

CERTIFICATE FOR ORDINANCE



I.

On the 27th day of September, 2007, the City Council of the City of Conroe, Texas, consisting of the following qualified members, to-wit: **Tommy Metcalf, Mayor; Webb Melder, Mayor Pro Tem; Council Members Pat George, Jay Ross Martin, Jerry Streater, and Jim Gentry**, did convene in public session in the Council Chambers of the City Hall at 300 West Davis in Conroe, Texas. The roll being first called, a quorum was established, all members being present except the following, to wit: Jim Gentry. The Meeting was open to the public and public notice of the time, place and purpose of the Meeting was given, all as required by Chapter 551, Texas Government Code.

II.

WHEREUPON, AMONG OTHER BUSINESS transacted, the Council considered adoption of the following written Ordinance, to-wit:

ORDINANCE NO. 1813-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CONROE, TEXAS, EXTENDING THE BOUNDARIES OF THE CITY OF CONROE, TEXAS, BY ANNEXATION OF CERTAIN HEREINAFTER DESCRIBED ADJACENT AND CONTIGUOUS TERRITORY; APPROVING A SERVICE PLAN FOR SUCH TERRITORY; MAKING FINDINGS INCIDENT TO SUCH ANNEXATION; PROVIDING FOR EFFECTIVE DATE AND ORDAINING OTHER RELATED MATTERS

III.

Upon motion of Council Member Streater, seconded by Council Member Martin, all members present voted for adoption of the Ordinance, except the following: Jim Gentry. A majority of those Council Members present having voted for adoption, the presiding officer declared the Ordinance passed and adopted.

A true, full and correct copy of the Ordinance adopted at the Meeting is attached to and follows this Certificate.

SIGNED AND SEALED this 27th day of Sept., 2007.


MARLA J. PORTER, City Secretary

ORDINANCE NO. 1813-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CONROE, TEXAS, EXTENDING THE BOUNDARIES OF THE CITY OF CONROE, TEXAS, BY ANNEXATION OF CERTAIN HEREINAFTER DESCRIBED ADJACENT AND CONTIGUOUS TERRITORY; APPROVING A SERVICE PLAN FOR SUCH TERRITORY; MAKING FINDINGS INCIDENT TO SUCH ANNEXATION; PROVIDING FOR EFFECTIVE DATE AND ORDAINING OTHER RELATED MATTERS.

* * * * *

WHEREAS, the territory described in Exhibit A to this ordinance is adjacent and contiguous to the existing boundaries of the City of Conroe, Texas and is wholly located within the extraterritorial jurisdiction of the City; and

WHEREAS, prior to the institution of annexation proceedings the City Council did conduct two separate public hearings on the proposed annexation of the territory described in Exhibit A, the first such public hearing having occurred on June 13, 2007, and the second on June 14, 2007, both such public hearing dates being within the period on or after the 40th day but before the 20th day prior to the institution of annexation proceedings; and

WHEREAS, the territory contains fewer than 100 separate tracts of land on which one or more residential dwellings are located on each tract; and

WHEREAS, before the 30th day before the first public hearing the city gave written notice of its intent to annex the territory to each property owner in the area as indicated by the appraisal records of the Montgomery County Appraisal District, and to each public or private entity as defined by Texas Local Government Code Sec. 43.053, and to each railroad company with right-of-way in the territory; and

WHEREAS, notice of the public hearings was published in the Courier, a newspaper of general circulation within the City of Conroe, Montgomery County, Texas, on May 30, 2007; and

WHEREAS, notice of the public hearings was posted on the City of Conroe website on May 30, 2007 and remained continually posted on such website through June 14, 2007; and

WHEREAS, the annexation service plan attached hereto as Exhibit B was prepared and filed with the City Secretary prior to the publication of the notice of public hearings and has since remained continuously on file with the City Secretary and

has been available for public inspection during regular business hours at all times following the publication of the notice of public hearings; and

WHEREAS, annexation of the territory described in Exhibit A is authorized by Sec. 1.04 of the Home Rule Charter of the City of Conroe:

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONROE, TEXAS:

Section 1. That the recitals set forth in the preamble to this ordinance are hereby adopted as findings of the City Council.

Section 2. That the territory more particularly described in Exhibit A attached hereto, which description is incorporated herein by reference, is hereby annexed to the City of Conroe, Texas and the boundaries of the municipality are hereby extended to incorporate such territory within the City for general municipal purposes.

