



City of Richmond, Texas Ordinance No. 2019-11

AN ORDINANCE ANNEXING TO THE CITY OF RICHMOND, TEXAS, A 6.567-ACRE TRACT OF LAND IN THE J. T. EDWARDS SURVEY, ABSTRACT NO. 23 IN FORT BEND COUNTY, TEXAS, PURSUANT TO REQUESTS FOR ANNEXATION; PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF RICHMOND, TEXAS; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; ADOPTING A SERVICE PLAN FOR SUCH AREA; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City of Richmond, Texas (the "City") is authorized to annex land when requested by the owners of such land, in accordance with Texas Local Government Code, Section 43.0671, attached as Exhibit B; and

WHEREAS, the owner of the land, Fort Bend Habitat for Humanity, has entered into an agreement for the provision of services upon annexation in accordance with Texas Local Government Code, Section 43.0672, as attached as Exhibit B; and

WHEREAS, the City of Richmond did provide notice of the request for annexation and the proposed annexation, including the dates of public hearing, to the providers services of Fort Bend County, Texas and Lamar Consolidated School District at least 10 days prior to the first public hearing; and

WHEREAS, there has been no request for an "on-site" hearing, two public hearings before the City Commission where all interested persons were provided with an opportunity to be heard on the proposed annexation of the property described in Section 2 of this ordinance, were held, during the City Commission meetings, following publication of notice thereof and posting such notice on the City's website as required by law, on March 25, 2019, and April 15, 2019, which dates are more than 10 business days apart, all in compliance with Texas Local Government Code, Sec. 43.0673; and

WHEREAS, notices of the first and second public hearings were published in a newspaper having general circulation in the City of Richmond, Texas, and in the below described territory on the 25th day of March, 2019 and the 15th day of April, 2019, respectively, which dates are not more than twenty (20) nor less than ten (10) days prior to the dates of such public hearings; and

WHEREAS, each notice was posted on the City of Richmond's notice board and website on or after the 20th day but before the 10th day before each public hearing and remained posted until the date of the public hearing referenced in the notice; and

WHEREAS, the below described property lies within the extraterritorial jurisdiction of the City of Richmond, Texas; and

WHEREAS, the City Commission, has found that it is in the best interest of the City and the tract to annex the 6.567-acre tract; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF RICHMOND, TEXAS;

SECTION 1. The findings set forth in the recitals to this Ordinance are determined to be true and correct and are hereby adopted.

SECTION 2. Subject to all sections of this Ordinance, the City hereby annexes the 6.567-acre tract of land described in Exhibit A, and the same is hereby added to the City of Richmond and hereinafter shall be included within the boundary limits of the City of Richmond, Texas, and present boundary limits of the City, at the various points contiguous to the areas described in Exhibit A, are altered and amended so as to include said areas within the corporate limits of the City of Richmond, Texas.

SECTION 3. The above described territory and the areas so annexed shall be a part of the City of Richmond, Texas, and the property so added hereby shall bear its pro rata of the taxes levied by the City of Richmond, Texas and the inhabitants thereof shall be entitled to all of the rights and privileges of all the citizens of the City of Richmond and shall be bound by the acts, ordinances, resolutions and regulations of the City of Richmond, Texas.

SECTION 4. A regulatory plan for the annexed territory is hereby adopted as part of this Ordinance. Services not provided upon annexation will be provided upon construction and acceptance of the water, wastewater, street light, and stormwater systems; and solid waste disposal will be provided upon establishment of utility service. Such regulatory plan is attached hereto as Exhibit B.

SECTION 5. The City Commission officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place, and subject of this meeting of the City Commission was posted at a place convenient to the public at the City Hall of the City and on the City's website for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof have been discussed, considered, and formally acted upon. The City Commission further ratifies, approves, and confirms such written notice and the contents and posting thereof.

SECTION 6. If any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Commission in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness, or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose. Should this Ordinance for any reason be ineffective as to any part of the area annexed to the City, such ineffectiveness of this Ordinance as to any such part of parts of any such area shall not affect the effectiveness of this Ordinance as to all of the remainder of such area, and the City Commission hereby declares it to be its purpose to annex to the City every part of the area described in Exhibit A of this Ordinance, regardless of whether any other part of such described area is hereby effectively annexed to the City. Provided, further, that if there is included within the description of territory set out in Exhibit A of this Ordinance to be hereby annexed which are presently part of and included within the full purpose limits of the City, or the limits of any other municipality, the same is hereby excluded and excepted from the territory to be hereby annexed as fully as if such excluded and excepted area were expressly described herein.

PASSED AND ADOPTED this 20th day of May, 2019.

