City Manager

Associated Information:

- Copy of the Notice to be placed in the Huntsville Item and on the City's website (page 2) (all language in the Notice is required language by Texas Local Government Code Sec. 140.010(e) except that the specific list of use/purpose for the increase is decided by each individual city)

NOTICE OF 2019 TAX YEAR PROPOSED PROPERTY TAX RATE FOR City of Huntsville

A maximum tax rate of \$ 0.3307 per \$100 valuation has been proposed for adoption by the governing body of City of Huntsville. This rate exceeds the lower of the effective or rollback tax rate and state law requires that two public hearings be held by the governing body before adopting the proposed tax rate.

The governing body of City of Huntsville proposes to use revenue attributable to the tax rate increase for the purpose of increased cost of providing Police and Fire protection, Street maintenance, Library and Parks operations and other General Fund operational costs.

MAXIMUM PROPOSED TAX RATE	\$ <u>0.3307</u> per \$100
PRECEDING YEAR'S TAX RATE	\$ <u>0.3422</u> per \$100
EFFECTIVE TAX RATE	\$ <u>0.3048</u> per \$100
ROLLBACK TAX RATE	\$ <u>0.3308</u> per \$100

The effective tax rate is the total tax rate needed to raise the same amount of property tax revenue for City of Huntsville from the same properties in both the 2018 tax year and the 2019 tax year.

The rollback tax rate is the highest tax rate that City of Huntsville may adopt before voters are entitled to petition for an election to limit the rate that may be approved to the rollback rate.

YOUR TAXES OWED UNDER ANY OF THE ABOVE RATES CAN BE CALCULATED AS FOLLOWS: $\text{property tax amount} = (\text{rate}) \times (\text{taxable value of your property}) / 100$

For assistance or detailed information about tax calculations, please contact:

Raymond Kiser - Walker County Appraisal District

City of Huntsville's tax assessor-collector

1819 Sycamore Avenue, Huntsville, TX 77340

Phone - 936-295-0402

Email – wcad@sbcglobal.net

Website – www.walkercountyappraisal.com

You are urged to attend and express your views at the following public hearings on the maximum proposed tax rate:

First Hearing: August 20, 2019 at 6:00 PM at City Hall, 1212 Avenue M, Huntsville, TX.

Second Hearing: September 3, 2019 at 6:00 PM at City Hall, 1212 Avenue M, Huntsville, TX.



CITY COUNCIL AGENDA

8/6/2019

Agenda Item: 2c

Item/Subject: Consider authorizing the City Manager to apply and accept a TxDOT Safe Routes to Schools grant, designating the City Manager as the City's Authorized Representative and adopting Resolution 2019-35 in support of same.

Initiating Department/Presenter: Engineering

Presenter: Kristie Hadnot, Grants Manager; Y. S. "Ram" Ramachandra, City Engineer

Recommended Motion: Move to authorize the City Manager to apply for a FY 2019-2020 Texas Department of Transportation Safe Routes to Schools grant for \$ 200,000 designate the City Manager as the City's Authorized Representative and adopt Resolution 2019-35 in support of same.

Strategic Initiative: Goal #4 - Infrastructure - Ensure the quality of the City utilities, transportation and physical structures so that the City's core services can be provided in an effective and efficient manner.

Discussion: Based on a TxDOT notification earlier this year about the opportunity for the City to pursue grant funds for sidewalk projects, the City staff evaluated possible candidate segments where sidewalk is found to be most beneficial. While there are numerous locations that require sidewalk installation, following three segments were initially considered for grant projects because these segments will connect to existing sidewalks at both ends and eliminate the discontinuation in sidewalk:

- 1) Sidewalk along northside 11th Street between SH 75 North & Ave O (between Walgreens & Arby's)
- 2) Sidewalk along northside of 10th Street between SH 75 North and Smith Hill Road
- 3) Sidewalk along East side of Sam Houston Avenue between Bowers Blvd & 19th Street.

All three segments were reviewed in detail with regards to practicality in installing sidewalk with regards to ease of acquisition of easements / rights-of-way in a timely manner with owner's consents and level of efforts needed in modifying existing underground and overhead utilities.

While all three segments will need sidewalk at some point in the future, staff has determined that item 1 above, 11th street sidewalk segment is the one that is most needed among the three and also has good level of confidence with regards to known items to overcome factors such as easement acquisitions, utility adjustments and needed other associated improvements (e.g., driveways)

The City will pursue 11th Street Sidewalk (along north side, from SH 75 to Ave O) project with TxDOT for Safe Routes to School (SRTS) grant. Conceptual cost estimate for engineering, easement acquisition, utility adjustments, construction and construction administration of this project is in \$180,000 to \$200,000 range. The City will seek \$200,000 grant fund from TxDOT.

No local match is required; however, this is a reimbursable grant program. If selected for project funding, TxDOT and the City will to enter into an Advance Funding Agreement (AFA). An AFA is an

agreement that determines which party is responsible for conducting work, providing funding or contributing items in-kind.

A preliminary application was submitted to TxDOT on April 11, 2019 for panel review. The City was notified on June 18, 2019 that the TxDOT review panel reviewed the preliminary application and approved for the City to submit a full detailed application for the project for consideration of funding by the submission deadline of August 15, 2019.

Previous Council Action: No previous Council action has been taken on this grant opportunity.

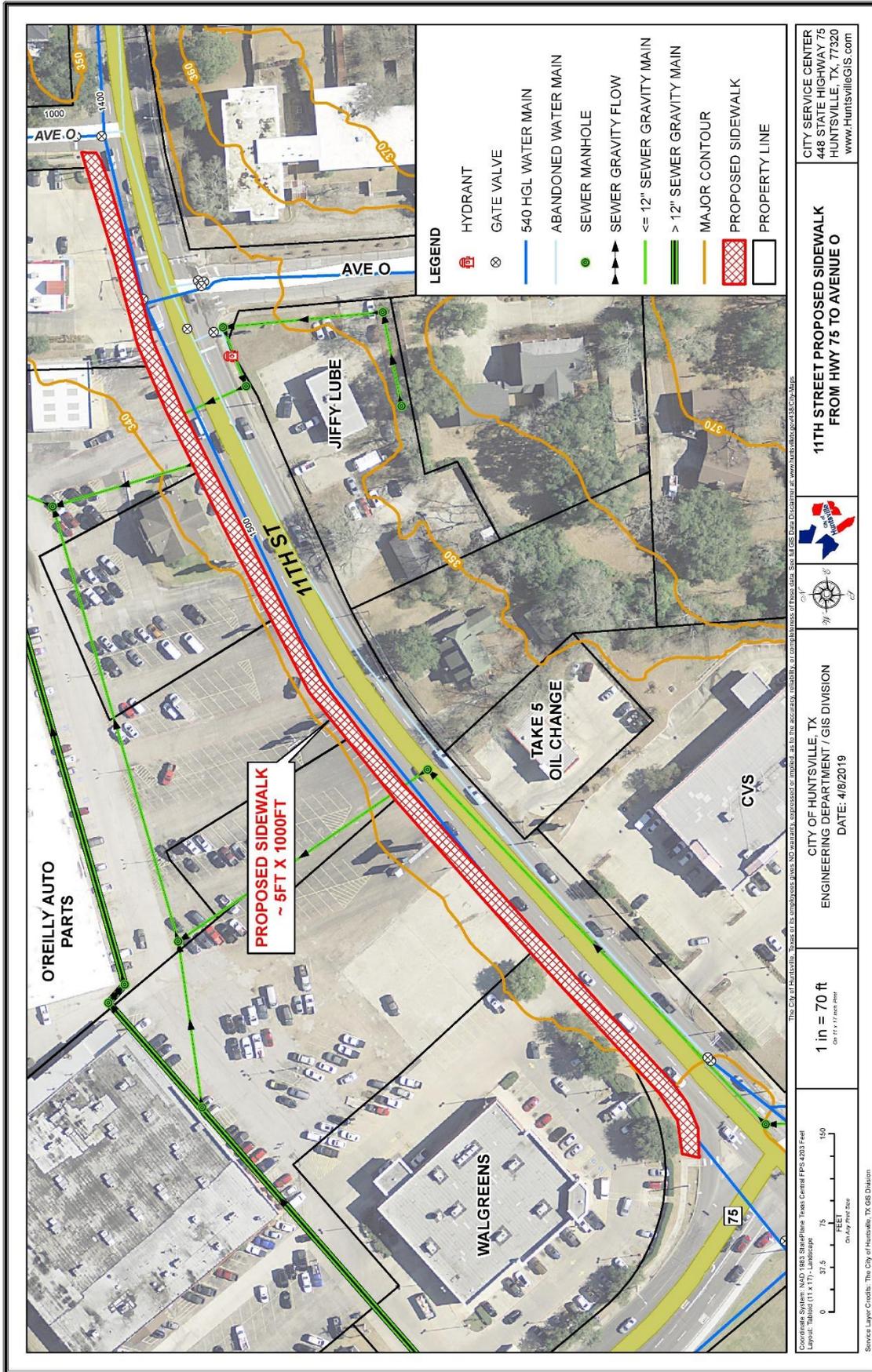
Financial Implications:

Item is not budgeted: If awarded, item will result in a budget amendment. The grant will impact the 2018-19 and 2019-20 fiscal years.

Approvals: City Attorney Director of Finance City Manager

Associated Information:

- Project Maps
- Resolution 2019-35



- LEGEND**
- HYDRANT
 - GATE VALVE
 - 540 HGL WATER MAIN
 - ABANDONED WATER MAIN
 - SEWER MANHOLE
 - SEWER GRAVITY FLOW
 - ≤ 12" SEWER GRAVITY MAIN
 - > 12" SEWER GRAVITY MAIN
 - MAJOR CONTOUR
 - PROPOSED SIDEWALK
 - PROPERTY LINE

CITY SERVICE CENTER
 448 STATE HIGHWAY 75
 HUNTSVILLE, TX, 77320
 www.HuntsvilleGIS.com

**11TH STREET PROPOSED SIDEWALK
 FROM HWY 75 TO AVENUE O**



CITY OF HUNTSVILLE, TX
 ENGINEERING DEPARTMENT / GIS DIVISION
 DATE: 4/8/2019

1 in = 70 ft
On 11 x 17 inch Aerial

Coordinate System: NAD 83 StatePlane Texas Central FIPS 4202 Feet
 Layout: Tabloid (11 x 17) - Landscape
 Scale: 1:7000
On 11 x 17 inch Aerial

Source Layer Credits: The City of Huntsville, TX, GIS Division

RESOLUTION NO. 2019-35

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, AUTHORIZING THE SUBMISSION OF THE 2019 SAFE ROUTE TO SCHOOLS (SRTS) GRANT APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION; AND AUTHORIZING THE CITY MANAGER TO ACT AS THE CITY’S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY’S PARTICIPATION IN THE 2019 SAFE ROUTE TO SCHOOLS (SRTS) GRANT.

WHEREAS the City desires to develop a viable urban community, including decent housing and a suitable living environment and expanding the economic opportunities, principally for persons of low –to- moderate income; and

WHEREAS Certain conditions exist which represent a threat to public health and safety; and

WHEREAS It is necessary and in the best interests of Huntsville to apply for funding under the 2019 Safe Routes to Schools Grant;

NOW, THEREFORE, be it resolved by the City Council of the City of Huntsville, Texas, that:

SECTION 1: A 2019 Safe Route to Schools grant application for federal fund allocation is hereby authorized to be filed on behalf of the City with the Texas Department of Transportation and any other appropriate agencies as defined in the regulations.

SECTION 2: The City’s application will be placed in competition for funding.

SECTION 3: The 11th Street sidewalk application will be to construct approximately 1,000 linear feet of 5’ wide sidewalk and associated improvements along 11th Street from State Highway 75 to Avenue O that has a conceptual cost estimate of \$200,000 for engineering, easement acquisition, utility adjustments, construction and construction administration.

SECTION 4: The City Council directs and designates the City Manager as the City’s Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and the City’s participation in the 2019 Safe Routes to School (SRTS) Program.

SECTION 5: The City commits itself, if funded by Texas Department of Transportation to appropriate \$200,000 as a demonstration of its local support to the cumulative construction of these sidewalk projects.

SECTION 6: All funds will be used in accordance with all applicable federal, state, local and programmatic requirements including but not limited to procurement, environmental review, labor standards, real property acquisition, and civil rights requirements.

PASSED AND APPROVED this 6th day of August 2019.

THE CITY OF HUNTSVILLE

Andy Brauning, Mayor

ATTEST:

APPROVED AS TO FORM:

Brenda Poe, City Secretary

Leonard Schneider, City Attorney



CITY COUNCIL AGENDA

8/6/19
Agenda Item: 2d-j

Item/Subject: 2019 Proposed Annexations Executive Report

Initiating Department/Presenter: Development Services

Presenter: Planning Division Staff

Recommended Motion: None – 1st Reading of the Ordinance.

Strategic Initiative: Goal #3 - Economic Development - Promote and enhance a strong and diverse economy.

Following the public hearing period (July 2nd - July 16th, 2019), this is the first reading of the ordinances to execute the annexation of seven separate areas totaling approximately 7,571.321 acres into the City Limits of Huntsville. It is anticipated that the second reading and consideration of the ordinance will occur on August 20, 2019. A separate ordinance is required for each Annexation Area requiring individual agenda items.

The following notes have been provided to address comments from members of the public at the public hearing held on 7/16/2019:

Statement: City services are not provided out to Wire Rd.

Response: Annexation Area A is served water by Walker County Special Utility District (the District). The City of Huntsville is prohibited from selling water in the District. Police, Fire, and Solid Waste services are currently provided out to Wire Rd.

The city has the capacity to serve all proposed annexation areas. Extension of water and sewer infrastructure is done when development occurs, at the expense of the developer. Any new development will be responsible for designing and installing new water, sanitary sewer, storm water management facilities and new roads at their own expense, in accordance with the City's current Development Code and Engineering Standards, Specifications and Design Criteria.

Statement: The City is not going to provide fire, police, street maintenance, or solid waste services to the proposed annexation areas.

Response: The City of Huntsville is required by the Texas Local Government Code to provide fire, police, street maintenance, and solid waste services upon annexation.

Statement: The Development Agreement (for property owners who have Agricultural, Timber, or Wildlife Management Ad Valorem Tax Exemptions) does not allow property owners to construct new buildings on their property to support agricultural activity.

Response: The City of Huntsville has modified the Development Agreement to permit this.

Statement: It is unfair that tracts of land meeting the parameters for this annexation were left out of the annexation. For example, there are some large, undeveloped tracts of land that are contiguous to the current city limits but were not selected for annexation.

Response: The City is limited by state statute to an annexation total of no more than 30% of the existing area of the City. The decision to leave eligible properties out was to stay within those limits.

Statement: There are residential developments outside the city limits that are currently receiving City water and sewer. It is unfair that the city is not pursuing annexation of these developments.

Response: The city is prohibited by state statute from including certain residential areas in the annexation due to the number of lots in each of those areas. The water and sewer infrastructure for those developments was constructed by the developers.

Statement: The annexation will cause very serious safety concerns. Citizens will be denied basic coverage that they deserve and voted on and will no longer have a fire station seconds away with an EMT and paramedic. In fact, they will have no one at all. The City does not run all EMS calls and the citizens will rely on an already strained EMS system that is run by Walker County EMS to come from a station in Huntsville. They will have zero EMS first responders to help.

Response: Annexation Area E lays within a portion of the northern boundary of Walker County Emergency Service District-2 (ESD-2). ESD-2 currently provides first responder fire service and may respond to EMS calls in the proposed annexation area. Emergency medical services throughout Walker County, including this area, are coordinated by Walker County Emergency Medical Services (Walker County EMS). These services are dispatched in accordance with Walker County EMS protocol, not ESD-2 protocol. The annexation of area E will remove ESD-2 from this portion as first response and fire service will be provided by the Huntsville Fire Department. Emergency medical service for this area are currently dispatched by Walker County EMS and will continue to be dispatched in the same manner after the annexation.

Previous Council Action:

- Workshops for City Council were held on 3/5/2019 and 4/16/2019.
- Resolution 2019-27, was adopted on May 7, 2019, setting a date, time, and place, for a public hearing on the proposed annexation.
- Resolution 2019-28, was adopted on May 21, 2019, authorizing staff to prepare a service plan for each area of the proposed annexation.
- Public Hearings held on July 2 and July 16, 2019.

Financial Implications:

There is no financial impact associated with this item.

Approvals: City Attorney Director of Finance City Manager

Associated Information:

- Draft Ordinance for each Annexation Area



CITY COUNCIL AGENDA

8/6/2019
Agenda Item: 2d

Item/Subject: FIRST READING - Consider Ordinance 2019-41 for the proposed annexation of approximately 1,155 acres located northwest of the current City limits, near IH 45 and SH 75 N, and known as “Area A,” first reading.

Initiating Department/Presenter: Development Services

Presenter: Leigha Larkins, Planner

Recommended Motion: None, First Reading of the Annexation Ordinance.

Strategic Initiative: Goal #3 - Economic Development - Promote and enhance a strong and diverse economy.

Discussion: Per the requirement of Texas Local Government Code Section 43.063 two (2) public hearings were scheduled by City Council Resolution 2019-27, dated May 7, 2019, to receive comments on the petition for the proposed annexation. The public hearings were held before City Council on July 2, 2019, and July 16, 2019.

After the public hearing period, an ordinance must be adopted between 20 – 40 days from the public hearings. This is the first reading of the annexation ordinance. A second reading and consideration of the ordinance will be on August 20, 2019.

Previous Council Action:

- Workshops for City Council were held on 3/5/2019 and 4/16/2019.
- Resolution 2019-27 was adopted on May 7, 2019, setting a date, time, and place, for a public hearing on the proposed annexation.
- Resolution 2019-28 was adopted on May 21, 2019, authorizing staff to prepare a service plan for each area of the proposed annexation.
- First of the two required public hearings was held on 7/2/2019
- Second of the two required public hearings was held on 7/16/2019

Financial Implications:

There is no financial impact associated with this item.

Approvals: City Attorney Director of Finance City Manager

Associated Information:

- DRAFT Ordinance with Exhibits

ORDINANCE NO. 2019-41

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS ANNEXING AN AREA OF LAND INTO THE CITY OF HUNTSVILLE AND EXTENDING THE BOUNDARY LIMITS OF THE CITY; WITH SAID AREA OF LAND BEING GENERALLY DESCRIBED AS APPROXIMATELY ONE THOUSAND ONE HUNDRED FIFTY-FIVE (1,155) ACRES OF LAND ADJACENT TO THE NORTHWESTERN CITY LIMITS NEAR IH-45 AND SH-75N, SAVE AND EXCEPT CERTAIN PROPERTY EXEMPT FROM ANNEXATION THROUGH A DEVELOPMENT AGREEMENT; PROVIDING FOR THE ADOPTION OF A SERVICE PLAN FOR THE AREA OF LAND TO BE ANNEXED; MAKING FINDINGS INCIDENT TO THE ANNEXATION OF THE AREA OF LAND TO BE ANNEXED; PROVIDING FOR THE CORRECTION OF THE CITY MAP TO INCLUDE THE ANNEXED AREA; PROVIDING AN EFFECTIVE DATE; PROVIDING A SAVINGS CLAUSE; AND, PROVIDING FOR PUBLICATION.

WHEREAS, Chapter 43 of the Texas Local Government Code (the “Code”) and Article II of the Charter of the City of Huntsville, Texas, an incorporated, home rule city (the “City”), authorizes the annexation of certain territory into the corporate boundaries of the City; and

WHEREAS, the area described in Section 1 herein (the “Area”), which is further described and depicted in the attached “Exhibit A” and “Exhibit B”, respectively, is determined by the City Council of the City (the “City Council”) to be considered for annexation; and

WHEREAS, pursuant to the City Council’s Resolution 2019-28, dated May 21, 2019, the City Manager has prepared a service plan for the Area in accordance with the Code, and said service plan was made available and explained to the public at the scheduled public hearings described herein, and is attached to this Ordinance as “Exhibit C”; and

WHEREAS, all required notices have been made and sent in accordance with the Code, including written notice of intent to annex the Area to each property owner, each public entity, each public school district, and each railroad company within the Area; and

WHEREAS, as required by the Code, the City Council passed Resolution 2019-27 ordering two (2) public hearings giving persons interested in the annexation of the Area the opportunity to be heard; and

WHEREAS, notice of such public hearings was published in the Huntsville Item, a paper having general circulation in the City and Walker County, Texas, on Sundays, June 16 and June 30, 2019, and were posted on the City’s website and remained continuously posted on the website through the day of the second public hearing, which dates were not more than twenty (20) days nor less than ten (10) days prior to the date of the opening of such public hearings; and

WHEREAS, the public hearings were held at six o'clock (6:00 p.m.) on Tuesday, July 2, 2019 and on Tuesday, July 16, 2019 in the City Council Chambers of the City Council at City Hall, 1212 Avenue M, Huntsville, Texas, which dates are not more than forty (40) days nor less than twenty (20) days prior to the consideration of this ordinance; and

WHEREAS, the City Council finds that each property owner of land within the Area that is subject to an agricultural use, timber land, or wildlife management ad valorem tax exemption has been offered a development agreement pursuant to the Code, and that each owner has either accepted or rejected the offer to make a development agreement, with a copy of any such development agreement, and the description of any property that may be exempt from annexation through such development agreement, being attached to this Ordinance as "Exhibit D"; and

WHEREAS, the development agreements offered by the City under the Code are effective only if the area including the property that is the subject of the development agreement is actually annexed by the City Council; and

WHEREAS, the City Council deems it to be in the best interest of the citizens of the City to annex the Area into the City; **NOW THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE:

SECTION 1. THAT the Area, which is further described and depicted in the attached "Exhibit A" and "Exhibit B", respectively, and incorporated herein for all intents and purposes, which abuts and is adjacent to the existing corporate limits of the City, is hereby annexed into, and included within, the corporate limits of the City, save and except any property that may be exempted from annexation through a development agreement, with a copy of any such development agreement, and the description of any property that may be exempt from annexation through such development agreement, being attached to this Ordinance as "Exhibit D".

SECTION 2. THAT the service plan, attached as "Exhibit C" and incorporated herein by reference for all purposes, was submitted in accordance with the Code and is hereby approved as a part of this Ordinance.

SECTION 3. THAT the City Council hereby declares it to be its purpose to annex into the City of Huntsville every part of the Area described in Section 1 of this Ordinance save and except the property exempted from annexation through a development agreement, with the description of such exempt property being attached to this Ordinance as "Exhibit D", regardless of whether any part of the Area is not hereby effectively annexed into the City. Should this Ordinance for any reason be ineffective as to any part or parts of the Area hereby annexed into the City for full purposes, the ineffectiveness of this Ordinance as to any such part or parts shall not affect the effectiveness of this Ordinance as to the remainder of the Area.

SECTION 4. THAT the City Manager, or his designee, is hereby authorized and directed to correct the map of the City by adding thereto the Area annexed by this Ordinance, indicating on the map the date of annexation and the number of this Ordinance. The City Secretary and the City Engineer shall each keep in their respective offices an official map of the City showing the boundaries of the municipal corporation, including this annexation.

SECTION 5. THAT, this Ordinance shall become effective when signed by the Mayor after its approval by the City Council on Second Reading.

SECTION 6. THAT should any paragraph, section, sentence, phrase, clause or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 7. THAT the City Secretary is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative method of publication provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading on _____.

Passed by the City Council on second reading on _____.

MAYOR

ATTEST:

Brenda Poe, City Secretary

APPROVED AS TO FORM:

Leonard Schneider, City Attorney

Ord. Annexation – Area A – Northwestern Huntsville
August 1, 2019

EXHIBIT A – DESCRIPTION OF ANNEXATION AREA

EXHIBIT B – DEPICTION OF ANNEXATION AREA

EXHIBIT C – SERVICE PLAN FOR ANNEXATION AREA

EXHIBIT D – DEVELOPMENT AGREEMENTS RELATED TO ANNEXATION AREA

CITY OF HUNTSVILLE, TEXAS
Engineering - Surveying
448 State Hwy. 75 N
Huntsville, Texas 77320

THE STATE OF TEXAS §

COUNTY OF WALKER §

I, Leonard E. Woods, Registered Professional Land Surveyor No. 2524, do hereby certify that this document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

AREA A

Being a tract of land, containing approximately 1,028.93 acres of land, situated in the HILLARY M. CRABB LEAGUE, Abstract No. 15, Walker County, Texas, lying west and north of, and adjacent to, the existing corporate limits of the City of Huntsville, as established by Ordinance No. 94-33 and Ordinance No. 97-20, comprised of those tracts or parcels listed and shown on a Map attached hereto as Exhibit "B", incorporated and made a part of this description, together with any strips, gores, gaps, additional tracts, right-of-way's and other properties that may not be listed in Exhibit "B" but lies within the bounds of this description, said approximately 1,028.93 acres of land being described by metes and bounds as follows:

BEGINNING, at the most northerly northeast corner of that certain area annexed by Ordinance No. 94-33, being a point at the intersection of the south line of a called 18.48 acre tract, described in a Deed to Angelo Viscariello recorded in Volume 1115, page 189, Official Public Records of Walker County, Texas, extended easterly to intersect the northeast right-of-way line of Interstate Highway No. 45;

THENCE S 89°43'00" W (1115/189, OPR), with the existing City limits as annexed by Ordinance No. 94-33, across Interstate Highway No. 45, found a 5/8" iron rod in the southwest right-of-way line of Interstate Highway No. 45 for the southeast corner of said Viscariello 18.48 acre tract, continuing S 89°43'00" W 1,446.50 feet (1115/189, OPR), to its southwest corner and an angle corner in the east line of a called 211.58 acre tract described in a Deed to San Javier Land Holdings, LLC, recorded as Clerk's File Number 46586, Official Public Records;

THENCE, continuing with the existing City limits as annexed by Ordinance No. 94-33, along the east and southerly lines of said San Javier Land Holdings, LLC 211.58 acre tract, with calls for course and distance referenced to said Deed recorded as Clerk's File Number 46586, Official Public Records, as follows:

- (1) S 00°26'00" E 1,387.75 feet;
- (2) S 85°51'50" W 1,864.65 feet;
- (3) N 08°52'30" W 286.95 feet;

- (4) S 81°42'30" W 667.75 feet;
- (5) N 00°20'50" W 385.70 feet;
- (6) S 83°25'30" W 645.05 feet to its most westerly southwest corner and the northwest corner of a called 10.00 acre tract described in a Deed to S & S Pipe & Supply, Inc. recorded in Volume 146, page 793, Official Public Records;

THENCE, continuing with the existing City limits as annexed by Ordinance No. 94-33, S 01°22'11" W 420.34 feet and S 01°06'36" W 606.21 feet (146/793, OPR), along the west line of said S & S 10.00 acre tract to a point for its southwest corner in the north right-of-way line of State Highway No. 75, said point being the northwest corner of that portion of State Highway No. 75 right-of-way annexed by Ordinance No. 97-20;

THENCE, continuing with the existing City limits as annexed by Ordinance No. 97-20, S 18° W (Ord. 97-20), across State Highway No. 75, to a point in its south right-of-way line and the southwest corner of that portion of State Highway No. 75 right-of-way annexed by Ordinance No. 97-20;

THENCE, continuing with the existing City limits as annexed by Ordinance No. 97-20, S 72° E (Ord. 97-20), with the south right-of-way line of State Highway No. 75, to a point for the southeast corner of that portion of State Highway No. 75 right-of-way annexed by Ordinance No. 97-20 and being in a west line of the area annexed by Ordinance 94-33, said point being in the east right-of-way of a County-maintained roadway known locally as Wire Road;

