

CERTIFICATE FOR ORDINANCE



I.

On the 9<sup>th</sup> day of December, 2010, the City Council of the City of Conroe, Texas, consisting of the following qualified members, to-wit: **Webb K. Melder, Mayor; Toby Powell, Mayor Pro Tem; Council Members Jim Gentry, Marsha Porter, Guy Martin and Gil Snider**, 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: n/a. 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. 2004-10

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 Gentry, seconded by Council Member Snider, 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 9<sup>th</sup> day of December, 2010.

  
MARLA J. PORTER, City Secretary

ORDINANCE NO. 2004-10

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 wholly located within the extraterritorial jurisdiction of the City of Conroe, Texas and is adjacent and contiguous to the existing boundaries and corporate limits of the City of Conroe, Texas or is adjacent and contiguous to certain territory that is subject to a Development Agreement dated February 22, 2010 made by and between the City of Conroe, Texas and Foster Timber, Ltd., which agreement was made pursuant to Texas Local Government Code Sec. 43.035, and is recorded in the Real Property Records of Montgomery County, Texas under Clerk's File No. 2010019564; and

**WHEREAS**, the territory described in Exhibit A contains fewer than one hundred separate tracts of land that are occupied by residential dwellings; and

**WHEREAS**, the owners of a majority of the property within the territory described in Exhibit A have consented to annexation by the City of Conroe, Texas; and

**WHEREAS**, the territory described in Exhibit A includes all of the territory within Montgomery County Municipal Utility District No. 124 which has previously entered into a Strategic Partnership Agreement with the City of Conroe which includes terms and conditions governing the annexation and dissolution of the district; and

**WHEREAS**, the territory of Montgomery County Municipal Utility District No. 124 is contiguous to the existing boundaries and corporate limits of the City of Conroe, Texas or to the territory subject to the above described Foster Timber, Ltd. development agreement; and

**WHEREAS**, pursuant to the Strategic Partnership Agreement the City is authorized to immediately annex the territory of MUD 124 for limited purposes and the limited purpose annexation will be automatically converted to full purpose annexation and the district dissolved on December 31, 2010; 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 10, 2010, and the second on November 11, 2010, both such public hearing dates being within the period on or after the 40<sup>th</sup> day but before the 20<sup>th</sup> 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, 2010 and appeared continuously on the City of Conroe website through the date of such public hearings; and

**WHEREAS**, a proposed annexation services plan for the territory was prepared and presented at the public hearings and such plan, as amended based on the input received at such public hearings, is attached hereto as Exhibit B and incorporated herein by reference; 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 of Montgomery County Municipal Utility District No. 124, which district is wholly included within the boundaries of the tract described in Exhibit A attached hereto, is hereby immediately annexed to the City of Conroe for limited purposes pursuant to the Strategic Partnership Agreement between the City and the District as authorized by Texas Local Government Code Sec. 43.0751, such limited purpose annexation to be automatically converted to full purpose municipal annexation on December 31, 2010.

Section 3. 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 of Conroe for general municipal purposes effective of and from December 31, 2010.

Section 4. 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 5. Upon annexation the City of Conroe will assume the responsibility to provide emergency services within the annexed area, such services to be provided in accordance with the service plan attached hereto as Exhibit B. Upon final passage of this ordinance notice shall be given in accordance with the provisions of Health and Safety Code Section 775.022 to each emergency services district providing emergency service in the annexed territory and upon receipt of such notice the district's board shall disannex the territory from the emergency services district.

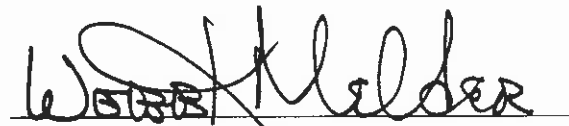
Section 6. This ordinance shall not repeal, impair, modify, or in anywise affect any other ordinance annexing territory to the City of Conroe, whether finally passed or

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.

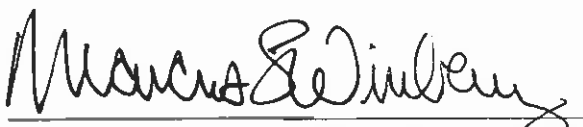
Section 7. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application thereof ineffective or inapplicable as to any territory, such illegality, unconstitutionality, invalidity, or ineffectiveness of such section or part shall in no wise affect, impair, 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 8. Except as otherwise herein expressly provided, this ordinance shall be effective immediately upon adoption.


