

CITY OF ROSENBERG, TEXAS

ORDINANCE NO. 2012-29

AN ORDINANCE OF THE CITY OF ROSENBERG, TEXAS, PROVIDING FOR THE EXTENSION OF ROSENBERG, TEXAS CITY LIMITS BY THE ANNEXATION OF ADJACENT TRACTS OF LAND DESCRIBED IN THE FIELD NOTES OF THE METES AND BOUNDS SURVEY IN EXHIBIT "A", AND GENERALLY LOCATED NORTH OF US 90A, SOUTH OF SH 36, AND EAST OF CECIL ROBINOWITZ ROAD; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREAS SHALL BECOME A PART OF THE CITY AND THAT THE OWNERS AND INHABITANTS THEREOF SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREAFTER ADOPTED; FURTHER PROVIDING FOR AMENDING THE OFFICIAL BOUNDARIES OF THE CITY AS HERETOFORE ADOPTED; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR SAID ORDINANCE TO TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE.

WHEREAS, Texas Local Government Code Section 43.021 authorizes the City of Rosenberg, as a home-rule municipality, to extend its City limit boundaries through the annexation of area adjacent to those boundaries; and

WHEREAS, Article 1, Section 1.03 of the City Charter of the City of Rosenberg provides that the City Council has authority by ordinance to fix the City limit boundaries, provide for the alteration and extension of said boundaries, and annex additional territory lying adjacent to said boundaries in any manner provided by law; and

WHEREAS, the area to be annexed lies within the extraterritorial jurisdiction of the City of Rosenberg, Texas, and lies adjacent to the City of Rosenberg, Texas; and

WHEREAS, Texas Local Government Code Section 43.052(h)(1) provides that an area proposed for annexation containing fewer than one hundred (100) separate tracts of land on which one or more residential dwellings are located on each tract is exempted from the state law requirement that an area proposed for annexation first be identified in an annexation plan; and

WHEREAS, the areas described herein contain fewer than one hundred (100) separate tracts of land on which one or more residential dwellings are located on each tract and are, therefore, exempted from the above-described annexation plan requirement; and

WHEREAS, Texas Local Government Code Section 43.035(a)(2) stipulates that a municipality may not annex an area appraised for ad valorem tax purposes as land for agricultural use under Subchapter C or D, Chapter 23, Tax Code and Texas Local Government Code Section 43.035(b)(1) provides that a municipality must offer to make a development agreement with landowners eligible under Texas Local Government Code 43.035(a)(2) to guarantee the continuation of the extraterritorial status of the area; and

WHEREAS, the City of Rosenberg executed non-annexation Development Agreements for eligible properties, which said properties are particularly described in the attached Exhibit "B", and said non-annexation Development Agreements were approved by City Council; and

WHEREAS, pursuant to Texas Local Government Code Section 43.035(c) an area adjacent or contiguous to an area that is the subject of a development agreement under Texas Local Government Code Section 43.035(b)(1) is considered adjacent or contiguous to the municipality; and

WHEREAS, two separate public hearings were conducted on the proposed annexation in accordance with Chapter 43 of the Texas Local Government Code, the first being held on August 01, 2012, at the City Hall Council Chamber, 2110 4th Street, Rosenberg, Texas 77471, and the second public hearing being held on August 07, 2012, at the City Hall Council Chamber, 2110 4th Street, Rosenberg, Texas 77471; and

WHEREAS, the public hearings were conducted and held not more than forty (40) days nor less than twenty (20) days prior to the institution of annexation proceedings and such public hearings gave all interested persons the right to appear and be heard on the proposed annexation of such land; and

WHEREAS, all required written notices were timely sent to all property owners and others entitled to written notice before the 30th day before the first public hearing; and

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and in the area proposed to be annexed by publication at least once in said newspaper not more than twenty (20) days nor less than ten (10) days prior to each public hearing; and

WHEREAS, notice of the public hearings was posted on the City's Internet website on or after the twentieth (20th) day but before the tenth (10th) day before the date of each public hearing and remained posted until the date of the hearings; and

WHEREAS, all required statutory notices pursuant to the Chapter 43 of the Texas Local Government Code and of the Charter of the City of Rosenberg, Texas, have been accomplished; and

WHEREAS, the proposed service plan was made available for public inspection and explained to the inhabitants of the area at the public hearings held.

