

CITY OF BELTON

City Council Workshop Agenda Tuesday, December 13, 2016 - 4:30 p.m. Smith Room, Harris Community Center 401 N. Alexander, Belton, Texas

- 1. Call to order.
- 2. Receive an update and discuss design of street improvements for Sparta Road Phase II, and improvements for the MLK/Main Street intersection and Industrial/Main Street intersection.
- 3. Adjourn.

The City Council reserves the right to adjourn into Executive Session at any time regarding any issue on this agenda for which it is legally permissible.



CITY OF BELTON

City Council Meeting Agenda Tuesday, December 13, 2016 - 5:30 p.m. Wright Room, Harris Community Center 401 N. Alexander, Belton, Texas

Pledge of Allegiance. The Pledge of Allegiance to the U.S. Flag will be led by Mayor Marion Grayson.

Texas Pledge. The Pledge of Allegiance to the Texas Flag will be led by Assistant City Manager/Chief of Police Gene Ellis.

"Honor the Texas flag; I pledge allegiance to thee Texas, one state under God, one and indivisible."

Invocation. The Invocation will be given by Dr. Shawn Shannon, Director of Baptist Student Ministries at the University of Mary Hardin-Baylor.

- Call to order.
- 2. Public Comments.

Citizens who desire to address the Council on any matter may register to do so prior to this meeting and speak during this item. Forms are located on the table outside of the south side entry to the meeting room. Please state your name and address for the record, and limit your comments to three minutes. Also, please understand that while the Council appreciates hearing your comments, State law (Texas Gov't Code §551.042) prohibits them from: (1) engaging in discussion other than providing a statement of specific factual information or reciting existing City policy, and (2) taking action other than directing Staff to place the matter on a future agenda.

3. Receive Child Safety Fee funds in the amount of \$22,635.54 from Bell County.

Consent Agenda

Items 4-5 under this section are considered to be routine by the City Council and may be enacted by one motion. If discussion is desired by the Council, any item may be removed from the Consent Agenda prior to voting, at the request of any Councilmember, and it will be considered separately.

- 4. Consider minutes of the November 22, 2016, City Council Meeting
- 5. Consider a resolution requesting members of the 85th Legislative Session of the State of Texas provide for a fair and equitable distribution of the sporting goods sales tax revenue for local and state parks.

Finance

- 6. Consider authorizing the City Manager to execute an Interlocal Agreement with Bell County for the receipt of hotel occupancy tax revenues distributed by the County to promote tourism and the hotel industry within the City of Belton.
- 7. Consider an ordinance authorizing the issuance of the City of Belton, Texas Combination Tax and Limited Revenue Certificates of Obligation, Series 2016, in a maximum principal amount not to exceed \$9,700,000, and other matters related thereto.

Growth Management

- 8. Consider an annexation ordinance on second and final reading instituting annexation proceedings in 2016 Annexation Study Area 1, approximately 316.72 acres located on the east side of IH 35, along and south of Decker Road and north of the Lampasas River.
- Consider an annexation ordinance on second and final reading instituting annexation proceedings in 2016 Annexation Study Area 2, approximately 3.306 acres located on the east side of IH 35, south of Toll Bridge Road, between the east/west portion of the Lampasas River and Elmer King Road.
- 10. Consider an annexation ordinance on second and final reading instituting annexation proceedings in 2016 Annexation Study Area 3, approximately 166.506 acres located south of the intersection of IH 35 and the Lampasas River. The tract extends along the west side of IH 35, measuring approximately 1,000' in width, and would add 1,000' additional on the west side of IH 35 to the current 1,000' total city limit width centered on IH 35. The tract extends southward along IH 35 to just north of the Salado ETJ line.
- 11. Consider an annexation ordinance on second and final reading instituting annexation proceedings in 2016 Annexation Study Area 4, approximately 85.723

acres located south of the intersection of IH 35 and the Lampasas River. The tract extends along the east side of IH 35, measuring approximately 1,000' in width, and would add 1,000 additional feet to the current 1,000' total city limit width centered on IH 35. The tract extends southward along IH 35 to just north of W. Amity Road.

12. Consider approval of an annexation ordinance on second and final reading instituting annexation proceedings in 2016 Annexation Study Area 7, approximately 2.713 acres located on the south side of Avenue O, between Avenue O and Old Golf Course Road.

Miscellaneous

- 13. Consider authorizing a Façade Improvement Grant to Kat Kaliski, 208 North Penelope Street.
- 14. Consider a resolution designating administration and engineering service providers for the 2017-18 Community Development Block Grant (CDBG) Project.

The City Council reserves the right to adjourn into Executive Session at any time regarding any issue on this agenda for which it is legally permissible.



CITY OF BELTON

OFFICE OF THE CITY MANAGER

City Council Meeting Agenda Tuesday, December 13, 2016 - 5:30 p.m. Wright Room, Harris Community Center 401 N. Alexander, Belton, Texas

Pledge of Allegiance. The Pledge of Allegiance to the U.S. Flag will be led by Mayor Marion Grayson.

Texas Pledge. The Pledge of Allegiance to the Texas Flag will be led by Assistant City Manager/Chief of Police Gene Ellis.

"Honor the Texas flag; I pledge allegiance to thee Texas, one state under God, one and indivisible."

Invocation. The Invocation will be given by Dr. Shawn Shannon, Director of Baptist Student Ministries at the University of Mary Hardin-Baylor.

- Call to order.
- 2. Public Comments.

Citizens who desire to address the Council on any matter may register to do so prior to this meeting and speak during this item. Forms are located on the table outside of the south side entry to the meeting room. Please state your name and address for the record, and limit your comments to three minutes. Also, please understand that while the Council appreciates hearing your comments, State law (Texas Gov't Code §551.042) prohibits them from: (1) engaging in discussion other than providing a statement of specific factual information or reciting existing City policy, and (2) taking action other than directing Staff to place the matter on a future agenda.

3. Receive Child Safety Fee funds in the amount of \$22,635.54 from Bell County.

Section 502 of the Transportation Code provides that County Commissioners can collect an additional fee up to \$1.50 for each vehicle registered in the county, and Bell County collects the full \$1.50 amount. County Judge Jon Burrows and Tax Assessor-Collector Sharon Long will make a presentation regarding Belton's share of funding received from 10/1/2015 - 9/30/2015, in the amount of \$22,635.54 (prior year amount was \$21,346.89). While some other area cities have decided to use these funds for other allowed purposes, the City of Belton has chosen to honor the legislative intent of these fees and direct them to the intended purpose of crossing guard programs to ensure the safety of school children. To that end, the City will remit these funds received from Bell County, as well as fees collected on City fines, to BISD to be used for its crossing guard program.

Consent Agenda

Items 4-5 under this section are considered to be routine by the City Council and may be enacted by one motion. If discussion is desired by the Council, any item may be removed from the Consent Agenda prior to voting, at the request of any Councilmember, and it will be considered separately.

4. Consider minutes of the November 22, 2016, City Council Meeting.

Recommend approval of the minutes as presented.

5. Consider a resolution requesting members of the 85th Legislative Session of the State of Texas provide for a fair and equitable distribution of the sporting goods sales tax revenue for local and state parks.

See Staff Report from Director of Parks & Recreation Matt Bates. Recommend approval of the resolution as presented. Representative-Elect Hugh Shine has been updated on this request.

Finance

6. Consider authorizing the City Manager to execute an Interlocal Agreement with Bell County for the receipt of hotel occupancy tax revenues distributed by the County to promote tourism and the hotel industry within the City of Belton.

Information on this item will be provided prior to the Council meeting.

7. Consider an ordinance authorizing the issuance of the City of Belton, Texas Combination Tax and Limited Revenue Certificates of Obligation, Series 2016, in a maximum principal amount not to exceed \$9,700,000, and other matters related thereto.

See Staff Report from Director of Finance Brandon Bozon. Recommend approval of the ordinance authorizing the issuance of \$9.7M in Combination Tax and Limited Revenue Certificates of Obligation. Bids will not be received until the morning of 12/13/2016, so interest rates will be presented to the Council at the meeting. Based on the current market outlook, City Staff anticipates a recommendation to sell the bonds will be given at the meeting. Should an unforeseen shift in the credit markets that negatively affects the bids be received, City Council will be notified ahead of the meeting of a potential change in recommendation.

Growth Management

- 8. Consider an annexation ordinance on second and final reading instituting annexation proceedings in 2016 Annexation Study Area 1, approximately 316.72 acres located on the east side of IH 35, along and south of Decker Road and north of the Lampasas River.
 - See Staff Report from City Manager Sam Listi. Recommend approval of the annexation ordinance on second and final reading for 316.72 acres of Area 1.
- 9. Consider an annexation ordinance on second and final reading instituting annexation proceedings in 2016 Annexation Study Area 2, approximately 3.306 acres located on the east side of IH 35, south of Toll Bridge Road, between the east/west portion of the Lampasas River and Elmer King Road.
 - See Staff Report from City Manager Sam Listi. Recommend approval of the annexation ordinance on second and final reading for 3.306 acres of Area 2.
- 10. Consider an annexation ordinance on second and final reading instituting annexation proceedings in 2016 Annexation Study Area 3, approximately 166.506 acres located south of the intersection of IH 35 and the Lampasas River. The tract extends along the west side of IH 35, measuring approximately 1,000' in width, and would add 1,000' additional on the west side of IH 35 to the current 1,000' total city limit width centered on IH 35. The tract extends southward along IH 35 to just north of the Salado ETJ line.
 - See Staff Report from City Manager Sam Listi. Recommend approval of the annexation ordinance on second and final reading for 166.506 acres of Area 3.
- 11. Consider an annexation ordinance on second and final reading instituting annexation proceedings in 2016 Annexation Study Area 4, approximately 85.723 acres located south of the intersection of IH 35 and the Lampasas River. The tract extends along the east side of IH 35, measuring approximately 1,000' in width, and would add 1,000 additional feet to the current 1,000' total city limit width centered on IH 35. The tract extends southward along IH 35 to just north of W. Amity Road.

See Staff Report from City Manager Sam Listi. Recommend approval of the annexation ordinance on second and final reading for 85.723 acres of Area 4.

12. Consider approval of an annexation ordinance on second and final reading instituting annexation proceedings in 2016 Annexation Study Area 7, approximately 2.713 acres located on the south side of Avenue O, between Avenue O and Old Golf Course Road.

See Staff Report from City Manager Sam Listi. Recommend approval of the annexation ordinance on second and final reading for 2.713 acres of Area 7.

Miscellaneous

13. Consider authorizing a Façade Improvement Grant to Kat Kaliski, 208 North Penelope Street.

See Staff Report from Director of Planning Erin Smith. Recommend approval of the Façade Improvement Grant for Blends Wine Bar.

14. Consider a resolution designating administration and engineering service providers for the 2017-18 Community Development Block Grant (CDBG) Project.

See Staff Report from Grants and Special Projects Coordinator Aaron Harris. Recommend approval of the resolution procuring administration and engineering services in preparation for the City's application for the 2017-18 Community Development Block Grant (CDBG) Project.

The City Council reserves the right to adjourn into Executive Session at any time regarding any issue on this agenda for which it is legally permissible.

Belton City Council Meeting November 22, 2016 – 5:30 P.M.

The Belton City Council met in regular session in the Wright Room at the Harris Community Center with the following members present: Mayor Pro Tem David K. Leigh and Councilmembers Craig Pearson, Jerri Gauntt, Paul Sanderford, Guy O'Banion and Dan Kirkley. Mayor Marion Grayson was absent. Staff present included Sam Listi, John Messer, Gene Ellis, Amy Casey, Brandon Bozon, Ryan Brown, Angellia Points, Kim Kroll, Paul Romer, Bruce Pritchard, Byron Sinclair, Charlotte Walker and Aaron Harris.

The Pledge of Allegiance to the U.S. Flag was led by Mayor Pro Tem David K. Leigh and the Pledge of Allegiance to the Texas Flag was led by Fire Chief Bruce Pritchard. The Invocation was given by Councilmember Craig Pearson.

- 1. <u>Call to order</u>. Mayor Pro Tem David K. Leigh called the meeting to order at 5:32 p.m.
- 2. **Public Comments.** There were none.

Consent Agenda

Items 3-5 under this section are considered to be routine by the City Council and may be enacted by one motion. If discussion is desired by the Council, any item may be removed from the Consent Agenda prior to voting, at the request of any Councilmember, and it will be considered separately.

- 3. Consider minutes of previous meetings:
 - A. November 1, 2016, Special Called City Council Meeting
 - B. November 8, 2016, City Council Meeting
- 4. Consider appointments to the following Boards/Commissions:
 - A. Library Board of Directors Stephanie Covington was reappointed.
 - **B.** <u>Belton Economic Development Corporation Board of Directors</u> Barry Harper and Steve Jones were reappointed.
- 5. Consider authorizing the City Manager to execute an interlocal agreement with the City of Temple regarding the rental of their Fire Rescue Training Facility.

Upon a motion by Councilmember Dan Kirkley, and a second by Councilmember Craig Pearson, the Consent Agenda items were approved upon a vote of 6-0.

Regular Agenda

6. Receive public comments from Janis Holmes and Mike Cooper concerning 1874 Church Restoration Project and property located at 438 N. Wall, and provide Council input.

Janis Holmes, of Bell Fine Arts, presented several pictures of the 1874 Church, and the surrounding area, showing issues that the Bell Fine Arts group has faced including broken sidewalks, pests, hanging limbs, and other maintenance issues. She said that the property has gotten worse over the last several months, and it adjoins their property, the Bell Fine Arts building. Mrs. Holmes said that several people have offered to purchase the church building and move it to another location. She is asking for the City's help in getting the property repaired or the building moved.

Mike Cooper, President of the 1874 Church Restoration Committee, said that his group has heard the concerns of the Bell Fine Arts group. He said that the committee has hired an exterminator and a lawn company to try to clean up some of the issues. He said that his group has also done a lot of work on the building. They have raised \$45,000 to date to help stabilize the building which did not have a foundation. They removed the rocks on the church exterior in order to build the foundation. Once they get the rocks back on the church, the group intends on replacing the roof to further stabilize the building. They have received a matching grant of \$15,000 to help continue work on the building, and they intend to have multiple fund raisers. They will use this money to hire stone masons to put the rock back on the building hopefully by Spring 2017. Mr. Cooper detailed the fund raisers they have planned.

Harriett Monsell spoke about a fundraiser through Amazon Smiles and other possible fundraisers that are planned by the 1874 Church Restoration Project Committee.

Mayor Pro Tem Leigh provided information on the history of the church project from a Council perspective. He said that the Council reviewed this issue approximately eight years ago due to possible condemnation of the structure which at the time was owned by the Bell Fine Arts group. City Manager Sam Listi summarized efforts of the City in trying to assist in the preservation of the church. He added that the Council has given a lengthy time period for the church restoration project to be completed. He said that it is a Council decision on whether to allow more time for completion.

Councilmember Dan Kirkley said that often this type of work is "invisible" and not noticeable to those outside of the group responsible. However, he is in favor of giving more time to complete the project. Councilmember Craig Pearson said that he is in favor of giving more time, but he does not think waiting a year for another report would be appropriate. City Manager Listi said that perhaps the committee, with help from City staff, could establish a time frame including deadlines for

milestones for the project. Councilmember Pearson also requested periodic reporting on progress. Mayor Pro Tem Leigh said that there needs to be definitive plan with established deadlines within the plan. He added that he thought the Episcopal Church should have more involvement in the project and not abandon it as they appear to have done. Mr. Listi said that Staff will work with the committee to establish a plan.

Councilmember Guy O'Banion said that the plan needs to be timely because deterioration will continue the longer the rock is off the building. Councilmember Paul Sanderford agreed and added that milestones will be very important. He said that a lot of construction projects are defined by interim milestones, and it will allow the Council to measure the progress.

Councilmember Jerri Gauntt said that the Council needs to set some boundaries for the committee and needs to clearly communicate its expectations to help them determine their goals. City Manager Listi said that Staff is happy to work with the committee to help them in establishing their plan.

Mayor Pro Tem Leigh suggested that the rocks be moved to another location in order to help with the maintenance of the area. Mr. Cooper said that was a good idea, and he thought he might know someone who could help the committee with that issue. He said that he would like to return by March 1, 2017, with an update.

7. Hold a public hearing to discuss the intention to issue combination tax and limited revenue certificates of obligation, series 2016, in a maximum principal amount not to exceed \$9,700,000, and other matters related thereto.

Director of Finance Brandon Bozon said that on October 25, 2016, the City Council passed a resolution directing the publication of notice of intention to issue combination tax and limited revenue certificates of obligation. He explained that the maximum amount of the debt offering was set at \$9.7M in order to maintain bank qualified status. He said that these projects will be funded with this debt issue:

Water and Sewer Fund

\$6.430.000 South IH-35 Sewer Line Extension

\$3,135,000 North Belton Water Tank

\$ 135,000 Estimated Bond Issue Cost

\$9,700,000 Total rate supported debt offering

He added that the City's Charter requires one public hearing.

The Mayor Pro Tem opened the public hearing on this item. Seeing no one wishing to speak for or against this item, he closed the public hearing. Action by the Council for this item will take place on December 13, 2016.

Growth Management

City Manager Sam Listi said that the 2016 Strategic Plan identified a Growth Management Strategy as a goal. Mr. Listi reviewed several steps taken by the Council over the past year to carry out that goal. Listi explained that Council action at this meeting includes approval of executed development agreements and whatever action is deemed appropriate by the Council for approval on first reading of the annexation ordinances. He added that the original annexation study area comprised 1717.5 acres, and Staff is recommending annexation of 574.9 acres.

8. A. Consider approval of non-annexation Development Agreements in 2016 Annexation Study Area 1, including:

	PROPERTY OWNER(S)	PROPERTY ID
1	ALFORD, LAURA	<u>47288</u>
<u>2</u>	ALFORD, LAURA	<u>47290</u>
<u>3</u>	ALFORD, LAURA	<u>47291</u>
4	ALFORD, LAURA	<u>420163</u>
<u>5</u>	ALFORD, RANDY & LAURA H	<u>167436</u>
<u>6</u>	ALFORD, RANDY & LAURA H	<u>420158</u>
<u>7</u>	IIGK PROPERTY MANAGEMENT LTD	<u>72402</u>
<u>8</u>	KINCAID, JAMES M ETUX DOLORES D	<u>420157</u>
9	RIVER FARM LTD	<u>99277</u>
<u>10</u>	RIVER FARM LTD	<u>99274</u>
<u>11</u>	RIVER FARM LTD	<u>99278</u>
<u>12</u>	SHEPPARD, ALTON L JR ETUX ELIZABETH	<u>105615</u>
<u>13</u>	SHEPPARD, ALTON L JR ETUX ELIZABETH	<u>105616</u>
<u>14</u>	SHEPPARD, ALTON L JR ETUX ELIZABETH	<u>105618</u>

Listi said that the City is legally obligated to offer Non-Annexation Development Agreements to eligible property owners. He added that the purpose of the development agreement is to facilitate long-range planning and to monitor development activity aimed at preventing inappropriate development. He stated that fifteen properties in Area 1 are eligible for 5-year Non-Annexation Development Agreements. Fourteen agreements have been received, and one has been declined.

B. Consider an annexation ordinance on first reading instituting annexation proceedings in 2016 Annexation Study Area 1, approximately 316.72 acres located on the east side of IH 35, along and south of Decker Road and north of the Lampasas River.

Mr. Listi said that Staff recommends approval of the annexation ordinance on first reading for 316.72 acres in Area 1. He said that the key reasons for annexation include:

Close proximity to city limits

- Facilitate long range planning and economic development
- Avoid establishment of incompatible land uses
- Acknowledge \$6M sewer line commitment and development potential

Listi added that the annexation ordinances include the Municipal Services Plan for each area.

Upon a motion by Councilmember Craig Pearson, and a second by Councilmember Guy O'Banion, the Non-Annexation Development Agreements for Area 1 (Item 8A) were approved upon a vote of 5-0-1 with Councilmember Dan Kirkley abstaining.

Councilmember Paul Sanderford made a motion for annexation of the 316.72 acres of Area 1 which was seconded by Councilmember Guy O'Banion. Councilmember Sanderford said that his automatic response to annexation is "no" until the City proves the need for annexation. He said that development is expected in the southern corridor along I-35, so this particular annexation makes sense to him. Councilmember O'Banion echoed the importance of the corridor, the need for planned growth in the area, as well as the substantial commitment by the City in the area. Councilmember Gauntt said that this is a logical area for annexation because of the growth in the area and the City's ability to serve the area with water and sewer.

The following captioned ordinance (Item 8B) was unanimously approved on first reading by a vote of 6-0.

ORDINANCE NO. 2016-50

AN ORDINANCE EXTENDING THE MUNICIPAL AND CORPORATE LIMITS OF THE CITY OF BELTON, TEXAS, 316.72 ACRES LOCATED ON THE EAST SIDE OF IH 35, ALONG AND SOUTH OF DECKER ROAD AND NORTH OF THE LAMPASAS RIVER; MAKING FINDINGS OF FACTS; AND PROVIDING FOR RELATED MATTERS.

9. A. Consider approval of non-annexation Development Agreements in 2016 Annexation Study Area 2, including:

	PROPERTY OWNER(S)	PROPERTY ID
1	FULLER, DAVID D JR ETUX AUDREY	<u>432118</u>
2	GERSTENBERG, GILBERT AUGUST JR	192912
3	GERSTENBERG, KENNETH C	40525
4	GERSTENBERG, KENNETH C	40526
5	GERSTENBERG, ROBERT WAYNE	40522

City Manager Sam Listi said that five properties in Area 2 are eligible for 10-year Non-Annexation Development Agreements, and all five agreements have been received. Listi said that this area does not appear ready for urban development.

B. Consider an annexation ordinance on first reading instituting annexation proceedings in 2016 Annexation Study Area 2, approximately 3.306 acres located on the east side of IH 35, south of Toll Bridge Road, between the east/west portion of the Lampasas River and Elmer King Road.

City Manager Sam Listi said that Staff recommends approval of the annexation ordinance on first reading for 3.306 acres in Area 2. He said that the key reasons include:

- Close proximity to city limits
- Facilitate long range planning
- Avoid establishment of inappropriate and incompatible land uses
- Acknowledge recent investment in infrastructure Toll Bridge Road bridge replacement and Elmer King Road

Upon a motion by Councilmember Kirkley, and a second by Councilmember O'Banion, the Non-Annexation Development Agreements for Area 2 (Item 9A) were approved upon a vote of 5-1 with Councilmember Jerri Gauntt providing the dissenting vote.

Councilmember Guy O'Banion made a motion for annexation of the 3.306 acres of Area 2 which was seconded by Councilmember Craig Pearson. Councilmember Gauntt said she thinks this area is too far south to be annexed. Councilmember Sanderford said he tends to agree with her, but he is not opposed because of its small size.

The following captioned ordinance (Item 9B) was approved on first reading by a vote of 5-1 with Councilmember Gauntt providing the dissenting vote.

ORDINANCE NO. 2016-51

AN ORDINANCE EXTENDING THE MUNICIPAL AND CORPORATE LIMITS OF THE CITY OF BELTON, TEXAS, 3.306 ACRES LOCATED ON THE EAST SIDE OF IH 35, SOUTH OF TOLL BRIDGE ROAD, BETWEEN THE EAST/WEST PORTION OF THE LAMPASAS RIVER AND ELMER KING ROAD; MAKING FINDINGS OF FACTS; AND PROVIDING FOR RELATED MATTERS.

10. A. Consider approval of non-annexation Development Agreements in 2016 Annexation Study Area 3, including:

	PROPERTY OWNER(S)	PROPERTY ID
1	CC LAND DEVELOPMENT LLC	<u>418857</u>
2	CIO LAND DEVELOPMENT LLC	<u>418859</u>
3	DILLARD, RICHARD W ETUX PEGGY C	<u>318123</u>
4	DILLARD, RICHARD W ETUX PEGGY C	<u>75543</u>

<u>5</u>	FOSTER, ELIZABETH CAPPS &	<u>37163</u>
6	OLD SANTA FE MILL L C	<u>26804</u>
<u>7</u>	WEST AMITY LAND DEVELOPMENT LLC	<u>418842</u>
8	WILSON, BOBBY M & PATRICIA J	<u>460396</u>

City Manager Listi said that 15 properties in Area 3 are eligible for 5-year Non-Annexation Development Agreements. Eight agreements have been received, and one has been declined.

B. Consider an annexation ordinance on first reading instituting annexation proceedings in 2016 Annexation Study Area 3, approximately 166.506 acres located south of the intersection of IH 35 and the Lampasas River. The tract extends along the west side of IH 35, measuring approximately 1,000' in width, and would add 1,000' additional on the west side of IH 35 to the current 1,000' total city limit width centered on IH 35. The tract extends southward along IH 35 to just north of the Salado ETJ line.

Mr. Listi said that Staff recommends approval of the annexation ordinance on first reading for 166.506 acres in Area 3. He said that the key reasons for annexation include:

- Close proximity to city limits adjacent to the west side of IH 35
- Promote future economic development
- Protect future development along FM 2484 and FM 1670 (ETJ)
- Avoid establishment of incompatible land uses

Listi added that Old Santa Fe Mill ownership creates a "donut hole," and that is acknowledged in the annexation ordinance for Area 3.

Upon a motion by Councilmember Kirkley, and a second by Councilmember Pearson, the Non-Annexation Development Agreements for Area 3 (Item 10A) were approved upon a vote of 5-1 with Councilmember Gauntt providing the dissenting vote.

Councilmember Pearson made a motion for annexation of the 166.506 acres of Area 3 which was seconded by Councilmember Kirkley. Councilmember O'Banion said that this property is also pretty far south, but he believes annexation is necessary due to the possible ETJ expansion. Mayor Pro Tem Leigh said that it is also important that I-35 in this area be developed properly and in a "good-looking" manner.

The following captioned ordinance (Item 10B) was approved on first reading by a vote of 5-1 with Councilmember Gauntt providing the dissenting vote.

ORDINANCE NO. 2016-52

AN ORDINANCE EXTENDING THE MUNICIPAL AND CORPORATE LIMITS

OF THE CITY OF BELTON, TEXAS, 166.506 ACRES LOCATED SOUTH OF THE INTERSECTION OF IH 35 AND THE LAMPASAS RIVER, EXTENDING ALONG THE WEST SIDE OF IH 35, MEASURING APPROXIMATELY 1000' IN WIDTH AND EXTENDING SOUTHWARD ALONG IH 35 TO JUST NORTH OF THE SALADO ETJ LINE; MAKING FINDINGS OF FACTS; AND PROVIDING FOR RELATED MATTERS.

11. A. Consider approval of non-annexation Development Agreements in 2016 Annexation Study Area 4, including:

	PROPERTY OWNER(S)	PROPERTY ID
1	CC LAND DEVELOPMENT LLC	<u>432319</u>
<u>2</u>	CIO LAND DEVELOPMENT LLC	<u>432317</u>
3	HARGROVE, REGGIE & ANNETTE	<u>187729</u>
4	HARGROVE, REGGIE & ANNETTE	440977
<u>5</u>	MACANLISS, JAMES R ETAL & MARY MARKHAM	96990
6	MACANLISS, JAMES R ETAL & MARY MARKHAM	420200
7	MIKESKA, RONALD DEAN AND EMILY	<u>73925</u>
8	RENFRO UTILITIES INC	<u>135784</u>
9	RENFRO, RAY LYNN ETUX BETTY A	<u>194482</u>
10	VENUS, HELGA	187730
11	WEST AMITY LAND DEVELOPMENT LLC	432315

Listi said that 22 properties in Area 4 are eligible for 5-year Non-Annexation Development Agreements. Eleven agreements have been received, and two have been declined.

B. Consider an annexation ordinance on first reading instituting annexation proceedings in 2016 Annexation Study Area 4, approximately 85.723 acres located south of the intersection of IH 35 and the Lampasas River. The tract extends along the east side of IH 35, measuring approximately 1,000' in width, and would add 1,000 additional feet to the current 1,000' total city limit width centered on IH 35. The tract extends southward along IH 35 to just north of W. Amity Road.

Mr. Listi said that Staff recommends approval of the annexation ordinance on first reading for 85.723 acres in Area 4. He said that the key reasons for annexation include:

- Close proximity to city limits adjacent to the east side of IH 35
- Promote future economic development
- Avoid establishment of incompatible land uses

He added that Staff is not recommending annexing south of Amity Road due to the condition of Rose Lane and the costs for maintenance/repairs. He added that the two Renfro properties create a "donut hole," and that is acknowledged in the annexation ordinance for Area 4. Upon a motion by Councilmember Sanderford, and a second by Councilmember Kirkley, the Non-Annexation Development Agreements for Area 4 (Item 11A) were approved upon a vote of 5-1 with Councilmember Gauntt providing the dissenting vote.

Councilmember Sanderford made a motion for annexation of the 85.723 acres of Area 4 which was seconded by Councilmember Kirkley. The following captioned ordinance (Item 11B) was approved on first reading by a vote of 5-1 with Councilmember Gauntt providing the dissenting vote.

ORDINANCE NO. 2016-53

AN ORDINANCE EXTENDING THE MUNICIPAL AND CORPORATE LIMITS OF THE CITY OF BELTON, TEXAS, 85.723 ACRES LOCATED SOUTH OF THE INTERSECTION OF IH 35 AND THE LAMPASAS RIVER, EXTENDING ALONG THE EAST SIDE OF IH 35, MEASURING APPROXIMATELY 1000' IN WIDTH AND EXTENDING SOUTHWARD ALONG IH 35 TO JUST NORTH OF W. AMITY ROAD; MAKING FINDINGS OF FACTS; AND PROVIDING FOR RELATED MATTERS.

12. Consider approval of non-annexation Development Agreements in 2016 Annexation Study Area 5, including:

	PROPERTY OWNER(S)	PROPERTY ID
1	FULWILER, JOHN POWELL	38585
2	HICKS, VERNON M	49350
3	FRANKS, DOUGLAS G & MELISA K	49348
4	HOLLE, GLORIA M & EUGENE D	38071
5	HOLLE, GLORIA M & EUGENE D	168881
6	RON'S ONE STOP INC	66225
7	SULAK, CODY WAYNE & JACQUELINE JORGETTE	471161
8	TALLEY, WILLIAM MURPHY ETUX	114064
9	DISHON, GEORGE ETUX STACIE	<u>58245</u>
10	DISHON, GEORGE ETUX STACIE	194307

*No annexation is recommended in Area 5, approximately 228.27 acres located along and north of Sparta Road and west of the existing city limits, extending west to FM 439, and east along Sparta Road to the city limits.

Listi said that 11 properties in Area 5 are eligible for ten-year Non-Annexation Development Agreements. Ten have been received, and one has been declined. He added that the area does not appear ready for immediate urban development, yet its proximity to urbanizing development strongly suggests approval of Development Agreements. The condition of Sparta Road and the costs of maintenance/repairs are a significant concern of annexation at this time. Mr. Listi reiterated that no annexation is recommended at this time in Area 5.

Councilmember O'Banion asked if after 10 years the development agreements automatically come back to the City Council. Mr. Listi explained that the Council could authorize a new annexation study at that time, but it will not be an automatic process. It will depend on the laws in place at that time.

Councilmember Sanderford said that he was never inclined to annex Area 5 because of the cost of maintaining Sparta Road. He said that he doesn't feel right approving development agreements for an area that he would have never considered for annexation.

Councilmember Gauntt said that she doesn't believe that development agreements are good for this area. She does not believe that the City will annex this area even after ten years especially since the City can never serve them with water because the properties are not within Belton's CCN.

Mayor Pro Tem Leigh said that he is in favor of the development agreements because they provide for orderly development.

Councilmember O'Banion said that the development agreements are necessary because they are legal documents that protect all parties. He added, "We cannot operate the City on what people say."

Councilmember Sanderford said that he does not feel right approving the development agreements because he firmly believes that, if none of the property owners had signed them, the City still would not annex the area.

Upon a motion by Councilmember O'Banion, and a second by Councilmember Pearson, the Non-Annexation Development Agreements for Area 5 were approved upon a vote of 4-2 with Councilmembers Gauntt and Sanderford providing the dissenting votes.

13. Consider approval of a non-annexation Development Agreement in 2016 Annexation Study Area 6, including:

	PROPERTY OWNER(S)	PROPERTY ID
1	DELEON FAMILY TRUST	400982

*No annexation is recommended in Area 6, approximately 24.10 acres located generally along the proposed north/south alignment of Lake-to-Lake Road, north of Sendero Estates Subdivision, and south of FM 93.

Listi said that one property in Area 6 is eligible for a 5-year Non-Annexation Development Agreement, and it has been received. Staff recommends its approval to prevent future development from encroachment on the proposed Lake-to-Lake Road. This acknowledges the City's commitment/investment to preserve alignment for the planned Lake-to-Lake Road. He added that no annexation is recommended for Area 6.

Councilmember Kirkley asked what would be the effect on this development agreement should the City decide to pursue the Lake-to-Lake Road prior to the end of the term of the agreement. Mr. Listi responded that the City would approach the property owner for right-of-way acquisition at that time. City Attorney John Messer said that the property will remain in our ETJ which gives us some authority in the situation.

Upon a motion by Councilmember Pearson, and a second by Councilmember O'Banion, the Non-Annexation Development Agreement for Area 6 was approved upon a vote of 5-1 with Councilmember Gauntt providing the dissenting vote.

14. Consider approval of an annexation ordinance on first reading instituting annexation proceedings in 2016 Annexation Study Area 7, approximately 2.713 acres located on the south side of Avenue O, between Avenue O and Old Golf Course Road.

Listi said that Staff recommends approval of the annexation ordinance on first reading for 2.713 acres in Area 7. He said that the key reasons include:

- Close proximity to city limits
- Property surrounded by city limits
- Owners not eligible for a development agreement
- Promote economic development

Upon a motion by Councilmember Sanderford, and a second by Councilmember O'Banion, the following captioned ordinance was unanimously approved on first reading by a vote of 6-0.

ORDINANCE NO. 2016-54

AN ORDINANCE EXTENDING THE MUNICIPAL AND CORPORATE LIMITS OF THE CITY OF BELTON, TEXAS, 2.713 ACRES LOCATED WITHIN THE US 190 CORRIDOR, LOCATED ON THE SOUTH SIDE OF AVENUE O BETWEEN AVENUE O AND OLD GOLF COURSE ROAD, MAKING FINDINGS OF FACTS; AND PROVIDING FOR RELATED MATTERS.

Mr. Listi reviewed the next steps of the annexation process, including:

- Approved Non-Annexation Development Agreements will be signed by the City and recorded at the Bell County Courthouse.
- Second reading and final approval of Annexation Ordinances is scheduled for 12/13/2016.
- Municipal Services Plans are final, except for possible resolution of proposed City of Belton Sewer CCN, pending final approval at PUC.
- Begin provision of City services identified in Municipal Services Plans immediately upon annexation.

Update maps with all entities.

Mayor Pro Tem Leigh thanked the Council, Staff and citizens for their work and for being involved in the annexation process. Councilmember Pearson said he wanted to thank the Staff for their work in meeting with the property owners in this somewhat emotional process.

Planning and Zoning

15. Hold a public hearing and consider a zoning change request from Single Family-1 to Neighborhood Services Zoning District at 408 Lake Road, located on the south side of Lake Road, east of Neese Drive and west of Commerce Street.

City Manager Sam Listi said that this property, like others in the area, is being converted from a single family residence into a business use. The applicant has submitted this zoning change to Neighborhood Services to allow for a proposed boutique. Mr. Listi added that the property backs up to Quail Meadows Park.

Site development considerations will include parking to meet the neighborhood service use and access connections to the adjoining property to the east. Additionally a subdivision plat will be required.

Mr. Listi said that at its meeting on November 15, 2016, the Planning and Zoning Commission recommended approval with conditions, and Staff concurs in their recommendation.

The Mayor Pro Tem opened the public hearing on this item. Seeing no one wishing to speak for or against this item, he closed the public hearing.

Mayor Pro Tem Leigh asked if the property owner would be able to provide access to Quail Meadows Park. Mr. Listi said that it will depend on how the property is laid out, but the City would be receptive to that if the property owner wanted to provide access to the park. Mr. Leigh said that the access could provide additional connectivity to the City's trail system.

Upon a motion by Councilmember Gauntt, and a second by Councilmember Kirkley, the following captioned ordinance was unanimously approved by a vote of 6-0.

ORDINANCE NO. 2016-55

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM SINGLE FAMILY-1 TO NEIGHBORHOOD SERVICE ZONING DISTRICT ON A 0.671 ACRE TRACT, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 5 DESIGN STANDARDS.

16. Hold a public hearing and consider a zoning change from Agricultural to Commercial-1 with a Specific Use Permit for used auto sales at 4451 West Highway 190, a 5.552 acre tract of land, located on the south side of U.S. Highway 190, west of FM 1670, and east of Dogridge Road.

City Manager Sam Listi said that this zoning change is proposed to allow for a used car lot. He explained that on July 15, 2015, the Planning and Zoning Commission recommended disapproval of a requested zoning change to Commercial-2 for this property. At the P&ZC meeting, City staff recommended the developer re-apply for a zoning change to C-1 with an SUP for used auto sales. The applicant did not appeal this unfavorable recommendation for C-2 District to City Council. Listi added that this is one reason staff recommends annexation of properties along major corridors like this to allow for review of zoning issues as they come forward.

Mr. Listi said that Staff noticed a large metal building had been constructed just outside the Belton City limits and was being used for auto sales. Building permits are not required in Bell County, and construction of this building did not trigger the platting requirement. Asphalt millings were installed within the City limits without a permit, and there were automobiles displayed for sale in this area, also within the City limits which is a zoning violation. He explained that staff informed the applicant of the violation and discussed steps for moving forward. The applicant immediately removed the vehicles from the area within the City limits, and all vehicles are currently on the portion of the applicant's property located outside the city limits.

The applicant has submitted a site plan that identifies a display area for the used automobiles for sale. The site plan also includes a landscape plan that identifies existing and proposed landscaping in compliance with the City's Design Standards.

Mr. Listi said that at its meeting on November 15, 2016, the Planning and Zoning Commission recommended approval with conditions, and Staff concurs in their recommendation.

The Mayor Pro Tem opened the public hearing on this item. Seeing no one wishing to speak for or against this item, he closed the public hearing.

Upon a motion by Councilmember Pearson, and a second by Councilmember O'Banion, the following captioned ordinance was unanimously approved by a vote of 6-0.

ORDINANCE NO. 2016-56

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM AGRICULTURAL TO COMMERCIAL-1 ZONING DISTRICT WITH A SPECIFIC USE PERMIT ON A 5.992 ACRE TRACT, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 2 DESIGN STANDARDS.

Mayor Pro Tem Leigh added that he believes the Non-Annexation Development Agreements are good for this type of situation. Development occurring just outside the city limits like this situation are, in his opinion, one reason why cities may tend to "over reach" in annexation. He asked if the car lot was in operation currently. Mr. Listi said that the lot is not operating. Leigh asked if there was a way to put teeth into the enforcement of violations such as this. City Attorney John Messer said these type violations go through municipal court.

17. Consider a final plat for Sendero Estates Subdivision, a 63.38 acre tract, located on the west side of Wheat Road, east of Boxer Road, and north of the US Highway 190.

City Manager Sam Listi said that on March 22, 2016, Council approved the final plat for Sendero Estates Subdivision. He stated that the developer is requesting to increase the number of lots in this subdivision by 14. The lots will be slightly smaller than originally presented, but the street system and utility system will be able to handle the increase. A zoning change request to Planned Development Commercial Highway for Lot 1, Block 2 and Commercial Highway for Lot 15, Block 1 is being presented concurrently with the final plat.

On August 25, 2015, Council approved an amendment to Section 503, Sidewalk Standards and Policy, of the Subdivision Ordinance which requires sidewalks along both sides of collector and arterial streets. When this policy was approved, Council also approved a resolution to require sidewalks required along one side of collector streets on plats approved between February 25, 2014 and August 25, 2014. Digby Drive within this subdivision was included in that list; therefore, only one sidewalk side is required.

Additional parkland is required with the increase of the 14 lots. Mr. Listi said that the developer is proposing to install a concrete half-court basketball area, bench in the public park area, and 3-seat swing set; therefore, the minor reduction in the required acreage appears to be reasonable.

The final plat for this subdivision also includes a proposal to designate 4.29 acres of right-of-way for the future Lake-to-Lake Road. Listi explained that the Council approved a development agreement for this subdivision that included City obligations to compensate the developer for the 4.29 acres. The development agreement also included funding from the City to oversize the water and sewer lines from 8 inches to 12 inches to accommodate future growth to the north and west of this subdivision.

Mr. Listi said that at its meeting on November 15, 2016, the Planning and Zoning Commission recommended approval with conditions, and Staff concurs in their recommendation.

Councilmember Gauntt said she would be more in favor of the increased density if it included additional sidewalks. The applicant's engineer said that the reason for the

increase in lots is due to the construction cost of building this subdivision. It needs to be economically feasible for development. Councilmember Pearson asked if there were changes to the property on the south (gun range), and the engineer said no changes were made to anything other than adding the 14 lots.

Upon a motion by Councilmember Pearson, and a second by Councilmember O'Banion, item 17 was unanimously approved by a vote of 6-0.

18. Hold a public hearing and consider an amendment to Section 38.16, Sign Area and Area Regulations, and Section 38.18, Design Requirements, of the Sign Ordinance, regarding the maximum height and cladding of pole signs along the Interstate 35 corridor, from the Leon River to just west of Central Avenue.

City Manager Sam Listi said a change to the code is needed for sign heights along a section of I-35. Sign height is proposed to be increased from 20 to 75 feet due to elevation issues in the area. The I-35 corridor, from Cori Drive to just west of Central Avenue, contains areas that are up to 20 feet below the height of the roadway. New restaurants such as Starbucks and Taco Bell were approved by the Zoning Board of Adjustment to build 75' tall un-cladded pole signs. Most recently, Arby's requested a variance to allow for a pole sign compatible with nearby signs, and the request was denied by the ZBA. The ZBA board discussed the need for a code change instead of a variance request to accommodate future similar requests.

Mr. Listi reviewed the businesses, property elevations, existing and proposed sign heights, I-35 elevation, height of the sign above I-35, and the roadway and property elevation differences in this area. Staff recommends an amendment to the Sign Ordinance to allow a maximum un-cladded pole sign height of 75 feet for properties along the I-35 corridor, from the Leon River to just west of Central Avenue. It is staff's judgment that the other areas along I-35 do not have elevation issues like this area; therefore, an increased sign height is not necessary for other areas along I-35.

Listi added that staff contacted Scenic City Texas about the potential amendment to determine if it would affect Belton's Scenic City status. It is possible that this change could result in a loss of 1-2 points since the standards would be less restrictive. However, it may be possible to make up these points in other areas.

At its November 15th meeting, the Planning and Zoning Commission recommended approval of 75' pole signs within a 1,000 feet wide I-35 corridor extending from Cori Drive to just southwest of Central Avenue.

Mayor Pro Tem Leigh opened the public hearing on this item. Seeing no one wishing to speak for or against this item, he closed the public hearing.

Upon a motion by Councilmember O'Banion, and a second by Councilmember Sanderford, item 18 was unanimously approved by a vote of 6-0.

Miscellaneous

19. Consider award of bid and authorizing the City Manager to execute a contract with Facility Solutions Group of Austin for the construction of the Downtown Development District Signage Master Plan, and any change orders associated with the contract, not to exceed the amount authorized under state law, and authorize an amendment to the FY 2017 Hotel/Motel Fund.

City Manager Sam Listi said that City staff worked with Brent Baker, Studio 16:19, to develop a master signage plan that created a district identity in Downtown Belton. The plan includes gateway signage that will be placed in areas outside the downtown directing pedestrians and motorists to the historic Downtown Belton. Vehicular directional signs will be placed throughout the downtown area directing pedestrians and motorists to public and private facilities. These vehicular directional signs will replace the existing directional signs that are located throughout the City. The signage plan includes a total of seven gateway signs and 13 vehicular directional signs. The signage plan includes a total of 22 parking post and panel signs that will be placed in public parking areas downtown.

Bids were opened on September 20, 2016, and bids were received from Facility Solutions Group, Custom Sign Creations and Intex United, with Facility Solutions Group providing the lowest overall price. The sign package originally included all metal signage. Studio 16:19 prepared the bid package and issued an addendum for I-ZONE style signage. The total recommended bid amount includes IZONE gateway and vehicular directional signage, as well as metal parking signs. Street sign toppers and banners are not recommended at this time, but there may be opportunities in the future to have these signs constructed.