PASSED AND APPROVED this the 9<sup>th</sup> day of December, 2010.

  
WEBB K. MELDER, Mayor

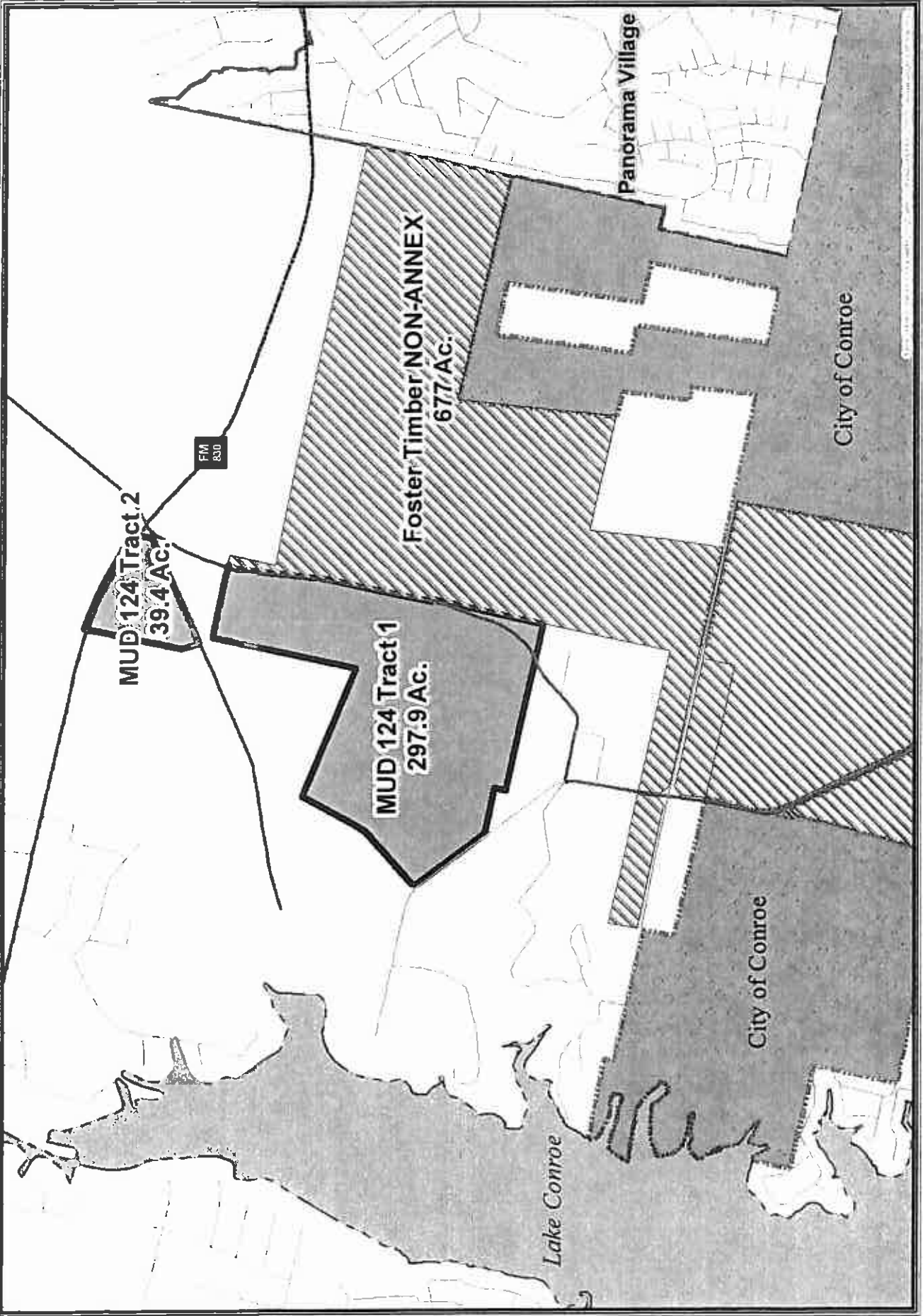
APPROVED AS TO FORM:

  
MARCUS L. WINBERRY, City Attorney

ATTEST:

  
MARLA J. PORTER, City Secretary

The City of Conroe, Texas, is providing this information for informational purposes only. The information is not intended to be used for legal, engineering, or surveying purposes. It does not represent an offer of insurance or any other financial product. Every effort has been made to ensure the accuracy, completeness, and timeliness of the materials presented. The City of Conroe assumes no liability for damages incurred directly or indirectly as a result of any errors, omissions, or inaccuracies in this information, even if the information is provided in good faith. The City of Conroe assumes all responsibility for any errors or omissions.



**Community Development**  
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 Conroe, Texas 77301  
 Phone: (936) 522-3100 Fax: (936) 522-3125  
 www.cityofconroe.org/condev



Our Mission:  
 "To protect and serve the citizens of  
 Conroe and exceed their expectations."

**EXHIBIT A - ANNEX TRACT 2010-01b**  
**MUD 124 TRACT 2**



- Legend**
- Annexation Area
  - Non-Consent Areas
  - MUD 124 Tract 1
  - MUD 124 Tract 2

**Metes & Bounds Description  
Annexation Tract 2010-01a  
Shadow Lakes – MUD 124 Tract 1**

BEING 297.940 ACRES OF LAND LOCATED IN THE A-007  
ELIJAH COLLARD SURVEY IN MONTGOMERY COUNTY,  
TEXAS AND MORE PARTICULARLY DESCRIBED AS  
FOLLOWS:

**BEGINNING** at a 5/8-inch iron rod for the southeast corner of the herein described tract and having a North American Datum of 1983 (NAD\_1983), Texas Central (FIPS\_4203) State Plane Coordinate value measured in feet of Northing (y)= 10,135,520.36, Easting (x)= 3,813,483.66, being the southeast corner of a 294.888-acre tract of land deed of which is recorded under Montgomery County Clerk's File No. 2000-034156 of the Official Public Records of Real Property, also being a point along the boundary of an approximately 676.883-acres Development Agreement with Foster Timber LTD., recorded under Montgomery County Clerk's File No. 2010-019564, said point being within the extraterritorial jurisdiction of the City of Conroe and subject to future annexation as provisioned by Texas Local Government Code § 43.035, being an area adjacent or contiguous to an area that is the subject of a development agreement is considered adjacent or contiguous to the municipality;

- (1) THENCE: N 77°37'27" W (Call N 74°54'18" W, 2,598.79 feet), at a distance of 2,598.79 feet, to a 2-inch iron pipe at an x-tie, to an inside line of the Howard Russell and wife Velma W. Russell tract of land deed of which is recorded in Volume 482, Page 152, Montgomery County Deed Records, also being a corner of MUD-124 Tract 1;
- (2) THENCE: N 12°36'42" E (Call N 15°19'51" E, 183.63 feet) along an inside line of said Russell tract, at a distance of 183.63 feet to a 2-inch iron pipe at a 6-inch fence corner post marking an apparent northeast corner for said Russell tract, also being a corner of MUD-124 Tract 1;
- (3) THENCE: N 78°19'36" W (Call N 75°36'27" W, 717.44 feet), at a distance of 717.44 feet to a ½-inch iron rod, being the southwest corner of the herein described tract, and being a point in the northeast occupied line of Longmire Road, also being a corner of MUD-124 Tract 1;
- (4) THENCE: N 36°36'03" W (Call N 33°52'54" W, 1,314.11 feet), at a distance of 1,314.11 feet along the northeast line of Longmire Road, to a 5/8" iron rod marking the Westerly corner of the said 294.888-acre tract, also being a corner of MUD-124 Tract 1;