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

SECTION 1

All of the above premised are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2

The land and territory lying outside of, but adjacent to and contiguous to the City of Rosenberg, Texas, more particularly described in Exhibit "A" and depicted in a map in Exhibit "A.1" attached hereto and incorporated herein for all purposes, is hereby added and annexed to the City of Rosenberg, Texas, and said territory, as described, shall hereafter be included within the boundary limits of said City, and the present boundary limits of said City, at the various points contiguous to the area described in Exhibit "A", are altered and amended so as to include said areas within the corporate limits of the City of Rosenberg, Texas.

SECTION 3

The land and territory more particularly described in Exhibit "A", attached hereto and incorporated herein by reference, shall be part of the City of Rosenberg, Texas and inhabitants thereof shall be entitled to all the rights and privileges as citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the City of Rosenberg, Texas.

SECTION 4

A service plan outlining the provisions of necessary municipal services to the properties is hereby approved and the implementation of said plan is hereby authorized. Such plan is attached hereto and incorporated herein as Exhibit "C".

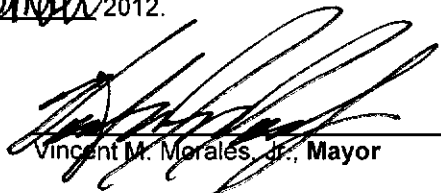
SECTION 5

If any section, subsection, sentence, paragraph, phrase, word, or provision be found to be illegal, invalid, unconstitutional or if any portion of said properties is incapable of being annexed by the City of Rosenberg, Texas, for any reason whatsoever, the adjudication shall not affect another section, sentence, phrase, word, paragraph or provision of this Ordinance or the application of any other section, sentence, phrase, word, paragraph or provision to any other person or portion of said properties, situation or circumstance, nor shall the adjudication affect any other section, sentence, phrase, word, paragraph or provision of any other ordinance of the City of Rosenberg, Texas. The City Council declares that it would have adopted the valid portions and applications of the Ordinance and would have annexed the valid properties without the invalid part and invalid properties and to this end the provisions of this Ordinance are declared to be severable.

SECTION 6

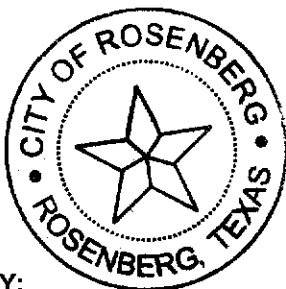
This ordinance shall be effective from and after September 04, 2012.

PASSED, APPROVED AND ADOPTED by a vote of 5 "ayes" in favor and 2 "noes" against on this the first and final reading in full compliance with the provisions of Section 3.10 of the Charter of the City of Rosenberg on the 4th day of September 2012.

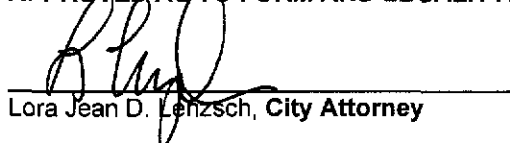

Vincent M. Morales, Jr., Mayor

ATTEST:


Linda Cernosek, City Secretary



APPROVED AS TO FORM AND LEGALITY:


Lora Jean D. Lenzsch, City Attorney

CHARLIE KALKOMEY SURVEYING, INC.

A JONES & CARTER COMPANY

6415 READING ROAD
ROSENBERG, TEXAS 77471
281 342-2033

UNION PACIFIC TRACTS

FIELD NOTES FOR A 647.5 ACRE TRACT OF LAND IN THE HENRY SCOTT LEAGUE, ABSTRACT 83, THE B. B. B. & C. RAILROAD COMPANY SURVEY SECTION 15, ABSTRACT 133, THE J. F. DYER SURVEY, ABSTRACT 371, AND THE S. P. RAILROAD COMPANY SURVEY SECTION 1, ABSTRACT 332, FORT BEND COUNTY, TEXAS, WITH ALL BEARINGS BASED UPON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83, BASED UPON GPS OBSERVATIONS OF CITY OF ROSENBERG CONTROL MONUMENT RS11.

