

**CITY OF NEDERLAND
ANNEXATION SERVICE PLAN**

I. INTRODUCTION

This Service Plan (“Plan”) is made by the City of Nederland, Texas (“City”) pursuant to Chapter 43 of the Local Government Code (“the Act”). This Plan relates to the annexation by the City of approximately 496.5 acres of land (“Tract”) located in Jefferson County, Texas, generally North and West of the City and adjoining the existing City boundaries. The Tract is described by metes and bounds in Exhibit A and by map in Exhibit B which are included as a portion of this Plan.

II. TERM: EFFECTIVE DATE

This Plan will be in effect for a term of ten (10) years commencing upon the effective date of the annexation of the Tract. Renewal of this Plan will 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. SERVICE PROGRAMS

A. In General. This Plan includes two (2) service programs: the Early Action Program, described below, and the Capital Improvement Program, described below.

B. Scope and Quality of Services. Services under this Plan will equal or exceed the number of services and the level of services in existence in the Tract prior to annexation. 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, including the Tract, where differing characteristics of topography, land utilization, and/or population density are considered as sufficient basis for providing differing service levels.

C. Definitions

1. As used in this Plan, providing services includes having services provided by any method or means by which the City extends municipal services to any other areas of the City. This may include causing or allowing private utilities, governmental entities, and other public service organizations to provide such services, in whole or part.
2. 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 the 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.

D. Early Action Program

1. Statutory Services. The statutory services will be provided within the Tract within the period required by State law. Service will be provided in accordance with the following schedule:

Police Protection: within ten (10) days of the effective date of the annexation.

Fire Protection: within ten (10) days of the effective date of the annexation.

Dispatching Services: within forty-five (45) days of the effective date of the annexation.

Solid Waste Collection: within sixty (60) days of the effective date of the annexation.

Inspections: within sixty (60) days of the effective date of the annexation.

Planning: within sixty (60) days of the effective date of the annexation.

Code Enforcement: within sixty (60) days of the effective date of the annexation.

Roads, Streets, and Drainage: within sixty (60) days of the effective date of the annexation.

Street Lighting: within sixty (60) days of the effective date of the annexation.

Parks and Recreation: within ten (10) days of the effective date of the annexation.

Library Facilities: within ten (10) days of the effective date of the annexation.

Maintenance of Water Facilities: dependent upon existing circumstances.

Maintenance of Wastewater Facilities: dependent upon existing circumstances.

Other City Services: within sixty (60) days of the effective date of the annexation.

2. The statutory services are individually identified as follows:

- a. Police Protection. The Police Department of the City will provide protection and law enforcement in the Tract. These activities will include normal patrols and responses, the handling of complaints and incidents reports, and, as appropriate, support by special units of the Department, including animal control services.

- b. Fire Protection. The Nederland Fire Department and the Nederland Volunteer Fire Department, Inc. will provide fire protection and fire prevention activities within the Tract.

- c. Dispatching Services. Mid County Central Dispatch will provide dispatching services to the Tract.

- d. Solid Waste Collection. The City will provide residential garbage and trash collection, and recycling service to eligible property owners. To be eligible for this service, property must have frontage on a public street and garbage must be placed in a City-provided container. Residential garbage and trash collection, and recycling service shall be provided in accordance with Ordinance No. 35, Ordinance No. 155, and subsequent amendments. Commercial and industrial service will be provided by private contractors.
- e. Inspections. Building/construction services, including enforcement of building code requirements, plan review, and on-site inspections, will be provided by the City to the Tract.
- f. Planning. Planning/zoning services will be provided by the City to the Tract. The proposed zoning designations for this area are indicated in Exhibit C.
- g. Code Enforcement. Code enforcement personnel will enforce the City's housing code and ordinances regarding junk motor vehicles, high weeds, unsafe buildings, and illegal dumping of refuse.
- h. Maintenance of Roads, Streets, and Drainage. The Department of Public Works will provide maintenance of roads, streets, traffic control devices, and drainage facilities not maintained by the Texas Department of Transportation. Maintenance will be provided to those right-of-ways that have previously been dedicated and accepted as public facilities, accepted for maintenance by Jefferson County, and that have actually been utilized for public purposes.
- i. Street Lighting. Street lighting will be made available in accordance with City policy.
- j. Parks and Recreation. Since there are no such public facilities within the Tract, any future maintenance of parks, playground, and recreation facilities will result from the acquisition and development of such facilities by the City. Persons residing in the Tract shall have the same access to City facilities as is currently afforded to Nederland residents.
- k. Library Facilities. Library services will be provided from existing and future facilities. Residents of the Tract will be eligible for borrowing privileges, as specified by the City's policies, as is currently afforded to Nederland residents.
- l. Maintenance of Water Facilities. For those areas within the Williamson (Palco), Armstrong Estates, Ridgecrest, and Crestview additions, the City will continue maintenance of water system infrastructure. Water services will be

available subject to City policy. Water rates will be the same as that which is applied throughout the City.