- (5) THENCE: N 13°38'18" E (Call N 16°21'27" E, 53.76 feet), leaving the northeast line of Longmire Road at a distance of 53.76 feet to a 2-inch iron pipe at an x-tie, also being a corner of MUD-124 Tract 1;
- (6) THENCE: N 2°30'48" W (Call N 00°12'21" E, 18.08 feet), at a distance of 18.08 feet to a 6-inch cedar post marking corner, also being a corner of MUD-124 Tract 1;
- (7) THENCE: N 49°33'15" E (Call N 52°16'24" E, 1,064.97 feet), at a distance of 1,064.97 feet, to a 2-inch iron pipe marking the southwestern corner of 114.162-acre Public Improvement District, being out of the Stoecker Corporation 210.385-acre tract of land deed of which recorded under Montgomery County Clerk's File No. 2007-025248 of the Official Public Records of Real Property, also being a corner of MUD-124 Tract 1;
- (8) THENCE: N 29°11'43" E (Call N 31°54'52" E, 1,114.95 feet), at a distance of 1,114.95 feet, to a 1/2-inch iron rod marking the most westerly corner of R. Kyle Reneau and wife Beth C. Reneau 45.000-acre tract of land deed of which is recorded under Montgomery County Clerk's File No. 2005-050053 of the Official Public Records of Real Property, also being a corner of MUD-124 Tract 1;
- (9) THENCE: S 67°17'35" E (Call S 64°34'05" E, 2,126.16 feet), at a distance of 2,127.07 feet, to a 1/2-inch iron rod with cap stamped Moon RPLS 4639, being the southeast corner of said Reneau tract, being in the west line of the Two Deal Limited Partnership 87.555 acre tract of land deed of which is recorded under Montgomery County Clerk's File No. 2005-041607 of the Official Public Records of Real Property, same being an inside corner of the said 294.888-acre tract, also being a corner of MUD-124 Tract 1;
- (10) THENCE: N 12°16'42" E (Call N 14°59'51" E, 2,251.62 feet), at a distance of 2,251.62 feet along the west line of the said 87.555-acre tract, to a 3-inch x 3-inch concrete monument for the northwest corner of same, being the southwest corner of the Ronald Rod 17.502-acre tract of land deed of which is recorded under Montgomery County Clerk's File No. 2004-118267 of the Official Public Records of Real Property, being corner of the said 294.888-acre tract, also being a corner of MUD-124 Tract 1;
- (11) THENCE: S 77°41'16" E (Call S 74°58'39" E, 1,087.04 feet), at a distance of 1,087.00 feet to a 1/2" iron rod along southern line of said 17.502-acre tract, also marking the West line of Old Conroe-Willis Road now called Little-Egypt Road, being the Northeast corner of MUD-124 Tract 1;



- (12) THENCE: S 77°41'16" E (Call S 74°58'39" E, 1,117.33 feet), at a distance of 30.38 feet to a P.K. Nail for the southeast corner of said 17.502-acre tract, being along the West line of the 5.673-acre Foster Collard Tract 4, being along a curve to the left having a radius of 1,300 feet, also being in the centerline of the existing asphalt pavement of Little Egypt Road, a publicly-maintained roadway of varying width, said point being within the extraterritorial jurisdiction of the City of Conroe and subject to future annexation as provisioned by Texas Local Government Code § 43.035, being an area adjacent or contiguous to an area that is the subject of a development agreement and considered adjacent or contiguous to the City of Conroe;
- C1. THENCE: Along the arc of said curve to the left having a radius of 1,300.00 feet, a central angle of 11°10'39", an arc length of 253.61 feet, and a chord bearing of S 13°36'40" W (Call chord bearing of N 17°05'08" E, 260.37 feet), at 253.21 feet to a Point-of-Tangency along said centerline of Little Egypt Road, said point subject to future annexation as provisioned by Texas Local Government Code § 43.035, being an area adjacent or contiguous to an area that is the subject of a development agreement and considered adjacent or contiguous to the City of Conroe;
- (13) THENCE: S 08°01'21" W (Call N 11°20'18" E, 192.69 feet), at a distance of 192.69 feet to a point along the West line of the 5.673-acre Foster Collard Tract 4, along said centerline of Little Egypt Road, said point subject to future annexation as provisioned by Texas Local Government Code § 43.035, being an area adjacent or contiguous to an area that is the subject of a development agreement and considered adjacent or contiguous to the City of Conroe;
- (14) THENCE: S 04°31'30" W (Call N 07°50'27" E, 291.09 feet), at a distance of 291.09 feet to the beginning of a tangent curve to the right, being a point along the West line of the 5.673-acre Foster Collard Tract 4, along said centerline of Little Egypt Road, said point subject to future annexation as provisioned by Texas Local Government Code § 43.035, being an area adjacent or contiguous to an area that is the subject of a development agreement and considered adjacent or contiguous to the City of Conroe;
- C2. THENCE: Along the arc of said curve to the right having a radius of 5,000.00 feet, a central angle of 03°26'47", an arc length of 300.75 feet, and a chord bearing of S 06°14'54" W (Call chord bearing of N 09°33'51" E, 300.70 feet), at 300.70 feet to a Point-of-Tangency along said centerline of Little Egypt Road, said point subject to future annexation as provisioned by Texas Local Government Code § 43.035, being an area adjacent or contiguous to an area that is the subject of a development agreement and considered adjacent or contiguous to the City of Conroe;