Evalyn W. Moore, Mayor

ATTEST:

Laura Scarlato, City Secretary

STATE OF TEXAS

COUNTY OF FORT BEND)

This instrument was acknowledged before me on the 23 day of May, 2019, by Evalyn W. Moore, Mayor, City of Richmond, as the act and deed of the City of Richmond.

Notary Public, State of Texas

My commission expires: 12.02.21

EXHIBIT "A"



DESCRIPTION OF 6.567 ACRES OR 286,061 SQ. FT.

A TRACT OR PARCEL CONTAINING 6.567 ACRES OR 286,061 SQUARE FEET OF LAND SITUATED IN THE J.T. EDWARDS SURVEY, ABSTRACT NO. 23, FORT BEND COUNTY, TEXAS, BEING PART OF AND OUT OF A TRACT OF LAND CONVEYED TO GEORGE FOUNDATION, AS RECORDED UNDER VOL 107, PG. 526 OF THE FORT BEND COUNTY DEED RECORDS (F.B.C.D.R.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD (BENT) FOUND ALONG THE SOUTH RIGHT OF WAY (R.O.W.) LINE OF ROCKY FALLS ROAD, FOR THE NORTHEAST CORNER OF RESERVE. "B" OF FORT BEND COUNTY WOMEN'S CENTER SUBDIVISION, MAP OR PLAT THEREOF RECORDED UNDER SLIDE NO. 2018B OF THE FORT BEND COUNTY PLAT RECORDS, CONVEYED TO FORT BEND COUNTY WOMEN'S CENTER, INC., AS RECORDED UNDER FORT BEND COUNTY CLERK FILE (F.B.C.C.F.) NO. 2000039921, AND THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT:

THENCE, NORTH 86 DEG. 55 MIN. 13 SEC, EAST, ALONG THE SOUTH RIGHT OF WAY OF SAID ROCKY FALLS ROAD. A DISTANCE OF 304.18 FEET TO A 5/8 INCH IRON ROD IN CONCRETE FOUND FOR THE NORTHWEST CORNER OF A CALLED 0.173 ACRE TRACT CONVEYED TO CATHERINE R. LOYA, AS RECORDED UNDER F.B.C.C.F. NO. 9104436, AND THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE. SOUTH 02 DEG. 47 MIN. 36 SEC. EAST, ALONG THE WEST LINE OF SAID CALLED 0.173 ACRE TRACT, PASSING AT A DISTANCE OF 120.37 FEET A CAPPED 5/8 INCH IRON ROD STAMPED "1535 4035" FOUND FOR THE SOUTHWEST CORNER OF SAID CALLED 0.173 ACRE TRACT, AND THE NORTHWEST CORNER OF A CALLED 4.347 ACRE TRACT CONVEYED TO MELLON REAL ESTATE, INC., AS RECORDED UNDER F.B.C.C.F. NO. 9245012, AND CONTINUING FOR A TOTAL DISTANCE OF 824.37 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET ON THE NORTH R.O.W. LINE OF F.M. 3155, A.K.A. PRESTON STREET, 80 FEET WIDE, AS RECORDED UNDER VOL. 519, PG. 568, AND VOL. 463, PG. 654, F.B.C.D.R., FOR THE SOUTHWEST CORNER OF SAID CALLED 4.347 ACRE TRACT, AND THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A 3/4 INCH IRON PIPE FOUND BEARS SOUTH 01 DEG. 40 MIN. EAST, 0.54 FEET;

THENCE, ALONG THE NORTH AND EAST R.O.W. UNE OF SAID F.M. 3155, THE FOLLOWING THREE (3) COURSES AND DISTANCES.

SOUTH 87 DEG. 31 MIN. 56 SEC. WEST, A DISTANCE OF 197.75 FEET TO A CONCRETE MONUMENT FOUND FOR AN ANGLE POINT:

NORTH 64 DEG. 01 MIN. 22 SEC. WEST, A DISTANCE OF 180.70 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR AN ANGLE POINT, FROM WHICH A TXDOT MONUMENT FOUND BEARS SOUTH 54 DEG. 06 MIN. WEST, 1.43 FEET;

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713.458.2281 1 3200 WILCREST, STE 325, HOUSTON, TX 77042

NORTH 35 DEG. 52 MIN. 51 SEC WEST, A DISTANCE OF 325.25 FEET TO A CAPPED 5/8 INCH IRON ROD STAMPED "WINDROSE" SET FOR THE SOUTHWEST CORNER OF RESERVE "A" OF AFORESAID FORT BEND COUNTY WOMEN'S CENTER SUBDIVISION, AND THE MOST WESTERLY NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT, FROM WHICH A CAPPED 5/8 INCH IRON ROD BEARS SOUTH 87 DEG. 00 MIN. EAST, 1.37 FEET;

THENCE, NORTH 87 DEG. 36 MIN. 19 SEC. EAST, ALONG THE SOUTH LINE OF SAID RESERVE "A", A DISTANCE OF 229.68 FEET TO A 5/8 INCH IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID RESERVE "A", AND AN INTERIOR CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE, NORTH 02 DEG. 48 MIN. 45 SEC. WEST, ALONG THE EAST LINE OF SAID RESERVE "A", A DISTANCE OF 463.85 FEET TO THE POINT OF BEGINNING AND CONTAINING 6.567 ACRES OR 286,061 SQUARE FEET OF LAND AS SHOWN ON JOB NO. 54267-NORTH, PREPARED BY WINDROSE LAND SERVICES INC.