Mr. Listi explained that funding for this project includes the \$144,036 designated within the TIRZ capital projects fund and \$52,904 of Hotel/Motel Fund balance. Signage directing the public to sights and attractions which are visited frequently by hotel guests in the municipality is an appropriate use of revenue from the municipal hotel occupancy tax.

Director of Finance Brandon Bozon said that the current Hotel/Motel Fund balance is \$75,663. It has been the policy of the City to maintain four months of reserves (approximately \$51,700) in fund balance in order to mitigate timing risks, as the City's contract with the Chamber of Commerce required monthly payments, and hotel occupancy taxes are only required to be remitted by hoteliers quarterly. With the transition of Convention and Visitors Bureau services back to the City of Belton, this risk can be managed without such a significant minimum fund balance. Given the removal of this risk, and the appropriateness of the expenditure, he said that it is the recommendation of City staff that the Hotel/Motel fund balance be utilized.

Upon a motion by Councilmember Kirkley, and a second by Councilmember O'Banion, contract award for item 19 was approved by a vote of 6-0.

Upon a motion by Councilmember O'Banion, and a second by Councilmember Pearson, budget amendment for item 19 was approved by a vote of 6-0.

20. Consider award of bid and authorizing the City Manager to execute a construction contract for the South Main Waterline and Sidewalk Project, and any change orders associated with the contract, not to exceed the amount authorized under state law.

Director of Internal Services/City Engineer Angellia Points said that the South Main Waterline and Sidewalk Project was identified during the 2013 Capital Improvement Project selection process as a high priority for the City. The project boundary starts at Avenue C and South Main Street (Highway 317), and follows South Main Street south to Avenue J. The project has two main goals: replace an aging, cast iron, 8-inch water main, and concurrently install/replace sidewalks within the project area. She explained that Clark and Fuller was hired to design and provide construction administration services for this project. Funding has been identified, and TxDOT has given approval to begin construction.

Mrs. Points said that the water main is approximately four feet deep under the southbound lane of South Main Street, and runs from Avenue C south to Avenue J. In addition to serving customers along South Main Street, it also serves as an important loop for the water system in that section of the City. Due to the deterioration of the old cast iron pipe, the water main has had over a dozen major breaks in the past few years, resulting in disruption of service, lost water, and inconvenience to the traveling public. South Main Street is owned and operated by the State of Texas Department of Transportation (TxDOT) as State Highway 317. TxDOT requires municipalities, where physically possible, to remove utilities from under the roadway when replacing those utilities. The proposed design is to place the water main on both sides of the pavement, behind the curbs and under sidewalks, minimizing the crossings under Main Street.

There will likely be a single lane closure throughout the project in order to install the new waterline and sidewalks. The center turn lane will be utilized for a through lane. The project is to be completed by September 2017.

Bids were opened on November 8, 2016, and five (5) bids were received:

Bidder	Total Bid Amount
Prota Construction, Austin, TX	\$1,094,746.00
McLean Construction, Killeen, TX	\$1,116,956.50
TTG Utilities, Gatesville, TX	\$1,351,204.50
Bell Contractors, Belton, TX	\$1,450,738.20
Sky Blue Utilities, Kingsland, TX	\$1,976,756.89

The Engineer's Opinion of Probable Cost (EOPC) to construct the Project was \$997,477. Clark and Fuller and the City Engineer evaluated the bids and

determined that Prota Construction Inc., the low bidder, has the capability and experience to perform to the requirements of the contract. Prota Construction has not worked with the City of Belton in previous projects. However, after a thorough reference check, Clark and Fuller and Staff recommend award to Prota Construction.

Mrs. Points said that funding for the design and construction of the project will come from: \$696,044.30 from TIRZ Capital Project Funds

\$300,000 from Water and Sewer Capital Funds

\$200,000 from TxDOT Grant Funds for the sidewalk portion of the project Total Available Funding = \$1,196,044.30

Councilmember Gauntt asked about the telephone poles within the sidewalks on the west side. Mrs. Points said that the sidewalks on the east side will be replaced, but those on the west side will not at this time because of the obstructions, but could be a Phase 2 project. Mrs. Gauntt asked if this contract will be performed during the day or at night. Mrs. Points said that the project was bid as a day time project, but she said she would not be opposed to night time construction if the contractor wants to work at night.

Councilmember Sanderford asked if the existing waterline will be removed or abandoned. Mrs. Points said that the existing waterline will be abandoned in place. Mr. Sanderford asked if there are any issues with that. Mrs. Points said that there are not typically any issues with abandonment.

City Manager Sam Listi clarified that the project was not bid as a night time project, but the City would not be opposed to it.

Upon a motion by Councilmember Kirkley, and a second by Councilmember O'Banion, item 20 was approved by a vote of 6-0.

The Belton City Council recessed the Regular City Council Meeting at 7:52 p.m. and convened a meeting of the Belton Employee Benefits Trust.

City of Belton Employee Benefits Trust Agenda

- 1. Call to Order. Vice Chair David K. Leigh called the meeting to order at 7:56 p.m.
- Consider minutes of the City of Belton Employee Benefits Trust meeting dated October 27, 2015. Upon a motion by Trustee Dan Kirkley and a second by Trustee Jerri Gauntt, this item was unanimously approved upon a vote of 6-0.
- 3. Consider action awarding contracts for employee insurance products.

Director of Finance Brandon Bozon said that last year, the City awarded the contract for employee health insurance to Blue Cross/Blue Shield as a result of

an RFP process. He explained that for the purposes of continuity for employees and providers, the City typically does not engage in an RFP process each year. However, the initial renewal offer proposed by BCBS was unmanageable in the City's FY 2017 budget. Therefore, with the assistance of IPS Advisors, the City solicited proposals for employee health insurance. Five proposals were received, and based on the cost competitiveness of the initial proposals, United Health Care and Scott & White Health Plan, as well as the incumbent, BCBS, were requested to provide best and final offers.

Provider	Proposed increase over current rates - initial	Proposed increase over current rates – best and final
Scott and White Health Plan	14.9%	8.2%
United Health Care	20.5%/13.6%	14.2%
Blue Cross/Blue Shield (TX)	35.2%	35.2%
Aetna	32.9%	N/A
Cigna	30.0%/22.6%	N/A
Texas Municipal League	15.6%/15.3%*	N/A

^{*}Did not propose plans in line with the City's current benefit structure

The recommendation from City staff is to accept the proposal from SWHP, as they provided the lowest pricing for the City's current health insurance plans as well as a proposed new high deductible health plan option. Staff is recommending the addition of a high deductible health plan (HDHP) complemented with a Health Savings Account (HSA). An HDHP is a health insurance plan with lower premiums and higher deductibles than a traditional health plan. The HDHP will be administered by SWHP, and Staff recommends Flores & Associates to administer the HSA program.

Any employee enrolled in an HDHP will be eligible to make voluntary contributions to their HSA up to the IRS annual limits of \$3,400 for an individual, or \$6,750 for a family. For employees who choose to forego the fully funded employee only mid-plan, the City will make monthly contributions of \$146.06 to their health savings account. This amount represents the difference between the monthly premium for the employee only mid-plan (\$420.84) and the monthly premium for the employee only HDHP (\$274.78). For employees that choose the Employee/Children HDHP, the City will make monthly contributions to their HSA of \$60.40. This amount represents the difference between the City's monthly contributions to non-employee only plans (\$555.00) and the monthly premium for the employee/children HDHP (\$494.60).

The FY 2017 budget included funding for up to a 10% increase in employee insurance premiums. SWHP's proposal, employee only mid premium is \$5,051 per employee annually; a 8.2% increase over last year's cost. The City's contribution, for plans other than employee only, is increasing to \$6,660 per

employee annually; an 8.2% increase over last year's cost. The City's cost for HSA management will be \$4/per month/per enrolled employee.

Mr. Bozon summarized the other recommended contract renewals:

- MetLife's renewal for dental coverage is a 2% decrease in premiums, \$331 per employee annually.
- UTEAP's proposal for an employee assistance program (EAP) is at no change in premiums, \$20 per employee annually.
- Lincoln Financial Group renewal for employee Life/AD&D insurance is at a negligible change, as a slight decrease in premiums will be offset by increasing the insurance benefit to \$50,000 across for all employees. Previously, the policy paid a benefit of \$25,000 a year if the employee's annual salary was less than \$25,000.
- Combined Benefits Group renewal for employee optional supplemental policies (Cancer, Accident, Critical Illness, Short Term Disability, and Permanent Life Insurance) is at no change in premiums.

Trustee O'Banion said that Staff needs to make it clear to employees who choose the HDHP/HSA option that the money is not in their HSA account at the beginning of the plan year like it is with an FSA.

Upon a motion by Trustee Paul Sanderford, and a second by Trustee Craig Pearson, the employee benefit contracts were approved upon a vote of 6-0.

4. <u>Adjourn.</u> Vice Chair David K. Leigh adjourned the Employee Benefits Trust meeting at 8:07 p.m.

The Employee Benefits Trust adjourned the City of Belton Employee Benefit Trust Meeting and reconvened the Belton City Council Meeting at 8:07 p.m.

21. Consider approval of funding for employee insurance contracts awarded by the Board of the Employee Benefits Trust, and authorizing the transfer of funds from the City's operating funds to the Employee Benefits Trust account.

Director of Finance Brandon Bozon explained that the City Council must vote to approve funding for employee insurance plans for the 2017 calendar year, as approved by the Board of the Employee Benefits Trust.

The two step process of establishing benefits within the Employee Benefits Trust, and then funding the trust, allows the City to achieve lower insurance premiums by making those premiums paid to insurers not subject to the Health and Accident

Belton City Council Meeting November 22, 2016 – Page 21

Insurance Premium tax levied by the state of Texas. The annual savings is approximately \$15,000.

Upon a motion by Councilmember Kirkley, and a second by Councilmember Gauntt, item 21 was approved by a vote of 6-0.

There being no further business, the Mayor Pro Tem adjourned the meeting at 8:09 p.m.

	Marion Grayson, Mayor
ATTEST:	
Amy M. Casey, City Clerk	-

Staff Report – City Council Agenda Item



Agenda Item #5

Consider a resolution requesting members of Texas' 85th Legislative Session to provide for a fair and equitable distribution of the sporting goods sales tax revenue for local and state parks.

Originating Department

Parks & Recreation – Matt Bates, Director of Parks and Recreation.

Summary Information

In preparation for the 85th Session of the Texas Legislature, the Legislative Committee of the Texas Recreation and Parks Society (TRAPS) is collecting resolutions supporting the passage of legislation that supports a fair and equitable distribution of the sporting goods sales tax revenue for local and state parks, and urging the legislature to require all TRPA funded projects be subject to the competitive scoring system established by TPWD. These resolutions are an effective way for local jurisdictions to inform our elected officials about the support and importance of the Parks & Recreation projects, and the number of citizens regularly impacted by them. As the State's budget tightens, we need to encourage our members of the Legislature to support the Park funding and to remind them of the commitment made during the last session to improve our State and local park systems.

Among recent grant-supported projects made possible by TPWD grants, we want to highlight Chisholm Trail Park; Quail Meadows Park; Harris Community Park; and Nolan Creek Recreation/Flood Mitigation Project. These grant funds while competitive state wide, are vitally important to cities, especially small cities like Belton. Our recent Strategic Parks Master Plan Update anticipates seeking TPWD grant funds in the future to enhance our park system further.

Cities of Copperas Cove and Harker Heights have already passed a resolution of support, and Temple, Cedar Park, and Georgetown are scheduled to pass resolutions of support in the near future.

Fiscal Impact

Amount: None

Recommendation

Recommend approval of the Resolution requesting members of Texas' 85th Legislative Session to provide for a fair and equitable distribution of the sporting goods sales tax revenue for local and state parks.

Attachments

Resolution

Sporting Goods Sales Tax Allocation - Issue Brief from Legislative Budget Board Staff

RESOLUTION NO. 2016-32-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON REQUESTING THE MEMBERS OF THE 85th LEGISLATIVE SESSION OF THE STATE OF TEXAS TO SUPPORT LEGISLATION THAT PROVIDES A FAIR AND EQUITABLE DISTRIBUTION OF THE SPORTING GOODS SALES TAX REVENUE FOR LOCAL AND STATE PARKS.

WHEREAS, the Texas Parks & Wildlife Department ("TPWD") administers the Texas Recreation & Parks Account Local Park Grant Program ("TRPA") and the Large County and Municipality Recreation and Parks Account (Urban Account) and manages 95 State parks, natural areas and historical sites in Texas; and

WHEREAS, TPWD has separate accounts in their general revenue fund referred to as the TRPA and Urban Account for the purpose of providing matching grants to political subdivisions for parks and recreation projects, and for outreach grants to introduce new populations to outdoor experiences; and

WHEREAS, the matching grants provided by the TPWD are utilized for the planning, acquisition, and development of local park, recreation and open space areas to be owned and maintained by political subdivisions; and

WHEREAS, funds granted to political subdivisions under the TRPA and Urban Account guidelines have funded 1,668 projects of the 3,525 submitted over 30 years delivering over \$800 million to the local Texas economy; and

WHEREAS, political subdivisions throughout the State of Texas depend on grants from TPWD through the TRPA to stimulate the acquisition and development of parks and recreational areas for the benefit and enjoyment of their citizenry; and

WHEREAS, the TRPA, Urban Account, and State parks are funded from sales tax on sporting goods and that the development of new parks stimulates the purchase of sporting goods; and

WHEREAS, the TRPA, Urban Account, and State parks are partially funded from federal dollars used for parks, recreation, open space, trails, and tourism from the United States Department of the Interior Land and Water Conservation Fund (LWCF), the Sport Fish Restoration Boat Access program and the United States Department of Transportation Recreation Trails; and

WHEREAS, the maintenance and improvements of State park and historic sites and the addition of new parks is a priority to Texans due to the State's expanding population and extensive tourism industry; and

WHEREAS, the development of parks encourages and promotes public health, economic development, job creation, education; corporate relocations, an improved quality of life, and juvenile crime prevention; and

WHEREAS, funds are needed for major repairs at Local and State parks and for the acquisition and development of parks and facilities; and

WHEREAS, it is the desire of this City Council that a copy of this resolution with appropriate names affixed be presented to the Governor of Texas and the leadership of the 85th Texas Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS:

That members of the 85th Legislature of Texas seek support of legislation that provides a fair and equitable distribution of the sporting goods sales tax revenue for for Local and State parks and that all funding for TRPA and Urban Account projects be subject to the established TPWD competitive scoring system.

PASSED AND APPROVED by the City of Belton, Texas, on this the 13th day of December, 2016.

	Marion Grayson, Mayor
ATTEST:	
Amy M. Casey, City Clerk	•
APPROVED AS TO FORM:	
John Messer, City Attorney	

ID: 3110 MAY 2016

OBJECTIVE

The Legislature makes appropriations from the collection of sales tax on sporting goods to support state parks, historic sites, local park grants, and capital projects.

KEY FACTS

- ◆ The Sporting Goods Sales Tax (SGST) is not a separate tax, but rather an estimated amount of state tax revenue collected from the sale of sporting goods.
- ◆ The Texas Parks and Wildlife Department (TPWD) and the Texas Historical Commission (THC) may receive up to 94.0 percent and 6.0 percent, respectively, of SGST revenue, but the amount is determined in the General Appropriations Act (GAA).
- ◆ In the 2016–17 biennium, 98.6 percent of estimated SGST was appropriated to THC and TPWD, including 100.0 percent of the amount available to TPWD.

BUDGETARY IMPACT

Appropriations from SGST for TPWD and THC in the 2016–17 biennium total \$274.0 million.

STATUTORY REFERENCES

The Texas Tax Code, Section 151.801, sets the maximum of SGST receipts available to TPWD and THC.

The Texas Government Code, Chapter 442, and the Texas Parks and Wildlife Code, Chapters 11 and 24, make amounts credited to agency accounts subject to the GAA. Pursuant to statutory provisions, the Legislature has discretion in appropriating receipts from the sales tax revenue generated from sporting goods sales to the Texas Parks and Wildlife Department (TPWD) and the Texas Historical Commission (THC). For the 2016–17 biennium, the Eighty-fourth Legislature, 2015, provided TPWD and THC with a combined \$274.0 million in amounts from the Sporting Goods Sales Tax (SGST) allocation. Collections not allocated to TPWD and THC remain in General Revenue Funds and are used to fund other state priorities. That amount is estimated to be \$3.9 million for the 2016–17 biennium.

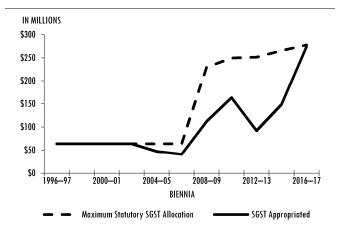
Unlike taxes on specific items, the Comptroller of Public Accounts (CPA) estimates revenue from the sales tax on sporting goods by using a national market survey. According to CPA estimates, nearly two-thirds of SGST revenue is generated from sales of bicycles and related supplies, hunting and firearms equipment, exercise equipment, and fishing tackle. Revenues from sales tax fluctuate between biennia. The CPA estimate of SGST receipts increased 4.5 percent from \$265.8 million to \$277.8 million from the 2014–15 to 2016–17 biennia.

LEGISLATIVE HISTORY

State and local parks and historic sites are not self-supporting. Before fiscal year 1994, state and local parks accounts were each appropriated \$0.50 per 1,000 cigarettes sold. The Seventy-

Legislature, third replaced the cigarette tax with a biennial statutory allocation of SGST receipts to the credit of TPWD accounts for state parks, local park grants, and capital projects beginning in fiscal year 1996. This allocation was fixed at a maximum of \$64.0 million per biennium. Figure 1 shows maximum statutory SGST allocation compared actual SGST allocated across **TPWD** several biennia. accounts credited with SGST are the following

FIGURE 1 SPORTING GOODS SALES TAX (SGST) BIENNIAL APPROPRIATIONS AND MAXIMUM STATUTORY ALLOCATION COMPARISON, 1996–97 TO 2016–17 BIENNIA



Source: Legislative Budget Board; Comptroller of Public Accounts.

General Revenue–Dedicated Funds: State Parks Account No. 64, Texas Recreation and Parks Account No. 467, Large County and Municipality Recreation and Parks Account No. 5150, and Conservation and Capital Account No. 5004.

The Eightieth Legislature, 2007, eliminated the fixed \$64.0 million biennial allocation and reestablished the allocation to the amount appropriated to the four accounts, with maximum

LEGISLATIVE BUDGET BOARD ISSUE BRIEF

percentages to each account from the estimated total allocation as determined by the CPA's Biennial Revenue Estimate. The Legislature also authorized the THC to receive SGST receipts, and provided a maximum statutory allocation for both entities: Of the total SGST receipts estimated to be collected, 94.0 percent may be allocated to TPWD, and 6.0 percent may be allocated to THC. The Eighty-third Legislature, Regular Session, 2013, authorized additional transfers of the SGST to affected TPWD accounts to fund employee payroll-related benefits costs.

The Eighty-fourth Legislature, 2015, passed House Bill 158 and Senate Bill 1366, which removed the percentage allocation of SGST transfers to the four General Revenue–Dedicated accounts in the TPWD budget and gave the Legislature discretion as to the distribution of SGST to TPWD.

SPORTING GOODS SALES TAX 2016-17 BIENNIAL APPROPRIATIONS

The Eighty-fourth Legislature, 2015, appropriated THC and TPWD \$274.0 million in SGST receipts, an increase of \$124.8 million (83.7 percent) from 2014–15 biennial spending levels. As shown in **Figure 2**, SGST appropriations for TPWD include 100.0 percent of the available allocation. The distribution of the SGST appropriations to TPWD is shown in **Figure 3**. Appropriations to THC are primarily for agency operations, including salaries and administration of State Historic Sites.

FIGURE 2
SPORTING GOODS SALES TAX APPROPRIATIONS, 2016–17 BIENNIUM

(IN MILLIONS)	MAXIMUM STATUTORY ALLOCATION		GENERAL APPROPRIATIONS ACT		
AGENCY	ALLOCATION	PERCENTAGE OF TOTAL	APPROPRIATION	PERCENTAGE OF STATUTORY ALLOCATION	UNDESIGNATED RECEIPTS
Texas Parks and Wildlife Department	\$261.1	94.0%	\$261.1	100.0%	\$0.0
Texas Historical Commission	\$16.7	6.0%	\$12.8	76.6%	\$3.9
Total	\$277.8	100.0%	\$274.0	98.6%	\$3.9

Note: Totals may not sum due to rounding.

SOURCES: Legislative Budget Board; Comptroller of Public Accounts, Biennial Revenue Estimate for 2016–17.

FIGURE 3 SPORTING GOODS SALES TAX (SGST) APPROPRIATIONS TO THE PARKS AND WILDLIFE DEPARTMENT (TPWD), 2016–17 BIENNIUM

TRANSFERS TO GENERAL REVENUE-DEDICATED ACCOUNTS FOR TPWD (IN MILLIONS)	APPROPRIATION	PERCENTAGE OF TPWD TOTAL
State Parks Account No. 64 state park operations and support: \$117.9 million transfers to Deferred Maintenance Account No. 5166: \$47.9 million debt service: \$31.6 million employee benefits costs: \$16.9 million (2) capital improvements and minor repairs: \$4.2 million	\$218.5	83.7%
Texas Recreation and Parks Account No. 467 (2)	\$19.0	7.3%
Large County and Municipality Recreation and Parks Account No. 5150 (2)	\$14.4	5.5%
Conservation and Capital Account No. 5004 transfers to Deferred Maintenance Account No. 5166: \$6.6 million capital improvements within the State Parks Division: \$2.6 million	\$9.2	3.5%
TOTAL	\$261.1	100.0%
NOTES: (1) Totals may not sum due to rounding.		

(2) A total of \$17.5 million is appropriated to TPWD from SGST for fringe benefits paid from three accounts.

Source: Legislative Budget Board.

USEFUL REFERENCES

Legislative Budget Board, Fiscal Size Up, 2016-17 Biennium: www.lbb.state.tx.us

Legislative Budget Board, Sporting Goods Sales Tax Infographic, 2016: www.lbb.state.tx.us

CONTACT

Michael Wales Email: IssueBrief@lbb.state.tx.us

Staff Report – City Council Agenda Item



Agenda Item #7

Consider an ordinance authorizing the issuance of the City of Belton, Texas Combination Tax and Limited Revenue Certificates of Obligation, Series 2016, in a maximum principal amount not to exceed \$9,700,000, and other matters related thereto.

Originating Department

Finance Department – Brandon Bozon, Director of Finance

Summary Information

On October 25, 2016, Council passed a resolution directing the publication of notice of intention to issue combination tax and limited revenue certificates of obligation, series 2016. The maximum amount of the debt offering was set at \$9,700,000 to maintain bank qualified status. The following is a summary of the projects identified and their estimated costs:

Water and Sewer Fund

\$6,430,000	South IH-35 Sewer Line Extension
\$3,135,000	North Belton Water Tank
\$ 135,000	Estimated Bond Issue Cost
\$9,700,000	Total rate supported debt offering

One public hearing is required by City Charter, and that required public hearing was held at the November 22, 2016 meeting.

Belton's received a rating from Standard & Poor's on December 5, 2016 of AA- with a stable outlook. This rating was consistent with the rating the City of Belton received in the previous bond issuance. Based on our newly affirmed credit rating and recent market conditions, the City expects to receive bids in the range of 3% to 3.25%. Due to the nature of the competitive sale, bids will not be received until the morning of December 13, 2016, so the interest rate is not known at this time. With Belton's track record of fiscal prudence, City Staff and our Financial Advisors are optimistic about underwriter participation and the prospects of receiving a competitive rate.

The FY 2017 Water and Sewer budget contains \$345,081 to fund debt service for this issue. Should the rate or structure differ in a manner that causes FY 2017 debt service to be materially different, a budget amendment will be recommended in January.

Fiscal Impact

The exact fiscal impact will not be known until the afternoon of December 13, 2016. That information will be distributed to the Council as soon as it is available, and present for discussion at the meeting. For illustrative purposes, the debt service schedule at an interest rate of 3.05% is attached.

Recommendation

Based on the current market outlook, City Staff anticipates a recommendation to sell the bonds to be given at the meeting. Should an unforeseen shift in the credit markets that negatively affects the bids received, City Council will be notified ahead of the meeting of a potential change in recommendation.

Attachments

Example debt service schedule at 3.05% interest (All Inclusive Cost) Ordinance

Preliminary

City of Belton, Texas

9,700,000 Combination Tax & Limited Revenue Certificates of Obligation Series 2016

100% Utility-Supported / Deferred Debt Service Scenario

Debt Service Schedule

Part 1 of 2

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
12/21/2016	-	-	=	_	
08/01/2017	-	-	166,478.13	166,478.13	-
09/30/2017	-	=	· =	· =	166,478.13
02/01/2018	-	=	136,209.38	136,209.38	· -
08/01/2018	155,000.00	2.000%	136,209.38	291,209.38	-
09/30/2018	-	-	-		427,418.76
02/01/2019	_	-	134,659.38	134,659.38	_
08/01/2019	190,000.00	2.000%	134,659.38	324,659.38	=
09/30/2019	· -	=	· =	· =	459,318.76
02/01/2020	_	-	132,759.38	132,759.38	_
08/01/2020	195,000.00	2.000%	132,759.38	327,759.38	
09/30/2020	, <u>-</u>	-	, -	,	460,518.76
02/01/2021	_	-	130,809.38	130,809.38	_
08/01/2021	205,000.00	2.000%	130,809.38	335,809.38	-
09/30/2021	, <u>-</u>	-	, -	,	466,618.76
02/01/2022	-	-	128,759.38	128,759.38	
08/01/2022	215,000.00	2.000%	128,759.38	343,759.38	_
09/30/2022	-	-	<u>-</u>	-	472,518.76
02/01/2023	_	_	126,609.38	126,609.38	-
08/01/2023	520,000.00	2.250%	126,609.38	646,609.38	_
09/30/2023	-	-	-	-	773,218.76
02/01/2024	_	-	120,759.38	120,759.38	_
08/01/2024	530,000.00	2.250%	120,759.38	650,759.38	_
09/30/2024	-	-	-	-	771,518.76
02/01/2025	_	_	114,796.88	114,796.88	-
08/01/2025	545,000.00	2.625%	114,796.88	659,796.88	_
09/30/2025	-	-	-	-	774,593.76
02/01/2026	_	-	107,643.75	107,643.75	_
08/01/2026	560,000.00	3.000%	107,643.75	667,643.75	_
09/30/2026	-	-	-	-	775,287.50
02/01/2027	_	-	99,243.75	99,243.75	-
08/01/2027	575,000.00	3.000%	99,243.75	674,243.75	_
09/30/2027	-	-	-	-	773,487.50
02/01/2028	_	_	90,618.75	90,618.75	-
08/01/2028	590,000.00	3.000%	90,618.75	680,618.75	-
09/30/2028	-	-	-	-	771,237.50
02/01/2029	_	_	81,768.75	81,768.75	
08/01/2029	610,000.00	3.000%	81,768.75	691,768.75	_
09/30/2029	-	-		-	773,537.50
02/01/2030	_	-	72,618.75	72,618.75	-

16 \$9.7mm C/O (11/22) wra | SINGLE PURPOSE | 11/22/2016 | 11:18 AM

City of Belton, Texas

9,700,000 Combination Tax & Limited Revenue Certificates of Obligation Series 2016

100% Utility-Supported / Deferred Debt Service Scenario

Debt Service Schedule

Part 2 of 2

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
08/01/2030	630,000.00	3.000%	72,618.75	702,618.75	-
09/30/2030	-	-	-	-	775,237.50
02/01/2031	-	-	63,168.75	63,168.75	-
08/01/2031	645,000.00	3.000%	63,168.75	708,168.75	-
09/30/2031	-	-	-	-	771,337.50
02/01/2032	-	-	53,493.75	53,493.75	-
08/01/2032	665,000.00	3.000%	53,493.75	718,493.75	-
09/30/2032	-	-	-	-	771,987.50
02/01/2033	-	-	43,518.75	43,518.75	-
08/01/2033	685,000.00	3.000%	43,518.75	728,518.75	-
09/30/2033	-	-	-	-	772,037.50
02/01/2034	-	-	33,243.75	33,243.75	-
08/01/2034	705,000.00	3.000%	33,243.75	738,243.75	-
09/30/2034	-	-	-	-	771,487.50
02/01/2035	-	-	22,668.75	22,668.75	-
08/01/2035	730,000.00	3.000%	22,668.75	752,668.75	-
09/30/2035	-	-	-	-	775,337.50
02/01/2036	-	-	11,718.75	11,718.75	-
08/01/2036	750,000.00	3.125%	11,718.75	761,718.75	-
09/30/2036	-	-	-	-	773,437.50
Total	\$9,700,000.00	-	\$3,576,615.71	\$13,276,615.71	-

Yield Statistics

Bond Year Dollars	\$122,262.78
Average Life	12.604 Years
Average Coupon	2.9253513%
Net Interest Cost (NIC)	2.9571008%
True Interest Cost (TIC)	2.9527883%
Bond Yield for Arbitrage Purposes	2.8271442%
All Inclusive Cost (AIC)	3.0491085%

IRS Form 8038

Net Interest Cost	2.8414829%
Weighted Average Maturity	12.571 Years

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City of Belton, Texas

 $\$9,\!700,\!000$ Combination Tax & Limited Revenue Certificates of Obligation Series 2016

100% Utility-Supported / Deferred Debt Service Scenario

Net Debt Service Schedule

					Existing Utility-	
Date	Principal	Coupon	Interest	Total P+I	Supp. D/S	Net New D/S
09/30/2017	-	-	166,478.13	166,478.13	1,219,894.24	1,386,372.37
09/30/2018	155,000.00	2.000%	272,418.76	427,418.76	1,176,730.60	1,604,149.36
09/30/2019	190,000.00	2.000%	269,318.76	459,318.76	1,144,347.34	1,603,666.10
09/30/2020	195,000.00	2.000%	265,518.76	460,518.76	1,142,285.24	1,602,804.00
09/30/2021	205,000.00	2.000%	261,618.76	466,618.76	1,134,344.30	1,600,963.06
09/30/2022	215,000.00	2.000%	257,518.76	472,518.76	1,130,174.48	1,602,693.24
09/30/2023	520,000.00	2.250%	253,218.76	773,218.76	705,594.68	1,478,813.44
09/30/2024	530,000.00	2.250%	241,518.76	771,518.76	708,374.50	1,479,893.26
09/30/2025	545,000.00	2.625%	229,593.76	774,593.76	705,728.98	1,480,322.74
09/30/2026	560,000.00	3.000%	215,287.50	775,287.50	707,758.12	1,483,045.62
09/30/2027	575,000.00	3.000%	198,487.50	773,487.50	705,161.88	1,478,649.38
09/30/2028	590,000.00	3.000%	181,237.50	771,237.50	577,546.80	1,348,784.30
09/30/2029	610,000.00	3.000%	163,537.50	773,537.50	565,600.00	1,339,137.50
09/30/2030	630,000.00	3.000%	145,237.50	775,237.50	566,800.00	1,342,037.50
09/30/2031	645,000.00	3.000%	126,337.50	771,337.50	562,550.00	1,333,887.50
09/30/2032	665,000.00	3.000%	106,987.50	771,987.50	563,000.00	1,334,987.50
09/30/2033	685,000.00	3.000%	87,037.50	772,037.50	563,000.00	1,335,037.50
09/30/2034	705,000.00	3.000%	66,487.50	771,487.50	567,550.00	1,339,037.50
09/30/2035	730,000.00	3.000%	45,337.50	775,337.50	566,500.00	1,341,837.50
09/30/2036	750,000.00	3.125%	23,437.50	773,437.50	-	773,437.50
Total	\$9,700,000.00	-	\$3,576,615.71	\$13,276,615.71	\$15,012,941.16	\$28,289,556.87

ORDINANCE NO. 2016-58

ORDINANCE AUTHORIZING THE ISSUANCE OF CITY OF BELTON, TEXAS COMBINATION TAX AND LIMITED REVENUE CERTIFICATES OF OBLIGATION, SERIES 2016; LEVYING AN AD VALOREM TAX AND PLEDGING CERTAIN SURPLUS REVENUES IN SUPPORT OF THE CERTIFICATES; AUTHORIZING EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND OTHER AGREEMENTS RELATED TO THE SALE AND ISSUANCE OF THE CERTIFICATES; AND ORDAINING OTHER MATTERS RELATING TO THE ISSUANCE OF THE CERTIFICATES

THE STATE OF TEXAS	§
COUNTY OF BELL	§
CITY OF BELTON	§

WHEREAS, the Certificates hereinafter authorized and designated are to be issued and delivered for cash pursuant to Subchapter C of Chapter 271, Local Government Code, as amended, and Section 1502.052, Texas Government Code, as amended; and

WHEREAS, on October 25, 2016 the City Council passed a resolution authorizing and directing the City Clerk to give notice of intention to issue the Certificates; and

WHEREAS, such notice was published on November 3, 2016, November 10, 2016 and November 17, 2016 in *The Belton Journal* and November 3, 2016, November 10, 2016 and November 17, 2016 in the *Temple Daily Telegram*, which are newspapers of general circulation in the City in accordance with Section 2051.044, Government Code; and

WHEREAS, on November 22, 2016, the City held a public hearing regarding the issuance of the Certificates as required by the City's Charter; and

WHEREAS, the City has not received a petition from the qualified electors of the City protesting the issuance of the Certificates; and

WHEREAS, no bond proposition to authorize the issuance of bonds for the same purpose as any of the projects being financed with the proceeds of the Certificates was submitted to the voters of the City during the preceding three years and failed to be approved;

WHEREAS, it is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and public notice of the time, place and purpose of the meeting was given, all as required by Chapter 551, Texas Government Code; and

WHEREAS, it is considered to be in the best interest of the City that the interest bearing Certificates be issued.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS:

Section 1. RECITALS, AMOUNT AND PURPOSE OF THE CERTIFICATES. 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 certificates of the City of Belton, Texas (the "City") are hereby authorized to be issued and delivered in the aggregate principal amount of \$______ for the purpose of (1) constructing, improving and/or extending the City's waterworks and sewer system, including construction of a North Belton water tank and the South Belton sewer extension, including the acquisition of any necessary easements or land and, (2) the payment of professional services in connection therewith including legal, fiscal and engineering fees and the costs of issuance in connection with the certificates; and

MATURITIES OF CERTIFICATES. Each Certificate issued pursuant to this Ordinance shall be designated: "CITY OF BELTON, TEXAS COMBINATION TAX AND LIMITED REVENUE CERTIFICATES OF OBLIGATION, SERIES 2016", and initially there shall be issued, sold, and delivered hereunder one fully registered certificate, without interest coupons, dated December 1, 2016, in the denomination and principal amount hereinafter stated, numbered consecutively from R-1 upward (except the initial Certificate delivered to the Attorney General of the State of Texas which shall be numbered T-1), payable to the respective initial registered owner thereof (as designated in Section 12 hereof), or to the registered assignee or assignees of said Certificate or any portion or portions thereof (in each case, the "Registered Owner"), and the outstanding principal amount of the Certificates shall mature and be payable on August 1 in each of the years and in the principal amounts, respectively, as set forth in the following schedule:

YEAR	AMOUNT	YEAR	AMOUNT
2018	\$	2028	\$
2019		2029	
2020		2030	

2021	2031
2022	2032
2023	2033
2024	2034
2025	2035
2026	2036
2027	

The term "Certificates" as used in this Ordinance shall mean and include collectively the Certificates initially issued and delivered pursuant to this Ordinance and all substitute Certificates exchanged therefor, as well as all other substitute Certificates and replacement Certificates issued pursuant hereto.

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

YEAR	RATE	YEAR	RATE
2018	%	2028	%
2019		2029	
2020		2030	
2021		2031	
2022		2032	
2023		2033	
2024		2034	
2025		2035	
2026		2036	
2027			

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

Section 4. <u>CHARACTERISTICS OF THE CERTIFICATES</u>. <u>Registration, Transfer, Conversion and Exchange; Authentication</u>. (a) The City shall keep or cause to be kept at BOKF, NA, Texas (the "Paying Agent/Registrar") books or records for the registration of the transfer, conversion and exchange of the Certificates (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. The Paying Agent/Registrar shall obtain and record in the Registration Books the address of the Registered Owner of each Certificate to which payments with respect to the Certificates 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 the Registration Books available within 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 Certificate or Certificates. Registration of assignments, transfers, conversions and exchanges of Certificates shall be made in the manner provided and with the effect stated in the FORM OF CERTIFICATE set forth in this Ordinance. Each substitute Certificate shall bear a letter and/or number to distinguish it from each other Certificate.

Except as provided in Section 4(c) of this Ordinance, an authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Certificate, date and manually sign said Certificate, and no such Certificate shall be deemed to be issued or outstanding unless such Certificate is so executed. The Paying Agent/Registrar promptly shall cancel all paid Certificates and Certificates 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 Certificate or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Certificates in the manner prescribed herein, and said Certificates shall be printed or typed on paper of customary weight and strength. Pursuant to Chapter 1201, Texas Government Code, as amended, and particularly Subchapter D thereof, the duty of conversion and exchange of Certificates as aforesaid is hereby imposed upon the Paying Agent/Registrar, and, upon the execution of said Certificate, the converted and exchanged Certificate shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Certificates which initially were issued and delivered pursuant to this Ordinance, approved by the Attorney General and registered by the Comptroller of Public Accounts.

(b) <u>Payment of Certificates and Interest</u>. The City hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of and interest on the Certificates, 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 Certificates, and of all conversions and exchanges of Certificates, and all replacements of Certificates, 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 past due interest 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 Certificates (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on such Certificates to be payable only to the Registered Owners thereof, (ii) may be redeemed prior to their scheduled maturities (notice of which shall be given to the Paying Agent/Registrar by the City at least 45 days prior to any such redemption date), (iii) may be converted and exchanged for other Certificates, (iv) may be transferred and assigned, (v) shall have the characteristics, (vi) shall be signed, sealed, executed and authenticated, (vii) the principal of and interest on the Certificates shall be payable, and (viii) shall be administered and the Paying Agent/Registrar and the City shall have certain duties and responsibilities with respect to the Certificates, all as provided, and in the manner and to the effect as required or indicated, in the FORM OF CERTIFICATE set forth in this Ordinance. The Certificate initially issued and delivered pursuant to this Ordinance is not required to be, and shall not be, authenticated by the Paying Agent/Registrar, but on each substitute Certificate issued in conversion of and exchange or substitute for any Certificate or Certificates 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 CERTIFICATE.
- (d) Substitute Paying Agent/Registrar. The City covenants with the Registered Owners of the Certificates that at all times while the Certificates 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 Certificates 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 Certificates, 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 Certificates, 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) <u>Book-Entry-Only System</u>. The Certificates issued in exchange for the Certificates initially issued as provided in Section 4(i) shall be issued in the form of a separate single fully registered Certificate 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 Certificates shall be registered in the name of Cede & Co., as nominee of DTC.

With respect to Certificates 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 Certificates. 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 Certificates, (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 Certificates, or (iii) the payment to any DTC Participant or any person, other than a Registered Owner, as shown in the Registration Books of any amount with respect to principal of or interest on the Certificates. 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 Certificate is registered in the Registration Books as the absolute owner of such Certificate for the purpose of payment of principal of and interest, with respect to such Certificate, for the purposes of registering transfers with respect to such Certificate, and for all other purposes of registering transfers with respect to such Certificates, and for all other purposes whatsoever. The Paying Agent/Registrar shall pay all principal of and interest on the Certificates 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 Certificates 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 Certificate 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 Certificates, 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 Certificates to such successor securities depository or (ii) notify DTC and DTC Participants of the availability through DTC of Certificates and transfer one or more separate Certificates to DTC Participants having Certificates credited to their DTC accounts. In such event, the Certificates 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 Certificate shall designate, in accordance with the provisions of this Ordinance.
- (g) <u>Payments to Cede & Co.</u> Notwithstanding any other provision of this Ordinance to the contrary, so long as any Certificate is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, and interest on such Certificate and all notices with respect to such Certificate shall be made and given, respectively, in the manner provided in the Letter of Representations of the City to DTC.
- (h) <u>DTC Blanket Letter of Representations</u>. 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 Certificates.
- (i) <u>Cancellation of Initial Certificate</u>. On the closing date, one Initial Certificate representing the entire principal amount of the Certificates, payable in stated installments to the order of the purchaser of the Certificates or its designee set forth in Section 12 of this Ordinance, executed by manual or facsimile signature of the Mayor or Mayor Pro-tem and City Clerk, 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 Purchaser set forth in Section 12 of this Ordinance or its designee. Upon payment for the Initial Certificate, the Paying Agent/Registrar shall cancel the Initial Certificate and deliver to DTC on behalf of such Purchaser one registered definitive Certificate for each year of maturity of the Certificates, in the aggregate principal amount of all the Certificates for such maturity.
- **Section 5. FORM OF CERTIFICATE**. The form of the Certificates, including the form of Paying Agent/Registrar's Authentication Certificate, the form of Assignment and the form of Registration Certificate of the Comptroller of Public Accounts of the State of Texas to be attached to the Certificates 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.

FORM OF CERTIFICATE

NO. R-1 UNITED STATES OF AMERICA STATE OF TEXAS

STATE OF TEXAS COUNTY OF BELL

CITY OF BELTON, TEXAS

COMBINATION TAX AND LIMITED REVENUE CERTIFICATE OF OBLIGATION,

SERIES 2016

INTEREST	DATE OF	DATE OF	MATURITY	CUSIP NO.
RATE	CERTIFICATE	<u>DELIVERY</u>	<u>DATE</u>	
%	December 1, 2016	December 21, 2016	August 1, 20	

REGISTERED OWNER:

PRINCIPAL AMOUNT:

DOLLARS

PRINCIPAL

AMOUNT

ON THE MATURITY DATE specified above, the CITY OF BELTON, in the County of Bell, State of 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 Date of Delivery, on August 1, 2017 and semiannually on each February 1 and August 1 thereafter to the maturity date specified above, or the date of redemption prior to maturity, at the interest rate per annum specified above; except that if this Certificate 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 Certificate or Certificates, if any, for which this Certificate is being exchanged or converted from is due but has not been paid, then this Certificate shall bear interest from the date to which such interest has been paid in full.

THE PRINCIPAL OF AND INTEREST ON this Certificate are payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Certificate shall be paid to the Registered Owner hereof upon presentation and surrender of this Certificate at maturity, or upon the date fixed for its redemption in whole or in part prior to maturity,

at BOKF, NA, which is the "Paying Agent/Registrar" for this Certificate at their office in Austin, Texas (the "Designated Payment/Transfer Office"). The payment of interest on this Certificate 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 Certificate (the "Certificate 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 as of the close of business on the last business day of the month 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 Certificate appearing on the Registration Books at the close of business on the last business day next preceding the date of mailing of such notice.

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

IF THE DATE for the payment of the principal of or interest on this Certificate 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 CERTIFICATE is dated December 1, 2016, authorized in accordance with the Constitution and laws of the State of Texas in the principal amount of \$_______, for the purpose

of paying contractual obligations to be incurred by the City for (1) constructing, improving and/or extending the City's waterworks and sewer system, including construction of a North Belton water tank and the South Belton sewer extension, including the acquisition of any necessary easements or land and, (2) the payment of professional services in connection therewith including legal, fiscal and engineering fees and the costs of issuance in connection with the certificates.

ON AUGUST 1, 2026, or on any date thereafter, the Certificates of this Series maturing on and after August 1, 2027 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 in part, and, if in part, the particular maturities to be redeemed shall be selected and designated by the City and if less than all of a maturity is to be redeemed, the Paying Agent/Registrar shall determine by lot the Certificates, or a portion thereof, within such maturity to be redeemed (provided that a portion of a Certificate may be redeemed only in an integral multiple of \$5,000).

NO LESS THAN 30 DAYS PRIOR to the date fixed for any such 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 Certificate 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 and to major securities depositories, national bond rating agencies and bond information services; 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 the Certificate. 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 Certificates. If due provision for such payment is made, all as provided above, the Certificates thereby automatically shall be treated as redeemed prior to its scheduled maturity, and it shall not bear interest after the date fixed for redemption, and it 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 Certificates shall be redeemed a substitute Certificate or Certificates 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 Certificate Ordinance.