Section 3. The service plan for such territory attached hereto as Exhibit B and incorporated herein by reference is hereby approved. Full municipal services shall be provided in the annexed territory in conformity with such service plan.

Section 4. The annexed territory is included within Montgomery County Emergency Services District No.4. The City Council finds that it is in the public interest to require that the territory be disannexed and removed from the territory of the Emergency Services District and orders the disannexation of the territory from the District on or before December 31, 2007.

Section 5. This ordinance shall not repeal, impair, modify, or in anywise affect any other ordinance annexing territory to the City of Conroe, whether finally passed or otherwise. The procedure initiated hereby and the annexation proceedings instituted hereunder shall be independent of any other proposed and pending annexation of such territory, and such other proceedings shall not be affected hereby.

Section 6. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application thereof ineffective or inapplicable as to any territory, such illegality, unconstitutionality, invalidity, or ineffectiveness of such section or part shall in no wise affect, impair, or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect; and should this ordinance for any reason be ineffective as to any part of the area hereby annexed to the City of Conroe, such ineffectiveness of this ordinance as to any such part or parts of any such area shall not affect the effectiveness of this ordinance as to all of the remainder of such area, and the City Council hereby declares it to be its purpose to annex to the City of Conroe every part of

the areas described in Exhibit "A", of this ordinance, regardless of whether any other part of such described area is hereby effectively annexed to the City. Provided, further, that if there is included in the description of territory set out in Exhibit "A", of this ordinance to be hereby annexed to the City of Conroe any lands or area which are presently part of and included in the limits of any other city, town, or village, or which are not within the jurisdiction or power of the City of Conroe to annex, the same is hereby excluded and excepted from the territory to be hereby annexed as fully as if such excluded and excepted areas were expressly described herein.

Section 7. This annexation ordinance shall not be deemed finally adopted until considered and passed by the City Council at two separate meetings. Passage on first reading shall institute the annexation proceedings. This ordinance shall be effective immediately upon passage on second reading.

INTRODUCED, READ AND PASSED ON FIRST READING ON JULY 12, 2007, BY THE FOLLOWING VOTE:

MOTION BY: Mayor Pro Tem Melder
SECOND BY: Councilman George

METCALF	Presiding
MELDER	Aye
STREATER	Aye
MARTIN	Aye
GEORGE	Aye
GENTRY	Aye

READ, PASSED AND ADOPTED ON SECOND READING ON SEPTEMBER 27, 2007, BY THE FOLLOWING VOTE:


MOTION BY: Councilman Streater
SECOND BY: Councilman Martin

METCALF	Presiding
MELDER	Aye
STREATER	Aye
MARTIN	Aye
GEORGE	Aye
GENTRY	Absent



TOMMY METCALF, Mayor

— APPROVED AS TO FORM:


MARCUS L. WINBERRY, City Attorney

ATTEST:


MARLA J. PORTER, City Secretary

Metes & Bounds Description Annexation Tract 2007-02b revised

BEING 1,404.2 ACRES OF LAND IN THE A-490 A.W. SPRINGER SURVEY, THE A-366 THOMAS MILLER SURVEY, THE A-663 J.L. GARWOOD SURVEY, IN MONTGOMERY COUNTY, TEXAS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a point on the south line of 0.12 acres of land annexed per City of Conroe Ordinance No. 207-66, being 1 foot south of and parallel to the northern 100 feet wide right-of-way (R.O.W.) line of Texas State Farm to Market Road No. 1488 (FM-1488) prior to any expansion, from which an 5/8 inch iron rod bears approximately 99 feet crossing to the southern R.O.W. line of said FM 1488 marking the northwest corner of the Mansions 10.042 acre tract, as recorded in Volume 687.10, Page 66 of the Deed Records of Montgomery County Texas (D.R.M.C.T.), also being an existing corner of the City Limits of Conroe as established by City of Conroe Ordinance No. 1670-04;

(1)THENCE: S 05°38'41" E, (Call Northeasterly, approximately 99') crossing said FM-1488 at a distance of 99.63 feet, to a 5/8 inch iron rod with cap stamped "PBS&J", in the east line of the Texas A. & M. 107.6 acre tract, as recorded in Vol. 118, Page 375 D.R.M.C.T., known as W.G. Jones State Forest and in the existing southern R.O.W. line of said FM- 1488, marking the northwest corner of said Mansions 10.042 acre tract, also being an existing corner of the City Limits of Conroe as established by City of Conroe Ordinance No. 1670-04;