KEVIN M. REIDY R.P.L.S. NO. 6450 STATE OF TEXAS

FIRM REGISTRATION NO. 10108800

KEVIN M. REIDY

8/7/18 DATE

713.458.2281 I 3200 WILCREST, STE 325, HOUSTON, TX 77042

EXHIBIT B

FORT BEND HABITAT FOR HUMANITY 13570 MURPHY ROAD STAFFORD, TEXAS 77477

Date: January E, 2019

City Commission City of Richmond, Texas 402 Morton Street Richmond, Texas 77469

Re: Request for Annexation

Mayor and Commissioners:

Fort Bend Habitat for Humanity, (the "Owner") is the owner of the 6.567-acre tract of land described on Exhibit "A" to this letter (the "Property"). Pursuant to Subchapter C-3, Chapter 43 of the Texas Local Government Code, the Owner is hereby requesting the annexation of the Property into the City of Richmond, Texas, and the contracting with the City of Richmond, Texas to provide the municipal services to the Property as set forth in the Contract for Municipal Services attached hereto as Exhibit "B".

The Property is contiguous to the City of Richmond, the annexing municipality.

The Owners hereby request the City Commission of Richmond, Texas to annex the Property and to provide the municipal services as set forth in the Contract for Municipal Services attached hereto.

If additional information is required to process this request, please feel free to contact the undersigned.



SIGNATURE PAGE

Fort Bend Habitat for Humanity

By:\

Name:

Sherwin Sun

"itle: ___ Executive Wheeh

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ACKNOWLEDGEMENT PAGE

STATE OF TEXAS	§	
	§	
COUNTY OF FORT BEND	§	
This instrument was a for Humanity.	Sherwin Sun	on the day of of Fort Bend Habitat

JACQUELINE C KEASLEY
Notary 1D #129501449
My Commission Expires
July 25, 2021

Notary Public, State Of Texas

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EXHIBIT "A"

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EXHIBIT "A"



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KEVIN M. REIDY R.P.L.S. NO. 6450 STATE OF TEXAS

FIRM REGISTRATION NO. 10108800



<u>8/7/18</u> DATE

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EXHIBIT "B"

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STATE OF TEXAS	
)
COUNTY OF FORT BEND)

CHAPTER 43, SUBCHAPTER C-3 TEXAS LOCAL GOVERNMENT CODE MUNICIPAL SERVICES AGREEMENT

This Agreement is entered into pursuant to Sections 43.0672 of the Texas Local Government Code by and between the City of Richmond, Texas (the "City") and the undersigned property owner(s) (the "Owner"). The term "Owner" includes all owners of the Property.

WHEREAS, the Owner owns a parcel of real property (the "Property") in Fort Bend County, Texas, which is more particularly and separately described in the attached Exhibit "A"; and

WHEREAS, pursuant to Subchapter C-3 of Chapter 43, Texas Local Government Code, the Owner of the Property has requested the City has annexation the Owner's Property; and

WHEREAS, the Owner and the City have negotiated the provision of municipal services in the area; and

WHEREAS, the Owner and the City desire to enter into this Agreement for Municipal Services; and

WHEREAS, th	ne City has scheduled pu	iblic hearings on the requested	l annexation to be
held	and	, 2019; and	

WHEREAS, the Owner and the City acknowledge that this Agreement is binding upon the City and the Owner and their respective successors and assigns for the term (defined below) of this Agreement; and

WHEREAS, this Municipal Services Agreement is to be recorded in the Real Property Records of Fort Bend County, Texas.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

Section 1. Upon the effective date of the annexation, the City will provide the following services:

- Fire
- Police
- Building Inspection
- Planning and Zoning
- Street Maintenance

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- Health and Code Enforcement
- Parks and Playgrounds.

Section 2. For services not provided on the effective date of the annexation, the City will provide the following services within the periods set forth for each service:

- Water service
- Wastewater service
- Street Lighting
- Storm water Management
- Solid Waste Service.

Section 3. This Agreement shall run with the Property and be recorded in the real property records of Fort Bend County, Texas.

Section 4. If a court of competent jurisdiction determines that any covenant of this Agreement is void or unenforceable, including the covenants regarding involuntary annexation, then the remainder of this Agreement shall remain in full force and effect.

