



CITY OF AUSTIN
DRAFT ANNEXATION SERVICE PLAN

Case Name: Springwoods MUD Area
Subject to the Strategic Partnership
Agreement
Case Number: C7a-10-002
Date: January 29, 2010

INTRODUCTION

This Service Plan (“Plan”) is made by the City of Austin, Texas (“City”) in accordance with a Strategic Partnership Agreement (“SPA”) between the City and the Springwoods Municipal Utility District (MUD) pursuant to Texas Local Government Code Section 43.0751. This Plan relates to the annexation to the City of land (“annexation area”) known as the Springwoods MUD Area. The Springwoods MUD was created under Chapter 54 of the Texas Water Code. The annexation area includes approximately 459 acres located in Williamson County generally located between Pond Springs Road and Parmer Lane on the north and south sides of Anderson Mill Road. This area currently located in the city’s extraterritorial jurisdiction (“ETJ”) and is adjacent to the full purpose city limits to the west along Pond Springs Road.

Land uses in this area include both single-family and multi-family residential, commercial, open space, and civic. The annexation area is described by metes and bounds in Exhibit A, which is attached to this Plan and to the annexation ordinance of which this Plan is a part. The annexation area is also shown on the map in Exhibit A.

EFFECTIVE TERM

This Plan shall be in effect for a ten-year period commencing on the effective date of the annexation, unless otherwise stated in this Plan. Renewal of the Plan shall be at the option of the City. Such option may be exercised by the adoption of an ordinance by the City Council, which refers to this Plan and specifically renews this Plan for a stated period of time.

INTENT

It is the intent of the City of Austin that services under this Plan shall provide full municipal services as required and defined by the Texas Local Government Code.

The City reserves the right guaranteed to it by the Texas Local Government Code, to amend this Plan if the City Council determines that changed conditions or subsequent occurrence or any other legally sufficient circumstances exist under the Local Government Code, or other Texas laws to make this Plan unworkable or obsolete or unlawful.

SERVICE COMPONENTS

In General. This Plan includes three service components: (1) the Early Action Program, (2) Additional Services, and (3) a Capital Improvement Program.

As used in this Plan, providing services includes having services provided by any method or means by which the City extends municipal services to any other area of the City. This may include causing or allowing private utilities, governmental entities and other public service organizations to provide such services by contract, in whole or in part. It may also include separate agreements with associations or similar entities.

1. EARLY ACTION PROGRAM

The following services will be provided in the annexation area commencing on the effective date of the annexation, unless otherwise noted.

- a. Police Protection. The Austin Police Department (“APD”) will provide protection and law enforcement services in the annexation area. These services include:
 - normal patrols and responses
 - handling of complaints and incident reports
 - special units, such as, traffic enforcement, criminal investigations, narcotics, gang suppression, and special weapons and tactics team

- b. Fire Protection. The Austin Fire Department (“AFD”) will provide emergency and fire prevention services in the annexation area. These services include:
 - fire suppression and rescue
 - emergency medical services first response for Austin/Travis County Emergency Medical Services Department on life threatening medical emergencies
 - hazardous materials mitigation and regulation
 - emergency prevention and public education efforts
 - dive rescue
 - technical rescue
 - aircraft/rescue/firefighting
 - construction plan review
 - inspections
 - rescue/hazardous materials unit

AFD serves as the first responder on life threatening emergencies for Austin/Travis County EMS. All AFD personnel are certified at an Emergency Medical Technician (“EMT”) level or higher. All engines (pumpers), ladder trucks, and rescue units carry Automatic External Defibrillators for use with heart attack victims.

- c. Emergency Medical Service The City of Austin/Travis County Emergency Medical Services (“EMS”) Department will provide emergency medical services in the annexation area.

Austin/Travis County EMS will provide the following emergency and safety services to the annexation area:

- medical 911 communications including dispatch, pre-arrival first aid instructions and coordination of other public safety support agencies
- emergency Advanced Life Support (ALS) ambulance response, treatment and transport
- medical rescue services
- medical support during large scale emergency events

Austin/Travis County EMS is a mobile service provider, with units constantly moving throughout the system area. An ambulance is frequently dispatched from a location outside the station.

