

## ORDINANCE NO. 2015-05

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, ANNEXING THE 189.165 ACRE TRACT, BEING SITUATED IN THE ELIZABETH JONES SURVEY, ABSTRACT NO. 551, IN CORYELL COUNTY TO THE CITY OF COPPERAS COVE, TEXAS, AND EXTENDING THE BOUNDARY OF SAID CITY SO AS TO INCLUDE THIS TRACT WITHIN THE CITY LIMITS; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS,** The City of Copperas Cove is authorized to annex territory in accordance with Texas Local Government Code, Section 43.021 and the City's home-rule charter; and

**WHEREAS,** The City received a petition from WBW Development Group, LLC Series 010 requesting annexation of a 189.165 acre tract area; and

**WHEREAS,** Said 189.165 acre tract is located within the City's extraterritorial jurisdiction, is contiguous to the City, and is owned by WBW Development Group, LLC Series 010 (see attached "Exhibit A"); and

**WHEREAS,** The City Council held a public hearing on November 18, 2014 and voted to accept the petition for voluntary annexation; and

**WHEREAS,** The City Council held the two required Public Meetings on January 6, 2015 and January 20, 2015; and

**WHEREAS,** The City and WBW Development Group, LLC Series 010 agree to the terms of the Annexation Service Plan as provided in "Exhibit B"; and

**WHEREAS,** Though this annexation shall cause an undeveloped area of land to be entirely surrounded by the City's corporate limits the City Council finds that this annexation is in the public interest: (i) to facilitate the orderly development of the property that shall be annexed; and (ii) because the surrounded area is not currently planned for development and the owner of the surrounded area has advised that he shall petition for annexation at the time such development is planned; and

**WHEREAS,** The City Council has read and approved this ordinance at a publicly held meeting in compliance with the Texas Open Meetings Act.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS:**

### Section 1

That the 189.165 acre tract described in the attached "Exhibit A" and being situated in the Elizabeth Jones Survey, Abstract No. 551, Coryell County, Texas as hereby annexed into the City and that the boundary limits of the City are hereby extended to include said tract within the City Limits.

**Section 2**

That the Annexation Service Plan ("Exhibit B") will become effective in conjunction with the approval of the annexation ordinance.

**Section 3**

That should any section, clause, or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance or any other ordinance of the city as a whole or any part thereof, other than the part so declared to be invalid.

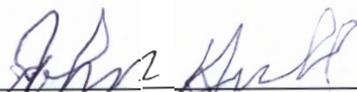
**Section 4**

That the City Secretary is hereby directed to file with the County Clerk and other appropriate officials and agencies, as required by state and federal law and city annexation procedures, a certified copy of this ordinance together with a copy or duplicate of the petition.

**Section 5**

This ordinance shall become effective upon passage.

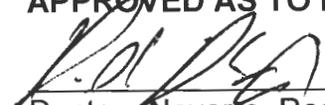
**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF COPPERAS COVE, TEXAS, this 17th day of February 2015.**

  
\_\_\_\_\_  
John Hull, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Mariela Altott, City Secretary