BEGINNING at a ½ inch iron pipe with cap marked "Kalkomey Surveying" found in the southwest right-of-way line of State Highway 36 at the point of intersection of said line with the east line of a called 27.1453 acre tract recorded in Volume 2402, Page 983, Official Records, Fort Bend County, Texas, same being the west line of an adjoining called 16.98 acre tract recorded in Volume 1923, Page 2445, Official Records, Fort Bend County, Texas, for the northeast corner and **Place of Beginning** of the herein described tract, said point being the southeast corner of the existing City of Rosenberg City Limits as described in Annexation Number 45 (Ordinance 96-22), and being in the west line of the existing City of Rosenberg City Limits as described in Annexation Number 33 (Ordinance 90-84);

THENCE South 02 degrees 37 minutes 21 seconds East along the east line of the herein described tract and the east line of said called 27.1453 acre tract, same being the west line of said adjoining called 16.98 acre tract, and a west line of said existing City of Rosenberg City Limits, 1,623.68 feet to a point for the upper southeast corner of the herein described tract, said point being the southwest corner of said existing City of Rosenberg City Limits (Annexation Number 33), and being in a north line of the existing City of Rosenberg City Limits as described in Annexation Number 22 (Ordinance 86-30), said point being 350.00 feet north of the centerline of the Union Pacific Railroad;

THENCE South 81 degrees 01 minute 41 seconds West along the common line of the herein described tract and said existing City of Rosenberg City Limits, being 350.00 feet perpendicular from and parallel to the centerline of said Union Pacific Railroad, 3,546.79 feet to a point for corner, said point being a reentry corner of said existing City of Rosenberg City Limits, said point also being 500.00 feet east of the west line of that certain called 65.59 acre tract recorded in Volume 115, Page 612, Official Records, Fort Bend County, Texas;

THENCE North 02 degrees 28 minutes 36 seconds West continuing along said common line, being 500.00 feet perpendicular from and parallel to the west line of said called 65.59 acre tract, 1,721.92 feet to a reentry corner to the herein described tract, said point being in the north line of said called 65.59 acre tract, same being the south line of that certain called 7.3445 acre tract recorded in Volume 1887, Page 2450, Official Records, Fort Bend County, Texas;

THENCE South 87 degrees 38 minutes 33 seconds West continuing along said common line, 500.00 feet to a reentry corner to the herein described tract, being the northwest corner of said called 65.59 acre tract, same being the southwest corner of that certain called 1.500 acre tract recorded under County Clerk's File Number 2002007703, Official Public Records, Fort Bend County, Texas, and being in the east line of a called 1,428.321 acre tract recorded in Volume 1665, Page 97, Official Records, Fort Bend County, Texas;

THENCE South 02 degrees 28 minutes 36 seconds East continuing along said common line, being the east line of said called 1,428.321 acre tract, same being the west line of said called 65.59 acre tract, at 2,081.10 feet pass a 1-inch iron pipe found in concrete for the southeast corner of said called 1,428.321 acre tract, same being the southwest corner of said called 65.59 acre tract, and being in the north right-of-way line of the Union Pacific Railroad, and continuing for a total distance of 2,282.39 feet to a point for the lower southeast corner of the herein described tract, said point being in the south right-of-way line of U. S. Highway 90-A, and being the southwest corner of the existing City of Rosenberg City Limits (Annexation Number 22);

THENCE South 81 degrees 01 minute 41 seconds West along the lower south line of the herein described tract, being the south right-of-way line of U. S. Highway 90-A, 4,276.89 feet to a point for the southwest corner of the herein described tract, said point being in the extension of the east right-of-way line of Robinowitz Road #1;

