

## **SERVICE PLAN**

2007 Annexation - Oak Village North Area (AKA "OVN")  
City of Seguin

### **I. INTRODUCTION**

This Service Plan ("Plan") is prepared by the City of Seguin, Texas ("City") pursuant to Section 43.056 of the Texas Local Government Code. This Plan relates to the 3-year annexation plan for OVN, consisting of approximately 524 acres, located in the extra-territorial jurisdiction of the City of Seguin, Guadalupe County, Texas.

### **II. EFFECTIVE TERM**

This Service Plan shall be valid for ten (10) years beginning on the effective date of the annexation. The Service Plan may be renewed at the discretion of the City; and, the Service Plan may not be amended or repealed except as allowed under Chapter 43 of the Texas Local Government Code or other controlling law. Any future change in existing law to the contrary notwithstanding, any amended service plan must provide for services that are comparable to or better than those established in the service plan before amendment.

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 and in accordance with all applicable State statutes.

### **III. INTENT**

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

With regard to annexed areas not within OVN, the City reserves the right to amend this statutorily created contract if the City Council determines that changed conditions or subsequent occurrences or any other legally sufficient circumstances exist under the Local Government Code, or other Texas laws making this service plan unworkable or obsolete or unlawful.

#### **IV. SERVICE PROGRAMS**

##### **A. In General**

1.This Plan includes the following programs: services presently being provided, services immediately provided upon effective date of annexation, the 60 day program to provide services and the Capital Improvement Program including covering the extension of sanitary sewer service.

2.As used in this Plan, providing services includes 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 service 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. The acquisition or construction of the facilities shall be accomplished by purchase, lease, or other contract or by the municipality succeeding to the powers, duties, assets, and obligations of a conservation and reclamation district as authorized or required by law.

3.As used in this Plan, the phrase “standard policies and procedures” means 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 a time that the service is made available or provided. The policies and procedures may require that a specific type of request be made, such as an application or a petition. They may require that fees or charges be paid, and they may include eligibility requirements and similar provisions.

##### **B. Services Presently Being Provided**

1. The following services are presently being provided to OVN.

a.The City of Seguin presently provides fire protection and EMS to OVN. Upon annexation, the City of Seguin Fire Department will assume primary fire protection responsibilities. County residents receive a limited response of a tanker truck, engine, medic unit and Battalion Chief. Residences within the city limits receive a full response of all equipment and personnel as needed. The Fire Chief reported no additional equipment costs would be required to serve this area.

b.Library - Library services are currently provided for OVN residents at the Seguin Guadalupe County Library.

c.Parks - The same standards and policies now used by the City of Seguin will be followed in operating, maintaining and expanding the parks and recreation program and facilities. There are no plans to provide recreational facilities or parks to the tracts specifically identified by this

service plan. Access to all park facilities is currently being provided for residents of the area proposed for annexation. Non-residential fees for park use were removed effective October 1, 1996. The City of Seguin park facilities consist of the following:

- (1) Manuel Castilla Park (including Rio Nogales Neighborhood Park)
- (2) Blumberg Park
- (3) Blue Star Memorial Highway Park
- (4) Townwood Village Subdivision Park
- (5) Veteran's Memorial Park
- (6) Memorial Rose Garden
- (7) Central Park
- (8) Juan Seguin Burial Site
- (9) Willow Park
- (10) Max Starcke Park, East & West

d. Subdivision Review & Approval - The rules and regulations of the City of Seguin regarding the subdivision and development of property are currently in effect regarding the tracts identified by this service plan. The City of Seguin Subdivision Ordinance regulating design and infrastructure construction standards for all developments will be overseen by the City Planning Commission, City Engineer and/or planning staff.

e. Building Inspections - Properties served by city electric and water receive inspections services for those items.

### **C. Services Immediately Provided Upon Effective date of Annexation**

The following services will immediately be provided to OVN upon the effective date of annexation.

