VILLAGE OF VOLENTE

RESOLUTION NO. 2012-R-02

A RESOLUTION OF THE VILLAGE OF VOLENTE, TEXAS, COMMENCING ANNEXATION OF A PORTION OF LAKE TRAVIS, BEING APPROXIMATELY 637 ACRES, MORE OR LESS, IN TRAVIS COUNTY, TEXAS; SETTING A SCHEDULE FOR ANNEXATION; AND PROVIDING FOR SEVERABILITY, EFFECTIVE DATE, AND PUBLIC NOTICES AND OPEN MEETINGS REQUIREMENTS.

WHEREAS, the Village of Volente ("Volente") was incorporated pursuant to the laws of the State of Texas as a Type B General-Law Municipality following an election held on February 1, 2003; and

WHEREAS, the Village of Volente, Texas, (herein the "Village" or "Volente") is a Type B General-Law Municipality authorized to annex into the Village's corporate limits portions of adjacent waterways and any and all adjacent dry land that is exposed due to variations in water levels and the waterway's shoreline; and

WHEREAS, the subject navigable stream, known as Lake Travis, as described and depicted in "Tract B" in the attached Exhibit "A" (the "Subject Property") is adjacent to the corporate limits of the Village and has been released from the City of Austin's ("Austin") extraterritorial jurisdiction ("ETJ") to the Village of Volente and the Village's ETJ with the written consent of both Austin and Volente, as memorialized and evidenced by the Interlocal Cooperation Agreement effective as of March 8, 2012 ("Interlocal Agreement"); and

WHEREAS, the Subject Property includes any and all land that may be exposed between the 671-foot above mean sea level (MSL) contour line (the Village's pre-existing corporate boundary line) and Lake Travis's shoreline, as that shoreline may vary from time to time due to variations in the water levels of Lake Travis, as all such land has been released from Austin's ETJ to the Village of Volente and its ETJ with the written consent of both Austin and Volente, as memorialized and evidenced by the Interlocal Agreement; and

WHEREAS, the corporate boundaries of the Village are adjacent and contiguous to the Subject Property; and

WHEREAS, the Subject Property is within the Village's extraterritorial jurisdiction; and

WHEREAS, annexing the Subject Property into the corporate limits of the Village of Volente will assist with and enhance the prudent and orderly planning and development of the Village and provide for meaningful and adequate protection of the environment and valuable natural resources; and

WHEREAS, annexing the Subject Property into the corporate limits of the Village of Volente will help ensure orderly and effective municipal planning and development that will benefit and serve the best interests of all citizens; and

WHEREAS, annexing the Subject Property into the corporate limits of the Village of Volente will facilitate good and effective government; peace and order; effective and efficient municipal planning; and protection of the environment, natural resources, and the public health, welfare, and safety of present and future citizens; and

WHEREAS, after review and consideration of the Subject Property, the Village Council finds that the Subject Property is exempt from the Village's annexation plan pursuant to §43.052(h)(5) of the Local Government Code; and

WHEREAS, the Village Council wishes to authorize Village staff to schedule public hearings and give notice of the public hearings as required by Chapter 43 of the Local Government Code;

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS, THAT:

Section 1. Findings.

The foregoing recitals are hereby found to be true and correct and are hereby adopted by the Village Council and incorporated into this resolution for all purposes as findings of fact.

Section 2. Proceedings.

Now that Austin has released the Subject Property to Volente from Austin's ETJ and Volente has consented to the release of the Subject Property, which is described and depicted as "Tract B" in the Exhibit "A", which is attached hereto and incorporated herein for all intents and purposes, the Village of Volente shall commence the annexation of the Subject Property, which includes portions of: (a) the navigable stream of Lake Travis, located in Travis County, Texas, adjacent to and abutting the corporate limits of the Village of Volente and (b) any and all land that may be exposed between the 671-foot MSL contour line (the Village's pre-existing corporate boundary line) and Lake Travis's shoreline, as that shoreline may vary from time to time due to variations in the water levels of Lake Travis.

The Village Secretary and Village staff are authorized and instructed to cause two public hearings to be scheduled and conducted, and notice of both hearings is to be given in accordance with Chapter 43 of the Local Government Code. The hearings shall be open to the public to accept public comment on the annexation. The municipal services plan for the Subject Property is attached hereto and incorporated herein for all purposes as Exhibit "B".

Section 3. Severability.

Should any section or portion of this resolution be held unconstitutional, illegal, or invalid, or in the event the application of this resolution to any person or set of circumstances is held to be ineffective, invalid or unenforceable for any reason, then that holding shall not be construed to affect the validity of any other portion of this resolution, and all other portions of this resolution shall remain in full force and effect. All provisions of this resolution are declared severable for that purpose.

Section 4. Effective Date.

This resolution shall take effect immediately upon its approval by the Village Council at the special council meeting held on April 17, 2012.