Section 5. This Agreement may be enforced by any Owner or the City by any proceeding at law or in equity. Failure to do so shall not be deemed a waiver to enforce the provisions of this Agreement thereafter.

Section 6. No subsequent change in the law regarding annexation shall affect the enforceability of this Agreement or the City's ability to annex the properties covered herein pursuant to the terms of this Agreement.

Section 7. Venue for this Agreement shall be in Fort Bend County, Texas.

Section 8. This Agreement may be separately executed in individual counterparts and, upon execution, shall constitute one and same instrument.

(Signature Pages Follow)



FORT BEND HABITAT FOR HUMANITY (OWNER)

Name:	Pheni	۵
Name.		4
Title:	Executive Drew	
Dated: _	January 8, 2019	
CITY OF	RICHMOND, TEXAS	
Eva	lyn W. Moore	5
Evalyn W	/. Moore, Mayor	
Dated: _	May 23, 2019	
ATTEST		
	7	
Laura Co	arlato, City Secretary	

MUNICIPAL SERVICE PLAN 6.567 Acre tract of land — 2000 Preston Street

(Attachment to an agreement pursuant to Sections 43.0672 of the Texas Local Government Code for the aforementioned property)

FIRE

Existing Services: Richmond Fire Department

Services to be Provided: Fire suppression will be available to the area upon annexation. Primary fire response will be provided by Fire Station No. 1, located at 200 Houston Street, Richmond, Texas 77406. Adequate fire suppression activities can be afforded to the annexed area within current budget appropriation. Fire prevention activities will be provided by the Fire Marshal's office as needed.

POLICE

Existing Services: None

Services to be Provided: Currently, the area is under the jurisdiction of the Fort Bend County Sheriff's Office. However, upon annexation, the City of Richmond Police Department will extend regular and routine patrols to the area. It is anticipated that the implementation of police patrol activities can be effectively accommodated within the current budget and staff appropriation.

BUILDING INSPECTION AND HEALTH

Existing Services: None

Services to be Provided: The Building Department will provide Building and Health Inspection Services upon annexation. This includes issuing building, electrical, and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes which regulate building construction within the City of Richmond, Texas. The Building Department will additionally provide Health Inspection Services for food establishments.

PLANNING AND ZONING

Existing Services: None

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

LIBRARY

Existing Services: None

Services to be Provided: Fort Bend County Library currently provides service to this property. Upon the effective date of annexation, free library use privileges will be

available to anyone residing in this area. These services will continue under Fort Bend County Library.

PRESTON ROAD STREET MAINTENANCE

Existing Services: Texas Department of Transportation Street Maintenance

Services to be Provided: Maintenance to the Preston Road will continued to be provided by the Texas Department of Transportation upon the effective date of the annexation. Maintenance of any proposed streets within the annexed area will be provided in accordance with the applicable codes and departmental policy upon annexation and completion of construction. This service can be provided within the current budget appropriation.

CODE ENFORCEMENT SERVICE

Existing Services: None

Services to be Provided: The Richmond Fire Department will provide code enforcement services which will include enforcement of the City of Richmond's code of ordinances and City of Richmond Unified Development Code on the effective date of the annexation. Such services can be provided with current personnel and within the current budget appropriation.

PARK AND PLAYGROUND

Existing Services: Multiple City Parks in close proximity.

Services to be Provided: No additional services to be provided.

WATER SERVICE

Existing Services: None

Services to be Provided: Water service to the area will be provided in accordance with the applicable codes and departmental policy upon annexation and completion of infrastructure construction.

SANITARY SEWER SERVICE

Existing Services: None

Services to be Provided: Sanitary sewer service to the area of proposed annexation will be provided in accordance with applicable codes and departmental policy upon annexation and completion of infrastructure construction.

STREET LIGHTING

Existing Services: None

Services to be Provided: The City of Richmond will coordinate any request for improved street lighting with the local electric provider in accordance with standard policy.

STORM WATER MANAGEMENT

Existing Services: None

Services to be Provided: Developers will provide storm water drainage at their own expense and will be inspected by the Public Works Department at time of completion. The City will then maintain the drainage upon approval.

SOLID WASTE SERVICES

Existing Services: None

Services to be Provided: Solid Waste Collection shall be provided to the area of annexation in accordance with the present ordinance. Service shall comply with existing City policies, beginning with occupancy of structures.

MISCELLANEOUS

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

CAPITAL IMPROVEMENT PLAN

No Capital Improvements are planned for the area requesting annexation.

RETURNED AT COUNTER TO:

FILED AND RECORDED OFFICIAL PUBLIC RECORDS

Laura Richard, County Clerk Fort Bend County Texas June 03, 2019 02:43:02 PM

FEE: \$85.00

CM

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