THENCE North 00 degrees 42 minutes 19 seconds West along the west line of the herein described tract, crossing U. S. Highway 90-A and said Union Pacific Railroad right-of-way, at 202.10 feet pass the north right-of-way line of said Union Pacific Railroad right-of-way, and continuing along the east right-of-way line of Robinowitz Road #1 for a total distance of 5,430.44 feet to a point for the lower northwest corner of the herein described tract, said point being in a southwest line of the existing City of Rosenberg City Limits as described in Annexation Number 46 (Ordinance 96-39);

THENCE South 76 degrees 31 minutes 51 seconds East along the common line of the herein described tract and said existing City of Rosenberg City Limits, 1.02 feet to an angle point;

THENCE North 53 degrees 32 minutes 34 seconds East continuing along said common line, 37.34 feet to a point for the upper northwest corner of the herein described tract, said point being 10.00 feet south of the southwest right-of-way line of State Highway 36, from which point a concrete monument found at the north cutback corner at the intersection of State Highway 36 and Robinowitz Road #1 bears North 11 degrees 12 minutes 42 seconds West, 11.06 feet;

THENCE South 75 degrees 57 minutes 59 seconds East continuing along said common line, being 10.00 feet perpendicular from and parallel to the southwest right-of-way line of State Highway 36, 4,220.75 feet to a reentry corner to the herein described tract, said point being the southeast corner of said existing City of Rosenberg City Limits, and being in the east line of the aforementioned called 1,428.321 acre tract, same being the west line of the residue of a called 1.00 acre tract recorded under County Clerk's File Number 9500869, Official Public Records, Fort Bend County, Texas;

THENCE North 02 degrees 06 minutes 18 seconds West continuing along said common line, being the east line of said called 1,428.321 acre tract, same being the west line of said residue of a called 1.0 acre tract, 10.41 feet to a ½ inch iron pipe found for corner, said point being the northeast corner of said existing City of Rosenberg City Limits (Annexation Number 46), and being in the southwest line of the aforementioned City of Rosenberg City Limits (Annexation Number 45);

THENCE South 75 degrees 58 minutes 54 seconds East along the northeast line of the herein described tract, same being the southwest right-of-way line of State Highway 36 and the southwest line of said existing City of Rosenberg City Limits, 4,195.39 feet to the **Place of Beginning** and containing 647.5 acres of land, more or less.