THENCE S 01°09'05" E (Ord. 94-33), continuing with the existing City limits as annexed by Ordinance No. 94-33, along the east right-of-way line of Wire Road, to a point for the southwest corner of called 0.997 acre tract described as "Lot 9" in a Deed to Michael Rodney Turner recorded in Volume 414, page 589, Deed Records of Walker County, Texas, and being a southwest corner of that area annexed by Ordinance No. 94-33;

THENCE, departing existing City limits, westerly, to the southeast corner of a called 52.56 acre tract described in a Deed to New Branches, LLC recorded in Volume 1345, page 235, Official Public Records;

THENCE with the southern and west boundary of said New Branches, LLC 52.56 acre tract, with calls for course and distance referenced to said Deed recorded in Volume 1345, page 235, Official Public Records, as follows:

- (1) S 88°25'49" W 308.28 feet;
- (2) S 47°05'32" W 563.13 feet;
- (3) S 69°49'28" W 103.64 feet;
- (4) S 88°27'07" W 644.18 feet;
- (5) S 73°08'02" W 74.63 feet;
- (6) S 87°04'42" W 284.87 feet;
- (7) N 08°54'23" E 1,535.89 feet to its northwest corner and the southwest corner of a called 6.00 acre tract described in a Deed to Billingsley Parts and Equipment, Incorporated recorded in Volume 409, page 580, Deed Records;

THENCE N 10°52'40" E 743.0 feet (409/580, DR), with the west line of said Billingsley Parts and Equipment, Incorporated 6.00 acre tract to its northwest corner in the south right-of-way line of State Highway No. 75;

THENCE N 10°52'40" E (409/580, DR), across said State Highway No. 75, to a point in its north right-of-way line;

THENCE N 75°32'17" W NAD 83 (2011), approximately 775 feet, with the north right-of-way line of State Highway No. 75, to a point in the south line of a called 186.53 acre tract described in a Deed to Perry L. Little and Eloise M. Little, Co-Trustees of The Perry L. Little and Eloise M. Little Living Trust recorded in Volume 319, page 623, Official Public Records, from which a 5/8" iron rod with a blue plastic cap stamped "J S Moorer RPLS 1572", having coordinates referenced to NAD 83 (2011) of N= 10,268,180.44 feet and E= 3,770,008.93 feet, found for the southwest corner of said Little Living Trust 186.53 acre tract bears N 75°32'17" W 262.35 feet NAD 83 (2011);

THENCE N 03°11'21" W 2,247.40 feet NAD 83 (2011), parallel with the west line of said Little Living Trust 186.53 acre tract to a point for corner within said Little 186.53 acre tract;

THENCE S 86°48'39" W 250.00 NAD 83 (2011), to a point in the west line of said Little Living Trust 186.53 acre tract;

THENCE N 03°11'21" W 891.47 feet NAD 83 (2011), with the west line of said Little Living Trust 186.53 acre tract to a 4" square concrete monument found for its northwest corner and the southwest corner of a called 99.647 acre tract described in a Deed to Champ W. Miller Corporation recorded in Volume 423, page 460, Deed Records, having coordinates referenced to NAD 83 (2011) of N= 10,271,245.01 feet and E= 3,769,838.73 feet;

THENCE North 554.82 varas (423/460, DR), with the west line of said Champ W. Miller Corporation 99.647 acre tract to its northwest corner and the southwest corner of a called 78 acre tract described in a Deed to Regina C. Mathews recorded in Volume 223, page 126, Official Public Records;

THENCE northerly, with the west line of said Regina C. Mathews 78 acre tract to its northwest corner in the southwest right-of-way line of Interstate Highway No. 45;

THENCE northerly, across Interstate Highway No. 45 to a point in its northeast right-of-way line at the southwest corner of a called 103.75 acre tract described in a Deed to Henry J. Faust Trust recorded in Volume 646, page 853, Official Public Records;

THENCE N 00°21'40" E 456.87 feet (646/853, OPR), with the west line of said Henry J. Faust Trust 103.75 acre tract to its northwest corner;

THENCE S 89°32'43" E (646/853, OPR), at approximately 2,983.84 feet pass a point on the west side of a County-maintained roadway known locally as Moffett Springs Road, continuing S

89°32'43" E, for a total distance of 3,0463.84 feet (646/853, OPR), to the northeast corner of said Henry J. Faust Trust 103.75 acre tract;

THENCE southerly and southeasterly, along the east side of said Moffett Springs Road, with lines of said Henry J. Faust Trust 103.75 acre tract, calls for course and distance referenced to said Deed recorded in Volume 646, page 853, Official Public Records, as follows:

- (1) S 05°50'30" W 400.30 feet;
- (2) S 06°08'55" E 333.59 feet;
- (3) S 41°36'49" E 222.43 feet;
- and (4) S 47°14'29" E 163.48 feet to the east corner of said Henry J. Faust Trust 103.75 acre tract same being the north corner of a called 0.96 acre parcel "dedicated to the County of Walker for road purposes" as shown on a Plat of Dusky A. Fellows and Chad Hall subdivision recorded in Volume 4, page 42, Plat Records;

THENCE continuing along the northeast and north side Moffett Springs Road, with lines of said 0.96 acre parcel and a 2.77 acre parcel dedicated for road purposes, with calls for course and distance referenced to said subdivision Plat recorded in Volume 4, page 42, Plat Records, as follows:

- (1) S 47°14'29" E 515.00 feet;
- (2) S 55°06'01" E 152.95 feet;
- (3) S 61°38'28" E 608.02 feet;
- (4) S 57°03'50" E 328.28 feet;
- (5) S 64°07'20" E 186.85 feet;
- and (6) N 86°52'10" E 953.97 feet to the northeast corner of said 2.77 acre parcel dedicated for road purposes as shown on said subdivision Plat recorded in Volume 4, page 42, Plat Records, same being the northwest corner of a called 121.60 acre tract described in a Deed to J. L. Gaut, recorded in Volume 358, page 888, Official Public Records;

THENCE continuing along the north side Moffett Springs Road, with the north lines of said J. L. Gaut 121.60 acre tract, with calls for course and distance referenced to said Deed recorded in Volume 358, page 888, Official Public Records, as follows:

- (1) S 78°43'00" E 720.50 feet;
- (2) S 74°58'36" E 287.58 feet;
- (3) S 82°57'47" E 771.57 feet;
- and (4) S 51°54'26" E 214.77 feet to the northeast corner of said J. L. Gaut 121.60 acre tract and the north corner of a called 2.00 acre tract described in a Deed to Allynn L. Delaney recorded as Clerk's File Number 45851, Official Public Records;

THENCE with boundary lines defining the easterly boundary of said J. L. Gaut 121.60 acre tract, with calls for course and distance referenced to said Deed recorded in Volume 358, page 888, Official Public Records, as follows:

- (1) S 04°29'14" W 512.00 feet;
- (2) S 89°20'26" E 169.69 feet;
- (3) S 00°26'12" W 297.00 feet;

2019 Annexation
IH 45 N Area A, July, 2019
City of Huntsville
Walker County, Texas

- (4) N 89°35'20" W 677.45 feet;
- (5) S 01°52'00" W 469.27 feet;
- (6) N 80°04'37" E 445.35 feet;
- (7) S 09°55'11" E 315.05 feet;
- (8) S 77°04'24" W 517.04 feet;
- (9) S 00°18'30" E 786.98 feet;
- (10) S 89°41'30" W 613.22 feet;
- and (11) S 00°18'30" E 672.56 feet to the most southerly southeast corner of said J. L. Gaut
121.60 acre tract in the northeast right-of-way line of Interstate Highway No. 45;

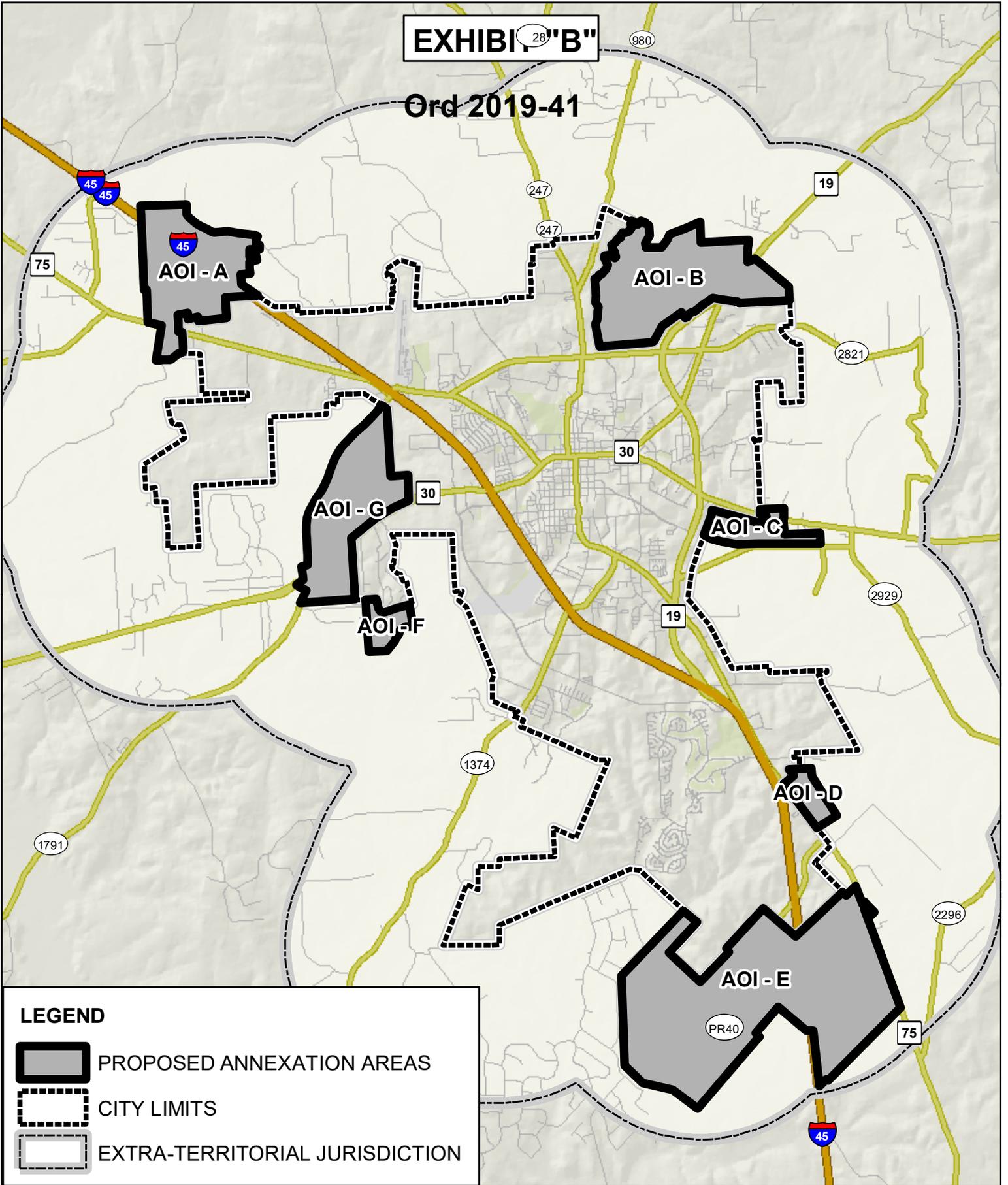
THENCE southeasterly, with the northeast right-of-way line of Interstate Highway No. 45, to the
POINT OF BEGINNING.

Signed _____
Leonard E. Woods
Reg. Prof. Land Surveyor No.2524

Y:\SURVEYORS\PROJECTS\COH19\PS\ANNEXATION\IH 45 NORTH AREA (A)\AREA A PERIMETER Rev 1.fns.docx

EXHIBIT "B"

Ord 2019-41



LEGEND

-  PROPOSED ANNEXATION AREAS
-  CITY LIMITS
-  EXTRA-TERRITORIAL JURISDICTION

The City of Huntsville, Texas or its employees gives NO warranty, expressed or implied, as to the accuracy, reliability, or completeness of these data. See full GIS Data Disclaimer at www.huntsvilletx.gov/438/City-Maps

1 in = 8,333 ft

On 8.5 x 11 inch Print

0 4,100 8,200 16,400 Feet

On Any Print Size

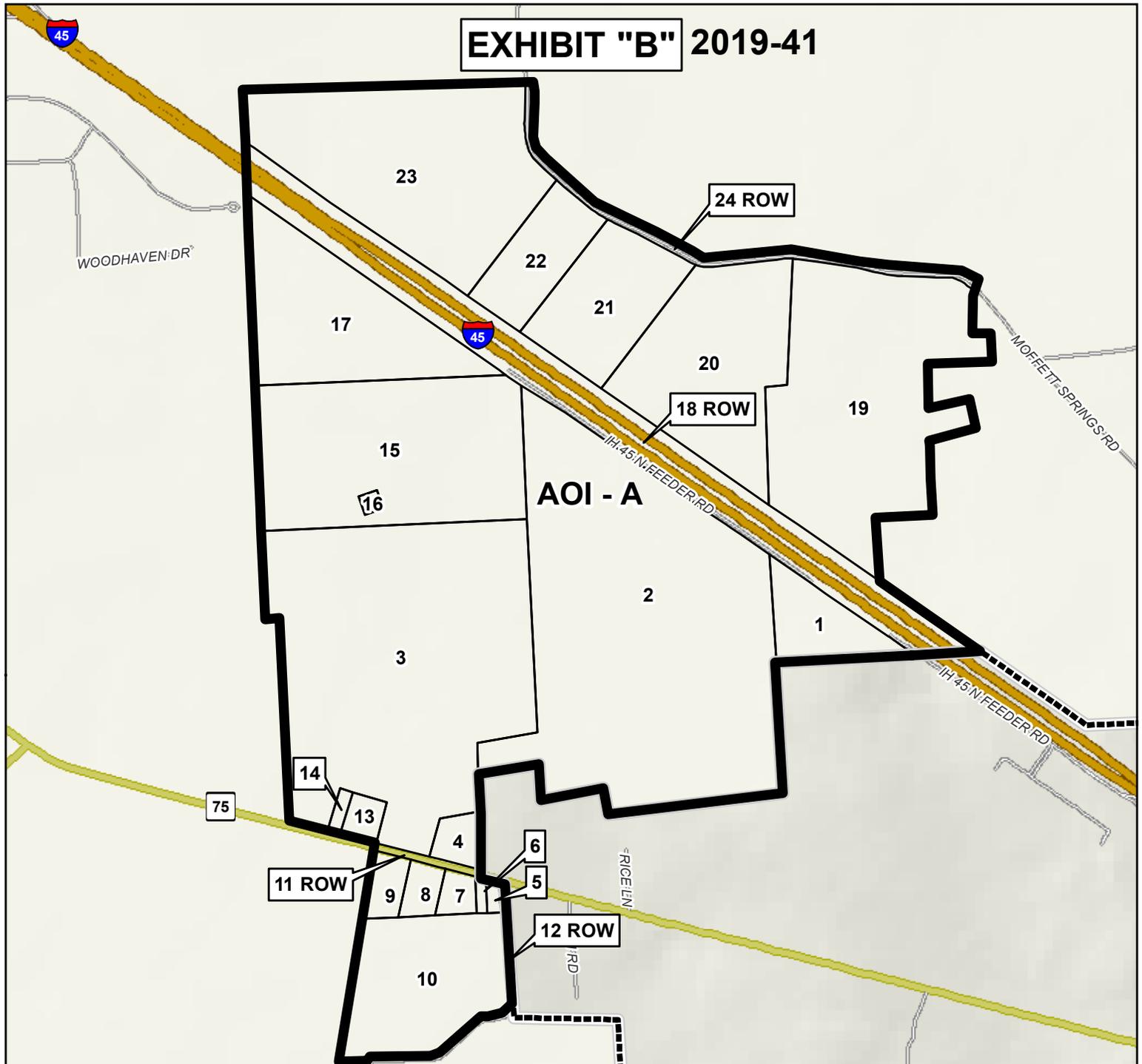
CREATED DATE: 7/30/2019

CITY OF HUNTSVILLE, TX
ENGINEERING DEPARTMENT / GIS DIVISION

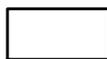
PROPOSED ANNEXATION AREAS OF INTEREST



EXHIBIT "B" 2019-41



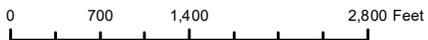
LEGEND

-  AOI "A" OWNERSHIP
-  PROPOSED ANNEXATION AREAS
-  CITY LIMITS
-  EXTRA-TERRITORIAL JURISDICTION

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1 in = 1,500 ft

On 8.5 x 11 inch Print



On Any Print Size

CREATED DATE: 7/30/2019

CITY OF HUNTSVILLE, TX
ENGINEERING DEPARTMENT / GIS DIVISION

PROPOSED ANNEXATION AREA OF INTEREST - A



Exhibit “C” to Ord 2019-41

AREA A - MUNICIPAL SERVICE PLAN

Approximately 1,155 acres located northwest of City limits, near IH 45 and SH 75 N.

FIRE

Existing Services: City of Huntsville Fire Department currently provides first response for site.

Services to be Provided: The annexed area shall continue to be served by fire protection personnel and equipment from the City Fire Department. Adequate fire suppression activities can be afforded to the annexed area within current budget appropriation. Fire prevention activities will be provided by the Fire Marshall’s office as needed.

POLICE

Existing Services: City of Huntsville Police Department does not currently provide first response for the site.

Services to be Provided: City police department will perform regular and routine patrols to the area and respond to calls for service. This area averages 70 calls for service per year. Areas A-F combined average 200 calls for service per year. While this does not necessarily justify additional police personnel, calls for service plus additional land mass should be taken into consideration when additional personnel are requested in the future.

BUILDING INSPECTION & CODE ENFORCEMENT

Existing Services: None

Services to be Provided: The Building Inspection Division will provide building inspection services upon annexation. This includes issuing building, electrical, mechanical and plumbing permits for any new construction and/or remodeling; and enforcing all other applicable codes which regulate building construction within the City of Huntsville. Code enforcement services will provide upon annexation for the purpose of ensuring the public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Such services can be provided with current Division Personnel and within the current budget appropriation.

PLANNING

Existing Services: The City has subdivision regulatory authority in the Extraterritorial Jurisdiction (ETJ).

Services to be Provided: The Planning Division's responsibility for regulating development and land use through the administration of the City of Huntsville Development Code will extend to this area on the effective date of the annexation. The subdivision of property will also continue to be regulated under the requirements of the City of Huntsville Development Code. These services can be provided within the department's current budget.

LIBRARY

Existing Services: City library facilities are presently available at no fee.

Services to be Provided: Upon the effective date of annexation, all of the city library facilities shall be available to anyone residing in this area. These privileges can be provided within the current budget appropriation.

HEALTH DIVISION - HEALTH CODE ENFORCEMENT SERVICE

Existing Services: None

Services to be Provided: The City of Huntsville Health Division will implement the enforcement of the City's health ordinances and regulations on the effective date of the annexation. Such services can be provided with current Health Division Personnel and within the current budget appropriation.

STREET MAINTENANCE

Existing Services: No Street Maintenance is currently provided.

Services to be Provided: Wire Road (1400') provided with street and drainage maintenance, mowing, litter control, signage, etc. Hwy 75 North (1000') possibly provide litter control and mowing.

STREET LIGHTING

Existing Services: None

Services to be Provided: The City of Huntsville will consider requests for improved street lighting in accordance with the City's policy through the local electric provider.

SOLID WASTE SERVICES

Existing Services: Solid Waste Collection is currently being provided by the City of Huntsville to certain developed properties in the area to be annexed.

Services to be Provided: Solid Waste Collection shall continue to be provided to the area of annexation that is currently served. Solid Waste Collection shall be provided to the existing unserved properties located in the area of annexation upon development of the property. Properties currently receiving Solid Waste services from entities other than the City of Huntsville may continue to do so for a period of two years.

STORM WATER MANAGEMENT, TRAFFIC ENGINEERING, WATER SERVICE, SANITARY SEWER SERVICE

Existing Services: None

Services to be Provided: The City currently has the capacity to supply water and sewer services to the proposed annexation area where not served by another utility district. Upon annexation, any new development will be responsible for designing and installing new water, sanitary sewer, storm water management facilities and new roads at their own expense, in accordance with City's Development Code and Engineering Standards, Specifications and Design Criteria.

MISCELLANEOUS

All other applicable municipal services will be provided to the area in accordance with the City of Huntsville's established policies governing extension of municipal services to newly annexed areas.



CITY COUNCIL AGENDA

8/6/2019
Agenda Item: 2e

Item/Subject: **FIRST READING** - Consider Ordinance 2019-42 for the proposed annexation of approximately 776 acres located northeast of the current City limits, near SH 19 and FM 2821, and known as “Area B,” first reading.

Initiating Department/Presenter: Development Services

Presenter: Leigha Larkins, Planner

Recommended Motion: **None, First Reading of the Annexation Ordinance.**

Strategic Initiative: Goal #3 - Economic Development - Promote and enhance a strong and diverse economy.

Discussion: Per the requirement of Texas Local Government Code Section 43.063 two (2) public hearings were scheduled by City Council Resolution 2019-27, dated May 7, 2019, to receive comments on the petition for the proposed annexation. The public hearings were held before City Council on July 2, 2019, and July 16, 2019. There were no public comments in support of or in opposition to the annexation of Area B.

After the public hearing period, an ordinance must be adopted between 20 – 40 days from the public hearings. This is the first reading of the annexation ordinance. A second reading and consideration of the ordinance will be on August 20, 2019.

Previous Council Action:

- Workshops for City Council were held on 3/5/2019 and 4/16/2019.
- Resolution 2019-27 was adopted on May 7, 2019, setting a date, time, and place, for a public hearing on the proposed annexation.
- Resolution 2019-28 was adopted on May 21, 2019, authorizing staff to prepare a service plan for each area of the proposed annexation.
- First of the two required public hearings was held on 7/2/2019
- Second of the two required public hearings was held on 7/16/2019

Financial Implications:

There is no financial impact associated with this item.

Approvals: City Attorney Director of Finance City Manager

Associated Information:

- DRAFT Ordinance with Exhibits

ORDINANCE NO. 2019-42

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS ANNEXING AN AREA OF LAND INTO THE CITY OF HUNTSVILLE AND EXTENDING THE BOUNDARY LIMITS OF THE CITY; WITH SAID AREA OF LAND BEING GENERALLY DESCRIBED AS APPROXIMATELY SEVEN HUNDRED SEVENTY-SIX (776) ACRES OF LAND ADJACENT TO THE NORTHEASTERN CITY LIMITS NEAR SH-19 AND FM-2821, SAVE AND EXCEPT CERTAIN PROPERTY EXEMPT FROM ANNEXATION THROUGH A DEVELOPMENT AGREEMENT; PROVIDING FOR THE ADOPTION OF A SERVICE PLAN FOR THE AREA OF LAND TO BE ANNEXED; MAKING FINDINGS INCIDENT TO THE ANNEXATION OF THE AREA OF LAND TO BE ANNEXED; PROVIDING FOR THE CORRECTION OF THE CITY MAP TO INCLUDE THE ANNEXED AREA; PROVIDING AN EFFECTIVE DATE; PROVIDING A SAVINGS CLAUSE; AND, PROVIDING FOR PUBLICATION.

WHEREAS, Chapter 43 of the Texas Local Government Code (the “Code”) and Article II of the Charter of the City of Huntsville, Texas, an incorporated, home rule city (the “City”), authorizes the annexation of certain territory into the corporate boundaries of the City; and

WHEREAS, the area described in Section 1 herein (the “Area”), which is further described and depicted in the attached “Exhibit A” and “Exhibit B”, respectively, is determined by the City Council of the City (the “City Council”) to be considered for annexation; and

WHEREAS, pursuant to the City Council’s Resolution 2019-28, dated May 21, 2019, the City Manager has prepared a service plan for the Area in accordance with the Code, and said service plan was made available and explained to the public at the scheduled public hearings described herein, and is attached to this Ordinance as “Exhibit C”; and

WHEREAS, all required notices have been made and sent in accordance with the Code, including written notice of intent to annex the Area to each property owner, each public entity, each public school district, and each railroad company within the Area; and

WHEREAS, as required by the Code, the City Council passed Resolution 2019-27 ordering two (2) public hearings giving persons interested in the annexation of the Area the opportunity to be heard; and

WHEREAS, notice of such public hearings was published in the Huntsville Item, a paper having general circulation in the City and Walker County, Texas, on Sundays, June 16 and June 30, 2019, and were posted on the City’s website and remained continuously posted on the website through the day of the second public hearing, which dates were not more than twenty (20) days nor less than ten (10) days prior to the date of the opening of such public hearings; and

WHEREAS, the public hearings were held at six o'clock (6:00 p.m.) on Tuesday, July 2, 2019 and on Tuesday, July 16, 2019 in the City Council Chambers of the City Council at City Hall, 1212 Avenue M, Huntsville, Texas, which dates are not more than forty (40) days nor less than twenty (20) days prior to the consideration of this ordinance; and

WHEREAS, the City Council finds that each property owner of land within the Area that is subject to an agricultural use, timber land, or wildlife management ad valorem tax exemption has been offered a development agreement pursuant to the Code, and that each owner has either accepted or rejected the offer to make a development agreement, with a copy of any such development agreement, and the description of any property that may be exempt from annexation through such development agreement, being attached to this Ordinance as "Exhibit D"; and

WHEREAS, the development agreements offered by the City under the Code are effective only if the area including the property that is the subject of the development agreement is actually annexed by the City Council; and

WHEREAS, the City Council deems it to be in the best interest of the citizens of the City to annex the Area into the City; **NOW THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE:

SECTION 1. **THAT** the Area, which is further described and depicted in the attached "Exhibit A" and "Exhibit B", respectively, and incorporated herein for all intents and purposes, which abuts and is adjacent to the existing corporate limits of the City, is hereby annexed into, and included within, the corporate limits of the City, save and except any property that may be exempted from annexation through a development agreement, with a copy of any such development agreement, and the description of any property that may be exempt from annexation through such development agreement, being attached to this Ordinance as "Exhibit D".

SECTION 2. **THAT** the service plan, attached as "Exhibit C" and incorporated herein by reference for all purposes, was submitted in accordance with the Code and is hereby approved as a part of this Ordinance.

SECTION 3. **THAT** the City Council hereby declares it to be its purpose to annex into the City of Huntsville every part of the Area described in Section 1 of this Ordinance save and except the property exempted from annexation through a development agreement, with the description of such exempt property being attached to this Ordinance as "Exhibit D", regardless of whether any part of the Area is not hereby effectively annexed into the City. Should this Ordinance for any reason be ineffective as to any part or parts of the Area hereby annexed into the City for full purposes, the ineffectiveness of this Ordinance as to any such part or parts shall not affect the effectiveness of this Ordinance as to the remainder of the Area.

SECTION 4. THAT the City Manager, or his designee, is hereby authorized and directed to correct the map of the City by adding thereto the Area annexed by this Ordinance, indicating on the map the date of annexation and the number of this Ordinance. The City Secretary and the City Engineer shall each keep in their respective offices an official map of the City showing the boundaries of the municipal corporation, including this annexation.

SECTION 5. THAT, this Ordinance shall become effective when signed by the Mayor after its approval by the City Council on Second Reading.

SECTION 6. THAT should any paragraph, section, sentence, phrase, clause or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 7. THAT the City Secretary is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative method of publication provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading on _____.

Passed by the City Council on second reading on _____.

