



CERTIFICATE FOR ORDINANCE

I.

On the 11th day of December, 2008, the City Council of the City of Conroe, Texas, consisting of the following qualified members, to-wit: **Webb K. Melder, Mayor; Jerry Streater, Mayor Pro Tem; Council Members Jay Ross Martin, Jim Gentry, Toby Powell and Marsha Porter**, 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. 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. 1876-08

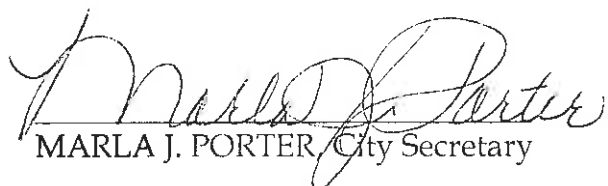
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CONROE, TEXAS, EXTENDING THE BOUNDARIES OF THE CITY OF CONROE, TEXAS, BY ANNEXATION OF CERTAIN HEREINAFTER DESCRIBED ADJACENT AND CONTIGUOUS TERRITORY; APPROVING A SERVICE PLAN FOR SUCH TERRITORY; MAKING FINDINGS INCIDENT TO SUCH ANNEXATION; PROVIDING FOR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

III.

Upon motion of Council Member Porter, seconded by Council Member Powell, all members present voted for adoption of the Ordinance, except the following: n/a. 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 11th day of December, 2008.


MARLA J. PORTER, City Secretary

ORDINANCE NO. 1876-08

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 November 12, 2008, and the second on November 13, 2008, 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, notice of the public hearings was published in the Courier, a newspaper of general circulation within the City of Conroe, Montgomery County, Texas, on October 24, 2008; and

WHEREAS, notice of the public hearings was posted on the City of Conroe website on October 24, 2008 and remained continually posted on such website through November 13, 2008; and

WHEREAS, a proposed annexation service plan for the territory 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.

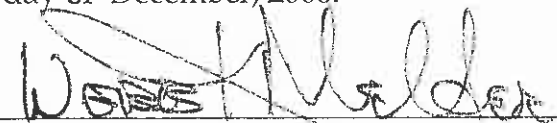
Section 4. The annexed territory is included within Montgomery County Emergency Services District No. 1. The City Council finds that it is in the public interest to require that the territory be disannexed and removed from the territory of the Emergency Services District and orders the disannexation of the territory from the District on or before December 31, 2008.

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 ordinance shall be effective immediately upon adoption.

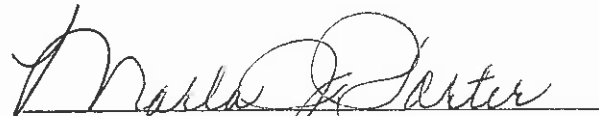
PASSED AND APPROVED this the 11th day of December, 2008.


WEBB K. MELDER, Mayor

APPROVED AS TO FORM:


MARCUS L. WINBERRY, City Attorney

ATTEST:


MARLA J. PORTER, City Secretary

Metes & Bounds Description Annexation Tract 2008-03

BEING 375.042 ACRES OF LAND LOCATED IN THE A-486 W.M. STARROCK SURVEY, IN MONTGOMERY COUNTY, TEXAS AND BEING OUT OF A CERTAIN 1974.9387 ACRES OF LAND AS DESCRIBED IN DEED RECORDED UNDER COUNTY CLERK'S FILE NO. 2003-131930 OF THE REAL PROPERTY RECORDS OF MONTGOMERY COUNTY, TEXAS, AND SAID 375.042 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a 5/8-inch iron rod in the east line of Missouri Pacific Railroad (100-foot right-of-way) being the south corner of a certain 37.81 acres of land recorded under Montgomery County Clerk's File No. 2003-081870 of the Official Public Records of Real Property, same being the most westerly northwest corner and POINT OF BEGINNING of the herein described tract;