(2)THENCE: S 02°53'40" E, (Call N 00°04'46" E, 1,068.08') generally along the fence a distance of 1,060.18 feet, to a 5/8 inch iron rod with cap stamped "PBS&J" marking the northwest corner of the Alvin N. Johnson Jr. 10 acre tract as recorded in Volume 287, Page 358 of the D.R.M.C.T., being in the east line of said Texas A. & M. 107.6 acre tract, also being an existing corner of the City Limits of Conroe as established by City of Conroe Ordinance No. 1670-04;

(3)THENCE: S 02°40'33" E, (Call N 00°27'08" E, 657.39') along a barbed wire fence a distance of 663.61 feet, to a 5/8 inch iron rod with cap stamped "PBS&J" marking the southwest corner of said 10 acre tract, being in the east line of said Texas A. & M. 107.6 acre tract, also being an existing corner of the City Limits of Conroe as established by City of Conroe Ordinance No. 1670-04;

(4)THENCE: S 02°41'08" E, (Call N 00°17'50" E, 583.70') a distance of 583.70 feet, to a 5/8 inch iron rod with cap stamped "PBS&J" marking the southeast corner of the Texas A. & M. 88.5 acre tract, as recorded in Vol. 118, Page 375 D.R.M.C.T., known as the W.G. Jones State Forest, also being an existing corner of the City Limits of Conroe as established by City of Conroe Ordinance No. 1670-04, from which a ½ inch iron rod bears S 87°13'30" W, a distance of 15.72 feet;



(5)THENCE: S 87°19'34" W, (Call N 89°42'00" W, 1,465.46') a distance of approximately 3,082.17 feet, marking the southwest corner of the A-663 J.L. Garwood Survey, also marking the northwest corner of the A-050 Henry Applewhite Survey;

(6)THENCE: S 02°44'29" E, (Call South, 4,000 varas) a distance of 1,369.73 feet along the west line of the A-050 Henry Applewhite survey to a point along the east line of the Texas A. & M. 1,417.0 acre tract, as recorded in Vol. 118, Page 375 D.R.M.C.T. known as W. G. Jones State Forest, being a point for corner marking the southwest corner of said A-050 Henry Applewhite survey, and the northwest corner of said A-640 Daniel F. Whilldren Survey, also being the southwest corner of Surcy Peoples 60.0 acre tract, as recorded in Vol. 188, Page 416 D.R.M.C.T.;

(7)THENCE: S 02°59'01" E, (Call South, 4,000 varas) a distance of 3,735.21 feet to a concrete monument marked "NW Corner M-60", located on the common survey boundary, the east boundary of said A-490 A.W. Springer Survey, and the west boundary of said A-640 Daniel F. Whilldren Survey, to a point along the east line of the Texas A. & M. 1,417.0 acre tract, as recorded in Vol. 118, Page 375 D.R.M.C.T. known as W. G. Jones State Forest, being a point for corner located in the common line of the Houston Extraterritorial Jurisdiction and City of Conroe Extraterritorial Jurisdiction as described in Judgment Exhibit No. 2, Cause No. 1,028,213 of the 151st Judicial District Court of Harris County, Texas and recorded in Volume 1270, Page 921 of the Montgomery County Deed Records, also being an existing corner of the City of Conroe Extra Territorial Jurisdiction (E.T.J.) as established by City of Conroe Ordinance no. 652-76 and having Texas State plane Coordinate value of X=3,828,925.56; Y=10,075,718.93;

(8)THENCE: S 02°36'30" E, (Call North, approximately 2,765') a distance of 2,756.11 feet with the common survey boundary, the east boundary of said A-490 A.W. Springer Survey, and the west boundary of said A-640 Daniel F. Whillden Survey, to a common survey corner being the southwest corner of said A-640 Daniel F. Whillden Survey and the Northwest corner of said A-388 F.D. May Survey, to a point for corner located in the common line of the Houston Extraterritorial Jurisdiction and City of Conroe Extraterritorial Jurisdiction as described in said Judgment Exhibit No. 2, Cause No. 1,028,213 of the 151st Judicial District Court of Harris County, Texas and recorded in Volume 1270, Page 921 of the Montgomery County Deed Records, also being an existing corner of the City of Conroe Extra Territorial Jurisdiction (E.T.J.) as established by City of Conroe Ordinance no. 652-76;