- (15) THENCE: S 07°58'17" W (Call N 11°17'14" E, 199.84 feet), at a distance of 199.84 feet to a point along the West line of the 5.673-acre Foster Collard Tract 4, along said centerline of Little Egypt Road, said point subject to future annexation as provisioned by Texas Local Government Code § 43.035, being an area adjacent or contiguous to an area that is the subject of a development agreement and considered adjacent or contiguous to the City of Conroe;
- (16) THENCE: S 06°09'23" W (Call N 09°28'20" E, 202.50 feet), at a distance of 202.50 feet to the beginning of a tangent curve to the right, being a point along the West line of the 5.673-acre Foster Collard Tract 4, along said centerline of Little Egypt Road, said point subject to future annexation as provisioned by Texas Local Government Code § 43.035, being an area adjacent or contiguous to an area that is the subject of a development agreement and considered adjacent or contiguous to the City of Conroe;
- C3. THENCE: Along the arc of said curve to the right having a radius of 1,500.00 feet, a central angle of 06°57'55", an arc length of 182.35 feet, and a chord bearing of S 09°38'21" W (Call chord bearing of N 12°57'18" E, 182.24 feet), at 182.24 feet to a Point-of-Tangency along said centerline of Little Egypt Road, said point subject to future annexation as provisioned by Texas Local Government Code § 43.035, being an area adjacent or contiguous to an area that is the subject of a development agreement and considered adjacent or contiguous to the City of Conroe;
- (17) THENCE: S 13°07'18" W (Call N 16°26'15" E, 1,030.76 feet), at a distance of 1,030.76 feet to a point along the West line of the 5.673-acre Foster Collard Tract 4, along said centerline of Little Egypt Road, said point subject to future annexation as provisioned by Texas Local Government Code § 43.035, being an area adjacent or contiguous to an area that is the subject of a development agreement and considered adjacent or contiguous to the City of Conroe;
- (18) THENCE: S 10°34'02" W (Call N 13°52'59" E, 347.67 feet), at a distance of 347.87 feet to a point along the West line of the 5.673-acre Foster Collard Tract 4, along said centerline of Little Egypt Road, said point subject to future annexation as provisioned by Texas Local Government Code § 43.035, being an area adjacent or contiguous to an area that is the subject of a development agreement and considered adjacent or contiguous to the City of Conroe;
- (19) THENCE: S 11°40'06" W (Call N 14°59'15" E, 178.19 feet), at a distance of 178.18 feet to a point along the West line of the 5.673-acre Foster Collard Tract 4, along said centerline of Little Egypt Road, said point subject to future annexation as provisioned by Texas Local Government Code § 43.035, being an area adjacent or contiguous to an area that is the subject of a development agreement and considered adjacent or contiguous to the City of Conroe, also being along boundary of MUD-124 Tract 1;

- (20) THENCE: S 77°53'25" E (Call N 14°59'15" E, 178.19 feet), at a distance of 36.82 feet to a 3-inch x 3-inch concrete monument for the Southeast corner of the 5.673-acre Foster Collard Tract 4, and the Lower Northeast corner of the said 294.888 acre tract, said point subject to future annexation as provisioned by Texas Local Government Code § 43.035, being an area adjacent or contiguous to an area that is the subject of a development agreement and considered adjacent or contiguous to the City of Conroe, also being a corner of MUD-124 Tract 1;
- (21) THENCE: S 13°13'33" W (Call S 15°56'43" W, 1,724.57 feet), at a distance of 1,724.67 feet along the Easterly line of the said 294.888 acre tract, said point subject to future annexation as provisioned by Texas Local Government Code § 43.035, being an area adjacent or contiguous to an area that is the subject of a development agreement and considered adjacent or contiguous to the City of Conroe, also being a corner of MUD-124 Tract 1, to a POINT of BEGINNING of the herein described acreage in all containing 297.940 acres of land, more or less;