WITH RESPECT TO any optional redemption of the Certificates, unless certain prerequisites to such redemption required by the Certificate Ordinance have been met and moneys sufficient to pay the principal of and premium, if any, and interest on the Certificates 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 Certificates and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Certificates have not been redeemed.

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

ALL CERTIFICATES OF THIS SERIES are issuable solely as fully registered certificates, without interest coupons, in the denomination of any integral multiple of \$5,000. As provided in the Certificate Ordinance, this Certificate 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 certificates, 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 authorized denomination as requested in writing by the appropriate Registered Owner, assignee or assignees, as the case may be, upon surrender of this Certificate to the Paying Agent/Registrar for cancellation, all in accordance with the form and procedures set forth in the Certificate Ordinance. Among other requirements for such assignment and transfer, this Certificate 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 Certificate or any portion or portions hereof in any authorized denomination to the assignee or assignees in whose name or names this Certificate or any such portion or portions hereof is or are to be registered. The form of Assignment printed or endorsed on this Certificate 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 Certificate 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 Certificate 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 within 45 days of the date fixed for redemption; provided, however, such limitation of transfer shall not be applicable to an exchange by the Registered Owner of the uncalled balance of a Certificate.

WHENEVER the beneficial ownership of this Certificate is determined by a book entry at a

securities depository for the Certificate, the foregoing requirements of holding, delivering or transferring this Certificate 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 Certificates is changed by the City, resigns, or otherwise ceases to act as such, the City has covenanted in the Certificate 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 Certificate.

IT IS HEREBY certified, recited and covenanted that this Certificate 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 Certificate have been performed, existed and been done in accordance with law; that this Certificate is a general obligation of said City, issued on the full faith and credit thereof; and that annual ad valorem taxes sufficient to provide for the payment of the interest on and principal of this Certificate, as such interest comes due and such principal matures, have been levied and ordered to be levied against all taxable property in said City, and have been pledged for such payment, within the limit prescribed by law, and that this Certificate, together with other obligations of the City, is additionally secured by and payable from the surplus revenues of the City's waterworks and sewer system, remaining after payment of all operation and maintenance expenses thereof, and all debt service, reserve and other requirements in connection with all of the City's revenue bonds or other obligations (now or hereafter outstanding), which are payable from all or part of the net revenues of the City's waterworks and sewer system, which amount shall not exceed \$1,000, all as provided in the Certificate Ordinance.

BY BECOMING the Registered Owner of this Certificate, the Registered Owner thereby acknowledges all of the terms and provisions of the Certificate Ordinance, agrees to be bound by such terms and provisions, acknowledges that the Certificate 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 Certificate and the Certificate Ordinance constitute a contract between each Registered Owner hereof and the City.

IT IS FURTHER CERTIFIED that the City has designated the Certificates as "qualified tax-exempt obligations" within the meaning of Section 265(b) of the Internal Revenue Code of 1986.

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

City Clerk	Mayor
[CITY SEAL]	
FORM OF PAYING AGENT/REGIST	TRAR'S AUTHENTICATION CERTIFICATE
PAYING AGENT/REGISTRAR	'S AUTHENTICATION CERTIFICATE
(To be executed if this Ce	ertificate is not accompanied by an
executed Registration	Certificate of the Comptroller
of Public Account	nts of the State of Texas)
Certificate Ordinance described in the text eissued in conversion or replacement of, or in ecertificate or certificates of a Series which or	ificate has been issued under the provisions of the of this Certificate; and that this Certificate has been exchange for, a certificate, certificates, or a portion of a riginally was approved by the Attorney General of the oller of Public Accounts of the State of Texas. BOKF, NA, as Paying Agent/Registrar
	By:
	Authorized Representative
FORM O	F ASSIGNMENT:
ASS	SIGNMENT
For value received, the undersigned hereby s	sells, assigns and transfers unto
Please insert Social Security or Taxpayer Identification Number of Transferee	

(Please print or typewrite name and address,

the within Certificate and all rights thereunder, and hereby irrevocably constitutes and appoints _____, attorney, to register the transfer of the within Certificate on the books kept for registration thereof, with full power of substitution in the premises. Dated: _____ Signature Guaranteed: NOTICE: This signature must be NOTICE: This signature must correspond with guaranteed by a member of the New York the name of the Registered Owner appearing on Stock Exchange or a commercial bank or the face of the Certificate. trust company. FORM OF REGISTRATION CERTIFICATE OF **THE COMPTROLLER OF PUBLIC ACCOUNTS:** COMPTROLLER'S REGISTRATION CERTIFICATE: REGISTER NO. _____ I hereby certify that this Certificate has been examined, certified as to validity and approved by the Attorney General of the State of Texas, and that this Certificate has been registered by the Comptroller of Public Accounts of the State of Texas. Witness my signature and seal this ______. Comptroller of Public Accounts of the State of Texas (COMPTROLLER'S SEAL)

including zip code, of Transferee)

INSERTIONS FOR THE INITIAL CERTIFICATE

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

A. immediately under the name of the Certificates, 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 DATE SPECIFIED BELOW, the City of Belton, 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"), on August 1 in each of the years, in the principal installments and bearing interest at the per annum rates set forth in the following schedule:

Year	Amount	Rate
		•

(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 Date of Delivery at the respective Interest Rate per annum specified above. Interest is payable on August 1, 2017 and semiannually on each February 1 and August 1 thereafter to the date of payment of the principal installment specified above; except, that if this Certificate 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 Certificate or Certificates, if any, for which this Certificate is being exchanged is due but has not been paid, then this Certificate shall bear interest from the date to which such interest has been paid in full."

C. The Initial Certificate shall be numbered "T-1."

is hereby created and shall be established and maintained by the City at an official depository bank of said City. Said Interest and Sinking Fund shall be kept separate and apart from all other funds and accounts of said City, and shall be used only for paying the interest on and principal of said Certificates. All ad valorem taxes levied and collected for and on account of said Certificates shall be deposited, as collected, to the credit of said Interest and Sinking Fund. During each year while any of said Certificates are outstanding and unpaid, the governing body of said City shall compute and ascertain a rate and amount of ad valorem tax which will be sufficient to raise and produce the money required to pay the interest on said Certificates as such interest comes due, and to provide and maintain a sinking fund adequate to pay the principal of said Certificates as such principal matures (but never less than 2% of the original amount of said Certificates as a sinking fund each year); and said tax shall be based on the latest approved tax rolls of said City, with full allowances being made for tax delinquencies and the cost of tax collection. Said rate and amount of ad valorem

tax is hereby levied, and is hereby ordered to be levied, against all taxable property in said City, for each year while any of said Certificates are outstanding and unpaid, and said tax shall be assessed and collected each such year and deposited to the credit of the aforesaid Interest and Sinking Fund. Said ad valorem taxes sufficient to provide for the payment of the interest on and principal of said Certificates, as such interest comes due and such principal matures, are hereby pledged for such payment, within the limit prescribed by law. Accrued interest and any premium on the Certificates shall be deposited in the Interest and Sinking Fund and used to pay interest on the Certificates.

Section 7. REVENUES. The Certificates together with other obligations of the City, are additionally secured by and shall be payable from the surplus revenues of the City's waterworks and sewer system remaining after payment of all operation and maintenance expenses thereof, and all debt service, reserve, and other requirements in connection with all of the City's revenue bonds or other obligation (now or hereafter outstanding) which are payable from all or any part of the net revenues of the City's waterworks and sewer system, with such amount not to exceed \$1,000 constituting "Surplus Revenues." The City shall deposit such Surplus Revenues to the credit of the Interest and Sinking Fund created pursuant to Section 6, to the extent necessary to pay the principal of and interest on the Certificates. Notwithstanding the requirements of Section 6, if Surplus Revenues are actually on deposit or budgeted for deposit in the Interest and Sinking Fund in advance of the time when ad valorem taxes are scheduled to be levied for any year, then the amount of taxes which otherwise would have been required to be levied pursuant to Section 6 may be reduced to the extent and by the amount of the Surplus Revenues then on deposit in the Interest and Sinking Fund or budgeted for deposit therein.

The Mayor of the City Council of the City and the City Clerk of the City are hereby ordered to do any and all things necessary to accomplish the transfer of monies to the Interest and Sinking Fund of this issue in ample time to pay such items of principal and interest.

Section 8. DEFEASANCE OF CERTIFICATES. (a) Any Certificate and the interest thereon shall be deemed to be paid, retired and no longer outstanding (a "Defeased Certificate") within the meaning of this Ordinance, except to the extent provided in subsections (c) and (e) of this Section 8, when payment of the principal of such Certificate, 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 Certificates shall have become due and payable or (3) any combination of (1) and (2). At such time as a Certificate shall be deemed to be a Defeased Certificate hereunder, as aforesaid, such Certificate and the interest thereon shall no longer be secured by, payable from, or entitled to the benefits of, the ad valorem taxes or revenues herein levied and pledged 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 Certificate, 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 Certificate as aforesaid when proper notice of redemption of such Certificates 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 Council 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 Certificate and premium, if any, and interest thereon with respect to which such money has been so deposited, shall be remitted to the City Council of 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 Certificates and premium, if any, and interest thereon, shall be applied to and used solely for the payment of the particular Certificates 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 Certificates shall have become due and payable, the Paying Agent/Registrar shall perform the services of Paying Agent/Registrar for such Defeased Certificates 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 Certificates and such Certificates 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 Certificate affected thereby.

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

As used in this section, "Defeasance Securities" means (i) Federal Securities, (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 Council of 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 Certificates are rated as to investment quality by a nationally recognized investment rating firm not less than "AAA" or its equivalent, (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date the City Council of 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 Certificates, are rated as to investment quality by a nationally recognized investment rating firm no less than "AAA" or its equivalent, and (iv) any other then authorized securities or obligations under applicable Texas law that may be used to defease obligations such as the Certificates. "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 9 <u>DAMAGED, MUTILATED, LOST, STOLEN, OR DESTROYED</u> CERTIFICATES. (a) <u>Replacement Certificates</u>. In the event any outstanding Certificate is damaged, mutilated, lost, stolen or destroyed, the Paying Agent/Registrar shall cause to be printed, executed and delivered, a new certificate of the same principal amount, maturity and interest rate, as the damaged, mutilated, lost, stolen or destroyed Certificate, in replacement for such Certificate in the manner hereinafter provided.

(b) Application for Replacement Certificates. Application for replacement of damaged, mutilated, lost, stolen or destroyed Certificates shall be made by the Registered Owner thereof to the Paying Agent/Registrar. In every case of loss, theft or destruction of a Certificate, the Registered Owner applying for a replacement certificate 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 Certificate, 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 Certificate, as the case may be. In every case of damage or mutilation of a Certificate, the Registered Owner shall surrender to the Paying Agent/Registrar for cancellation the Certificate so damaged or mutilated.

- (c) <u>No Default Occurred</u>. Notwithstanding the foregoing provisions of this Section, in the event any such Certificate 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 Certificate, the City may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Certificate) instead of issuing a replacement Certificate, provided security or indemnity is furnished as above provided in this Section.
- (d) <u>Charge for Issuing Replacement Certificates</u>. Prior to the issuance of any replacement certificate, the Paying Agent/Registrar shall charge the Registered Owner of such Certificate with all legal, printing, and other expenses in connection therewith. Every replacement certificate issued pursuant to the provisions of this Section by virtue of the fact that any Certificate is lost, stolen or destroyed shall constitute a contractual obligation of the City whether or not the lost, stolen or destroyed Certificate 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 Certificates duly issued under this Ordinance.
- (e) <u>Authority for Issuing Replacement Certificates</u>. In accordance with Subchapter B of Chapter 1206, Texas Government Code, this Section 9 of this Ordinance shall constitute authority for the issuance of any such replacement certificate 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 certificates is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such Certificate in the form and manner and with the effect, as provided in Section 4(a) of this Ordinance for the Certificates issued in conversion and exchange for other Certificates.

Section 10. CUSTODY, APPROVAL, AND REGISTRATION OF THE CERTIFICATE; BOND COUNSEL'S OPINION; CUSIP NUMBERS AND CONTINGENT INSURANCE PROVISION, IF OBTAINED. The Mayor of the City Council of the City is hereby authorized to have control of the Certificate initially issued and delivered hereunder and all necessary records and proceedings pertaining to the Certificate 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 Certificate said Comptroller of Public Accounts (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Certificate attached to such Certificate, and the seal of said 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, if any, may, at the option of the City, be printed on the Certificates 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 Certificates. In addition, if bond insurance is obtained, the Certificates may bear an appropriate legend as provided by the insurer.

Section 11. COVENANTS REGARDING TAX EXEMPTION OF INTEREST ON THE CERTIFICATES. (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 Certificates 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 Certificates 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 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 Certificates, 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 Certificates 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 Certificates (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 Certificates 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 Certificates 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 Certificates, 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 Certificates, other than investment property acquired with --

- (A) proceeds of the Certificates invested for a reasonable temporary period of 3 years or less or, in the case of a refunding bond, for a period of 30 days or less until such proceeds are needed for the purpose for which the Certificates 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 Certificates;
- (7) to otherwise restrict the use of the proceeds of the Certificates or amounts treated as proceeds of the Certificates, as may be necessary, so that the Certificates do not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage) and, to the extent applicable, section 149(d) of the Code (relating to advance refundings);
- (8) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Certificates) 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 Certificates 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; and
- (9) to assure that the proceeds of the Certificates will be used solely for new money projects.
- (b) Rebate Fund. In order to facilitate compliance with the above covenant (8), 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) <u>Proceeds</u>. 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 expended prior to the date of issuance of the Certificates. 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 Certificates, 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 Certificates 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 Certificates, 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 Certificates under section 103 of the Code. In furtherance of such intention, the City hereby authorizes and directs the Mayor of the City Council 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 Certificates. This Ordinance is intended to satisfy the official intent requirements set forth in section 1.150-2 of the Treasury Regulations.

- Allocation Of, and Limitation On, Expenditures for the Project. The City covenants (d) 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 Certificates, or (2) the date the Certificates 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 Certificates. 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.
- (e) <u>Disposition of Project</u>. The City covenants that the property constituting the Project will not be sold or otherwise disposed 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 Certificates. For purposes of this subsection, the portion of the property comprising personal property and disposed of 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.

Certificates as "qualified tax-exempt bonds" as defined in section 265(b)(3) of the Code. In furtherance of such designation, the City represents, covenants and warrants the following: (a) that during the calendar year in which the Certificates are issued, the City (including any subordinate entities) has not designated nor will designate bonds, which when aggregated with the Certificates, will result in more than \$10,000,000 of "qualified tax-exempt bonds" being issued; (b) that the City reasonably anticipates that the amount of tax-exempt obligations issued, during the calendar year in which the Certificates are issued, by the City (or any subordinate entities) will not exceed \$10,000,000; and (c) that the City will take such action or refrain from such action as necessary, and as more particularly set forth in this Section, in order that the Certificates will not be considered "private activity bonds" within the meaning of section 141 of the Code.

Section 12.	SALE OF CERTIFICATES . The Cer	tificates are hereby sold to the bidder
whose bid produced t	the lowest true interest cost, pursuant to	the taking of public bids therefor, on
this date, and shall be	delivered to a syndicate of the purchaser	r represented by
(collectively, the "Pu	rchaser") at a price of \$	representing the par amount of the
Certificates of \$, plus a reoffering premium of \$_	The Certificates shall
initially be registered	in the name of the Cede & Co.	

Section 13. <u>DEFAULT AND REMEDIES</u>.

- (a) <u>Events of Default</u>. 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 Certificates 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 Certificates, 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 Certificates then outstanding.

Remedies Not Exclusive. (i) No remedy herein conferred or reserved is intended to (c) 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 Certificates 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 Certificates 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 Certificate 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 14. <u>ESTABLISHMENT OF CONSTRUCTION FUND AND INTEREST</u>

EARNINGS. (a) Construction Fund. A special fund or account, to be designated the City of Belton Series 2016 Certificate of Obligation Construction Fund (the "2016 Construction Fund") is hereby created and shall be established and maintained by the City at a depository bank of the City. The 2016 Construction Fund shall be kept separate and apart from all other funds and accounts of the City. A portion of the proceeds from the sale of the Certificates shall be deposited in the 2016 Construction Fund. The Construction Fund and the Interest and Sinking Fund shall be invested in accordance with the Public Funds Investment Act, Chapter 2256, Texas Government Code, as amended, and the City's Investment Policy.

(b) <u>Interest Earnings</u>. Interest earnings derived from the investment of proceeds from the sale of the Certificates shall be used along with the Certificate proceeds for the purpose for which the Certificates are issued as set forth in Section 1 hereof or to pay principal or interest payments on the Certificates; provided that after completion of such purpose, if any of such interest earnings remain on hand, such interest earnings shall be deposited in the Interest and Sinking Fund. It is further provided, however, that any interest earnings on bond proceeds which are required to be rebated to the United States of America pursuant to Section 11 hereof in order to prevent the Certificates from being arbitrage bonds shall be so rebated and not considered as interest earnings for the purposes of this Section.

Section 15. APPROVAL OF OFFICIAL STATEMENT. The City hereby approves the form and content of the Official Statement relating to the Certificates and any addenda, supplement or amendment thereto, and approves the distribution of such Official Statement in the reoffering of

the Certificates by the 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 December 6, 2016 prior to the date hereof is confirmed, approved and ratified. The City Council hereby finds and determines that the Preliminary Official Statement and final Official Statement were "deemed final" (as that term is defined in 17 CFR Section 240.15c(2)-12) as of their respective dates.

Section 16. APPROVAL OF PAYING AGENT/REGISTRAR AGREEMENT. Attached hereto as Exhibit "A" is a substantially final form of the Paying Agent/Registrar Agreement. The Mayor of the City Council of the City is hereby authorized to amend, complete or modify such agreement as necessary and is further authorized to execute such agreement and the City Clerk is hereby authorized to attest such agreement.

Section 17. CONTINUING DISCLOSURE UNDERTAKING. (a) Annual Reports. The City shall provide annually to the MSRB, in an electronic format as prescribed by the MSRB, within six months after the end of any fiscal year, financial information and operating data with respect to the City as set forth in Exhibit "B" attached hereto. Any financial statements to be so provided shall be (1) 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 (2) audited, if the City commissions an audit of such 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 such period, then the City shall provide unaudited financial statements within such period, and audited financial statements for the applicable fiscal year to the MSRB, when and if the audit report on such statements become available.

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

The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document that is available to the public on the MSRB's internet web site or filed with the SEC. All documents provided to the MSRB pursuant to this Section shall be accompanied by identifying information as prescribed by the MSRB.

- (b) <u>Certain Event Notices.</u> The City shall notify the MSRB, in an electronic format as prescribed by the MSRB, in a timely manner not in excess of ten business days after the occurrence of the event, of any of the following events with respect to the Bonds:
 - A. Principal and interest payment delinquencies;
 - B. Non-payment related defaults, if material within the meaning of the federal securities laws;

- C. Unscheduled draws on debt service reserves reflecting financial difficulties;
- D. Unscheduled draws on credit enhancements reflecting financial difficulties;
- E. Substitution of credit or liquidity providers, or their failure to perform;
- F. 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 events affecting the tax status of the Bonds.
- G. Modifications to rights of holders of the Bonds, if material within the meaning of the federal securities laws;
- H. Bond calls, if material within the meaning of the federal securities laws and tender offers;
- I. Defeasances;
- J. Release, substitution, or sale of property securing repayment of the Bonds, if material within the meaning of the federal securities laws;
- K. Rating changes;
- L. Bankruptcy, insolvency, receivership or similar event of the City;
- M. 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 within the meaning of the federal securities laws; and
- N. Appointment of a successor or additional trustee or the change of name of a trustee, if material within the meaning of the federal securities laws.

The City shall notify the MSRB, in an electronic format as prescribed by 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. All documents provided to the MSRB pursuant to this Section shall be accompanied by identifying information as prescribed by the MSRB.

(c) <u>Limitations, Disclaimers, and Amendments</u>. 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 8 of this Ordinance that causes the Bonds no longer to be 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 does not make any 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 CERTIFICATE 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 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 comprise a breach of or default under this Ordinance for purposes of any other provision of this Ordinance.

Should the Rule be amended to obligate the City to make filings with or provide notices to entities other than the MSRB, the City hereby agrees to undertake such obligation with respect to the Bonds in accordance with the Rule as amended.

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 since such offering as well as such changed circumstances and (2) either (a) the holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the outstanding Bonds consents 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 interest of the holders and beneficial owners of the Bonds. If the City so amends the provisions of this Section,

it shall include with any amended financial information or operating data next provided in accordance with paragraph (a) of this Section an explanation, in narrative form, of the reason for the amendment and of the impact of any change in the type of financial information or operating data so provided. The City may also amend or repeal the provisions of this continuing disclosure agreement if the SEC amends or repeals the applicable provision of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Bonds in the primary offering of the Bonds.

Section 18. METHOD OF AMENDMENT. 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, (v) qualify this Ordinance under the Trust Indenture Act of 1939, as amended, or corresponding provisions of federal laws from time to time in effect, or (iv) 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 Certificates aggregating in principal amount 51% of the aggregate principal amount of then outstanding Certificates 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 Certificates, nothing herein contained shall permit or be construed to permit amendment of the terms and conditions of this Ordinance or in any of the Certificates so as to:
 - (1) Make any change in the maturity of any of the outstanding Certificates;
 - (2) Reduce the rate of interest borne by any of the outstanding Certificates;
 - (3) Reduce the amount of the principal of, or redemption premium, if any, payable on any outstanding Certificates;
 - (4) Modify the terms of payment of principal or of interest or redemption premium on outstanding Certificates 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 Certificates 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 Certificates 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 Certificates.
- (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% or 100%, as applicable, in aggregate principal amount of all of the Certificates 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 Certificates shall thereafter be determined, exercised, and enforced, subject in all respects to such amendment.
- (f) Any consent given by the holder of a Certificate 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 Certificate 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% or 100%, as applicable, in aggregate principal amount of the affected Certificates then outstanding, have, prior to the attempted revocation, consented to and approved the amendment.

For the purposes of establishing ownership of the Certificates, the City shall rely solely upon the registration of the ownership of such Certificates on the registration books kept by the Paying Agent/Registrar.

Section 19. NO RECOURSE AGAINST CITY OFFICIALS. No recourse shall be had for the payment of principal of or interest on the Certificates or for any claim based thereon or on this Ordinance against any official of the City or any person executing any Certificates.

Section 20. 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 Certificates, the initial sale and delivery of the Certificates, the Paying Agent/Registrar Agreement, and any insurance commitment letter or insurance policy. In addition, prior to the initial delivery of the Certificates, the Mayor, the City Clerk, the City Manager or Assistant City Manager, the City Attorney and Bond Counsel are hereby authorized and directed to approve any technical 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, (ii) obtain a rating from any of the national bond rating agencies or satisfy requirements of any bond insurer, or (iii) obtain the approval of the Certificates by the Attorney General's office.

In case any officer of the City whose signature shall appear on any Certificate shall cease to be such officer before the delivery of such Certificate, 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 21. 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 Certificates and the validity of the lien on and pledge to secure the payment of the Certificates.

Section 22. <u>INCONSISTENT PROVISIONS</u>. 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 23. 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 Certificates, 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 Certificates.

Section 24. <u>INCORPORATION OF RECITALS</u>. 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 25. 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 26. PERFECTION. Chapter 1208, Government Code, applies to the issuance of the Certificates and the pledge of ad valorem taxes and revenues granted by the City under Sections 6 and 7 of this Ordinance, and such pledge is therefore valid, effective and perfected. If Texas law is amended at any time while the Certificates are outstanding and unpaid such that the pledge of ad valorem taxes and revenues granted by the City under Sections 6 and 7 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 Certificates 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 27. 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 28. NO PERSONAL LIABILITY. No covenant or agreement contained in the Certificates, this Ordinance or any corollary instrument shall be deemed to be the covenant or agreement of any member of the City Council or any officer, agent, employee or representative of the City Council in his individual capacity, and neither the directors, officers, agents, employees or representatives of the City Council nor any person executing the Certificates shall be personally liable thereon or be subject to any personal liability for damages or otherwise or accountability by reason of the issuance thereof, or any actions taken or duties performed, whether by virtue of any constitution, statute or rule of law, or by the enforcement of any assessment or penalty, or otherwise, all such liability being expressly released and waived as a condition of and in consideration for the issuance of the Certificates.

	Mayor	
	City of Belton, Texas	
ATTEST:		
City Clerk		
City of Belton, Texas		

IN ACCORDANCE WITH SECTION 1201.028, Texas Government Code, passed and approved on the final reading on the 13th day of December, 2016.

EXHIBIT "A"

PAYING AGENT/REGISTRAR AGREEMENT

A-1

EXHIBIT "B"

DESCRIPTION OF ANNUAL FINANCIAL INFORMATION

The following information is referred to in Section 17 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 Ad Valorem Tax Debt;
- (2) Table 2 Valuation and General Obligation Debt History;
- (3) Table 3 Tax Rate, Levy and Collection History;
- (4) Table 4 Ten Largest Taxpayers;
- (5) Table 5 Tax Adequacy;
- (6) Table 6 Estimated Overlapping Debt;
- (7) Table 8 General Fund Revenues and Expenditure History;
- (8) Table 9 Municipal Sales Tax History;
- (9) Table 10 Current Investments
- (10) 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 the paragraph above.

Staff Report – City Council Agenda Item



Agenda Item #8

Consider an annexation ordinance on second and final reading instituting annexation proceedings in 2016 Annexation Study Area 1, approximately 316.72 acres located on the east side of IH 35, along and south of Decker Road and north of the Lampasas River.

Originating Department

Administration – Sam A. Listi, City Manager

Background

A 316.72 acre portion of Study Area 1 may be considered for annexation. Properties are located generally on the east side of IH 35, with the proposed sewer line anticipated to provide wastewater services, and water service is available from the City (west of Capital Way) and Armstrong Water Supply Corporation (east of Capital Way). The potential for near term development is high. If annexed, the City would take on the added obligation of maintenance responsibility for a portion of Decker Road and Elm Grove Loop, and right-of-way (ROW) mowing which can be absorbed. Toll Bridge Road and Capital Way are already Belton's responsibility. The cost for extension of other City services would be nominal. The Decker property is included in this consideration.

Key reasons for annexation:

- Promote economic development
- Facilitate long range planning
- Protect future development
- Avoid establishment of inappropriate and incompatible land uses

Fiscal Impact

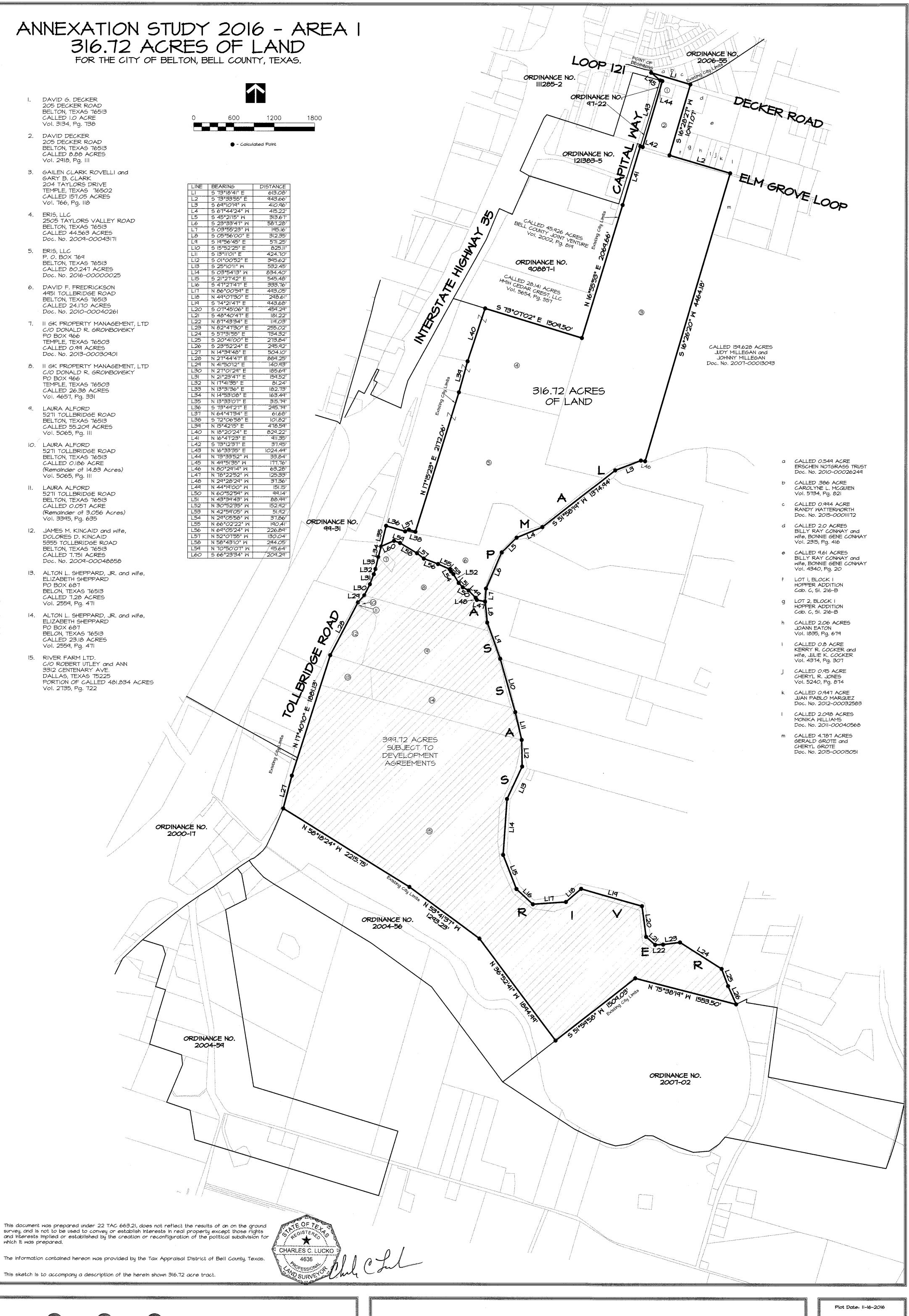
Amount:	Sewer Line: Decker Rd. Elm Grove I		\$6.0M \$2,350 \$17,216
Budgeted:	⊠ Yes	☐ No	□ Capital Project Funds
If not budge	ted: 🗌 Budg	et Transfer	Contingency

Recommendation

Recommend annexation of 316.72 acre portion of Area 1 not included in Development Agreements.

Attachments

Survey Map of Area 1
Proposed Annexation Map (aerial)
Area 1 Growth Management Land Use Study – 09/13/16
Proposed Annexation Ordinance (with survey)





1303 South 21st Street Temple, Texas 76504 254-778-2272 Killeen 254-634-4636 Fax 254-774-7608 Tx. Firm Lic. No. 10023600 ANNEXATION STUDY 2016 - AREA I 316.72 ACRES OF LAND
FOR THE CITY OF BELTON, BELL COUNTY, TEXAS.

Plot Date: 11-16-2016

Scale: | 1" = 600' |

Job No. | 160693 |

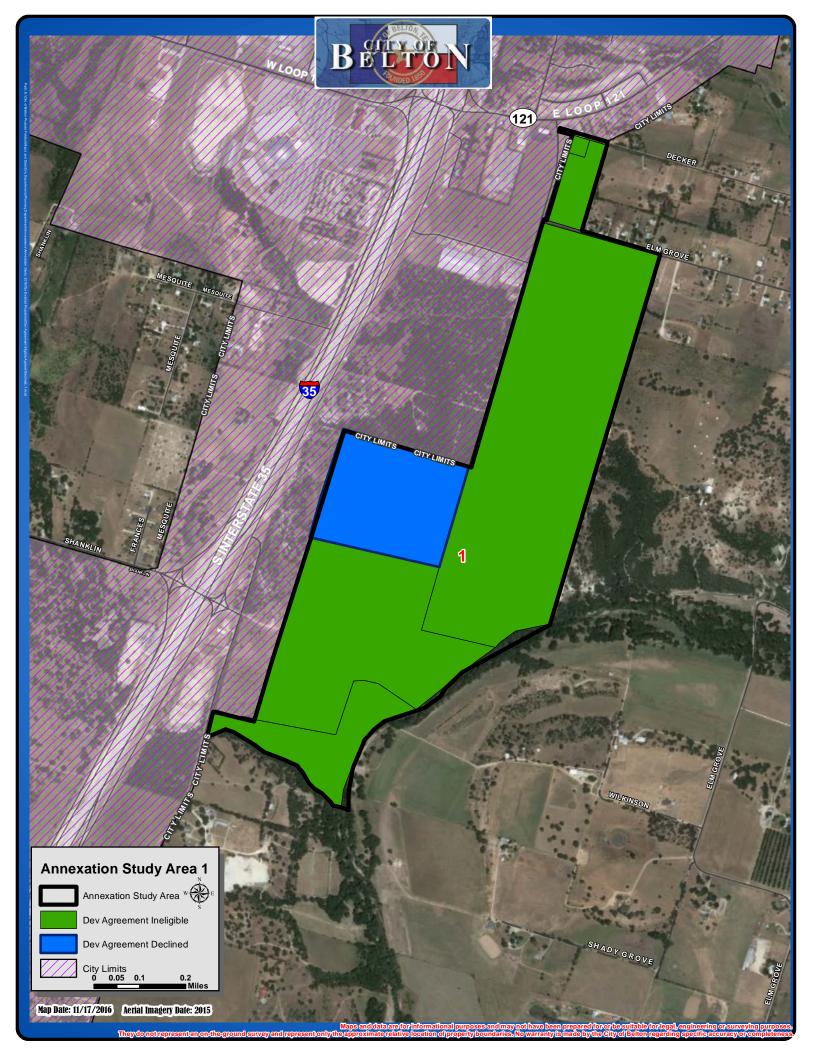
Dwg No. | |

160693-AREA 1-R |

Drawn by | SLW |

Surveyor | CCL #4636 |

Copyright 2016 All County Surveying, inc



ANNEXATION STUDY: TRACT BY TRACT ANALYSIS AREA #1

<u>LOCATION/GENERAL DESCRIPTION OF LAND</u> – Area 1 contains approximately 716.44 acres, and is located on the east side of IH 35, along and south of Decker Road. The tract extends southward to the Lampasas River, and extends along the river to the south and southeast, connecting to existing city limits, east of Toll Bridge Road.

OWNERSHIP/LAND USE – Low Density Residential/Commercial/Large Vacant Tracts

INFRASTRUCTURE/UTILITIES:

- STREET CONDITION PUBLIC/PRIVATE (Name/Condition) Capital Way and Mesquite are both in the City's thoroughfare plan and will need ROW and improvement as development and subdivision platting occurs. **Current projected needs/cost of area to be annexed:** Decker Road addition will need to have a single course chip seal treatment in 2017. This cost, including level up, is estimated at \$2,350. Elm Grove Spur is in reasonable condition. It will need a double course chip seal in 3 years. This cost is estimated at \$17,216, with inflation included.
- DRAINAGE ISSUES FEMA has identified 100-year flood plains in this area along the Lampasas River
 and the major creek contributing to the river. Current projected needs/cost of area to be annexed: ROW
 mowing will take an additional 4 hours. This will be needed 3-4 times per year. The drainage in this area is
 in fair condition. Public Works does not anticipate any major cost in maintaining the drainage system that
 exists at this location.
- ELECTRICITY/CABLE/GAS (If known) Overhead electric lines exist along the east side of Toll Bridge Road. Overhead electric lines also exist on the east side of the constructed Capital Way. Gas lines begin north of the Cedar Creek Hospital and continue north to Grove Road. The pipe crosses Grove Road and continues north along Pat Drive to Loop 121. AT&T has indicated there are communication lines along the east side of Toll Bridge Road. The AT&T cable was relocated during the Toll Bridge construction. This is in our current city limits. Current projected needs/cost of area to be annexed: Due to the number of satellite dishes, as well as no visible evidence of a cable wire, it does not appear cable is present. Propane tanks are common for gas service.
- WATER (CCN)/AVAILABILITY Partly in Belton and Armstrong water CCNs. Water service is nearby with water along Capital Way and along the Cedar Crest property. There is a bore under IH-35 between Tahuaya and Shanklin Road for future water extension. Cedar Crest Hospital is served by a City 8-inch water line that is located along their northern property line. There is a City 12-inch water line along the east side of Capital Way, crossing the road just south of Decker Road. Decker Road, and the area east of Capital Way, is within Armstrong WSC CCN. Current projected needs/cost of area to be annexed: No cost is anticipated. Extensions of water will be developer driven.
- SEWER (CCN)/AVAILABILITY Not currently in Belton's sewer CCN, but is part of the area proposed in the sewer CCN amendment currently under review by the State. The South Belton Sewer Project anticipates extending a trunk sewer system to serve this area. Cedar Crest Hospital is served by a private 4-inch force main from their private lift station. If there is an area difficult to serve by gravity sewer, the use of Cedar Crest lift station may be an opportunity. Current projected needs/cost of area to be annexed: \$6M for IH 35 sewer.
- SOLID WASTE/BRUSH SERVICES This area will add a few homes for trash and brush pickup. Some of these homes are already being serviced by Waste Management.

<u>NUMBER OF HOUSES</u> – 16 single family homes; 0 mobile/modular units; 0 multi-family buildings (0 units each estimated); TOTAL DWELLING UNITS: 16

ESTIMATED POPULATION – 16 d/u @ 2.5 persons per household = 40

AREA BUSINESSES:

- NUMBER 0
- BUSINESS NAMES/TYPES N/A

APPROXIMATE DISTANCE FROM CITY SERVICES:

- <u>FIRE/EMS</u> 8 Miles from closest Fire Station; Response Time: 12 min/17 sec; Closest Fire Hydrant: Tahuaya and IH 35; currently served by: Belton Fire Department and Salado Fire Department.
- <u>POLICE/ANIMAL CONTROL/CODE ENFORCEMENT</u> 5.3 Miles from Police Station; Police and Animal Control currently served by Bell County Sheriff; no code enforcement issues at this time.

THOROUGHFARE PLAN ISSUES:

Shanklin Road East: Major Arterial – 120' ROW recommended
 Capital Way: Major Collector – 80' ROW recommended
 Mesquite Road: Major Collector – 80' ROW recommended

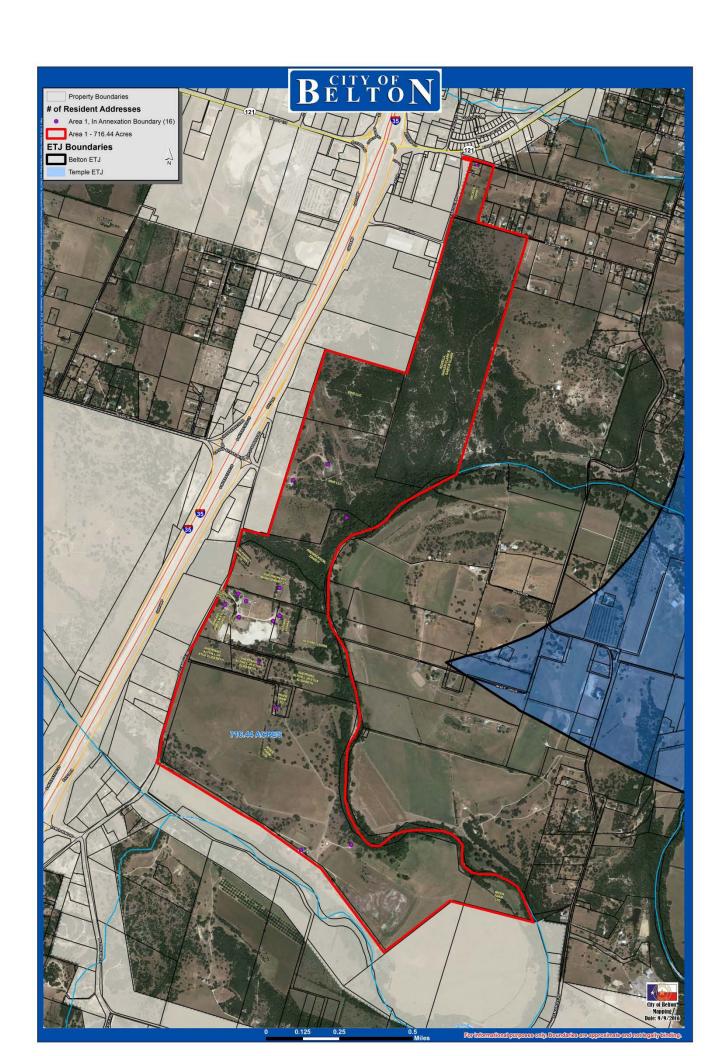
• IH 35 to Elm Grove Rd: Major Collector – 60' ROW recommended (New Collector)

CIP ISSUES:

• Sewer - So. IH 35 sewer line, currently in design, with construction anticipated in 2017. Estimated cost: \$6.0M.

OTHER SIGNIFICANT ISSUES:

- Development potential significant here with available and developable land, and proposed sewer.
 Armstrong Water may present challenges.
- Toll Bridge Road is already within city limits, at the edge of the study area. If development occurs, will need to address the width of this road and its load rating to handle the loads and number of vehicles. Development/platting will contribute to this cost.
- Existing Temple ETJ southeast of Belton represents a jurisdictional challenge in this general vicinity.



ORDINANCE NO. 2016-50

AN ORDINANCE EXTENDING THE MUNICIPAL AND CORPORATE LIMITS OF THE CITY OF BELTON, TEXAS, 316.72 ACRES LOCATED ON THE EAST SIDE OF IH 35, ALONG AND SOUTH OF DECKER ROAD AND NORTH OF THE LAMPASAS RIVER; MAKING FINDINGS OF FACTS; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Belton (the "City") is a Texas home-rule municipal corporation;

WHEREAS, thirty (30) days or more prior to the date of the first public hearing required pursuant to §43.063, Tex. Loc. Gov't. Code, the City gave written notice of its intent to annex the property, as more particularly described hereinafter in this ordinance, to each property owner, according to the official records of Bell County, within the area proposed to be annexed, each public entity and private entity that provides services in the area, and each railroad company with right-of-way in the area;

WHEREAS, the property to be annexed contains fewer than one hundred (100) separate tracts of land on which one or more residential dwellings are located on each tract;

WHEREAS, the property to be annexed is contiguous with, adjacent to, and within one mile of the corporate limits of the City, and is not within the boundaries of any other city;

WHEREAS, two separate public hearings were conducted prior to consideration of this Ordinance in accordance with §43.063 of the Tex. Loc. Gov't Code;

WHEREAS, the hearings were conducted and held not more than forty (40) nor less than twenty (20) days prior to the institution of annexation proceedings;

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

WHEREAS, the City's exclusive jurisdiction is hereby extended to include all of the annexed area within the City limits and property within one mile of the annexed area within the City's extra-territorial jurisdiction; and

WHEREAS, the City intends to provide services to the property to be annexed according to the Municipal Service Plan attached hereto as Exhibit "A," and to add the area immediately to its Capital Improvement Planning process.

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

Section 1. Findings of Fact. All of the above premises, findings and recitals of fact are found to be true and correct and are incorporated into the body of this ordinance as findings of fact, as if copied herein in their entirety. Further statements of facts hereinafter made in the ordinance are incorporated as findings of fact by the City Council.

- A. That Belton's City Manager has reviewed the proposed annexation and has determined that municipal services identified in the Service Plan are available for the area proposed for incorporation.
- B. That the City Manager has found the municipal services proposed will provide a comparable level of municipal services for properties with similar topography, land use, and population density to properties currently located within the Belton city limits.
- C. That the property shall be immediately added to the City's Capital Improvement Planning process.
- D. That the property is hereby temporarily zoned in accordance with the Agricultural zoning district.

Section 2. That under the authority and provisions of Article II, Section 5 of the Home Rule Charter of the City of Belton, Texas, and certain laws of the State of Texas, including, but not limited to, Chapter 43 of the Local Government Code, the boundaries and limits of the City of Belton, Texas, are hereby extended so as to annex and include within the corporate limits of the City of Belton, Texas, 316.72 ACRES LOCATED ON THE EAST SIDE OF IH 35, ALONG AND SOUTH OF DECKER ROAD AND NORTH OF THE LAMPASAS RIVER, as shown on the map attached as Exhibit "B," and more particularly described by metes and bounds attached as Exhibit "C."

Section 3. That the official map and boundaries of the City, heretofore adopted and amended, be and hereby are amended so as to include the Annexed Property as part of the City of Belton.