1. Fire Protection - The City of Seguin will assume primary fire protection responsibilities upon annexation, as discussed above.
2. Police Protection - The Police Department of the City will provide protection and law enforcement services in OVN. These activities will include normal patrols and police responses, the handling of complaints and incident reports, and as appropriate, support by special units. Support and supervisory personnel will be assigned as needed. One additional officer plus vehicle will be added.
3. Solid Waste Collection - All residences in OVN will be provided solid waste collection service by contract with the City's solid waste collection provider. Such service shall be at the same level as currently provided within the City, and will consist of once weekly curbside pickup of refuse and may be amended through the City's contract with the solid waste

collection provider. Pursuant to Texas Local Government Code Section 43.056 (n) & (o), for the first two years after the effective date of the annexation of the OVN the City shall not prohibit the collection of waste in the area by a privately owned solid waste management service provider or impose a fee for solid waste services on a person who continues to use the services of a privately owned service provider.

4. Operation and Maintenance of Roads and Streets - The City of Seguin Public Works Department will maintain the public streets in the OVN that the City has jurisdiction over. This will include repairing areas of deterioration in existing pavement. Public streets will be included in the City's preventive maintenance program and shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas with similar topography, land use and population density. Installation and maintenance of street signs, street lighting and traffic control devices will be maintained by the City.
5. Operation and Maintenance of Any Other Publicly Owned Facility, Building or Service –In addition to operation and maintenance of the existing roads and streets, the City will also maintain the existing drainage facilities within the annexed area that are under City jurisdiction. This may include re-grading the existing roadside ditches and outfall ditches, and cleaning existing stream crossing culverts, in accordance with City of Seguin policies.
6. Should any other municipal facilities, buildings or services be constructed or located by the City, an appropriate City Department will provide maintenance services for those facilities.
7. Health Inspections - Health inspection services include restaurant inspections, food handler certifications, adult and child day care inspections, foster home inspections, sewer leaks and on-site sanitary sewer facility permitting.
8. Building Inspection - Full building inspection services including structural and utility inspections and permitting will be provided to all construction activities that occur immediately upon effective date of annexation. No additional personnel or equipment is anticipated at this time.
9. Floodplain Management - Floodplain management in accordance with FEMA and the City of Seguin floodplain management ordinances shall occur immediately upon the effective date of annexation. These ordinances are designed to minimize the risk of damage and loss of life due to flooding.

10. Code Enforcement - Code enforcement including high weeds, junk vehicle removal and nuisance violations will be provided immediately upon the effective date of annexation. The Building & Standards Commission with Planning/Codes staff will administer the Building & Standards Ordinance, which provides for demolition, removal or improvements of substandard structures. No additional personnel or equipment is anticipated at this time.
11. Animal Control - Animal control services including “at large” canine and rabies control will be provided by the City of Seguin upon annexation. Other services include dead animal removal, “at large” cat control, wildlife control, and license and vaccination requirements. “At large” livestock control will be administered in conjunction with Guadalupe County.

**D. 60 Day Program to Provide Services**

The City will provide the following services in OVN within 60 days after the effective date of the annexation. The 60 Day Program Plan is as follows:

1. Brush - The City will provide for the collection of brush within 60 days of the effective date of annexation in the established brush schedule for the City. Each residence is entitled up to 15 minutes of brush/limb collection during the area’s scheduled collection week each month. Brush/limbs must be out by that Monday morning to assure pick-up. Brush/limbs should be cut and stacked neatly at the edge of your street or the curb line of your residence, not on the street. Brush collectors cannot remove the following items:
  - (a) Mixed piles (garbage or lumber)
  - (b) Yard trimmings (leaves, grass, etc. these items should be bagged for garbage pickup)
  - (c) Banana plants, palm leaves, cactus or bamboo

Under certain conditions, agricultural operations may apply for a burn permit through the Seguin Fire Marshal’s office. The fire code and T.C.E.Q. guidelines are utilized in determining what is allowed to be permitted in accordance with state and local policies.

2. Zoning Administration - The City will begin providing zoning administration for properties within 60 days of the effective date of annexation. No increase in personnel or equipment is anticipated.

**E. Capital Improvement Program**

**Water**

Water is provided by the City of Seguin and private wells. No water extensions to OVN are being proposed by the City of Seguin at this time. However, water extensions to serve future development may be considered in accordance with adopted City of Seguin policies and in conjunction with State regulations.

The installation of additional fire hydrants as required by City of Seguin policies and adopted codes shall occur no later than 2 ½ years after the effective date of the annexation.