Compiled By: Community Development, Engineering Division  
Project No. 2010-013-0101-ANNEXdata\0331\_PET\_ShadowLakesTract\_2010-01a  
June 3, 2010.

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.

**Metes & Bounds Description  
Annexation Tract 2010-01b  
Shadow Lakes – MUD 124 Tract 2**

**BEING 39.441 ACRES OF LAND LOCATED IN THE A-007  
ELIJAH COLLARD SURVEY IN MONTGOMERY COUNTY,  
TEXAS AND MORE PARTICULARLY DESCRIBED AS  
FOLLOWS:**

**BEGINNING** at a 3-inch x 3-inch concrete monument marking the South line of an approximately 120-foot wide right-of-way (R.O.W.) line of Texas State Farm to Market Road No. 830 (FM-830) and having a North American Datum of 1983 (NAD\_1983), Texas Central (FIPS\_4203) State Plane Coordinate value measured in feet of Northing (y)= 10,141,621.73, Easting (x)= 3,814,868.66, being the northeast corner of a 34.868-acre tract of land deed of which is recorded under Montgomery County Clerk's File No. 2000-034156 of the Official Public Records of Real Property, also being a corner of MUD-124 Tract 2;

- (1) THENCE: S 13°09'15" W (Call S 15°57'19" W, 149.45 feet), at a distance of 149.53 feet, to a 3-inch x 3-inch concrete monument in the North line of an approximately 60-foot wide R.O.W. for Willis-Montgomery Road marking the Southeast corner of the said 34.868-acre tract, also being a corner of MUD-124 Tract 2;
- (2) THENCE: S 66°26'18" W (Call S 69°14'15" W, 1,767.12 feet) along said North line of Willis-Montgomery Road at a distance of 1,767.08 feet to a 1/2-inch iron pipe marking the Southwest corner of the said 34.868-acre tract, also being a corner of MUD-124 Tract 2;
- (3) THENCE: N 17°48'08" W (Call N 15°00'04" W, 281.10 feet), leaving the North line of Willis-Montgomery Road at a distance of 281.40 feet to a 1-inch iron bar for corner at a 4-inch iron post, being the most northerly southwest corner of the said 34.868-acre tract, also being a corner of MUD-124 Tract 2;
- (4) THENCE: N 12°25'21" E (Call N 15°13'25" E, 1,366.12 feet), at a distance of 1,366.12 feet along the west line of the said 34.868-acre tract, to a 5/8" iron rod marking the Northwest corner of the said 34.686-acre tract, in the South line of FM-830 as recorded in Volume 677, Page 98 of the Deed Records of Montgomery County, Texas (D.R.M.C.T.), also being a corner of MUD-124 Tract-2;

- (5) THENCE: N 12°25'21" E, continuing and crossing said FM-830 at a distance of 145.80 feet to a point on the South line of 0.12 acres of land annexed per City of Conroe Ordinance No. 485-72, being 1 foot south of and parallel to the northern 120 feet wide R.O.W line of FM-830 prior to any expansion, also being along the existing City Limits of Conroe as established by City of Conroe Ordinance No. 485-72;
- (6) THENCE: Southeasterly (Call West, 5,200 feet), meandering along the south line of 0.12 acres of land annexed per City of Conroe Ordinance No. 485-72 approximately 1,641 feet, being 1 foot south of and parallel to the northern 120 feet wide R.O.W. line of FM-830 prior to any expansions and with all bearings and distances to a point being along the existing City Limits of Conroe as established by City of Conroe Ordinance No. 485-72;
- (7) THENCE: S 13°09'15" W, crossing FM-830 at a distance of 129.30 feet to a POINT of BEGINNING of the herein described acreage in all containing 39.441 acres of land, more or less;

Compiled By: Community Development, Engineering Division  
Project No. 2010-013-0101-ANNEXdata\0331\_PET\_ShadowLakesTract\_2010-01b  
June 3, 2010.