Section 4. Upon first reading of this ordinance, the above described annexed area shall be a part of the City of Belton, Texas, and the jurisdiction of the City shall extend the extraterritorial jurisdiction of the City to create exclusive jurisdiction in all areas within one mile of the annexed area not within the legal jurisdiction of an existing City on the date of the first reading of this ordinance. The residents and property owners within the annexed area shall be entitled to all of the rights and privileges lawfully pertaining thereto as shown in the attached Service Plan, and shall be bound by the acts, ordinances, regulations and resolutions of said City.

Section 5. After publishing notices of public hearings in the Belton Journal and the Temple Daily Telegram on October 13, 2016 and October 20, 2016, and holding public hearings on October 25, 2016, and November 1, 2016, this ordinance is:

PASSED AND APPROVED on first reading at a regular meeting of the City Council of the City of Belton, Texas, held at the Harris Community Center, Belton, Texas on the 22nd day of November, 2016.

	Marion Grayson, Mayor
ATTEST:	

December, 2016.

PASSED AND APPROVED on second reading at a regular meeting of the City Council of the City of Belton, Texas, held at the Harris Community Center, Belton, Texas, on the 13th day of

CITY OF BELTON MUNICIPAL SERVICES PLAN

The area proposed for annexation consists of approximately 316.72 acres, and is located on the east side of IH 35, along and south of Decker Road and north of the Lampasas River.

Municipal Services to be Provided: The City will provide the following services, beginning immediately upon the effective date of the annexation. All the services will be provided at a service level that is equal or superior to the level of services in the area prior to the annexation.

<u>Police Protection</u>. Police protection personnel and equipment from the Belton Police Department shall be provided to the areas immediately upon the effective date of the annexation of the areas. Response to calls for police services, crime prevention programs and all other police services will be provided at the same level as provided to other areas of the City. Police enforcement and protection services shall be provided at the request of residents/property owners in the area.

<u>Animal Control</u>. The City shall provide animal control services immediately upon the effective date of the annexation of the area. These services encompass regular patrol by the animal control officer and response to animal nuisance problems from residents in the area.

<u>Fire and Emergency Medical Service (EMS) Protection</u>. Upon annexation, the City will provide fire and EMS response at the level provided inside the Belton city limits. The service level will be equal to or better than the current level, with the limitations of water available.

<u>Code Enforcement</u>. The City shall provide code enforcement services immediately upon annexation to include response to complaints of weedy lot violations, junked vehicles, sign violations, and other similar general city code violations.

<u>Fire Prevention</u>. All of the services performed by the City's Fire Marshal shall be provided immediately upon the effective date of the annexation of the areas.

<u>Planning, Zoning and Development Review.</u> The area will automatically be zoned Agricultural on the effective date of annexation. In conjunction with review of Comprehensive Plan, a land use plan will be developed and permanent zoning established under the process specified by the City's Zoning Ordinance. In the interim, the Planning & Zoning Commission and the City Council will consider zoning and rezoning tracts of the property in response to landowner requests. Subdivision plat review will occur in the City and in Belton's extraterritorial jurisdiction in order to ensure orderly development of land, reduce flood potential, achieve efficient operation of public facilities and services, and provide accurate description and addressing of property.

<u>Code Compliance</u>. Immediately upon the annexation becoming effective, building inspection activities will be available. The Building Official shall provide consultation with the project developers, independent contractors and homeowners for building code requirements, plan review

for structures in the area, and on-site inspection services as needed, to include evaluation of hazardous and dilapidated buildings.

<u>Library</u>. Residents within the newly annexed areas shall be provided all services available at Belton's Lena Armstrong Public Library.

<u>Parks and Recreation</u>. All City of Belton public parks, facilities, and resources shall be available to residents of the annexed area.

Streets and Drainage. Existing dedicated public streets and drainage structures and courses maintained by Bell County will be maintained by the City of Belton at their current or better level of improvement with like topography, land use, and density as those found within the City. Private streets are not maintained by the City. Roadways maintained by the Texas Department of Transportation (TxDOT) will continue to be maintained by TxDOT. Maintenance of streets and rights-of-way shall be as follows:

- (1) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.
- (2) Routine maintenance and right-of-way mowing as presently performed within City.
- (3) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies.
- (4) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards.
- (5) Installation and maintenance of street lighting in accordance with established policies of the City.
- (6) The City will enforce drainage requirements in the Subdivision Ordinance and related standards.
- (7) Private streets will remain the responsibility of record owners or the homeowners association and as such be maintained by the responsible party.

<u>Sanitation and Recycling</u>. Sanitation and recycling service will be immediately available to residential customers in accordance with existing City ordinances. Residents in the newly annexed area may select to continue service with their current service provider for up to two years, or switch to the City's service, currently provided by contract with Waste Management, Inc. After the second anniversary of the annexation date, the City will provide the service at City rates. Residents will be contacted with information regarding how to obtain sanitation and recycling service, and efforts will be made to coordinate any transition of service.

Sanitation service will be immediately available to non-residential customers through any of the commercial services franchised by the City. Non-residential customers are responsible for obtaining commercial service.

<u>Brush Collection Services</u>. Brush collection services shall be provided to residents in the same manner and at the same rate as provided for other residents within the City of Belton.

<u>Water Service/Distribution.</u> The area proposed for annexation is located within the certificated area of two water districts: The **City of Belton** and **Armstrong Water Supply Corporation**. The City of Belton is responsible for water service in the western portion of the Area, subject to the City's water extension policies. Decker Road and the area east of Capital Way are within the Armstrong CCN. Water service, whether provided by Armstrong Water Supply Corporation or the City of Belton, will be subject to regulation by the City of Belton as it relates to development standards and design requirements, including the City's subdivision regulations.

<u>Wastewater Service/Collection</u>. (<u>NOTE:</u> Pending Sewer CCN Service Area, subject to Public Utility Commission approval.) Wastewater services are available for extension to the area proposed for annexation in the same manner as they are available in the other locations within the City of Belton, in accordance with the City's wastewater extension policies, subject to pending sewer CCN proposal before the Public Utilities Commission. The developer or property owner is responsible for funding extension and connection to the municipal system in accordance with the City's subdivision regulations and extension policies.

<u>Environmental Health</u>. Immediately upon the effective date of the annexation, the City's environmental health ordinances and regulations shall be applicable to the annexed areas. All health related matters are handled for the City by the Bell County Health District.

Maintenance of Parks, Playgrounds, and Swimming Pools. The City is not aware of the existence of any publicly owned parks, playgrounds or swimming pools now located in the proposed areas 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 density as those found within the newly annexed areas. Private facilities will remain under the ownership of the homeowners association and as such maintained by the association.

Maintenance of any Publicly Owned Facility, Building or Municipal Service. The City is not aware of the existence of any other publicly owned facility, building, or other municipal service now located in the proposed areas of annexation. In the event any other 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.

<u>Services</u>, <u>Funding and City Policies</u>. All services which require expenditure of public funds are subject to annual appropriations by the City Council. Copies of City policies are available in the City Clerk's office upon request.

Construction of Capital Improvements To Be Completed Within 21/2 Years.

- Trunk Sewer Line. A trunk sewer line is currently in design and is planned for placement along the east side of IH-35, adjacent to Area 1. This trunk line will be available for extension to the south, east, and northeast for service to developing properties in the same manner as they are available in other locations within the City in accordance with City extension policies. Line construction is scheduled to begin in 2017 and service will be available by June 30, 2019.
- 2. Police and Fire Protection and Solid Waste Collection. The City finds and determines it is not necessary to acquire or construct any capital improvements within 2½ years of the effective date of the annexation of the particular annexed areas for the purpose of providing police protection, fire protection, emergency medical services 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 with like topography, land use and population density as those found within the newly annexed areas.
- 3. Water/Wastewater Facilities Other than the Trunk Sewer Line Identified above in No.1. A one million gallon elevated water storage tank is planned on existing City property in Northwest Belton. Belton's third water storage tank will enhance water service throughout the City including water flow and pressures, storage for fire protection, and additional capacity during maintenance. This tank will be available by June 30, 2019. For the next 2 ½ years, the City finds and determines that there is sufficient capacity to provide water services to the annexed areas pursuant to the City's extension policies in compliance with current CCN for the City of Belton. The now existing water mains at existing locations shall be available for the point of use extension based upon the 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 and subject to approval by the Public Works Director/Bell County Health District.

- 4. Roads and Streets. The City finds and determines it is not necessary to acquire or construct any capital improvements within 2½ years of the effective date of the annexation of the particular annexed areas.
- 5. Parks, Playgrounds, and Swimming Pools and Any Other Publicly Owned Facility, Building, or Service. An expansion of the City's hike and bike trail network totaling approximately 0.8 mile, and extending from University Blvd to the proposed Sparta Road roundabout, will connect with the City's existing trail system for a total projected length of 2.8 miles. This trail will be available by June 30, 2019.

<u>Specific Findings</u>. Belton, Texas, 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 areas being considered for annexation than 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

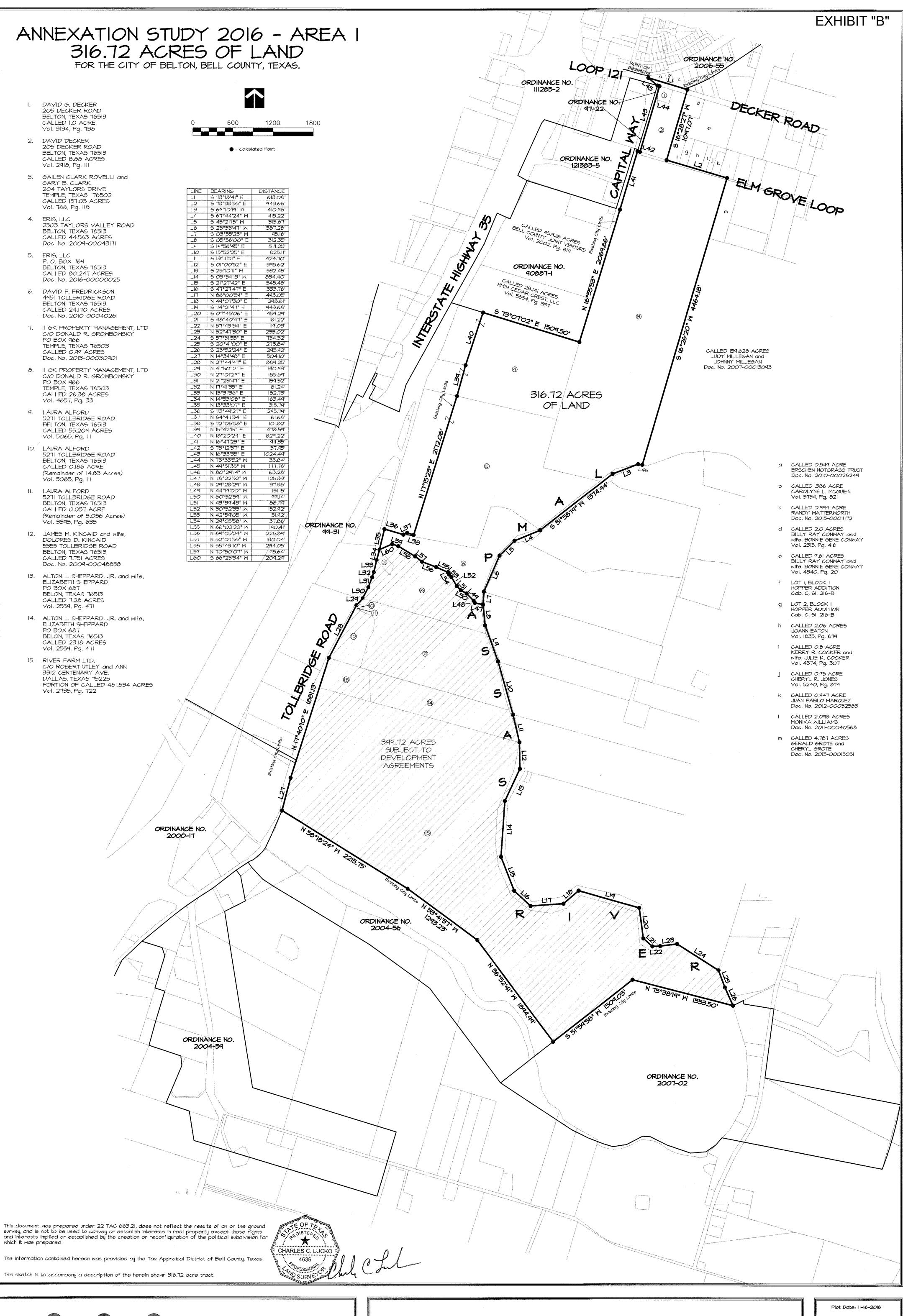
annexed areas will be equivalent to those provided to other areas of the City with similar characteristics.

<u>Terms</u>. This plan shall be valid for a term of 10 years. Renewal of the Service Plan is at the discretion of the City of Belton.

<u>Level of Service</u>. 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.

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

The area will be immediately included in the planning and development of the City's Capital Improvements Plan (CIP).





1303 South 21st Street Temple, Texas 76504 254-778-2272 Killeen 254-634-4636 Fax 254-774-7608 Tx. Firm Lic. No. 10023600 ANNEXATION STUDY 2016 - AREA I 316.72 ACRES OF LAND FOR THE CITY OF BELTON, BELL COUNTY, TEXAS. Plot Date: 11-16-2016

Scale: | 1" = 600' |

Job No. | 160693 |

Dwg No. | | 160693-AREA | 1-R |

Drawn by | SLW |

Surveyor | CCL #4636

Copyright 2016 All County Surveying, inc

FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

November 16, 2016

Surveyor's Field Notes for:

316.72 ACRES, situated in the **M. H. CONNELL SURVEY, ABSTRACT 6** and the **FELIPPI MADRIGAL SURVEY, ABSTRACT 554**, Bell County, Texas, embracing all of or a portion of the following tracts,

- 1. a called 1.0 Acre tract conveyed to David G. Decker in Volume 3134, Page 738, Official Public Records of Real Property, Bell County, Texas,
- 2. a called 8.88 Acre tract conveyed to David Decker in Volume 2918, Page 111, Official Public Records of Real Property, Bell County, Texas,
- 3. a called 157.05 Acre tract conveyed to Gailen Clark Rovelli and Gary B. Clark in Volume 766, Page 118, Deed Records of Bell County, Texas,
- a called 44.563 Acre tract conveyed to EIS, LLC in Document No. 2009-00043171, Official Public Records of Real Property, Bell County, Texas,
- 5. a called 80.247 Acre tract conveyed to ERIS, LLC in Document No. 2016-00000025, Official Public Records of Real Property, Bell County, Texas,
- 6. a called 24.170 acre tract conveyed to David F. Fredrickson in Document No. 2010-00040261, Official Public Records of Real Property, Bell County, Texas, and being more particularly described as follows:

BEGINNING at a calculated point at the southwest corner of a called 0.549 Acre tract conveyed to Erschen Notgrass Trust in Document No. 2010-00026249, Official Public Records of Real Property, Bell County, Texas, being on the north line of Decker Road, at the intersection of the south line of Loop 121, for the northwest corner of the herein described tract;

THENCE, in an easterly direction, with the north line of said Decker Road, **S 73° 18' 41" E – 613.08'**, to a calculated point, for the northeast corner of the herein described tract;

THENCE, in a southerly direction, crossing said Decker Road, and with the east line of said Decker 8.88 Acre tract, same being the west line of a called 2.0 Acre tract conveyed to Billy Ray Conway and wife, Bonnie Gene Conway in Volume 2315, Page 416, Deed Records of Bell County, Texas, the west line of a called 9.61 Acre tract conveyed to said Conways in Volume 4340, Page 20, Official Public Records of Real Property, Bell County, Texas, and the west line of Lot 1, Block 1, Hopper Addition, an addition in Bell County, Texas, according to the plat of record in Cabinet C, Slide 216-B, Plat Records of Bell County, Texas, **S 16° 28' 27" W – 1097.07'**, to a calculated point on the north line of Elm Grove Loop, for an interior corner of the herein described tract;

THENCE, in an easterly direction, with the north line of said Elm Grove Loop, **S 73° 33' 55" E – 943.66'**, to a calculated point'

THENCE, in a southerly direction, crossing said Elm Grove Loop, and with the east line of said 157.05 Acre Clark tract, **S 16° 26' 20" W – 4464.18'**, to a calculated point in the approximate center of the Lampasas River;

THENCE, in a general southerly direction, with the approximate center of said Lampasas River, with calculated points, the following calls:

- 1. N 80° 29' 14" W 63.28',
- 2. S 69° 10' 19" W 410.96',
- 3. S 51° 58' 19" W 1374.94',
- 4. S 67° 44' 24" W 415.22'.
- 5. **S** 45° 21' 15" **W** 313.67', 6. **S** 23° 33' 47" **W** – 587.28', and
- 7. **S 03° 55' 23" W 195.16',** to a calculated point, being the southeast corner of said 24.170 Acre Fredrickson tract, for the southeast corner of the herein described tract:

THENCE, in a westerly direction, with the south line of said 24.170 Acre tract, same being the north line of a called 26.38 Acre tract conveyed to II GK Property Management, Ltd. in care of Donald R. Growbowsky in Volume 4657, Page 331, Official Public Records of Real Property, Bell County, Texas, with calculated points, the following calls:

```
1. N 78° 22' 52" W – 125.33',
2. N 29° 28' 29" W – 37.36',
3. N 44° 19' 00" W – 151.15',
4. N 60° 52' 59" W – 99.14',
5. N 43° 39' 43" W – 88.99',
6. N 30° 52' 35" W – 152.92',
7. N 42° 59' 05" W – 51.92',
8. N 29° 05' 58" W – 37.86',
9. N 66° 02' 22" W – 190.41',
10.N 69° 05' 24" W – 226.89',
11.N 52° 07' 55" W – 130.04',
12.N 58° 43' 10" W – 294.05',
```

13. N 70° 50' 07" W - 95.64', and

14. **S** 66° 23' 34" W – 209.29', to a calculated point at the southwest corner of said 24.170 Acre tract, same being the northwest corner of a called 0.99 Acre tract conveyed to said II GK Property Management, Ltd. in Document No. 2013-00030901, Official Public Records of Real Property, Bell County, Texas, and being on the east line of Toll Bridge Road, for the southwest corner of the herein described tract;

THENCE, in a northerly direction, with the east line of Toll Bridge Road, **N 13° 33' 07" E** – **315.79'**, to a calculated point at the southwest corner of said 80.247 Acre ERIS, LLC tract;

THENCE, in an easterly direction, with the south line of said ERIS, LLC 80.247 Acre tract, **S 73° 49' 27"** E – **295.79'**, a calculated point, **N 64° 47' 34"** E – **61.68'**, a calculated point, and **S 72° 06' 58"** E – **101.82'**, to a calculated point, for an interior corner of the herein described tract;

THENCE, in a northerly direction, severing said ERIS, LLC tracts, **N** 17° 15' 23" E – 2172.06', a calculated point, **N** 15° 42' 15" E – 478.59', a calculated point, and **N** 18° 20' 24" E – 829.22', to a calculated point on the south line of a called 28.141 Acre tract conveyed to HMIH Cedar Crest, LLC in Volume 5654, Page 557, Official Public Records of Real Property, Bell County, Texas;

THENCE, in an easterly direction, with the south line of said 28.141 Acre tract, **S 73° 07' 02" E – 1509.50'**, to a calculated point, for an interior corner of the herein described tract;

THENCE, in a northerly direction, with the east line o said 28.141 Acre tract and the east line of the reminder of a called 45.926 Acre tract conveyed to Bell County Joint Venture in Volume 2002, Page 819, Deed Records of Bell County, Texas, **N 16° 55' 53" E – 2069.66'**, to a calculated point at the southeast corner of the right-of-way of Capital Way;

THENCE, continuing in said northerly direction, with the east line of said Capital Way, **N 16° 47' 23" E** – **911.35'**, to a calculated point in the existing ROW of said Capital Way, with the intersection of the north line of said Elm Grove Loop;

THENCE, in an easterly direction, **S 73° 12' 37" E – 37.95'**, to a calculated point on the east line of said Capital Way, same being the southwest corner of said Decker 8.88 Acre tract;

THENCE, in a northerly direction, with the east line of said Capital Way, **N 16° 33' 35" E** – **1024.49'**, to a calculated point on the south line of said Decker Road;

THENCE, in a westerly direction, with the south line of said Decker Road, crossing over the north line of said Capital Way, **N** 73° 33' 52" **W** – 33.84', to a calculated point;

THENCE, in a northwesterly direction, crossing over said Decker Road, N 49° 51' 35" W – 177.76', to the POINT OF BEGINNING and containing 316.72 Acres of Land.

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 political subdivision for which it was prepared.

This description to accompany a sketch of the herein described 316.72 Act

ALL COUNTY SURVEYING, INC. 1-800-749-PLAT

Tx. Firm Lic. No. 10023600

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Charles C. Lucko

Registered Professional Land Surveyor

MO SURVE

Registration No. 4636

Staff Report – City Council Agenda Item



Agenda Item #9

Consider an annexation ordinance on second and final reading instituting annexation proceedings in 2016 Annexation Study Area 2, approximately 3.306 acres located on the east side of IH 35, south of Toll Bridge Road, between the east/west portion of the Lampasas River and Elmer King Road.

Originating Department

Administration – Sam A. Listi, City Manager

Background

A 3.306 acres portion of Study Area 2 may be considered for annexation. Three parcels owned by two persons – Gregory Trader and Paul and Velma Neese – are located along Toll Bridge Road at the northwest edge of Study Area 2. Three sides of this property are currently inside the City limits – along Toll Bridge Road and along Elmer King Road and the Lampasas River. If annexed, the City would take on no significant additional responsibilities, given current service provision.

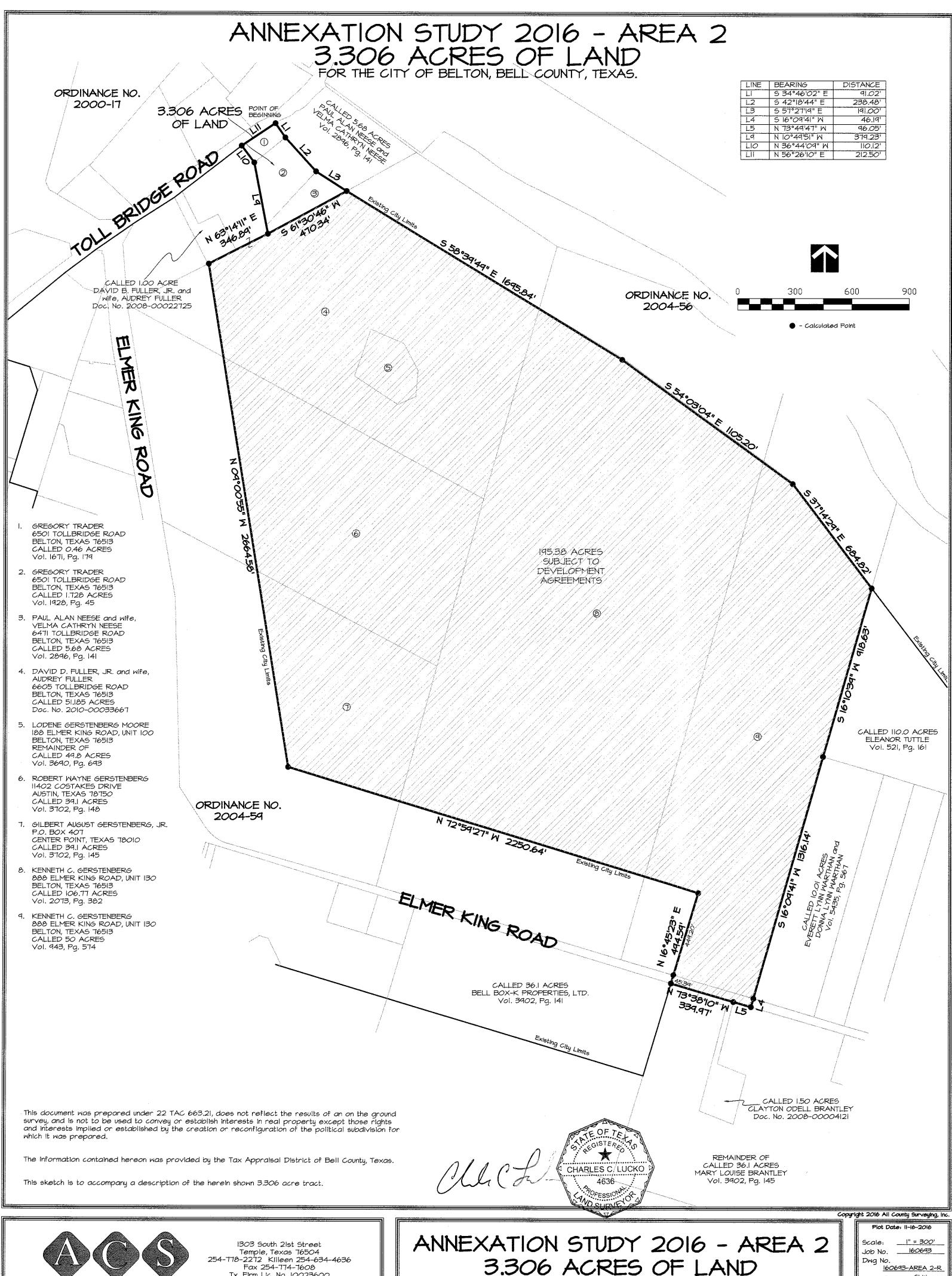
Key reasons for annexation:

- Facilitate long range planning
- Protect future development
- Avoid establishment of inappropriate and incompatible land use
- Acknowledge previous investment in infrastructure Toll Bridge Road bridge replacement and Elmer King Road work

Fiscal Impact

Amount: Nominal		
Budgeted: Xes	☐ No	☐ Capital Project Funds
If not budgeted: Bu	dget Transfer	Contingency
Recommendation		
Recommend annexation Agreements.	on of the 3.306	acres portion of Area 2 not included in Development

Attachments Survey Map of Area 2 Proposed Annexation Map (aerial) Area 2 Growth Management Land Use Study – 09/13/16 Proposed Annexation Ordinance (with survey) City Council Agenda Item December 13, 2016 Page 2 of 2



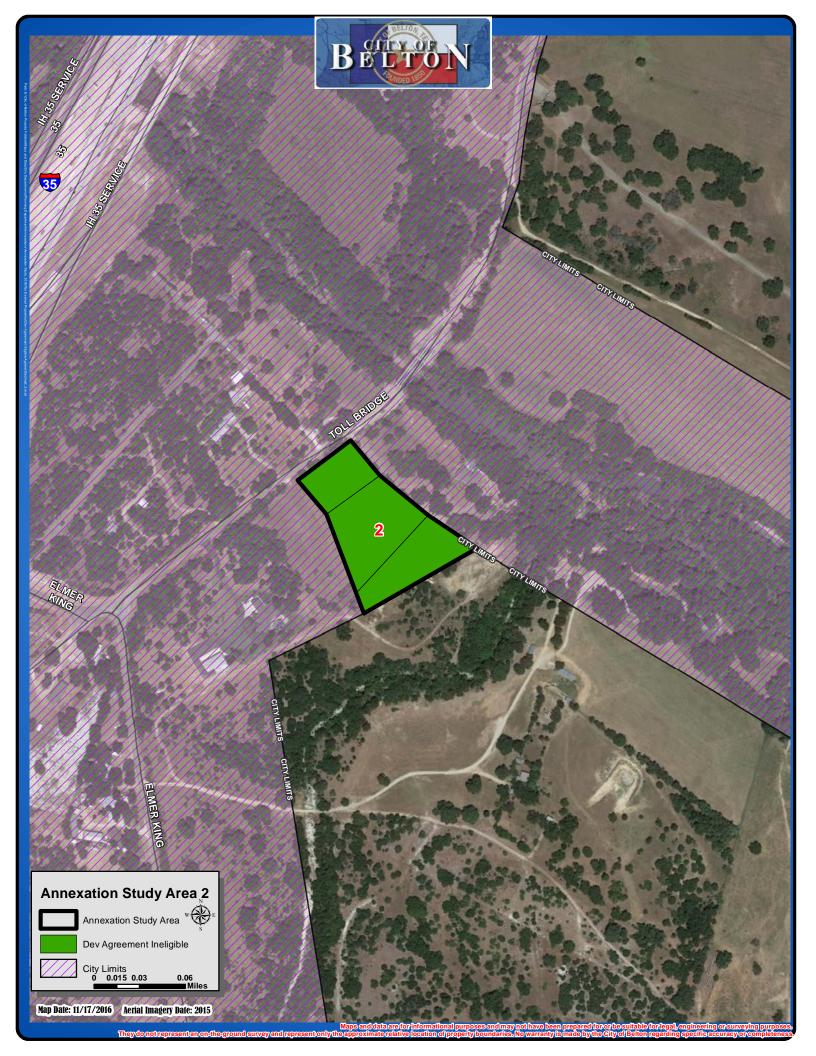


Tx. Firm Lic. No. 10023600

3.306 ACRES OF LAND FOR THE CITY OF BELTON, BELL COUNTY, TEXAS.

Drawn by <u>SLW</u>

Surveyor <u>CCL #4636</u>



ANNEXATION STUDY: TRACT BY TRACT ANALYSIS AREA #2

<u>LOCATION/GENERAL DESCRIPTION OF LAND</u> – Area 2 contains approximately 203.17 acres, and is located on the east side of IH 35, between the east/west portion of the Lampasas River and Elmer King Road.

OWNERSHIP/LAND USE - Low Density Residential/Agricultural and Farm Uses/Large Vacant Tracts

INFRASTRUCTURE/UTILITIES:

- STREET CONDITION PUBLIC/PRIVATE (Name/Condition) This tract is located just south of the newly rebuilt Toll Bridge Road bridge. This road is already within our current city limits. Elmer King Road is substantially in the city limits, with the exception of the portion in the Study Area which is 420' in length. The City portion recently received 2" asphalt paving. Current projected needs/cost of area to be annexed: Elmer King will need to have a double course chip seal next year at an estimated cost of \$5,004.
- DRAINAGE ISSUES A portion of this area may be in the 100-year floodplain from the Lampasas River.
 Current projected needs/cost of area to be annexed: ROW mowing will increase by one-half of a mile.
 This will take an additional two and one half hours to mow and will be mowed 3-4 times per year. There are no known significant drainage issues within this area.
- ELECTRICITY/CABLE/GAS (If known) Toll Bridge Road and Elmer King have phone and electricity at this time.
- WATER (CCN)/AVAILABILITY Belton's water CCN. Public water is not available in this area. No water extensions are planned to serve this area in the near future.
- SEWER (CCN)/AVAILABILITY Not currently in Belton's sewer CCN, but is part of the area proposed in the sewer CCN amendment currently under review by the State. No sewer extensions are planned to serve this area in the near future.
- SOLID WASTE/BRUSH SERVICES This area will add five homes in the City limits for service.

NUMBER OF HOUSES – 5 single family homes; 0 mobile/modular units; 0 multi-family buildings (0 units each estimated); TOTAL DWELLING UNITS: 5

ESTIMATED POPULATION – 5 d/u @ 2.5 persons per household = 12.5

AREA BUSINESSES:

- NUMBER 0
- BUSINESS NAMES/TYPES N/A

APPROXIMATE DISTANCE FROM CITY SERVICES:

- <u>FIRE/EMS</u> 6 Miles from closest Fire Station; Response Time: 8 min/50 sec; Closest Fire Hydrant: Tahuaya and IH 35; currently served by: Belton Fire Department and Salado Fire Department.
- <u>POLICE/ANIMAL CONTROL/CODE ENFORCEMENT</u> 6.2 Miles from Police Station; Police and Animal Control currently served by Bell County Sheriff; no code enforcement issues at this time.

THOROUGHFARE PLAN ISSUES:

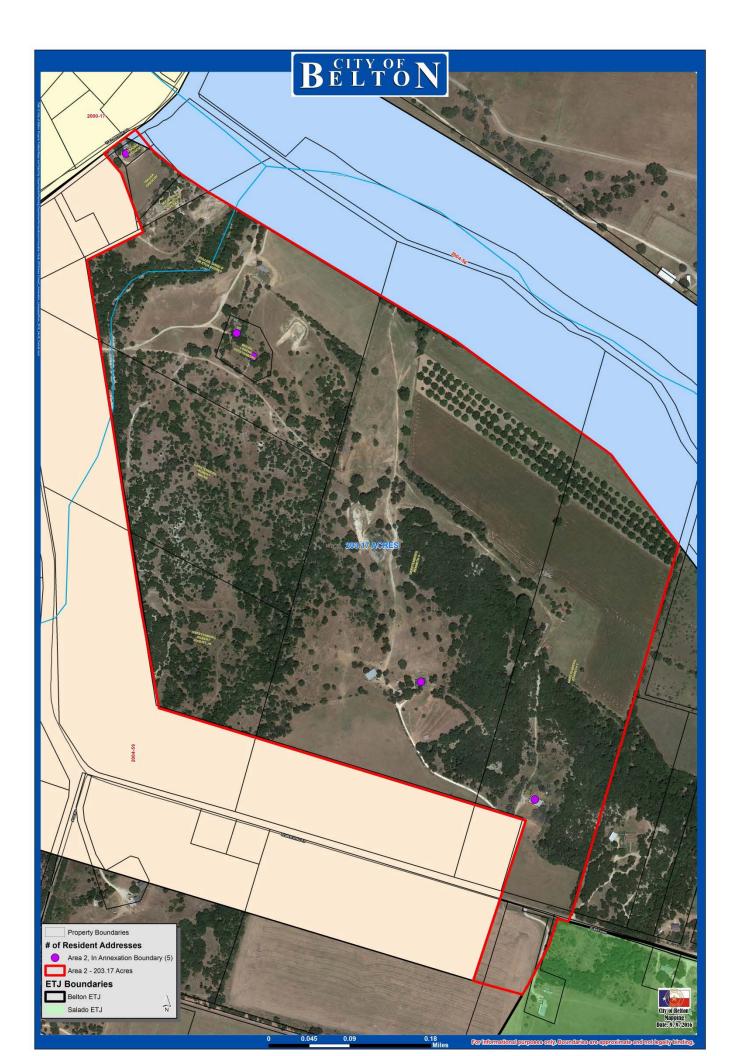
Elmer King Road: Major Collector – 80' ROW recommended

CIP ISSUES:

 While water and sewer services are not immediately available, wells and on-site disposal systems are possible, subject to approval by Clearwater Underground Water District and Director of Public Works/Bell County Health District.

OTHER SIGNIFICANT ISSUES:

- Opposition to annexation expressed by principal owner, Kenneth Gurstenberg due to farm operation. Opportunity exists for Development Agreement preventing annexation for at least 15 years unless development occurs, with extensions possible up to 45 years.
- Existing Salado ETJ south of this area represents a jurisdictional challenge in this general vicinity.



ORDINANCE NO. 2016-51

AN ORDINANCE EXTENDING THE MUNICIPAL AND CORPORATE LIMITS OF THE CITY OF BELTON, TEXAS, 3.306 ACRES LOCATED ON THE EAST SIDE OF IH 35, SOUTH OF TOLL BRIDGE ROAD, BETWEEN THE EAST/WEST PORTION OF THE LAMPASAS RIVER AND ELMER KING ROAD; MAKING FINDINGS OF FACTS; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Belton (the "City") is a Texas home-rule municipal corporation;

WHEREAS, thirty (30) days or more prior to the date of the first public hearing required pursuant to §43.063, Tex. Loc. Gov't. Code, the City gave written notice of its intent to annex the property, as more particularly described hereinafter in this ordinance, to each property owner, according to the official records of Bell County, within the area proposed to be annexed, each public entity and private entity that provides services in the area, and each railroad company with right-of-way in the area;

WHEREAS, the property to be annexed contains fewer than one hundred (100) separate tracts of land on which one or more residential dwellings are located on each tract;

WHEREAS, the property to be annexed is contiguous with, adjacent to, and within one mile of the corporate limits of the City, and is not within the boundaries of any other city;

WHEREAS, two separate public hearings were conducted prior to consideration of this Ordinance in accordance with §43.063 of the Tex. Loc. Gov't Code;

WHEREAS, the hearings were conducted and held not more than forty (40) nor less than twenty (20) days prior to the institution of annexation proceedings;

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

WHEREAS, the City's exclusive jurisdiction is hereby extended to include all of the annexed area within the City limits and property within one mile of the annexed area within the City's extra-territorial jurisdiction; and

WHEREAS, the City intends to provide services to the property to be annexed according to the Municipal Service Plan attached hereto as Exhibit "A," and to add the area immediately to its Capital Improvement Planning process.

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

Section 1. Findings of Fact. All of the above premises, findings and recitals of fact are found to be true and correct and are incorporated into the body of this ordinance as findings of fact, as if copied herein in their entirety. Further statements of facts hereinafter made in the ordinance are incorporated as findings of fact by the City Council.

- A. That Belton's City Manager has reviewed the proposed annexation and has determined that municipal services identified in the Service Plan are available for the area proposed for incorporation.
- B. That the City Manager has found the municipal services proposed will provide a comparable level of municipal services for properties with similar topography, land use, and population density to properties currently located within the Belton city limits.
- C. That the property shall be immediately added to the City's Capital Improvement Planning process.
- D. That the property is hereby temporarily zoned in accordance with the Agricultural zoning district.

Section 2. That under the authority and provisions of Article II, Section 5 of the Home Rule Charter of the City of Belton, Texas, and certain laws of the State of Texas, including, but not limited to, Chapter 43 of the Local Government Code, the boundaries and limits of the City of Belton, Texas, are hereby extended so as to annex and include within the corporate limits of the City of Belton, Texas, 3.306 ACRES LOCATED ON THE EAST SIDE OF IH 35, SOUTH OF TOLL BRIDGE ROAD, BETWEEN THE EAST/WEST PORTION OF THE LAMPASAS RIVER AND ELMER KING ROAD, as shown on the map attached as Exhibit "B," and more particularly described by metes and bounds attached as Exhibit "C."

Section 3. That the official map and boundaries of the City, heretofore adopted and amended, be and hereby are amended so as to include the Annexed Property as part of the City of Belton.

Section 4. Upon first reading of this ordinance, the above described annexed area shall be a part of the City of Belton, Texas, and the jurisdiction of the City shall extend the extraterritorial jurisdiction of the City to create exclusive jurisdiction in all areas within one mile of the annexed area not within the legal jurisdiction of an existing City on the date of the first reading of this ordinance. The residents and property owners within the annexed area shall be entitled to all of the rights and privileges lawfully pertaining thereto as shown in the attached Service Plan, and shall be bound by the acts, ordinances, regulations and resolutions of said City.

Section 5. After publishing notices of public hearings in the Belton Journal and the Temple Daily Telegram on October 13, 2016 and October 20, 2016, and holding public hearings on October 25, 2016, and November 1, 2016, this ordinance is:

PASSED AND APPROVED on first reading at a regular meeting of the City Council of the City of Belton, Texas, held at the Harris Community Center, Belton, Texas on the 22nd day of November, 2016.

	Marion Grayson, Mayor
ATTEST:	

December, 2016.

PASSED AND APPROVED on second reading at a regular meeting of the City Council of the City of Belton, Texas, held at the Harris Community Center, Belton, Texas, on the 13th day of

CITY OF BELTON MUNICIPAL SERVICES PLAN

The area proposed for annexation consists of approximately 3.306 acres, and is located on the east side of IH-35, between the east/west portion of the Lampasas River and Elmer King Road.

Municipal Services to be Provided: The City will provide the following services, beginning immediately upon the effective date of the annexation. All the services will be provided at a service level that is equal or superior to the level of services in the area prior to the annexation.

<u>Police Protection</u>. Police protection personnel and equipment from the Belton Police Department shall be provided to the areas immediately upon the effective date of the annexation of the areas. Response to calls for police services, crime prevention programs and all other police services will be provided at the same level as provided to other areas of the City. Police enforcement and protection services shall be provided at the request of residents/property owners in the area.

<u>Animal Control</u>. The City shall provide animal control services immediately upon the effective date of the annexation of the area. These services encompass regular patrol by the animal control officer and response to animal nuisance problems from residents in the area.

<u>Fire and Emergency Medical Service (EMS) Protection</u>. Upon annexation, the City will provide fire and EMS response at the level provided inside the Belton city limits. The service level will be equal to or better than the current level, with the limitations of water available.

<u>Code Enforcement</u>. The City shall provide code enforcement services immediately upon annexation to include response to complaints of weedy lot violations, junked vehicles, sign violations, and other similar general city code violations.

<u>Fire Prevention</u>. All of the services performed by the City's Fire Marshal shall be provided immediately upon the effective date of the annexation of the areas.

<u>Planning, Zoning and Development Review.</u> The area will automatically be zoned Agricultural on the effective date of annexation. In conjunction with review of Comprehensive Plan, a land use plan will be developed and permanent zoning established under the process specified by the City's Zoning Ordinance. In the interim, the Planning & Zoning Commission and the City Council will consider zoning and rezoning tracts of the property in response to landowner requests. Subdivision plat review will occur in the City and in Belton's extraterritorial jurisdiction in order to ensure orderly development of land, reduce flood potential, achieve efficient operation of public facilities and services, and provide accurate description and addressing of property.

<u>Code Compliance</u>. Immediately upon the annexation becoming effective, building inspection activities will be available. The Building Official shall provide consultation with the project developers, independent contractors and homeowners for building code requirements, plan review

for structures in the area, and on-site inspection services as needed, to include evaluation of hazardous and dilapidated buildings.

<u>Library</u>. Residents within the newly annexed areas shall be provided all services available at Belton's Lena Armstrong Public Library.

<u>Parks and Recreation</u>. All City of Belton public parks, facilities, and resources shall be available to residents of the annexed area.

Streets and Drainage. Existing dedicated public streets and drainage structures and courses maintained by Bell County will be maintained by the City of Belton at their current or better level of improvement with like topography, land use, and density as those found within the City. Private streets are not maintained by the City. Roadways maintained by the Texas Department of Transportation (TxDOT) will continue to be maintained by TxDOT. Maintenance of streets and rights-of-way shall be as follows:

- (1) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.
- (2) Routine maintenance and right-of-way mowing as presently performed within City.
- (3) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies.
- (4) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards.
- (5) Installation and maintenance of street lighting in accordance with established policies of the City.
- (6) The City will enforce drainage requirements in the Subdivision Ordinance and related standards.
- (7) Private streets will remain the responsibility of record owners or the homeowners association and as such be maintained by the responsible party.

<u>Sanitation and Recycling</u>. Sanitation and recycling service will be immediately available to residential customers in accordance with existing City ordinances. Residents in the newly annexed area may select to continue service with their current service provider for up to two years, or switch to the City's service, currently provided by contract with Waste Management, Inc. After the second anniversary of the annexation date, the City will provide the service at City rates. Residents will be contacted with information regarding how to obtain sanitation and recycling service, and efforts will be made to coordinate any transition of service.

Sanitation service will be immediately available to non-residential customers through any of the commercial services franchised by the City. Non-residential customers are responsible for obtaining commercial service.

<u>Brush Collection Services</u>. Brush collection services shall be provided to residents in the same manner and at the same rate as provided for other residents within the City of Belton.

<u>Water Service/Distribution.</u> The area proposed for annexation is located within the Certificate of Convenience and Necessity (CCN) area of the **City of Belton**, subject to the City's water extension policies. Such water service will be subject to regulation by the City of Belton as it relates to development standards and design requirements in accordance with the ordinances, rules and regulations in effect at the time of installation.

<u>Wastewater Service/Collection</u>. (<u>NOTE:</u> Pending Sewer CCN Service Area, subject to Public Utility Commission approval.) Wastewater services are available for extension to the area proposed for annexation in the same manner as they are available in the other locations within the City of Belton, in accordance with the City's wastewater extension policies, subject to pending sewer CCN proposal before the Public Utilities Commission. The developer or property owner is responsible for funding extension and connection to the municipal system in accordance with the City's subdivision regulations and extension policies.

<u>Environmental Health</u>. Immediately upon the effective date of the annexation, the City's environmental health ordinances and regulations shall be applicable to the annexed areas. All health related matters are handled for the City by the Bell County Health District.

Maintenance of Parks, Playgrounds, and Swimming Pools. The City is not aware of the existence of any publicly owned parks, playgrounds or swimming pools now located in the proposed areas 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 density as those found within the newly annexed areas. Private facilities will remain under the ownership of the homeowners association and as such maintained by the association.