- (1) THENCE: N 42°16'38" E, along the southeast boundary line of said 37.81 acres of land and a northwesterly boundary line of said tract, a distance of 1041.68 feet to a 5/8 inch iron rod with cap stamped "Moyer 5656" for the most northerly northwest corner of said described tract;
- (2) THENCE: S 47°46'51" E, severing the said 1974.9387 acres of land along the northerly boundary line of said described tract, a distance of 948.84 feet to a 5/8 inch iron rod with cap stamped "Moyer 5656" for an angle point;
- (3) THENCE: N 84°34'49" E, continuing along the northerly boundary line of herein described tract, a distance of 2867.86 feet to a 5/8 inch iron rod with cap stamped "Moyer 5656" set in the center of two Gulf states Utilities easements being 100 foot wide recorded in Volume 283, Page 187 and an adjoining 50 foot wide easement recorded in Volume 494, Page 24 of the Montgomery County Deed Records, also being the northeast corner of said described tract;
- (4) THENCE: S 05°41'39" E, along said centerline and the east boundary line of herein described tract, a distance of 6108.44 feet to a 5/8 inch iron rod with cap stamped "Moyer 5656" for the northeast corner of Restricted Reserve "A", Conroe Park North Section One, plat of which is recorded in , Cabinet M, Sheets 5-9 of Montgomery County Map Records, same being the southeast corner of the herein described tract;
- (5) THENCE: N 47°47'28" W, along the northeasterly boundary line of said Restricted Reserve "A" and the southwest boundary line of herein described tract, a distance of 431.44 feet to a 5/8 inch iron rod with cap stamped "BP Surveyors" for the north corner of said Restricted Reserve "A" being the southeast corner of a 5.8213 acre tract, recorded under Montgomery County Clerk's File No. 2007-052983, also being an angle point of herein described tract;



- (6) THENCE: N 47°22'03" W, along the northeast boundary line of a certain 206.9016 acre tract described in deed, recorded under Montgomery County Clerk's File No. 2005-061025 of the Official Public Records of Real Property, also being the southwest boundary line of herein described tract, a distance of 5834.96 feet to a 5/8 inch iron rod with cap stamped "J & S Eng" found in the east line of said Missouri Pacific Railroad right-of-way for the north corner of said 206.9016 acres of land and a northwesterly angle point of the herein described tract;
- (7) THENCE: N 09°58'58" W, along said railroad right-of way and the northwesterly boundary line of the herein described tract, a distance of 1454.45 feet; being a POINT of BEGINNING of the herein described acreage, in all containing 375.042 acres of land, more or less;

Compiled By:

Community Development, Engineering Division

Project No. 2008-085-AnnexationStudy-CIDC Tract

October 7, 2008

THE FOLLOWING 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 INCLUDES LANDS THAT ARE SUBJECT TO CONSENT OF ANNEXATION BECAUSE OF HOLDING TAX EXEMPTIONS FOR AGRICULTURAL, TIMBER AND WILDLIFE MANAGEMENT USES. SUCH CONSCENT WAS OBTAINED UPON PETITION OF ANNEXATION BY LANDOWNER.



EXHIBIT B

City of Conroe Annexation Service Plan For Annexation Parcels 2008-03

I. TERRITORY

This service plan is applicable to 375.042 acres of land located in the A-486 W.M. Starrock Survey, in Montgomery County, Texas. The territory is located in the general vicinity northwest of Conroe Park North Industrial Park.

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.

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.

At the time of annexation, the nearest police substation is located at Fire Station No. 5, located on Carter Moore Drive (FM 3083) between IH-45 and Longmire Road.

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 five fire stations that are located on North Loop 336, Foster Drive, Southwest Blvd, on Carter Moore Drive (FM 3083) and in the Woodlands Trade Center. 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 Fire Station No. 2 on North Loop 336. 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.

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, at 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 and 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 which 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 districts. The City is prohibited by law from providing water or waste water services within areas in which another retail utility has been granted exclusive service rights.

Within the annexed area there are no water related special districts.

Within the annexed area there are no known utilities. If retail utilities with exclusive service rights are subsequently identified the City, at its sole option, may negotiate for the acquisition of service rights and/or facilities within the area served by any such utility operating within the annexed territory.

Privately owned and operated water wells and septic tanks are not operated or maintained by the City. Such existing facilities may be continued in operation by their owners provided they are operated and maintained in accordance with any applicable permit requirements and do not present a threat to health or safety.

e. Maintenance of Roads, Streets and Street Lighting. The City is not responsible for the maintenance of private streets or roads in the annexed area. The City will assume the responsibility for maintenance of public streets and roads previously accepted for maintenance by official action of the Commissioners Court of Montgomery County. Any such streets or road formerly maintained by Montgomery County that become subject to City maintenance will be maintained in a condition which is at least equal to the County maintenance

standard, however, the City will not be required to reconstruct or upgrade such streets to a higher standard.

There are no County maintained roadways that have been identified within Annexation 2008-03.

It is the responsibility of the developer to construct or provide those streets or roads necessary to serve the demands of new development in the areas to be annexed. The City may accept the dedication of public streets constructed in accordance with applicable development regulations of the City and will thereafter be responsible for their maintenance.

f. Maintenance of Parks, Playgrounds and Swimming Pools. There are no public parks, playgrounds, or swimming pools within the area to be annexed. 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 affected 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 new water or sewer lines are needed at this time. It will be the responsibility of the developer of the property to provide the water and sewer lines necessary to serve new development within the annexed area.

e. Roads, Streets and Streetlights. No new roads, streets or street lights are needed at this time. It will be the responsibility of the developer of the property to provide the roads and streets necessary to serve new development within the annexed area.