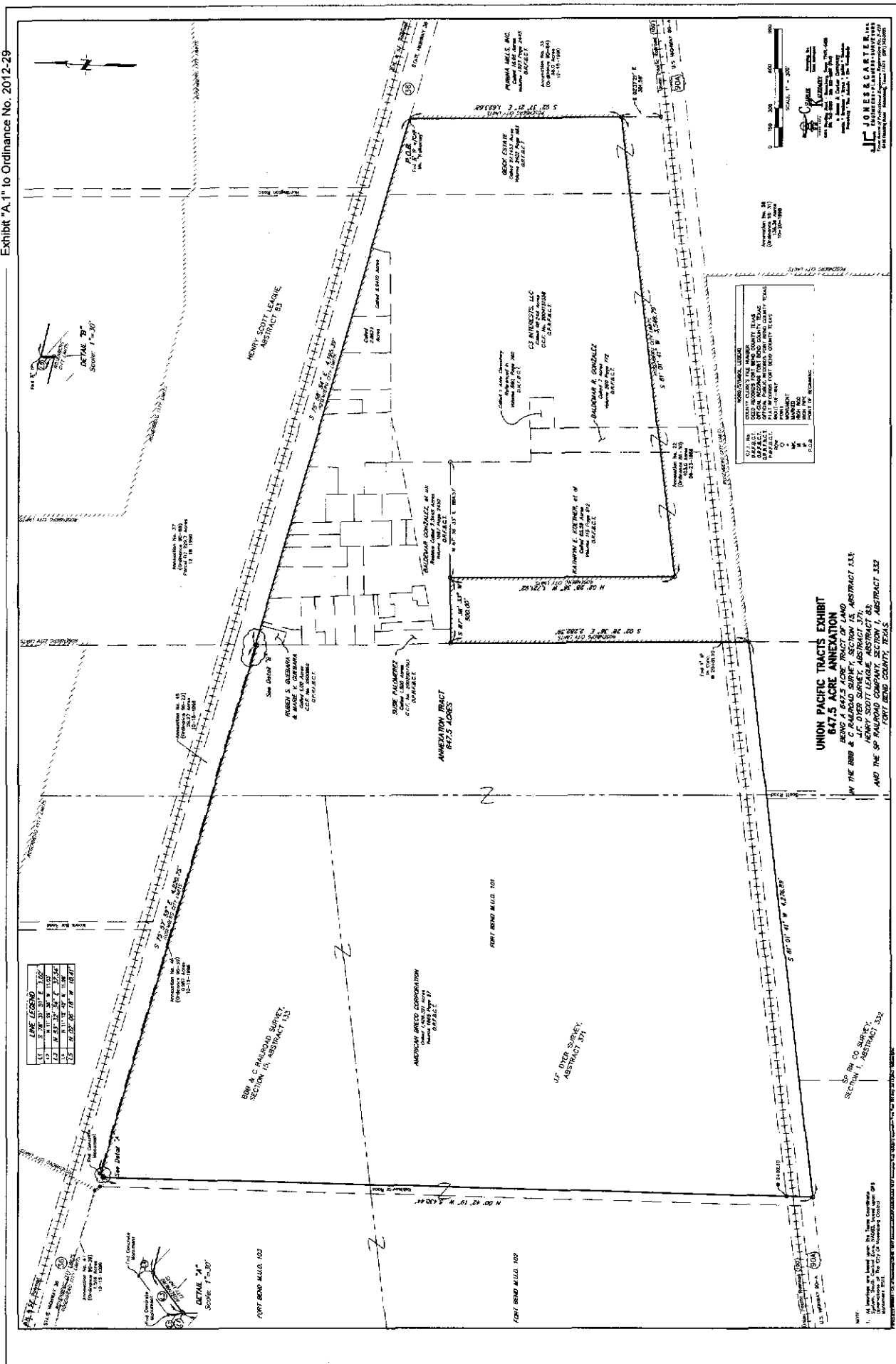
This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

July 9, 2012

Job Number R0001-120-00

Charlie Kalkomey Surveying, Inc.
6415 Reading Road
Rosenberg, TX 77471-5655
(281) 342-2033

Acting By/Through Chris D. Kalkomey
Registered Professional Land Surveyor
No. 5869
CDKalkomey@jonescarter.com



Owner: Gonzales Bob & Antonia
1012 1st ST
Rosenberg, TX 77471-3250

Fort Bend Central Appraisal District Tax Account Number: 0083-00-000-0779-901

Legal Description: 0083 HY SCOTT, TRACT 1-4 (PT), ACRES 8.2961, GUEBARA PARTITION

Owner: Gonzales Baldemar & Antonia
1012 1st ST
Rosenberg, TX 77471-3250

Fort Bend Central Appraisal District Tax Account Number: 0083-00-000-0961-901

Legal Description: 0083 HY SCOTT, TRACT 5 (PT) GUEBARA PARTITION, ACRES 1.052

Owner: Maldonado Rene G & Gina M
1012 1st ST
Rosenberg, TX 77471-3250

Fort Bend Central Appraisal District Tax Account Number: 0083-00-000-0963-901

Legal Description: 0083 HY SCOTT, TRACT 5 (PT) GUEBARA PARTITION, ACRES 1.052

Owner: Chandler, Donna K
11105 Shady Hollow DR
Austin, TX 78748-1821

Fort Bend Central Appraisal District Tax Account Number: 0083-00-000-1071-901

Legal Description: 0083 HY SCOTT, TRACT 107, ACRES 34.976, (8.774 AC)

Owner: Ferguson, Aileen
11105 Shady Hollow DR
Austin, TX 78748-1821

Fort Bend Central Appraisal District Tax Account Number: 0083-00-000-1071-901

Legal Description: 0083 HY SCOTT, TRACT 107, ACRES 34.976, (8.774 AC)