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## EXHIBIT B

### City of Conroe Annexation Service Plan For Annexation Parcels 2010-01

#### I. TERRITORY

This service plan is applicable to 337 acres of land located in the Elijah Collard Survey, A-7, Montgomery County, Texas. The territory is located west of Little Egypt Road between its intersections with FM 830 and League Line Road. The territory includes Montgomery County Utility District No. 124. 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.

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.

Currently, the nearest police station is located at Conroe Police Headquarters on FM 2854.

**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, Sgt. Ed Holcomb Dr., on Carter Moore Drive (FM 3083) and in the Woodlands Trade Center. A station to replace the Woodlands Trade Center station is currently under construction on FM 1488. 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 the station of Carter Moore Drive (FM 3083). 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.

The territory is currently located within an emergency services district that provides fire protection services to the area. After the area is annexed to Conroe, the City will commence the provision of fire protection services within the area and 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, 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 and recycling 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 and recycling. 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.** The territory to be annexed is currently undeveloped and there are no existing water or wastewater facilities located within the territory to be annexed. The City has entered into a Development and Municipal Services Agreement dated November 12, 2009 with DSMS Enterprises, LLC and DSMS Enterprises II, LLC providing for the terms and conditions upon which municipal water and sewer utility services shall be provided to the annexed territory. Such agreement has been supplemented by agreement dated December \_\_\_\_, 2010 made by and between the City and SIG-LONGMIRE, LLC provided for additional terms and conditions related to the provision of municipal water and sewer utility services. Such agreements are attached to this service plan as Exhibits \_\_\_\_ and \_\_\_\_ and are incorporated herein by reference.

**e. Maintenance of Roads, Streets and Street Lighting.** The City will assume the responsibility for maintenance of public streets and roads, including associated street lights, previously accepted for maintenance by official action of the Commissioners Court of Montgomery County as reflected by the official road log maintained by the County Engineer of Montgomery County, Texas. Any such streets or roads 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. The City is not responsible for the maintenance of private streets or roads in the annexed area.

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.** Within the area to be annexed the City has acquired \_\_\_\_ acres of land to be developed and maintained by the City as a public park. There are no other 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 the 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.** The City will assume responsibility for installation of fire hydrants throughout the subdivision and will upgrade or install new water lines where necessary to support the installation of fire hydrants.

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

**d. Water and Wastewater Facilities.** The City shall provide for the extension of water and sewer mains as provided by the Development and Municipal Services Agreements attached hereto as Exhibits \_\_\_\_ and \_\_\_\_\_. The developer shall provide all internal water and sewer facilities necessary to serve development within the area and shall be reimbursed for the costs of such improvements in accordance with such agreements.



**e. Roads, Streets and Streetlights.** New roads, streets and street lights to serve development within the area shall be the responsibility of the developer of the property. The developer shall be eligible for reimbursement of the costs of providing such improvements in accordance with the Development and Municipal Services Agreements attached hereto as Exhibits \_\_\_ and \_\_\_.

**f. Parks, Playgrounds and Swimming Pools.** The City is currently developing a municipal park upon \_\_\_\_\_ acres of land within the annexed area. No additional 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.