**APPROVED AS TO FORM:**

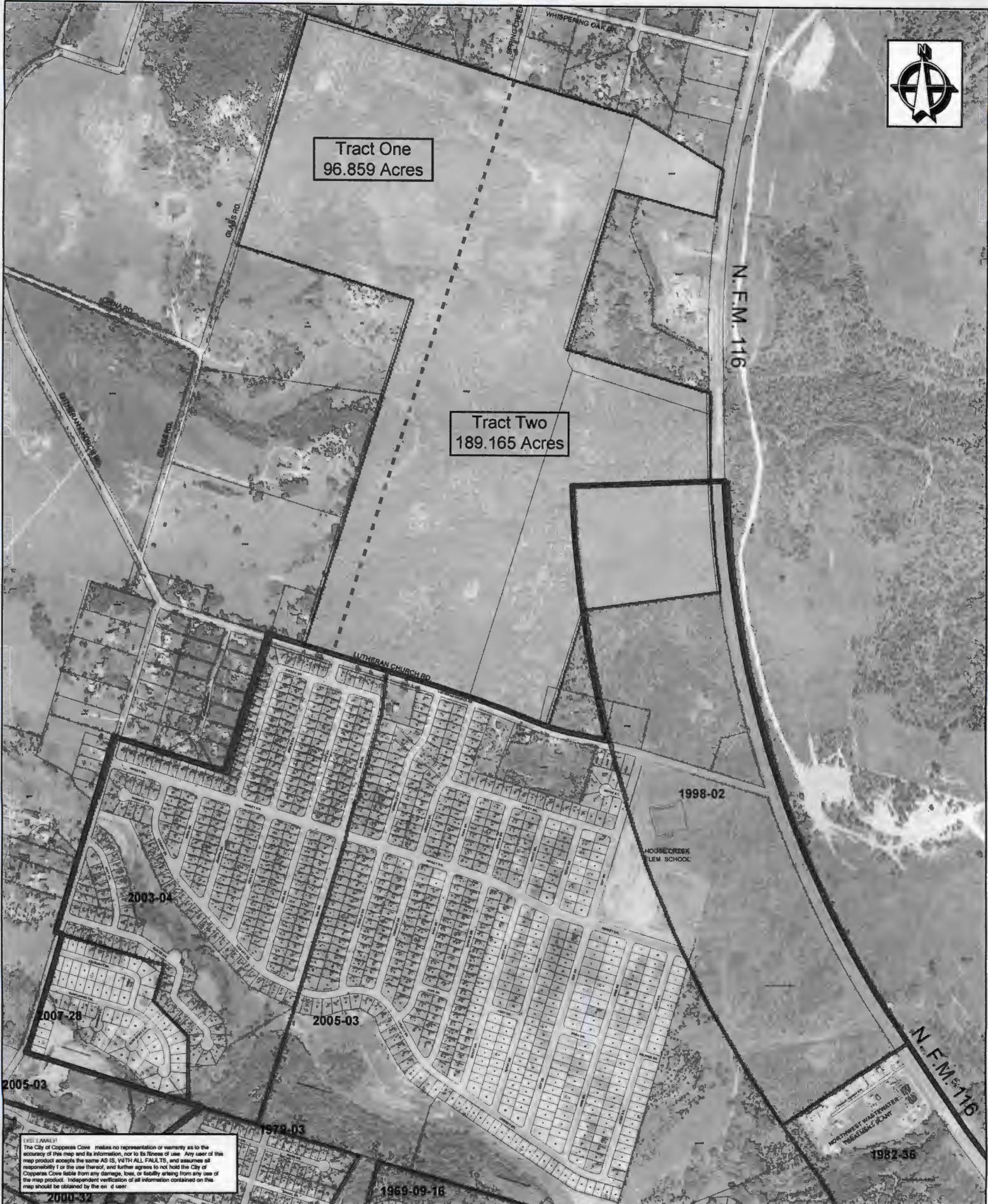
  
\_\_\_\_\_  
Denton, Navarro, Rocha,  
Bernal, Hyde & Zech, P.C., City Attorney





Tract One  
96.859 Acres

Tract Two  
189.165 Acres



**DISCLAIMER**  
The City of Coppens Cove makes no representation or warranty as to the accuracy of this map and its information, nor to its fitness of use. Any user of this map product accepts the same AS IS, WITH ALL FAULTS, and assumes all responsibility for the use thereof, and further agrees to not hold the City of Coppens Cove liable from any damage, loss, or liability arising from any use of the map product. Independent verification of all information contained on this map should be obtained by the end user.

**FUTURE ANNEXATION  
Aerial/Vicinity Map  
November 12, 2014**

**—** EXISTING CITY LIMIT BOUNDARY  
**□** PROPERTY SUBMITTING VOLUNTARY ANNEXATION PETITION (307.903 AC.)

# SERVICE PLAN

## CITY OF COPPERAS COVE, TEXAS

### SERVICE PLAN FOR ANNEXATION OF TRACT TWO (+/-189.165) ACRES IN CORYELL COUNTY, TEXAS

Upon annexation of the area identified above and as identified on Exhibit A, the City of Copperas Cove will provide City services utilizing methods by which it extends services to any other equivalent area of the City.

#### **SERVICES PROVIDED BY THE EFFECTIVE DATE OF ANNEXATION:**

1. **Police Protection:**

The City of Copperas Cove, Texas and its Police Department will provide police protection to the newly annexed area at the same or similar level of service now being provided to other areas of the City with like topography, land use and population density. The Police Department will have the responsibility to respond to all dispatched calls for service or assistance within the newly annexed area.

2. **Fire Protection and Emergency Medical Services:**

The City of Copperas Cove, Texas will provide fire protection to the newly annexed area at the same or similar level of service now being provided to other areas of the City with like topography, land use and population density.