(9)THENCE: S 03°08'43" E, (Call North, approximately 280') a distance of 296.21 feet with the common survey boundary, the east boundary of said A-490 A.W. Springer Survey, and the west boundary of said A-388 F.D. May Survey, to a common survey corner being in the north boundary of said A-051 Henry Applewhite Survey, being the southeast corner of said A-490 A.W. Springer Survey, also being a point for corner located in the common line of the Houston Extraterritorial Jurisdiction and City of Conroe Extraterritorial Jurisdiction as described in said Judgment Exhibit No. 2, Cause No. 1,028,213 of the 151st Judicial District Court of Harris County, Texas and recorded in Volume 1270, Page 921 of the Montgomery County Deed Records, also being an existing corner of the City of Conroe Extra Territorial Jurisdiction (E.T.J.) as established by City of Conroe Ordinance no. 652-76;



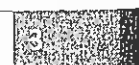
(10)THENCE: S 86°55'43" W, (Call East, approximately 1,950') a distance of 1,467.47 feet with the common survey boundary, the south boundary of said A-490 A.W. Springer Survey, and the most northerly north boundary of said A-051 Henry Applewhite Survey, to a common survey corner being the northeast corner of said A-319 James Lee Survey and the most northerly northwest corner of the A-051 Henry Applewhite Survey, also being a point for corner located in the common line of the Houston Extraterritorial Jurisdiction and City of Conroe Extraterritorial Jurisdiction as described in said Judgment Exhibit No. 2, Cause No. 1,028,213 of the 151st Judicial District Court of Harris County, Texas and recorded in Volume 1270, Page 921 of the Montgomery County Deed Records, also being an existing corner of the City of Conroe Extra Territorial Jurisdiction (E.T.J.) as established by City of Conroe Ordinance no. 652-76;

(11)THENCE: S 86°55'43" W, (Call East, approximately 4,350') a distance of 4,336.38 feet with the common survey boundary, the south boundary of said A-490 A.W. Springer Survey, and the north boundary of said A-319 James Lee Survey, to a car axle for property corner located in the common survey boundary, the south boundary of said A-490 A.W. Springer Survey, and the north boundary of the A-319 James Lee Survey, being along the west right-of-way (R.O.W.) of said Texas Forest Service Road, also being a point for corner located in the common line of the Houston Extraterritorial Jurisdiction and City of Conroe Extraterritorial Jurisdiction as described in Judgment Exhibit No. 2, Cause No. 1,028,213 of the 151st Judicial District Court of Harris County, Texas and recorded in Volume 1270, Page 921 of the Montgomery County Deed Records, also being an existing corner of the City of Conroe Extra Territorial Jurisdiction (E.T.J.) as established by City of Conroe Ordinance no. 652-76

(12)THENCE: N 02°43'43" W, (Call North, approximately 3,523.39') a distance of 3,527.96 feet to a north easterly Woodlands Development Corporation property corner located in the west right-of-way of the Texas Forest Service Road, also being a point for corner located in the common line of the Houston Extraterritorial Jurisdiction and City of Conroe Extraterritorial Jurisdiction as described in Judgment Exhibit No. 2, Cause No. 1,028,213 of the 151st Judicial District Court of Harris County, Texas and recorded in Volume 1270, Page 921 of the Montgomery County Deed Records, also being an existing corner of the City of Conroe Extra Territorial Jurisdiction (E.T.J.) as established by City of Conroe Ordinance no. 652-76

(13)THENCE: N 02°43'43" W, (Call S 02°00'42" E, 2,166.67') a distance of 2,166.67 feet along the west line of said W. G. Jones State Forest, to a point for corner being located in the common line of the Houston Extraterritorial Jurisdiction and City of Conroe Extraterritorial Jurisdiction as described in Judgment Exhibit No. 2, Cause No. 1,028,213 of the 151st Judicial District Court of Harris County, Texas and recorded in Volume 1270, Page 921 of the Montgomery County Deed Records, also being an existing corner of the City of Conroe Extra Territorial Jurisdiction (E.T.J.) as established by City of Conroe Ordinance no. 1490-99;

(14)THENCE: N 02°44'20" W, (Call S 02°01'19" E, 1,088.48') a distance of 1,088.48 feet along the west line of said W. G. Jones State Forest, to a point for corner being located in the common line of the Houston Extraterritorial Jurisdiction and City of Conroe Extraterritorial