MAYOR

ATTEST:

Brenda Poe, City Secretary

APPROVED AS TO FORM:

Leonard Schneider, City Attorney

Ord. Annexation – Area B – Northeastern Huntsville
August 1, 2019

EXHIBIT A – DESCRIPTION OF ANNEXATION AREA

EXHIBIT B – DEPICTION OF ANNEXATION AREA

EXHIBIT C – SERVICE PLAN FOR ANNEXATION AREA

EXHIBIT D – DEVELOPMENT AGREEMENTS RELATED TO ANNEXATION AREA

Ex A to Ord 2019-42

CITY OF HUNTSVILLE, TEXAS
Engineering - Surveying
448 State Hwy. 75 N
Huntsville, Texas 77320

THE STATE OF TEXAS §

COUNTY OF WALKER §

I, Leonard E. Woods, Registered Professional Land Surveyor No. 2524, do hereby certify that this document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

AREA B

Being a tract of land, containing approximately 1,392.52 acres of land, situated in the JESSE PARKER LEAGUE, Abstract No. 36, the WILEY PARKER LEAGUE, Abstract No. 37 and the SOLOMON RUMFIELD SURVEY, Abstract No. 471, all in Walker County, Texas, lying west and north of, and adjacent to, existing corporate limits of the City of Huntsville, as established by Ordinance No. 581973, Ordinance No. 94-34, Ordinance 97-24 and Ordinance No. 2002-24, comprised of those tracts or parcels listed and shown on a Map attached hereto as Exhibit "B", incorporated and made a part of this description, together with any strips, gores, gaps, additional tracts, right-of-way's and other properties that may not be listed in Exhibit "B" but lies within the bounds of this description, said approximately 1,392.52 acres of land being described by metes and bounds as follows:

BEGINNING, at the northeast corner of that certain area annexed by Ordinance No. 2002-24, being the southeast corner of a called 168.51 acre tract, situated in the JESSE PARKER LEAGUE, described in a Deed to The Three Star Ranch, LLC recorded in Volume 969, page 787, Official Public Records of Walker County, Texas, said corner being also the northeast corner of a called 100 acre tract, situated in the FOSTER BOBO SURVEY, Abstract No. 74, described as "Tract J3" in a Deed to the United States of America recorded in Volume 82, page 131, Deed Records of Walker County, Texas;

THENCE S 87°37'00" W (969/787, OPR), with the existing City limits as annexed by Ordinance No. 2002-24, with the south line of said Three Star Ranch 168.51 acre tract, the south line of a called 12 acre tract described in a Deed to The Three Star Ranch, LLC recorded in Volume 1096, page 821, Official Public Records, and the north line of said USA 100 acre tract, approximately 3,437 feet, to a corner of existing City Limits as annexed by Ordinance 97-24, said corner being a southwest corner of said Three Star Ranch 168.51 acre tract and the southeast corner of a called 5.71 acre tract described in a Deed to Ibrye Langley Hicks recorded in Volume 324, page 67, Deed Records, from which the northwest corner of said USA 100 acre tract bears S 89°37'00" W 73.60 feet (969/787, OPR);

THENCE continuing with existing City limits as annexed by Ordinance No. 97-24, N 00°08'15" E 89.84 feet (969/787, OPR), with the common boundary of said Three Star Ranch 168.51 acre and

Hicks 5.71 acre tracts, to the northeast corner of said Hicks 5.71 acre tract and a reentrant corner of said Three Star Ranch 168.51 acre tract;

THENCE continuing with existing City limits as annexed by Ordinance No. 97-24, N 78°24'05" W 1,003.65 feet (969/787, OPR), pass the most westerly corner of said Three Star Ranch 168.51 acre tract, continuing N 77°59'16" W (324/67, DR) to the northwest corner of said Hicks 5.71 acre tract in the southeast right-of-way line of State Highway No. 19;

THENCE continuing with existing City limits as annexed by Ordinance No. 97-24, N 77°59'16" W approximately 613.00 feet (Ord. 97-24), across said State Highway No. 19, to a point in its northwest right-of-way line at the most northerly corner of that area annexed by Ordinance No. 97-24;

THENCE continuing with existing City limits as annexed by Ordinance No. 97-24, southeasterly, with the northwest right-of-way line of said State Highway No. 19, to a point for the most westerly corner of that area annexed by Ordinance No. 97-24, being in a northeast line of the area annexed by Ordinance No. 581973;

THENCE continuing with existing City limits as annexed by Ordinance No. 581973 as follows:

- (1) Northwesterly, to a point 500 feet northwest of the northwest right-of-way line of said State Highway No. 19;
- (2) Southwesterly, parallel with and 500 feet from the northwest right-of-way line of said State Highway No. 19, approximately 1,980 feet (Ord. 581973);
- (3) Southerly, parallel with and 500 feet from the northwest right-of-way line of said State Highway No. 19, approximately 1,150 feet (Ord. 581973) to a point 500 feet northerly from the north right-of-way line of F. M. 2821;
- (4) Westerly, parallel with and 500 feet northerly from the north right-of-way line of F. M. 2821 to point 1,000 feet easterly from the east right-of-way line east right-of-way line of F. M. 247, said point being the southeast corner of that area annexed by Ordinance No. 94-34;

THENCE continuing with existing City limits as annexed by Ordinance No. 94-34 as follows:

- (1) Northerly, parallel with and 1,000 feet easterly from the east right-of-way line east right-of-way line of F. M. 247, to an intersection with the north line of a called 49.89 acre tract described in a Deed to Templeton-Mahaffey, LLC, recorded in Volume 984, page 831, Official Public Records;
- (2) S 89°03'48" E (984/831, OPR), with the southerly north line said Mahaffey 49.89 acre tract, approximately 154 feet, to a reentrant corner of same;
- (3) N 05°21'16" E (984/831, OPR), with east line of said Mahaffey 49.89 acre tract 645.80 feet (984/831, OPR) to an angle corner of same;
- (4) N 00°46'01" W (984/831, OPR), continuing with east line of said Mahaffey 49.89 acre tract 117.90 feet (984/831, OPR) to its northwest corner and the southwest of the residue portion of a called 98.59 acre tract described in a Deed to Charles R. Spriggs and wife, Marjetta F. Spriggs recorded in Volume 548, page 107, Official Public Records;
- (5) N 00°46'01" W (548/107, OPR), with the west line of said Spriggs residue tract, a distance of 100.09 feet to a corner;

- (6) N 33°07'34" W (548/107, OPR), continuing with the west line of said Spriggs residue tract, a distance of 296.22 feet to a corner;
- (7) N 04°24'33" E (548/107, OPR), continuing with the west line of said Spriggs residue tract, a distance of 407.37 feet to a corner;
- (8) N 04°39'44" W (548/107, OPR), continuing with the west line of said Spriggs residue tract, a distance of 1,157.61 feet to a point in the center of Parker Creek;
- (9) Northeasterly, downstream with the meanders of Parker Creek, to the northeast corner of Creekview Addition, Section 1, according to a Plat recorded in Volume 1, page 44, Plat Records of Walker County, Texas, found a 5/8" iron rod for corner, having NAD 83 (2011) coordinates of N= 10,274,918.68 feet and E= 3,802,439.32 feet, on the westerly high bank of said Parker Creek in the southwest line of a called 488.63 acre tract described in a Deed to Edwin E. Thomason recorded in Volume 753, page 201, Official Public Records, being the northeast corner of that certain area annexed by Ordinance No. 94-34;

THENCE departing existing City limits, along the southern boundary of said Thomason 488.63 acre tract S 62°24'42" E (753/201. OPR), about 68 feet to a point in Parker Creek;

THENCE continuing downstream with the meanders of Parker Creek, with calls of course and distance referenced to said Deed recorded in Volume 753, page 201, Official Public Records, same being the northern boundary of a called 1180.56 acre tract, situated in said WILEY PARKER LEAGUE, described in a Deed to Gibbs Brothers & Company recorded in Volume 40, page 39, Deed Records, said 1180.56 acre tract being comprised in part by a called 343 acre tract described as "Second Tract" of the "Fifty Seventh Tract" in a Deed to Sallie E. Gibbs recorded in Volume 16, page 235, Deed Records, as follows:

- (1) N 70°43'52" E 38.34 feet;
- (2) S 39°08'22" E 306.26 feet;
- (3) N 79°53'32" E 85.11 feet;
- (4) N 43°18'19" E 327.26 feet;
- (5) S 63°28'50" E 347.05 feet;
- (6) S 07°12'55" E 61.57 feet;
- (7) S 60°37'39" E 260.90 feet to the confluence of an unnamed branch;

THENCE upstream with the meanders of said unnamed branch, being the common boundary line of said Thomason 488.63 acre and said Gibbs Brothers & Company 1180.56 acre and 343 acre tracts, with calls of course and distance referenced to said Deed recorded in Volume 753, page 201, Official Public Records, as follows:

- (1) S 03°52'25" E 677.69 feet;
- (2) S 63°28'50" E 37.42 feet;
- (3) S 25°11'21" W 140.02 feet;
- (4) S 33°01'20" W 296.20 feet;
- (5) S 56°29'34" W 145.48 feet;
- (6) S 00°15'18" E 368.20 feet to a point for corner in said branch for the common north corner of said Sallie E. Gibbs 343 acre tract and a called 309.6 acre tract described in Deed to Sanford Gibbs recorded in Volume O, page 185, Deed Records, said 309.6 acre tract being a portion of a

called 1351.7 acre tract, situated in said JESSE PARKER LEAGUE described in said Deed recorded in Volume 40, page 39, Deed Records;

THENCE continuing with the south and southeast boundary of said Thomason 488.63 acre tract and the northern boundary of said Gibbs Brothers & Company 1180.56 acre and called 1351.7 acre tracts, as follows:

- (1) S 88°49'13" E 1,032.30 feet;
- (2) N 43°02'34" E 625.08 feet;
- (3) N 29°34'19" E 529.41 feet;
- (4) N 69°21'32" E, at approximately 1,450 feet pass a point in the center of a watercourse named Spring branch for the common north corner of said Gibbs 309.6 acre tract and a called 200 acre tract described in a Deed to Sallie E. Gibbs recorded in Volume 9, page 235, Deed Records, said 200 acres being a portion of said Gibbs Brothers & Company 1351.7 acre tract, continuing N 69°21'32" E, a total distance of approximately 2,080 feet, with said Thomason and Gibbs Brothers line, to the most northerly corner of said Gibbs 200 acre tract and the most southerly northwest corner of Lot 2 – 31.37 Ac. according to a Plat of Ellisor Addition, Section 2, recorded in Volume 6, page 38, Plat Records;

THENCE S 02°56'04" E 811.79 feet (6/38, PR), continuing with said Gibbs 200 acre tract, with the most southerly west line of said Ellisor Addition, Section 2 to its southwest corner, said corner being the northwest corner of a called 17.88 acre tract described in a Deed to Charles H. Smith recorded in Volume 398, page 255, Deed Records;

THENCE S 00°06'59" E 554.98 feet (398/255, DR), continuing with said Gibbs 200 acre tract, with the west line of said Smith 17.88 acre tract to its southwest corner;

THENCE East 1,402.46 feet (398/255, DR), continuing with said Gibbs 200 acre tract, with the south line of said Smith 17.88 acre tract to its southeast corner and the southwest corner of a called 16.00 acre tract described in a Deed to Charles H. Smith recorded in Volume 315, page 748, Deed Records;

THENCE N 89°45' E 1,222.50 feet (315/748, DR), continuing with said Gibbs 200 acre tract, with the south line of said Smith 16.00 acre tract to its southeast corner and the southwest corner of Lot 2 - 9.71 Ac. of the Charles H. Smith 17.58 Ac. Tract subdivision according to a Plat recorded in Volume 680, page 839, Official Public Records;

THENCE N 89°17'03" E 549.05 feet (680/839, OPR), continuing with said Gibbs 200 acre tract, with the south line of said Lot 2 - 9.71 Ac. to the southeast corner of same, being the southwest corner of Lot 1 – 7.87 Ac. of said Charles H. Smith 17.58 Ac. Tract subdivision and the northwest corner of a called 3.00 acre tract described as "Tract Two" in a Deed to PFHC, Ltd. recorded in Volume 657, page 204, Official Public Records;

THENCE S 08°20' W 593.2 feet (657/204, OPR), continuing with said Gibbs 200 acre tract and the west line of said PFHC, Ltd. 3.00 acre tract to its south corner and the northwest corner of a called

2019 Annexation
AREA B, July, 2019
City of Huntsville
Walker County, Texas

9.26 acre tract described as “Tract One” in said Deed to PFHC, Ltd. recorded in Volume 657, page 204, Official Public Records;

THENCE S 04°30’ W 894.7 feet (657/204, OPR), continuing with said Gibbs 200 acre tract, with the west line of said PFHC, Ltd. 9.26 acre tract to its south corner in the northwest right-of-way line of State Highway No. 19;

THENCE northeasterly, across State Highway No. 19, to the north corner of said Three Star Ranch 168.51 acre tract, located in the southeast right-of-way line of State Highway No. 19;

THENCE S 48°18’18” E 2,946.05 feet (969/787, OPR), with the northeast line of said Three Star Ranch 168.51 acre tract to its northeast corner;

THENCE S 00°15’10” E 959.94 feet (969/787, OPR), with the east line of said Three Star Ranch 168.51 acre tract to the **POINT OF BEGINNING**.

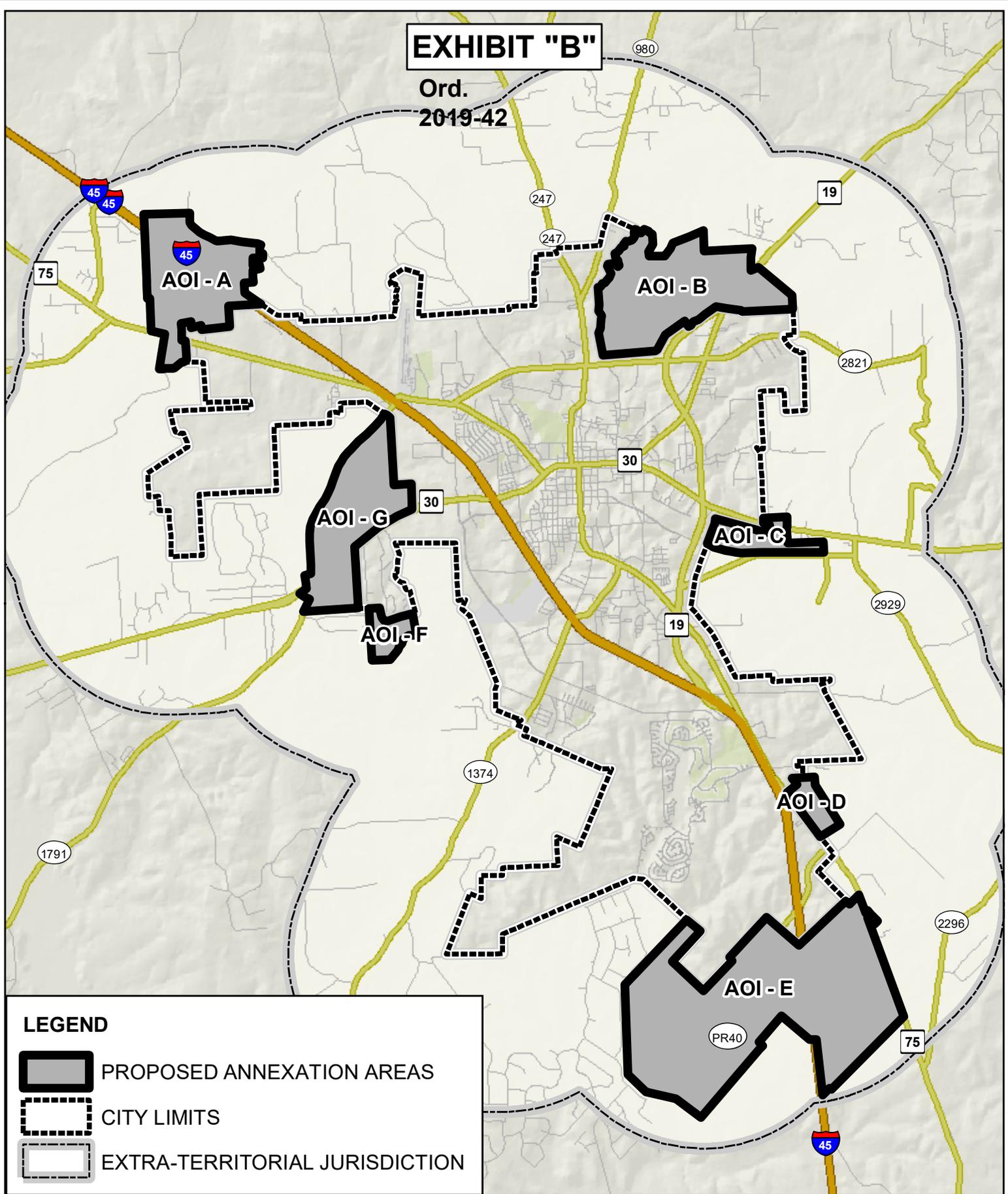
Signed _____

Leonard E. Woods
Reg. Prof. Land Surveyor No.2524

Y:\SURVEYORS\PROJECTS\COH19\PS\ANNEXATION\GIBBS TOWN RANCH Area (B)\AREA B PERIMETER.fns.docx

EXHIBIT "B"

Ord.
2019-42



LEGEND

-  PROPOSED ANNEXATION AREAS
-  CITY LIMITS
-  EXTRA-TERRITORIAL JURISDICTION

The City of Huntsville, Texas or its employees gives NO warranty, expressed or implied, as to the accuracy, reliability, or completeness of these data. See full GIS Data Disclaimer at www.huntsvilletx.gov/438/City-Maps

1 in = 8,333 ft

On 8.5 x 11 inch Print

0 4,100 8,200 16,400 Feet

On Any Print Size

CREATED DATE: 7/30/2019

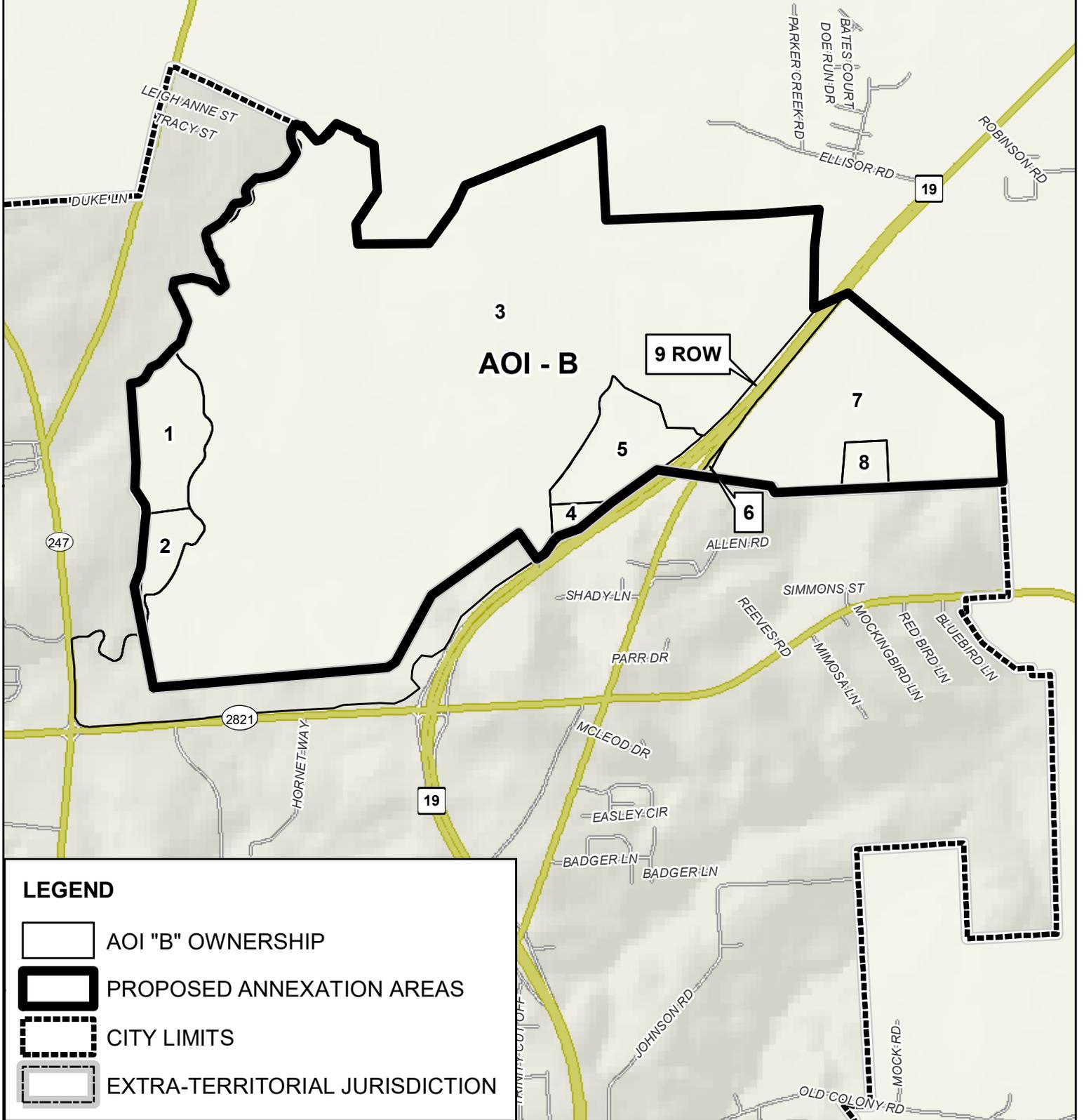
CITY OF HUNTSVILLE, TX
ENGINEERING DEPARTMENT / GIS DIVISION

PROPOSED ANNEXATION AREAS OF INTEREST



EXHIBIT "B"

Ord. 2019-42



LEGEND

- AOI "B" OWNERSHIP
- PROPOSED ANNEXATION AREAS
- CITY LIMITS
- EXTRA-TERRITORIAL JURISDICTION

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1 in = 2,000 ft

On 8.5 x 11 inch Print

0 950 1,900 3,800 Feet

On Any Print Size

CREATED DATE: 7/30/2019

CITY OF HUNTSVILLE, TX
ENGINEERING DEPARTMENT / GIS DIVISION

**PROPOSED ANNEXATION
AREA OF INTEREST - B**



Exhibit “C” Ord 2019-42

AREA B - MUNICIPAL SERVICE PLAN

Approximately 776 acres located northeast of City limits, near SH 19 and FM 2821.

FIRE

Existing Services: City of Huntsville Fire Department currently provides first response for site.

Services to be Provided: The annexed area shall continue to be served by fire protection personnel and equipment from the City Fire Department. Adequate fire suppression activities can be afforded to the annexed area within current budget appropriation. Fire prevention activities will be provided by the Fire Marshall’s office as needed.

POLICE

Existing Services: City of Huntsville Police Department does not currently provide first response for the site.

Services to be Provided: City police department will perform regular and routine patrols to the area and respond to calls for service. This area averages 14 calls for service per year. Areas A-F combined average 200 calls for service per year. While this does not necessarily justify additional police personnel, calls for service plus additional land mass should be taken into consideration when additional personnel are requested in the future.

BUILDING INSPECTION & CODE ENFORCEMENT

Existing Services: None

Services to be Provided: The Building Inspection Division will provide building inspection services upon annexation. This includes issuing building, electrical, mechanical and plumbing permits for any new construction and/or remodeling; and enforcing all other applicable codes which regulate building construction within the City of Huntsville. Code enforcement services will provide upon annexation for the purpose of ensuring the public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Such services can be provided with current Division Personnel and within the current budget appropriation.

PLANNING

Existing Services: The City has subdivision regulatory authority in the Extraterritorial Jurisdiction (ETJ).

Services to be Provided: The Planning Division's responsibility for regulating development and land use through the administration of the City of Huntsville Development Code will extend to this area on the effective date of the annexation. The subdivision of property will also continue to be regulated under the requirements of the City of Huntsville Development Code. These services can be provided within the department's current budget.

LIBRARY

Existing Services: City library facilities are presently available at no fee.

Services to be Provided: Upon the effective date of annexation, all of the city library facilities shall be available to anyone residing in this area. These privileges can be provided within the current budget appropriation.

HEALTH DIVISION - HEALTH CODE ENFORCEMENT SERVICE

Existing Services: None

Services to be Provided: The City of Huntsville Health Division will implement the enforcement of the City's health ordinances and regulations on the effective date of the annexation. Such services can be provided with current Health Division Personnel and within the current budget appropriation.

STREET MAINTENANCE

Existing Services: No Street Maintenance is currently provided.

Services to be Provided: Hwy 19; possibly provide litter control and mowing.

STREET LIGHTING

Existing Services: None

Services to be Provided: The City of Huntsville will consider requests for improved street lighting in accordance with the City's policy through the local electric provider.

SOLID WASTE SERVICES

Existing Services: Solid Waste Collection is not currently being provided by the City of Huntsville to the area to be annexed.

Services to be Provided: These properties are currently undeveloped. Solid Waste Collection shall be provided to the area of annexation upon development and in accordance with City policies. Properties currently receiving Solid Waste services from entities other than the City of Huntsville may continue to do so for a period of two years.

STORM WATER MANAGEMENT, TRAFFIC ENGINEERING, WATER SERVICE, SANITARY SEWER SERVICE

Existing Services: None

Services to be Provided: The City currently has the capacity to supply water and sewer services to the proposed annexation area where not served by another utility district. Upon annexation, any new development will be responsible for designing and installing new water, sanitary sewer, storm water management facilities and new roads at their own expense, in accordance with City's Development Code and Engineering Standards, Specifications and Design Criteria.

MISCELLANEOUS

All other applicable municipal services will be provided to the area in accordance with the City of Huntsville's established policies governing extension of municipal services to newly annexed areas.



CITY COUNCIL AGENDA

8/6/2019
Agenda Item: 2f

Item/Subject: **FIRST READING** - Consider Ordinance 2019-43 for the proposed annexation of approximately 137 acres located east of the current City limits, near US 190 and Old Phelps Rd., and known as "Area C," first reading.

Initiating Department/Presenter: Development Services

Presenter: Leigha Larkins, Planner

Recommended Motion: **None, First Reading of the Annexation Ordinance.**

Strategic Initiative: Goal #3 - Economic Development - Promote and enhance a strong and diverse economy.

Discussion: Per the requirement of Texas Local Government Code Section 43.063 two (2) public hearings were scheduled by City Council Resolution 2019-27, dated May 7, 2019, to receive comments on the petition for the proposed annexation. The public hearings were held before City Council on July 2, 2019, and July 16, 2019.

After the public hearing period, an ordinance must be adopted between 20 – 40 days from the public hearings. This is the first reading of the annexation ordinance. A second reading and consideration of the ordinance will be on August 20, 2019.

Previous Council Action:

- Workshops for City Council were held on 3/5/2019 and 4/16/2019.
- Resolution 2019-27 was adopted on May 7, 2019, setting a date, time, and place, for a public hearing on the proposed annexation.
- Resolution 2019-28 was adopted on May 21, 2019, authorizing staff to prepare a service plan for each area of the proposed annexation.
- First of the two required public hearings was held on 7/2/2019
- Second of the two required public hearings was held on 7/16/2019

Financial Implications:

There is no financial impact associated with this item.