The City of Copperas Cove, Texas will provide Emergency Medical Services to the newly annexed area at the same or similar level of service now being provided to other areas of the City with like topography, land use and population density.

3. **Maintenance of Water and Wastewater Facilities:**

All water and wastewater facilities owned or maintained by the City of Copperas Cove at the time of the proposed annexation shall continue to be maintained by the City of Copperas Cove. All water and wastewater facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the City of Copperas Cove to the extent of its ownership. Existing water and wastewater mains at existing locations shall be available for the point of use extension based upon the City of Copperas Cove's standard extension policy now existing or as may be amended. On-site sewerage systems may be maintained in accordance with the City's Code of Ordinances.

4. **Solid Waste Collection:**

Solid waste collection will be provided to citizens in the newly annexed area at the same or similar level of service now being provided to other areas of the City, with like topography, land use and population density. The City may negotiate with annexed area to allow continued services with an existing privately owned solid waste management service provider. After the second anniversary of the annexation date, the City will impose fees and provide the service.

If areas with private roads and/or gates are arranged so that garbage may be collected without creating a safety hazard, the City, at its discretion, may collect garbage provided proper indemnification is received from the community association or individual property owners. The City will then impose fees and provide the service.

Garbage collection locations shall be subject to the approval of the Solid Waste Superintendent. In the event the City does not collect garbage within the area with private roads and/or gates, residents of this area will not be billed for service after the two year date.

5. **Maintenance of Roads and Streets:**

All public roads, streets, and alleyways shall be maintained to the same degree and extent that other public roads, streets, and alleyways are maintained in areas of the City with like topography, land use and population density. Private roads will remain under the ownership and maintenance of the property owner(s).

6. **Maintenance of Parks, Playgrounds, and Swimming Pools:**

The City of Copperas Cove, Texas is not aware of the existence of any publicly owned parks, playgrounds or swimming pools currently located in the proposed area of annexation. In the event any such parks, playgrounds, or swimming pools do exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and population density. Private facilities will remain under the ownership and maintenance of the property owner(s).

7. **Maintenance of any Publicly Owned Facility, Building or Municipal Service:**

The City of Copperas Cove, Texas is not aware of the existence of any publicly owned facility, building, or other municipal service currently located in the proposed area of annexation. In the event any publicly owned facility, building, or other municipal service does exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and population density.

8. **Other Services:**

The City of Copperas Cove, Texas, finds and determines that such services as

planning, code enforcement, animal control, library, parks and recreation, court and general administration will be made available after the effective date of annexation at the same or similar level of service now being provided to other areas of the City with like topography, land use and population density.

**SPECIFIC FINDINGS:**

The City of Copperas Cove, Texas, finds and determines that this proposed service plan will not provide fewer services and will not provide a lower level of service in the area being considered for annexation than were in existence in the proposed area at the time immediately preceding the annexation process. The service levels to be provided in the newly annexed area will be equivalent to those provided to other areas of the City with like topography, land use and population density.

**TERMS:**

This plan shall be valid for a term of ten (10) years. Renewal of the Service Plan is at the discretion of the City of Copperas Cove, Texas.

**LEVEL OF SERVICE:**

Nothing in this plan shall require the City to provide a uniform level of full municipal services to each area of the City, including the annexed area, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

**AMENDMENTS:**

The plan shall not be amended unless public hearings are held in accordance with Chapter 43 of the Texas Local Government Code.

**Exhibit "B"**

**VOLUNTARY ANNEXATION PETITION – APPLICATION & CHECKLIST**

(Please Print Clearly)

Name of Applicant: iv BW Development Group, LLC - Series 010  
Date of Submittal: 10/24/14  
Proposed Acreage to be Annexed: 189.165

**INSTRUCTIONS**

- Fill out the following application and checklist completely prior to submission
- Place a check mark on each line when you have complied with that item

**REQUIRED ITEMS FOR SUBMITTAL PACKAGE:**

**\*\*The following items must be included in order for the Annexation Application to be accepted\*\***

1. Completed annexation petition with each owner's original signature. Must include all owners' signatures if there are multiple owners of record.
2. Completed annexation application with separate owner's sheet for each owner of record
3. A copy of the deed showing current ownership
4. A clear and legible copy of certified field notes (metes and bounds) describing the boundary of the property that is being petitioned for annexation with a graphic exhibit (map or plat) clearly showing the property. If the property is a subdivided lot, please submit a copy of the recorded subdivision plat.
5. Number of property owners to be notified: \_\_\_\_\_  
A computer print out from the appraisal district listing property owners located within 200 feet of the boundaries of the subject property, and from that a location map and key showing the notification boundaries and numbered key listing the names and mailing address of those to be notified