Maintenance of any Publicly owned Facility, Building or Municipal Service. The City is not aware of the existence of any other publicly owned facility, building, or other municipal service now located in the proposed areas of annexation. In the event any other 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.

<u>Services</u>, <u>Funding and City Policies</u>. All services which require expenditure of public funds are subject to annual appropriations by the City Council. Copies of City policies are available in the City Clerk's office upon request.

Construction of Capital Improvements To Be Completed Within 2½ Years.

 Trunk Sewer Line. A trunk sewer line is currently in design and is planned for placement along the east side of IH-35, north of this Study Area. This trunk line will be available for extension to developing properties in the same manner as they are available in other locations within the City in accordance with City extension policies. Line construction is scheduled to begin in 2017 and service will be available by June 30, 2019.

- 2. Police and Fire Protection and Solid Waste Collection. The City 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 areas for the purpose of providing police protection, fire protection, emergency medical services 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 with like topography, land use and population density as those found within the newly annexed areas.
- 3. Water/Wastewater Facilities Other than the Trunk Sewer Line Identified above in No.1. A one million gallon elevated water storage tank is planned on existing City property in Northwest Belton. Belton's third water storage tank will enhance water service throughout the City including water flow and pressures, storage for fire protection, and additional capacity during maintenance. This tank will be available by June 30, 2019. For the next 2 ½ years, the City finds and determines that there is sufficient capacity to provide water services to the annexed areas pursuant to the City's extension policies in compliance with current CCN for the City of Belton. The now existing water mains at existing locations shall be available for the point of use extension based upon the 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 and subject to approval by the Public Works Director/Bell County Health District.

- 4. Roads and Streets. The City 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 areas.
- 5. Parks, Playgrounds, and Swimming Pools and Any Other Publicly Owned Facility, Building, or Service. An expansion of the City's hike and bike trail network totaling approximately 0.8 mile, and extending from University Blvd to the proposed Sparta Road roundabout, will connect with the City's existing trail system for a total projected length of 2.8 miles. This trail will be available by June 30, 2019.

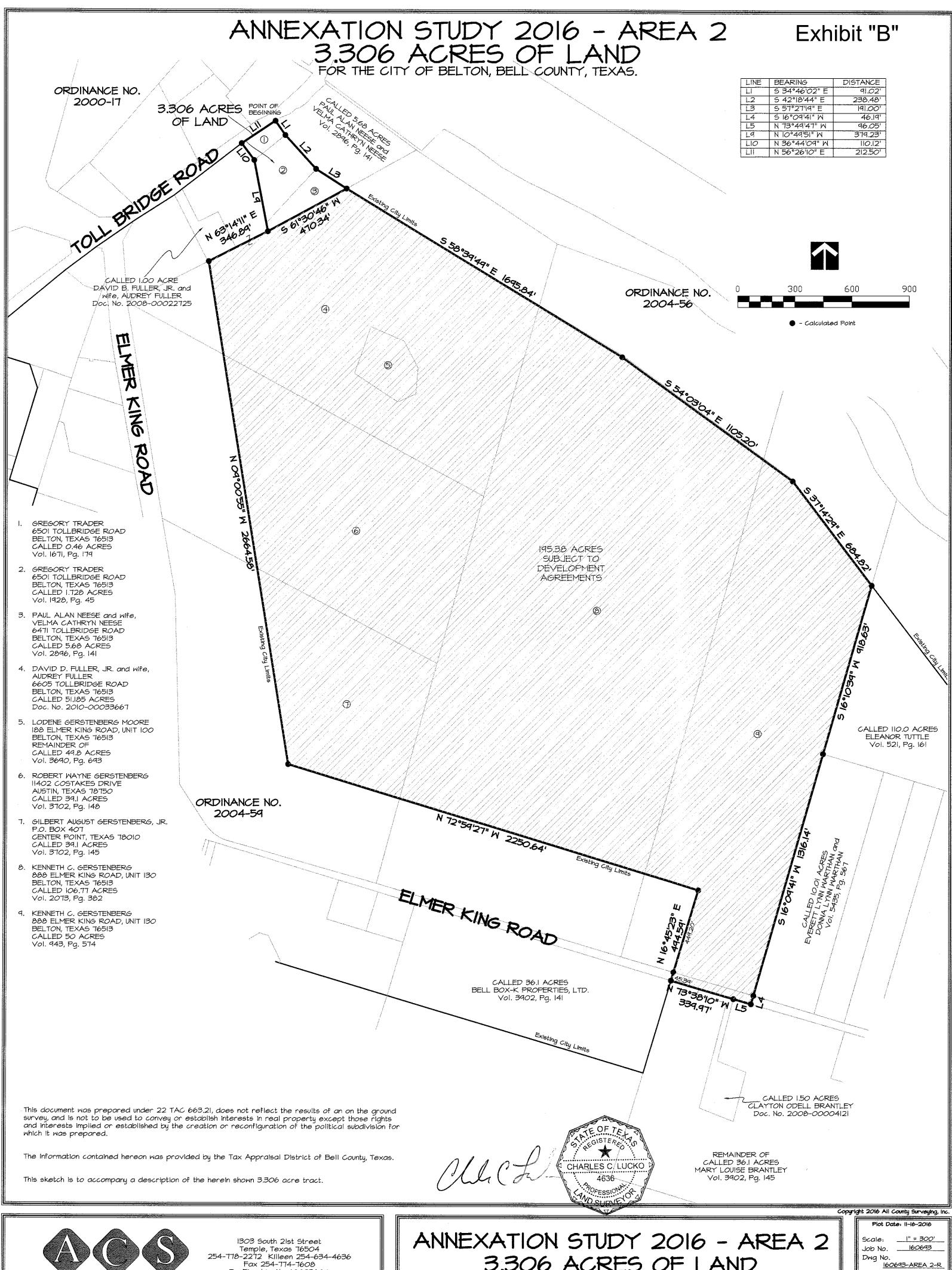
Specific Findings. Belton, Texas, finds and determines that this proposed service plan will not provide any fewer services and will not provide a lower level of service in the areas being considered for annexation than were in existence in the proposed areas at the time immediately preceding the annexation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

<u>Terms</u>. This plan shall be valid for a term of 10 years. Renewal of the Service Plan is at the discretion of the City of Belton.

<u>Level of Service</u>. 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.

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

The area will be immediately included in the planning and development of the City's Capital Improvements Plan (CIP).





Tx. Firm Lic. No. 10023600

3.306 ACRES OF LAND FOR THE CITY OF BELTON, BELL COUNTY, TEXAS.

Drawn by <u>SLW</u> Surveyor <u>CCL #4636</u>

ANNEXATION STUDY 2016 – AREA 2

FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

November 16, 2016

Surveyor's Field Notes for:

3.306 ACRES, situated in the **FELIPPI MADRIGAL SURVEY**, **ABSTRACT 554**, Bell County, Texas, embracing all of or a portion of the following tracts,

- 1. a called 0.46 Acre tract conveyed to Gregory Trader in Volume 1671, Page 179, Deed Records of Bell County, Texas,
- 2. a called 1.728 Acre tract conveyed to Gregory Trader in Volume 1928, Page 45, Deed Records of Bell County, Texas,
- 3. a called 5.68 Acre tract conveyed to Paul Alan Neese and wife, Velma Cathryn Neese in Volume 2896, Page 141, Official Public Records of Real Property, Bell County, Texas, and being more particularly described as follows:

BEGINNING at a calculated point at the northeastern most corner of said 0.46 Acre Trader tract, being the northwest corner of said 5.68 Acre Neese tract, and being on the southeast line of Toll Bridge Road, also being the southwest corner of a tract annexed by the City of Belton by Ordinance No. 2004-56, for the northwest corner of the herein described tract;

THENCE, in an easterly direction, with the south line of said City of Belton Annexation tract, with calculated points, the following calls:

- 1. S 34° 46' 02" E 91.02',
- 2. S 42° 18' 44" E 238.48', and
- 3. S 57° 27' 19" E 191.00', to a calculated point at the southeast corner of said Neese tract, same being the northernmost corner of a tract of land conveyed to David D. Fuller, Jr. and wife, Audrey Fuller in Document No. 2010-00033667, Official Public Records of Real Property, Bell County, Texas, for the southeast corner of the herein described tract;

THENCE, in a southwesterly direction, with the northwest line of said Fuller tract, **S 61° 30' 46" W** – **470.34'**, to a calculated point at an interior corner of said Fuller tract, for the southwest corner of the herein described tract;

THENCE, in a northerly direction, with the boundary of said Fuller tract, with the existing city limits line, N 10° 49′ 51″ W – 379.23′, a calculated point, and N 36° 44′ 09″ W – 110.12′, to a calculated point on the southerly line of said Toll Bridge Road, for the northwest corner of the herein described tract;

THENCE, in a northeasterly direction, with the southeasterly line of said Toll Bridge Road, **N 56° 26' 10" E – 212.50'**, to the **POINT OF BEGINNING** and containing 3.306 Acres of Land.

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 political subdivision for which it was prepared.

This description to accompany a sketch of the herein described 3.306 Acre tract.

ALL COUNTY SURVEYING, INC. 1-800-749-PLAT

Tx. Firm Lic. No. 10023600

server/projects/pro160000/160600/160693/160693-AREA 2-R.doc

Charles C. Lucko
Registered Professional Land Surveyor
Registration No. 4636

EOF

REGISTERES

CHARLES C. LUCKO

Staff Report – City Council Agenda Item



Agenda Item #10

Consider an annexation ordinance on second and final reading instituting annexation proceedings in 2016 Annexation Study Area 3, approximately 166.506 acres located south of the intersection of IH 35 and the Lampasas River. The tract extends along the west side of IH 35, measuring approximately 1,000' in width, and would add 1,000' additional on the west side of IH 35 to the current 1,000' total city limit width centered on IH 35. The tract extends southward along IH 35 to just north of the Salado ETJ line.

Originating Department

Administration - Sam A. Listi, City Manager

Background

A 166.506 acre portion of Study Area 3 may be considered for annexation. Available properties are located on the west side of IH 35, generally north of Amity Road, with one exception at the southernmost extremity of the Study Area. Given the proximity to the west side of IH 35, the potential for development within that time period is moderate. The Water CCN is the City's north of Amity, and Salado's CCN south of Amity. Sewer service is not immediately available. If annexed, the City would take on limited additional responsibility for Dillard Road maintenance. The annexation ordinance reflects that it is in the public interest to approve the Santa Fe Mill development agreement just south of Tahuaya Road, while the recommended annexation will surround that property with existing and proposed city limits.

Key reasons for annexation:

- Promote economic development
- Facilitate long range planning
- Protect future development west of IH 35 along FM 2484 and FM 1670
- Avoid establishment of inappropriate and incompatible land use

Fiscal Impact

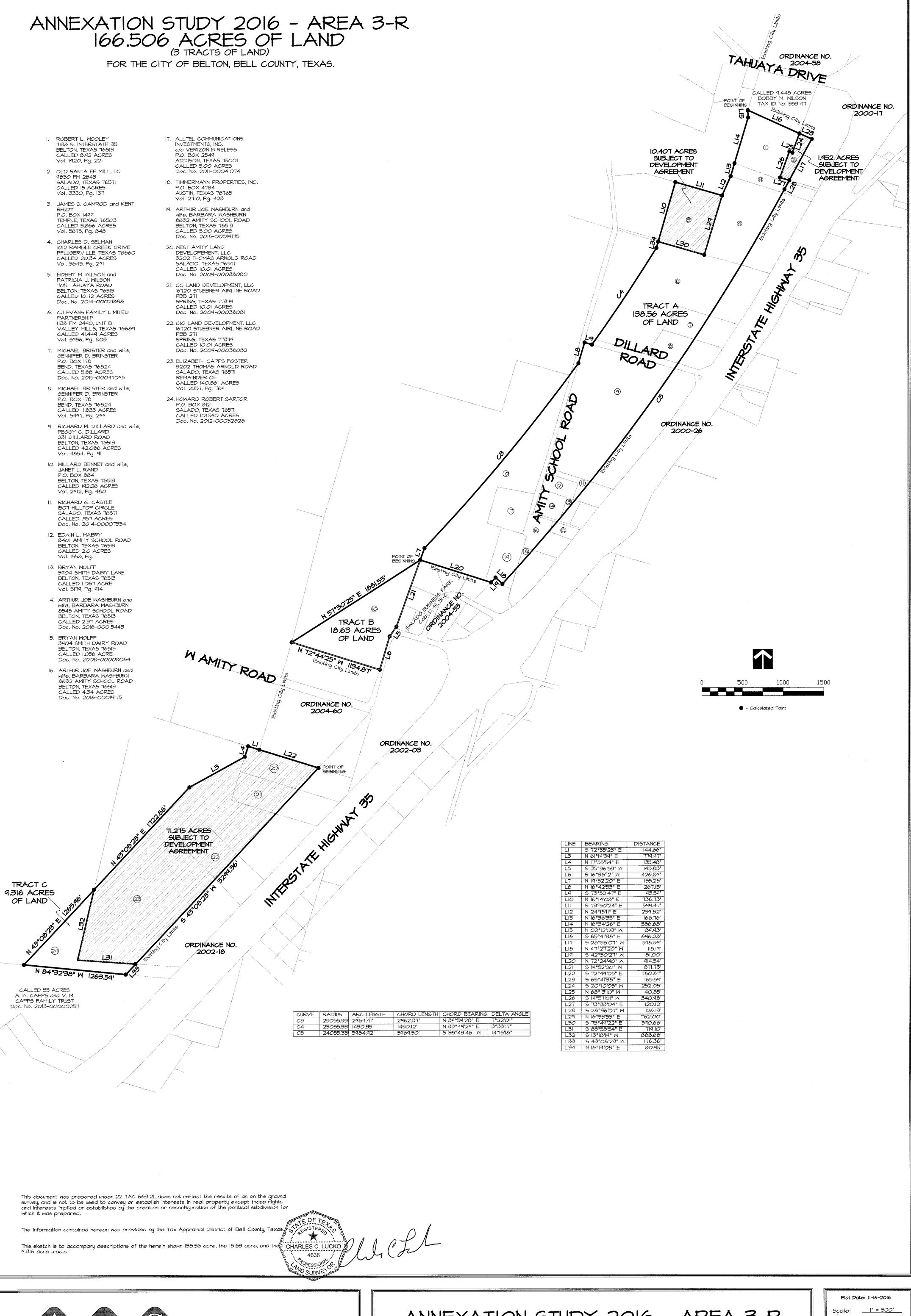
Amount: Dillard Road 2020 - \$12,91	2
Budgeted: Yes No	Capital Project Funds
If not budgeted: Budget Transfel	Contingency Amendment Needed (2020

Recommendation

Recommend annexation of the 166.506 acre portion of Area 3 not included in Development Agreements.

Attachments

Survey Map of Area 3
Proposed Annexation Map (aerial)
Area 3 Growth Management Land Use Study – 09/13/16
Proposed Annexation Ordinance (with survey)





1303 South 21st Street Temple, Texas 76504 254-778-2272 Killeen 254-634-4636 Fax 254-774-7608 Tx. Firm Lic. No. 10023600 ANNEXATION STUDY 2016 - AREA 3-R 166.506 ACRES OF LAND

FOR THE CITY OF BELTON, BELL COUNTY, TEXAS.

Plot Date: 11-16-2016

Scale: 1" = 500'

Job No. 160693

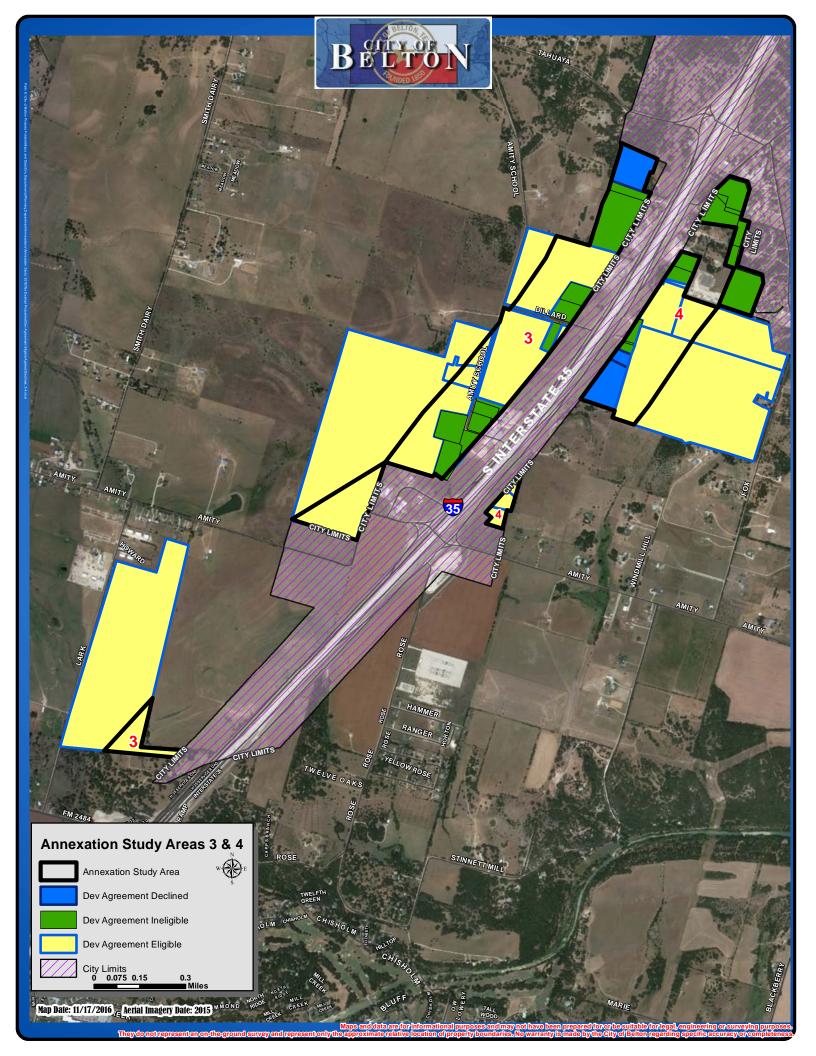
Dwg No.

160693-AREA 3-R

Drawn by SLW

Surveyor CCL #4636

Copyright 2016 All County Surveying, Inc.



ANNEXATION STUDY: TRACT BY TRACT ANALYSIS AREA #3

<u>LOCATION/GENERAL DESCRIPTION OF LAND</u> – Area 3 contains approximately 262.4 acres, and is located south of the intersection of IH 35 and the Lampasas River. The tract extends along the west side of IH 35, measuring approximately 1,000 feet in width, and would add 1,000 additional feet on the west side of IH 35 to the current 1,000 foot total city limit width centered on IH 35. The tract extends southward along IH 35 south of Amity Road, and adjoins the Salado ETJ line.

OWNERSHIP/LAND USE – Low Density Residential/Commercial/Industrial

INFRASTRUCTURE/UTILITIES:

- STREET CONDITION PUBLIC/PRIVATE (Name/Condition) Current projected needs/cost of area to be annexed: Dillard Road is a public road and is in fair condition. This road will need a double course chip seal in three years. The estimated cost is \$12,912. Amity School Road is a public road and is in need of minimal maintenance. Level up and double chip seal is needed in five years. The road needs to be striped now for safety. This estimated cost is \$26,952.
- DRAINAGE ISSUES A small portion of the area may be within the 100-year floodplain at the Lampasas River crossing. Current projected needs/cost of area to be annexed: No immediate issues. The drainage ditches along Dillard Road are steep. The ditches along Amity School Road will need some grading and blade work but nothing too significant. City crews can address the ditches with approximately two weeks of work. The ROW mowing for these two roads will take approximately six hours, approximately 3-4 times a year.
- ELECTRICITY/CABLE/GAS (If known) There is electricity in the area.
- WATER (CCN)/AVAILABILITY Portion north of Amity Road is Belton's water CCN, while the area south
 of Amity is in Salado WSC. Belton serves a few customers along West Amity and Goodway Drive from the
 Central Texas WSC. Between Amity and Tahuaya and along East Amity, water service is limited. The
 City's 14" water main extends along the west side of IH 35 and ends just south of Tahuaya Road.
- SEWER (CCN)/AVAILABILITY Not currently in Belton's sewer CCN, but is part of the area proposed in the sewer CCN amendment currently under review by the State. No sewer extensions are planned to serve this area in the near future.
- SOLID WASTE/BRUSH SERVICES Currently there are seven homes in this area that will need service.

NUMBER OF HOUSES – 5 single family homes; 2 mobile/modular units; 0 multi-family buildings (0 units each estimated); TOTAL DWELLING UNITS: 7

ESTIMATED POPULATION -7 d/u @ 2.5 persons per household = 17.5

AREA BUSINESSES:

NUMBER – 7

• BUSINESS NAMES/TYPES – Amity Brush Arbor (church)

Wolff Construction (concrete contractor)

Custom Countertops of Central Texas (countertops)

Bar J Trucking (trucking company)
Brister Stone, Inc. (stone quarry?)
Salvage Yard/Truck & Trailer Sales
Blackland Implement (tractor supply)

APPROXIMATE DISTANCE FROM CITY SERVICES:

- <u>FIRE/EMS</u> 7 Miles from closest Fire Station; Response Time: 7 min/28 sec; Closest Fire Hydrant: Rose Lane & Hamer Drive (1.5 miles) Salado District; currently served by: Belton Fire Department and Salado Fire Department.
- <u>POLICE/ANIMAL CONTROL/CODE ENFORCEMENT</u> 7.6 Miles from Police Station; Police and Animal Control currently served by Bell County Sheriff; no code enforcement issues at this time.

THOROUGHFARE PLAN ISSUES:

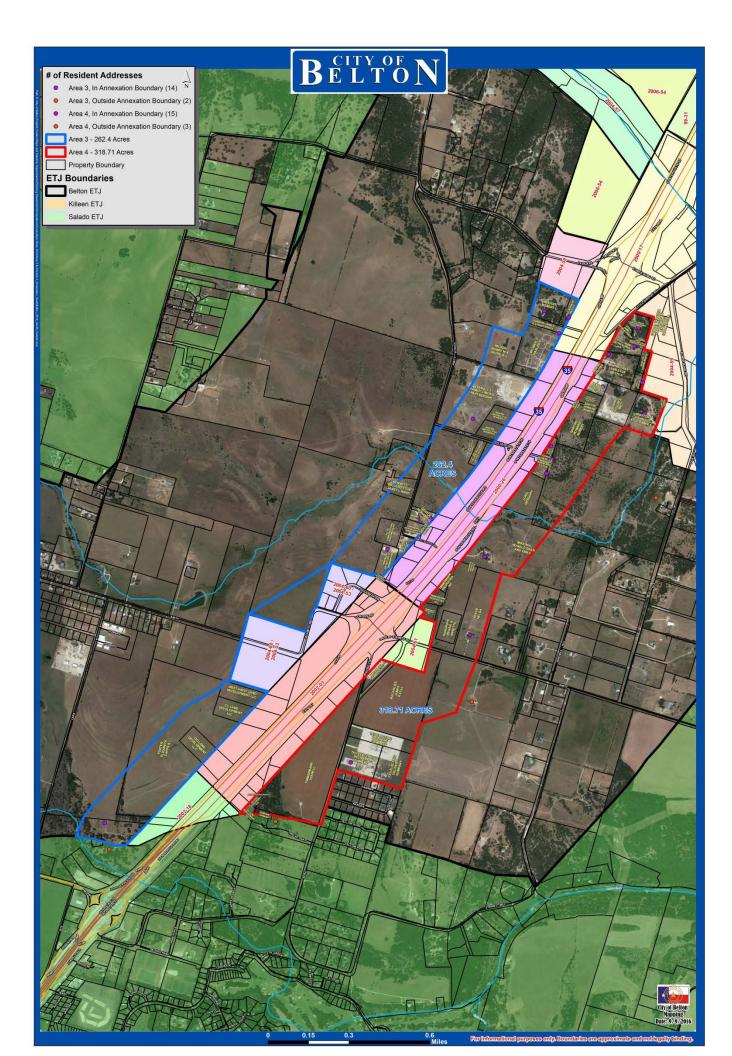
• Dillard Road: Minor Collector – 60' ROW recommended

CIP ISSUES:

N/A

OTHER SIGNIFICANT ISSUES:

- Sewer service will be challenging in the near term, but on-site disposal is possible subject to approval of the Director of Public Works and Bell County Health District.
- Water CCN is Belton's, although no City lines immediately available. The City has 100 acre feet in CTWSC System from Lake Stillhouse Hollow, available in line in Amity Road, but its use would require approval by BCWCID #1 Board.
- Wells also possible, subject to approval of Clearwater Underground Water District.



ORDINANCE NO. 2016-52

AN ORDINANCE EXTENDING THE MUNICIPAL AND CORPORATE LIMITS OF THE CITY OF BELTON, TEXAS, 166.506 ACRES LOCATED SOUTH OF THE INTERSECTION OF IH 35 AND THE LAMPASAS RIVER, EXTENDING ALONG THE WEST SIDE OF IH 35, MEASURING APPROXIMATELY 1000' IN WIDTH AND EXTENDING SOUTHWARD ALONG IH 35 TO JUST NORTH OF THE SALADO ETJ LINE; MAKING FINDINGS OF FACTS; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Belton (the "City") is a Texas home-rule municipal corporation;

WHEREAS, thirty (30) days or more prior to the date of the first public hearing required pursuant to §43.063, Tex. Loc. Gov't. Code, the City gave written notice of its intent to annex the property, as more particularly described hereinafter in this ordinance, to each property owner, according to the official records of Bell County, within the area proposed to be annexed, each public entity and private entity that provides services in the area, and each railroad company with right-of-way in the area;

WHEREAS, the property to be annexed contains fewer than one hundred (100) separate tracts of land on which one or more residential dwellings are located on each tract;

WHEREAS, the property to be annexed is contiguous with, adjacent to, and within one mile of the corporate limits of the City, and is not within the boundaries of any other city;

WHEREAS, two separate public hearings were conducted prior to consideration of this Ordinance in accordance with §43.063 of the Tex. Loc. Gov't Code;

WHEREAS, the hearings were conducted and held not more than forty (40) nor less than twenty (20) days prior to the institution of annexation proceedings;

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

WHEREAS, Old Santa Fe Mill, LC, has submitted a Non-Annexation Development Agreement on a parcel of land located adjacent and west of IH 35, west of the Belton city limits, south of Tahuaya Road, excluding it from the annexation ordinance completely surrounding the area, and the City Council finds that surrounding the area is in the public interest;

WHEREAS, the City's exclusive jurisdiction is hereby extended to include all of the annexed area within the City limits and property within one mile of the annexed area within the City's extra-territorial jurisdiction; and

WHEREAS, the City intends to provide services to the property to be annexed according to the Municipal Service Plan attached hereto as Exhibit "A," and to add the area immediately to its Capital Improvement Planning process.

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

Section 1. Findings of Fact. All of the above premises, findings and recitals of fact are found to be true and correct and are incorporated into the body of this ordinance as findings of fact, as if copied herein in their entirety. Further statements of facts hereinafter made in the ordinance are incorporated as findings of fact by the City Council.

- A. That Belton's City Manager has reviewed the proposed annexation and has determined that municipal services identified in the Service Plan are available for the area proposed for incorporation.
- B. That the City Manager has found the municipal services proposed will provide a comparable level of municipal services for properties with similar topography, land use, and population density to properties currently located within the Belton city limits.
- C. That the property shall be immediately added to the City's Capital Improvement Planning process.
- D. That the property is hereby temporarily zoned in accordance with the Agricultural zoning district.

Section 2. That under the authority and provisions of Article II, Section 5 of the Home Rule Charter of the City of Belton, Texas, and certain laws of the State of Texas, including, but not limited to, Chapter 43 of the Local Government Code, the boundaries and limits of the City of Belton, Texas, are hereby extended so as to annex and include within the corporate limits of the City of Belton, Texas, 166.506 ACRES LOCATED SOUTH OF THE INTERSECTION OF IH 35 AND THE LAMPASAS RIVER, EXTENDING ALONG THE WEST SIDE OF IH 35, MEASURING APPROXIMATELY 1000' IN WIDTH AND EXTENDING SOUTHWARD ALONG IH 35 TO JUST NORTH OF THE SALADO ETJ LINE, as shown on the map attached as Exhibit "B," and more particularly described by metes and bounds attached as Exhibit "C."

Section 3. That the official map and boundaries of the City, heretofore adopted and amended, be and hereby are amended so as to include the Annexed Property as part of the City of Belton.

Section 4. Upon first reading of this ordinance, the above described annexed area shall be a part of the City of Belton, Texas, and the jurisdiction of the City shall extend the extraterritorial jurisdiction of the City to create exclusive jurisdiction in all areas within one mile of the annexed area not within the legal jurisdiction of an existing City on the date of the first reading of this ordinance. The residents and property owners within the annexed area shall be entitled to all of the rights and privileges lawfully pertaining thereto as shown in the attached Service Plan, and shall be bound by the acts, ordinances, regulations and resolutions of said City.

Section 5. After publishing notices of public hearings in the Belton Journal and the Temple Daily Telegram on October 13, 2016 and October 20, 2016, and holding public hearings on October 25, 2016, and November 1, 2016, this ordinance is:

PASSED AND APPROVED on first reading at a regular meeting of the City Council of the City of Belton, Texas, held at the Harris Community Center, Belton, Texas on the 22nd day of November, 2016.

PASSED AND APPROVED on second reading at a regular meeting of the City Council of the City of Belton, Texas, held at the Harris Community Center, Belton, Texas, on the 13th day of December, 2016.

	Marion Grayson, Mayor
ATTEST:	
Amy M. Casey, City Clerk	-

CITY OF BELTON MUNICIPAL SERVICES PLAN

The area proposed for annexation consists of approximately 166.506 acres, south of the intersection of IH-35 and the Lampasas River, extending southward along the west side IH-35 south of Amity Road, to just north of the Salado ETJ line.

Municipal Services to be Provided: The City will provide the following services, beginning immediately upon the effective date of the annexation. All the services will be provided at a service level that is equal or superior to the level of services in the area prior to the annexation.

<u>Police Protection</u>. Police protection personnel and equipment from the Belton Police Department shall be provided to the areas immediately upon the effective date of the annexation of the areas. Response to calls for police services, crime prevention programs and all other police services will be provided at the same level as provided to other areas of the City. Police enforcement and protection services shall be provided at the request of residents/property owners in the area.

<u>Animal Control</u>. The City shall provide animal control services immediately upon the effective date of the annexation of the area. These services encompass regular patrol by the animal control officer and response to animal nuisance problems from residents in the area.

<u>Fire and Emergency Medical Service (EMS) Protection</u>. Upon annexation, the City will provide fire and EMS response at the level provided inside the Belton city limits. The service level will be equal to or better than the current level, with the limitations of water available.

<u>Code Enforcement</u>. The City shall provide code enforcement services immediately upon annexation to include response to complaints of weedy lot violations, junked vehicles, sign violations, and other similar general city code violations.

<u>Fire Prevention</u>. All of the services performed by the City's Fire Marshal shall be provided immediately upon the effective date of the annexation of the areas.

<u>Planning, Zoning and Development Review.</u> The area will automatically be zoned Agricultural on the effective date of annexation. In conjunction with review of Comprehensive Plan, a land use plan will be developed and permanent zoning established under the process specified by the City's Zoning Ordinance. In the interim, the Planning & Zoning Commission and the City Council will consider zoning and rezoning tracts of the property in response to landowner requests. Subdivision plat review will occur in the City and in Belton's extraterritorial jurisdiction in order to ensure orderly development of land, reduce flood potential, achieve efficient operation of public facilities and services, and provide accurate description and addressing of property.

<u>Code Compliance</u>. Immediately upon the annexation becoming effective, building inspection activities will be available. The Building Official shall provide consultation with the project

developers, independent contractors and homeowners for building code requirements, plan review for structures in the area, and on-site inspection services as needed, to include evaluation of hazardous and dilapidated buildings.

<u>Library</u>. Residents within the newly annexed areas shall be provided all services available at Belton's Lena Armstrong Public Library.

<u>Parks and Recreation</u>. All City of Belton public parks, facilities, and resources shall be available to residents of the annexed area.

Streets and Drainage. Existing dedicated public streets and drainage structures and courses maintained by Bell County will be maintained by the City of Belton at their current or better level of improvement with like topography, land use, and density as those found within the City. Private streets are not maintained by the City. Roadways maintained by the Texas Department of Transportation (TxDOT) will continue to be maintained by TxDOT. Maintenance of streets and rights-of-way shall be as follows:

- (1) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.
- (2) Routine maintenance and right-of-way mowing as presently performed within City.
- (3) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies.
- (4) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards.
- (5) Installation and maintenance of street lighting in accordance with established policies of the City.
- (6) The City will enforce drainage requirements in the Subdivision Ordinance and related standards.
- (7) Private streets will remain the responsibility of record owners or the homeowners association and as such be maintained by the responsible party.

<u>Sanitation and Recycling</u>. Sanitation and recycling service will be immediately available to residential customers in accordance with existing City ordinances. Residents in the newly annexed area may select to continue service with their current service provider for up to two years, or switch to the City's service, currently provided by contract with Waste Management, Inc. After the second anniversary of the annexation date, the City will provide the service at City rates. Residents will be contacted with information regarding how to obtain sanitation and recycling service, and efforts will be made to coordinate any transition of service.

Sanitation service will be immediately available to non-residential customers through any of the commercial services franchised by the City. Non-residential customers are responsible for obtaining commercial service.

<u>Brush Collection Services</u>. Brush collection services shall be provided to residents in the same manner and at the same rate as provided for other residents within the City of Belton.

<u>Water Service/Distribution.</u> The area proposed for annexation is located within the certificated area of two water districts: the **City of Belton** is responsible for water service on the north side of Amity Road, and the **Salado Water Supply Corporation** is responsible for water service on the south side of Amity Road, subject to the City's water extension policies. Water service, by the Salado Water Supply Corporation or the City of Belton, will be subject to regulation by the City of Belton as it relates to development standards and design requirements.

<u>Wastewater Service/Collection</u>. (<u>NOTE:</u> Pending Sewer CCN Service Area, subject to Public Utility Commission approval.) Wastewater services are available for extension to the area proposed for annexation in the same manner as they are available in the other locations within the City of Belton, in accordance with the City's wastewater extension policies, subject to pending sewer CCN proposal before the Public Utilities Commission. The developer or property owner is responsible for funding extension and connection to the municipal system in accordance with the City's subdivision regulations and extension policies.

<u>Environmental Health</u>. Immediately upon the effective date of the annexation, the City's environmental health ordinances and regulations shall be applicable to the annexed areas. All health related matters are handled for the City by the Bell County Health District.

Maintenance of Parks, Playgrounds, and Swimming Pools. The City is not aware of the existence of any publicly owned parks, playgrounds or swimming pools now located in the proposed areas 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 density as those found within the newly annexed areas. Private facilities will remain under the ownership of the homeowners association and as such maintained by the association.

Maintenance of any Publicly owned Facility, Building or Municipal Service. The City is not aware of the existence of any other publicly owned facility, building, or other municipal service now located in the proposed areas of annexation. In the event any other 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.

<u>Services</u>, <u>Funding and City Policies</u>. All services which require expenditure of public funds are subject to annual appropriations by the City Council. Copies of City policies are available in the City Clerk's office upon request.

Construction of Capital Improvements To Be Completed Within 2½ Years.

1. <u>Trunk Sewer Line</u>. A trunk sewer line is currently in design and is planned for placement along the east side of IH-35, north of this Study Area. This trunk line will be available for to developing properties in the same manner as they are available in other locations within the

City in accordance with City extension policies. Line construction is scheduled to begin in 2017 and service will be available by June 30, 2019.

- 2. Police and Fire Protection and Solid Waste Collection. The City 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 areas for the purpose of providing police protection, fire protection, emergency medical services 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 with like topography, land use and population density as those found within the newly annexed areas.
- 3. Water/Wastewater Facilities Other than the Trunk Sewer Line Identified above in No.1. A one million gallon elevated water storage tank is planned on existing City property in Northwest Belton. Belton's third water storage tank will enhance water service throughout the City including water flow and pressures, storage for fire protection, and additional capacity during maintenance. This tank will be available by June 30, 2019. For the next 2 ½ years, the City finds and determines that there is sufficient capacity to provide water services to the annexed areas pursuant to the City's extension policies in compliance with current CCN for the City of Belton. The now existing water mains at existing locations shall be available for the point of use extension based upon the 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 and subject to approval by the Public Works Director/Bell County Health District.

- 4. Roads and Streets. The City 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 areas.
- 5. Parks, Playgrounds, and Swimming Pools and Any Other Publicly Owned Facility, Building, or Service. An expansion of the City's hike and bike trail network totaling approximately 0.8 mile, and extending from University Blvd to the proposed Sparta Road roundabout, will connect with the City's existing trail system for a total projected length of 2.8 miles. This trail will be available by June 30, 2019.

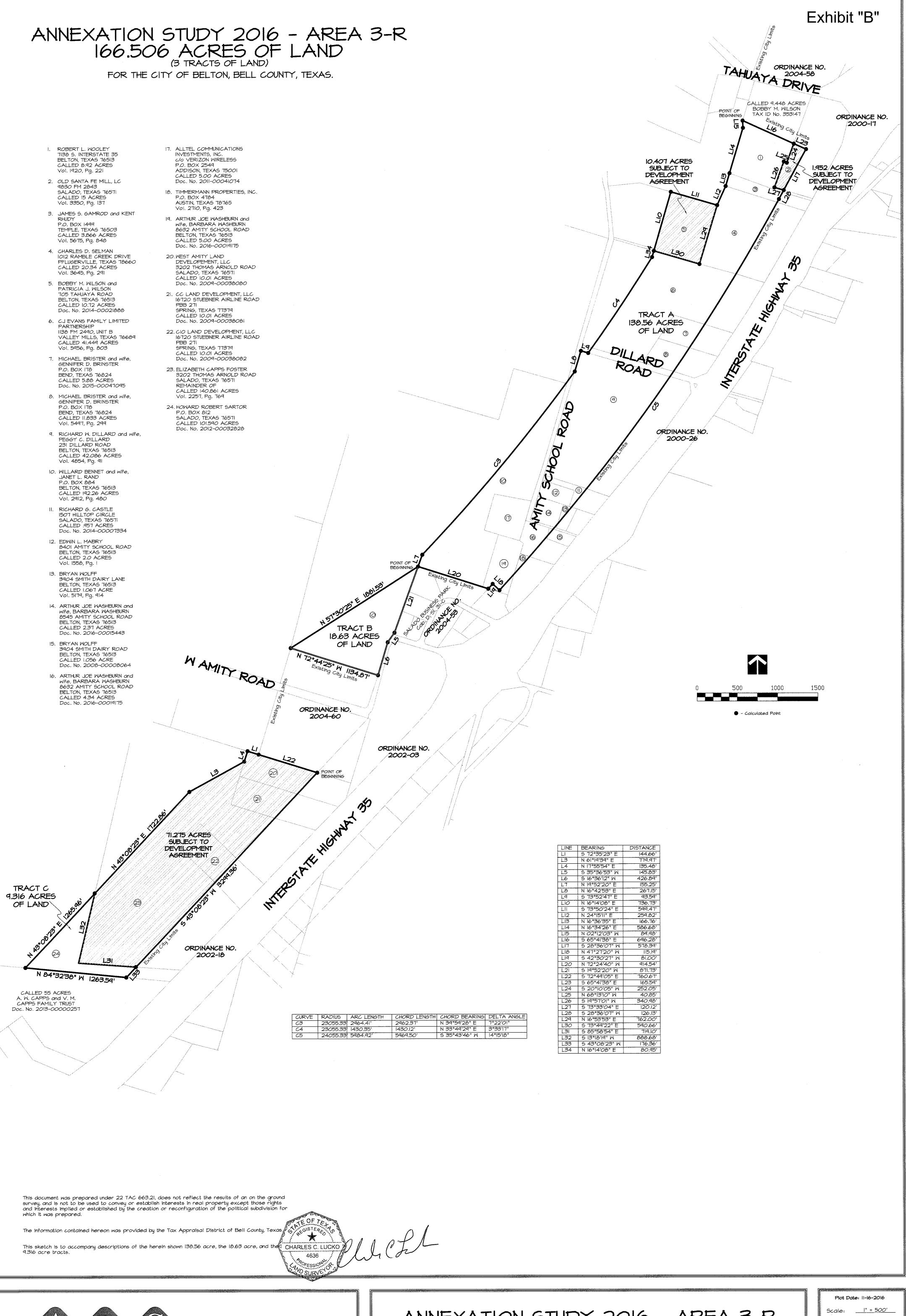
<u>Specific Findings</u>. Belton, Texas, finds and determines that this proposed service plan will not provide any fewer services and will not provide a lower level of service in the areas being considered for annexation than were in existence in the proposed areas at the time immediately preceding the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

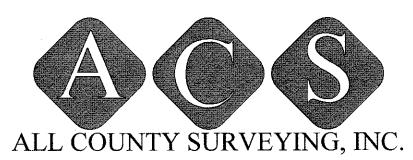
<u>Terms</u>. This plan shall be valid for a term of 10 years. Renewal of the Service Plan is at the discretion of the City of Belton.

<u>Level of Service</u>. 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.

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

The area will be immediately included in the planning and development of the City's Capital Improvements Plan (CIP).





1303 South 21st Street Temple, Texas 76504 254-778-2272 Killeen 254-634-4636 Fax 254-774-7608 Tx. Firm Lic. No. 10023600 ANNEXATION STUDY 2016 - AREA 3-R 166.506 ACRES OF LAND

FOR THE CITY OF BELTON, BELL COUNTY, TEXAS.

Plot Date: 11-16-2016

Scale: | 1" = 500' |

Job No. | 160693 |

Dwg No. | 160693-AREA 3-R |

Drawn by | SLW |

Surveyor | CCL #4636 |

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ANNEXATION STUDY 2016 - AREA 3 - TRACT C

FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

November 16, 2016

Surveyor's Field Notes for:

9.316 ACRES, situated in the **G. F. LANKFORD SURVEY**, **ABSTRACT 510** and the **YOUNG WILLIAMS SURVEY**, **ABSTRACT 861**, Bell County, Texas, embracing a portion of a called 101.590 Acre tract conveyed to Howard Robert Sartor in Document No. 2012-00032828, Official Public Records of Real Property, Bell County, Texas, and being more particularly described as follows:

BEGINNING at a calculated point on the north line of 101.590 Acre tract, being on the south line of the remainder of a called 140.861 Acre tract conveyed to Elizabeth Capps Foster in Volume 2257, Page 769, Deed Records of Bell County, Texas, being on the west line of the existing city limits of the City of Belton, for the easternmost northeast corner of the herein described tract;

THENCE, in a southwesterly direction, with the existing city limits, **S 43° 08' 23" W – 176.36'**, to a calculated point on the north line of a called 55 Acre tract conveyed to the A. W. Capps and V. M. Capps Family Trust in Document No. 2013-00000257, Official Public Records of Real Property, Bell County, Texas, for the southeast corner of the herein described tract;

THENCE, in a westerly direction, with the north line of said Capps Family Trust tract, same being the south line of said Sartor 101.590 Acre tract, **N 84° 32' 38" W** - **1263.59'**, to a calculated point, for the southwest corner of the herein described tract;

THENCE, in a northeasterly direction, severing said Sartor tract, **N 43° 08' 23" E – 1265.96'**, to a calculated point on the west line of said Foster tract, for the northernmost corner of the herein described tract;

THENCE, in a southerly direction, with the west line of said Foster tract, **S 13° 18' 19" W – 888.68'**, to a calculated point at the southwest corner of said Foster tract, for an interior corner of the herein described tract;

THENCE, in an easterly direction, with the south line of said Foster tract, **S 85° 58' 54" E – 719.10'**, to the **POINT OF BEGINNING** and containing 9.316 Acres of Land.

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 political subdivision for which it was prepared.

