

CITY OF MANVEL, TEXAS

MUNICIPAL SERVICE PLAN- Mt. HEBRON AREA 2

**(REVISED April 4, 2014)*

I. INTRODUCTION

This Municipal Service Plan (the "Plan") is made by the City of Manvel, Texas (the "City"), pursuant to Chapter 43 of the Texas Local Government Code. This Plan relates to the annexation by the City of the tract of land ("Tract") originally described in Resolution 2016-R-13, which has been designated as Mt. Hebron out of "AREA 2".

II. EFFECTIVE TERM

This Plan shall be in effect for a period of ten (10) years commencing on the effective date of the annexation of the Tract, unless otherwise stated in this Plan. Renewal of the Plan shall be at the option of the City. Such option may be exercised by the adoption of an ordinance by the City Council, which refers to this Plan and specifically renews this Plan for a stated period of time.

III. INTENT

It is the intent of the City that services under this Plan shall equal the number of services and the level of services in existence within the Tract prior to annexation and which are available in other parts of the City with topography, land uses and population densities similar to those reasonably contemplated or projected within the Tract. However, it is not the intent of this Plan to require that a uniform level of service be provided to all areas of the City, including the Tract, where differing characteristics of topography, land utilization, and population density are considered as a sufficient basis for providing differing service levels.

The City reserves the right, granted to it by Section 43.056(k), Texas Local Government Code, to amend this Plan, if the City Council determines that changed conditions or subsequent occurrences or any other legally sufficient circumstances exist under the Texas Local Government Code, or other Texas laws to make this Plan unworkable, obsolete, or unlawful.

IV. SERVICE PROGRAMS

A. In General.

1. This Plan includes the following service programs: A Program for the Effective Date of the Annexation and a Capital Improvement Program.
2. As used in this Plan, “providing services” shall include having services provided by any method or means by which the City may extend municipal services to any other area of the City. The City shall provide the area, or cause the area to be provided, with services in accordance with the Plan. This may include, but is not limited to, causing or allowing private utilities, governmental entities, and other public service organizations to provide such services, in whole or in part.

As used in this Plan, the phrase "standard policies and procedures" shall mean those policies and procedures of the City applicable to a particular service, which are in effect either at the time that the service is requested or at the time the service is made available or provided. Such policies and procedures may require a specific type of request be made, such as an application or a petition, may require that fees or charges be paid, and may include eligibility requirements or other similar provisions.

- B. Program for the Effective Date of the Annexation. On the effective date of the annexation, State law requires that if the City provides certain services within the corporate boundaries, it must provide those services in the area of annexation. The services that must be provided are: police protection, fire protection, emergency medical services, solid waste collection, operation and maintenance of water and wastewater facilities in the annexed area, operation and maintenance of roads and streets, including lighting, operation and maintenance of parks, playgrounds, and swimming pools, and maintenance of any other publicly owned facility, building or service. The Program plan is as follows:

1. Police Protection. *Existing services:* Currently, the area is under the jurisdiction of the Brazoria County Sheriff’s Office.

Services to be Provided: The Manvel Police Department City will provide police protection and law enforcement within the Tract upon the effective date of the annexation. These activities will include routine patrols and responses, handling of complaints and incident reports, investigations, and, as appropriate, support by special units. In order to provide the above services, the Police Department will operate from a City facility. It is anticipated that the implementation of police patrol activities can be effectively accommodated within the current budget and staff appropriation.

2. Fire Protection. *Existing services:* Currently, fire protection is provided by Manvel Volunteer Fire Department, though the Brazoria County Emergency Services District #3.

Services to be Provided: Service will continue to be provided through the Emergency Services District (ESD) #3 and will continue to be provided to all residents of the annexed area on the same basis as those residents currently living within the City limits. Fire protection will remain at the current level of service. Fire prevention activities will be provided by the City Fire Marshal's office.

3. Emergency Medical Services. *Existing services:* Currently, service is provided by Manvel EMS through the Brazoria County Emergency Services District #3.

Services to be Provided: Service will continue to be provided through the Emergency Services District (ESD) #3 and will continue to be provided to all residents of the annexed area on the same basis as those residents currently living within the City limits. Emergency Medical Services will remain at the current level of service.

4. Solid Waste Collection. *Existing services:* None. Service is provided individually through private contracts with waste haulers.

Services to be Provided: All eligible residences will be provided the immediate option to participate in the city's solid waste collection service. The City's solid waste collection service is provided through Progressive Waste, the city's franchisee.

Service shall be offered to the area of annexation in accordance with the present ordinance and consistent with the franchise agreement, which presently offers recycling and special pickup for bulky items, green waste, and white goods. The franchise agreement provides that the rates and fees charged within the City of Manvel shall not be higher than the rates charged to any customers in the extra-territorial jurisdiction of the City Manvel.