For that area within the Tract west of Highway 69 which is currently served by the City, the existing level of service will be maintained. Water rates will be the same as that which is applied throughout the City.

For that area within the Tract west of Highway 69 which is not currently served by the City, water service is discussed within the Capital Improvement Program included within this Plan.

- m. Maintenance of Wastewater Facilities. For those areas within the Williamson (Palco), Armstrong Estates, Ridgecrest, and Crestview additions, the City will assume maintenance of wastewater collection system infrastructure. Wastewater service will be available subject to City policy. Wastewater rates will be the same as that which is applied throughout the City. For those properties which do not currently have wastewater service, this service will be available subject to City policy and as is indicated in the Capital Improvement Program included within this plan.

For that area within the Tract west of Highway 69 which is currently served by the City, the existing level of service will be maintained. Wastewater rates will be the same as that which is applied throughout the City.

For that area within the Tract west of Highway 69 which is not currently served by the City, wastewater service is discussed within the Capital Improvement Program included within this Plan.

- n. Other City Services. Other City services, to the extent applicable to persons or properties within the Tract, will be provided in accordance with standard City policies and procedures.

E. Capital Improvement Program

The City will initiate the construction of certain capital improvements necessary for providing municipal services for the tract. Those improvements which are necessary are indicated below and any necessary construction will begin within two (2) years of the effective date of this Plan. Construction will be substantially completed within four and one-half (4½) years, unless the construction process is interrupted by circumstances beyond the control of the City, of the effective date of this Plan. Construction of other capital improvements shall be considered by the City in the future, as the needs dictate, on the same basis as such capital improvements are considered throughout the City.

- a. Police Protection: Additional capital improvements are not necessary at this time nor anticipated in the future.
- b. Fire Protection: Additional capital improvements are not necessary at this time, however, the long-term provision of service to the Tract may require capital improvements. The Tract will be included with other territory in connection with new, revised, or expanded fire fighting facilities.
- c. Dispatching Services. Additional capital improvements are not necessary at this time nor anticipated in the future.
- d. Solid Waste Collection. Additional capital improvements are not necessary at this time. It may, however, be necessary to acquire another trash truck at some time in the future.
- e. Inspections. Additional capital improvements are not necessary at this time nor anticipated in the future.
- f. Planning. Additional capital improvements are not necessary at this time nor anticipated in the future.
- g. Code Enforcement. Additional capital improvements are not necessary at this time nor anticipated in the future.
- h. Maintenance of Roads, Streets, and Drainage. Additional roads, streets, drainage, and/or related facilities are not necessary to serve the Tract at this time. Future work with respect to this infrastructure will be undertaken by the City as necessary and in accordance with City policies. The Tract will be included with other territory in connection with planning for new and/or expanded facilities.
- i. Street Lighting. Beyond street lighting made available in the Early Action Program of this Plan, additional capital improvements are not necessary at this time. Any additional facilities will be in accordance with City policies.
- j. Parks and Recreation. Additional capital improvements are not necessary at this time. The Tract will be included with other territory in connection with planning for new facilities.
- k. Library Facilities. Additional capital improvements are not necessary at this time nor anticipated in the future.
- l. Maintenance of Water Facilities. Any necessary construction will be initiated

within two (2) years of the effective date of this Plan. Construction will be substantially completed within four and one-half (4½) years, unless the construction process is interrupted by circumstances beyond the control of the City, of the effective date of this Plan. Preliminary/tentative plans are indicated in Exhibit D.

- m. Maintenance of Wastewater Facilities. Any necessary construction will be initiated within two (2) years of the effective date of this Plan. Construction will be substantially completed within four and one-half (4½) years, unless the construction process is interrupted by circumstances beyond the control of the City, of the effective date of this Plan. Preliminary/tentative plans are indicated in Exhibit E.
- n. Other City Services. In general, other City functions and services, and the additional services described above, can be provided to the Tract utilizing existing capital improvements. Additional capital improvements are not necessary to provide City services, however, the Tract will be included with other territory in connection with planning for new, revised, and/or expanded services.

IV. UNIFORM LEVEL OF SERVICES MAY NOT BE REQUIRED

Nothing in this Plan shall require the City to provide a uniform level of service to each area of the City, including the annexed area, if differing characteristics of topography, land utilization, and/or population density are considered as sufficient basis for providing differing service levels.

V. AMENDMENT

This Plan may not be amended or repealed except as provided by the Act or other controlling law. Neither changes in the methods nor means of implementing any part of the service programs nor changes in the responsibilities of the various departments of the City will constitute amendments to this Plan and the City reserves the right to make such changes.

VI. FORCE MAJEURE

Should a force majeure interrupt the service described herein, the City will resume services under this Plan within a reasonable time after the cessation of the force majeure. "Force Majeure", for the purpose of this Plan, will include, but not be limited to, acts of God, acts of the public enemy, war, blockades, tornadoes, hurricanes, arrests and restraints of government, explosions, and other inability of the City, whether similar to those enumerated or otherwise, which is not within the control of the City.

VII. ENTIRE PLAN

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