Approvals: City Attorney Director of Finance City Manager

Associated Information:

- DRAFT Ordinance with Exhibits

ORDINANCE NO. 2019-43

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS ANNEXING AN AREA OF LAND INTO THE CITY OF HUNTSVILLE AND EXTENDING THE BOUNDARY LIMITS OF THE CITY; WITH SAID AREA OF LAND BEING GENERALLY DESCRIBED AS APPROXIMATELY ONE HUNDRED THIRTY-SEVEN (137) ACRES OF LAND ADJACENT TO THE EASTERN CITY LIMITS NEAR US-190 AND OLD PHELPS ROAD, SAVE AND EXCEPT CERTAIN PROPERTY EXEMPT FROM ANNEXATION THROUGH A DEVELOPMENT AGREEMENT; PROVIDING FOR THE ADOPTION OF A SERVICE PLAN FOR THE AREA OF LAND TO BE ANNEXED; MAKING FINDINGS INCIDENT TO THE ANNEXATION OF THE AREA OF LAND TO BE ANNEXED; PROVIDING FOR THE CORRECTION OF THE CITY MAP TO INCLUDE THE ANNEXED AREA; PROVIDING AN EFFECTIVE DATE; PROVIDING A SAVINGS CLAUSE; AND, PROVIDING FOR PUBLICATION.

WHEREAS, Chapter 43 of the Texas Local Government Code (the “Code”) and Article II of the Charter of the City of Huntsville, Texas, an incorporated, home rule city (the “City”), authorizes the annexation of certain territory into the corporate boundaries of the City; and

WHEREAS, the area described in Section 1 herein (the “Area”), which is further described and depicted in the attached “Exhibit A” and “Exhibit B”, respectively, is determined by the City Council of the City (the “City Council”) to be considered for annexation; and

WHEREAS, pursuant to the City Council’s Resolution 2019-28, dated May 21, 2019, the City Manager has prepared a service plan for the Area in accordance with the Code, and said service plan was made available and explained to the public at the scheduled public hearings described herein, and is attached to this Ordinance as “Exhibit C”; and

WHEREAS, all required notices have been made and sent in accordance with the Code, including written notice of intent to annex the Area to each property owner, each public entity, each public school district, and each railroad company within the Area; and

WHEREAS, as required by the Code, the City Council passed Resolution 2019-27 ordering two (2) public hearings giving persons interested in the annexation of the Area the opportunity to be heard; and

WHEREAS, notice of such public hearings was published in the Huntsville Item, a paper having general circulation in the City and Walker County, Texas, on Sundays, June 16 and June 30, 2019, and were posted on the City’s website and remained continuously posted on the website through the day of the second public hearing, which dates were not more than twenty (20) days nor less than ten (10) days prior to the date of the opening of such public hearings; and

WHEREAS, the public hearings were held at six o'clock (6:00 p.m.) on Tuesday, July 2, 2019 and on Tuesday, July 16, 2019 in the City Council Chambers of the City Council at City Hall, 1212 Avenue M, Huntsville, Texas, which dates are not more than forty (40) days nor less than twenty (20) days prior to the consideration of this ordinance; and

WHEREAS, the City Council finds that each property owner of land within the Area that is subject to an agricultural use, timber land, or wildlife management ad valorem tax exemption has been offered a development agreement pursuant to the Code, and that each owner has either accepted or rejected the offer to make a development agreement, with a copy of any such development agreement, and the description of any property that may be exempt from annexation through such development agreement, being attached to this Ordinance as "Exhibit D"; and

WHEREAS, the development agreements offered by the City under the Code are effective only if the area including the property that is the subject of the development agreement is actually annexed by the City Council; and

WHEREAS, the City Council deems it to be in the best interest of the citizens of the City to annex the Area into the City; **NOW THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE:

SECTION 1. **THAT** the Area, which is further described and depicted in the attached "Exhibit A" and "Exhibit B", respectively, and incorporated herein for all intents and purposes, which abuts and is adjacent to the existing corporate limits of the City, is hereby annexed into, and included within, the corporate limits of the City, save and except any property that may be exempted from annexation through a development agreement, with a copy of any such development agreement, and the description of any property that may be exempt from annexation through such development agreement, being attached to this Ordinance as "Exhibit D".

SECTION 2. **THAT** the service plan, attached as "Exhibit C" and incorporated herein by reference for all purposes, was submitted in accordance with the Code and is hereby approved as a part of this Ordinance.

SECTION 3. **THAT** the City Council hereby declares it to be its purpose to annex into the City of Huntsville every part of the Area described in Section 1 of this Ordinance save and except the property exempted from annexation through a development agreement, with the description of such exempt property being attached to this Ordinance as "Exhibit D", regardless of whether any part of the Area is not hereby effectively annexed into the City. Should this Ordinance for any reason be ineffective as to any part or parts of the Area hereby annexed into the City for full purposes, the ineffectiveness of this Ordinance as to any such part or parts shall not affect the effectiveness of this Ordinance as to the remainder of the Area.

SECTION 4. THAT the City Manager, or his designee, is hereby authorized and directed to correct the map of the City by adding thereto the Area annexed by this Ordinance, indicating on the map the date of annexation and the number of this Ordinance. The City Secretary and the City Engineer shall each keep in their respective offices an official map of the City showing the boundaries of the municipal corporation, including this annexation.

SECTION 5. THAT, this Ordinance shall become effective when signed by the Mayor after its approval by the City Council on Second Reading.

SECTION 6. THAT should any paragraph, section, sentence, phrase, clause or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 7. THAT the City Secretary is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative method of publication provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading on _____.

Passed by the City Council on second reading on _____.

MAYOR

ATTEST:

Brenda Poe, City Secretary

APPROVED AS TO FORM:

Leonard Schneider, City Attorney

Ord. Annexation – Area C – Eastern Huntsville
August 1, 2019

EXHIBIT A – DESCRIPTION OF ANNEXATION AREA

EXHIBIT B – DEPICTION OF ANNEXATION AREA

EXHIBIT C – SERVICE PLAN FOR ANNEXATION AREA

EXHIBIT D – DEVELOPMENT AGREEMENTS RELATED TO ANNEXATION AREA

CITY OF HUNTSVILLE, TEXAS
Engineering - Surveying
448 State Hwy. 75 N
Huntsville, Texas 77320

THE STATE OF TEXAS §

COUNTY OF WALKER §

I, Leonard E. Woods, Registered Professional Land Surveyor No. 2524, do hereby certify that this document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

AREA C

Being a tract of land, containing approximately 251.97 acres of land, situated in the ELIHU DAVIDS SURVEY, Abstract No. 157, the THOMAS GIBBS SURVEY, Abstract No. 220, the HARVEY GRAY SURVEY, Abstract No. 212 and the THOMAS SCOTT SURVEY, Abstract No. 509, all in Walker County, Texas, lying east of and adjacent to existing corporate limits of the City of Huntsville, as established by Ordinance No. 81-02 and south of and adjacent to existing corporate limits of the City of Huntsville, as established by Ordinance No. 94-35, comprised of those tracts or parcels listed and shown on a Map attached hereto as Exhibit "B", incorporated and made a part of this description, together with any strips, gores, gaps, additional tracts, right-of-way's and other properties that may not be listed in Exhibit "B" but lies within the bounds of this description, said approximately 251.97 acres of land being described by metes and bounds as follows:

BEGINNING, at the intersection of the existing City limits, as established by said Ordinance No. 81-02, with the north line of called 5.14 acre tract described in a Deed to Gibbs Brothers & Company, LP recorded in Volume 928, page 230, Official Public Records, said 5.14 acre tract being a portion of a 150 foot wide right-of-way conveyed in a Deed to the Huntsville Branch Railway Company, said point of beginning being located 1,000 feet, as measured at right-angles, from the centerline of State Highway (formerly Loop 405);

THENCE northerly, with existing City limits, as established by said Ordinance No. 81-02, parallel to and 1,000 feet easterly from the centerline of said State Highway No. 19, to an intersection with existing City limits as established by said Ordinance No. 94-35, said point of intersection being 500 feet southerly of, as measured at right angles, the south right-of-way of State Highway No. 190;

THENCE easterly, with existing City limits, parallel to and 500 feet southerly from the south right-of-way of State Highway No. 190 to the southeast corner of the area annexed by said Ordinance No. 94-35, a point in the west right-of-way line of a roadway known locally as Champion Woodyard Road;

THENCE northerly, continuing with existing City limits and the west right-of-way line of said Champion Woodyard Road, passing the south right-of-way of State Highway No. 190, continuing same course to a corner of the area annexed by said Ordinance No. 94-35, being a point in the north right-of-way of State Highway No. 190;

THENCE westerly, continuing with existing City limits, along the north right-of-way line of said State Highway No. 190, to another corner of the area annexed by said Ordinance No. 94-35, being a point in the east right-of-way line of a City-maintained roadway known locally as Geneva Road;

THENCE northerly, continuing with existing City limits, along the east right-of-way line of said Geneva Road, to the northwest corner of a called 0.42 acre tract described in a Deed to James Murff recorded in Volume 1034, page 638, Official Public Records;

THENCE, departing existing City limits, N 89° E 51.3 varas (1034/638, OPR), with the north line of said Muff 0.42 acre tract to its northeast corner and the northwest corner of a called 1.95 acre tract described in a Deed to Patrocinio Herrera Hernandez recorded in Volume 1337, page 66, Official Public Records

THENCE N 89°35'40" E 210.71 feet (1337/66, OPR), with the north line of said Hernandez 1.95 acre tract to its northeast corner and the northwest corner of a called 3.05 acre tract described in a Deed to Bayview Loan Servicing, LLC recorded in Volume 1048, page 295, Official Public Records;

THENCE N 89°39'40" E 288.83 feet (1048/295, OPR), with the north line of said Bayview Loan Servicing, LLC 3.05 acre tract to its northeast corner and the northwest corner of a called 4.40 acre tract described in a Deed to NNB ENTERPRISES, INC recorded in Volume 645, page 408, Official Public Records;

THENCE N 89°39'40" E 366.40 feet (645/408, OPR), with the north line of said NNB ENTERPRISES, INC 4.40 acre tract to its northeast corner and the northwest corner of a called 2.51 acre tract described in a Deed to Carlow Storage Warehouses, LLC recorded in Volume 1142, page 683, Official Public Records;

THENCE N 89°56'43" E 189.61 (1142/683, OPR), with the north line of said Carlow Storage Warehouses, LLC 2.51 acre tract to its northeast corner and the northwest corner of a called 2.06 acre tract described as "Tract Three" in a Deed to IGC ACQ COMPANY – GAS TEC recorded in Volume 196, page 277, Official Public Records;

THENCE East 300 feet (196/277, OPR), with the north line of said IGC ACQ COMPANY – GAS TEC 2.06 acre tract to its northeast corner on the west side of a County-maintained roadway known locally as Calvary Road;

THENCE East, across said Calvary Road, approximately 40 feet to a point in its recognized east right-of-way line;

THENCE southerly, along the east side of said Calvary Road, approximately 660 feet to a point for corner in the north right-of-way line of said State Highway No. 190;

THENCE southerly, across said State Highway No. 190, approximately 100 feet, to the most northerly northeast corner of Lot 1 – 73.81 Ac. according to a Plat of MC & GE I., L.L.C. 80.54 AC. recorded in Volume 4, page 49, Plat Records of Walker County, Texas;

THENCE S 04°50'47" E 993.95 feet (4/49, PR), with the most northerly east line of said Lot 1 – 73.81 Ac. to a reentrant corner of same;

THENCE N 87°01'59" E 2,478.70 feet (4/49, PR), with the most easterly north line of said Lot 1 – 73.81 Ac. to its most easterly northeast corner;

THENCE S 01°39'27" E 736.62 feet (4/49, PR), with the most southerly east line of said Lot 1 – 73.81 Ac. to its southeast corner being located approximately 25 feet northerly of the center of a railroad track owned and operated by Union Pacific Railroad Company;

THENCE S 89°21'57" W (4/49, PR), with the south line of said Lot 1 – 73.81 Ac., being approximately parallel with and 25 feet northerly of said Union Pacific Railroad Company's track (sometimes called the "Huntsville Spur"), at 3,503.28 feet (4/49, PR), pass the southwest corner of said Lot 1 – 73.81 Ac. located in the east right-of-way line of said Champion Woodyard Road, continuing S 89°21'57" W (4/49, PR), with the south line of a called 0.85 acre parcel dedicated by said Plat recorded in Volume 4, page 49, Plat Records, 20.06 feet (4/49, PR) to its southwest corner;

THENCE N 03°51'24" W (4/49, PR) along the west line of said 0.85 acre parcel dedicated for the right-of-way line of said Champion Woodyard Road, same being the most southerly west line of said Lot 1 – 73.81 Ac., approximately 50 feet to the northwest corner of a called 4.07 acre tract (included in said Lot 1 – 73.81 Ac.) described, as "Tract 2", in a Deed to MC & GE I., L.L.C. recorded in Volume 625, page 402, Official Public Records;

THENCE westerly, across said Champion Woodyard Road, with the north line of said Huntsville Branch Railway Company 150 foot right-of-way, now owned and operated by Union Pacific Railroad Company, approximately 60 feet, to the southeast corner of called 25.43 acre tract described in a Deed to Sand-Sur Properties, Ltd. recorded in Volume 584, page 296, Official Public Records;

THENCE S 89°24'56" W 609.69 feet (584/296, OPR), with the south line of said Sand-Sur Properties, Ltd. 25.43 acre tract, same being along the north line of said Huntsville Branch Railway Company 150 foot right-of-way, owned and operated by Union Pacific Railroad Company, approximately 75 feet northerly of the center of said railroad track, to the southwest corner of said Sand-Sur Properties, Ltd. 25.43 acre tract, found a 3-1/2" diameter concrete monument, having coordinates referenced to NAD 83 (2011) of N= 10,253,360.73 feet and E= 3,810,924.21 feet, for corner;

THENCE westerly, along the north line of said Huntsville Branch Railway Company 150 foot right-of-way, owned and operated by Union Pacific Railroad Company and continuing westerly along

2019 Annexation
AREA C, July, 2019
City of Huntsville
Walker County, Texas

the north line of said Gibbs Brothers & Company, LP 5.14 acre tract, approximately 3,690 feet, to the **POINT OF BEGINNING.**

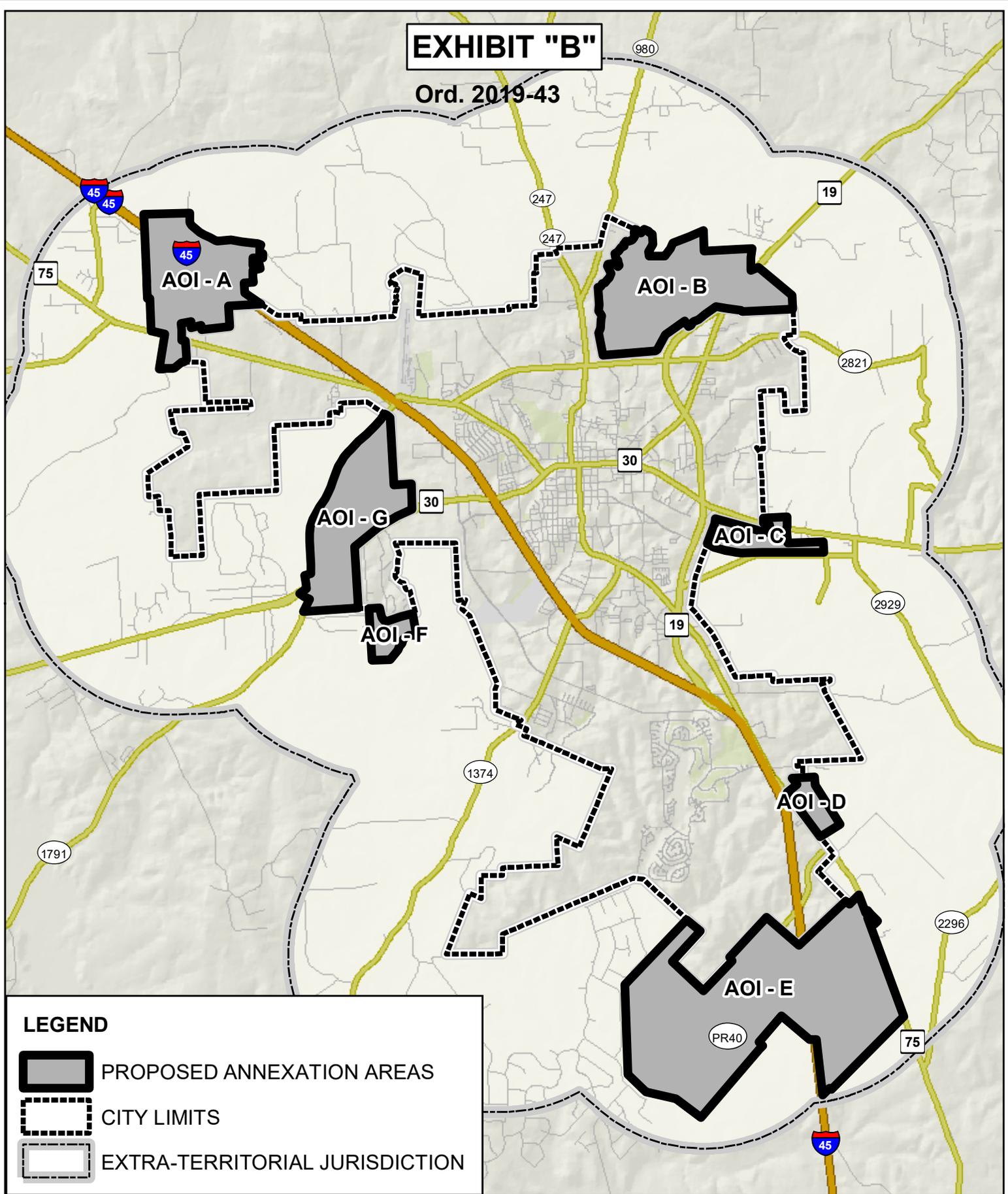
Signed _____

Leonard E. Woods
Reg. Prof. Land Surveyor No.2524

Y:\SURVEYORS\PROJECTS\COH19\PS\ANNEXATION\CHAMPION WOOD YARD RD Area C\AREA C PERIMETER Rev 1.fns.docx

EXHIBIT "B"

Ord. 2019-43



LEGEND

-  PROPOSED ANNEXATION AREAS
-  CITY LIMITS
-  EXTRA-TERRITORIAL JURISDICTION

The City of Huntsville, Texas or its employees gives NO warranty, expressed or implied, as to the accuracy, reliability, or completeness of these data. See full GIS Data Disclaimer at www.huntsvilletx.gov/438/City-Maps

1 in = 8,333 ft

On 8.5 x 11 inch Print

0 4,100 8,200 16,400 Feet

On Any Print Size

CREATED DATE: 7/30/2019

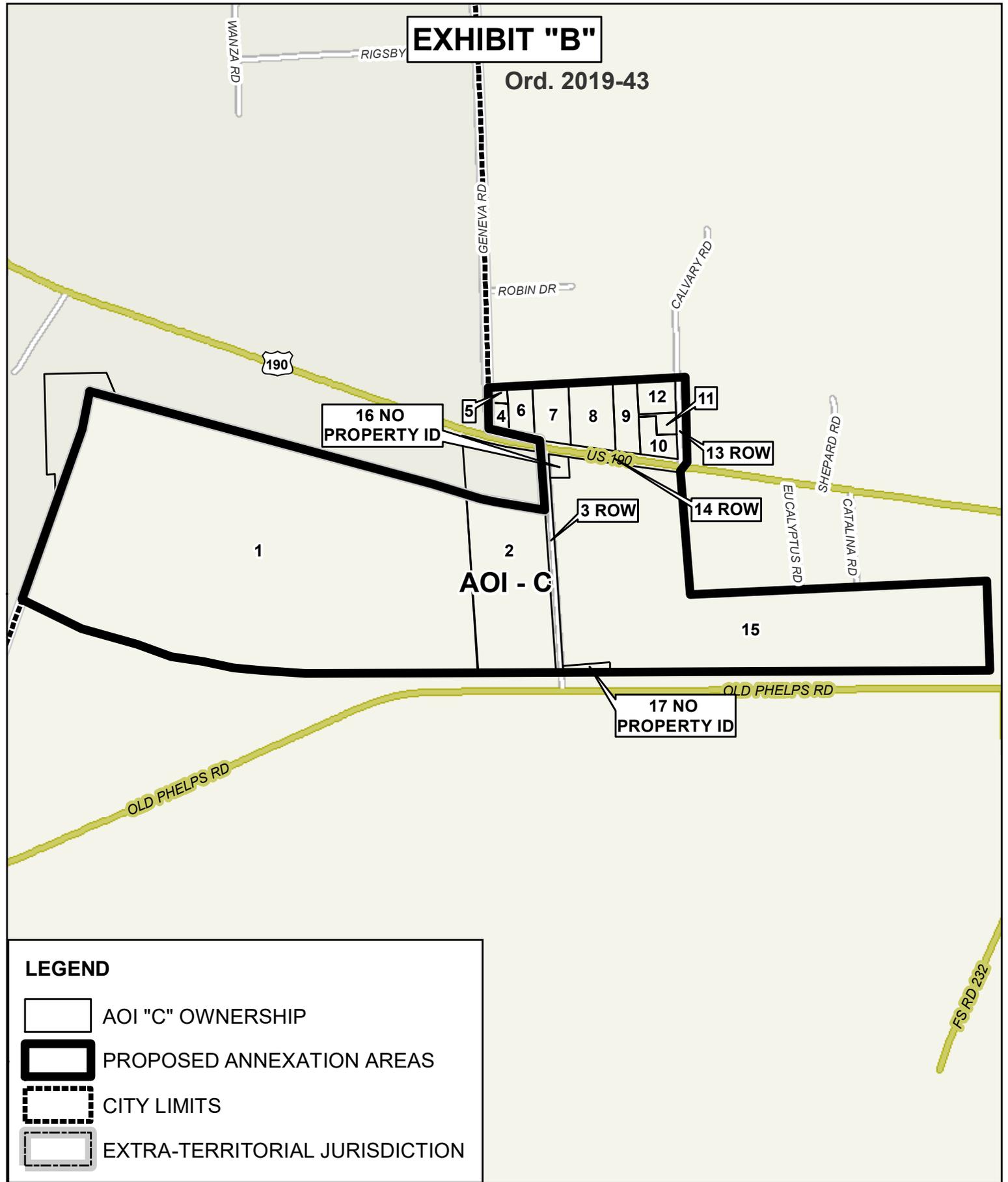
CITY OF HUNTSVILLE, TX
ENGINEERING DEPARTMENT / GIS DIVISION

PROPOSED ANNEXATION AREAS OF INTEREST



EXHIBIT "B"

Ord. 2019-43



LEGEND

- AOI "C" OWNERSHIP
- PROPOSED ANNEXATION AREAS
- CITY LIMITS
- EXTRA-TERRITORIAL JURISDICTION

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1 in = 1,000 ft

On 8.5 x 11 inch Print

0 495 990 1,980 Feet

On Any Print Size

CREATED DATE: 7/30/2019

CITY OF HUNTSVILLE, TX
ENGINEERING DEPARTMENT / GIS DIVISION

**PROPOSED ANNEXATION
AREA OF INTEREST - C**



Exhibit “C” Ord. 2019-43

AREA C - MUNICIPAL SERVICE PLAN

Approximately 137 acres located east of City limits, near US 190 and Old Phelps Rd.

FIRE

Existing Services: City of Huntsville Fire Department currently provides first response for site.

Services to be Provided: The annexed area shall continue to be served by fire protection personnel and equipment from the City Fire Department. Adequate fire suppression activities can be afforded to the annexed area within current budget appropriation. Fire prevention activities will be provided by the Fire Marshall’s office as needed.

POLICE

Existing Services: City of Huntsville Police Department does not currently provide first response for the site.

Services to be Provided: City police department will perform regular and routine patrols to the area and respond to calls for service. This area averages 29 calls for service per year. Areas A-F combined average 200 calls for service per year. While this does not necessarily justify additional police personnel, calls for service plus additional land mass should be taken into consideration when additional personnel are requested in the future.

BUILDING INSPECTION & CODE ENFORCEMENT

Existing Services: None

Services to be Provided: The Building Inspection Division will provide building inspection services upon annexation. This includes issuing building, electrical, mechanical and plumbing permits for any new construction and/or remodeling; and enforcing all other applicable codes which regulate building construction within the City of Huntsville. Code enforcement services will provide upon annexation for the purpose of ensuring the public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Such services can be provided with current Division Personnel and within the current budget appropriation.

PLANNING

Existing Services: The City has subdivision regulatory authority in the Extraterritorial Jurisdiction (ETJ).

Services to be Provided: The Planning Division's responsibility for regulating development and land use through the administration of the City of Huntsville Development Code will extend to this area on the effective date of the annexation. The subdivision of property will also continue to be regulated under the requirements of the City of Huntsville Development Code. These services can be provided within the department's current budget.

LIBRARY

Existing Services: City library facilities are presently available at no fee.

Services to be Provided: Upon the effective date of annexation, all of the city library facilities shall be available to anyone residing in this area. These privileges can be provided within the current budget appropriation.

HEALTH DIVISION- HEALTH CODE ENFORCEMENT SERVICE

Existing Services: None

Services to be Provided: The City of Huntsville Health Division will implement the enforcement of the City's health ordinances and regulations on the effective date of the annexation. Such services can be provided with current Health Division Personnel and within the current budget appropriation.

STREET MAINTENANCE

Existing Services: No Street Maintenance is currently provided.

Services to be Provided: Champion Wood Yard Road (1950') provided with street and drainage maintenance , mowing, litter control, signage, etc. Hwy 190 (1200'); possibly provide litter control and mowing.

STREET LIGHTING

Existing Services: None

Services to be Provided: Champion Wood Yard Road (1950') provided with street and drainage maintenance, mowing, litter control, signage, etc. Hwy 190 (1200'); possibly provide litter control and mowing.

SOLID WASTE SERVICES

Existing Services: Solid Waste Collection is currently being provided by the City of Huntsville to certain developed properties in the area to be annexed.

Services to be Provided: : Solid Waste Collection shall continue to be provided to the area of annexation that is currently served. Solid Waste Collection shall be provided to the existing unserved properties located in the area of annexation upon development of the property. Properties currently receiving Solid Waste services from entities other than the City of Huntsville may continue to do so for a period of two years.

STORM WATER MANAGEMENT, TRAFFIC ENGINEERING, WATER SERVICE, SANITARY SEWER SERVICE

Existing Services: None

Services to be Provided: The City currently has the capacity to supply water and sewer services to the proposed annexation area where not served by another utility district. Upon annexation, any new development will be responsible for designing and installing new water, sanitary sewer, storm water management facilities and new roads at their own expense, in accordance with City's Development Code and Engineering Standards, Specifications and Design Criteria.

MISCELLANEOUS

All other applicable municipal services will be provided to the area in accordance with the City of Huntsville's established policies governing extension of municipal services to newly annexed areas.



CITY COUNCIL AGENDA

8/6/2019
Agenda Item: 2g

Item/Subject: FIRST READING - Consider Ordinance 2019-44 for the proposed annexation of approximately 254 acres located east of the current City limits, near SH 75 S and Rush Rd, and known as "Area D," first reading.

Initiating Department/Presenter: Development Services

Presenter: Leigha Larkins, Planner

Recommended Motion: None, First Reading of the Annexation Ordinance.

Strategic Initiative: Goal #3 - Economic Development - Promote and enhance a strong and diverse economy.

Discussion: Per the requirement of Texas Local Government Code Section 43.063 two (2) public hearings were scheduled by City Council Resolution 2019-27, dated May 7, 2019, to receive comments on the petition for the proposed annexation. The public hearings were held before City Council on July 2, 2019, and July 16, 2019.

After the public hearing period, an ordinance must be adopted between 20 – 40 days from the public hearings. This is the first reading of the annexation ordinance. A second reading and consideration of the ordinance will be on August 20, 2019.

