

## EXHIBIT “B”

### SERVICE PLAN

#### **PROVIDING FOR EXTENSION OF FULL MUNICIPAL SERVICES TO THE FOLLOWING AREA PROPOSED FOR ANNEXATION: 114.47 ACRES, MORE OR LESS, OUT OF THE J. MOTT SURVEY, ABSTRACT NO. 427, WILLIAMSON COUNTY, TEXAS, AS SHOWN ON EXHIBIT “A” ATTACHED HERETO (THE “PROPERTY”).**

The City of Round Rock, Texas proposes to annex the Property under Texas Local Government Code, Subchapter C-1 entitled “Annexation Procedure for Areas Exempted from Municipal Annexation Plan,” Section 43.061 et seq.

The Property is currently vacant with no residential or other structures. Two adjacent lots, not part of the proposed annexation, have residential structures. One other adjacent lot is the site of a small cemetery.

Section 43.065(a) requires the City “to prepare a service plan that provides for the extension of full municipal services to the area to be annexed” and mandates that the City “shall provide the services by any of the methods by which it extends the services to any other area of the municipality.” Section 43.065(b) states that provisions of Section 43.056(b)-(o) apply as to required components of the service plan.

#### **Required Components of the Service Plan**

- A. Section 43.056(b) requires that the service plan include a program under which the City will provide full municipal services in the annexed area no later than 2 1/2 years after the effective date of the annexation (unless certain services cannot reasonably be provided within that period, under which circumstance the City may propose an extension for provision to 4 1/2 years).

***The City will provide full municipal services to the Property within the statutorily-mandated 2 1/2 year period. The City does not propose a schedule to extend the period for providing any services.***

Section 43.056(b) further requires that, if the City provides any of the following services within its corporate boundaries before annexing the proposed tract, the City must provide those services in the area proposed for annexation on the effective date of the annexation: (1) police protection; (2) fire protection; (3) emergency medical services; (4) solid waste collection; (5) operation and maintenance of water and wastewater facilities in the annexed area that are not within the service area of another water or wastewater utility; (6) operation and maintenance of roads and streets, including road and street lighting; (7) operation and maintenance of parks, playgrounds, and swimming pools; and (8) operation and maintenance of any other publicly owned facility, building, or service.

***The City does currently provide the enumerated services within its corporate boundaries, with the exception of emergency medical services which are provided by Williamson***

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*County. Therefore, the City will provide the following services to the Property on the effective date of the annexation:*

- (1) Police protection - To be provided immediately upon annexation;*
- (2) Fire protection - To be provided immediately upon annexation;*
- (3) Emergency medical services – To be provided immediately upon annexation;*
- (4) Solid waste collection - Within its corporate boundaries, the City contracts with Round Rock Refuse for residential collection only; therefore, any commercial ventures may continue to contract individually for solid waste collection service;*
- (5) Operation and maintenance of water and wastewater facilities - To be provided within 2 ½ years of annexation. Additional services will be available in accordance with the City of Round Rock Subdivision Ordinance platting requirements;*
- (6) Operation and maintenance of public roads and streets, including road and street lighting – Immediately upon annexation. The adjoining portion of A.W. Grimes Boulevard is currently within the Round Rock city limits. Any CORR acceptance of dedicated and improved rights-of-way in the future would be per the Subdivision Ordinance;*
- (7) Operation and maintenance of parks, playgrounds, and swimming pools - As there are none of these facilities on the Property, operation and maintenance of same is not at issue;*
- (8) Operation and maintenance of any other publicly owned facility, building, or service - As there are none of these on the Property, operation and maintenance of same is not at issue;*

- B. Section 43.056(c) requires the City to define “full municipal services” as services provided by the City of Round Rock within its full-purpose boundaries, including water and wastewater services and excluding gas or electrical service.

*The City so defines “full municipal services.”*

- C. Pursuant to Section 43.056(d), the City is not required to extend water and/or wastewater service to any portion of the annexed area that is within the service area of another water or wastewater utility.
- D. Section 43.056(e) requires that the service plan include a program under which the City will initiate after the effective date of the annexation the acquisition or construction of capital improvements necessary for providing municipal services adequate to serve the area.

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***The City does not have all capital improvements in place which are necessary for providing municipal services adequate to serve the Property. New capital improvements will need to be acquired or constructed in order to provide municipal services adequate to serve the Property.***

- E. Section 43.056(f) prohibits the service plan from requiring the creation of another political subdivision, from requiring landowners in the area to fund capital improvements necessary to provide services, and from providing services in the area in a manner that would have the effect of reducing by more than a negligible amount the level of fire and police protection and emergency medical services provided within the corporate boundaries of the City before annexation.