Jurisdiction as described in Judgment Exhibit No. 2, Cause No. 1,028,213 of the 151st Judicial District Court of Harris County, Texas and recorded in Volume 1270, Page 921 of the Montgomery County Deed Records, marking the southeast corner of the Lively 5.0 acre tract, as recorded in Volume 788, Page 9 D.R.M.C.T., also being an existing corner of the City of Conroe Extra Territorial Jurisdiction (E.T.J.) as established by City of Conroe Ordinance no. 1490-99;

(15)THENCE: N 02°44'20" W, a distance of 2,020.03 feet along the west line of said W. G. Jones State Forest, crossing said FM-1488 to a point being 1 foot south of and parallel to the northern 100 feet wide R.O.W. line of FM-1488 prior to any expansions, also being along the existing City Limits of Conroe as established by City of Conroe Ordinance No. 219-66;

(16)THENCE: Northeasterly (Call Westerly, 5,250') meandering along the south line of 0.12 acres of land annexed per City of Conroe Ordinance No. 219-66 approximately 1,274 feet, being 1 foot south of and parallel to the northern 100 feet wide R.O.W. line of FM-1488 prior to any expansions and with all bearings and distances to a point, being an existing corner of the City Limits of Conroe as established by City of Conroe Ordinance No. 207-66;

(17)THENCE: Northeasterly (Call West, 5,256') meandering along the south line of 0.12 acres of land annexed per City of Conroe Ordinance No. 207-66 approximately 5,256 feet, being 1 foot south of and parallel to the northern 100 feet wide R.O.W. line of FM-1488 prior to any expansions and with all bearings and distances to a point, being an existing corner of the City Limits of Conroe as established by City of Conroe Ordinance No. 195-66;

(18)THENCE: Northeasterly (Call West, 5,250') meandering along the south line of 0.12 acres of land annexed per City of Conroe Ordinance No. 195-66 approximately 2,520 feet, being 1 foot south of and parallel to the northern 100 feet wide R.O.W. line of FM-1488 prior to any expansions and with all bearings and distances, to the POINT OF BEGINNING of the herein described acreage, in all containing 1,404.2 acres of land, more or less.

Compiled By:

Community Development, Engineering Division

Project No. 2007-026-AnnexationStudy-FM 1488

September 13, 2007

THIS LEGAL DESCRIPTION IS ISSUED FOR THE PURPOSE OF ATTACHMENT TO ANNEXATION DOCUMENTS. IT SHOULD NOT BE USED FOR TITLE TRANSFER. THE DATUM FOR ALL BEARINGS GIVEN IS NAD_1983_STATEPLANE_TEXAS_CENTRAL_FIPS_4203. ALL DISTANCES ARE GIVEN IN U.S. SURVEY FEET. ALL "CALLED" BEARINGS SHOWN ARE AS FOUND FROM RECORDED DEEDS OR ANNEXATION ORDINANCES. NO REPRESENTATION OF AN "ON THE GROUND" SURVEY IS MADE. THIS INSTRUMENT WAS REVISED SEPTEMBER 2007 TO REFLECT REMOVAL ON NON-CONSENT ANNEXATION PARCELS WHICH HOLD TAX EXEMPTIONS FOR AGRICULTURAL, TIMBER OR WILDLIFE MANAGEMENT USES.



EXHIBIT B

City of Conroe Annexation Service Plan For Annexation Parcel 2007-02b

I. TERRITORY

This service plan is applicable to 1,404.2 acres, more or less, out of the Thomas Miller Survey, A-366, A. W. Springer Survey, A-490, and J. L. Garwood Survey, A-663, in Montgomery County, Texas. The territory is located west of I-45 and south of FM 1488. A map of the area is attached hereto and incorporated herein by reference.

II. GENERAL PROVISIONS

a. Effective Term. This service plan shall be in effect for a ten-year period commencing on the effective date of the annexation.

b. Amendment or Renewal. This service plan may be amended from time to time as provided by Local Government Code, Sec. 43.056(k). Renewal of the service plan shall be at the sole option of the City Council.

c. Intent. It is the intent of the City of Conroe that this service plan shall provide for the delivery of full municipal services to the annexed area in accordance with State law. The failure of this plan to describe any particular service shall not be deemed to be an attempt to omit the provision of such services from the annexed area. The delivery of municipal services may be accomplished through any means permitted by law.

d. Level of Services to be Provided. It is the intent of the City of Conroe to provide the level of services required by State law. The City Council finds and determines that the level of services, infrastructure and infrastructure maintenance provided within the area prior to annexation is not greater than is provided in the City. The City Council finds and determines that the services, infrastructure and infrastructure maintenance proposed by this plan are comparable to that provided to other parts of the City with topography, land use, and population density reasonably similar to the annexed area. The City Council finds and determines that implementation of this plan in the manner proposed will not reduce the level of fire, police, and emergency medical services available within the City.