Owner: Ferguson, Linda G
11105 Shady Hollow DR
Austin, TX 78748-1821

Fort Bend Central Appraisal District Tax Account Number: 0083-00-000-1071-901

Legal Description: 0083 HY SCOTT, TRACT 107, ACRES 34.976, (8.774 AC)

Owner: Martin, Kathryn E
11105 Shady Hollow DR
Austin, TX 78748-1821

Fort Bend Central Appraisal District Tax Account Number: 0083-00-000-1071-901

Legal Description: 0083 HY SCOTT, TRACT 107, ACRES 34.976, (8.774 AC)

Owner: Gonzales Baldemar & Antonia
1012 1st ST
Rosenberg, TX 77471-3250

Fort Bend Central Appraisal District Tax Account Number: 0083-00-000-1582-901

Legal Description: 0083 HY SCOTT, TRACT 158 (Pt), ACRES 0.5871

Owner: Union Pacific Railroad Company
1400 Douglas ST
Attn: Property Tax Department 1400 Douglas ST
STOP 1580
Omaha, NE 68179-1640

Fort Bend Central Appraisal District Tax Account Number: 0083-00-000-1590-901

Legal Description: 0083 HY SCOTT, TRACT 159, ACRES 102.895

Owner: Union Pacific Railroad Company
1400 Douglas ST
Attn: Property Tax Department 1400 Douglas ST
STOP 1580
Omaha, NE 68179-1640

Fort Bend Central Appraisal District Tax Account Number: 0083-00-000-1592-901

Legal Description: 0083 HY SCOTT, ACRES 0.265, ROSENBERG ANNEXATION ORDINANCE 96-39 (PT OF A 0.987 AC TR)

Owner: Union Pacific Railroad Company
1400 Douglas ST
Attn: Property Tax Department 1400 Douglas ST
STOP 1580
Omaha, NE 68179-1640

Fort Bend Central Appraisal District Tax Account Number: 0133-00-015-0050-901

Legal Description: 0133 BBB AND C RY, TRACT 5 (TRACT 3), ACRES 91.580

Owner: Union Pacific Railroad Company
1400 Douglas ST
Attn: Property Tax Department 1400 Douglas ST
STOP 1580
Omaha, NE 68179-1640

Fort Bend Central Appraisal District Tax Account Number: 0133-00-015-0069-901

Legal Description: 0133 BBB AND C RY, ACRES 0.714, ROSENBERG ANNEXATION ORDINANCE 96-39 (PT OF A 0.987 AC TR)

Owner: Union Pacific Railroad Company
1400 Douglas ST
Attn: Property Tax Department 1400 Douglas ST
STOP 1580
Omaha, NE 68179-1640

Fort Bend Central Appraisal District Tax Account Number: 0371-00-002-0020-901

Legal Description: 0371 J F DYER, TRACT 2 (TRACTS 1 & 2), ACRES 231.21

**2012 ANNEXATION
City of Rosenberg, Texas
Municipal Service Plan for UP Tracts**

Description of the area: annexation of adjacent tracts of land described in the field notes of the metes and bounds survey in Exhibit "A" to Ordinance No. 2012-29, generally located north of US 90A, south of SH 36, and east of Cecil Robinowitz Road.

Upon annexation of the area identified above, the City of Rosenberg will provide City services utilizing methods by which it extends services to any other equivalent area in the City.

Services provided by the effective date of annexation:

1. POLICE PROTECTION

Upon annexation, the City of Rosenberg will provide police protection to the newly annexed area in the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed area. 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

Upon annexation, the City of Rosenberg will continue to provide fire protection services to the newly annexed area in the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed area.

3. EMERGENCY MEDICAL SERVICES

The City of Rosenberg does not currently provide any emergency medical services.

4. MAINTENANCE OF WATER AND WASTEWATER FACILITIES

The City of Rosenberg is not aware of the existence of any publicly owned water and wastewater facilities in the newly annexed area. All of the newly annexed properties have existing water wells and septic systems which shall continue to be maintained in accordance with the City's Code of Ordinances.