***The City will not require the creation of another political subdivision.***

***Capital improvements are necessary to provide services to the Property. The City will not require landowners of the Property to fund capital improvements for this service under the current use(s) of the Property. However, if and when the Property is developed, platted, or the current use(s) of the Property changes in the future, landowners may be required to fund capital improvements in accordance with state law and City ordinances and regulations.***

***The City is currently able to provide municipal services to the Property in a manner that will not have the effect of reducing by more than a negligible amount the level of fire and police protection and emergency medical services provided within the corporate boundaries of the City.***

- F. Section 43.056(g) requires a determination of whether the area proposed for annexation had a lower, equal, or higher level of services, infrastructure, and infrastructure maintenance than the level of services, infrastructure, and infrastructure maintenance provided within the corporate boundaries of the City before annexation.

***Due to the current use of the Property, it has a lower level of services, infrastructure, and infrastructure maintenance than the level of services, infrastructure, and infrastructure maintenance provided within the corporate boundaries of the City before annexation.***

Section 43.056(g) further requires that the service plan provide the annexed area with a level of services, infrastructure, and infrastructure maintenance that is comparable to the level of services, infrastructure, and infrastructure maintenance available in other parts of the City with topography, land use, and population density similar to those reasonably contemplated or projected in the area.

***The City will provide the Property with a level of services, infrastructure, and infrastructure maintenance that is comparable to or greater than that which is available***

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*to other parts of the City which share similar topography, similar land use, and similar population density which is in accord with uninhabited undeveloped land.*

- G. Section 43.056(h) does not apply to the City.
- H. Section 43.056(i) does not apply to the City.
- I. Section 43.056(j) requires that the proposed service plan be made available and explained at public hearings, and allows such service plan to be amended through negotiation at the hearings except that provision of any service may not be deleted.

*The City will make its proposed service plan available at the public hearings scheduled on August 10, 2017 and on August 24, 2017. At such public hearings, comments and requests for amendments to the service plan may be made. In response, the City may or may not amend its proposed service plan; however, the City will not amend the service plan for the deletion of any service.*

- J. Section 43.056(k) makes a Council-approved service plan a contractual obligation not subject to amendment or repeal except in the case of changed conditions or subsequent occurrences that make the service plan unworkable or obsolete; in such case, the amended service plan must provide for services that are comparable to or better than those established in the original service plan.

*The City acknowledges that, upon approval by the City Council evidenced by attachment to the ordinance annexing the Property, the service plan is a contractual obligation not subject to amendment or repeal except under the statutory conditions contained in Section 43.056(k).*

- K. Section 43.056(l) establishes that a service plan is valid for 10 years and may be renewed at the discretion of the City. Section 43.056(l) further gives a person residing or owning land within the annexed area the right to enforce a service plan by applying for a writ of mandamus within specified time frames and, if such writ is issued, provides certain possible remedies including disannexation, specific performance in terms of compliance, refund by the City of money collected from landowners for services not provided, assessment of civil penalties against the City, required participation in mediation, and required payment of landowners’ costs and reasonable attorney’s fees in bringing the action for writ.

*The City acknowledges that it is subject to the statutory requirements of Section 43.056(l).*

- L. Section 43.056(m) establishes that the governing statutes do not require that a uniform level of full municipal services be provided to each area of the municipality if different characteristics of topography, land use, and population density constitute a sufficient basis for providing different levels of service.

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*The City acknowledges that a uniform level of full municipal services is not required to be provided to an area of the City which, by reason of its different characteristics of topography, land use, and population density, provides a sufficient basis for the City to provide different levels of service.*

*The City will comply with requirements that municipal services be provided to the Property which are adequate to serve the Property with a level of services, infrastructure, and infrastructure maintenance that is comparable to or greater than that which is available to other parts of the City which share similar topography, similar land use which is primarily agricultural, and similar population density which is in accord with uninhabited undeveloped land.*

- M. Section 43.056(n) directs that the City may not, within certain time frames, prohibit the collection of solid waste in the annexed area by a privately owned solid waste management service provider or impose a fee for solid waste management services on a person who continues to use the services of a privately owned solid waste management service provider.

*The City acknowledges that it is subject to the requirements of Section 43.056(n).*

- N. Section 43.056(o) states that the City is not required to provide solid waste collection services to a person who continues to use the services of a privately owned solid waste management service provider.

*The City acknowledges that it is subject to the requirements of Section 43.056(o).*