**DO NOT WRITE BELOW THIS LINE – OFFICIAL USE ONLY**

Annexation Petition(s)  Completed Application  Application Fee

Owner's Sheet(s)  Ownership Deed  Boundary Description

This application meets the Planning Department's requirements for processing:

Accepted By: \_\_\_\_\_

Date: \_\_\_\_\_



**PROPERTY INFORMATION:**

Property Address or Description: North of Lutheran Church Rd

Total Number of Acres: 189.165 Total Number of Tracts: 1

Lot(s): \_\_\_\_\_ Blocks: \_\_\_\_\_ Subdivision: \_\_\_\_\_

Survey Name and Abstract Number: Elizabeth Jones Survey, Abstract No. 551

Current Land Use: vacant / Agriculture

Proposed Land Use and Purpose of Annexation: single family residential  
with use as described in the first Amendment  
to the Annexation agreement

List of all qualified voting age persons living on each tract of land. *Per state law, in order for an area to be eligible for annexation by petition of the land owners, the area must be vacant or inhabited by fewer than three (3) qualified voters.*

Tract #	Name	Mailing Address





Date: 10/24/14

**Request for Voluntary Annexation of Sparsely Populated Area**  
**By the Owner(s) of Area**

TO THE HONORABLE MAYOR AND CITY COUNCIL  
OF THE CITY OF COPPERAS COVE, TEXAS:

The undersigned owner(s) of the hereinafter described tract of land, pursuant to the Texas Local Government Code Section 43.028, hereby petition the City of Copperas Cove to extend the present City Limits so as to include as a part of the City that certain tract of land described in Exhibit "A" attached hereto and made a part hereof:

The undersigned owner(s) hereby certify that:

- (1) The tract of land described in Exhibit "A" is located contiguous and adjacent to the existing corporate limits of the City of Copperas Cove, Texas; and
- (2) The tract of land described in Exhibit "A" is one-half (1/2) mile or less in width; and
- (3) The tract of land described in Exhibit "A" is vacant and without residents, or on which less than three (3) qualified voters reside; and
- (4) This petition is signed and duly acknowledged by each and every individual or corporation having a proprietary interest in said land.

Bruce Whitis  
NAME (PRINT)

10/24/14  
DATE

\_\_\_\_\_  
SIGNATURE

(ACKNOWLEDGEMENT)

STATE OF TEXAS §  
COUNTY OF BELL §

This instrument was acknowledged before me on the 14<sup>th</sup> day of November, 2014 by

Bruce Whitis



[Signature]  
Notary Public, State of Texas



FIELD NOTES for a 189.165 acre tract of land in Coryell County, Texas, being part of the Elizabeth Jones Survey, Abstract No. 551, and the land herein described being part of a called 307.903 acre tract conveyed to WBW Development Group LLC Series 010, of record in Document #271633 and being described in Document #263267, Official Records of Coryell County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod with cap stamped "M&ASSOC KILLEEN" set on the west right-of-way line of F. M. Highway 116 in a curve to the left, being the northeast corner of said 307.903 acre tract and the southeast corner of Lot 1, Whispering Oaks Unit No. 1, a subdivision in Coryell County, Texas, of record in Cabinet A, Slide 340, Plat Records of Coryell County, Texas, for the northerly northeast corner of this tract;

THENCE with the west right-of-way line of F. M. Highway 116, the east line of said 307.903 acre tract and along said curve to the left, having a radius of 8,654.40 feet, an arc length of 391.47 feet, and a long chord bearing **S. 07° 42' 57" W., 391.43 feet**, to a 1/2" iron rod with cap stamped "M&ASSOC KILLEEN" set a southeast corner of said 307.903 acre tract and the northeast corner of a called 30.00 acre tract conveyed to Foster Jones, of record in Volume 476, Page 793, Deed Records of Coryell County, Texas, for the northerly southeast corner of this tract;

THENCE **N. 74° 56' 10" W., 852.15 feet**, with a south line of said 307.903 acre tract and the north line of said 30.00 acre tract, to a 5/8" iron rod found at an interior corner of said 307.903 acre tract, being on the west line of an old abandoned road, for an interior corner of this tract;