III. SERVICES TO BE PROVIDED AT ANNEXATION

These services will be provided within the annexed area immediately upon the effective date of the annexation.

a. Police Protection. Police services include criminal investigations, routine patrol, traffic enforcement, and dispatched response to both emergency and non-emergency service calls.

All police patrols will originate from a central station located at 700 Old Montgomery Road.

Police patrols currently operate in three 8-hour shifts to provide 24-hour service within each of six primary patrol districts. Each district is assigned one patrol unit. Additional patrol units are assigned to the districts as needed during periods of peak demand. Patrol units may be dispatched from their primary patrol district to another if necessary to provide backup assistance. Patrol officers are subject to the field supervision of a Police Sergeant. Each Sergeant is currently responsible for supervision of three patrol districts and also engages in routine patrol within these districts.

The annexed area will be incorporated into Patrol District C, however, such district assignment may be altered from time to time in response to service demands, shifts or growth in population, future annexations or other relevant considerations.

No new patrol officers or patrol units are necessary as a result of this annexation and it is anticipated that police services within the annexed area will be provided utilizing existing levels of personnel and equipment.

b. Fire Protection. The Conroe Fire Department will provide emergency fire suppression and routine fire prevention services within the annexed area.

The Conroe Fire Department does not provide primary EMS services. The Montgomery County Hospital District currently provides EMS services throughout the County. Fire fighters may be dispatched to the scene of accidents or other medical emergencies to assist Hospital District EMS personnel or to provide "first responder" services pending the arrival of EMS personnel.

The Fire Department currently operates four fire stations that are located on North Loop 336, Foster Drive, Southwest Blvd, and in the Woodlands Trade Center. A fifth station is under construction on FM 3083. Each station responds to service calls within a primary zone but may be called upon to provide support within other areas of the City as necessary. The annexed area will initially be incorporated in the zones served by Station No. 4 in the Woodlands Trade

Center area. The station(s) assigned to the annexed area may be altered from time to time in response to service demands, shifts or growth in population, future annexations or other relevant considerations.

Montgomery County Emergency Services District No. 4 currently provides fire protection services to the area. After the area is annexed to Conroe the City will require the ESD to remove the area from the territory of the ESD.

c. Solid Waste Collection. The City provides fee based household garbage collection services to single family residences. The City does not collect garbage from most commercial establishments. Commercial garbage collection and disposal is available from privately owned collection businesses within the City. Apartments and other multifamily buildings are considered commercial and must obtain collection services from private business. The City may, in its discretion, agree to provide service to small commercial establishments that generate waste collection demands similar to a single-family residence.

The City currently provides residential garbage collection for single-family residences at the street curb using a contract service provider. The current contract provider employs an automated collection system that requires use of a specific collection container. In accordance with the currently established policy each household will be provided, without charge, a collection container for waste disposal. Additional containers may be obtained for a fee.

Privately owned solid waste management service providers may continue to provide both residential and commercial services throughout the annexed area prior to the second anniversary of the effective date of annexation. Commencing upon such second anniversary such providers shall be prohibited from the further provision of residential services. Pending the expiration of such two year period the City shall not apply any fee for solid waste management services upon a person who continues to use the services of a privately owned solid waste management service provider.

d. Maintenance of Water and Wastewater Facilities. Public water or wastewater facilities within the City's extraterritorial jurisdiction may be operated by water related special districts (units of government) or by privately owned or non-profit retail utilities that are granted exclusive operating rights within a specified area. Upon annexation the City is required to assume the ownership and operation of the utility systems of water related special district. The City is prohibited by law from providing water or wastewater utility services within areas in which another retail utility has been granted exclusive service rights.

Water and wastewater utility service to the annexed area is presently available from the City of Conroe and there are no water related special districts,

retail public utilities or water or wastewater facilities of a utility other than the City of Conroe located in the annexed area.