Consistent with section 43.056(n) of the Texas Local Government Code, until the second anniversary of the date an area is included within the corporate boundaries of the city by annexation, the City will not:

- (1) prohibit the collection of solid waste in the area by a privately owned solid waste management service provider; or

- (2) impose a fee for solid waste management services on a person who continues to use the services of a privately owned solid waste management service provider.

5. Operation and Maintenance of Water and Wastewater Facilities in the Annexed Area. *Existing services:* None. There are no known water or wastewater facilities currently located within the annexed area (Tract).

The Tract has water and wastewater service available through private wells and private wastewater treatment by septic systems, the maintenance and repair of which are the responsibility of the owner.

Services to be Provided: If any such facilities are found to exist, or are constructed or acquired by the City within the Tract, the City will operate and maintain such facilities at levels of service and maintenance comparable to those available for other such facilities in other parts of the City with similar topography, land use, and population density as those reasonably contemplated or projected within the Tract.

6. Operation and Maintenance of Roads and Streets. *Existing Services:* County Street Maintenance.

Services to be Provided: Maintenance to the street facilities will be provided by the City upon the effective date of the annexation. The City's Department of Public Works will provide for the maintenance of roads and streets over which the City will have jurisdiction. Such Department will also provide services relating to City traffic control devices. The operation and maintenance of roads and streets, including street lighting and traffic control devices, shall be provided at levels of service and maintenance comparable to those available for other roads and streets in other parts of the City with similar topography, load use, and population density as those reasonably contemplated or projected within the Tract.

7. Operation and Maintenance of Parks, Playground and Swimming Pools. *Existing services:* None. There are no public parks, playgrounds, or swimming pools currently located within the Tract.

Services to be Provided: The City parks and all recreational facilities will be available for use by residents of the annexed area, beginning on the effective date of the annexation ordinance. If, as a result of acquisition of park land, any such facilities are constructed by the City within the Tract, the City's Department of Parks and Recreation will operate and maintain such facilities at levels of service and maintenance comparable to those available for other such facilities in other parts of the City with similar topography, load use, and population density as those reasonably contemplated or projected within the Tract.

8. Operation and Maintenance of Any Other Publicly-Owned Facility, Building, or Service. Any facility, building, or service existing or which may be constructed or located by the City within the Tract, will be operated and maintained by an appropriate City department at levels of service and maintenance comparable to those available to other such facilities in other parts of the City with similar topography, load use,

and population density as those reasonably contemplated or projected within the Tract.

- C. Capital Improvement Program. It is the intent of the City to provide City services within the Tract in accordance with the requirements of the Texas Local Government Code, § 43.056(e).

The City will initiate the acquisition and construction of the capital improvements necessary to provide municipal services adequate to serve the Tract. The City specifically invokes and incorporates by reference its Capital Improvement Plan adopted by Ordinance 2013-O-15 on June 10, 2013, and Comprehensive Plan, as said plans may be amended.

Consistent with Texas Local Government Code § 43.0056(g), the City intends to provide the annexed area with a level of services, infrastructure, and infrastructure maintenance that is comparable to the level of services, infrastructure, and infrastructure maintenance available in other parts of the municipality with topography, land use, and population density similar to those reasonably contemplated or projected in the area. Additionally, pursuant to Texas Local Government Code § 43.0056(m), a uniform level of full municipal services will not be provided to each area of the municipality, if different characteristics of topography, land use, and population density constitute a sufficient basis for providing different levels of service.

Any necessary construction or acquisition is indicated below, and any such construction or acquisition shall begin within two (2) years of the effective date of this Plan and shall be substantially completed within 4-1/2 years, except as otherwise indicated or provided by law:

1. Police Protection. No capital improvements are necessary at this time to provide police protection services within the Tract. The Tract will be included with other City territory in connection with planning for new, revised, or expanded police facilities.
2. Fire Protection. No capital improvements are necessary at this time to provide fire protection services within the Tract.
3. EMS Services. No capital improvements are necessary at this time to provide EMS services within the Tract.
4. Solid Waste Collection. No capital improvements are necessary at this time to provide solid waste collection services within the Tract.
5. Wastewater Facilities. Wastewater facilities are located approximately 1,100 feet from the Tract (direct measurement). Currently, the City does not provide wastewater service to other areas in the City which have

similar infrastructure, topography, land use, and population density as the Tract. Capital improvements by the City, including plans for regional wastewater facilities, are as stated in the City's Capital Improvement Plan and Comprehensive Plan. The Tract will be included with other City territory in connection with planning for new, revised, or expanded public wastewater facilities. Wastewater services will be provided in accordance with the City's standard ordinances, policies and procedures.