Section 5. Public Notice and Open Meetings.

It is hereby officially found and determined that the meeting at which this resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED this, the 17th day of April, 2012, by a vote of the Volente Village Council of 4 in favor to 0 opposed, with 0 abstentions.

Justine Blackmore Hlista

JUSTINE BLACKMORE-HLISTA, Mayor

Attest:

Joan Jackson

Joan Jackson, Village Secretary

EXHIBIT "A"

(Description of Subject Property to be Annexed)

EXHIBIT "B"

MUNICIPAL SERVICES PLAN FOR PROPERTY TO BE ANNEXED TO THE VILLAGE OF VOLENTE

WHEREAS, the Village of Volente, Texas intends to institute annexation proceedings for the area described more fully hereinafter (referred to herein as the "Subject Property"), which includes certain areas of the navigable stream known as Lake Travis, as well as any and all land that may be exposed between the 671-foot MSL contour line (the Village's pre-existing corporate boundary line) and Lake Travis's shoreline, as that shoreline may vary from time to time due to variations in the water levels of Lake Travis; and

WHEREAS, Section 43.056 of the Local Government Code requires a service plan be adopted with the annexation ordinance; and

WHEREAS, it is found that all statutory requirements have been satisfied, and the City is authorized by Chapter 43 of the Local Government Code to annex the Subject Property into the City;

NOW, THEREFORE, the Village of Volente agrees to provide the following municipal services for the Subject Property upon the effective date of annexation:

1. Police protection as follows:

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the Village of Volente on waterways within the Village's corporate limits.

2. Fire protection and Emergency Medical Services as follows:

Fire protection by Travis County Emergency Services District ("ESD") No. 14 personnel and equipment of the emergency services district fire fighting force with the limitations of water available. Radio response for Emergency Medical Services by ESD No. 14 with the present personnel and equipment.

3. Animal control as follows:

Service by present personnel, equipment and facilities or by contract with a third party, as provided within the Village.

4. Inspection services in conjunction with building permits and routine Village code enforcement services by present personnel, equipment and facilities.

5. Maintenance of other Village facilities, buildings and services.

6. Land use and water quality regulations as follows:

On the effective date of annexation, the zoning jurisdiction of the Village shall be extended to include the annexed area as applicable, and all property therein shall be grandfathered; and shall be temporarily zoned Open Space (OS) pursuant to the Village's Zoning Ordinance. The Planning & Zoning Commission and the Village Council will consider rezoning the property at future times in response to requests submitted by the landowners or authorized Village staff, as appropriate.

On the effective date of annexation, and in accordance with the Interlocal Cooperation Agreement between the City of Austin and the Village of Volente effective March 8, 2012, a critical water quality zone, referred to as the Lake Travis Critical Water Quality Zone (LTCWQZ) shall be established along and parallel to the portion of the Subject Property located along the shoreline of Lake Travis, coinciding with the 681-foot contour line. The width of the Lake Travis Critical Water Quality Zone (LTCWQZ), measured horizontally inland, shall be one-hundred (100) feet or, for a detached single-family residence, seventy-five (75) feet. Any duly authorized development within the Lake Travis Critical Water Quality Zone (LTCWQZ) that may be submerged from time to time and below the 681-foot contour line shall be prohibited, except that, subject compliance with all other applicable Village ordinances and all other applicable governmental regulations, a boat dock, pier, wharf, or marina and necessary access and appurtenances may be allowed. Within the Lake Travis Critical Water Quality Zone (LTCWQZ), approval by the Village or an agency designated by the Village Council of the Village of Volente of chemicals used to treat building materials that may be submerged in water shall be required before a permit may be issued or a site plan approved and released. All such development must also comply with the 2006 LCRA Highland Lakes Watershed Ordinance, as it may be amended from time to time, and the 2006 LCRA Water Quality Management Technical Manual, as it may be amended from time to time.

CAPITAL IMPROVEMENTS

Construction of the following capital improvements shall be initiated within two (2) years of the effective date of annexation and shall be substantially complete within four and one-half (4 ½) years of the effective date of annexation:

The capital improvements planned for the Subject Property, being a navigable stream and periodically exposed land adjacent to the navigable stream's shoreline, are as follows: **NONE.**

PROPERTY DESCRIPTION

The legal description of the Subject Property, which is described and depicted as "Tract B" in Exhibit "A" to the Annexation Resolution to which this Municipal Services Plan is attached as Exhibit "B".

Exhibit A
onestown / Volente
TJ Release Requests

City of Austin
PDRD
January 6, 2012

Proposed ETJ Release Area

- Tract A: Austin ETJ to Jonestown
- Tract B: Austin ETJ to Volente

- Jonestown
- Jonestown ETJ
- Volente
- Austin ETJ

0.5 0.25 0 0.5 Miles

N