Previous Council Action:

- Workshops for City Council were held on 3/5/2019 and 4/16/2019.
- Resolution 2019-27 was adopted on May 7, 2019, setting a date, time, and place, for a public hearing on the proposed annexation.
- Resolution 2019-28 was adopted on May 21, 2019, authorizing staff to prepare a service plan for each area of the proposed annexation.
- First of the two required public hearings was held on 7/2/2019
- Second of the two required public hearings was held on 7/16/2019

Financial Implications:

There is no financial impact associated with this item.

Approvals: City Attorney Director of Finance City Manager

Associated Information:

- DRAFT Ordinance with Exhibits

ORDINANCE NO. 2019-44

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS ANNEXING AN AREA OF LAND INTO THE CITY OF HUNTSVILLE AND EXTENDING THE BOUNDARY LIMITS OF THE CITY; WITH SAID AREA OF LAND BEING GENERALLY DESCRIBED AS APPROXIMATELY TWO HUNDRED FIFTY-FOUR (254) ACRES OF LAND ADJACENT TO THE EASTERN CITY LIMITS NEAR SH-75S AND RUSH ROAD, SAVE AND EXCEPT CERTAIN PROPERTY EXEMPT FROM ANNEXATION THROUGH A DEVELOPMENT AGREEMENT; PROVIDING FOR THE ADOPTION OF A SERVICE PLAN FOR THE AREA OF LAND TO BE ANNEXED; MAKING FINDINGS INCIDENT TO THE ANNEXATION OF THE AREA OF LAND TO BE ANNEXED; PROVIDING FOR THE CORRECTION OF THE CITY MAP TO INCLUDE THE ANNEXED AREA; PROVIDING AN EFFECTIVE DATE; PROVIDING A SAVINGS CLAUSE; AND, PROVIDING FOR PUBLICATION.

WHEREAS, Chapter 43 of the Texas Local Government Code (the “Code”) and Article II of the Charter of the City of Huntsville, Texas, an incorporated, home rule city (the “City”), authorizes the annexation of certain territory into the corporate boundaries of the City; and

WHEREAS, the area described in Section 1 herein (the “Area”), which is further described and depicted in the attached “Exhibit A” and “Exhibit B”, respectively, is determined by the City Council of the City (the “City Council”) to be considered for annexation; and

WHEREAS, pursuant to the City Council’s Resolution 2019-28, dated May 21, 2019, the City Manager has prepared a service plan for the Area in accordance with the Code, and said service plan was made available and explained to the public at the scheduled public hearings described herein, and is attached to this Ordinance as “Exhibit C”; and

WHEREAS, all required notices have been made and sent in accordance with the Code, including written notice of intent to annex the Area to each property owner, each public entity, each public school district, and each railroad company within the Area; and

WHEREAS, as required by the Code, the City Council passed Resolution 2019-27 ordering two (2) public hearings giving persons interested in the annexation of the Area the opportunity to be heard; and

WHEREAS, notice of such public hearings was published in the Huntsville Item, a paper having general circulation in the City and Walker County, Texas, on Sundays, June 16 and June 30, 2019, and were posted on the City’s website and remained continuously posted on the website through the day of the second public hearing, which dates were not more than twenty (20) days nor less than ten (10) days prior to the date of the opening of such public hearings; and

WHEREAS, the public hearings were held at six o'clock (6:00 p.m.) on Tuesday, July 2, 2019 and on Tuesday, July 16, 2019 in the City Council Chambers of the City Council at City Hall, 1212 Avenue M, Huntsville, Texas, which dates are not more than forty (40) days nor less than twenty (20) days prior to the consideration of this ordinance; and

WHEREAS, the City Council finds that each property owner of land within the Area that is subject to an agricultural use, timber land, or wildlife management ad valorem tax exemption has been offered a development agreement pursuant to the Code, and that each owner has either accepted or rejected the offer to make a development agreement, with a copy of any such development agreement, and the description of any property that may be exempt from annexation through such development agreement, being attached to this Ordinance as "Exhibit D"; and

WHEREAS, the development agreements offered by the City under the Code are effective only if the area including the property that is the subject of the development agreement is actually annexed by the City Council; and

WHEREAS, the City Council deems it to be in the best interest of the citizens of the City to annex the Area into the City; **NOW THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE:

SECTION 1. **THAT** the Area, which is further described and depicted in the attached "Exhibit A" and "Exhibit B", respectively, and incorporated herein for all intents and purposes, which abuts and is adjacent to the existing corporate limits of the City, is hereby annexed into, and included within, the corporate limits of the City, save and except any property that may be exempted from annexation through a development agreement, with a copy of any such development agreement, and the description of any property that may be exempt from annexation through such development agreement, being attached to this Ordinance as "Exhibit D".

SECTION 2. **THAT** the service plan, attached as "Exhibit C" and incorporated herein by reference for all purposes, was submitted in accordance with the Code and is hereby approved as a part of this Ordinance.

SECTION 3. **THAT** the City Council hereby declares it to be its purpose to annex into the City of Huntsville every part of the Area described in Section 1 of this Ordinance save and except the property exempted from annexation through a development agreement, with the description of such exempt property being attached to this Ordinance as "Exhibit D", regardless of whether any part of the Area is not hereby effectively annexed into the City. Should this Ordinance for any reason be ineffective as to any part or parts of the Area hereby annexed into the City for full purposes, the ineffectiveness of this Ordinance as to any such part or parts shall not affect the effectiveness of this Ordinance as to the remainder of the Area.

SECTION 4. THAT the City Manager, or his designee, is hereby authorized and directed to correct the map of the City by adding thereto the Area annexed by this Ordinance, indicating on the map the date of annexation and the number of this Ordinance. The City Secretary and the City Engineer shall each keep in their respective offices an official map of the City showing the boundaries of the municipal corporation, including this annexation.

SECTION 5. THAT, this Ordinance shall become effective when signed by the Mayor after its approval by the City Council on Second Reading.

SECTION 6. THAT should any paragraph, section, sentence, phrase, clause or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 7. THAT the City Secretary is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative method of publication provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading on _____.

Passed by the City Council on second reading on _____.

MAYOR

ATTEST:

Brenda Poe, City Secretary

APPROVED AS TO FORM:

Leonard Schneider, City Attorney

Ord. Annexation – Area D – Eastern Huntsville
August 1, 2019

EXHIBIT A – DESCRIPTION OF ANNEXATION AREA

EXHIBIT B – DEPICTION OF ANNEXATION AREA

EXHIBIT C – SERVICE PLAN FOR ANNEXATION AREA

EXHIBIT D – DEVELOPMENT AGREEMENTS RELATED TO ANNEXATION AREA

Ex A Ord. 2019-44

CITY OF HUNTSVILLE, TEXAS
Engineering - Surveying
448 State Hwy. 75 N
Huntsville, Texas 77320

THE STATE OF TEXAS §

COUNTY OF WALKER §

I, Leonard E. Woods, Registered Professional Land Surveyor No. 2524, do hereby certify that this document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

AREA D

Being a tract of land, containing approximately 155.09 acres of land situated in the ALEXANDER BROWN SURVEY, Abstract No. 94 and the H. D. RIPLEY SURVEY, Abstract No. 489, both in Walker County, Texas, comprised of those tracts or parcels listed and shown on a Map attached hereto as Exhibit "B", incorporated and made a part of this description, together with any strips, gores, gaps, additional tracts, right-of-way's and other properties that may not be listed in Exhibit "B" but lies within the bounds of this description, said approximately 155.09 acres of land being described by metes and bounds as follows:

BEGINNING, at a point in the east or northeast right-of-way line of State Highway No. 75, being a reentrant corner of the existing City Limits as established by Ordinance No. 94-30, said beginning corner being also the most westerly northwest corner of Tract 1A – 60.05 Ac. according to a Replat of Gibbs Brothers – Ripley One recorded in Volume 6, page 21, Plat Records of Walker County, Texas;

THENCE N 52°38'51" E 871.30 feet (6/21, PR), with the existing City Limits as established by Ordinance No. 94-30 and the most westerly north line of said Tract 1A to an ell corner of said City Limits and a reentrant corner of said Lot 1A;

THENCE N 37°20'22" W 547.46 feet (6/21, PR), continuing with the existing City Limits as established by Ordinance No. 94-30 and the most northerly west line of said Tract 1A to the northwest corner of said Tract 1A and the most southerly southwest corner of Lot 1 – 14.95 Acres according to a Plat of Johnny Q. Griffin, II 31.12 Ac. Tract recorded in Volume 4, page 151, Plat Records, said Lot 1 – 14.95 Acres being annexed into corporate limits of the City of Huntsville by Ordinance No. 2019-14;

THENCE N 87°18'37" E (6/21, PR), with the north line of said Lot 1A, with the existing City Limits as established by said Ordinance No. 2019-14 and the south line of said Lot 1 – 14.95 Acres, at 736.23 feet (4/151, PR) pass the southeast corner of Lot 1 and existing City Limits, departing City

limits, continuing N 87°18'37" E, a total distance of 1509.40 feet (6/21, PR) to the northeast corner of said Tract 1A;

THENCE S 02°35'00" E 514.28 feet (6/21, PR), with the east line of said Tract 1A to an angle corner in its east line and Corner 12 of United States Forest Service (USFS) called 384 acre tract designated as Tract J12f in a Deed recorded in Volume 82, page 161, Deed Records of Walker County, Texas;

THENCE S32°13'54" E 548.57 feet (6/21, PR), with the most southerly east line of said Tract 1A and the west or southwest line of said (USFS) Tract J12f to the most easterly corner of said Tract 1A and the north or northeast corner of a residue portion of called 1198 acre tract described as the "Twenty-fourth tract" in a Deed from T. F. Sims, Administrator of the Estate of George W. Grant to Sallie E. Gibbs dated December 20, 1900 and recorded in Volume 16, page 235, Deed Records and subsequently conveyed to Gibbs Brothers & Company by Deed Recorded in Volume 40, page 39, Deed Records;

THENCE Southeasterly, continuing with the west or southwest of said (USFS) Tract J12f and the east or northeast line of said Gibbs residue tract, approximately 2,574 feet, to the east or southeast corner of said Gibbs residue tract and the north or northeast corner of a called 18.528 acre tract Deeded to Brian Young recorded in Volume 1318, page 14, Official Public Records of Walker County, Texas;

THENCE S 57°43'58" W 674.94 feet (1318/14, OPR), with the south or southeast line of said Gibbs residue tract and the north or northwest line of said Young 18.528 acre tract, to the west or northwest corner of said Young 18.528 acre tract and the north or northeast corner of a called 4.76 acre tract described in a Deed to Max A. Threadgill recorded in Volume 100, page 146, Official Public Records;

THENCE S 57°46'01" W (602/750, OPR), with the south or southeast line of said Gibbs residue tract and the north or northwest line of said Threadgill 4.76 acre tract, at 523.51 feet (602/750, OPR) pass the east or southeast corner of a 50 foot by 50 foot Lift Station Site, within said Gibbs residue tract, granted to the City of Huntsville by instrument recorded in Volume 602, page 750, Official Public Records, continuing S 57°46'01" W (602/750, OPR), with the south or southeast line of said Gibbs residue tract and the north or northwest line of said Threadgill 4.76 acre tract, a total distance of 872.50 feet (602/750, OPR), to the common corner of said Gibbs residue and Threadgill 4.76 acre tracts in the east or northeast right-of-way line of State Highway No. 75, said corner being existing City Limits as established by Ordinance No. 97-20;

THENCE N 37°21'05" W 2,426.53 feet (602/750, OPR), with the west or northwest line of said Gibbs residue tract, the east or northeast right-of-way line of State Highway No. 75 and the existing City Limits as established by Ordinance No. 97-20, to the west or northwest corner of said Gibbs residue tract and the south or southwest corner of said Tract 1A – 60.05 Ac.;

THENCE N 37°20'37" W 1,279.85 feet (6/21, PR), with the west or northwest line of said Tract 1A – 60.05 Ac., being along the east or northeast right-of-way line of State Highway No. 75

2019 Annexation
Area D July 2019
City of Huntsville
Walker County, Texas

and existing City Limits as established by said Ordinance No. 97-20 and Ordinance No. 94-30, to the **POINT OF BEGINNING**.

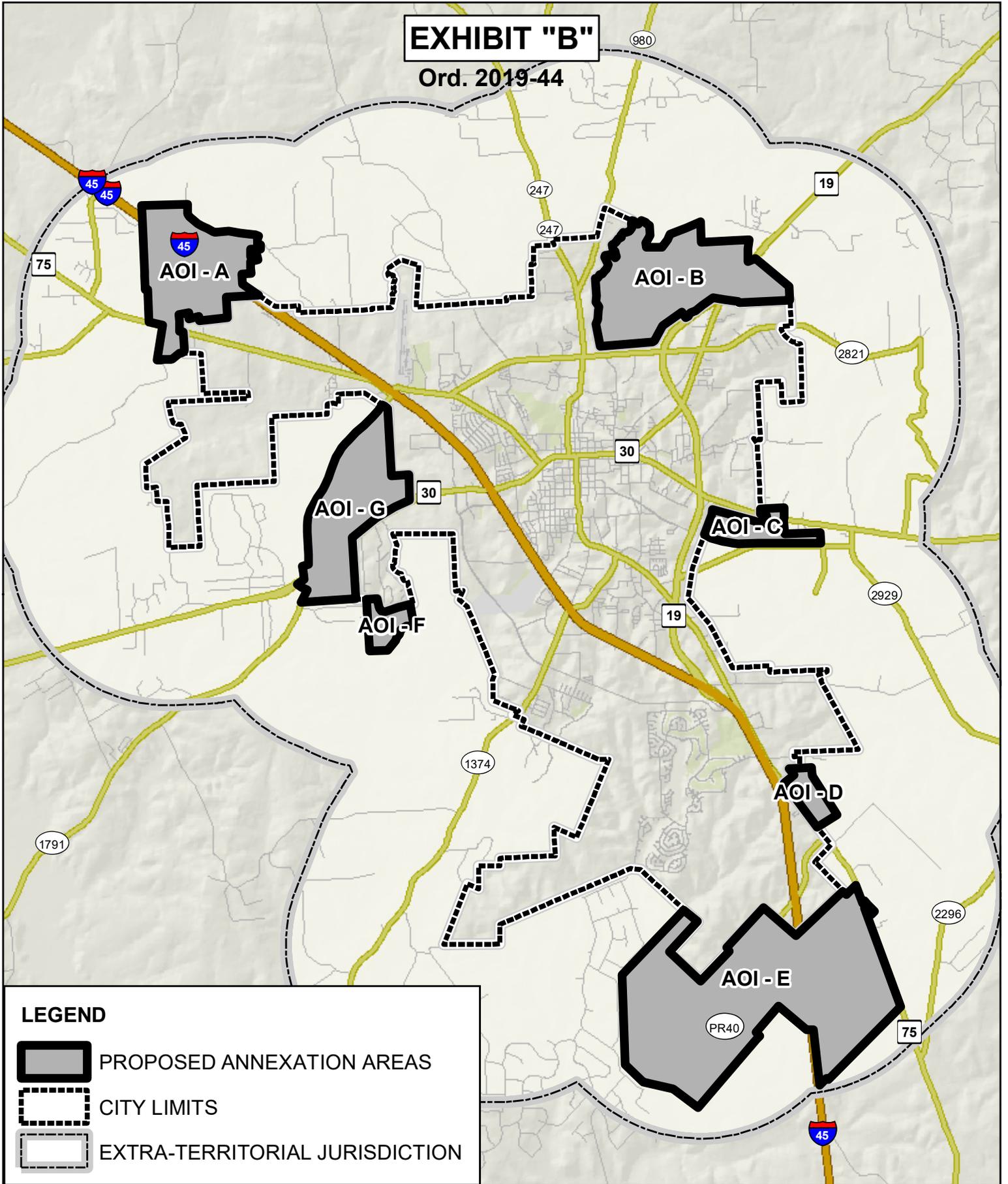
Signed _____

Leonard E. Woods
Reg. Prof. Land Surveyor No.2524

Y:\SURVEYORS\PROJECTS\COH19\PS\ANNEXATION\WEATHERFORD AREA D\AREA D PERIMETER.fns.docx

EXHIBIT "B"

Ord. 2019-44



LEGEND

-  PROPOSED ANNEXATION AREAS
-  CITY LIMITS
-  EXTRA-TERRITORIAL JURISDICTION

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On Any Print Size

CREATED DATE: 7/30/2019

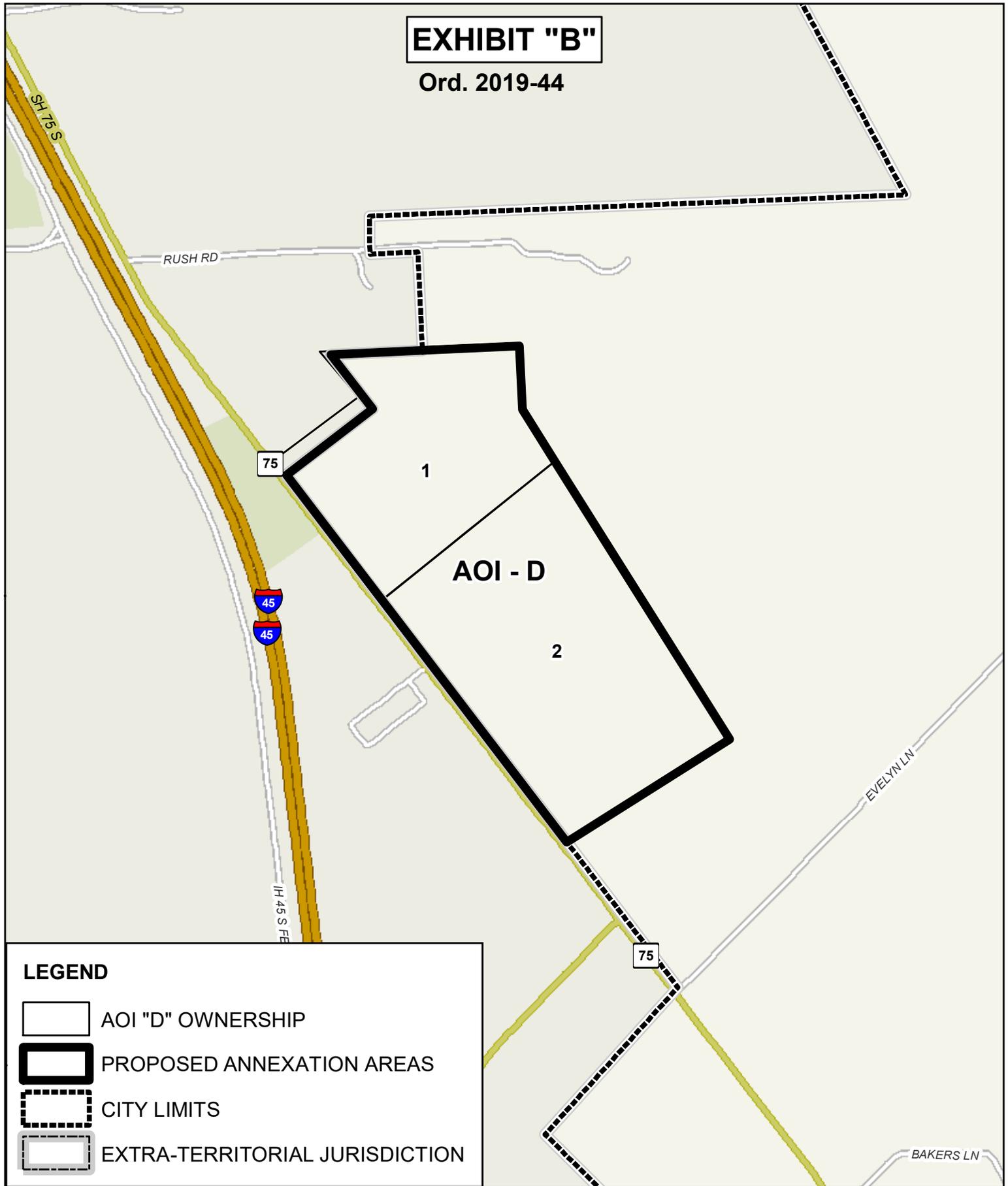
CITY OF HUNTSVILLE, TX
ENGINEERING DEPARTMENT / GIS DIVISION

PROPOSED ANNEXATION AREAS OF INTEREST

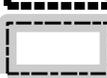


EXHIBIT "B"

Ord. 2019-44



LEGEND

-  AOI "D" OWNERSHIP
-  PROPOSED ANNEXATION AREAS
-  CITY LIMITS
-  EXTRA-TERRITORIAL JURISDICTION

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1 in = 1,000 ft

On 8.5 x 11 inch Print

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CREATED DATE: 7/30/2019

CITY OF HUNTSVILLE, TX
ENGINEERING DEPARTMENT / GIS DIVISION

**PROPOSED ANNEXATION
AREA OF INTEREST - D**



Exhibit “C” Ord. 2019-44

AREA D - MUNICIPAL SERVICE PLAN

Approximately 254 acres located east of City limits, near SH 75 S and Rush Rd.

FIRE

Existing Services: City of Huntsville Fire Department currently provides first response for site.

Services to be Provided: The annexed area shall continue to be served by fire protection personnel and equipment from the City Fire Department. Adequate fire suppression activities can be afforded to the annexed area within current budget appropriation. Fire prevention activities will be provided by the Fire Marshall’s office as needed.

POLICE

Existing Services: City of Huntsville Police Department does not currently provide first response for the site.

Services to be Provided: City police department will perform regular and routine patrols to the area and respond to calls for service. This area averages 4 calls for service per year. Areas A-F combined average 200 calls for service per year. While this does not necessarily justify additional police personnel, calls for service plus additional land mass should be taken into consideration when additional personnel are requested in the future.

BUILDING INSPECTION & CODE ENFORCEMENT

Existing Services: None

Services to be Provided: The Building Inspection Division will provide building inspection services upon annexation. This includes issuing building, electrical, mechanical and plumbing permits for any new construction and/or remodeling; and enforcing all other applicable codes which regulate building construction within the City of Huntsville. Code enforcement services will provide upon annexation for the purpose of ensuring the public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Such services can be provided with current Division Personnel and within the current budget appropriation.

PLANNING

Existing Services: The City has subdivision regulatory authority in the Extraterritorial Jurisdiction (ETJ).

Services to be Provided: The Planning Division's responsibility for regulating development and land use through the administration of the City of Huntsville Development Code will extend to this area on the effective date of the annexation. The subdivision of property will also continue to be regulated under the requirements of the City of Huntsville Development Code. These services can be provided within the department's current budget.

LIBRARY

Existing Services: City library facilities are presently available at no fee.

Services to be Provided: Upon the effective date of annexation, all of the city library facilities shall be available to anyone residing in this area. These privileges can be provided within the current budget appropriation.

HEALTH DIVISION- HEALTH CODE ENFORCEMENT SERVICE

Existing Services: None

Services to be Provided: The City of Huntsville Health Division will implement the enforcement of the City's health ordinances and regulations on the effective date of the annexation. Such services can be provided with current Health Division Personnel and within the current budget appropriation.

STREET MAINTENANCE

Existing Services: No Street Maintenance is currently provided.

Services to be Provided: Hwy 75 South (3750'); possibly provide litter control and mowing.

STREET LIGHTING

Existing Services: None

Services to be Provided: The City of Huntsville will consider requests for improved street lighting in accordance with the City's policy through the local electric provider.

SOLID WASTE SERVICES

Existing Services: Solid Waste Collection is currently being provided by the City of Huntsville to certain developed properties in the area to be annexed.

Services to be Provided: Solid Waste Collection shall continue to be provided to the area of annexation that is currently served. Solid Waste Collection shall be provided to the existing unserved properties located in the area of annexation upon development of the property. Properties currently receiving Solid Waste services from entities other than the City of Huntsville may continue to do so for a period of two years.

STORM WATER MANAGEMENT, TRAFFIC ENGINEERING, WATER SERVICE, SANITARY SEWER SERVICE

Existing Services: None

Services to be Provided: The City currently has the capacity to supply water and sewer services to the proposed annexation area where not served by another utility district. Upon annexation, any new development will be responsible for designing and installing new water, sanitary sewer, storm water management facilities and new roads at their own expense, in accordance with City's Development Code and Engineering Standards, Specifications and Design Criteria.

MISCELLANEOUS

All other applicable municipal services will be provided to the area in accordance with the City of Huntsville's established policies governing extension of municipal services to newly annexed areas.



CITY COUNCIL AGENDA

8/6/2019
Agenda Item: 2h

Item/Subject: FIRST READING - Consider Ordinance 2019-45 for the proposed annexation of approximately 3,548 acres located south of the current City limits, near SH 75 S, IH 45 and Park Rd 40, and known as "Area E," first reading.

Initiating Department/Presenter: Development Services

Presenter: Leigha Larkins, Planner

Recommended Motion: None, First Reading of the Annexation Ordinance.

Strategic Initiative: Goal #3 - Economic Development - Promote and enhance a strong and diverse economy.

Discussion: Per the requirement of Texas Local Government Code Section 43.063 two (2) public hearings were scheduled by City Council Resolution 2019-27, dated May 7, 2019, to receive comments on the petition for the proposed annexation. The public hearings were held before City Council on July 2, 2019, and July 16, 2019.

After the public hearing period, an ordinance must be adopted between 20 – 40 days from the public hearings. This is the first reading of the annexation ordinance. A second reading and consideration of the ordinance will be on August 20, 2019.

Previous Council Action:

- Workshops for City Council were held on 3/5/2019 and 4/16/2019.
- Resolution 2019-27 was adopted on May 7, 2019, setting a date, time, and place, for a public hearing on the proposed annexation.
- Resolution 2019-28 was adopted on May 21, 2019, authorizing staff to prepare a service plan for each area of the proposed annexation.
- First of the two required public hearings was held on 7/2/2019
- Second of the two required public hearings was held on 7/16/2019

Financial Implications:

There is no financial impact associated with this item.

Approvals: City Attorney Director of Finance City Manager

Associated Information:

- DRAFT Ordinance with Exhibits

ORDINANCE NO. 2019-45

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS ANNEXING AN AREA OF LAND INTO THE CITY OF HUNTSVILLE AND EXTENDING THE BOUNDARY LIMITS OF THE CITY; WITH SAID AREA OF LAND BEING GENERALLY DESCRIBED AS APPROXIMATELY THREE THOUSAND FIVE HUNDRED FORTY-EIGHT (3,548) ACRES OF LAND ADJACENT TO THE SOUTHERN CITY LIMITS NEAR SH-75S, IH-45, AND PARK ROAD 40, SAVE AND EXCEPT CERTAIN PROPERTY EXEMPT FROM ANNEXATION THROUGH A DEVELOPMENT AGREEMENT; PROVIDING FOR THE ADOPTION OF A SERVICE PLAN FOR THE AREA OF LAND TO BE ANNEXED; MAKING FINDINGS INCIDENT TO THE ANNEXATION OF THE AREA OF LAND TO BE ANNEXED; PROVIDING FOR THE CORRECTION OF THE CITY MAP TO INCLUDE THE ANNEXED AREA; PROVIDING AN EFFECTIVE DATE; PROVIDING A SAVINGS CLAUSE; AND, PROVIDING FOR PUBLICATION.