6. Water Distribution Facilities. Water distribution facilities are located approximately 1,100 feet from the Tract (direct measurement). Currently, the City does not provide water service to other areas in the City which have similar infrastructure, topography, land use, and population density as the Tract. Capital improvements by the City, including plans for regional water facilities and elevated storage tanks, are as stated in the City's Capital Improvement Plan and Comprehensive Plan. The Tract will be included with other City territory in connection with planning for new, revised, or expanded public water distribution facilities. Water services will be provided in accordance with the City's standard ordinances, policies and procedures.
7. Roads and Streets (including lighting). The City will acquire jurisdiction in and over all public roads and streets within the Tract upon annexation, pursuant to Section 311.001 of the Texas Transportation Code and other similar provisions, except for public roads and streets subject to the jurisdiction of other governmental entities. Additional roads, streets, or related facilities necessary to service the Tract will be constructed by the City or any developers within the Tract in accordance with City ordinances and design criteria. Future extensions of roads or streets and future installation of related facilities, such as city traffic control devices or street lights, within the Tract will be governed by the City's Comprehensive Plan, Master Thoroughfare Plan, and standard ordinances, policies and procedures of the City. The Tract will be included with other City territory in connection with planning for new, improved, revised, widened, or enlarged roads, streets, or related facilities.
8. Parks, Playgrounds, and Swimming Pools. No capital improvements are necessary at this time to provide park and recreational services to the Tract. The Tract will be included with other City territory in connection with master planning for new, revised, or expanded parks, playgrounds, swimming pools, and/or other recreational facilities.
9. Other Publicly-Owned Facilities, Buildings or Services: Additional Services. In general, other City functions and services can be provided to the Tract by using existing capital improvements. At this time,

additional capital improvements are not necessary to provide City services. However, the Tract will be included with other City territory in connection with planning for new, revised, or expanded facilities, functions, and services.

D. Code Enforcement Services:

a. Enforcement of the City's ordinances will be provided within the annexed area on the effective date of the annexation ordinance. These ordinances and other regulations will be enforced using existing personnel.

b. Complaints of ordinance violations or other code violations within the annexed area will be answered and investigated by existing personnel on the effective date of the annexation ordinance.

c. Animal Control services will be provided to those areas within the annexed area on the effective date of the annexation ordinance using existing personnel and equipment.

d. Vector control services will be provided to those areas within the annexed area on the effective date of the annexation ordinance using existing personnel and equipment.

E. Library Services: The County Library and facilities will continue to be available for use by residents of the annexed area, beginning on the effective date of the annexation ordinance.

F. Miscellaneous: General municipal administration and administrative services of the City shall be available to the annexed area beginning with the effective date of the annexation ordinance.

V. **AMENDMENT: GOVERNING LAW**

This Plan may not be amended or repealed, except as provided by the Texas Local Government Code or other controlling law. Neither changes in the methods or means of implementing any part of the service programs nor changes in the responsibilities of the various departments of the City shall constitute amendments to this Plan, and the City reserves the right to make such changes at any time. This Plan is subject to, and shall be interpreted in accordance with, the Constitution and laws of the United States of America and the State of Texas, the Texas Local Government Code, and any orders, rules, or regulations of any other governmental body having jurisdiction.

VI. FORCE MAJEURE

In the event the City is rendered unable, wholly or in part, by force majeure to carry out its obligations under this Plan, notice shall be given with full particulars of such force majeure, in writing, as soon as reasonably possible after the occurrence of the cause relied on, and the City's obligations, so far as effected by such force majeure, shall be suspended during the continuance of such inability so caused but for no longer period, and such cause shall, so far as possible, be remedied with all reasonable dispatch; provided, however, City shall not be required to settle a strike or dispute with workmen when such settlement is against the will of the City. The term "force majeure" shall mean acts of God, strikes, acts of the public enemy, wars, blockades, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, storms, floods, washouts, arrests and restraints of rulers and people, explosions, breakage or accident to machinery or lines of pipe, droughts, hurricanes and tornadoes, and any other inability of either party, whether similar to those enumerated or otherwise, not within the control of the City, which, by the exercise of reasonable diligence, the City shall not have been able to avoid.

VIII. ENTIRE PLAN

This document contains the entire and integrated Plan relating to the Tract and supersedes all other negotiations, representations, plans, and agreements, whether written or oral.

If one or more provisions of this Plan is held to be invalid, unenforceable, or illegal in any respect, the remainder the Plan shall remain valid and in full force and effect.