Water and sewer utility services will be provided within the annexed territory on the same basis as provided in other areas of the City served by its municipal water and sewer utility.

e. Maintenance of Roads, Streets and Street Lighting. Within the annexed area the City of Conroe Public Works Department will provide maintenance of public streets previously maintained by Montgomery County. Highways that are a part of the State or Federal Highway systems remain the maintenance responsibility of the State Department of Transportation.

f. Maintenance of Parks, Playgrounds and Swimming Pools. There are no public parks, playgrounds, or swimming pools within the annexed area which will become the responsibility of the City of Conroe. Public school playground facilities will remain the responsibility of the associated public school district. State and County park facilities will remain the responsibility of those entities. Private recreational facilities, open spaces and swimming pools are unaffected by the annexation.

g. Maintenance of any other Public Building, Facility or Service. Annexation does not transfer ownership of most public buildings, facilities or services, all of which should continue to be maintained or provided by the public entity that currently owns or provides them. Privately owned facilities, including privately owned and operated storm water detention facilities, are not effected by the annexation.

An appropriate City Department will be assigned to assume responsibility for the maintenance or provision of any facilities or services which become the responsibility of City and are not covered by this service plan.

IV. CAPITAL IMPROVEMENTS

Construction of these capital improvements will be substantially completed within 2½ years.

a. Police Protection. No additional capital improvements are needed at this time to provide police services.

b. Fire Protection. No capital improvements are needed at this time to provide fire protection services.

c. Solid Waste Collection. No capital improvements are needed at this time to provide solid waste collection services.

d. **Water and Wastewater Facilities.** No capital improvements are needed at this time to provide water or wastewater utility service. City water and sewer is available in the area. Extension of the existing facilities will be provided in accordance with the City's water and wastewater service extension policies as summarized herein.

e. **Roads, Streets and Streetlights.** No new roads or streets are needed at this time. Upon request and in accordance with the City's standard practices the City will provide for the installation of street lights which are necessary for traffic safety.

The roads and streets necessary to serve new development are generally provided by the owner/developer of the property. The City is not required to construct streets where property has been previously divided without provision for access.

f. **Parks, Playgrounds and Swimming Pools.** No capital improvements are needed at this time to provide recreational services.

g. **Other Public Buildings, Facilities or Services.** No capital improvements are needed at this time to provide other public services.

V. WATER AND WASTEWATER SERVICE EXTENSION POLICIES

The City provides fee based water and wastewater services to the portions of the City which are not within an area served by another water or wastewater utility. Water and wastewater services are generally only provided to lots that have been properly subdivided or platted. The City may decline to provide service to any property that is not platted.

For lots that have water or wastewater lines in an abutting street or easement, the owner may receive water or wastewater service by applying for a City tap and paying any required fees.

The provision of water and wastewater facilities for new development within the City is primarily governed by the City's building code and subdivision ordinances that are found in Chapters 14 and 94 of the City Code of Ordinances. New development must be served by owner/developer provided public water and wastewater facilities that meet the City's standard requirements. Upon construction and dedication by the owner/developer the City agrees to provide services via the facilities and thereafter to maintain them.

Facilities necessary to serve a new development are provided at the sole cost of the owner/developer. Such facilities include not only those which are located within the owner/developer's property, but also any exterior mains which must be extended to connect the property under development to the point of

connection with the City's existing facilities. The City need not compensate the owner/developer for the ordinary costs of extending exterior mains. The owner/developer may be reimbursed for ordinary exterior main extension costs through the imposition of lot or acreage fees to be levied against other adjacent properties upon connection to the owner/developer constructed mains.