THENCE **S. 16° 47' 20" W., 1359.50 feet**, with an east line of said 307.903 acre tract and the west line of said abandoned road, to a 1/2" iron rod with cap stamped "M&ASSOC KILLEEN" set at an interior corner of said 307.903 acre tract, for an interior corner of this tract;

THENCE **S. 73° 01' 24" E., 119.46 feet**, with a south line of said 307.903 acre tract, to a plow shank found at an angle corner of said 307.903 acre tract and the southwest corner of said 30.00 acre tract, for an angle corner of this tract;

THENCE **S. 73° 08' 44" E., 1101.35 feet**, with the south line of said 30.00 acre tract and a north line of said 307.903 acre tract, to a 1/2" iron rod with cap stamped "M&ASSOC KILLEEN" set on the west right-of-way line of said FM 116 at the southeast corner of said 30.00 acre tract and a northeast corner of said 307.903 acre tract, for the southerly northeast corner of this tract;

THENCE with the west right-of-way line of said FM 116 and the east line of said 307.903 acre tract, the following two (2) calls:

1. **S. 01° 02' 24" E., 603.05 feet**, to a U. S. Government monument found at the beginning of a curve to the left, for a corner of this tract;
2. along said curve to the left, having a radius of 8,651.68 feet, an arc length of 72.96 feet, and a long chord bearing **S. 01° 15' 58" E., 72.96 feet**, to a point at a present northeast corner of the City of Copperas Cove City Limits for a southeast corner of this tract;

THENCE over and across said 307.903 acre tract and with said existing city limits, the following two (2) calls:

1. **S. 87° 14' 03" W., 1000.21 feet**, to a point for an interior corner of this tract;
2. **S. 08° 03' 25" E., 1035.67 feet**, to a point on a south line of said 307.903 acre tract for a corner of this tract;

THENCE with a southeast line of said 307.903 acre tract, the following three (3) calls:

1. **S. 82° 14' 02" W., 171.72 feet**, to a 1/2" iron rod with cap stamped "M&ASSOC KILLEEN" set for an interior corner of this tract;
2. **S. 17° 24' 28" W., 546.21 feet**, to a 1/2" iron rod with cap stamped "M&ASSOC KILLEEN" set for an angle corner of this tract;
3. **S. 17° 42' 56" W., 438.00 feet**, to a 1/2" iron rod with cap stamped "M&ASSOC KILLEEN" set on the north right-of-way line of Lutheran Church Road and the south line of said 4.034 acre tract, for the southerly southeast corner of this tract;

THENCE **N. 73° 30' 33" W.,** with the north right-of-way line of said Lutheran Church Road and the south line of said 307.903 acre tract, at a distance of 62.74 feet, pass a 3/8" iron rod found at the southwest corner of said 4.034 acre tract, continuing on same course with the north right-of-way line of said Lutheran Church Road, for a total distance in all of **99.14 feet**, to a 1/2" iron rod with cap stamped "M&ASSOC KILLEEN" set for an angle corner of this tract;

THENCE **N. 68° 37' 41" W., 262.35 feet**, with the north right-of-way line of said Lutheran Church Road and the south line of said 307.903 acre tract, to a 1/2" iron rod with cap stamped "M&ASSOC KILLEEN" set for an angle corner of this tract;

THENCE **N. 69° 40' 19" W., 276.76 feet**, with the north right-of-way line of said Lutheran Church Road and the south line of said 307.903 acre tract, to a 6" cedar post found for an angle corner of this tract;

THENCE **N. 72° 50' 35" W., 1204.39 feet**, with the north right-of-way line of said Lutheran Church Road and the south line of said 307.903 acre tract, to a point for the southwest corner of this tract;

THENCE **N. 17° 24' 56" E., 4893.84 feet**, over and across said 307.903 acre tract, to a 5/8" iron rod found on the north line of said 307.903 acre tract at the southwest corner of Lot 23, said Whispering Oaks Unit 2, for the northwest corner of this tract;

THENCE **S. 73° 30' 56" E., 1038.06 feet**, with the north line of said 307.903 acre tract and the south line of said Lot 23, and the

JOE EDDIE GLASS, TERESA ANN INGRAM  
and JOHN ROBERT GLASS  
CALLED 115 ACRES  
(VOL. 494, PAGE 873)

GLASS ROAD

N18°53'25"E-341.10'

1/2" IR  
FND

N15°30'04"E  
614.44'

N16°09'44"E  
431.07'

N16°15'20"E  
565.49'

3" STEEL  
FENCE POST  
FND

LOT

S7.

WBW

N72°49'34"W-1