This description to accompany a sketch of the herein described 9.316 Acre track

ALL COUNTY SURVEYING, INC. 1-800-749-PLAT

Tx. Firm Lic. No. 10023600

server/projects/pro160000/160600/160693/160693-AREA 3-R-TRACT 3.doc

Charles C. Lucko
Registered Professional Land Surveyor
Registration No. 4636

FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

September 9, 2016

Surveyor's Field Notes for:

18.63 ACRES, situated in the **G. F. LANKFORD SURVEY**, **ABSTRACT 510**, Bell County, Texas, embracing a portion of a called 192.26 Acre tract conveyed to Willard Bennet and wife, Janet L. Rand in Volume 2912, Page 480, Official Public Records of Real Property, Bell County, Texas, and being more particularly described as follows:

BEGINNING at a calculated point, being on interior corner of said 192.26 Acre tract, and being the northwest corner of Salado Business Park, an addition in the City of Belton, Bell County, Texas, according to the plat of record in Cabinet D, Slide 31-C, Plat Records of Bell County, Texas, for the north corner of the herein described tract;

THENCE, in a southerly direction, with the west line of said Salado Business Park, **S 19° 52' 20" W** – **871.73'**, to a calculated point;

THENCE, continuing in said southerly direction, with the west line of said Salado Business Park and the west line of W. Amity Road, S 35° 36' 53" W – 145.83', to a calculated point;

THENCE, continuing in said southerly direction, with the west line of said W. Amity Road, **S 16° 36' 12" W** – **426.89'**, to a calculated point at an interior corner of a tract annexed by the City of Belton in Ordinance No. 2004-60, for the southeast corner of the herein described tract;

THENCE, in a westerly direction, with the north line of said Ordinance No. 2004-60 tract, **N 72° 44' 25" W** – **1134.87'**, to a calculated point, for the southwest corner of the herein described tract;

THENCE, in a northeasterly direction, severing said 192.26 Acre tract, **N 57° 30' 25" E – 1881.53'**, to the **POINT OF BEGINNING** and containing 18.63 Acres of Land.

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 political subdivision for which it was prepared.

This description to accompany a sketch of the herein described 18.63 Acre

ALL COUNTY SURVEYING, INC. 1-800-749-PLAT

Tx. Firm Lic. No. 10023600

server/projects/pro160000/160600/160693/160693-AREA 3-18.63.doc

Charles C. Lucko
Registered Professional Land Surveyor
Registration No. 4636

FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

November 16, 2016

Surveyor's Field Notes for:

138.56 ACRES, situated in the **G. F. LANKFORD SURVEY, ABSTRACT 510**, Bell County, Texas, embracing all of or a portion of the following tracts,

- 1. a called 8.92 Acre tract conveyed to Robert L. Wooley in Volume 1920, Page 221, Deed Records of Bell County, Texas,
- 2. a called 3.866 Acre tract conveyed to James S. Gamrod and Kent Rhudy in Volume 5675, Page 848, Official Public Records of Real Property, Bell County, Texas.
- 3. a called 20.34 Acre tract conveyed to Charles D. Selman in Volume 3646, Page 291, Official Public Records of Real Property, Bell County, Texas,
- 4. a called 41.449 Acre tract conveyed to the CJ Evans Family Limited Partnership in Volume 5956, Page 803, Official Public Records of Real Property, Bell County, Texas,
- a called 5.88 Acre tract conveyed to Michael Brister and wife, Gennifer D. Brister in Document No. 2015-00047095, Official Public Records of Real Property, Bell County, Texas,
- 6. a called 11.833 Acre tract conveyed to Michael Brister and wife, Gennifer D. Brister in Volume 5497, Page 299, Official Public Records of Real Property, Bell County, Texas,
- 7. a called 42.086 Acre tract conveyed to Richard W. Dillard and wife, Peggy C. Dillard in Volume 4854, Page 91, Official Public Records of Real Property, Bell County, Texas,
- 8. a called 192.26 Acre tract conveyed to Willard Bennet and wife, Janet L. Rand in Volume 2912, Page 480, Official Public Records of Real Property, Bell County, Texas.
- 9. a called 0.957 Acre tract conveyed to Richard G. Castle in Document No. 2014, Page 00007334, Official Public Records of Real Property, Bell County, Texas,
- 10.a called 2.0 Acre tract conveyed to Edwin L. Mabry in Volume 1558, Page 1, Deed Records of Bell County, Texas,
- 11.a called 1.067 Acre tract conveyed to Bryan Wolff in Volume 5179, Page 914, Official Public Records of Real Property, Bell County, Texas,
- 12. a called 2.37 Acre tract conveyed to Arthur Joe Washburn and wife, Barbara Washburn in Document No. 2016-00015443, Official Public Records of Real Property, Bell County, Texas,
- 13. a called 1.056 Acre tract conveyed to Bryan Wolff in Document No. 2008-00008064, Official Public Records of Real Property, Bell County, Texas,
- 14. a called 4.34 Acre tract conveyed to Arthur Joe Washburn and wife, Barbara Washburn in Document No. 2016-00019175, Official Public Records of Real Property, Bell County, Texas,
- 15.a called 5.00 Acre tract conveyed to Alltel Communications Investments, Inc. in Document No. 2011-00041074, Official Public Records of Real Property, Bell County, Texas,
- 16.a portion of a tract conveyed to Timmermann Properties, Inc. in Volume 2710, Page 423, Official Public Records of Real Property, Bell County, Texas, and
- 17.a called 5.00 Acre tract conveyed to Arthur Joe Washburn and wife, Barbara Washburn in Document No. 2016-00019175, Official Public Records of Real Property, Bell County, Texas, and being more particularly described as follows:

BEGINNING at a calculated point at the northwest corner of said Wooley 8.92 Acre tract, same being the southwest corner of a called 9.448 Acre tract in the name of Bobby M. Wilson as per Tax Appraisal District ID No. 353147, for the northwest corner of the herein described tract;

THENCE, in an easterly direction, with the north line of said 8.92 Acre tract and severing said Old Santa Fe Mill, LC, **S** 65° 41′ 38″ E – 696.28′, to a calculated point on the west line of a called 15.00 Acre tract conveyed to Old Santa Fe Mill, LC in Volume 3350, Page 137, Official Public Records of Real Property, Bell County, Texas, for the northeast corner of the herein described tract;

THENCE, in a southerly direction, with the west line of said 15.00 Acre tract, **S 20° 10' 05" W – 252.05'**, a calculated point, **N 68° 13' 10" W – 40.85'**, a calculated point, and **S 19° 57' 01" W – 340.98'**, to a calculated point at the southwest corner of said 15.00 Acre tract, for an interior corner of the herein described tract;

THENCE, in an easterly direction, with the south line of said 15.00 Acre tract, **S 73° 33' 04"** E - 120.12', to a calculated point on the west line of the existing city limits of the City of Belton;

THENCE, in a southerly direction, with the existing city limits line, **S 28° 36' 07" W – 126.13'**, to a calculated point at the beginning of a curve to the right;

THENCE, in a southwesterly direction, continuing with the western line of said existing city limits, with said curve to the right; having a radius of **24,055.33**′, a delta angle of **14**° **15**′ **18**″, and a long chord which bears **S 35**° **43**′ **46**″ **W** – **5969.50**′; an arc length of **5984.92**′, to a calculated point;

THENCE, in a northwesterly direction, continuing with said city limits line, N 47° 27' 20" W – 115.19', to a calculated point, for an interior corner of the herein described tract;

THENCE, in a southwesterly direction, continuing with said city limits line, **S 42° 30' 27" W** – **81.00'**, to a calculated point on the north line of Salado Business Park, an addition in the City of Belton, Bell County, Texas, according to the plat of record in Cabinet D, Slide 31-C, Plat Records of Bell County, Texas;

THENCE, in a westerly direction, with the north line of said Salado Business Park, **N 72° 24' 40" W** – **914.54'**, to a calculated point, for the southwest corner of the herein described tract;

THENCE, in a northerly direction, severing said 192.26 Acre Bennet tract, **N 19° 52' 20" E – 155.25'**, to a calculated point;

THENCE, in a northeasterly direction, with a curve to the left; having a radius of **23,055.33**', a delta angle of **07° 22' 01"**, and a long chord which bears **N 39° 59' 28" E** – **2962.37'**; an arc length of **2964.41'**, crossing over Amity School Road, to a calculated point on the east line of said Amity School Road, being the west line of said 42.086 Acre Dillard tract;

THENCE, in a northerly direction, with the east line of said Amity School Road, same being the west line of said Dillard tract, **N 16° 42' 53" E – 267.15'**, to a calculated point at the northwest corner of said Dillard tract, being on the south line of Dillard Road;

THENCE, in an easterly direction, with the south line of said Dillard Road, **S 73° 52' 47" E – 93.59'**, to a calculated point;

THENCE, in a northeasterly direction, severing said 41.449 Acre Evans tract, with a curve to the left; having a radius of **23,055.33**′, a delta angle of **03° 33′ 17″**, and a long chord which bears **N 33° 49′ 29″ E – 1430.12**′; an arc length of **1430.35**′, to a calculated point;

THENCE, in a northerly direction, severing said Evans tract, **N 16° 14' 08" E – 80.95'**, to a calculated point at the southwest corner of a called 10.72 Acre tract conveyed to Bobby M. Wilson and Patricia J. Wilson in Document No. 2014-00021888, Official Public Records of Real Property, Bell County, Texas;

THENCE, in an easterly direction, with the south line of said 10.72 Acre tract, **S 73° 49' 22" E – 590.66'**, to a calculated point on the west line of said Selman 20.34 Acre tract, being the southeast corner of said 10.72 Acre tract;

THENCE, in a northerly direction, with the west line of said Selman tract, N 16° 53' 53" E-762.00', a calculated point at the northeast corner of said 10.72 Acre tract, and N 24° 15' 11" E-259.82', to a calculated point at the southwest corner of said 3.866 Acre Gamrod tract;

THENCE, continuing in said northerly direction, with the west line of said Gamrod tract, **N 16° 36' 35" E – 166.76'**, to a calculated point at the southwest corner of said 8.92 Acre Wooley tract;

THENCE, continuing in said northerly direction, with the west line of said Wooley tract, N 16° 34′ 26″ E – 586.68′, a calculated point, and N 02° 12′ 03″ W – 89.98′, to the POINT OF BEGINNING and containing 138.56 Acres of Land.

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 political subdivision for which it was prepared.

This description to accompany a sketch of the herein described 138.56 Acre tract

ALL COUNTY SURVEYING, INC. 1-800-749-PLAT

Tx. Firm Lic. No. 10023600

server/projects/pro160000/160600/160693/160693-AREA 3-R-TRACT 1.doc

Charles C. Lucko

Registered Professional Land Surveyor

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Registration No. 4636

Staff Report – City Council Agenda Item



Agenda Item #11

Consider an annexation ordinance on second and final reading instituting annexation proceedings in 2016 Annexation Study Area 4, approximately 85.723 acres located south of the intersection of IH 35 and the Lampasas River. The tract extends along the east side of IH 35, measuring approximately 1,000' in width, and would add 1,000 additional feet to the current 1,000' total city limit width centered on IH 35. The tract extends southward along IH 35 to just north of W. Amity Road.

Originating Department

Administration – Sam A. Listi, City Manager

Background

An 85.723 acre portion of Study Area 4 may be considered for annexation. Available properties are located on the east side of IH 35, generally north of Amity Road. Given the proximity to the east side of IH 35, the potential for development within that time period is moderate. The Water CCN is the City's north of Amity, and Salado's CCN south of Amity. Sewer service is not immediately available. If annexed as recommended, the City would take on limited additional responsibility for E. Amity Road maintenance. While there are four properties available for annexation south of Amity Road, we recommend not annexing them at this time due to the substantial liability/cost to assume maintenance and future capital costs for Rose Lane. Two parcels located just south of the Toll Bridge Road/Elmer King intersection, owned by Ray and Betty Renfro and Renfro Utilities, are covered under a development agreement and will create a "donut" hole that is acknowledged in the annexation ordinance.

Key reasons for annexation:

- Promote economic development
- Facilitate long range planning
- Protect future development east of IH 35
- Avoid establishment of inappropriate and incompatible land use

Fiscal Impact

Amount: E. Amity 2020 - \$10,000	
Budgeted:	☐ Capital Project Funds
If not budgeted: Budget Transfer	Contingency
	City Council Agenda Item December 13, 2016 Page 1 of 2

Recommendation

Recommend annexation of the 85.723 acre portion of Area 4 not included in Development Agreements, generally north of Amity Road. The proposed annexation ordinance recognizes the public interest to accept the development agreement by Renfro, while the acknowledging the resulting city limits surrounding it on all sides.

Attachments

Survey Map of Area 4
Proposed Annexation Map (aerial)
Area 4 Growth Management Land Use Study – 09/13/16
Proposed Annexation Ordinance (with survey)

ANNEXATION STUDY 2016 - AREA 4-R 85.723 ACRES OF LAND

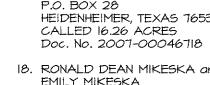
(4 TRACTS OF LAND)

FOR THE CITY OF BELTON, BELL COUNTY, TEXAS.

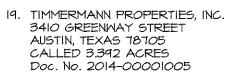


- 2. JAMIE L. STALL and husband, ALFRED G. STALL 724I TOLL BRIDGE ROAD BELTON, TEXAS 76513 CALLED 5.182 ACRES Doc No. 2013-00002336 LOT 2, BLOCK I TOLL BRIDGE ESTATES SUBDIVISION Cab. D, Sl. 382-A
- 3. DARREN MARTIN SCHILLER 361 ELMER KING ROAD BELTON, TEXAS 76513 CALLED 1.584 ACRES Doc. No. 2009-00036831
- 4. GARY DEAN SCHILLER, JR. 365 ELMER KING ROAD BELTON, TEXAS 76513 CALLED 8.7 ACRES Doc. No. 2009-00047597
- 5. RAY LYNN RENFRO and wife, BETTY A. RENFRO 7371 TOLL BRIDGE ROAD BELTON, TEXAS 76513 REMAINDER OF CALLED 14.00 ACRES Vol. 3482, Pg. 47
- 6. RENERO UTILITIES, INC. 7411 TOLL BRIDGE ROAD BELTON, TEXAS 76513 CALLED 2.70 ACRE
- Vol. 5004, Pg. 91 7. RENFRO UTILITIES, INC. 7411 TOLL BRIDGE ROAD BELTON, TEXAS 76513 CALLED 5.00 ACRES Vol. 3710, Pg. 462
- 8. FERN LOUISE VICKERS REVOCABLE LIVING TRUST 1702 N. BURNS AVENUE CAMERON, TEXAS 76520 CALLED 5.00 ACRES Vol. 5147, Pg. 569
- 9. RENFRO UTILITIES, INC. 7411 TOLL BRIDGE ROAD BELTON, TEXAS 76513 CALLED 10.370 ACRES Vol. 4015, Pg. 256
- 10. JOHNNY D. BRATTON and wife, JIMMIE A. BRATTON P.O. BOX 774 SALADO, TEXAS 76571 CALLED 10.00 ACRES
- Vol. 5204, Pg. 348 II. EUGENE TUCKER and wife, BRENDA TUCKER 8051 FOX ROAD BELTON, TEXAS 76513 CALLED 28.384 ACRES
- Doc. No. 2012-00032829 12. HOWARD ROBERT SARTOR P.O. BOX 812 SALADO, TEXAS 76571 CALLED 10.104 ACRES Doc. No. 2012-00032828
- 13. DAVID A. GOODE and TAMMY GOODE 5209 S. FORT HOOD STREET KILLEEN, TEXAS 76542 CALLED 5.00 ACRES Vol. 5318, Pq. 415
- 14. RAYMOND C. BRUBAKER and wife, WANDA E. BRUBAKER 5051 ELM GROVE ROAD BELTON, TEXAS 76513 CALLED 1.28 ACRES Vol. 4213, Pg. 436
- 15. BRUBAKER RAMILY REVOCABLE TRUST 5051 ELM GROVE ROAD BELTON, TEXAS 76513 CALLED 3.706 ACRES Vol. 4213, Pg. 436
- 16. EUGENE C. TUCKER and wife, BRENDA G. TUCKER 6000 S. CLEAR CREEK ROAD KILLEEN, TEXAS 76549 CALLED 100.00 ACRES Vol. 3010, Pg. 230

- 17. GREGORY LONG P.O. BOX 28 HEIDENHEIMER, TEXAS 76533 CALLED 16.26 ACRES
- Doc. No. 2007-00046718 EMILY MIKESKA TILLAYON LANE TEMPLE, TEXAS 76502
- 3410 GREENWAY STREET AUSTIN, TEXAS 78705 CALLED 3.392 ACRES
- 20. REGGIE HARGROVE and ANNETTE HARGROVE 386 E. AMITY ROAD SALADO, TEXAS 76571 CALLED 19.409 ACRES Vol. 4031, Pq. 636 LOT I, BLOCK I
- 21. HELGA VENUS 506 E. AMITY ROAD SALADO, TEXAS 76571 CALLED 19.409 ACRES Vol. 3954, Pa. 24 LOT 2, BLOCK I
- Cab. C, SI. 97-B 3410 GREENWAY STREET
- Doc. No. 2014-00001004 P.O. BOX 4784 AUSTIN, TEXAS 78765
- Vol. 2710, Pg. 419 24. JAMES R. MACANLISS and MARY MARKHAM 3505 SAINT JOHNS DRIVE DALLAS, TEXAS 75205
- 25. TXU ELECTRIC DELIVERY COMPANY 115 W. 7th STREET, STE. 725 FORT WORTH, TEXAS 76102
- CALLED 7.44 ACRES Doc. No. 2006-00016074 26. TXU ELECTRIC DELIVERY
- Vol. 5396, Pg. 178 Vol. 1306, Pg. 149 27. TXU ELECTRIC DELIVERY COMPANY 1601 BRYAN STREET
- CALLED 9.59 ACRES Doc. No. 2006-00014432 28. TERRELL TIMMERMANN P.O. BOX 4784
- AUSTIN, TEXAS 78765 CALLED 49.292 ACRES Vol. 2710, Pg. 423 29. WEST AMITY LAND
- 39 W. COVE VIEW TRAIL SPRING, TEXAS 77389 CALLED 3.00 ACRES Doc. No. 2010-00022617
- 39 M. COVE VIEW TRAIL SPRING, TEXAS 77389 CALLED 3.00 ACRES Doc. No. 2010-00022618
- 31. CC LAND DEVELOPMENT, LLC 39 W. COVE VIEW TRAIL SPRING, TEXAS 77389 CALLED 3.88 ACRES Doc. No. 2010-00022619
- 32. WEST AMITY LAND DEVELOPMENT, LLC Doc. No. 2010-00022620







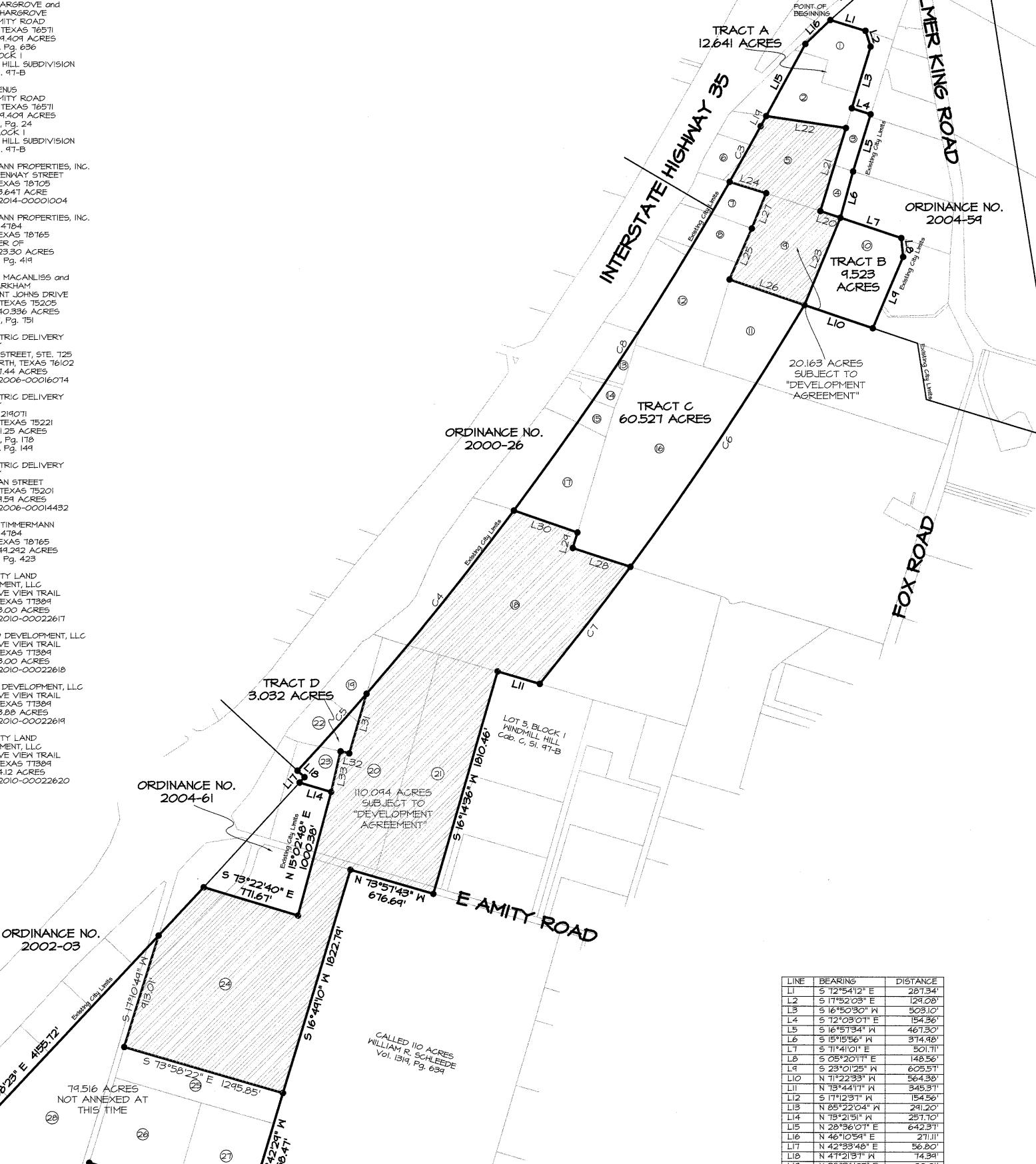
- WINDMILL HILL SUBDIVISION Cab. C, SI. 97-B
- WINDMILL HILL SUBDIVISION
- 22. TIMMERMANN PROPERTIES, INC. AUSTIN, TEXAS 78705 CALLED 3.647 ACRE
- 23. TIMMERMANN PROPERTIES, INC. REMAINDER OF CALLED 23.30 ACRES
- CALLED 40.336 ACRES Vol. 2227, Pg. 751
- COMPANY P.O. BOX 219071 DALLAS, TEXAS 75221 CALLED 11.25 ACRES
- DALLAS, TEXAS 75201
- DEVELOPMENT, LLC
- 30.CIO LAND DEVELOPMENT, LLC
- 39 W. COVE VIEW TRAIL SPRING, TEXAS 77389 CALLED 4.12 ACRES

2002-03

N 73°27'05"

WILD ROSE SUBDIVISION

15" W 1296.15"



ORDINANCE NO.

2000-17

LI9 N 28°36'07" E

L20 N 71°41'01" W

L2I N 17°05'02" E

L22 N 81°41'10" W L23 N 22°24'46" E

L24 5 72°55'36" E

L25 S 23°39'24" M

L26 5 71°22'33" E

L27 | 5 22°12'27" W

L28 N 72°07'02" W

L29 N 16°29'58" E

L30 N 71°06'59" W

L3I 5 16°12'43" W

L32 N 77°05'50" W

L33 | 5 | 2°57'27" W

N 29°10'21" E 1°08'29" N 38°53'28" E 4°12'55" N 41°55'25" E 1°50'59"

S 33°38'4|" M 5°24'55'

5 37°37'40" W 2°33'01"

N 33°15'48" E 7°02'25"

CURVE RADIUS ARC LENGTH CHORD LENGTH CHORD BEARING DELTA ANGLE

499.09'

808.79

2461.08

1159,39

3076.73

25054.88 499.10

25054.88 1843.34 25054.88 808.82

26048.25 2462.00

26048.25' 1159.48' 25054.88' 3078.67'

90.01

165.55

679.96

632.68

300.02

435.43

621.36

298.09

473.08

526.45

485.63

325.40

70.37

738.47

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 political subdivision for

The information contained hereon was provided by the Tax Appraisal District of Bell County, Texas

80

LIB

1.699 ACRES SUBJECT TO "DEVELOPMENT AGREEMENT"

(32)

N 74°15'20" W 1319.01'

3)

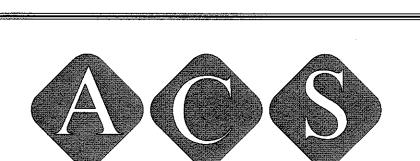
ORDINANCE NO.

2002-18

This sketch is to accompany a description of the herein shown 297.20 acre tract.



- Calculated Point



ALL COUNTY SURVEYING, INC.

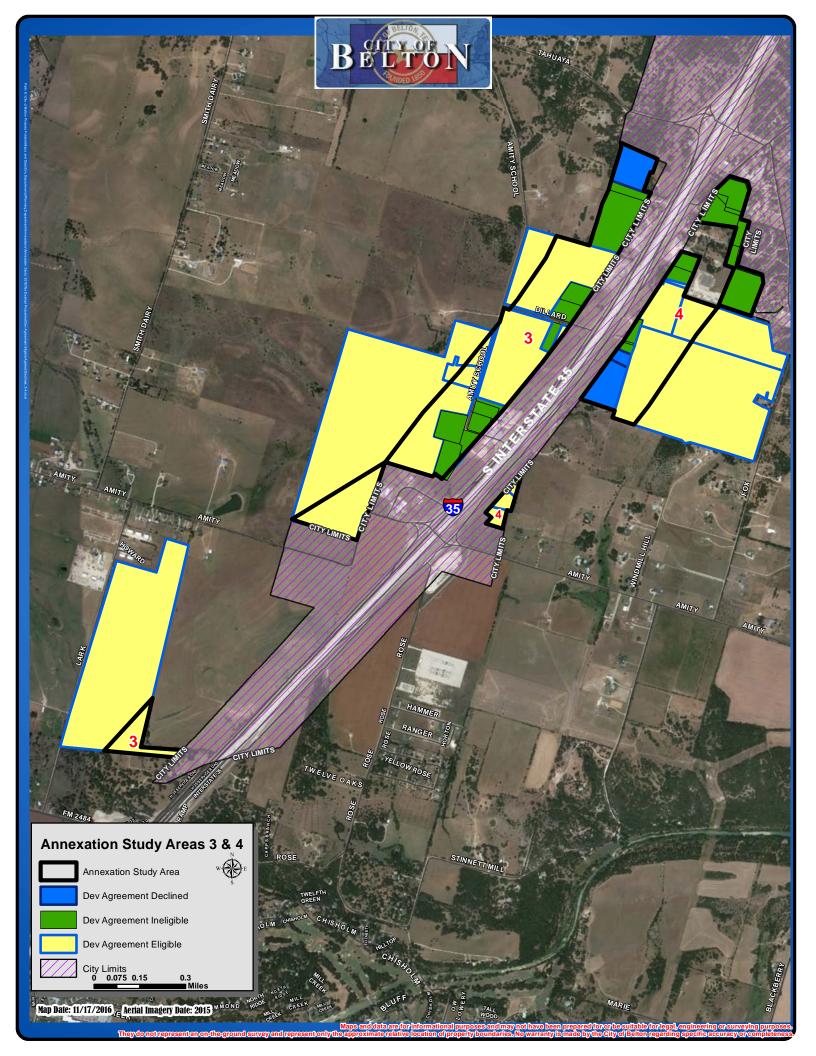
1303 South 21st Street Temple, Texas 76504 254-778-2272 Killeen 254-634-4636 Fax 254-774-7608 Tx. Firm Lic. No. 10023600

ANNEXATION STUDY 2016 - AREA 4-R 85.723 ACRES OF LAND

> (4 TRACTS OF LAND) FOR THE CITY OF BELTON, BELL COUNTY, TEXAS.

Plot Date: 11-16-2016 |" = 500¹ 160693 Dwg No. 160693-AREA 4-R Drawn by <u>SLW</u> Surveyor <u>CCL #4636</u>

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ANNEXATION STUDY: TRACT BY TRACT ANALYSIS AREA #4

<u>LOCATION/GENERAL DESCRIPTION OF LAND</u> – Area 4 contains approximately 318.71 acres, and is located south of the intersection of IH 35 and the Lampasas River. The tract extends along the east side of IH 35, measuring approximately 1,000 feet in width, and would add 1,000 additional feet to the current 1,000 foot total city limit width centered on IH 35. The tract extends southward along IH 35 south of Amity Road, and adjoins the Salado ETJ line.

OWNERSHIP/LAND USE – Low Density Residential/Commercial/Industrial

INFRASTRUCTURE/UTILITIES:

- STREET CONDITION PUBLIC/PRIVATE (Name/Condition) Current projected needs/cost of area to be annexed: Rose Lane is a public road and is rutting up and cracking. The subgrade is failing. Level up and double chip seal should extend the life of the road an additional 5 years. The road needs to be striped for safety. This estimated cost is \$34,432. Total reconstruction, using contractor's estimated pricing is estimated at \$760,320. Project reconstruction by city crews is estimated at \$440,000. E. Amity Road is in fair condition. In three years it will need a double course chip seal. This cost is estimated at \$10,000. Reconstruction is not needed until development occurs, and subdivision platting will partially fund this expense.
- DRAINAGE ISSUES A portion of this area may be within the 100-year floodplain at the Lampasas River.
 Current projected needs/cost of area to be annexed: No immediate issues. The drainage ditches along Rose Lane and E. Amity are in fair condition. ROW mowing in this area will add an additional 4 hours of equipment and manpower 3- 4 times per year.
- ELECTRICITY/CABLE/GAS (If known) There is electricity in the area.
- WATER (CCN)/AVAILABILITY Portion north of Amity Road is in Belton's water CCN, while the area south of Amity is in Salado WSC. Belton serves a few customers along West Amity from the Central Texas WSC. Between Amity and Tahuaya, water service is limited. On the east side of IH 35 the closest water is a 14" City water main between Shanklin and Tahuaya Road. Salado WSC serves the subdivision on Rose Lane. The properties south of E. Amity are in Salado WSC's CCN.
- SEWER (CCN)/AVAILABILITY Not currently in Belton's sewer CCN, but is part of the area proposed in the sewer CCN amendment currently under review. No sewer extensions are planned to serve this area in the near future.
- SOLID WASTE/BRUSH SERVICES Currently there are 12 homes in this area that will need service.

<u>NUMBER OF HOUSES</u> – 12 single family homes; 0 mobile/modular units; 0 multi-family buildings (0 units each estimated); TOTAL DWELLING UNITS: 12

ESTIMATED POPULATION – 12 d/u @ 2.5 persons per household = 30

AREA BUSINESSES:

- NUMBER 3
- BUSINESS NAMES/TYPES:
 - Silver Creek Stone Cast (sales, design and installation services for residential and commercial cast stone customers – business appears to be closed)
 - o Capital Pumping (concrete pumping)
 - o TXU Electric Delivery

APPROXIMATE DISTANCE FROM CITY SERVICES:

- <u>FIRE/EMS</u> 8.2 Miles from closest Fire Station; Response Time: 11 mins; Closest Fire Hydrant: Rose Lane & Hamer Drive (1 mile) Salado District; currently served by: Belton Fire Department and Salado Fire Department.
- <u>POLICE/ANIMAL CONTROL/CODE ENFORCEMENT</u> 7.5 Miles from Police Station; Police and Animal Control currently served by Bell County Sheriff; no code enforcement issues at this time.

THOROUGHFARE PLAN ISSUES:

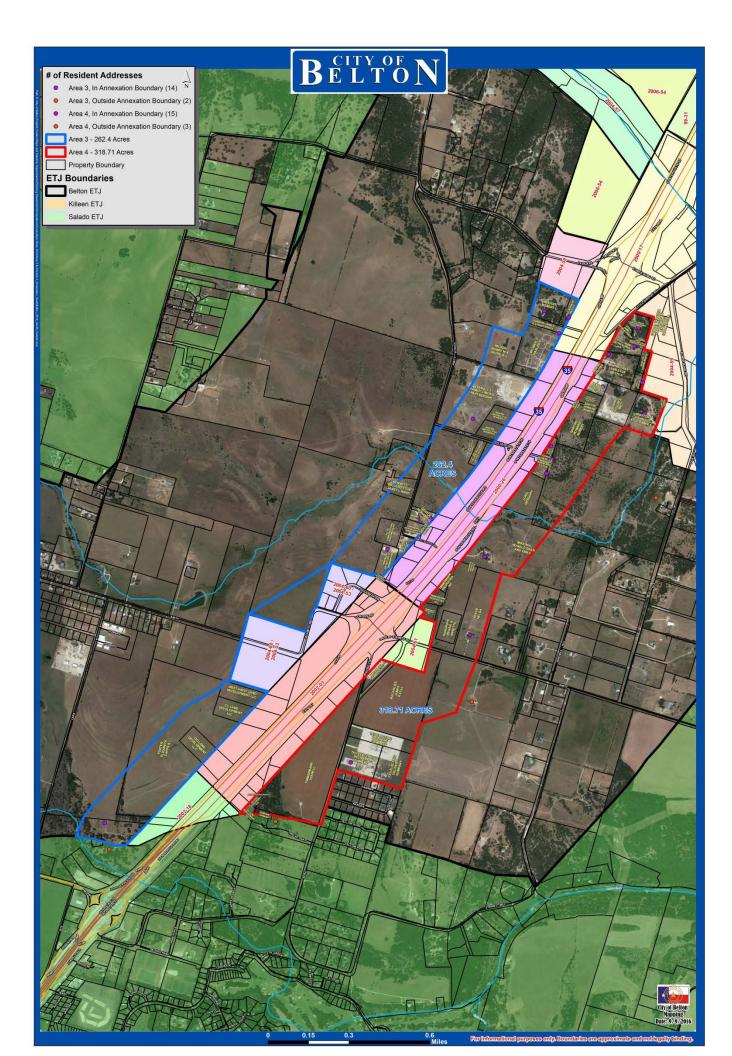
Amity Road: Minor Arterial – 100' ROW recommended
 Rose Lane: Minor Collector – 60' ROW recommended

CIP ISSUES:

N/A

OTHER SIGNIFICANT ISSUES:

- Sewer service will be challenging in the near term, but on-site disposal is possible subject to Director of Public Works and Bell County Health District.
- Water CCN is Belton's, although no City lines immediately available. The City has 100 acre feet in CTWSC System from Lake Stillhouse Hollow, available in line in Amity Road, but its use would require approval by BCWCID #1 Board.
- Wells also possible, subject to approval by Clearwater Underground Water District.
- Existing Salado ETJ southeast of Belton represents a jurisdictional challenge in this general vicinity.



ORDINANCE NO. 2016-53

AN ORDINANCE EXTENDING THE MUNICIPAL AND CORPORATE LIMITS OF THE CITY OF BELTON, TEXAS, 85.723 ACRES LOCATED SOUTH OF THE INTERSECTION OF IH 35 AND THE LAMPASAS RIVER, EXTENDING ALONG THE EAST SIDE OF IH 35, MEASURING APPROXIMATELY 1000' IN WIDTH AND EXTENDING SOUTHWARD ALONG IH 35 TO JUST NORTH OF W. AMITY ROAD; MAKING FINDINGS OF FACTS; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Belton (the "City") is a Texas home-rule municipal corporation;

WHEREAS, thirty (30) days or more prior to the date of the first public hearing required pursuant to §43.063, Tex. Loc. Gov't. Code, the City gave written notice of its intent to annex the property, as more particularly described hereinafter in this ordinance, to each property owner, according to the official records of Bell County, within the area proposed to be annexed, each public entity and private entity that provides services in the area, and each railroad company with right-of-way in the area;

WHEREAS, the property to be annexed contains fewer than one hundred (100) separate tracts of land on which one or more residential dwellings are located on each tract;

WHEREAS, the property to be annexed is contiguous with, adjacent to, and within one mile of the corporate limits of the City, and is not within the boundaries of any other city;

WHEREAS, two separate public hearings were conducted prior to consideration of this Ordinance in accordance with §43.063 of the Tex. Loc. Gov't Code;

WHEREAS, the hearings were conducted and held not more than forty (40) nor less than twenty (20) days prior to the institution of annexation proceedings;

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

WHEREAS, Ray and Betty Renfro and Renfro Utilities, Inc., have submitted Non-Annexation Development Agreements on two parcels located adjacent and east of IH 35, east of the Belton city limits, excluding these parcels from the annexation ordinance completely surrounding the area, and the City Council finds that surrounding the area is in the public interest;

WHEREAS, the City's exclusive jurisdiction is hereby extended to include all of the annexed area within the City limits and property within one mile of the annexed area within the City's extra-territorial jurisdiction; and

WHEREAS, the City intends to provide services to the property to be annexed according to the Municipal Service Plan attached hereto as Exhibit "A," and to add the area immediately to its Capital Improvement Planning process.

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

Section 1. <u>Findings of Fact.</u> All of the above premises, findings and recitals of fact are found to be true and correct and are incorporated into the body of this ordinance as findings of fact, as if copied herein in their entirety. Further statements of facts hereinafter made in the ordinance are incorporated as findings of fact by the City Council.

- A. That Belton's City Manager has reviewed the proposed annexation and has determined that municipal services identified in the Service Plan are available for the area proposed for incorporation.
- B. That the City Manager has found the municipal services proposed will provide a comparable level of municipal services for properties with similar topography, land use, and population density to properties currently located within the Belton city limits.
- C. That the property shall be immediately added to the City's Capital Improvement Planning process.
- D. That the property is hereby temporarily zoned in accordance with the Agricultural zoning district.

Section 2. That under the authority and provisions of Article II, Section 5 of the Home Rule Charter of the City of Belton, Texas, and certain laws of the State of Texas, including, but not limited to, Chapter 43 of the Local Government Code, the boundaries and limits of the City of Belton, Texas, are hereby extended so as to annex and include within the corporate limits of the City of Belton, Texas, 85.723 ACRES LOCATED SOUTH OF THE INTERSECTION OF IH 35 AND THE LAMPASAS RIVER, EXTENDING ALONG THE EAST SIDE OF IH 35, MEASURING APPROXIMATELY 1000' IN WIDTH AND EXTENDING SOUTHWARD ALONG IH 35 TO JUST NORTH OF W. AMITY ROAD, as shown on the map attached as Exhibit "B," and more particularly described by metes and bounds attached as Exhibit "C."

Section 3. That the official map and boundaries of the City, heretofore adopted and amended, be and hereby are amended so as to include the Annexed Property as part of the City of Belton.

Section 4. Upon first reading of this ordinance, the above described annexed area shall be a part of the City of Belton, Texas, and the jurisdiction of the City shall extend the extraterritorial jurisdiction of the City to create exclusive jurisdiction in all areas within one mile of the annexed area not within the legal jurisdiction of an existing City on the date of the first reading of this ordinance. The residents and property owners within the annexed area shall be entitled to all of the rights and privileges lawfully pertaining thereto as shown in the attached Service Plan, and shall be bound by the acts, ordinances, regulations and resolutions of said City.

Section 5. After publishing notices of public hearings in the Belton Journal and the Temple Daily Telegram on October 13, 2016 and October 20, 2016, and holding public hearings on October 25, 2016, and November 1, 2016, this ordinance is:

PASSED AND APPROVED on first reading at a regular meeting of the City Council of the City of Belton, Texas, held at the Harris Community Center, Belton, Texas on the 22nd day of November, 2016.

PASSED AND APPROVED on second reading at a regular meeting of the City Council of the City of Belton, Texas, held at the Harris Community Center, Belton, Texas, on the 13th day of December, 2016.

	Marion Grayson, Mayor
ATTEST:	
Amy M. Casey, City Clerk	-

CITY OF BELTON MUNICIPAL SERVICES PLAN

The area proposed for annexation consists of approximately 85.723 acres, south of the intersection of IH-35 and the Lampasas River, extending southward along the east side IH-35 south of Amity Road, and adjoining the Salado ETJ line.

Municipal Services to be Provided: The City will provide the following services, beginning immediately upon the effective date of the annexation. All the services will be provided at a service level that is equal or superior to the level of services in the area prior to the annexation.

<u>Police Protection</u>. Police protection personnel and equipment from the Belton Police Department shall be provided to the areas immediately upon the effective date of the annexation of the areas. Response to calls for police services, crime prevention programs and all other police services will be provided at the same level as provided to other areas of the City. Police enforcement and protection services shall be provided at the request of residents/property owners in the area.

<u>Animal Control</u>. The City shall provide animal control services immediately upon the effective date of the annexation of the area. These services encompass regular patrol by the animal control officer and response to animal nuisance problems from residents in the area.

<u>Fire and Emergency Medical Service (EMS) Protection</u>. Upon annexation, the City will provide fire and EMS response at the level provided inside the Belton city limits. The service level will be equal to or better than the current level, with the limitations of water available.

<u>Code Enforcement</u>. The City shall provide code enforcement services immediately upon annexation to include response to complaints of weedy lot violations, junked vehicles, sign violations, and other similar general city code violations.

<u>Fire Prevention</u>. All of the services performed by the City's Fire Marshal shall be provided immediately upon the effective date of the annexation of the areas.

<u>Planning, Zoning and Development Review.</u> The area will automatically be zoned Agricultural on the effective date of annexation. In conjunction with review of Comprehensive Plan, a land use plan will be developed and permanent zoning established under the process specified by the City's Zoning Ordinance. In the interim, the Planning & Zoning Commission and the City Council will consider zoning and rezoning tracts of the property in response to landowner requests. Subdivision plat review will occur in the City and in Belton's extraterritorial jurisdiction in order to ensure orderly development of land, reduce flood potential, achieve efficient operation of public facilities and services, and provide accurate description and addressing of property.

<u>Code Compliance</u>. Immediately upon the annexation becoming effective, building inspection activities will be available. The Building Official shall provide consultation with the project

developers, independent contractors and homeowners for building code requirements, plan review for structures in the area, and on-site inspection services as needed, to include evaluation of hazardous and dilapidated buildings.

<u>Library</u>. Residents within the newly annexed areas shall be provided all services available at Belton's Lena Armstrong Public Library.

<u>Parks and Recreation</u>. All City of Belton public parks, facilities, and resources shall be available to residents of the annexed area.

Streets and Drainage. Existing dedicated public streets and drainage structures and courses maintained by Bell County will be maintained by the City of Belton at their current or better level of improvement with like topography, land use, and density as those found within the City. Private streets are not maintained by the City. Roadways maintained by the Texas Department of Transportation (TxDOT) will continue to be maintained by TxDOT. Maintenance of streets and rights-of-way shall be as follows:

- (1) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.
- (2) Routine maintenance and right-of-way mowing as presently performed within City.
- (3) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies.
- (4) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards.
- (5) Installation and maintenance of street lighting in accordance with established policies of the City.
- (6) The City will enforce drainage requirements in the Subdivision Ordinance and related standards.
- (7) Private streets will remain the responsibility of record owners or the homeowners association and as such be maintained by the responsible party.

<u>Sanitation and Recycling</u>. Sanitation and recycling service will be immediately available to residential customers in accordance with existing City ordinances. Residents in the newly annexed area may select to continue service with their current service provider for up to two years, or switch to the City's service, currently provided by contract with Waste Management, Inc. After the second anniversary of the annexation date, the City will provide the service at City rates. Residents will be contacted with information regarding how to obtain sanitation and recycling service, and efforts will be made to coordinate any transition of service.

Sanitation service will be immediately available to non-residential customers through any of the commercial services franchised by the City. Non-residential customers are responsible for obtaining commercial service.

<u>Brush Collection Services</u>. Brush collection services shall be provided to residents in the same manner and at the same rate as provided for other residents within the City of Belton.

<u>Water Service/Distribution.</u> The area proposed for annexation is located within the certificated area of two water districts: the **City of Belton** is responsible for water service on the north side of Amity Road, and the **Salado Water Supply Corporation** is responsible for water service on the south side of Amity Road, subject to the City's water extension policies. Water service, by the Salado Water Supply Corporation or the City of Belton, will be subject to regulation by the City of Belton as it relates to development standards and design requirements.

<u>Wastewater Service/Collection</u>. (<u>NOTE:</u> Pending Sewer CCN Service Area, subject to Public Utility Commission approval.) Wastewater services are available for extension to the area proposed for annexation in the same manner as they are available in the other locations within the City of Belton, in accordance with the City's wastewater extension policies, subject to pending sewer CCN proposal before the Public Utilities Commission. The developer or property owner is responsible for funding extension and connection to the municipal system in accordance with the City's subdivision regulations and extension policies.