WHEREAS, Chapter 43 of the Texas Local Government Code (the “Code”) and Article II of the Charter of the City of Huntsville, Texas, an incorporated, home rule city (the “City”), authorizes the annexation of certain territory into the corporate boundaries of the City; and

WHEREAS, the area described in Section 1 herein (the “Area”), which is further described and depicted in the attached “Exhibit A” and “Exhibit B”, respectively, is determined by the City Council of the City (the “City Council”) to be considered for annexation; and

WHEREAS, pursuant to the City Council’s Resolution 2019-28, dated May 21, 2019, the City Manager has prepared a service plan for the Area in accordance with the Code, and said service plan was made available and explained to the public at the scheduled public hearings described herein, and is attached to this Ordinance as “Exhibit C”; and

WHEREAS, all required notices have been made and sent in accordance with the Code, including written notice of intent to annex the Area to each property owner, each public entity, each public school district, and each railroad company within the Area; and

WHEREAS, as required by the Code, the City Council passed Resolution 2019-27 ordering two (2) public hearings giving persons interested in the annexation of the Area the opportunity to be heard; and

WHEREAS, notice of such public hearings was published in the Huntsville Item, a paper having general circulation in the City and Walker County, Texas, on Sundays, June 16 and June 30, 2019, and were posted on the City’s website and remained continuously posted on the website through the day of the second public hearing, which dates were not more than twenty (20) days nor less than ten (10) days prior to the date of the opening of such public hearings; and

WHEREAS, the public hearings were held at six o'clock (6:00 p.m.) on Tuesday, July 2, 2019 and on Tuesday, July 16, 2019 in the City Council Chambers of the City Council at City Hall, 1212 Avenue M, Huntsville, Texas, which dates are not more than forty (40) days nor less than twenty (20) days prior to the consideration of this ordinance; and

WHEREAS, the City Council finds that each property owner of land within the Area that is subject to an agricultural use, timber land, or wildlife management ad valorem tax exemption has been offered a development agreement pursuant to the Code, and that each owner has either accepted or rejected the offer to make a development agreement, with a copy of any such development agreement, and the description of any property that may be exempt from annexation through such development agreement, being attached to this Ordinance as "Exhibit D"; and

WHEREAS, the development agreements offered by the City under the Code are effective only if the area including the property that is the subject of the development agreement is actually annexed by the City Council; and

WHEREAS, the City Council deems it to be in the best interest of the citizens of the City to annex the Area into the City; **NOW THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE:

SECTION 1. **THAT** the Area, which is further described and depicted in the attached "Exhibit A" and "Exhibit B", respectively, and incorporated herein for all intents and purposes, which abuts and is adjacent to the existing corporate limits of the City, is hereby annexed into, and included within, the corporate limits of the City, save and except any property that may be exempted from annexation through a development agreement, with a copy of any such development agreement, and the description of any property that may be exempt from annexation through such development agreement, being attached to this Ordinance as "Exhibit D".

SECTION 2. **THAT** the service plan, attached as "Exhibit C" and incorporated herein by reference for all purposes, was submitted in accordance with the Code and is hereby approved as a part of this Ordinance.

SECTION 3. **THAT** the City Council hereby declares it to be its purpose to annex into the City of Huntsville every part of the Area described in Section 1 of this Ordinance save and except the property exempted from annexation through a development agreement, with the description of such exempt property being attached to this Ordinance as "Exhibit D", regardless of whether any part of the Area is not hereby effectively annexed into the City. Should this Ordinance for any reason be ineffective as to any part or parts of the Area hereby annexed into the City for full purposes, the ineffectiveness of this Ordinance as to any such part or parts shall not affect the effectiveness of this Ordinance as to the remainder of the Area.

SECTION 4. THAT the City Manager, or his designee, is hereby authorized and directed to correct the map of the City by adding thereto the Area annexed by this Ordinance, indicating on the map the date of annexation and the number of this Ordinance. The City Secretary and the City Engineer shall each keep in their respective offices an official map of the City showing the boundaries of the municipal corporation, including this annexation.

SECTION 5. THAT, this Ordinance shall become effective when signed by the Mayor after its approval by the City Council on Second Reading.

SECTION 6. THAT should any paragraph, section, sentence, phrase, clause or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 7. THAT the City Secretary is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative method of publication provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading on _____.

Passed by the City Council on second reading on _____.

MAYOR

ATTEST:

Brenda Poe, City Secretary

APPROVED AS TO FORM:

Leonard Schneider, City Attorney

Ord. Annexation – Area E – Southern Huntsville
August 1, 2019

EXHIBIT A – DESCRIPTION OF ANNEXATION AREA

EXHIBIT B – DEPICTION OF ANNEXATION AREA

EXHIBIT C – SERVICE PLAN FOR ANNEXATION AREA

EXHIBIT D – DEVELOPMENT AGREEMENTS RELATED TO ANNEXATION AREA

Ex A to Ord. 2019-45

CITY OF HUNTSVILLE, TEXAS

Engineering - Surveying

448 State Hwy. 75 N

Huntsville, Texas 77320

THE STATE OF TEXAS §

COUNTY OF WALKER §

I, Leonard E. Woods, Registered Professional Land Surveyor No. 2524, do hereby certify that this document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

AREA E

Being a tract of land, containing approximately 3,501.33 acres of land, situated in the J. P. GIBBS SURVEY, Abstract No. 782, the JAMES B. WILSON SURVEY, Abstract No. 607, the SILAS GAMMON SURVEY, Abstract No. 217, the MONTGOMERY COUNTY SCHOOL LAND SURVEY, Abstract No. 353, the JOHN HEYSER SURVEY, Abstract 240, the THOMAS CAROTHERS SURVEY, Abstract No. 140, the AUGUSTUS V. SHARP SURVEY, Abstract No. 531, the JOHN W. INGERSOLL LEAGUE, Abstract No. 27, and the HENRY APPLEWHITE SURVEY, Abstract No. 57, all in Walker County, Texas, comprised of those tracts or parcels listed and shown on a Map attached hereto as Exhibit "B", incorporated and made a part of this description, together with any strips, gores, gaps, additional tracts, right-of-way's and other properties that may not be listed in Exhibit "B" but lies within the bounds of this description, said approximately 3,501.33 acres of land being described by metes and bounds as follows:

BEGINNING, at a corner of the existing City Limits, being the north corner of the JOHN M. HARDEMAN SURVEY, Abstract No. 279, said HARDEMAN SURVEY annexed as "USA Forest - South Area F" of Ordinance No. 2002-24, said beginning corner being also in the southwest line of the JOHN FOX SURVEY, Abstract No. 200, said FOX SURVEY annexed as "I.H. 45/S H. 75 SOUTH/PARK 40" of Ordinance No. 97-20, both HARDEMAN and FOX SURVEYS being a portion of United States Forest Service (USFS) Tract J12p, said beginning corner being also the upper east corner of said GIBBS SURVEY, conveyed as 18.948 acres, in a Deed to the State of Texas for the use and benefit of the Parks and Wildlife Department, recorded in Volume 276, page 692, Deed Records of Walker County, Texas, found a 3" diameter concrete monument with 2-1/2" brass disk for corner no. 14 of said USFS Tract J12p, having NAD 83 (2011) coordinates of N= 10,228,019.99 feet and E= 3,806,848.05 feet;

THENCE with the existing City Limits as defined in said "USA Forest - South Area F" of Ordinance No. 2002-24 as follows:

EXHIBIT "A"

Page 1 of 5

- (1) S 42°45'31" W 2813.47 feet (276/692, DR) to the west corner of said HARDEMAN SURVEY and a reentrant corner of said GIBBS SURVEY, found a 3" diameter concrete monument with 2-1/2" brass disk for corner no. 13 of said USFS Tract J12p;
- (2) S 47°57'22" E 2773.05 feet (276/692, DR) to the south corner of said HARDEMAN SURVEY, the lower east corner of said GIBBS SURVEY and the north corner of said INGERSOLL LEAGUE, found a 3" diameter concrete monument with 2-1/2" brass disk for corner no. 12 of said USFS Tract J12p, said corner being a northerly corner of a called 2044.1 acre tract described in a Deed to State Parks Board recorded in Volume 89, page 368, Deed Records;
- (3) N 44° E 1012.4 varas (89/368, DR), with southeast line of said HARDEMAN SURVEY and a northwest line of said GAMMON SURVEY to the east corner of said HARDEMAN SURVEY and corner of said State Parks Board 2044.1 acre tract;
- (4) N 45° W 78.6 varas (89/368, DR), with the northeast line of said HARDEMAN SURVEY to the south corner of said FOX SURVEY, a corner of said State Parks Board 2044.1 acre tract and a south corner of said "I.H. 45/S H. 75 SOUTH/PARK 40" of Ordinance No. 97-20;

THENCE with the existing City Limits as defined in said "I.H. 45/S H. 75 SOUTH/PARK 40" of Ordinance No. 97-20 as follows:

- (1) N 45° E 1321.2 varas (89/368, DR), with common line of said FOX and GAMMON SURVEYS, to the north corner of said GAMMON SURVEY and the lower west corner of the I & G.N. R.R. CO. SURVEY, Abstract No. 687, being a corner of said State Parks Board 2044.1 acre tract;
- (2) S 45° E 1100 varas (89/368, DR), with the northeast line of said GAMMON SURVEY and a southwest line of said I & G.N. R.R. CO. and MONTGOMERY COUNTY SCHOOL LAND SURVEYS, to the east corner of said GAMMON SURVEY, an ell corner of said MONTGOMERY COUNTY SCHOOL LAND SURVEY and a corner of said State Parks Board 2044.1 acre tract;
- (3) N 45° E 4619.44 feet (Ord. No. 97-20), crossing Interstate Highway No. 45, continuing across a called 1807.51 acre tract described as "Tract One" in a Deed to JCC Living Trust Dated December 15, 2011 recorded in Volume 1015, page 887, Official Public Records of Walker County, Texas, to a point in a northeast line of said JCC Living Trust 1807.51 acre tract and said MONTGOMERY COUNTY SCHOOL LAND SURVEY common with the southwest line of said SHARP SURVEY, being an easterly corner of said "I.H. 45/S H. 75 SOUTH/PARK 40" of Ordinance No. 97-20 and being in the southwest line of a called 13.3 acre tract described as "Tract 1" in a Deed to Gary M. Hammett recorded in Volume 408, page 531, Official Public Records;

THENCE departing existing City Limits;

THENCE Southeasterly, with the common line of said JCC Living Trust 1807.51 acre and Hammett 13.3 acre tracts, approximately 330 feet, to the south corner of said Hammett 13.3 acre tract, an ell corner of said JCC Living Trust 1807.51 acre tract and being in the northwest line of a called

62.75 acre tract described in a Deed to DAJ Properties, LLC, recorded in Volume 920, page 171, Official Public Records;

THENCE N 47°15'W (408/531, OPR), with the southeast line of said Hammett 13.3 acre tract and the northwest line of said DAJ Properties 62.75 acre tract, at 652.5 feet (408/531, OPR) pass the east corner of said Hammett 13.3 acre tract and the north corner of said DAJ Properties 62.75 acre tract situated in the west right-of-way line of State Highway No. 75, continuing N 47°15'W, across said State Highway No. 75, to a point in its east right-of-way line;

THENCE Southerly, with the east right-of-way line of said State Highway No. 75, approximately 1570 feet, to the upper northwest corner of a called 5.57 acre tract described in a Deed to Mitcham Industries, Inc. recorded in Volume 263, page 379, Official Public Records;

THENCE along its boundaries, with calls for course and distance referenced to said Deed recorded in Volume 263, page 379, Official Public Records, as follows:

- (1) N 45°30'15" E, along its northwest line, 309.0 feet;
- (2) S 44°29'45" E, along its northeast line, 700.0 feet;
- (3) S 45°59'50" W, along its southeast line, 350.0 feet;
- (4) N 44°29'45" W, along its southwest line, 615.3 feet to its lower northwest corner in the east right-of-way line of said State Highway No. 75

THENCE Southerly, with the east right-of-way line of said State Highway No. 75, approximately 6,640 feet to a 3/4" iron pipe, having coordinates referenced to NAD 83 (2011) of N= 10,222,713.00 feet and E= 3,820,261.56 feet, found for the northwest corner of Saddle Ridge subdivision according to a Plat recorded in Volume 3, page 54, Plat Records, said corner being near the division line of said MONTGOMERY COUNTY SCHOOL LAND SURVEY and the THEODORE BENNETT LEAGUE, Abstract No. 68;

THENCE S 43°15'21" W, NAD 83 (2011), across State Highway No. 75, passing the west right-of-way line of said State Highway No. 75, same being an east line of said JCC Living Trust 1807.51 acre tract, continuing S 43°15'21" W, across said JCC Living Trust 1807.51 acre tract, approximately 7055 feet pass a reentrant corner of same and being the north corner of a called 120.65 acre tract, situated in said BENNETT LEAGUE, described in a Deed to Bruno J. Maciejewski recorded in Volume 1128, page 618, Official Public Records, continuing S 43°15'21" W, on or near the northwest line of said Bruno J. Maciejewski 120.65 acre tract and a southeast line of said JCC Living Trust 1807.51 acre tract, a total distance of 7716.76 feet, to a 1/2" iron rod with a 2" diameter aluminum cap stamped "City of Huntsville L E Woods RPLS 2524 C L", having coordinates referenced to NAD 83 (2011) of N= 10,217,093.09 feet and E= 3,814,973.79 feet, set at the intersection of two old fence lines being at or near their common corner in the west right-of-way line of Interstate Highway No. 45;

THENCE Northerly, with the east right-of-way line of Interstate Highway No. 45 and the west line of said JCC Living Trust 1807.51 acre tract as follows:

- (1) N 08°00'39" W 411.45 feet (1015/887, OPR);
- (2) N 07°47'09" W 999.54 feet (1015/887, OPR);

(3) N 06°46'27" W 1074.50 feet (1015/887, OPR);

(4) N 07°01'16" W 1127.85 feet (1015/887, OPR) to an ell corner of said JCC Living Trust 1807.51 acre tract and the south corner of called 2.43 acre tract, situated in said CAROTHERS SURVEY, described as "Tract No. 2" in a Deed to Robert Donnell Foster recorded in Volume 314, page 223, Official Public Records;

THENCE Westerly, across said Interstate Highway No. 45, to the south corner of a called 38.85 acre tract, described as "Tract No. 1" in said Deed to Robert Donnell Foster, same being a northeast corner of a called 3,314.028 acre tract described in a Deed to I Texas Grand Ranch, LLC recorded in Volume 1271, page 484, Official Public Records;

THENCE N 47°51'49" W (1271/484, OPR) with the southwest line of said Foster 38.85 acre tract and a northeast line of said I Texas Grand Ranch, LLC 3,314.028 acre tract, 2615.78 feet (1271/484, OPR), to a north corner of said 3,314.028 acre tract, same being an east corner of a called 2044.1 acre tract described in a Deed to the State Parks Board recorded in Volume 89, page 368, Deed Records;

THENCE with the common boundary of said I Texas Grand Ranch, LLC 3,314.028 acre and said State Parks Board 2044.1 acre tracts, with calls for course and distance referenced to I Texas Grand Ranch, LLC Deed recorded in Volume 1271, page 484, Official Public Records, as follows:

(1) S 41°56'43" W 2,083.57 feet;

(2) S 45°53'55" E 607.92 feet;

(3) S 41°36'53" W 6,466.90 feet;

(4) N 47°38'37" W 1,749.09 feet;

(5) N 78°35'40" W 1,684.10 feet;

(6) N 48°46'17" W 1,709.23 feet;

(7) N 01°15'45" W 6,061.09 feet;

(8) N 43°20'07" E 6,002.99 feet to a 5/8" diameter iron rod with an aluminum cap stamped "J.S. Moorer" for an easterly corner of said I Texas Grand Ranch, LLC 3,314.028 acre tract and the south corner of called 4.23 acre tract described in a Deed to Texas Parks and Wildlife Department recorded in Volume 871, page 192, Official Public Records;

THENCE N 43°23'41" E 40.01 feet (871/192, OPR) with the southeast line of said Texas Parks and Wildlife Department 4.23 acre tract and a northwest line of said State Parks Board 2044.1 acre tract to their common corner in the existing City Limits established by "I.H. 45/S H. 75 SOUTH/PARK 40" of Ordinance No. 97-20, said corner being also in the southwest line of said FOX SURVEY and said United States Forest Service (USFS) Tract J12p;

THENCE Southeasterly, along the existing City Limits, being a northeast line of said State Parks Board 2044.1 acre tract and said Parks and Wildlife Department 18.948 acre tract and the southwest line Parks and Wildlife Department, same being the southwest line of said FOX SURVEY and said United States Forest Service (USFS) Tract J12p, approximately 1,290 feet, to the POINT OF BEGINNING.

2019 Annexation
AREA E, July 2019
City of Huntsville
Walker County, Texas

Signed _____

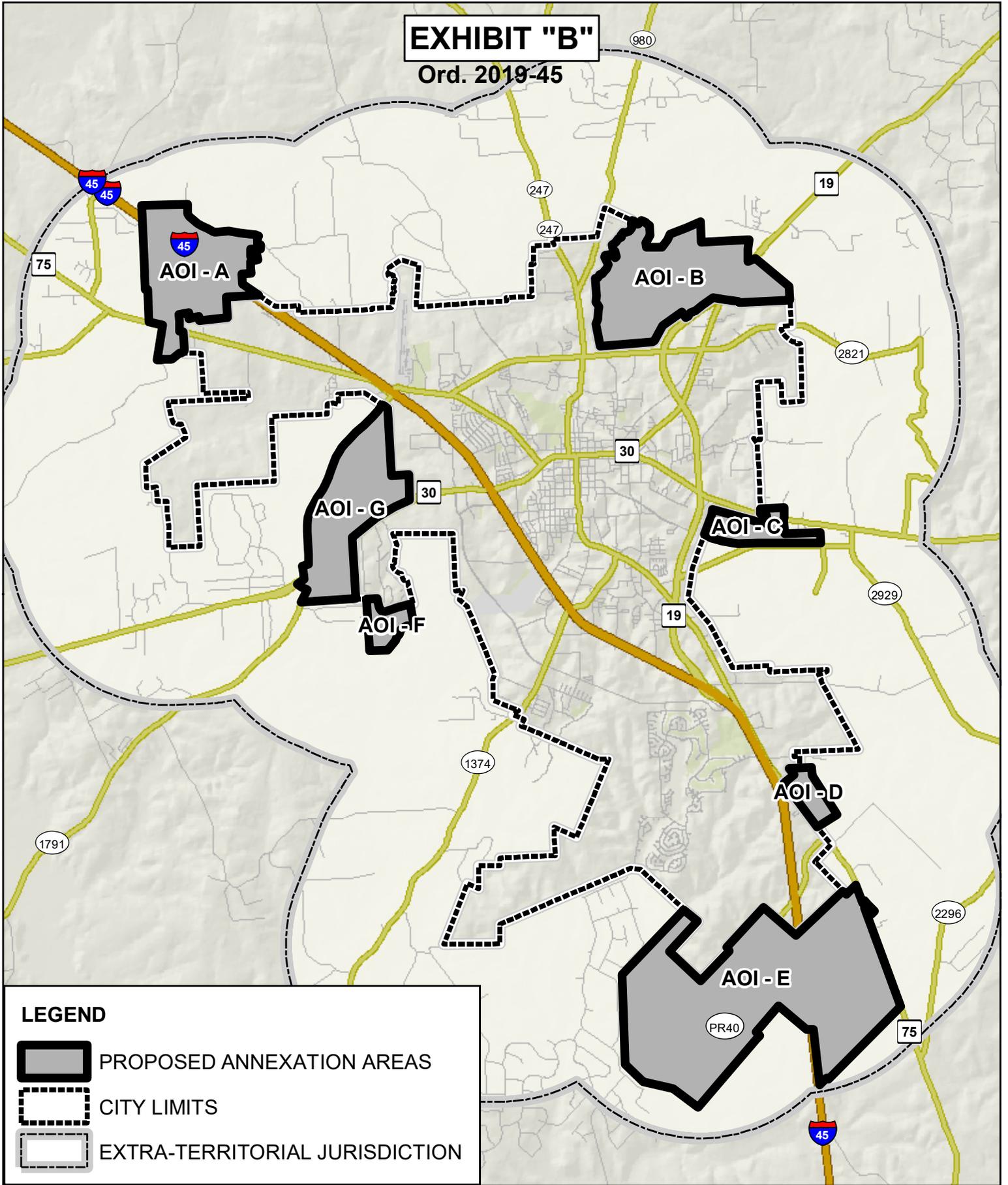
Leonard E. Woods
Reg. Prof. Land Surveyor No.2524

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DRAFT

EXHIBIT "B"

Ord. 2019-45



LEGEND



PROPOSED ANNEXATION AREAS



CITY LIMITS



EXTRA-TERRITORIAL JURISDICTION

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1 in = 8,333 ft

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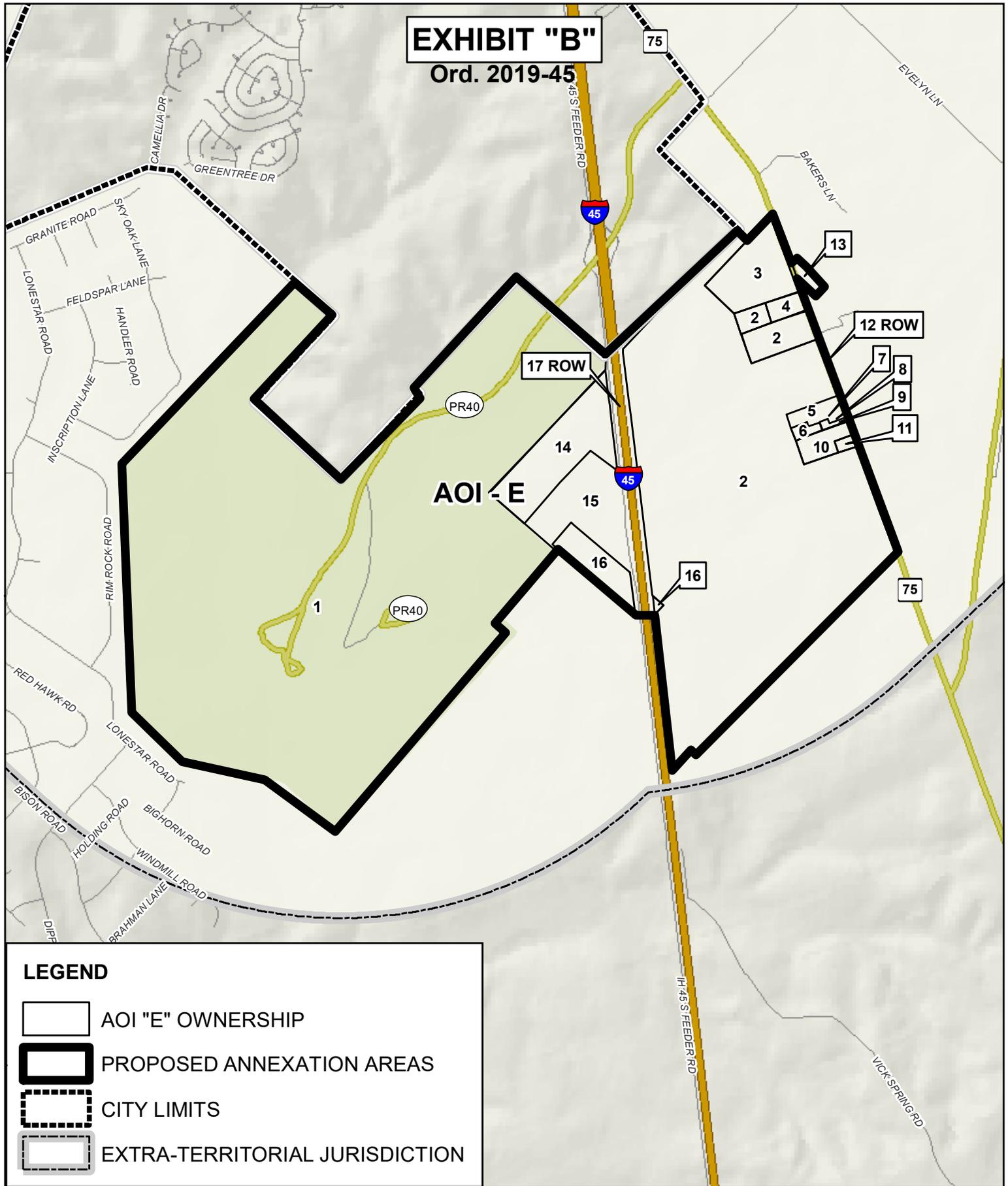
CITY OF HUNTSVILLE, TX
ENGINEERING DEPARTMENT / GIS DIVISION

PROPOSED ANNEXATION AREAS OF INTEREST



EXHIBIT "B"

Ord. 2019-45



LEGEND

- AOI "E" OWNERSHIP
- PROPOSED ANNEXATION AREAS
- CITY LIMITS
- EXTRA-TERRITORIAL JURISDICTION

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On Any Print Size

CREATED DATE: 7/30/2019

CITY OF HUNTSVILLE, TX
ENGINEERING DEPARTMENT / GIS DIVISION

**PROPOSED ANNEXATION
AREA OF INTEREST - E**



Exhibit “C” Ord. 2019-45

AREA E - MUNICIPAL SERVICE PLAN

Approximately 3548 acres located south of City limits, near SH 75 S, IH 45 and Park Rd 40.

FIRE

Existing Services: Walker County Emergency Services District 2 (ESD 2) currently mutual aid. Immediate response with the City of Huntsville Fire Department responding as

Services to be Provided: Upon annexation and in accordance with Section 775.022 of the Health and Safety Code, notification will be sent to ESD 2 that the City of Huntsville will be providing fire services within the annexation area and ESD 2 will be required to disannex the subject area. Adequate fire suppression activities can be afforded to the annexed area within current budget appropriation. Fire prevention activities will be provided by the Fire Marshall’s office as needed.

POLICE

Existing Services: City of Huntsville Police Department does not currently provide first response for the site.

Services to be Provided: City police department will perform regular and routine patrols to the area and respond to calls for service. This area averages 44 calls for service per year. Areas A-F combined average 200 calls for service per year. While this does not necessarily justify additional police personnel, calls for service plus additional land mass should be taken into consideration when additional personnel are requested in the future.

BUILDING INSPECTION & Code Enforcement

Existing Services: None

Services to be Provided:

The Building Inspection Division will provide building inspection services upon annexation. This includes issuing building, electrical, mechanical and plumbing permits for any new construction and/or remodeling; and enforcing all other applicable codes which regulate building construction within the City of Huntsville. Code enforcement services will provide upon annexation for the purpose of ensuring the public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Such services can be provided with current Division Personnel and within the current budget appropriation.

PLANNING

Existing Services: The City has subdivision regulatory authority in the Extraterritorial Jurisdiction (ETJ).

Services to be Provided: The Planning Division's responsibility for regulating development and land use through the administration of the City of Huntsville Development Code will extend to this area on the effective date of the annexation. The subdivision of property will also continue to be regulated under the requirements of the City of Huntsville Development Code. These services can be provided within the department's current budget.

LIBRARY

Existing Services: City library facilities are presently available at no fee.

Services to be Provided: Upon the effective date of annexation, all of the city library facilities shall be available to anyone residing in this area. These privileges can be provided within the current budget appropriation.

HEALTH DIVISION- HEALTH CODE ENFORCEMENT SERVICE

Existing Services: None

Services to be Provided: The City of Huntsville Health Division will implement the enforcement of the City's health ordinances and regulations on the effective date of the annexation. Such services can be provided with current Health Division Personnel and within the current budget appropriation.

STREET MAINTENANCE

Existing Services: No Street Maintenance is currently provided.

Services to be Provided: Hwy 75 South (9000'); possibly provide litter control and mowing.

STREET LIGHTING

Existing Services: None

Services to be Provided: The City of Huntsville will consider requests for improved street lighting in accordance with the City's policy through the local electric provider.

SOLID WASTE SERVICES

Existing Services: : Solid Waste Collection is currently being provided by the City of Huntsville to certain developed properties in the area to be annexed.