5. SOLID WASTE SERVICE

The City of Rosenberg contracts for the collection of solid waste and refuse within the corporate limits of the City. Solid waste collection will be provided, within ninety (90) days after the effective date of annexation, 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 density as those found within the newly annexed area. The City may negotiate with the annexed area to allow continued services with an existing solid waste management 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 the garbage provided proper indemnification is received from the homeowners association or individual property owners. The City will then impose fees and provide the service. In the event the City does not collect garbage within the areas with private roads and/or gates, residents of these areas will not be billed for service after the two-year date.

6. ROADS AND STREETS/ STREET LIGHTING

Any and all public roads, streets, alleyways or street lighting shall be maintained to the same degree and extent that other public roads, streets, alleyways, and street lighting are maintained in areas of the City with like topography, land use and density as those found within the newly annexed area. Private roads will remain under the ownership of the homeowners association and as such maintained by the association. Roads that are not part of a homeowners association and are privately owned will remain under private ownership and as such maintained by the individual owner(s).

7. MAINTENANCE OF PARKS, PLAYGROUNDS, AND SWIMMING POOLS

The City of Rosenberg is not aware of the existence of any publicly owned parks, playgrounds or swimming pools now located in the proposed annexed area. 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 the other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed area. Private facilities will remain under the ownership of the homeowners association and as such maintained by the association. Private facilities that are not part of a homeowners association and are privately owned will remain under private ownership and as such maintained by the individual owner(s).

8. MAINTENANCE OF ANY PUBLICLY OWNED FACILITY, BUILDING OR MUNICIPAL SERVICE

The City of Rosenberg is not aware of the existence of any publicly owned facility, building or other municipal service now 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 density as those found within the newly annexed areas.

9. OTHER SERVICES

The City of Rosenberg finds and determines that such services as planning, code enforcement, animal control, 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 similar topography, land use and density as those found within the newly annexed area.

CONSTRUCTION OF ANY CAPITAL IMPROVEMENTS TO BE COMPLETED WITHIN 2 ½ YEARS.

1. POLICE AND FIRE PROTECTION AND SOLID WASTE COLLECTION

The City of Rosenberg finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of annexation of the particular annexed area for the purpose of providing police protection, fire protection, or solid waste collection. The City finds and determines that it has at the present time adequate facilities and other resources to provide the same type, kind and level of service and protection which is presently being administered to other areas already incorporated in the City of Rosenberg with like topography, land use and population density as those found with the newly annexed areas.

2. WATER AND WASTEWATER FACILITIES

For the next 2 ½ years, the City of Rosenberg finds and determines that existing homes and businesses will remain on water wells and septic systems. Thereafter, construction of any capital improvements for water and wastewater services to the newly annexed area will be developed pursuant to the City's capital improvement plan, the City's infrastructure extension policies, and in accordance with the City's Code of Ordinances.

Requests from property owners and developers for municipal water and wastewater services will be considered by the City. This service plan does not contain a commitment by the City to provide to the annexed area free extensions of water lines, free extensions of sewer lines, free fire hydrant installation or services. Property owners and developers will be required to pay applicable connection fees and impact fees in addition to any participation costs involved in the infrastructure extension pursuant to applicable City ordinances, policies and capital improvement plan.

3. ROADS AND STREETS

The City of Rosenberg finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed area. Thereafter, construction of any roads and streets will be developed pursuant to the City's capital improvement plan and in accordance with the City's Code of Ordinances.

4. MAINTENANCE OF PARKS, PLAYGROUNDS, AND SWIMMING POOLS AND ANY OTHER PUBLICLY OWNED FACILITY, BUILDING OR SERVICE.

The City of Rosenberg finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed area for the purpose of parks maintenance, playgrounds, swimming pools and other publicly owned facility, building or service.

SPECIFIC FINDINGS

The City of Rosenberg finds and determines that this proposed service plan will not provide any fewer services and will not provide a lower level of service in the area being considered for annexation that were in existence in the proposed areas at the time immediately preceding the annexation process. Given the proposed annexation areas' topography, land utilization and population density, the service levels to be provided in the newly annexed area will be equivalent to those provided to other areas of the City with similar characteristics.

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 Rosenberg.

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 areas, 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.