<u>Environmental Health</u>. Immediately upon the effective date of the annexation, the City's environmental health ordinances and regulations shall be applicable to the annexed areas. All health related matters are handled for the City by the Bell County Health District.

Maintenance of Parks, Playgrounds, and Swimming Pools. The City is not aware of the existence of any publicly owned parks, playgrounds or swimming pools now located in the proposed areas 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 density as those found within the newly annexed areas. Private facilities will remain under the ownership of the homeowners association and as such maintained by the association.

Maintenance of any Publicly owned Facility, Building or Municipal Service. The City is not aware of the existence of any other publicly owned facility, building, or other municipal service now located in the proposed areas of annexation. In the event any other 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.

<u>Services</u>, <u>Funding and City Policies</u>. All services which require expenditure of public funds are subject to annual appropriations by the City Council. Copies of City policies are available in the City Clerk's office upon request.

Construction of Capital Improvements To Be Completed Within 2½ Years.

1. <u>Trunk Sewer Line</u>. A trunk sewer line is currently in design and is planned for placement along the east side of IH-35, north of this Study Area. This trunk line will be available for extension to developing properties in the same manner as they are available in other

- locations within the City in accordance with City extension policies. Line construction is scheduled to begin in 2017 and service will be available by June 30, 2019.
- 2. Police and Fire Protection and Solid Waste Collection. The City 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 areas for the purpose of providing police protection, fire protection, emergency medical services 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 with like topography, land use and population density as those found within the newly annexed areas.
- 3. Water/Wastewater Facilities Other than the Trunk Sewer Line Identified above in No.1. A one million gallon elevated water storage tank is planned on existing City property in Northwest Belton. Belton's third water storage tank will enhance water service throughout the City including water flow and pressures, storage for fire protection, and additional capacity during maintenance. This tank will be available by June 30, 2019. For the next 2 ½ years, the City finds and determines that there is sufficient capacity to provide water services to the annexed areas pursuant to the City's extension policies in compliance with current CCN for the City of Belton. The now existing water mains at existing locations shall be available for the point of use extension based upon the 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 and subject to approval by the Public Works Director/Bell County Health District.

- 4. Roads and Streets. The City 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 areas.
- 5. Parks, Playgrounds, and Swimming Pools and Any Other Publicly Owned Facility, Building, or Service. An expansion of the City's hike and bike trail network totaling approximately 0.8 mile, and extending from University Blvd to the proposed Sparta Road roundabout, will connect with the City's existing trail system for a total projected length of 2.8 miles. This trail will be available by June 30, 2019.

<u>Specific Findings</u>. Belton, Texas, 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 areas being considered for annexation than 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 areas will be equivalent to those provided to other areas of the City with similar characteristics.

<u>Terms</u>. This plan shall be valid for a term of 10 years. Renewal of the Service Plan is at the discretion of the City of Belton.

<u>Level of Service</u>. 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.

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

The area will be immediately included in the planning and development of the City's Capital Improvements Plan (CIP).

Exhibit "B"

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KING

ORDINANCE NO.

2004-59

ORDINANCE NO.

2000-17

POINT OF

1

TRACT B

9.523

ACRES

20.163 ACRES

SUBJECT TO

"DEVELOPMENT

AGREEMENT

S 33°38'4|" M 5°24'55'

5 37°37'40" W 2°33'01"

N 33°15'48" E 7°02'25"

TRACT A

12,641 ACRES

by,

(4 TRACTS OF LAND) FOR THE CITY OF BELTON, BELL COUNTY, TEXAS.

- I. TABATHA ANNE GOBLE and CRAIG STEWART GILLMEISTER 7037 TOLL BRIDGE ROAD BELTON, TEXAS 76513 CALLED 4.99 ACRES Doc. No. 2015-00018351 LOT I, BLOCK I TOLL BRIDGE ESTATES SUBDIVISION Cab. D, SI. 382-A
- 2. JAMIE L. STALL and husband, ALFRED G. STALL 724I TOLL BRIDGE ROAD BELTON, TEXAS 76513 CALLED 5.182 ACRES Doc No. 2013-00002336 LOT 2, BLOCK I TOLL BRIDGE ESTATES SUBDIVISION
- 3. DARREN MARTIN SCHILLER 361 ELMER KING ROAD BELTON, TEXAS 76513 CALLED 1.584 ACRES Doc. No. 2009-00036831

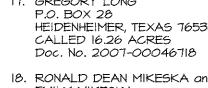
Cab. D, Sl. 382-A

4. GARY DEAN SCHILLER, JR. 365 ELMER KING ROAD BELTON, TEXAS 76513 CALLED 8.7 ACRES

Doc. No. 2009-00047597

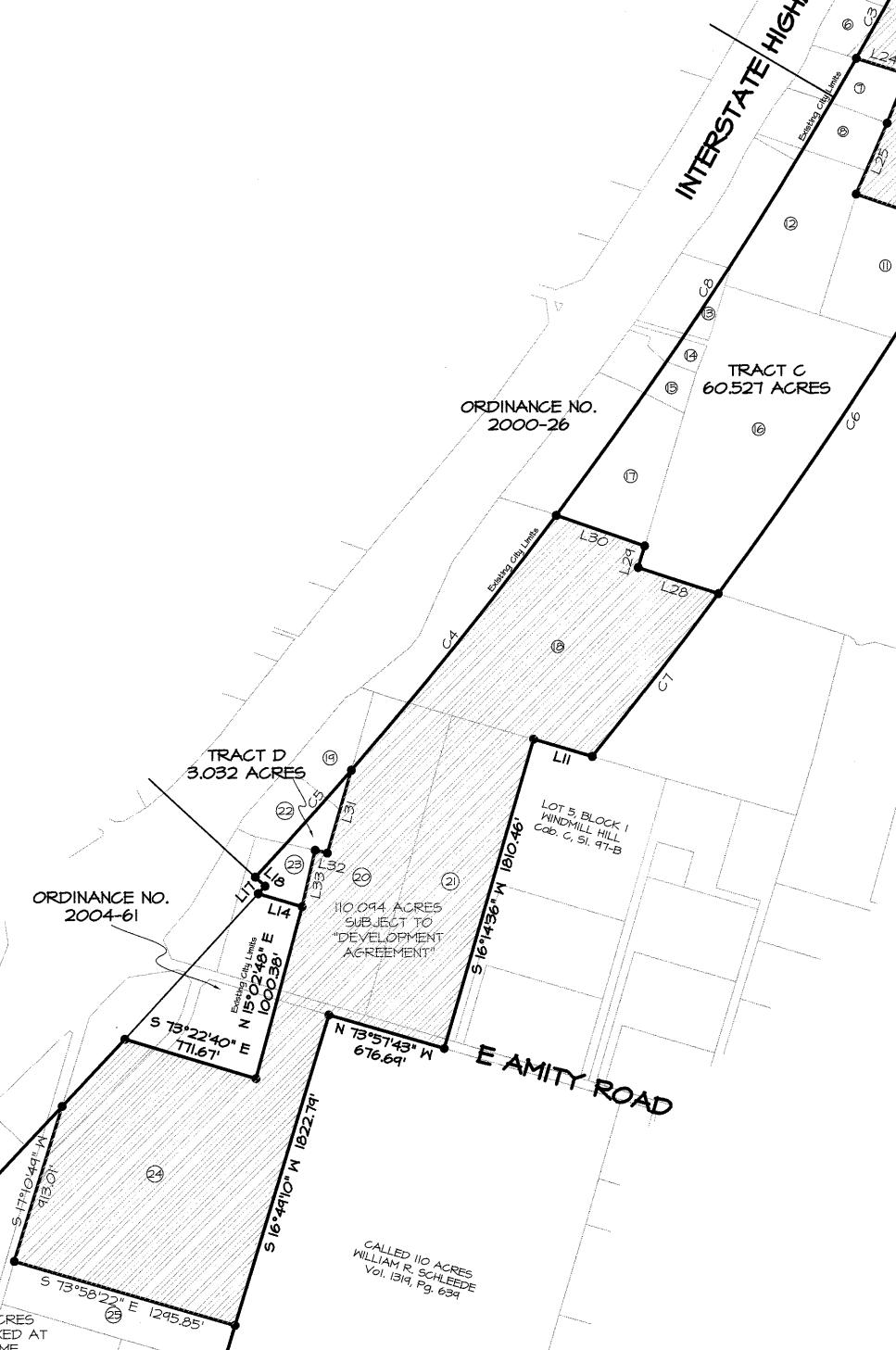
- 5. RAY LYNN RENFRO and wife, BETTY A. RENFRO 7371 TOLL BRIDGE ROAD BELTON, TEXAS 76513 REMAINDER OF CALLED 14.00 ACRES
- Vol. 3482, Pg. 47 6. RENERO UTILITIES, INC. 7411 TOLL BRIDGE ROAD BELTON, TEXAS 76513 CALLED 2.70 ACRE
- Vol. 5004, Pg. 91 7. RENFRO UTILITIES, INC. 7411 TOLL BRIDGE ROAD BELTON, TEXAS 76513 CALLED 5.00 ACRES Vol. 3710, Pg. 462
- 8. FERN LOUISE VICKERS REVOCABLE LIVING TRUST 1702 N. BURNS AVENUE CAMERON, TEXAS 76520 CALLED 5.00 ACRES Vol. 5147, Pg. 569
- 9. RENFRO UTILITIES, INC. 7411 TOLL BRIDGE ROAD BELTON, TEXAS 76513 CALLED 10.370 ACRES Vol. 4015, Pg. 256
- 10. JOHNNY D. BRATTON and wife, JIMMIE A. BRATTON P.O. BOX 774 SALADO, TEXAS 76571 CALLED 10.00 ACRES Vol. 5204, Pg. 348
- II. EUGENE TUCKER and wife, BRENDA TUCKER 8051 FOX ROAD BELTON, TEXAS 76513 CALLED 28.384 ACRES Doc. No. 2012-00032829
- 12. HOWARD ROBERT SARTOR P.O. BOX 812 SALADO, TEXAS 76571 CALLED 10.104 ACRES Doc. No. 2012-00032828
- 13. DAVID A. GOODE and TAMMY GOODE 5209 S. FORT HOOD STREET KILLEEN, TEXAS 76542 CALLED 5.00 ACRES Vol. 5318, Pq. 415
- 14. RAYMOND C. BRUBAKER and wife, WANDA E. BRUBAKER 5051 ELM GROVE ROAD BELTON, TEXAS 76513 CALLED 1.28 ACRES Vol. 4213, Pg. 436
- 15. BRUBAKER RAMILY REVOCABLE TRUST 5051 ELM GROVE ROAD BELTON, TEXAS 76513 CALLED 3.706 ACRES Vol. 4213, Pg. 436
- 16. EUGENE C. TUCKER and wife, BRENDA G. TUCKER 6000 S. CLEAR CREEK ROAD KILLEEN, TEXAS 76549 CALLED 100.00 ACRES Vol. 3010, Pg. 230

- 17. GREGORY LONG P.O. BOX 28 HEIDENHEIMER, TEXAS 76533 CALLED 16.26 ACRES
- 20. REGGIE HARGROVE and ANNETTE HARGROVE 386 E. AMITY ROAD SALADO, TEXAS 76571 CALLED 19.409 ACRES Vol. 4031, Pq. 636 LOT I, BLOCK I
- 21. HELGA VENUS 506 E. AMITY ROAD SALADO, TEXAS 76571 CALLED 19.409 ACRES Vol. 3954, Pa. 24 LOT 2, BLOCK I
- Cab. C, SI. 97-B 22. TIMMERMANN PROPERTIES, INC. 3410 GREENWAY STREET AUSTIN, TEXAS 78705
- Doc. No. 2014-00001004 23. TIMMERMANN PROPERTIES, INC. P.O. BOX 4784 AUSTIN, TEXAS 78765 REMAINDER OF
- Vol. 2710, Pg. 419 24. JAMES R. MACANLISS and MARY MARKHAM 3505 SAINT JOHNS DRIVE
- 25. TXU ELECTRIC DELIVERY COMPANY 115 W. 7th STREET, STE. 725 FORT WORTH, TEXAS 76102
- CALLED 7.44 ACRES Doc. No. 2006-00016074 26. TXU ELECTRIC DELIVERY COMPANY P.O. BOX 219071
- 27. TXU ELECTRIC DELIVERY COMPANY 1601 BRYAN STREET DALLAS, TEXAS 75201
- 28. TERRELL TIMMERMANN P.O. BOX 4784 AUSTIN, TEXAS 78765 CALLED 49.292 ACRES
- 29. WEST AMITY LAND DEVELOPMENT, LLC 39 W. COVE VIEW TRAIL SPRING, TEXAS 77389 CALLED 3.00 ACRES
- 39 M. COVE VIEW TRAIL SPRING, TEXAS 77389
- SPRING, TEXAS 77389 CALLED 3.88 ACRES
- 32. WEST AMITY LAND DEVELOPMENT, LLC SPRING, TEXAS 77389 CALLED 4.12 ACRES Doc. No. 2010-00022620



- 18. RONALD DEAN MIKESKA and EMILY MIKESKA TILLAYON LANE TEMPLE, TEXAS 76502 CALLED 66.01 ACRES
- Vol. 1844, Pg. 409 19. TIMMERMANN PROPERTIES, INC. 3410 GREENWAY STREET AUSTIN, TEXAS 78705 CALLED 3.392 ACRES Doc. No. 2014-00001005
- WINDMILL HILL SUBDIVISION Cab. C, SI. 97-B
- WINDMILL HILL SUBDIVISION
- CALLED 3.647 ACRE
- CALLED 23.30 ACRES
- DALLAS, TEXAS 75205 CALLED 40.336 ACRES Vol. 2227, Pg. 751
- DALLAS, TEXAS 75221 CALLED 11.25 ACRES Vol. 5396, Pg. 178 Vol. 1306, Pg. 149
- CALLED 9.59 ACRES Doc. No. 2006-00014432
- Vol. 2710, Pg. 423
- Doc. No. 2010-00022617 30.CIO LAND DEVELOPMENT, LLC CALLED 3.00 ACRES
- Doc. No. 2010-00022618 31. CC LAND DEVELOPMENT, LLC 39 W. COVE VIEW TRAIL
- Doc. No. 2010-00022619 39 W. COVE VIEW TRAIL

ORDINANCE NO. 2002-03



LINE BEARING DISTANCE LI 5 72°54'12" E 287.34 L2 5 17°52'03" E 129.08 L3 5 16°50'30" W 503.101 L4 9 72°03'07" E 154.36 L5 | S | 6°57'34" W 467.301 S 15°15'56" W 374.98 L7 5 71°41'01" E 501.71 L8 5 05°20'|7" E 148.56 L9 S 23°01'25" W 605.57 LIO N 71°22'33" W 564.38 79.516 ACRES N 73°44'17" W 345.37 LI2 5 17°12'37" W NOT ANNEXED AT 154.56 LI3 N 85°22'04" M 291,20' THIS TIME LI4 N 73°21'51" W 257.70 LI5 N 28°36'07" E 642.37 29 LI6 N 46°10'59" E 271.11 LI7 N 42°33'48" E 56.80 27 LI8 N 47°21'37" W 74.39 LI9 N 28°36'07" E 90.01 N 73°27'05" L20 N 71°41'01" W 165.55 L2I N 17°05'02" E 679.96 15" W 1296.15" 632.68 L22 N 81°41'10" W L23 N 22°24'46" E 738.47 L24 5 72°55'36" E 300.02 80 L25 S 23°39'24" W 435.43 L26 5 71°22'33" E 621.36 3) L27 | 5 22°12'27" W 298.09 ORDINANCE NO. L28 N 72°07'02" W 473.08 2002-18 L29 N 16°29'58" E N 74°15'20" W 1319.01' L30 N 71°06'59" W 526.45 LIB L3I 5 16°12'43" W 485.63 L32 N 77°05'50" W 70.37 (32) L33 | 5 | 2°57'27" W 325.40 WILD ROSE SUBDIVISION 1.699 ACRES SUBJECT TO "DEVELOPMENT AGREEMENT" CURVE RADIUS ARC LENGTH CHORD LENGTH CHORD BEARING DELTA ANGLE N 29°10'21" E 1°08'29" N 38°53'28" E 4°12'55" N 41°55'25" E 1°50'59" 25054.88 499.10 499.09' 25054.88 1843.34 25054.88 808.82 808.79

- Calculated Point

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 political subdivision for

The information contained hereon was provided by the Tax Appraisal District of Bell County, Texas

This sketch is to accompany a description of the herein shown 297.20 acre tract.

ALL COUNTY SURVEYING, INC.

1303 South 21st Street Temple, Texas 76504 254-778-2272 Killeen 254-634-4636 Fax 254-774-7608 Tx. Firm Lic. No. 10023600

ANNEXATION STUDY 2016 - AREA 4-R 85.723 ACRES OF LAND

26048.25 2462.00

26048.25' 1159.48' 25054.88' 3078.67'

2461.08

1159,39

3076.73

(4 TRACTS OF LAND) FOR THE CITY OF BELTON, BELL COUNTY, TEXAS.

Plot Date: 11-16-2016 |" = 500¹ 160693 Dwg No. 160693-AREA 4-R Drawn by <u>SLW</u>

Surveyor <u>CCL #4636</u> Copyright 2016 All County Surveying, inc

November 16, 2016

Surveyor's Field Notes for:

3.032 ACRES, situated in the **G. F. LANKFORD SURVEY**, **ABSTRACT 510**, Bell County, Texas, embracing a portion of a called 3.392 Acre tract conveyed to Timmermann Properties, Inc. in Document No. 2014-00001005, Official Public Records of Real Property, Bell County, Texas, a portion of a called 3.647 Acre tract conveyed to said Timmermann Properties, Inc. in Document No. 2014-00001004, Official Public Records of Real Property, Bell County, Texas, and a portion of a called 23.30 Acre tract conveyed to Timmermann Properties, Inc. in Volume 2710, Page 419, Official Public Records of Real Property, Bell County, Texas, and being more particularly described as follows:

BEGINNING at a calculated point on the east line of said 3.392 Acre tract, where said east line intersects with the east line of the existing city limits of the City of Belton, same being the west line of Lot 1, Block 1, Windmill Hill Subdivision, an addition in Bell County, Texas, according to the plat of record in Cabinet C, Slide 97-B, Plat Records of Bell County, Texas, for the north corner of the herein described tract;

THENCE, in a southerly direction, with the west line of said Lot 1, same being the east line of said Timmermann Properties, Inc. tracts, **S** 16° 12' 43" W - 485.63', a calculated point, **N** 77° 05' 50" W - 70.37', a calculated point, and **S** 12° 57' 27" W - 325.40', to a calculated point, for the southeast corner of the herein described tract;

THENCE, in a westerly direction, severing said Timmermann 23.30 Acre tract, with the north line of the existing city limits of said City of Belton, as per Ordinance No. 2004-61, **N 73° 21' 51" W – 257.70'**, to a calculated point on the eastern line of said existing city limits;

THENCE, in a northeasterly direction, with the east line of said existing city limits, **N 42° 33' 48" E** – **56.80'**, a calculated point;

THENCE, in a northwesterly direction, continuing with the eastern line of said existing city limits, $N 47^{\circ} 21' 37'' W - 74.39'$, to a calculated point.

THENCE, in a northeasterly direction, with the eastern line of said City of Belton city limits, with a curve to the left; having a radius of **25054.88**′, a delta angle of **01° 50′ 59″**, and a long chord which bears **N 41° 55′ 25″ E – 808.79′**; an arc length of **808.82**′, to the **POINT OF BEGINNING** and containing 3.032 Acres of Land.

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 political subdivision for which it was prepared.

This description to accompany a sketch of the herein described 3.032 Acre tracks

ALL COUNTY SURVEYING, INC. 1-800-749-PLAT

Tx. Firm Lic. No. 10023600

server/projects/pro160000/160600/160693/160693-AREA 4-R-TRACT 4.doc

Charles C. Lucko
Registered Professional Land Surveyor
Registration No. 4636

REGISTERED

CHARLES C. LUCKO

November 16, 2016

Surveyor's Field Notes for:

60.527 ACRES, situated in the **G. F. LANKFORD SURVEY, ABSTRACT 510**, Bell County, Texas, embracing all of or a portion of the following tracts,

1. a called 5.00 Acre tract conveyed to Renfro Utilities, Inc. in Volume 3710, Page 462, Official Public Records of Real Property, Bell County, Texas,

2. a called 5.00 Acre tract conveyed to the Fern Louise Vickers Revocable Living Trust in Volume 5147, Page 569, Official Public Records of Real Property, Bell County, Texas,

3. a called 28.384 Acre tract conveyed to Eugene Tucker and wife, Brenda Tucker in Document No. 2012-00032829, Official Public Records of Real Property, Bell County, Texas,

 a called 10.104 Acre tract conveyed to Howard Robert Sartor in Document No. 2012-00032828, Official Public Records of Real Property, Bell County, Texas,

5. a called 5.00 Acre tract conveyed to David A. Goode and Tammy Goode in Volume 5318, Page 415, Official Public Records of Real Property, Bell County, Texas,

 a called 1.28 Acre tract conveyed to Raymond C. Brubaker and wife, Wanda E. Brubaker in Volume 4213, Page 436, Official Public Records of Real Property, Bell County, Texas,

7. a called 3.706 Acre tract conveyed to the Brubaker Family Revocable Trust in Volume 4213, Page 436, Official Public Records of Real Property, Bell County, Texas,

8. a called 100.00 Acre tract conveyed to Eugene C. Tucker and wife, Brenda G. Tucker in Volume 3010, Page 230, Official Public Records of Real Property, Bell County, Texas,

9. a called 16.26 Acre tract conveyed to Gregory Long in Document No. 2007-00046718, Official Public Records of Real Property, Bell County, Texas, and being more particularly described as follows:

BEGINNING at a calculated point on the north line of said 5.00 Acre Renfro Utilities tract, being on the existing city limits of the City of Belton, and being on the south line of a called 14.00 Acre tract conveyed to Ray Lynn Renfro and wife, Betty A. Renfro in Volume 3482, Page 47, Official Public Records of Real Property, Bell County, Texas, for the northwest corner of the herein described tract;

THENCE, in an easterly direction, with the south line of said Renfro tract, **S 72° 55' 36" E – 300.02'**, to a calculated point at the northwest corner of a called 10.370 Acre tract conveyed to Renfro Utilities, Inc. in Volume 4015, Page 256, Official Public Records of Real Property, Bell County, Texas, for the northernmost northeast corner of the herein described tract;

THENCE, in a southerly direction, with the west line of said 10.370 Acre tract, **S 22° 12' 27" W** – **298.09'**, a calculated point and S 23° 39' 24" W – 435.43', to a calculated point at the northwest corner of said 28.384 Acre Tucker tract, for an interior corner of the herein described tract;

Surveyor's Field Notes for 60.527 ACRES (continued):

THENCE, in an easterly direction, with the north line of said 28.384 Acre tract, same being the south line of said Renfro Utilities 10.370 Acre tract, **S 71° 22' 33" E – 621.36'**, to a calculated point, for the easternmost northeast corner of the herein described tract;

THENCE, in a southerly direction, severing said Tucker 28.384 Acre tract and said Tucker 100.00 Acre tract, with a curve to the right; having a radius of **26048.25**', a delta angle of **05° 24' 55"**, and a long chord which bears **S 33° 38' 41" W – 2461.08'**; an arc length of **2462.00'**, to a calculated point on the north line of a called 66.01 Acre tract conveyed to Ronald Dean Mikeska and Emily Mikeska in Volume 1844, Page 409, Deed Records of Bell County, Texas, for the southeast corner of the herein described tract;

THENCE, in a westerly direction, with the north line of said 66.01 Acre tract, **N 72° 07' 02" W – 473.08'**, a calculated point, **N 16° 29' 58" E – 127.11'**, a calculated point at the southeast corner of said Gregory Long 16.26 Acre tract, and **N 71° 06' 59" W – 526.45'**, to a calculated point on the east line of said existing city limits, for the southwest corner of the herein described tract;

THENCE, in a northeasterly direction, with the eastern line of said City of Belton city limits, with a curve to the left; having a radius of **25054.88**′, a delta angle of **07° 02′ 25″**, and a long chord which bears **N 33° 15′ 48″ E – 3076.73**′; an arc length of **3078.67**′, to the **POINT OF BEGINNING** and containing 60.527 Acres of Land.

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 political subdivision for which it was prepared.

This description to accompany a sketch of the herein described 60.527 Acrestos

ALL COUNTY SURVEYING, INC. 1-800-749-PLAT

Tx. Firm Lic. No. 10023600

server/projects/pro160000/160600/160693/160693-AREA 4-R-TRACT 3.doc

Charles C. Lucko
Registered Professional Land Surveyor
Registration No. 4636

November 16, 2016

Surveyor's Field Notes for:

9.523 ACRES, situated in the **G. F. LANKFORD SURVEY**, **ABSTRACT 510** and the **FELIPPI MADRIGAL SURVEY**, **ABSTRACT 554**, Bell County, Texas, embracing a portion of a called 10.00 Acre tract conveyed to Johnny D. Bratton and wife, Jimmie A. Bratton in Volume 5204, Page 348, Official Public Records of Real Property, Bell County, Texas,

BEGINNING at a calculated point at the northwest corner of said 10.00 Acre tract, same being on the south line of a called 8.7 Acre tract conveyed to Gary Dean Schiller, Jr. in Document No. 2009-00047597, Official Public Records of Real Property, Bell County, Texas, also being the northeast corner of the remainder of a called 14.00 Acre tract conveyed to Renfro Utilities, Inc. in Volume 4015, Page 256, Official Public Records of Real Property, Bell County, Texas, and being an interior corner of the existing city limits boundary of the City of Belton, for the northwest corner of the herein described tract;

THENCE, in an easterly direction, with the north line of said 10.0 Acre Bratton tract, same being the south line of said Schiller tract, **S 71° 41' 01" E – 501.71'**, to a calculated point;

THENCE, in a southerly direction, severing said Bratton tract, and continuing with said existing city limits, **S 05° 20' 17" E – 148.56'**, to a calculated point on the east line of said Bratton tract;

THENCE, in a southerly direction, continuing with the east line of said Bratton tract, with said existing city limits, **S 23° 01' 25" W – 605.57'**, to a calculated point on the north line of a called 28.384 Acre tract conveyed to Eugene Tucker and wife, Brenda Tucker in Document No. 2012-00032829, Official Public Records of Real Property, Bell County, Texas, for the southeast corner of the herein described tract;

THENCE, in a westerly direction, with the north line of said 28.384 Acre tract, leaving said existing city limits line, **N 71° 22' 33" W – 564.38'**, to a calculated point at the southwest corner of said Bratton tract, same being the southeast corner of said Renfro Utilities tract, for the southwest corner of the herein described tract;

THENCE, in a northerly direction, with the east line of said 14.00 Acre tract, **N 22° 24' 46" E – 738.47'**, to the **POINT OF BEGINNING** and containing 9.523 Acres of Land.

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 political subdivision for which it was prepared.

This description to accompany a sketch of the herein described 9.523 Acre tract.

ALL COUNTY SURVEYING, INC. 1-800-749-PLAT

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server/projects/pro160000/160600/160693/160693-AREA 4-R-TRACT 2.doc

Charles C. Lucko
Registered Professional Land Surveyor
Registration No. 4636

EGISTERED

CHARLES C. LUCKO

4636

November 16, 2016

Surveyor's Field Notes for:

12.641 ACRES, situated in the G. F. LANKFORD SURVEY, ABSTRACT 510 and the FELIPPI MADRIGAL SURVEY, ABSTRACT 554, Bell County, Texas, embracing all of or a portion of the following tracts,

- 1. a called 4.99 Acre tract, being Lot 1, Block 1, Toll Bridge Estates Subdivision, an addition in Bell County, Texas, according to the plat of record in Cabinet D, Slide 382-A, Plat Records of Bell County, Texas, as conveyed to Tabatha Anne Goble and Craig Stewart Gillmeister in Document No. 2015-00018351, Official Public Records of Real Property, Bell County, Texas,
- 2. a called 5.182 Acre tract, being Lot 2, Block 1, Toll Bridge Estates Subdivision, an addition in Bell County, Texas, according to the plat of record in Cabinet D, Slide 382-A, Plat Records of Bell County, Texas, as conveyed to Jamie L. Stall and husband, Alfred G. Stall in Document No. 2013-00002336, Official Public Records of Real Property, Bell County, Texas,

3. a called 1.584 Acre tract conveyed to Darren Martin Schiller in Document No. 2009-00036831,

Official Public Records of Real Property, Bell County, Texas, and

4. a called 8.7 Acre tract conveyed to Gary Dean Schiller, Jr. in Document No. 2009-00047597, Official Public Records of Real Property, Bell County, Texas, , and being more particularly described as follows:

BEGINNING at a calculated point at the northwest corner of said 4.99 Acre Goble tract, being Lot 1, Block 1, Toll Bridge Estates Subdivision, being on the east line of Toll Bridge Road, for the northwest corner of the herein described tract:

THENCE, in an easterly direction, with the north line of said Lot 1, with the existing city limits of the City of Belton, S 72° 54' 12" E - 287.34', to a calculated point,

THENCE, in a southeasterly direction, severing said Lot 1, with the existing city limits line, S 17° 52' 03" E - 129.08', to a calculated point;

THENCE, in a southerly direction, with the east line of said Lot 1, and the east line of said Lot 2, S 16° 50' 30" W - 503.10', to a calculated point at the northwest corner of said 1.584 Acre Schiller tract, for an interior corner of the herein described tract;

THENCE, in an easterly direction, with said Schiller tract, S 72° 03' 07" E - 154.36', to a calculated point;

THENCE, in a southerly direction, continuing to follow the existing city limits line, S 16° 57' 34" W -467.30', a calculated point, and S 15° 15' 56" W - 374.98', to a calculated point on the north line of a called 10.00 Acre tract conveyed to Johnny D. Bratton and wife, Jimmie A, Bratton in Volume 5204, Page 348, Official Public Records of Real Property, Bell County, Texas, same being the northeast corner of a called 10.370 Acre tract conveyed to Renfro Utilities, Inc. in Volume 4015, Page 256, Official Public Records of Real Property, Bell County, Texas, for the southeast corner of the herein described tract:

Surveyor's Field Notes for 12.641 ACRES (continued):

THENCE, in a westerly direction, with the north line of said 10.370 Acre tract, **N 71° 41′ 01″ W – 165.55′**, to a calculated point at the southwest corner of said 8.7 Acre Schiller tract, for the southwest corner of the herein described tract;

THENCE, in a northerly direction, with the east line of the remainder of a called 14.00 Acre tract conveyed to Ray Lynn Renfro and wife, Betty A. Renfro in Volume 3482, Page 47, Official Public Records of Real Property, Bell County, Texas, **N 17° 05' 02" E – 679.96'**, to a calculated point at the northeast corner of said 14.00 Acre tract, same being the southeast corner of said Lot 2, Block 1, Toll Bridge Estates Subdivision, for an interior corner of the herein described tract;

THENCE, in a westerly direction, with the south line of said Lot 2, same being the north line of said 14.00 Acre tract, **N 81° 41' 10" W – 632.68'**, to a calculated point on the east line of said existing city limits, for the westernmost southwest corner of the herein described tract;

THENCE, in a northerly direction, with said city limits, **N 28° 36' 07" E – 642.37'**, to a calculated point on the east line of said Toll Bridge Road;

THENCE, in a northeasterly direction, with the east line of said Toll Bridge Road, **N 46° 10' 59" E – 271.11'**, to the **POINT OF BEGINNING** and containing 297.20 Acres of Land.

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 political subdivision for which it was prepared.

This description to accompany a sketch of the herein described 12.641 Acre tract.

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Tx. Firm Lic. No. 10023600

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Charles C. Lucko
Registered Professional Land Surveyor

Registration No. 4636

Staff Report – City Council Agenda Item



Agenda Item #12

Consider approval of an annexation ordinance on second and final reading instituting annexation proceedings in 2016 Annexation Study Area 7, approximately 2.713 acres located on the south side of Avenue O. between Avenue O and Old Golf Course Road.

Originating Department

Administration - Sam A. Listi, City Manager

Background

This small area (2.713 acres) was a "leave out" in a previous annexation, and the two owners are not eligible for a development agreement. The property has a close relationship to the existing City limits, bordered by Golf Course Road, US 190, and Loop 121. City limits surround the tract on all four sides, and the property is served by City water and sewer. Golf Course Road is already a City responsibility, and US 190 and Loop 121 are maintained by TxDOT.

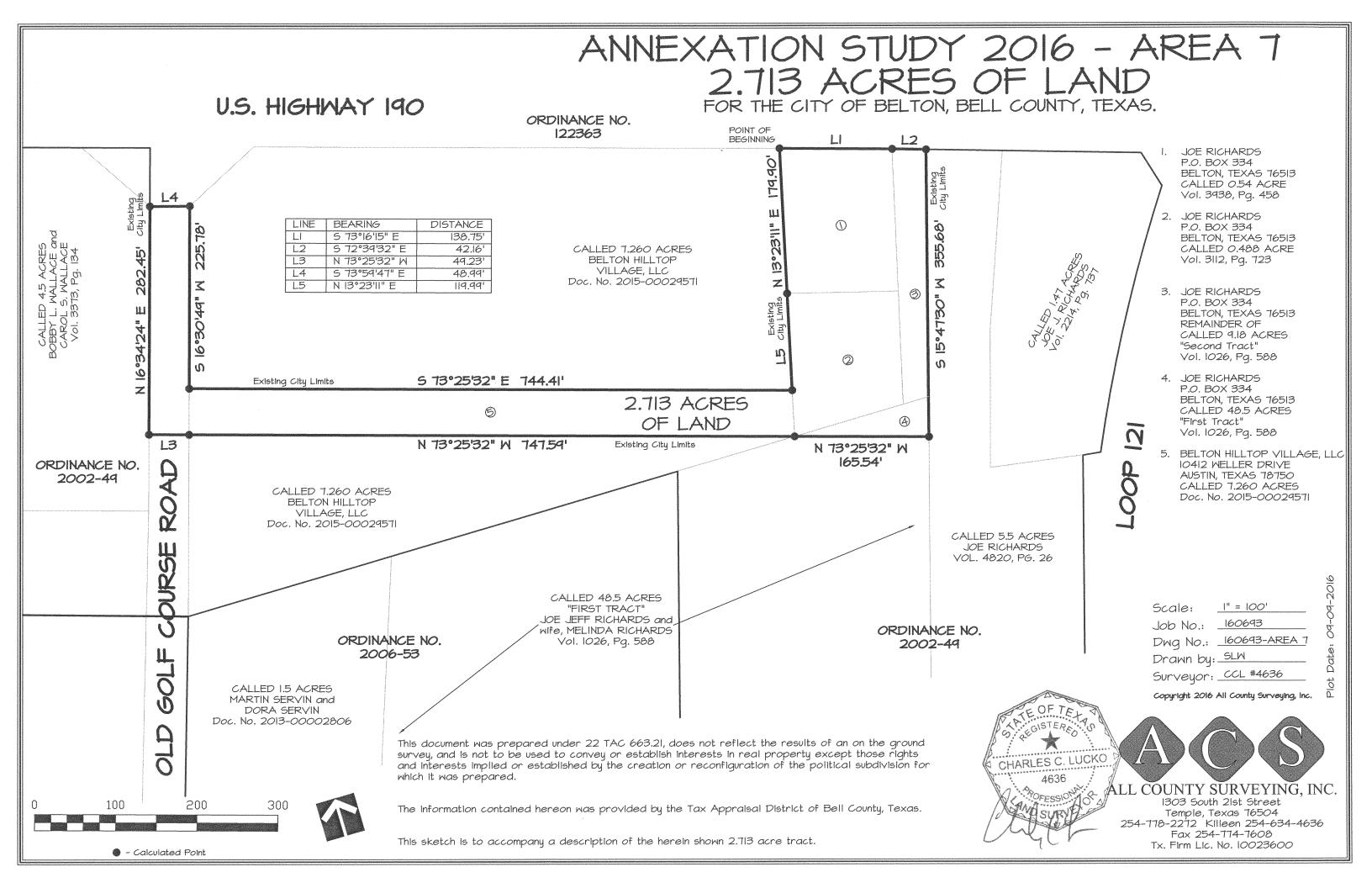
Reasons for annexation:

- Promote economic development
- Facilitate long range planning
- Protect future development
- "Clean up" boundary inconsistency

Fiscal Impact

Amount: Nominal							
Budgeted: ⊠ Yes □ N	o						
If not budgeted: Budget Trans	sfer Contingency						
Recommendation							
Recommend annexation of Study Area 7.							
Attachments Survey Map of Area 7 Proposed Annexation Map (aerial Area 7 Growth Management Land Proposed Appearation Ordinance	d Use Study – 09/13/16						

City Council Agenda Item December 13, 2016 Page 1 of 1





ANNEXATION STUDY: TRACT BY TRACT ANALYSIS AREA #7

<u>LOCATION/GENERAL DESCRIPTION OF LAND</u> – Area 7 contains approximately 2.713 acres, and is located on the south side of Avenue O, between Avenue O and Old Golf Course Road.

OWNERSHIP/LAND USE – Medium Density Residential

INFRASTRUCTURE/UTILITIES:

- STREET CONDITION PUBLIC/PRIVATE (Name/Condition) Minor maintenance needed on Old Golf Course Road. Current projected needs/cost of area to be annexed: Nominal cost and no known issues.
- DRAINAGE ISSUES Current projected needs/cost of area to be annexed: No issues or cost.
- ELECTRICITY/CABLE/GAS (If known) N/A
- WATER (CCN)/AVAILABILITY The area is within Belton's water CCN. The 2.5 inch water line on Golf Course Road is undersized at and will need to be upgraded with future development.
- SEWER (CCN)/AVAILABILITY The area is within Belton's sewer CCN. Sewer lines are along W. Ave O and are located in front of the Mobile Home Park. This main could be extended farther to the west and could serve all of Old Golf Course Road. This can be development driven. There is another sewer line that runs up Auction Barn Road and ends just past the Memory Care Center. This line was designed to reach the homes all the way to Hellums Road. There is another sewer line that was taken to the west, just south of 2015 S. Loop 121. This was completed when the road was built next to Magaña's Law Office.
- SOLID WASTE/BRUSH SERVICES No issue or concerns in extending services here, currently served by Republic.

NUMBER OF HOUSES – 1 single family homes; 13 mobile/modular units; 0 multi-family buildings (0 units each estimated); TOTAL DWELLING UNITS: 14

ESTIMATED POPULATION – 14 d/u @ 2.5 persons per household = 35

AREA BUSINESSES:

- NUMBER 0
- BUSINESS NAMES/TYPES N/A

APPROXIMATE DISTANCE FROM CITY SERVICES:

- <u>FIRE/EMS</u> 3 Miles from closest Fire Station; Response Time: 6 mins; Closest Fire Hydrant: Loop 121 & U.S. 190 (0.5 miles); currently served by: Belton Fire Department.
- <u>POLICE/ANIMAL CONTROL/CODE ENFORCEMENT</u> 2.6 Miles from Police Station; Police and Animal Control currently served by Bell County Sheriff; no code enforcement issues at this time.

THOROUGHFARE PLAN ISSUES:

Old Gold Course Road: Minor Collector – 60' ROW recommended

CIP ISSUES:

N/A

OTHER SIGNIFICANT ISSUES:

•	Simply an unusual	"leavout" from prev	vious annexation, v	with city limits on a	all four sides of the	Study Area.



ORDINANCE NO. 2016-54

AN ORDINANCE EXTENDING THE MUNICIPAL AND CORPORATE LIMITS OF THE CITY OF BELTON, TEXAS, 2.713 ACRES LOCATED WITHIN THE US 190 CORRIDOR, LOCATED ON THE SOUTH SIDE OF AVENUE O BETWEEN AVENUE O AND OLD GOLF COURSE ROAD, MAKING FINDINGS OF FACTS; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Belton (the "City") is a Texas home-rule municipal corporation;

WHEREAS, thirty (30) days or more prior to the date of the first public hearing required pursuant to §43.063, Tex. Loc. Gov't. Code, the City gave written notice of its intent to annex the property, as more particularly described hereinafter in this ordinance, to each property owner, according to the official records of Bell County, within the area proposed to be annexed, each public entity and private entity that provides services in the area, and each railroad company with right-of-way in the area;

WHEREAS, the property to be annexed contains fewer than one hundred (100) separate tracts of land on which one or more residential dwellings are located on each tract;

WHEREAS, the property to be annexed is contiguous with, adjacent to, and within one mile of the corporate limits of the City, and is not within the boundaries of any other city;

WHEREAS, two separate public hearings were conducted prior to consideration of this Ordinance in accordance with *§43.063* of the Tex. Loc. Gov't Code;

WHEREAS, the hearings were conducted and held not more than forty (40) nor less than twenty (20) days prior to the institution of annexation proceedings;

WHEREAS, notice of the public hearings was published in a newspaper of general circulation in the City and the territory proposed to be annexed not more than twenty (20) nor less than ten (10) days prior to the public hearings;

WHEREAS, the City's exclusive jurisdiction is hereby extended to include all of the annexed area within the City limits and property within one mile of the annexed area within the City's extra-territorial jurisdiction; and

WHEREAS, the City intends to provide services to the property to be annexed according to the Municipal Service Plan attached hereto as Exhibit "A," and to add the area immediately to its Capital Improvement Planning process.

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

Section 1. <u>Findings of Fact</u>. All of the above premises, findings and recitals of fact are found to be true and correct and are incorporated into the body of this ordinance as findings of fact, as if copied herein in their entirety. Further statements of facts hereinafter made in the ordinance are incorporated as findings of fact by the City Council.

- A. That Belton's City Manager has reviewed the proposed annexation and has determined that municipal services identified in the Service Plan are available for the area proposed for incorporation.
- B. That the City Manager has found the municipal services proposed will provide a comparable level of municipal services for properties with similar topography, land use, and population density to properties currently located within the Belton city limits.
- C. That the property shall be immediately added to the City's Capital Improvement Planning process.
- D. That the property is hereby temporarily zoned in accordance with the Agricultural zoning district.

Section 2. That under the authority and provisions of Article II, Section 5 of the Home Rule Charter of the City of Belton, Texas, and certain laws of the State of Texas, including, but not limited to, Chapter 43 of the Local Government Code, the boundaries and limits of the City of Belton, Texas, are hereby extended so as to annex and include within the corporate limits of the City of Belton, Texas, 2.713 ACRES LOCATED WITHIN THE US 190 CORRIDOR, LOCATED ON THE SOUTH SIDE OF AVENUE O BETWEEN AVENUE O AND OLD GOLF COURSE ROAD, as shown on the map attached as Exhibit "B," and more particularly described by metes and bounds attached as Exhibit "C."

Section 3. That the official map and boundaries of the City, heretofore adopted and amended, be and hereby are amended so as to include the Annexed Property as part of the City of Belton.

Section 4. Upon first reading of this ordinance, the above described annexed area shall be a part of the City of Belton, Texas, and the jurisdiction of the City shall extend the extraterritorial jurisdiction of the City to create exclusive jurisdiction in all areas within one mile of the annexed area not within the legal jurisdiction of an existing City on the date of the first reading of this ordinance. The residents and property owners within the annexed area shall be entitled to all of the rights and privileges lawfully pertaining thereto as shown in the attached Service Plan, and shall be bound by the acts, ordinances, regulations and resolutions of said City.

Section 5. After publishing notices of public hearings in the Belton Journal and the Temple Daily Telegram on October 13, 2016 and October 20, 2016, and holding public hearings on October 25, 2016, and November 1, 2016, this ordinance is:

PASSED AND APPROVED on first reading at a regular meeting of the City Council of the City of Belton, Texas, held at the Harris Community Center, Belton, Texas on the 22nd day of November, 2016.

	Marion Grayson, Mayor
ATTEST:	

December, 2016.

PASSED AND APPROVED on second reading at a regular meeting of the City Council of the City of Belton, Texas, held at the Harris Community Center, Belton, Texas, on the 13th day of

CITY OF BELTON MUNICIPAL SERVICES PLAN

The area proposed for annexation consists of approximately 2.7 acres, on the south side of Avenue O, between Avenue O and Old Golf Course Road.

Municipal Services to be Provided: The City will provide the following services, beginning immediately upon the effective date of the annexation. All the services will be provided at a service level that is equal or superior to the level of services in the area prior to the annexation.