Services to be Provided: Solid Waste Collection shall continue to be provided to the area of annexation that is currently served. Solid Waste Collection shall be provided to the existing unserved properties located in the area of annexation upon development of the property. Properties currently receiving Solid Waste services from entities other than the City of Huntsville may continue to do so for a period of two years.

STORM WATER MANAGEMENT, TRAFFIC ENGINEERING, WATER SERVICE, SANITARY SEWER SERVICE

Existing Services: None

Services to be Provided: The City currently has the capacity to supply water and sewer services to the proposed annexation area where not served by another utility district. Upon annexation, any new development will be responsible for designing and installing new water, sanitary sewer, storm water management facilities and new roads at their own expense in accordance with City's Development Code and Engineering Standards, Specifications and Design Criteria.

MISCELLANEOUS

All other applicable municipal services will be provided to the area in accordance with the City of Huntsville's established policies governing extension of municipal services to newly annexed areas.



CITY COUNCIL AGENDA

8/6/2019
Agenda Item: 2i

Item/Subject: **FIRST READING** - Consider Ordinance 2019-46 for the proposed annexation of approximately 164 acres located west of the current City limits, south of Westridge Subdivision, and known as "Area F," first reading.

Initiating Department/Presenter: Development Services

Presenter: Leigha Larkins, Planner

Recommended Motion: **None, First Reading of the Annexation Ordinance.**

Strategic Initiative: Goal #3 - Economic Development - Promote and enhance a strong and diverse economy.

Discussion: Per the requirement of Texas Local Government Code Section 43.063 two (2) public hearings were scheduled by City Council Resolution 2019-27, dated May 7, 2019, to receive comments on the petition for the proposed annexation. The public hearings were held before City Council on July 2, 2019, and July 16, 2019.

After the public hearing period, an ordinance must be adopted between 20 – 40 days from the public hearings. This is the first reading of the annexation ordinance. A second reading and consideration of the ordinance will be on August 20, 2019.

Previous Council Action:

- Workshops for City Council were held on 3/5/2019 and 4/16/2019.
- Resolution 2019-27 was adopted on May 7, 2019, setting a date, time, and place, for a public hearing on the proposed annexation.
- Resolution 2019-28 was adopted on May 21, 2019, authorizing staff to prepare a service plan for each area of the proposed annexation.
- First of the two required public hearings was held on 7/2/2019
- Second of the two required public hearings was held on 7/16/2019

Financial Implications:

There is no financial impact associated with this item.

Approvals: City Attorney Director of Finance City Manager

Associated Information:

- DRAFT Ordinance with Exhibits

ORDINANCE NO. 2019-46

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS ANNEXING AN AREA OF LAND INTO THE CITY OF HUNTSVILLE AND EXTENDING THE BOUNDARY LIMITS OF THE CITY; WITH SAID AREA OF LAND BEING GENERALLY DESCRIBED AS APPROXIMATELY ONE HUNDRED SIXTY-FOUR (164) ACRES OF LAND ADJACENT TO THE WESTERN CITY LIMITS SOUTH OF THE WESTRIDGE SUBDIVISION, SAVE AND EXCEPT CERTAIN PROPERTY EXEMPT FROM ANNEXATION THROUGH A DEVELOPMENT AGREEMENT; PROVIDING FOR THE ADOPTION OF A SERVICE PLAN FOR THE AREA OF LAND TO BE ANNEXED; MAKING FINDINGS INCIDENT TO THE ANNEXATION OF THE AREA OF LAND TO BE ANNEXED; PROVIDING FOR THE CORRECTION OF THE CITY MAP TO INCLUDE THE ANNEXED AREA; PROVIDING AN EFFECTIVE DATE; PROVIDING A SAVINGS CLAUSE; AND, PROVIDING FOR PUBLICATION.

WHEREAS, Chapter 43 of the Texas Local Government Code (the “Code”) and Article II of the Charter of the City of Huntsville, Texas, an incorporated, home rule city (the “City”), authorizes the annexation of certain territory into the corporate boundaries of the City; and

WHEREAS, the area described in Section 1 herein (the “Area”), which is further described and depicted in the attached “Exhibit A” and “Exhibit B”, respectively, is determined by the City Council of the City (the “City Council”) to be considered for annexation; and

WHEREAS, pursuant to the City Council’s Resolution 2019-28, dated May 21, 2019, the City Manager has prepared a service plan for the Area in accordance with the Code, and said service plan was made available and explained to the public at the scheduled public hearings described herein, and is attached to this Ordinance as “Exhibit C”; and

WHEREAS, all required notices have been made and sent in accordance with the Code, including written notice of intent to annex the Area to each property owner, each public entity, each public school district, and each railroad company within the Area; and

WHEREAS, as required by the Code, the City Council passed Resolution 2019-27 ordering two (2) public hearings giving persons interested in the annexation of the Area the opportunity to be heard; and

WHEREAS, notice of such public hearings was published in the Huntsville Item, a paper having general circulation in the City and Walker County, Texas, on Sundays, June 16 and June 30, 2019, and were posted on the City’s website and remained continuously posted on the website through the day of the second public hearing, which dates were not more than twenty (20) days nor less than ten (10) days prior to the date of the opening of such public hearings; and

WHEREAS, the public hearings were held at six o'clock (6:00 p.m.) on Tuesday, July 2, 2019 and on Tuesday, July 16, 2019 in the City Council Chambers of the City Council at City Hall, 1212 Avenue M, Huntsville, Texas, which dates are not more than forty (40) days nor less than twenty (20) days prior to the consideration of this ordinance; and

WHEREAS, the City Council finds that each property owner of land within the Area that is subject to an agricultural use, timber land, or wildlife management ad valorem tax exemption has been offered a development agreement pursuant to the Code, and that each owner has either accepted or rejected the offer to make a development agreement, with a copy of any such development agreement, and the description of any property that may be exempt from annexation through such development agreement, being attached to this Ordinance as "Exhibit D"; and

WHEREAS, the development agreements offered by the City under the Code are effective only if the area including the property that is the subject of the development agreement is actually annexed by the City Council; and

WHEREAS, the City Council deems it to be in the best interest of the citizens of the City to annex the Area into the City; **NOW THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE:

SECTION 1. **THAT** the Area, which is further described and depicted in the attached "Exhibit A" and "Exhibit B", respectively, and incorporated herein for all intents and purposes, which abuts and is adjacent to the existing corporate limits of the City, is hereby annexed into, and included within, the corporate limits of the City, save and except any property that may be exempted from annexation through a development agreement, with a copy of any such development agreement, and the description of any property that may be exempt from annexation through such development agreement, being attached to this Ordinance as "Exhibit D".

SECTION 2. **THAT** the service plan, attached as "Exhibit C" and incorporated herein by reference for all purposes, was submitted in accordance with the Code and is hereby approved as a part of this Ordinance.

SECTION 3. **THAT** the City Council hereby declares it to be its purpose to annex into the City of Huntsville every part of the Area described in Section 1 of this Ordinance save and except the property exempted from annexation through a development agreement, with the description of such exempt property being attached to this Ordinance as "Exhibit D", regardless of whether any part of the Area is not hereby effectively annexed into the City. Should this Ordinance for any reason be ineffective as to any part or parts of the Area hereby annexed into the City for full purposes, the ineffectiveness of this Ordinance as to any such part or parts shall not affect the effectiveness of this Ordinance as to the remainder of the Area.

SECTION 4. THAT the City Manager, or his designee, is hereby authorized and directed to correct the map of the City by adding thereto the Area annexed by this Ordinance, indicating on the map the date of annexation and the number of this Ordinance. The City Secretary and the City Engineer shall each keep in their respective offices an official map of the City showing the boundaries of the municipal corporation, including this annexation.

SECTION 5. THAT, this Ordinance shall become effective when signed by the Mayor after its approval by the City Council on Second Reading.

SECTION 6. THAT should any paragraph, section, sentence, phrase, clause or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 7. THAT the City Secretary is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative method of publication provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading on _____.

Passed by the City Council on second reading on _____.

MAYOR

ATTEST:

Brenda Poe, City Secretary

APPROVED AS TO FORM:

Leonard Schneider, City Attorney

Ord. Annexation – Area F – Western Huntsville
August 1, 2019

EXHIBIT A – DESCRIPTION OF ANNEXATION AREA

EXHIBIT B – DEPICTION OF ANNEXATION AREA

EXHIBIT C – SERVICE PLAN FOR ANNEXATION AREA

EXHIBIT D – DEVELOPMENT AGREEMENTS RELATED TO ANNEXATION AREA

Ex A to Ord 2019-46

CITY OF HUNTSVILLE, TEXAS
Engineering - Surveying
448 State Hwy. 75 N
Huntsville, Texas 77320

THE STATE OF TEXAS §

COUNTY OF WALKER §

I, Leonard E. Woods, Registered Professional Land Surveyor No. 2524, do hereby certify that this document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

AREA F

Being a tract of land containing 159.6 acres, more or less, situated in the LEWIS COX LEAGUE, Abstract No. 13, Walker County, Texas, lying south of and adjacent to existing corporate limits of the City of Huntsville, as established by Ordinance No. 94-32, said 159.6 acre tract being the same tract described in a Deed from Bobby E. Bacon, Trustee to Herman L. Byrd and Robert L. Bruner recorded in Volume 345, page 786, Deed Records of Walker County, Texas, in said Deed described as "being all that certain 288.31 acres of land, more or less, described in that one certain deed from Ron Mafrige, Trustee, and Mac Haik, Trustee, to Bobby E. Bacon, Trustee, dated June 14, 1977, and duly recorded in Volume 304, page 35, of the Deed Records of Walker County, Texas, SAVING AND EXCEPTING THEREFROM that certain 128.71 acres of land, more or less, described in that one certain deed from Bobby E. Bacon, Trustee, to Robert L. Bruner, Trustee, dated July 26, 1978, and duly recorded in Volume 331, Page 130, of the Deed Records of Walker County, Texas".

The following metes and bounds description compiled from courses and distances contained in the aforesaid 288.31 acre and 128.71 acre tracts descriptions;

BEGINNING, at the northwest corner of the herein described 159.6 acre tract at the lower northwest corner of said 288.31 acre tract, said beginning point being in the south line of the Charles N. Glass subdivision, according to a Plat recorded in Volume 1, page 53, Plat Records of Walker County, Texas and a south line of existing City limits per. Ordinance No. 94-32;

THENCE N 89° 46' 30" E, with existing City limits, a distance of 665.90 feet to the southeast corner of said Glass subdivision and an angle corner in the west line of Westridge, Section Three subdivision, according to a Plat recorded in Volume 1, page 57, Plat Records;

THENCE, with the existing City limits, same being the westerly and southerly boundary of said Westridge, Section Three as follows:

- (1) S 13° 04' 40" E a distance of 708.150 feet;
- (2) S 35° 52' E a distance of 197.95 feet;

- (3) S 83° 59' E a distance of 278.9 feet;
- (4) N 75° 32' 30" E a distance of 957.55 feet to the southeast corner of said Westridge, Section Three, the southwest corner of Westridge, Section Two, according to a Plat recorded in Volume 1, page 34, Plat Records and a reentrant corner of said 288.31 acre tract;

THENCE N 78° 21' E, with the most easterly north line of said 288.31 acre tract and the south line of said Westridge, Section Two, a distance of 674.95 feet to the most easterly northeast corner of said 288.31 acre tract;

THENCE, departing existing City limits, with the boundary of said 288.31 acre tract as follows:

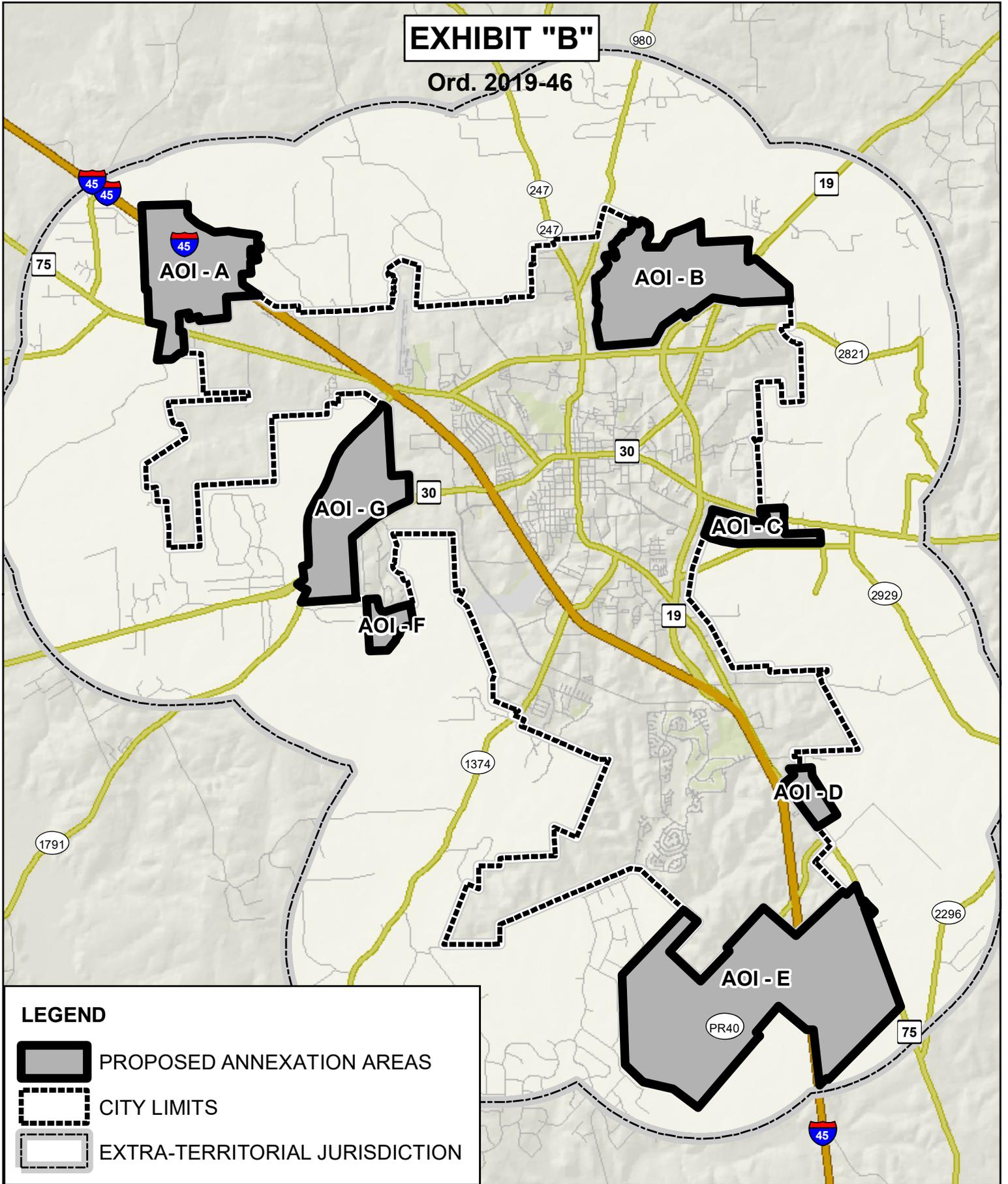
- (1) S 11° 39' 00" E a distance of 1,447.800 feet;
- (2) S 75° 59' W a distance of 141.8 feet;
- (3) N 81° 21' W a distance of 292.5 feet;
- (4) S 88° 52' W a distance of 108.4 feet;
- (5) S 67° 01' W a distance of 85.95 feet;
- (6) S 55° 39' W a distance of 200.0 feet;
- (7) S 47° 38' W a distance of 163.4 feet;
- (8) S 22° 05' W a distance of 116.85 feet;
- (9) S 23° 58' 0" W a distance of 182.8 feet;
- (10) S 45° 35' W a distance of 128.9 feet;
- (11) S 37° 02' W a distance of 181.3 feet;
- (12) S 11° 27' W a distance of 163.75 feet;
- (13) S 40° 49' W a distance of 283.25 feet;
- (14) S 45° 15' W a distance of 396.65 feet;
- (15) S 40° 02' W a distance of 236.85 feet;
- (16) N 89° 47' 10" W a distance of 1,136.7 feet to the southwest corner of said 288.31 acre tract;

THENCE N 01° 30' 30" W, with the most southerly west line of said 288.31 acre tract, a distance of 3,510.8 feet, to the **POINT OF BEGINNING**.

Signed _____
Leonard E. Woods
Reg. Prof. Land Surveyor No.2524

EXHIBIT "B"

Ord. 2019-46



LEGEND

-  PROPOSED ANNEXATION AREAS
-  CITY LIMITS
-  EXTRA-TERRITORIAL JURISDICTION

The City of Huntsville, Texas or its employees gives NO warranty, expressed or implied, as to the accuracy, reliability, or completeness of these data. See full GIS Data Disclaimer at www.huntsvilletx.gov/438/City-Maps

1 in = 8,333 ft

On 8.5 x 11 inch Print

0 4,100 8,200 16,400 Feet

On Any Print Size

CREATED DATE: 7/30/2019

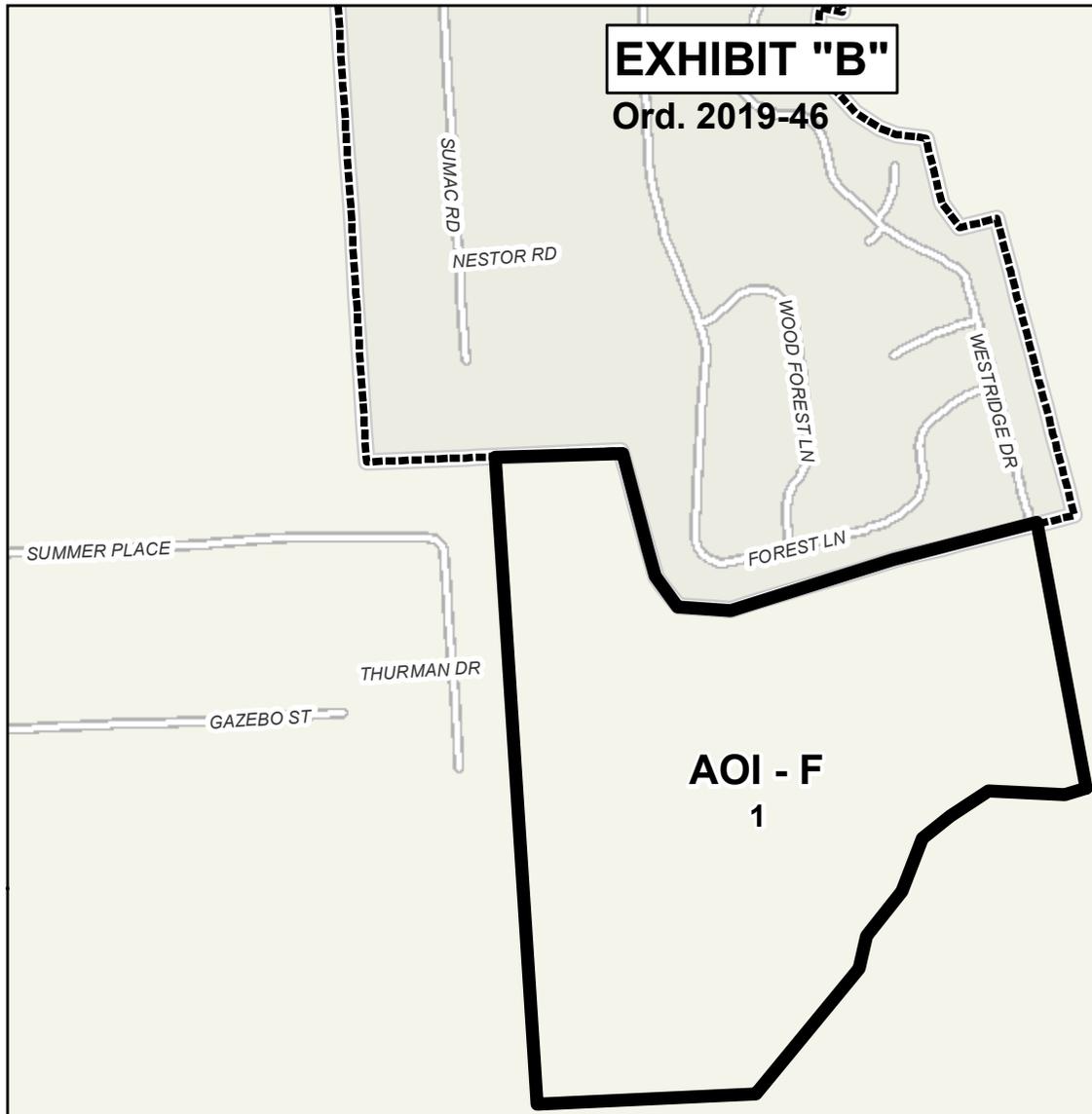
CITY OF HUNTSVILLE, TX
ENGINEERING DEPARTMENT / GIS DIVISION

PROPOSED ANNEXATION AREAS OF INTEREST



EXHIBIT "B"

Ord. 2019-46



AOI - F
1

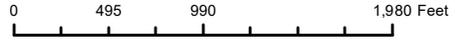
LEGEND

-  AOI "F" OWNERSHIP
-  PROPOSED ANNEXATION AREAS
-  CITY LIMITS
-  EXTRA-TERRITORIAL JURISDICTION

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1 in = 1,000 ft

On 8.5 x 11 inch Print



On Any Print Size

CREATED DATE: 7/30/2019

CITY OF HUNTSVILLE, TX
ENGINEERING DEPARTMENT / GIS DIVISION

**PROPOSED ANNEXATION
AREA OF INTEREST - F**



Exhibit “C” to Ord. 2019-46

AREA F - MUNICIPAL SERVICE PLAN

Approximately 164 acres located west of City limits, south of Westridge Subdivision.

FIRE

Existing Services: City of Huntsville Fire Department currently provides first response for site.

Services to be Provided: The annexed area shall continue to be served by fire protection personnel and equipment from the City Fire Department. Adequate fire suppression activities can be afforded to the annexed area within current budget appropriation. Fire prevention activities will be provided by the Fire Marshall’s office as needed.

POLICE

Existing Services: City of Huntsville Police Department does not currently provide first response for the site.

Services to be Provided: City police department will perform regular and routine patrols to the area and respond to calls for service. This area averages zero calls for service per year. Areas A-F combined average 200 calls for service per year. While this does not necessarily justify additional police personnel, calls for service plus additional land mass should be taken into consideration when additional personnel are requested in the future.

BUILDING INSPECTION & CODE ENFORCEMENT

Existing Services: None

Services to be Provided: The Building Inspection Division will provide building inspection services upon annexation. This includes issuing building, electrical, mechanical and plumbing permits for any new construction and/or remodeling; and enforcing all other applicable codes which regulate building construction within the City of Huntsville. Code enforcement services will provide upon annexation for the purpose of ensuring the public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Such services can be provided with current Division Personnel and within the current budget appropriation.

PLANNING

Existing Services: The City has subdivision regulatory authority in the Extraterritorial Jurisdiction (ETJ).

Services to be Provided: The Planning Division's responsibility for regulating development and land use through the administration of the City of Huntsville Development Code will extend to this area on the effective date of the annexation. The subdivision of property will also continue to be regulated under the requirements of the City of Huntsville Development Code. These services can be provided within the department's current budget.

LIBRARY

Existing Services: City library facilities are presently available at no fee.

Services to be Provided: Upon the effective date of annexation, all of the city library facilities shall be available to anyone residing in this area. These privileges can be provided within the current budget appropriation.

HEALTH DIVISION- HEALTH CODE ENFORCEMENT SERVICE

Existing Services: None

Services to be Provided: The City of Huntsville Health Division will implement the enforcement of the City's health ordinances and regulations on the effective date of the annexation. Such services can be provided with current Health Division Personnel and within the current budget appropriation.

STREET MAINTENANCE

Existing Services: No Street Maintenance is currently provided.

Services to be Provided: No additional street or drainage maintenance services provided in this area.

STREET LIGHTING

Existing Services: None

Services to be Provided: The City of Huntsville will consider requests for improved street lighting in accordance with the City's policy through the local electric provider.

SOLID WASTE SERVICES

Existing Services: Solid Waste Collection is not currently being provided by the City of Huntsville to the area to be annexed.

Services to be Provided: This property is currently undeveloped. Solid Waste Collection shall be provided to the area of annexation upon development and in accordance with City policies. Properties currently receiving Solid Waste services from entities other than the City of Huntsville may continue to do so for a period of two years.

STORM WATER MANAGEMENT, TRAFFIC ENGINEERING, WATER SERVICE, SANITARY SEWER SERVICE

Existing Services: None

Services to be Provided: The City currently has the capacity to supply water and sewer services to the proposed annexation area where not served by another utility district. Upon annexation, any new development will be responsible for designing and installing new water, sanitary sewer, storm water management facilities and new roads at their own expense in accordance with City's Development Code and Engineering Standards, Specifications and Design Criteria.

MISCELLANEOUS

All other applicable municipal services will be provided to the area in accordance with the City of Huntsville's established policies governing extension of municipal services to newly annexed areas.



CITY COUNCIL AGENDA

8/6/2019
Agenda Item: 2j

Item/Subject: **FIRST READING** - Consider Ordinance 2019-47 for the proposed annexation of approximately 1,106 acres located west of the current City limits, near SH 30 and FM 1791, and known as "Area G," first reading.

Initiating Department/Presenter: Development Services

Presenter: Leigha Larkins, Planner

Recommended Motion: **None, First Reading of the Annexation Ordinance.**

Strategic Initiative: Goal #3 - Economic Development - Promote and enhance a strong and diverse economy.

Discussion: Per the requirement of Texas Local Government Code Section 43.063 two (2) public hearings were scheduled by City Council Resolution 2019-27, dated May 7, 2019, to receive comments on the petition for the proposed annexation. The public hearings were held before City Council on July 2, 2019, and July 16, 2019. There were no public comments in support of or in opposition to the annexation of Area G.

After the public hearing period, an ordinance must be adopted between 20 – 40 days from the public hearings. This is the first reading of the annexation ordinance. A second reading and consideration of the ordinance will be on August 20, 2019.

Previous Council Action:

- Workshops for City Council were held on 3/5/2019 and 4/16/2019.
- Resolution 2019-27 was adopted on May 7, 2019, setting a date, time, and place, for a public hearing on the proposed annexation.
- Resolution 2019-28 was adopted on May 21, 2019, authorizing staff to prepare a service plan for each area of the proposed annexation.
- First of the two required public hearings was held on 7/2/2019
- Second of the two required public hearings was held on 7/16/2019

Financial Implications:

There is no financial impact associated with this item.

Approvals: City Attorney Director of Finance City Manager

Associated Information:

- DRAFT Ordinance with Exhibits

ORDINANCE NO. 2019-47

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS ANNEXING AN AREA OF LAND INTO THE CITY OF HUNTSVILLE AND EXTENDING THE BOUNDARY LIMITS OF THE CITY; WITH SAID AREA OF LAND BEING GENERALLY DESCRIBED AS APPROXIMATELY ONE THOUSAND ONE HUNDRED SIX (1,106) ACRES OF LAND ADJACENT TO THE WESTERN CITY LIMITS NEAR SH-30 AND FM-1791, SAVE AND EXCEPT CERTAIN PROPERTY EXEMPT FROM ANNEXATION THROUGH A DEVELOPMENT AGREEMENT; PROVIDING FOR THE ADOPTION OF A SERVICE PLAN FOR THE AREA OF LAND TO BE ANNEXED; MAKING FINDINGS INCIDENT TO THE ANNEXATION OF THE AREA OF LAND TO BE ANNEXED; PROVIDING FOR THE CORRECTION OF THE CITY MAP TO INCLUDE THE ANNEXED AREA; PROVIDING AN EFFECTIVE DATE; PROVIDING A SAVINGS CLAUSE; AND, PROVIDING FOR PUBLICATION.