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

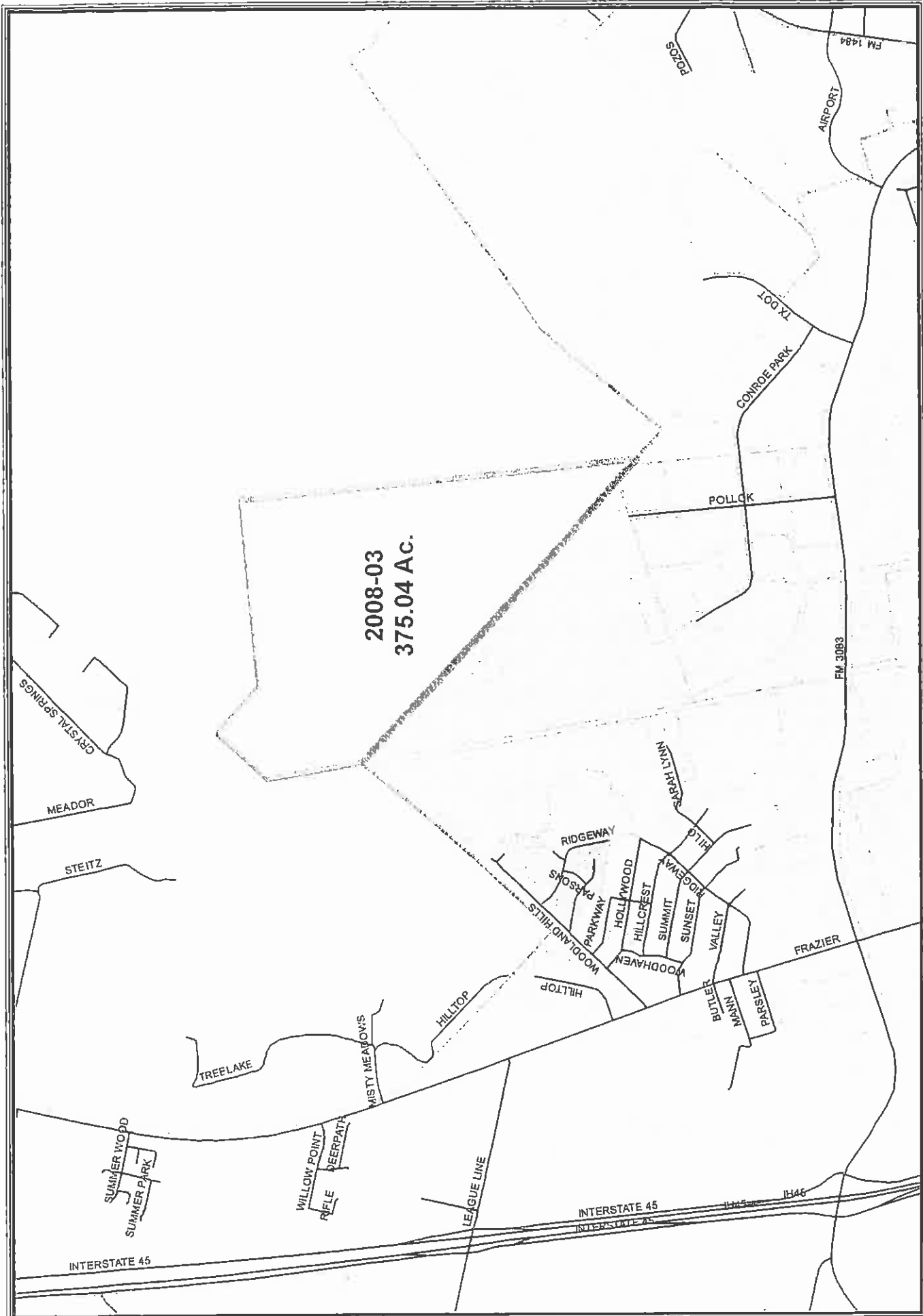
determined upon the basis of generally accepted sound engineering design practices.

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.

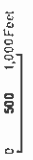
Once sewer lines become available in an abutting street or easement the City may require that existing development connect to the City sewer system.



Community Development
 P. O. Box 3056
 Conroe, Texas 77301
 Phone: (936) 522-3100 Fax: (936) 522-3126
 www.cityofconroe.org/commdev
 Our Mission:
 To protect and enhance the citizens of
 Conroe and exceed their expectations.



EXHIBIT A
PROPOSED ANNEXATION PARCEL 2008-03



Legend

- City Limits
- Annexations
- Lake Conroe
- Non-Consent
- Streets

2008-03

