VILLAGE OF VOLENTE

ORDINANCE NO. 2014-O-4

AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS, ANNEXING A PORTION OF LAKE TRAVIS, BEING APPROXIMATELY 637 ACRES, MORE OR LESS, OF A NAVIGABLE STREAM IN TRAVIS COUNTY, TEXAS; AND PROVIDING FOR A MUNICIPAL SERVICES PLAN, 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 by state law, including but not necessarily limited to Section 43.027 of the Texas Local Government Code, to annex into the Village's corporate limits portions of adjacent waterways;

WHEREAS, the portion of the subject navigable stream, known as Lake Travis, as described and depicted in "Tract B" in the attached Exhibit "A" (the "Subject Property") and described by metes and bounds in the attached Exhibit "B", 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 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 public health and safety, 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 has conducted public hearings and given notice of these public hearings as required by Chapter 43 of the Local Government Code; and

WHEREAS, the Village received and considered public comment at these public hearings; and

WHEREAS, the Village is annexing the Subject Property within 90 days after the date the annexation proceedings were instituted 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 ordinance in their entirety for all purposes as findings of fact.

Section 2. Area Annexed.

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" and described by metes and bounds in the attached Exhibit "B", which exhibits are attached hereto and incorporated herein for all intents and purposes, the Village of Volente hereby annexesthe following area ("Subject Property"):

> 637 acres, more or less, of the navigable stream of Lake Travis, located in Travis County, Texas, adjacent to and abutting the corporate limits of the Village of Volente, being more particularly described and depicted as "Tract B" in the attached Exhibit "A", and described by metes and bounds in the attached Exhibit "B."

Section 3. Municipal Services Plan.

The municipal services plan for the Subject Property, which plan isattached hereto and incorporated herein for all purposes as Exhibit "C", is hereby approved as part of this Ordinance.

Section 4. **Rights and Restrictions.**

The future owners and inhabitants of the Subject Property shall be entitled to all of the rights and privileges of the Village as set forth in the Municipal Services Plan attached hereto and incorporated herein for all intents and purposes as Exhibit "C," and are further bound by all the acts, ordinances, and all other legal action now in force and effect, and all those which may be hereafter adopted.

Section 5. **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 6. **Effective Date.**

This resolution shall take effect immediately upon its approval by the Village Council and its publication in accordance with the provisions of the Texas Local Government Code

Section 7. **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 4th day of April, 2014, by a vote of the Volente Village Council of 3 in favor to 0 opposed, with 0 abstentions.

FREDRICK GRABER, Mayor

Attest:

Joan Jackson, Village Secretary

EXHIBIT "A"

(Map Description of Subject Property to be Annexed)

Exhibit A
Jonestown / Volente ETJ Release Requests

City of Austin
PDRD
January 6, 2012

Miles
0.5 0.25 0 0.5

Proposed ETJ Release Area

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

- Jonestown
- Jonestown ETJ
- Volente
- Austin ETJ

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EXHIBIT "B"

(Metes and Bounds Description of Subject Property to be Annexed)

GENERAL DESCRIPTION
OF
WATERWAY ANNEXATION
FOR
VILLAGE OF VOLENTE, TEXAS

All of that certain tract consisting of approximately **634.11 Acres**, more or less, in Travis County, Texas and being more particularly described as follows:

Commencing(P.O.C.) at a point on the West ROW Line of Arrowhead Drive, said point also being the most Southeastern corner of that certain tract of land called Lot 31-32, Blk. 1 of the Arrowhead Point Subdivision, No.1, as conveyed to Delbert Ottmers, Jr., by deed, as recorded by Vol. 10182, Pg. 389, Travis County Official Public Records (T.C.O.P.R.), said point also being a Northeastern corner of that certain tract of land called 7.709 Acres, as conveyed to Schmidt Investments, LTD., by deed, as recorded by Instrument No. 2008000077 (T.C.O.P.R.),

THENCE, heading in a Northwesterly direction along the South Property line of said Lot 31-32, Bk. 1, Arrowhead Point Subd. No.1, said line also being the Northern Property line of said 7.709 Acre Tract, a total distance of **393.61 feet**, more or less, to a point(inundated), said point being the most Southwestern corner of said Lot 31-32, Blk. 1 Arrowhead Point Subd., No. 1, said point also being the most Northwestern corner of said 7.709 Acre tract, for the **POINT OF BEGINNING(P.O.B.)**;

THENCE, turning and heading in a Southwesterly direction, along the Western Property line (inundated) of said 7.709 Acre tract, conveyed to Schmidt Investments LTD, said line also being common with the 670' contour line (approximate), the following 10 courses:

1. S36d48'06" W 97.57' to a calculated point(inundated) on the 670' contour;
2. S30d21'14"W 67.50' to a calculated point(inundated) on the 670' contour;
3. S36d26'14"W 142.22' to a calculated point(inundated) on the 670' contour;
4. S41d21'26"W 184.54' to a calculated point(inundated) on the 670' contour;
5. S53d26'58"W 79.55' to a calculated point(inundated) on the 670' contour;
6. S32d49'26"W 121.19' to a calculated point(inundated) on the 670' contour;
7. S20d01'40"W 87.19' to a calculated point(inundated) on the 670' contour;
8. S03d47'15"E 109.97' to a calculated point(inundated) on the 670' contour;
9. S20d02'18"E 95.03' to a calculated point(inundated) on the 670' contour;
10. S34d09'34"E 128.38' to a calculated point(inundated) on the 670' contour;

said point also being on the Western property line of said 7.709 Acre tract, said point also being the intersect point of said 670' contour line and the City of Austin, Texas 2-Mile ETJ Line;

THENCE, turning and heading in a Northwesterly direction along the said 2-Mile ETJ line(inundated) of City Of Austin, an approximate distance of **2128.06 feet**, more or less, to a calculated point(inundated), said point also being the intersect point of the City Of Austin 2-Mile ETJ and 5-Mile ETJ;

THENCE, heading in same general Northwesterly direction along said City of Austin 5-Mile ETJ Line (inundated), an approximate distance of **4837.45 feet**, more or less, to a calculated point (inundated), said point being a Southern corner point on the City of Jonestown City Limits line, said point also being an intersect point of the City Of Austin 5-Mile ETJ and Jonestown City Limits line;

THENCE, turning and heading in a Northeasterly and then northwesterly direction, along said Southern Jonestown City Limits line, the following 3 courses:

1. N32d09'17"E 718.28' to a calculated point(inundated)
2. N61d40'53"W 1857.16' to a calculated point(inundated)
3. N12d51'51"W 2129.96' to a calculated point(inundated)

said point being a point on the Southern City Limits line for the City Of Jonestown;

THENCE, turning and heading in a Northeasterly direction, along said City Of Jonestown Southern City Limits Line, an approximate distance of **7440 feet**, more or less, to a point (inundated), said point being the most Northeastern corner of the George Family Partnership Subdivision, said point also being the most Northeastern corner of Lot 4, George Family Partnership Subdivision, said point also being the most Southeastern corner of Lot 4A, Blk. A, Coplins Cove Subdivision, said point also being the most Southeastern corner of Coplins Cove Subdivision;

THENCE, heading in same general Northeasterly direction, along the boundary line of said Coplins Cove Subdivision and continuing Northeasterly along the boundary line of that certain tract of land called 18.68 Acres, as conveyed to Jadon F. Newman, by deed, as recorded by Instrument No. 2008197311 (T.C.O.P.R.), an approximate distance of **455 feet**, more or less, to a point(inundated), said point being the most Eastern corner of said 18.68 acre tract, said point also being the most Southern corner of Northlake Hills Subdivision, Sec3, said point also being a southern property corner of Lot 18, Northlake Hills Subd., said point also being on the City of Jonestown Eastern City Limits line;

THENCE, heading in same general Northeasterly direction, along all of the Southern boundary line of said Northlake Hills Subdivision, Sec.3, said line also being the City Of Jonestown City Limits line, an approximate distance of **3513 feet**, more or less, to a point(inundated), said point being a point on the Southern boundary line of said Northlake Hills Subd., Sec. 3, said point also being a corner point on Jonestown City

Limits Line, said point also being the most Eastern corner of Lot 7 Northlake Hills Subd., Sec.3, as conveyed to Scott Stolz, by deed, as recorded by Instrument No.1999030033 (T.C.O.P.R.);

THENCE, turning and heading in a Southeasterly direction, across Lake Travis Sandy Creek waterway, an approximate bearing and distance of **S51d25'7"E, 1113 feet**, more or less, to a point(inundated), said point being a point on the City limits line for the Village of Volente, said line also being common with the 670 contour line; said line also being the City of Austin 5-Mile ETJ line;

THENCE, continuing along said City limits line for Village of Volente, said line also being the 670 contour line, an approximate distance of **41360 feet**, more or less, to a point(inundated), said point being the most Northwestern corner of the Arrowhead Point Subdivision No.1, said point also being the most Northwestern corner of Lot 1-2, Blk. 1 Arrowhead Point Subd. No.1, as conveyed to Melanie & David Bradley, by deed, as recorded by Vol. 12583 Pg. 1000 (T.C.O.P.R.);

THENCE, turning and heading in a Southwesterly direction, along the Western boundary line of said Arrowhead Point Subd. No.1, an approximate distance of **2153 feet**, more or less, to the **POINT OF BEGINNING**, containing **634.11 acres**, more or less.

EXHIBIT "C"

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 portions of a navigable stream adjacent to the Village known as Lake Travis, the area of which is described more fully hereinafter (referred to herein as the "Subject Property"); 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 portions of the navigable streams 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, are as follows: **NONE.**

PROPERTY DESCRIPTION

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