WHEREAS, Chapter 43 of the Texas Local Government Code (the “Code”) and Article II of the Charter of the City of Huntsville, Texas, an incorporated, home rule city (the “City”), authorizes the annexation of certain territory into the corporate boundaries of the City; and

WHEREAS, the area described in Section 1 herein (the “Area”), which is further described and depicted in the attached “Exhibit A” and “Exhibit B”, respectively, is determined by the City Council of the City (the “City Council”) to be considered for annexation; and

WHEREAS, pursuant to the City Council’s Resolution 2019-28, dated May 21, 2019, the City Manager has prepared a service plan for the Area in accordance with the Code, and said service plan was made available and explained to the public at the scheduled public hearings described herein, and is attached to this Ordinance as “Exhibit C”; and

WHEREAS, all required notices have been made and sent in accordance with the Code, including written notice of intent to annex the Area to each property owner, each public entity, each public school district, and each railroad company within the Area; and

WHEREAS, as required by the Code, the City Council passed Resolution 2019-27 ordering two (2) public hearings giving persons interested in the annexation of the Area the opportunity to be heard; and

WHEREAS, notice of such public hearings was published in the Huntsville Item, a paper having general circulation in the City and Walker County, Texas, on Sundays, June 16 and June 30, 2019, and were posted on the City’s website and remained continuously posted on the website through the day of the second public hearing, which dates were not more than twenty (20) days nor less than ten (10) days prior to the date of the opening of such public hearings; and

WHEREAS, the public hearings were held at six o'clock (6:00 p.m.) on Tuesday, July 2, 2019 and on Tuesday, July 16, 2019 in the City Council Chambers of the City Council at City Hall, 1212 Avenue M, Huntsville, Texas, which dates are not more than forty (40) days nor less than twenty (20) days prior to the consideration of this ordinance; and

WHEREAS, the City Council finds that each property owner of land within the Area that is subject to an agricultural use, timber land, or wildlife management ad valorem tax exemption has been offered a development agreement pursuant to the Code, and that each owner has either accepted or rejected the offer to make a development agreement, with a copy of any such development agreement, and the description of any property that may be exempt from annexation through such development agreement, being attached to this Ordinance as "Exhibit D"; and

WHEREAS, the development agreements offered by the City under the Code are effective only if the area including the property that is the subject of the development agreement is actually annexed by the City Council; and

WHEREAS, the City Council deems it to be in the best interest of the citizens of the City to annex the Area into the City; **NOW THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE:

SECTION 1. **THAT** the Area, which is further described and depicted in the attached "Exhibit A" and "Exhibit B", respectively, and incorporated herein for all intents and purposes, which abuts and is adjacent to the existing corporate limits of the City, is hereby annexed into, and included within, the corporate limits of the City, save and except any property that may be exempted from annexation through a development agreement, with a copy of any such development agreement, and the description of any property that may be exempt from annexation through such development agreement, being attached to this Ordinance as "Exhibit D".

SECTION 2. **THAT** the service plan, attached as "Exhibit C" and incorporated herein by reference for all purposes, was submitted in accordance with the Code and is hereby approved as a part of this Ordinance.

SECTION 3. **THAT** the City Council hereby declares it to be its purpose to annex into the City of Huntsville every part of the Area described in Section 1 of this Ordinance save and except the property exempted from annexation through a development agreement, with the description of such exempt property being attached to this Ordinance as "Exhibit D", regardless of whether any part of the Area is not hereby effectively annexed into the City. Should this Ordinance for any reason be ineffective as to any part or parts of the Area hereby annexed into the City for full purposes, the ineffectiveness of this Ordinance as to any such part or parts shall not affect the effectiveness of this Ordinance as to the remainder of the Area.

SECTION 4. THAT the City Manager, or his designee, is hereby authorized and directed to correct the map of the City by adding thereto the Area annexed by this Ordinance, indicating on the map the date of annexation and the number of this Ordinance. The City Secretary and the City Engineer shall each keep in their respective offices an official map of the City showing the boundaries of the municipal corporation, including this annexation.

SECTION 5. THAT, this Ordinance shall become effective when signed by the Mayor after its approval by the City Council on Second Reading.

SECTION 6. THAT should any paragraph, section, sentence, phrase, clause or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 7. THAT the City Secretary is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative method of publication provided by law.

AND IT IS SO ORDERED.

Passed by the City Council on first reading on _____.

Passed by the City Council on second reading on _____.

MAYOR

ATTEST:

Brenda Poe, City Secretary

APPROVED AS TO FORM:

Leonard Schneider, City Attorney

Ord. Annexation – Area G – Western Huntsville
August 1, 2019

EXHIBIT A – DESCRIPTION OF ANNEXATION AREA

EXHIBIT B – DEPICTION OF ANNEXATION AREA

EXHIBIT C – SERVICE PLAN FOR ANNEXATION AREA

EXHIBIT D – DEVELOPMENT AGREEMENTS RELATED TO ANNEXATION AREA

Ex A to Ordinance 2019-47

CITY OF HUNTSVILLE, TEXAS
Engineering - Surveying
448 State Hwy. 75 N
Huntsville, Texas 77320

THE STATE OF TEXAS §

COUNTY OF WALKER §

I, Leonard E. Woods, Registered Professional Land Surveyor No. 2524, do hereby certify that this document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

AREA G

Being a tract of land, containing approximately 1,081.77 acres of land, situated in the LEWIS COX LEAGUE, Abstract No. 13, the PLEASANT GRAY LEAGUE, Abstract No. 24 and the Wm. G. TUMLINSON SURVEY, Abstract No. 554, all in Walker County, Texas, lying west of and adjacent to existing corporate limits of the City of Huntsville, as established by Ordinance No. 94-32, Ordinance No. 97-20, Ordinance No. 80-50 and Ordinance 80-52, and lying southwest and adjacent to existing corporate limits of the City of Huntsville, as established by Ordinance No. 03111969, comprised of those tracts or parcels listed and shown on a Map attached hereto as Exhibit "B", incorporated and made a part of this description, together with any strips, gores, gaps, additional tracts, right-of-way's and other properties that may not be listed in Exhibit "B" but lies within the bounds of this description, said approximately 1,081.77 acres of land being described by metes and bounds as follows:

BEGINNING, at the southwest corner of that certain area annexed by Ordinance No. 94-32, being the southwest corner of the Charles N. Glass subdivision, Plat recorded in Volume 1, page 53, Plat Records of Walker County, Texas and the southeast corner of a called 199.45 acre tract described in a Deed to Peter S. Terpstra, Trustee recorded in Volume 739, page 883, Official Public Records of Walker County, Texas;

THENCE N 01° 11' W 4022.5 feet (1/53, PR), with existing City limits, to the northwest corner of said Glass subdivision in the south right-of-way line of State Highway No. 30, being the northwest corner of that certain area annexed by Ordinance No. 94-32 and the southwest corner of that certain area annexed by Ordinance No. 97-20;

THENCE N 36°35' W (Ord. 97-20), across State Highway No. 30, to its north right-of-way line, being the northwest of that area annexed by Ordinance No. 97-20;

THENCE easterly, continuing with existing City limits described in Ordinance No. 97-20, along the north right-of-way line of State Highway No. 30 as described in Volume 206, page 447, Deed Records of Walker County, Texas, to an intersection with a westerly line of that certain area annexed by said Ordinance No. 80-50, a point for corner in the east line of a called 251.78 acre tract described as

“Tract No. II” in a Deed to Thomas Carrol Cole, Jr. and Jan Carrol Cole recorded in Volume 42, page 09, Official Public Records and the west line of a called 28.31 acre tract described in a Deed to James B. Hall recorded in Volume 170, page 131, Deed Records;

THENCE N 00° 42’ E (170/131, DR), with the existing City limits per Ordinance 80-50, along the common line of said Cole and Hall tracts to their common north corner, situated in the recognized common line of said COX and GRAY LEAGUES, said corner being the most westerly northwest corner of that area annexed by Ordinance 80-50 in the south line of an area annexed by Ordinance 80-52;

THENCE westerly, with the common line of said COX and GRAY LEAGUES, to the southwest corner of that area annexed by Ordinance 80-52, same being the southwest corner of a called 515 acre tract described in a Deed to the State of Texas recorded in Volume Y, page 181, Deed Records and the southeast corner of a called 127.82 acre tract described in a Deed to FM 1791, LLC recorded in Volume 911, page 621, Official Public Records, found a 4” square concrete monument scribed “TEXAS PRISON LINE” for corner, having NAD 83 2011 coordinates of N= 10,257,867.11 feet and E= 3,786,311.83 feet;

THENCE N 02°36’01” W, with the west line of that area annexed by Ordinance 80-52, the west line of said State of Texas 515 acre tract, the east line of said FM 1791, LLC 127.82 acre tract, the east line of a called 91.88 acre tract described in a Deed to Mary T. Clegg recorded in Volume 403, page 152, Official Public Records and the east line of a called 40.44 acre tract described in a Deed to Julia Eastham Glass Waddell, et al recorded in Volume 403, page 146, Official Public Records, approximately 4,349 feet to the north corner that area annexed by Ordinance 80-52, being a point in existing City limits, annexed by Ordinance 03111969 and recorded in Volume 219, page 627, Deed Records, said point being 1200 feet southwesterly from the centerline of Interstate Highway No. 45;

THENCE N 55°10’28” W (339/001, OPR), across said Waddell, et al 40.44 acre tract, along the existing City limits as annexed by Ordinance 03111969, being 1200 feet southwesterly from the centerline of Interstate Highway No. 45, at approximately 390 feet pass the east right-of-way of F. M. 1791 as described in a Deed to the State of Texas, recorded in Volume 339, page 001, Official Public Records, continuing N 55°10’28” W, across F. M. 1791 to a point in the west right-of-way line of F. M. 1791, same being the most northerly corner of called 30.241 acre parcel, for the right-of-way of F. M. 1791, described in said Deed to the State of Texas, recorded in Volume 339, page 001, Official Public Records;

THENCE, departing existing City limits, southerly, along the west right-of-way of F. M. 1791 as described in said recorded in Volume 339, page 001, Official Public Records and continuing along the west line of a called 28.451 acre parcel, for the right-of-way of F. M. 1791, described in a Deed to the State of Texas, recorded in Volume 338, page 884, Official Public Records, to the northeast corner of Lot 4B1 – 3.750 Acres, according to a Re-Plat of LOT 4B, New Waverly Ventures, Ltd. Co., recorded in Volume 6, page 23, Plat Records;

THENCE S 73°05’20” W 397.55 feet (6/23, PR), along the north line of said Lot 4B1 – 3.750 Acres to its northwest corner;

THENCE S 09°28'28" E 509.29 feet (6/23, PR), along the west line of said Lot 4B1 – 3.750 Acres to its southwest corner in the north right-of-way of State Highway No. 30;

THENCE south southwesterly, across State Highway No. 30, to the south corner of a called 0.33 acre parcel, for the right-of-way of State Highway No. 30, described in a Deed from Edwin E. Thomason and Edwin Dean Thomason to the State of Texas, recorded in Volume 684, page 504, Official Public Records, said 0.33 acre tract being out of a called 3.33 acre tract described in a Deed to Edwin E. Thomason and Edwin Dean Thomason recorded in Volume 599, page 601, Official Public Records and being the north corner of a called 6.47 acre tract described in a Deed to GJMC, LLC, recorded in Volume 877, page 577, Official Public Records;

THENCE S 51°17'26" W 520.32 feet (877/577, OPR), with the northwest line of said GJMC, LLC 6.47 acre tract and the southeast right-of-way line of State Highway No. 30, to the west corner of said GJMC, LLC 6.47 acre tract;

THENCE S 50°24'08" E 333.60 feet (877/577, OPR) to an angle corner in the southwest line of said GJMC, LLC 6.47 acre tract;

THENCE S 66°49'29" E 346.68 feet (877/577, OPR) to the south corner of said GJMC, LLC 6.47 acre tract in the west right-of-way line of F. M. 1791;

THENCE S 66°49'29" E (619/054, OPR), across F. M. 1791 to a point in its east right-of-way line and the west line of said Peter S. Terpstra, Trustee 199.45 acre tract;

THENCE southwesterly, with the east right-of-way line of F. M. 1791 and the west line of said Peter S. Terpstra, Trustee 199.45 acre tract to the southwest corner of said Terpstra 199.45 acre tract;

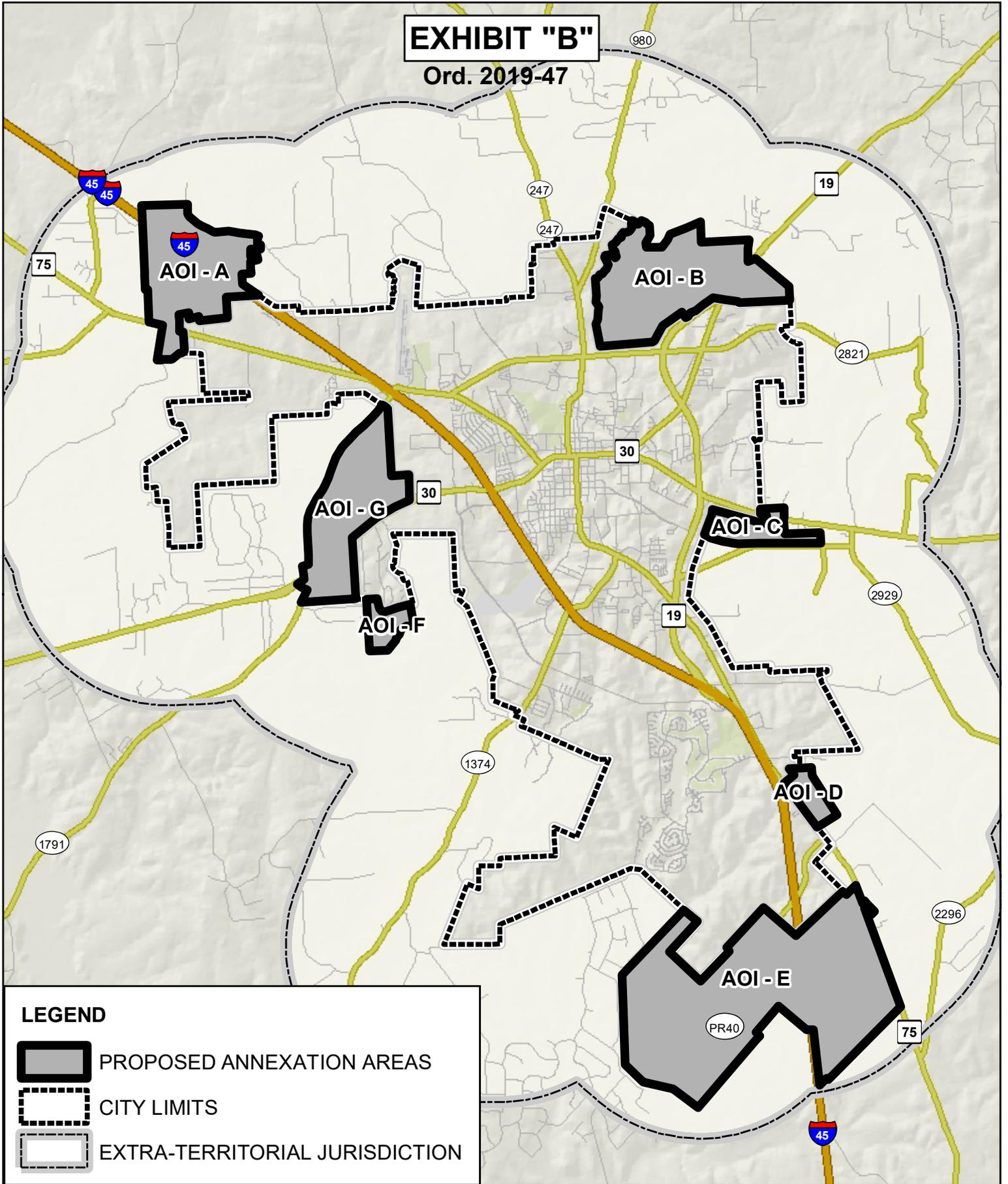
THENCE N 87°19'18" E 728.35 feet and N 87°20'09" E 2975.78 feet (739/883, OPR), with the south line of said Peter S. Terpstra, Trustee 199.45 acre tract, to the **POINT OF BEGINNING**.

Signed _____

Leonard E. Woods
Reg. Prof. Land Surveyor No.2524

EXHIBIT "B"

Ord. 2019-47



LEGEND



PROPOSED ANNEXATION AREAS



CITY LIMITS



EXTRA-TERRITORIAL JURISDICTION

The City of Huntsville, Texas or its employees gives NO warranty, expressed or implied, as to the accuracy, reliability, or completeness of these data. See full GIS Data Disclaimer at www.huntsvilletx.gov/438/City-Maps

1 in = 8,333 ft

On 8.5 x 11 inch Print

0 4,100 8,200 16,400 Feet

On Any Print Size

CREATED DATE: 7/30/2019

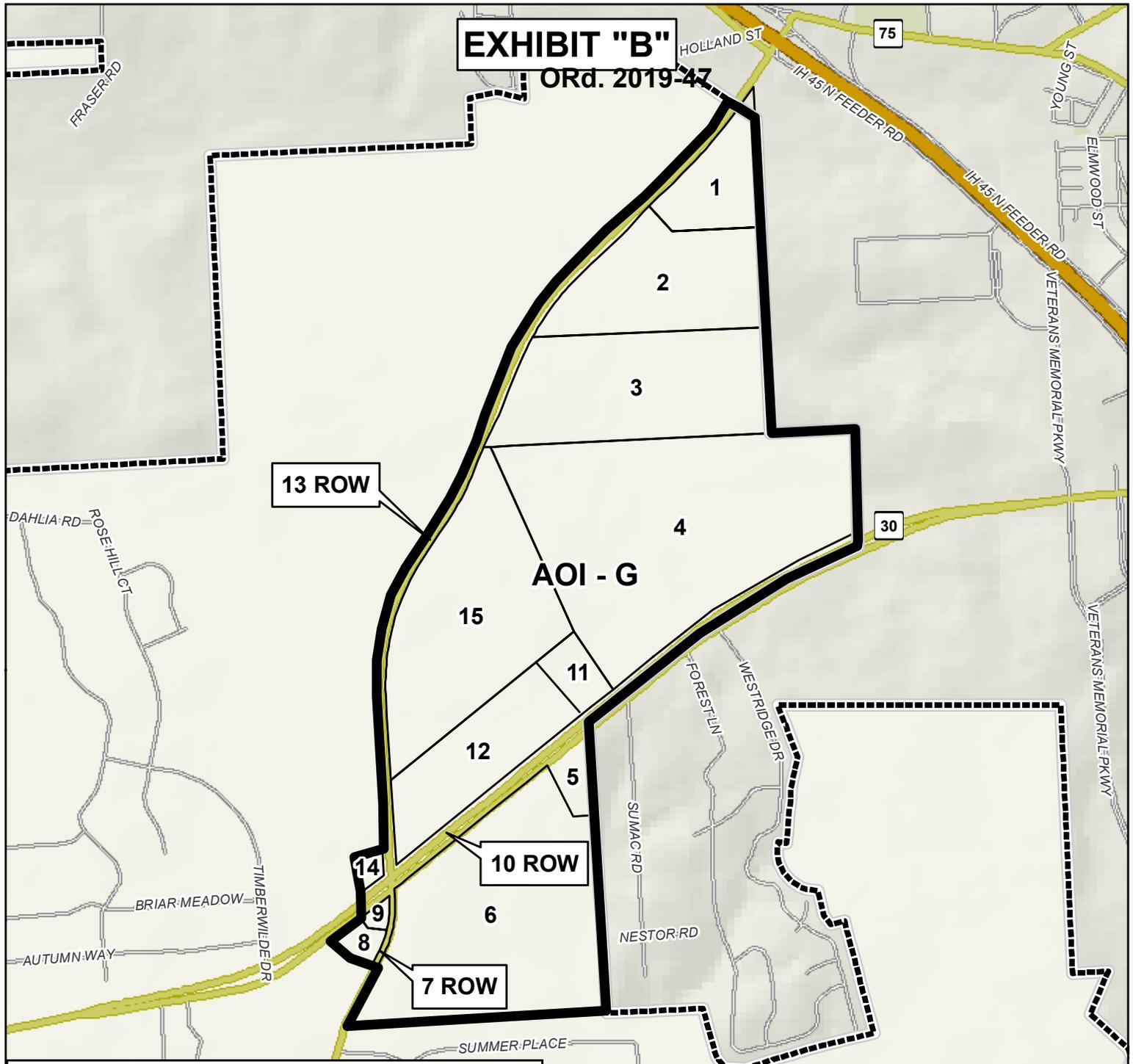
CITY OF HUNTSVILLE, TX
ENGINEERING DEPARTMENT / GIS DIVISION

**PROPOSED ANNEXATION
AREAS OF INTEREST**

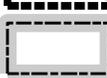


EXHIBIT "B"

Ord. 2019-47



LEGEND

-  AOI "G" OWNERSHIP
-  PROPOSED ANNEXATION AREAS
-  CITY LIMITS
-  EXTRA-TERRITORIAL JURISDICTION

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1 in = 2,000 ft

On 8.5 x 11 inch Print



On Any Print Size

CREATED DATE: 7/30/2019

CITY OF HUNTSVILLE, TX
ENGINEERING DEPARTMENT / GIS DIVISION

PROPOSED ANNEXATION AREA OF INTEREST - G



Exhibit “C” Ord. 2019-47

AREA G - MUNICIPAL SERVICE PLAN

Approximately 1106 acres located west of City limits, near SH 30 and FM 1791.

FIRE

Existing Services: City of Huntsville Fire Department currently provides first response for site.

Services to be Provided: The annexed area shall continue to be served by fire protection personnel and equipment from the City Fire Department. Adequate fire suppression activities can be afforded to the annexed area within current budget appropriation. Fire prevention activities will be provided by the Fire Marshall’s office as needed.

POLICE

Existing Services: City of Huntsville Police Department does not currently provide first response for the site.

Services to be Provided: City police department will perform regular and routine patrols to the area and respond to calls for service. This area averages 39 calls for service per year. Areas A-F combined average 200 calls for service per year. While this does not necessarily justify additional police personnel, calls for service plus additional land mass should be taken into consideration when additional personnel are requested in the future.

BUILDING INSPECTION & CODE ENFORCEMENT

Existing Services: None

Services to be Provided: The Building Inspection Division will provide building inspection services upon annexation. This includes issuing building, electrical, mechanical and plumbing permits for any new construction and/or remodeling; and enforcing all other applicable codes which regulate building construction within the City of Huntsville. Code enforcement services will provide upon annexation for the purpose of ensuring the public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Such services can be provided with current Division Personnel and within the current budget appropriation.

PLANNING

Existing Services: The City has subdivision regulatory authority in the Extraterritorial Jurisdiction (ETJ).

Services to be Provided: The Planning Division's responsibility for regulating development and land use through the administration of the City of Huntsville Development Code will extend to this area on the effective date of the annexation. The subdivision of property will also continue to be regulated under the requirements of the City of Huntsville Development Code. These services can be provided within the department's current budget.

LIBRARY

Existing Services: City library facilities are presently available at no fee.

Services to be Provided: Upon the effective date of annexation, all of the city library facilities shall be available to anyone residing in this area. These privileges can be provided within the current budget appropriation.

HEALTH DIVISION- HEALTH CODE ENFORCEMENT SERVICE

Existing Services: None

Services to be Provided: The City of Huntsville Health Division will implement the enforcement of the City's health ordinances and regulations on the effective date of the annexation. Such services can be provided with current Health Division Personnel and within the current budget appropriation.

STREET MAINTENANCE

Existing Services: No Street Maintenance is currently provided.

Services to be Provided: F.M. 1791 (14750'); possibly provide litter control and mowing.

STREET LIGHTING

Existing Services: None

Services to be Provided: The City of Huntsville will consider requests for improved street lighting in accordance with the City's policy through the local electric provider.

SOLID WASTE SERVICES

Existing Services: Solid Waste Collection is currently being provided by the City of Huntsville to certain developed properties in the area to be annexed.

Services to be Provided: Solid Waste Collection shall continue to be provided to the area of annexation that is currently served. Solid Waste Collection shall be provided to the existing unserved properties located in the area of annexation upon development of the property. Properties currently receiving Solid Waste services from entities other than the City of Huntsville may continue to do so for a period of two years.

STORM WATER MANAGEMENT, TRAFFIC ENGINEERING, WATER SERVICE, SANITARY SEWER SERVICE

Existing Services: None

Services to be Provided: The City currently has the capacity to supply water and sewer services to the proposed annexation area where not served by another utility district. Upon annexation, any new development will be responsible for designing and installing new water, sanitary sewer, storm water management facilities and new roads at their own expense in accordance with City's Development Code and Engineering Standards, Specifications and Design Criteria.

MISCELLANEOUS

All other applicable municipal services will be provided to the area in accordance with the City of Huntsville's established policies governing extension of municipal services to newly annexed areas.



CITY COUNCIL AGENDA

8/6/19
Agenda Item: 3

Item/Subject: Consider approving nominees for City boards, committees, and commissions.

Initiating Department/Presenter: City Council

Presenter: Mayor Andy Brauninger

Recommended Motion: Mayor moves his nominations as presented.

Strategic Initiative: Goal #5 - Resource Development - Enhance the quality of life for citizens, businesses and visitors by leveraging the human and fiscal resources available to the community.

Discussion:

Cemetery Board – Dennis Reed, Daiquiri Beebe, and Taylor Morrison	Walker County Public Safety Communications Center Exec. Board – Fire Chief Greg Mathis
Arts Commission – Michael Henderson and Betsy Maloney	Veterans Affairs Advisory Board – Leigh-Anne Steward, Leisa Hackett
Main Street Advisory Board – Dr. Caroline Crimm, Helen Belcher	Planning – Don Johnson
TIRZ – Ronnie White and Ken Holland	Board of Adjustments – Ken Holland

Previous Council Action: None.

Financial Implications:

There is no financial impact associated with this item.

Approvals: City Attorney Director of Finance City Manager



Brenda Poe <bpoeh@huntsvilletx.gov>

Online Form Submittal: Citizen Participation Request

noreply@civicplus.com <noreply@civicplus.com>
To: CitySecretary@huntsvilletx.gov

Wed, Jul 17, 2019 at 12:03 PM

Citizen Participation Request

Citizen Participation Request Form

Thank you for contacting the City of Huntsville to request an item be placed on an upcoming regular City Council meeting agenda, under the Citizen Participation section.

Please complete the fields below and contact the [City Secretary's Office](#) at 936-291-5403, or [via email](#) if you have any questions or concerns.

If you prefer, requests may also be submitted in person in writing, in a couple ways:

- *By mail:*
City Secretary
[1212 Avenue M](#)
Huntsville, Texas, 77340
- *By email:* citysecretary@huntsvilletx.gov, or
- *By fax:* 936-291-5409 (Attention: City Secretary's Office)

A citizen may provide an item for the agenda of a regular meeting (1st and 3rd Tuesdays of each month) by submitting a Citizen Participation Request by noon on the Tuesday prior to a regularly-scheduled City Council meeting.

First Name	JASON
Last Name	JANUARY
Address1	3719 Morgan Ln
Address2	Field not completed.
City	Huntsville
State	TX
Zip	77340
Phone	9366626500
Email	hunit@hotmail.com
Please describe (in detail) the item you are requesting be on a City Council agenda:	City of Huntsville policies and City Charter issues