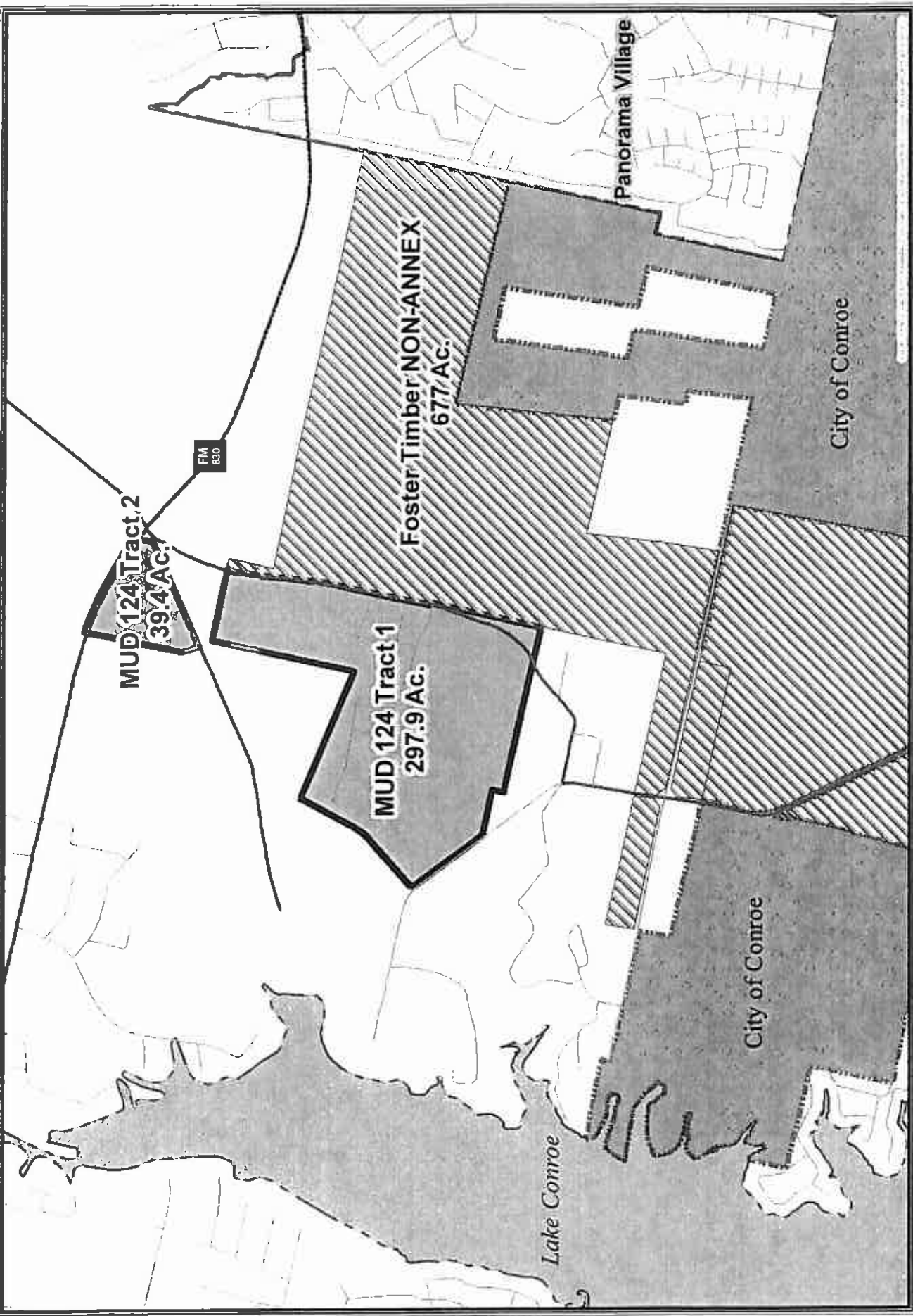
In newly annexed areas the City examines the need for line extensions to serve existing development that does not currently receive water or waste water services. The City will determine the need for the construction of lines and facilities to serve existing development after giving due consideration 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 development within the area through the use of a public improvement assessment as provided in the agreements attached hereto as Exhibits \_\_\_ and \_\_\_\_.

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

The City of Conroe represents only the approximate relative location of property boundaries. Concessionaires draw from the information at the responsibility of the user. Every effort has been made to ensure the accuracy, correctness and timeliness of the information presented in this map. The City of Conroe is not responsible for any errors or omissions in this map. The City of Conroe is not responsible for any errors or omissions in this map. The City of Conroe is not responsible for any errors or omissions in this map.



**EXHIBIT A - ANNEX TRACT 2010-01a**  
**MUD 124 TRACT 1**

**Legend**

- Annexation Area MUD 124 Tract 1
- Non-Consent Areas MUD 124 Tract 2



**Community Development**  
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[www.conroetexas.org/community](http://www.conroetexas.org/community)  
**Our Mission**  
 "To protect and serve the citizens of Conroe and exceed their expectations."