### **Wastewater**

1. Construction Timeline. The City of Seguin must provide wastewater services for the Oak Village North subdivision no later than 42 months after the effective date of annexation. Due to density issues, the annexed areas outside the OVN subdivision will not be provided wastewater services by the City pursuant to this service plan.
2. Tap Fees. The tap fee for residents of the Oak Village North subdivision shall be \$470.00.
3. Wastewater Hook-Up Policy. Residents with septic systems that were installed more than ten (10) years prior to the annexation must connect to the system as soon as practicable after construction is completed. Residents with systems that were installed less than ten (10) years prior to the annexation must connect to the system on or before the tenth anniversary of installation of their septic system. Site conditions may require some residents to install pumps to access the system, both for optimal individual access and to enhance the flow of the system as a whole. The installation of such pumps, or in the alternative a lift station, provides a public benefit to the overall system. Residents who would be required to install pumps to access the system will be permitted to opt out and may remain on an approved septic or aerobic system. In the alternative, these residents may, in lieu of installing pumps, donate an easement of property sufficient for the City to construct and maintain a lift station to service certain tracts that cannot be serviced without the assistance of pumps. Residents required to install pumps to access the system who do not donate an easement of property for construction of a lift station will be required to purchase and maintain their own pumps.
4. Maintenance of Individual Pumps. In the event the City installs a lift station to service certain tracts that cannot be serviced without the assistance of pumps, the service plan shall provide for the City to maintain such lift station. In the event the City does not install a lift station, or if certain residents are not connected to the lift station and install their own pumps, residents shall maintain their own pumps.

5. Placement of Wastewater Line. The City will place the wastewater line serving OVN in the street right-of-way to the extent practicable.
6. Summary of Extension Policy. The following information is a summary of the City of Seguin's policies for wastewater service extensions. It is made in compliance with the Texas Local Government Code, which requires that each annexation include a summary of the service extension policy. Nothing in this summary repeals any provision of the Seguin General Code of Ordinances as amended, and any of the uncodified ordinances that contain the City's policies and procedures.
7. Extensions built by the City at its full cost are included in its Capital Improvement Plan, which is updated annually. Placement of an extension or enlargement of wastewater lines in the Capital Improvement Plan is based primarily on the following requirements: (1) to provide service, (2) to eliminate wastewater overflows, and (3) to provide adequate capacity for project service requirements.
8. Persons wishing to develop land in unserved areas must construct wastewater service lines and extensions to serve those areas in accordance with existing City policies and those policies found in Chapter 102, Seguin General Code of Ordinances, and the City of Seguin Subdivision Ordinance.

### **Electric**

Electric service to OVN is provided by the City of Seguin and G.V.E.C.. All areas within the City provided electric service shall receive street lighting in accordance with the standard City of Seguin practices and policies.

## **V. ZONING ANALYSIS**

The City of Seguin Planning Department will incorporate OVN in the City's Comprehensive Plan. Also, after annexation the Planning Department will request appropriate zoning for the different uses of land in the annexed areas through the Planning Commission and the City Council.

## **VI. 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 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. This Plan is subject to and shall be interpreted in accordance with the Constitution of the United States of America and the State of Texas, the Texas Local Government Code, and the orders, rules and regulations of governmental bodies and officers having jurisdiction.

## **VII. FORCE MAJURE**

The municipality does not violate this service plan if the construction process is interrupted for any reason by circumstances beyond the direct control of the municipality. In case of an emergency, such as a flood or other "Force Majure" as that term is defined herein, in which the City is forced to temporarily divert its personnel and resources away from this area for humanitarian purposes or for the safety of the general public, the City hereby obligates itself to take all reasonable measures to restore services to the level described in this Plan as soon as possible. "Force Majure", for the purposes of this Plan, shall include, but not be limited to, acts of God, acts of a public enemy, war, blockades, insurrection, riots, epidemics, landslides, lightning, earthquakes, fires, storms, floods, washouts, droughts, tornadoes, hurricanes, arrests and restraint of government, explosions, collisions, and other inability of the City, whether similar to those enumerated or otherwise, which is not within the control of the City. Unavailability or shortage of funds shall not constitute "Force Majure" for the purposes of this Plan.

## **VIII. ENTIRE PLAN**

This document contains the entire and integrated Service Plan relating to annexation.