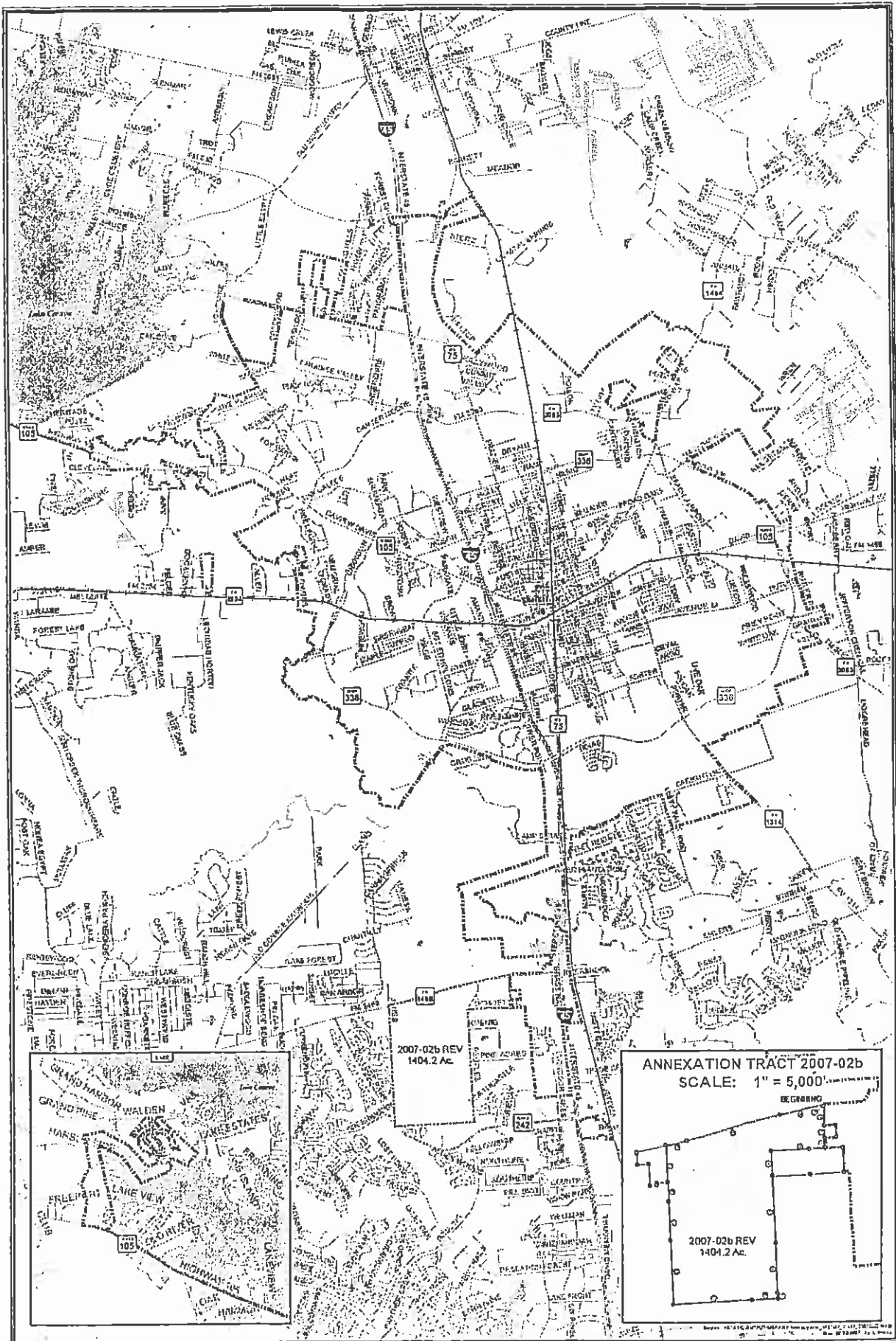
The City may require that the owner/developer provide oversized water or wastewater facilities. In such cases the City will pay the reasonable cost of such oversizing. Whether or not a particular line sizing constitutes "oversizing" is determined upon the basis of generally accepted sound engineering design practices.

In newly annexed areas the City examines the need for line extensions to serve existing development that does not currently receive water or waste water services. The City will determine the need for the construction of lines and facilities to serve existing development after giving due consideration to (1) the topography, (2) land use, (3) population density, (4) the adequacy of existing private water wells and septic tanks and (5) anticipated levels of demand. The City will not undertake line extensions to serve such existing development unless the new lines will be logical, reasonable and prudent extensions of the City's existing facilities.

From time to time, upon the request of an interested property owner the City will consider whether or not line extensions previously deemed unnecessary have become necessary as a result of changed conditions.

The City may recover the capital costs of extending water or wastewater facilities to serve existing development through the use of impact fees, assessments or any other method authorized by law.

Once sewer lines become available in an abutting street or easement the City may require that existing development connect to the City sewer system if the private septic tank serving the property ceases to function or becomes a threat to health or safety.



ANNEXATION TRACT 2007-02b
SCALE: 1" = 5,000'

2007-02b REV
1404.2 Ac.

ANNEXATION ORDINANCE NO. _____
CITY OF CONROE, TEXAS
 CENSUS 2005 POPULATION: 47,042

- LEGEND**
- Streets
 - Railroad
 - City Limits
 - - - Lake Course