<u>Police Protection</u>. Police protection personnel and equipment from the Belton Police Department shall be provided to the areas immediately upon the effective date of the annexation of the areas. Response to calls for police services, crime prevention programs and all other police services will be provided at the same level as provided to other areas of the City. Police enforcement and protection services shall be provided at the request of residents/property owners in the area.

<u>Animal Control</u>. The City shall provide animal control services immediately upon the effective date of the annexation of the area. These services encompass regular patrol by the animal control officer and response to animal nuisance problems from residents in the area.

<u>Fire and Emergency Medical Service (EMS) Protection</u>. Upon annexation, the City will provide fire and EMS response at the level provided inside the Belton city limits. The service level will be equal to or better than the current level, with the limitations of water available.

<u>Code Enforcement</u>. The City shall provide code enforcement services immediately upon annexation to include response to complaints of weedy lot violations, junked vehicles, sign violations, and other similar general city code violations.

<u>Fire Prevention</u>. All of the services performed by the City's Fire Marshal shall be provided immediately upon the effective date of the annexation of the areas.

<u>Planning, Zoning and Development Review.</u> The area will automatically be zoned Agricultural on the effective date of annexation. In conjunction with review of Comprehensive Plan, a land use plan will be developed and permanent zoning established under the process specified by the City's Zoning Ordinance. In the interim, the Planning & Zoning Commission and the City Council will consider zoning and rezoning tracts of the property in response to landowner requests. Subdivision plat review will occur in the City and in Belton's extraterritorial jurisdiction in order to ensure orderly development of land, reduce flood potential, achieve efficient operation of public facilities and services, and provide accurate description and addressing of property.

<u>Code Compliance</u>. Immediately upon the annexation becoming effective, building inspection activities will be available. The Building Official shall provide consultation with the project developers, independent contractors and homeowners for building code requirements, plan review

for structures in the area, and on-site inspection services as needed, to include evaluation of hazardous and dilapidated buildings.

<u>Library</u>. Residents within the newly annexed areas shall be provided all services available at Belton's Lena Armstrong Public Library.

<u>Parks and Recreation</u>. All City of Belton public parks, facilities, and resources shall be available to residents of the annexed area.

Streets and Drainage. Existing dedicated public streets and drainage structures and courses maintained by Bell County will be maintained by the City of Belton at their current or better level of improvement with like topography, land use, and density as those found within the City. Private streets are not maintained by the City. Roadways maintained by the Texas Department of Transportation (TxDOT) will continue to be maintained by TxDOT. Maintenance of streets and rights-of-way shall be as follows:

- (1) Emergency maintenance of streets, repair of hazardous potholes, measures necessary for traffic flow, etc.
- (2) Routine maintenance and right-of-way mowing as presently performed within City.
- (3) Reconstruction and resurfacing of streets, installation of drainage facilities, construction of curbs, gutters and other such major improvements as the need therefore is determined by the governing body under City policies.
- (4) Installation and maintenance of traffic signals, traffic signs, street markings and other traffic control devices as the need therefore is established by appropriate study and traffic standards.
- (5) Installation and maintenance of street lighting in accordance with established policies of the City.
- (6) The City will enforce drainage requirements in the Subdivision Ordinance and related standards.
- (7) Private streets will remain the responsibility of record owners or the homeowners association and as such be maintained by the responsible party.

<u>Sanitation and Recycling</u>. Sanitation and recycling service will be immediately available to residential customers in accordance with existing City ordinances. Residents in the newly annexed area may select to continue service with their current service provider for up to two years, or switch to the City's service, currently provided by contract with Waste Management, Inc. After the second anniversary of the annexation date, the City will provide the service at City rates. Residents will be contacted with information regarding how to obtain sanitation and recycling service, and efforts will be made to coordinate any transition of service.

Sanitation service will be immediately available to non-residential customers through any of the commercial services franchised by the City. Non-residential customers are responsible for obtaining commercial service.

<u>Brush Collection Services</u>. Brush collection services shall be provided to residents in the same manner and at the same rate as provided for other residents within the City of Belton.

<u>Water Service/Distribution</u>. The area proposed for annexation is located within the Certificate of Convenience and Necessity (CCN) area of the **City of Belton**, subject to the City's water extension policies. Such water service will be subject to regulation by the City of Belton as it relates to development standards and design requirements in accordance with the ordinances, rules and regulations in effect at the time of installation.

<u>Wastewater Service/Collection</u>. Wastewater services are available for extension to the area proposed for annexation in the same manner as they are available in the other locations within the City of Belton, in accordance with the City's wastewater extension policies, subject to pending sewer CCN proposal before the Public Utilities Commission. The developer or property owner is responsible for funding extension and connection to the municipal system in accordance with the City's subdivision regulations and extension policies.

<u>Environmental Health</u>. Immediately upon the effective date of the annexation, the City's environmental health ordinances and regulations shall be applicable to the annexed areas. All health related matters are handled for the City by the Bell County Health District.

Maintenance of Parks, Playgrounds, and Swimming Pools. The City is not aware of the existence of any publicly owned parks, playgrounds or swimming pools now located in the proposed areas 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 density as those found within the newly annexed areas. Private facilities will remain under the ownership of the homeowners association and as such maintained by the association.

Maintenance of any Publicly owned Facility, Building or Municipal Service. The City is not aware of the existence of any other publicly owned facility, building, or other municipal service now located in the proposed areas of annexation. In the event any other 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.

<u>Services</u>, <u>Funding and City Policies</u>. All services which require expenditure of public funds are subject to annual appropriations by the City Council. Copies of City policies are available in the City Clerk's office upon request.

Construction of Capital Improvements To Be Completed Within 2½ Years.

1. Police and Fire Protection and Solid Waste Collection. The City 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 areas for the purpose of providing police protection, fire protection, emergency medical services 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 with like topography, land use and population density as those found within the newly annexed areas.

2. Water/Wastewater Facilities. A one million gallon elevated water storage tank is planned on existing City property in Northwest Belton. Belton's third water storage tank will enhance water service throughout the City including water flow and pressures, storage for fire protection, and additional capacity during maintenance. This tank will be available by June 30, 2019. For the next 2 ½ years, the City finds and determines that there is sufficient capacity to provide water services to the annexed areas pursuant to the City's extension policies in compliance with current CCN for the City of Belton. The now existing water mains at existing locations shall be available for the point of use extension based upon the 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 and subject to approval by the Public Works Director/Bell County Health District.

- 3. Roads and Streets. The City 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 areas.
- 4. Parks, Playgrounds, and Swimming Pools and Any Other Publicly Owned Facility, Building, or Service. An expansion of the City's hike and bike trail network totaling approximately 0.8 mile, and extending from University Blvd to the proposed Sparta Road roundabout, will connect with the City's existing trail system for a total projected length of 2.8 miles. This trail will be available by June 30, 2019.

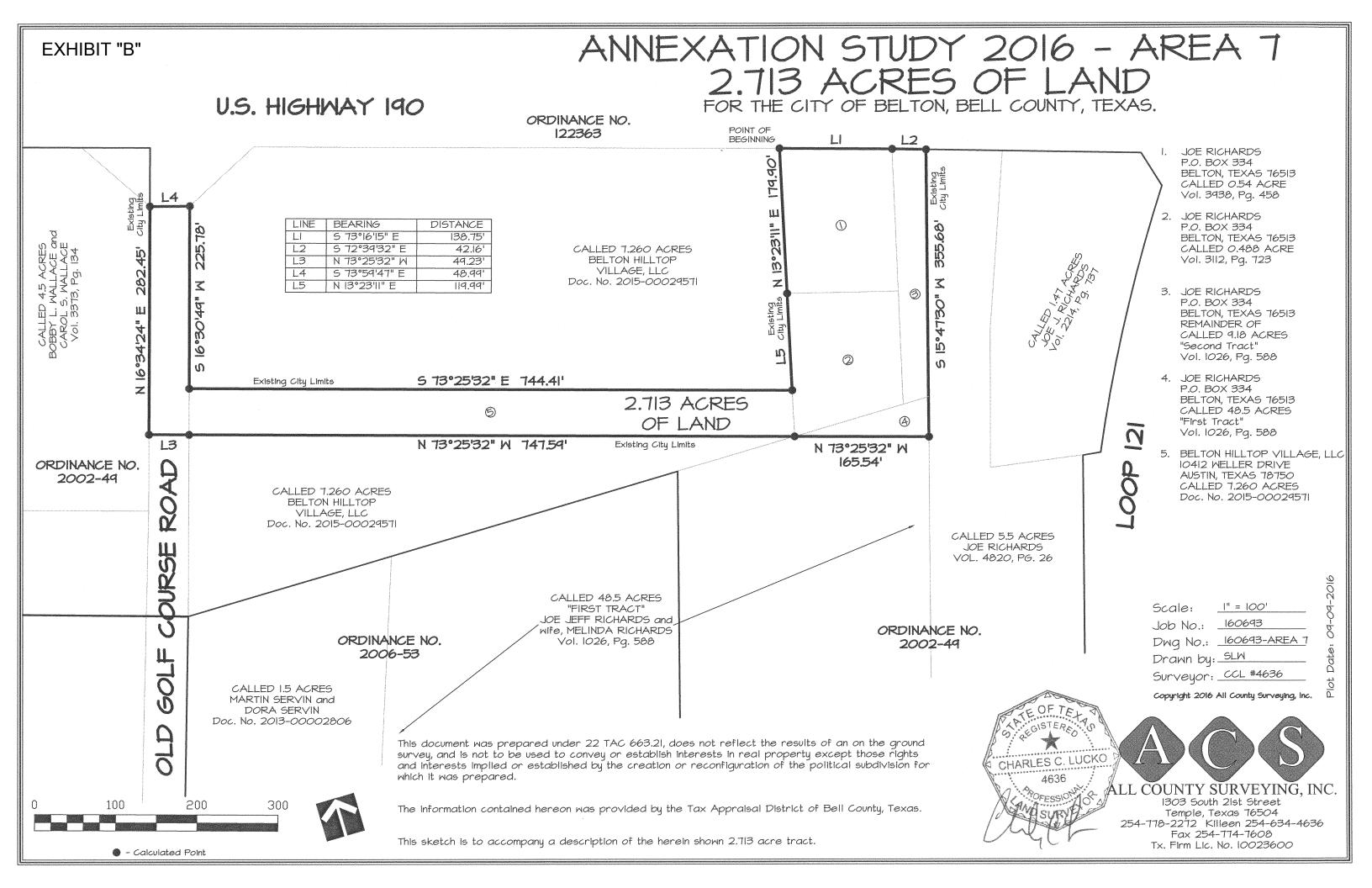
<u>Specific Findings</u>. Belton, Texas, finds and determines that this proposed service plan will not provide any fewer services and will not provide a lower level of service in the areas being considered for annexation than were in existence in the proposed areas at the time immediately preceding the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

<u>Terms</u>. This plan shall be valid for a term of 10 years. Renewal of the Service Plan is at the discretion of the City of Belton.

<u>Level of Service</u>. 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.

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

The area will be immediately included in the planning and development of the City's Capital Improvements Plan (CIP).



September 7, 2016

Surveyor's Field Notes for:

2.713 ACRES, situated in the J. TOWNSEND SURVEY, ABSTRACT 818, Bell County, Texas, embracing all of a called 0.54 Acre tract conveyed to Joe Richards in Volume 3938, Page 458, Official Public Records of Real Property, Bell County, Texas, all of a called 0.488 Acre tract conveyed to said Joe Richards in Volume 3112, Page 723, Official Public Records of Real Property, Bell County, Texas, a portion of the remainder of a called 9.18 Acre tract conveyed as "Second Tract" to Joe Richards in Volume 1026, Page 588, Deed Records of Bell County, Texas, a portion of a called 48.5 Acre tract conveyed as "First Tract" in a deed to Joe Richards in Volume 1026, Page 588, Deed Records of Bell County, Texas, a portion of a called 7.260 Acre tract conveyed to Belton Hilltop Village, LLC in Document No. 2015-00029571, Official Public Records of Real Property, Bell County, Texas, and a portion of a roadway known as Old Golf Course Road, and being more particularly described as follows:

BEGINNING at a point at the northeast corner of said 7.260 Acre tract, same being the northwest corner of said 0.54 Acre tract, and being on the south line of U. S. Highway 190, for the easternmost northwest corner of the herein described tract;

THENCE, in an easterly direction, with the south line of said U. S. Highway 190, along the north line of said 0.54 Acre, **S 73° 16' 15"** E - 138.75', to a calculated point at the northeast corner of said 0.54 Acre tract, same being the northwest corner of the remainder of said 9.18 Acre tract;

THENCE, continuing in said easterly direction, with the north line of the remainder of said 9.18 Acre tract, **S 72° 39' 32" E – 42.16'**, to a calculated point at the northwest corner of a called 5.5 Acre tract conveyed to Joe Richards in Volume 4820, Page 26, Official Public Records of Real Property, Bell County, Texas, for the northeast corner of the herein described tract;

THENCE, in a southerly direction, with the west line of said 5.5 Acre tract, same being the east line of said 9.18 Acre and 48.5 Acre tracts, **S 15° 47' 30" W – 355.68'**, to a calculated point, for the southeast corner of the herein described tract;

THENCE, in a westerly direction, severing said 48.5 Acre tract, **N 73° 25' 32" W – 165.54'**, to a calculated point at the southeast corner of said 7.260 Acre tract;

THENCE, continuing in said westerly direction, severing said 7.260 Acre tract, **N 73° 25' 32" W – 747.59'**, to a calculated point on the west line of said 7.260 Acre tract, same being the east line of said Old Golf Course Road;

THENCE, continuing in said westerly direction, crossing over said Old Golf Course Road, **N 73° 25' 32" W – 49.23'**, to a calculated point on the east line of a called 4.5 Acre tract conveyed to Bobby L. Wallace and Carol S. Wallace in Volume 3373, Page 134, Official Public Records of Real Property, Bell County, Texas, same being the west line of said Old Golf Course Road, for the southwest corner of the herein described tract;

THENCE, in a northerly direction, with the east line of said 4.5 Acre tract, **N 16° 34' 24" E – 282.45'**, to a calculated point, for the northwest corner of the herein described tract;

THENCE, in an easterly direction, again crossing over said Old Golf Course Road, **S 73° 59' 47" E – 48.99'**, to a calculated point at the westernmost northwest corner of said 7.260 Acre tract, for the westernmost northeast corner of the herein described tract;

THENCE, in a southerly direction, with the west line of said 7.260 Acre tract, same being the east line of said Old Golf Course Road, S 16° 30' 49" W - 225.78', to a calculated point, for an interior corner of the herein described tract;

THENCE, in an easterly direction, again severing said 7.260 Acre tract, **S 73° 25' 32" E** – **744.41'**, to a calculated point on the west line of said 0.488 Acre tract, for an interior corner of the herein described tract;

THENCE, in a northerly direction, with the west line of said 0.488 Acre tract, same being the east line of said 7.260 Acre tract, **N 13° 23' 11" E – 119.99'**, to a calculated point at the southwest corner of said 0.54 Acre tract;

THENCE, continuing in said northerly direction, with the west line of said 0.54 Acre tract, **N 13° 23' 11" E – 179.90'**, to the **POINT OF BEGINNING** and containing 2.713 Acres of Land.

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 political subdivision for which it was prepared.

This description to accompany a sketch of the herein described 2.713 Acre tract

ALL COUNTY SURVEYING, INC. 1-800-749-PLAT

Tx. Firm Lic. No. 10023600

server/projects/pro160000/160600/160693/160693-AREA 7.doc

Charles C. Lucko
Registered Professional Land Surveyor
Registration No. 4636

SURVE

Staff Report – City Council Agenda Item



Date: December 13, 2016

Case No.: H-16-17 Request: FIG

Address: 208 North Penelope Street

Agenda Item #13

Consider authorizing a Façade Improvement Grant to Kat Kaliski, 208 North Penelope Street.

Originating Department

Planning – Erin Smith, Director of Planning/Historic Preservation Officer

Historic District

Downtown Belton Commercial Historic District

Background

This present building at 208 North Penelope Street was built in 1950 and is located in the Downtown Belton Commercial Historic District. The Downtown Belton Commercial Historic District contains an excellent range of buildings constructed between 1870 and 1959. Forty-six percent of the buildings in this district are Contributing historic structures. Most of the buildings that are Non-Contributing have been classified that way due to inappropriate alterations that have covered or removed historic building materials and details. The 2012 City of Belton Historic Resources Survey states that the architectural style associated with this structure is one-part commercial block.

Summary Information

Kat Kaliski has submitted a Façade Improvement Grant (FIG) application to complete exterior repairs and renovations on the southern and eastern exterior façades of the building located at 208 North Penelope Street.

The proposal involves items included in the attached summary proposal from CRW Construction Construction:

- Create a 3 feet X 7 feet door opening on the southern façade and install new door;
- Construct a 3 feet wide sidewalk:
- Construct a 3 feet tall black steel fence;
- Complete repairs to the existing canopy attached to the southern façade;
- Install new aluminum store front doors;

- Install signage;
- Install exterior lighting; and
- Paint the exterior facades, doors, and canopies.

The Belton Journal, Edward Jones, and Miller's BBQ currently occupy this 7,280 square feet commercial building. The new tenant of the Miller's BBQ lease space is proposing to open Blends Wine Bar. Blends Wine Bar will contain a retail space for wine bottle purchases in the front area of the lease space facing Penelope, and a second entrance is proposed on the southern façade leading to the wine bar in the rear of the lease space where customers will have the ability to sit at tables and enjoy wine and hors d'oeuvres.

The applicant has submitted a request to complete exterior repairs on the southern and eastern building facades of the former Miller's BBQ location. The applicant would like to create a 3 feet X 7 feet door opening on the southern façade for the primary entrance to the wine bar since customers will enter the door off the primary façade facing Penelope Street to access the retail wine space. The contractor will construct a 3 feet wide sidewalk extending from the front to the new southern exterior door. The applicant would also like to repair the existing canopy attached to the southern façade and install a 3 feet tall black steel fence to create an outdoor seating area. The applicant is proposing to install signage on the primary façade and new exterior aluminum storefront doors. This proposal also includes exterior electrical upgrades. The applicant would like to install 4 scones, 4 fan lights, and 4 hanging lights on the exterior of the building.

The applicant is proposing to paint the exterior masonry (brick) SW 6084 White; the front door SW 6293 Fabulous Grape; and the exterior canopy and trim SW 6988 Bohemian Black. According to the Secretary of the Interior's Standards for Rehabilitation, applying paint or other coatings such as stucco to masonry that has been historically unpainted or uncoated to create a new appearance is not a recommended preservation practice. Staff encourages all buildings to remain unpainted if they were not previously painted; however, the existing yellow brick does not appear to be the historic brick on this building. When the Belton Journal requested to divide their space and create a new door opening, we found there are 3 layers of brick on the building. The first two layers are red brick, identical to the interior of the new Blends Wine Bar (former Miller's BBQ location) and the outside layer was a yellow brick. It appears that this yellow brick was constructed over the historic red brick in the 1960's. For several years, smokers have been adjacent to the southern wall for the Miller's BBQ operation and that exterior wall area contains a significant amount of soot in which the paint could also cover. It is staff's judgment that the exterior façade can be painted since this is not the historic masonry. The proposed white paint color is compatible with other buildings in Downtown Belton and will improve the overall aesthetics of this building.

Fiscal Impact

Total projected cost on the application is \$24,421. The FIG application requests the maximum match amount of \$10,000, which is consistent with application guidelines. If determined appropriate, recommend approval.

Amount: \$10,000
Budgeted: Yes No
If not budgeted: ☐ Budget Transfer ☐ Contingency ☐ Amendment Needed ☐ Capital Project Funds
Funding Source(s): \$50,000 was included in the TIRZ FY 2017 budget for FIG funding. However, those funds have been previously allocated to other façade grants. This \$10,000 is proposed to be funded by a transfer within the TIRZ operating budget.
Recommendation
Recommend approval of this request to complete exterior renovations to the southern and eastern façades, and approval of a FIG if deemed appropriate.
Attachments FIG Application, including current photographs of 100 South East Street Certificate of Appropriateness Application Location Map COA notice to owners Proposal – CRW Construction Proposed Elevations Proposed Floorplan Proposed Light Fixtures Proposed Paint Swatches
City Council Agenda Item

Planning Depart	ment
Date	Harvey and the second
Recommended	
Rejected	



FACADE IMPROVEMENT GRANT PROGRAM APPLICATION

Applicant's Name: Kat Kaliski Date:
Business Name: Blends Wine Bar
Contact Person: DEAM WINKIER 254-718-3390
Mailing Address: 415 N. 9th St., Temple, TX 76501
Phone: 51 Ø .759 . 21 74 Fax:
E-mail: KatKaliskieblendswirebar. com
Details of Planned Improvements (attach additional paper if necessary). -Painting / Signague, Lights for evening - Extended, Flat, Metal awning - 3ft. rad-iron gate at front If you are using a contractor (not required), please list the names of contractors from whom you have received proposals (list in order of preference): 1. Dean Vinkler CRW was received to Inc.
2.
3
Bids shall be submitted on the contractor's letterhead and shall contain the contractor's name, address, telephone number, and shall itemize the bid in a manner that allows city staff to determine the authenticity of the bid. If you are doing the work yourself, please have costs or bids prepared for materials and labor.
Total cost of improvement project: \$ 24,421.00
Amount of Grant requested: \$ 10,000.00
Amount to be paid by the applicant: \$ 14, 421.00
Anticipated completion date: Sping 2017
10/28/2016
Applicant's signature Date















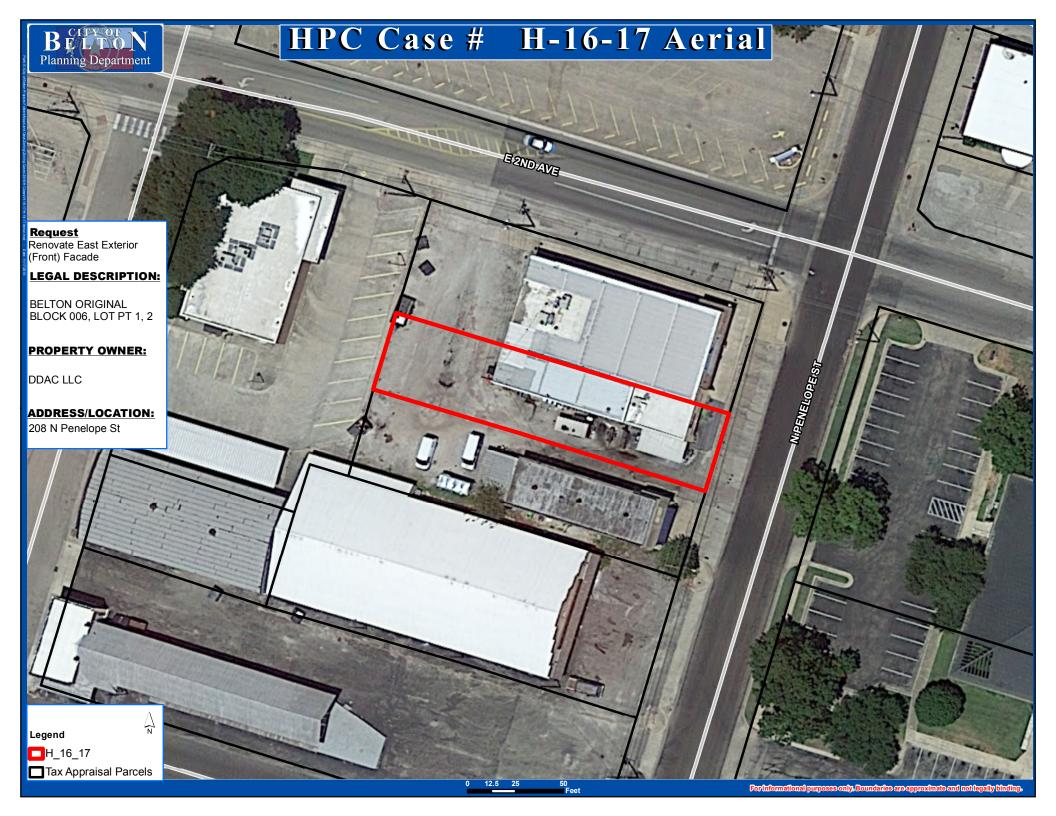


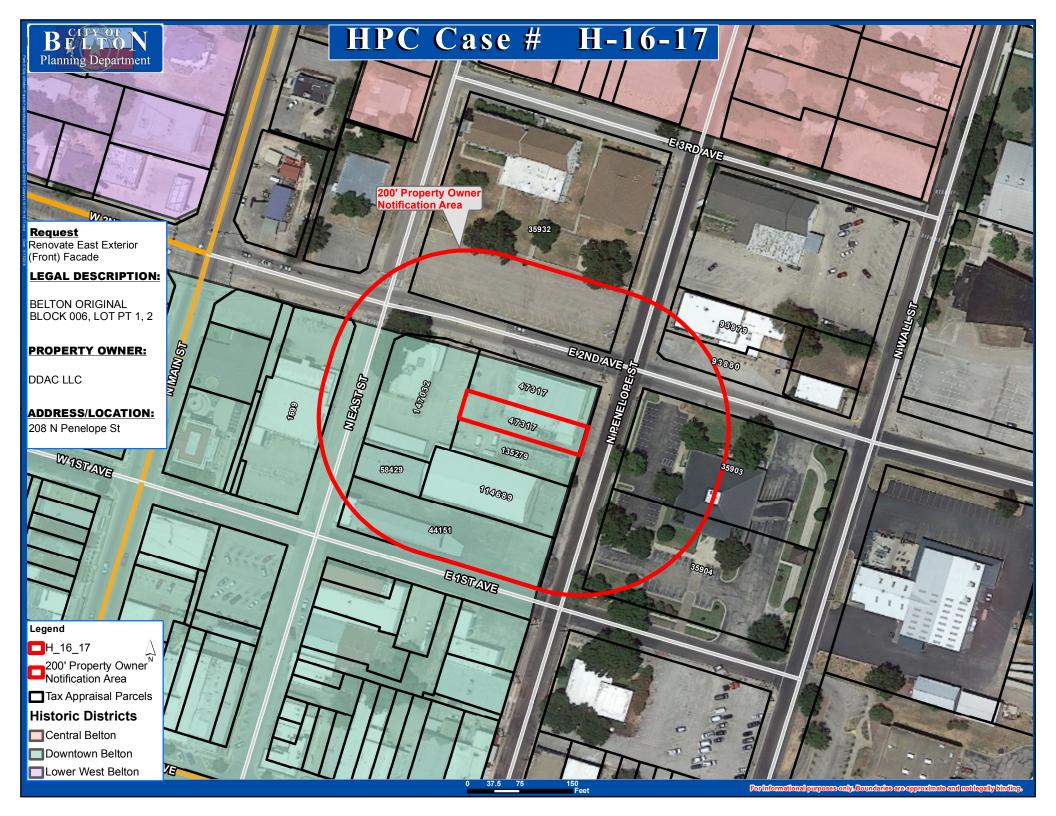


Applicant contact information

Name:	CRW	6447N	CTION	()	Iuc			
Address:	270 3	MRP	on	ROAD	, TEMPU	v Tx	76624	
Phone:	773-9921	Fax:	773	- 9938	Ema	ail: <u>Lea</u>	we ho	t.vs.com
Role:	☐ Owner	☑ Arc	hitect/co	ontractor	☐ Ot	her:		_
Property A	Address:	208	М	Pen	LOPE,	BEU	01 tx	76513
1. In th	ne space below	, briefly de	scribe th	e work p	roposed (us	se separate	page(s) if ne	cessary).
	use refer to the posed work.	attachment	checklis	st for add	itional mate	erials neces	ssary to evalu	ate the
Description	on of proposed	work:						
	TRIM O							
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Fro	NT.							
) whi					10(:	28 / 2014	
Signature						Date		

Submit this form and all necessary attachments (see checklist) at least 14 days before the Historic Preservation Commission meeting to the City of Belton Planning Department, 333 Water Street, P. O. Box 120, Belton, Texas 76513; ph. 254-933-5812.





NOTICE OF APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS REQUEST

IN THE CITY OF BELTON

THE CITY OF BELTON HAS RECEIVED A REQUEST FROM: <u>CRW Construction</u>
TO CHANGE THE FOLLOWING DESCRIBED PROPERTY: 208 NORTH PENELOPE STREET
LOCATED IN THE DOWNTOWN BELTONHISTORIC DISTRICT
To renovate eastern exterior façade (front) and southern exterior façade (side)
THE HISTORIC PRESERVATION COMMISSION WILL HOLD A PUBLIC HEARING PURSUANT TO THIS REQUEST A 5:00 P.M., Thursday, December 8, 2016 In the Wright Room at the T.B. Harris Center, 401 N Alexander, Belton, Texas.
As an interested property owner, the City of Belton invites you to make your views known by attending these hearings. You may submit written comments about this certificate of appropriateness by completing this form and returning it to the address below. If you have an questions, please contact Director of Planning and Historic Preservation Officer, Erin Smith a 254-933-5816.
IF YOU REQUIRE INTERPRETER SERVICES FOR THE DEAF OR HEARING IMPAIRED, PLEASE CONTACT THE CIT CLERK AT CITY HALL AT LEAST 48 HOURS BEFORE THESE MEETINGS.
circle one
AS AN INTERESTED PROPERTY OWNER, I (PROTEST) (APPROVE) THE REQUEST PRESENTED IN THE APPLICATION ABOVE FOR THE REASONS EXPRESSED BELOW:
1.
2.
3.
(FURTHER COMMENTS MAY BE EXPRESSED ON A SEPARATE SHEET OF PAPER)

Date: ______ Signature: _____

PLANNING DEPARTMENT CITY OF BELTON P. O. BOX 120 BELTON, TEXAS 76513 254-933-5812

1699 35903 35904 SJD OAK RIDGE INVESTMENTS LLC - SERIES B FIRST TEXAS BANK FIRST TEXAS BANK 4 S 1ST ST PO BOX 11539 PO BOX 11539 TEMPLE, TX 76501-7604 KILLEEN, TX 76547 KILLEEN, TX 76547 35932 44151 47317 FIRST UNITED METHODIST CHURCH DDAC LLC WELLS, JOE ALLAN PO BOX 205 PO BOX 180 401 S 1ST ST BELTON, TX 76513-0205 TEMPLE, TX 76504-5540 **BELTON, TX 76513** 58429 93879 93880 WELLS, JOE ALLAN PITTMANS CLEANERS & LAUNDRY PITTMANS CLEANERS & LAUNDRY PO BOX 667 PO BOX 667 401 S 1ST ST TEMPLE, TX 76504-5540 BELTON, TX 76513-0667 BELTON, TX 76513-0667 114689 135279 147032 MURPHY, KELLY & KATHRYN WILD MILLER INVESTMENTS LLC BAIRD, GARY L ETUX GAYLYN J

208 N PENELOPE ST

BELTON, TX 76513-3159

1451 GLEN HOLLOW RD

BELTON, TX 76513

204 N PENELOPE

BELTON, TX 76513

2703 Airport Road Temple, Texas 76504



(254) 773-9921 Fax (264) 773-9938

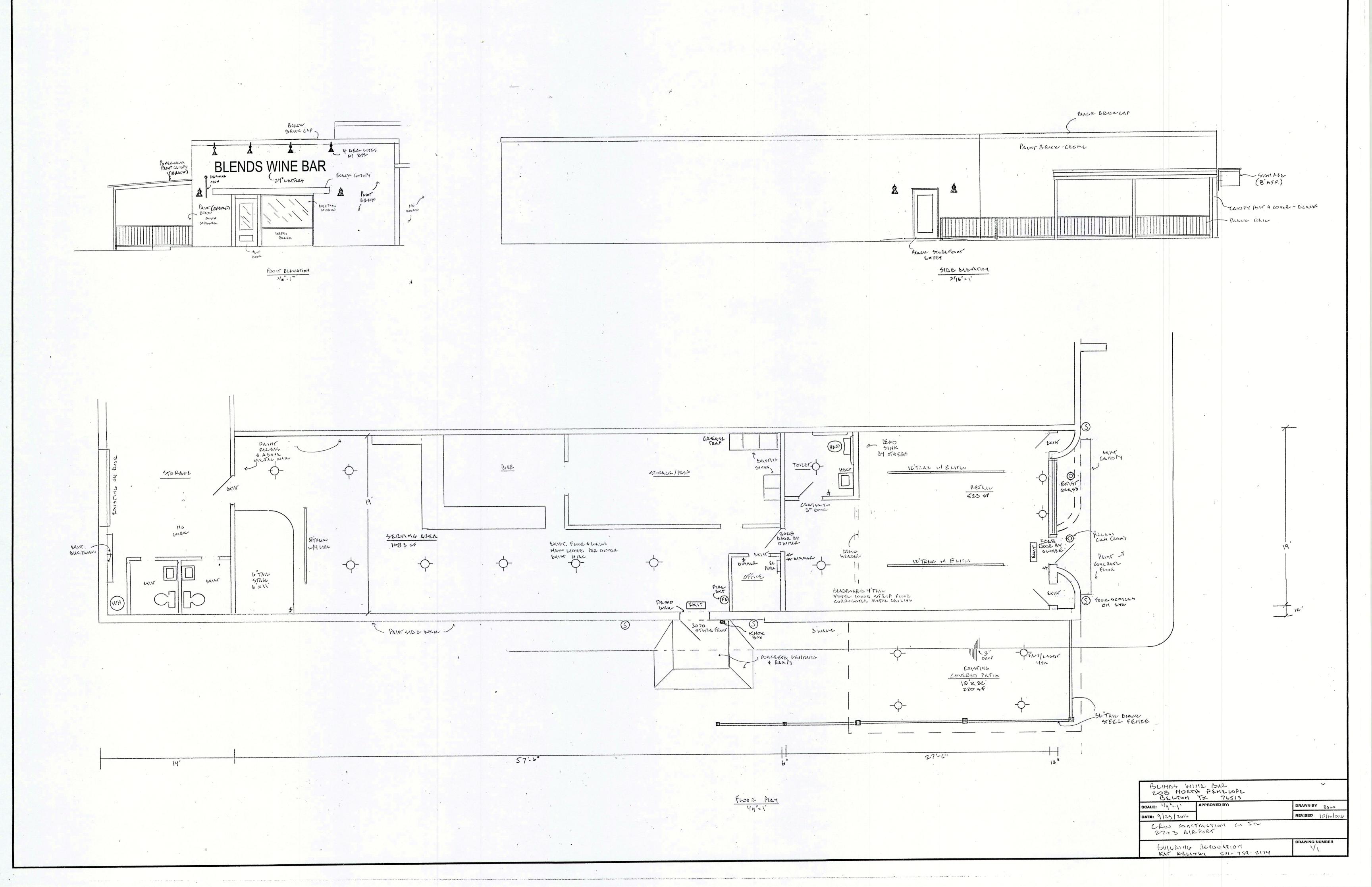
October 27, 2016

Kat Kaliski 415 N. 9th Street Temple, Texas 76501

> RE: Blends Wine Bar 208 N. Penelope Belton, TX 76513

Front Façade Costs

General Conditions		\$ 1,100.00
Demolition		\$ 800.00
Concrete Paint		\$ 1,000.00
Metal Railing		\$ 1,200.00
Framing		\$ 850.00
Exterior Trim		\$ 500.00
Door		\$ 2,600.00
Hardware		\$ 210.00
Concrete Sidewalk		\$ 1,500.00
Paint		\$ 2,600.00
Signage		\$ 3,000.00
Electrical		\$ 3,000.00
	Total	\$ 18,360.00
	10% Overhead	\$ 1,800.00
		\$ 20,160.00
	12% Fee	\$ 2,400.00
		\$ 22,560.00
	8.25% Sales Tax	\$ 1,861.00
	Total	\$ 24,421.00
		. ,





COUNTRY COTTAGE MOTION THIS WALL Sconce 60er on excit side OF DOOR



ULLISTED FOR WET LOCATIONS

RAS12-GA Shade Only Shown with optional FGN15-GA Goose Neck and RWG12-GA Wire Guard

RAS12-SG Shade Only Shown with optional RGN15-SG Goose Neck

Galvanized finishes may be inconsistant

RAS12-SB Shade Only

RGN15-ABR Goose Neck and RWG12-ABR Wire Guard

SB Goose Neck

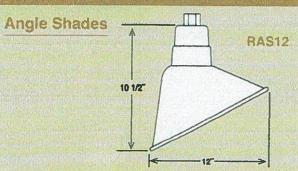
RAS12-ABR Shade Only. Shown with optional

EASY TO ORDER:

- 1. Choose a Shade

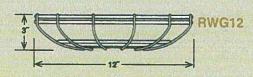
RAS12-WH Shade Only. Shown with optional **RGN15-WH Goose Neck**

THIS LIGHT IN 2. Choose a Goose Neck BLACK ABOVE THE 3. Wire Guard Optional FRONT SIGH

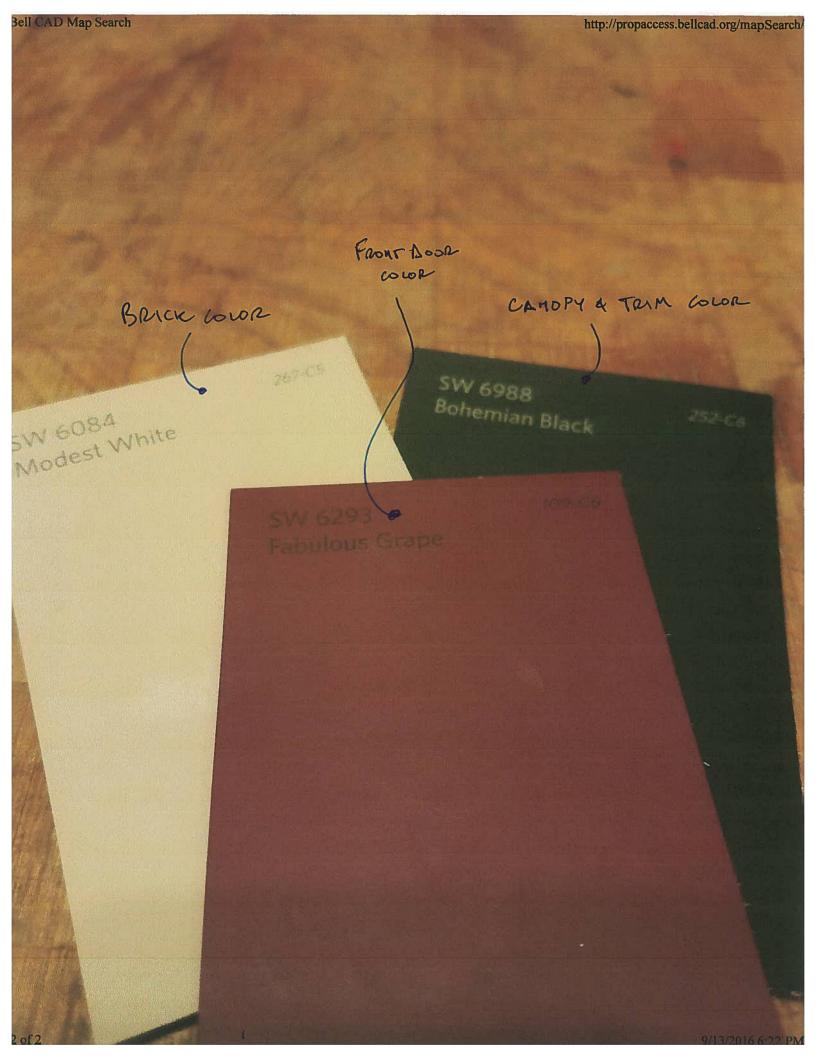


ITEM#	WIDTH	LAMPS	WIRE	FINISH
RAS12-ABR	12"	Med. 200W A21	100	Architectural Bronze
RAS12-GA	12	Med. 200W A21	100*	Galvanized
RAS12-SB	12"	Med. 200W A21	100	Satin Black
RAS12-SG	12	Med. 200W A21	100"	Satin Green
RAS12-SR	12	Med. 200W A21	100"	Satin Red
RAS12-WH	12	Med. 200W A21	100*	White

Wire Guards



ITEM #	WIDTH	FINISH
RWG12-ABR	12"	Architectural Bronze
RWG12-GA	12"	Galvanized
RWG12-SB	12	Satin Black
RWG12-SG	127	Satin Green
RWQ12-SR	12"	Satin Red
RWG12-WH	12	White



Staff Report – City Council Agenda Item



Agenda Item #14

Consider a resolution designating administration and engineering service providers for the 2017-18 Community Development Block Grant (CDBG) Project.

Originating Department

Administration – Aaron Harris, Grants and Special Projects Coordinator

Summary Information

In February 2017, the City will apply to the Texas Department of Agriculture (TDA) for the 2017-18 cycle of Community Development Block Grant (CDBG) funding for water and sewer line replacement along Mary Jane Street from West Ave I to US 190 Frontage Road.

Belton is considered a non-entitlement city and must compete regionally for funding on a two year cycle. Funds may be used for a variety of purposes which benefit primarily low and moderate income individuals exceeding 51%, with a special focus on water and sewer projects. The City has previously completed three phases of sewer line replacement in the Miller Heights area.

In the past, the City would procure professional services after the grant award. However, this funding cycle TDA instructed all applicants to procure professional services for administration and engineering prior to the submission of the application.

The City received two submissions from qualified engineers, and a staff committee comprised of Angellia Points, Byron Sinclair, Brandon Bozon, and Aaron Harris scored each packet. As a result, the committee recommends KPA Engineers be selected to provide engineering services for the 2017-18 Community Development Block Grant (CDBG) Project. All engineering will be grant funded in the amount of \$38,100.

The City received one submission from a qualified firm, Grantworks Inc., to administer the project. Grantworks has successfully administered previous Belton projects, and Staff recommends Grantworks Inc. be selected to provide administrative services for the 2017-18 Community Development Block Grant (CDBG) Project. All administration will be grant funded in the amount of \$30,250.

The City Council will be provided an opportunity to authorize the submission of the project application prior to the February 2017 deadline.

Fiscal Impac	<u>:t</u>					
<u>\$55,000</u>						
Amount: Budgeted:	☐ Yes	⊠ No	☐ Capi	tal Project Funds		
If not budgete	ed: 🗌 Budg	et Transfer	☐ Contingency		Needed	
-unding Soui	rce(s): Wate	er and Sewer f	und balance			
Recommend	<u>lation</u>					
			and engineerir CDBG) Project.	ng service provide	ers for the 2017-1	8
Attachments	<u>3</u>					
	curement Sc	oring Summary	/			
Resolution						

Scoring Summary

Contractor Locality City of Belton

TxCDBG 2017-18 Community Development Fund

*please note: if only one submission was received for either service, the submission does not need to be scored.

Total Score	
Only Submission	

Engineering Firm	Total Score	
Kasberg, Patrick & Associates	383	
Consulting Environmental Engineers	320	

(Member of Selection Review Team)

Signature: Aan N. Rlis Date: 12/7/16

RESOLUTION NO. 2016-33-R

A RESOLUTION OF THE CITY OF BELTON, TEXAS, SELECTING PROFESSIONAL SERVICE PROVIDERS FOR THE 2017-2018 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT COMMUNITY DEVELOPMENT FUND PROJECT.

WHEREAS, the 2017-2018 TxCDBG Community Development Fund contract requires implementation by professionals experienced in the administration of federally-funded community development projects;

WHEREAS, in order to identify qualified and responsive providers for these services a Request for Proposals (RFP) process for administration services and a Request for Qualifications (RFQ) for engineering services has been completed in accordance with Texas CDBG requirements;

WHEREAS, the proposals received by the due date have been reviewed to determine the most qualified and responsive providers for each professional service;

NOW, THEREFORE, BE IT RESOLVED:

- **Section 1A.** That Grantworks, Inc. is hereby selected to provide Texas CDBG project-related **administration services** for the 2017-2018 Community Development Fund project.
- **Section 1B.** That Kasberg, Patrick and Associates, Consulting Engineers, is hereby selected to provide Texas CDBG project-related **professional engineering services** for the 2017-2018 Community Development Fund project.
- **Section 2.** That any and all contracts or commitments made with the above-named services providers are dependent on the successful negotiation of a contract with the service provider;

PASSED AND APPROVED on this the 13th day of December, 2016.

AGOLD AND ALL NOVED OIT WIS UIC 15 day	y of December, 2010.
	Marion Grayson, Mayor
	ATTEST:
	Amy Casey, City Clerk