The Austin Fire Department will provide emergency medical first response to all patients in a life-threatening situation. All Austin Fire Department personnel are certified at the Emergency Medical Technician (EMT) level or higher and assist EMS personnel providing patient care.

- d. Maintenance of Water and Wastewater Facilities. Water and wastewater service will be provided to areas that are not within the certificated service area of another utility through existing facilities located within or adjacent to the area. The facilities will be maintained and operated by the City's Austin Water Utility as governed by standard policies and procedures, and under the provisions of the attached City service extension policy.

- e. Maintenance of Roads and Streets, Including Street Lighting. The Public Works Department will maintain public streets over which the City has jurisdiction. These services include:

- emergency pavement repair
- ice and snow monitoring of major thoroughfares
- street maintenance activities including crack seal, sealcoat, slurry seal, and preventative maintenance overlay
- repair maintenance of public streets on an as-needed basis including pothole repair, filling depressions (level up), spot surface replacement, spot full-depth repair, and utility cut repairs

The area is fully developed with existing residential streets. Any necessary street or bridge rehabilitation or reconstruction will be considered on a City-wide priority basis. The existing streets are performing adequately to serve the area at a comparable level of service to other City of Austin residential areas. Streets that have been dedicated and accepted for maintenance will be included in the city's preventative maintenance program. Preventative maintenance projects are prioritized on a City-wide basis and scheduled based on a variety of factors, including surface condition (distresses), rideability (smoothness), age, traffic

volume, functional classification, and available funding.

If necessary, the Transportation Department will also provide regulatory signage services in the annexation area. Traffic signal, stop, and all other regulatory studies are conducted in conjunction with growth of traffic volumes. All regulatory signs and signals are installed when warranted following an engineering study. Faded, vandalized, or missing signs are replaced as needed. "CALL BACK" service provided 24 hours a day, 365 days a year for emergency repair of critical regulatory signs.

Street lighting will be maintained in accordance with the City of Austin ordinances, Austin Energy criteria and state law.

- f. Maintenance of Parks, Playgrounds, and Swimming Pools. At this time there are no public recreation facilities in the area.

Recreational facilities and area amenities, including parks, pools, and medians, that are privately owned, maintained, or operated will be unaffected by the annexation.

- g. Maintenance of Any Other Publicly-Owned Facility, Building, or Service. Should the City acquire any other facilities, buildings, or services necessary for municipal services located within the annexation area, an appropriate City department will provide maintenance services for them.

2. ADDITIONAL SERVICES

Certain services, in addition to the above services, will be provided within the annexation area. They are as follows:

- a. Watershed Protection. The Watershed Protection Department will provide drainage maintenance services in the Annexation area. Drainage planning and maintenance are fee-based services. Services currently provided by the department, in accordance with and as limited by applicable codes, laws, ordinances and special agreements, include:
- water quality protection
 - watershed protection master planning for flood hazard mitigation, streambank restoration and erosion control, and water quality protection
 - flood hazard mitigation
 - streambank restoration and erosion management
 - infrastructure and waterway maintenance
- b. Planning and Development Review. The Planning and Development Review Department will provide comprehensive planning, land development and building review and inspection services in accordance with and as limited by applicable codes, laws, ordinances and special agreements.
- c. Code Compliance. In order to attain compliance with City codes regarding land use regulations and the maintenance of structures, the City's Code Compliance

Department will provide education, cooperation, enforcement and abatement relating to code violations

- d. Library. Upon annexation residents may utilize all Austin Public Library facilities.
- e. Public Health, Social, and Environmental Health Services. Upon annexation, the following services will be available from the Austin/Travis County Health and Human Services Department:
 - investigation of public health related complaints including foodborne illness, recreational water quality and public swimming pools and spas
 - enforcement of the City's smoking in public places ordinance and the minor's access to tobacco ordinance
 - inspection of food establishments, child care facilities
 - investigation of reported elevated blood lead levels in children
 - animal services including leash law, pet licensing and rabies control
 - rodent and vector control consultation
- f. Austin Energy. Austin Energy will continue to provide electric utility service to all areas which the City is authorized to serve by the Public Utility Commission of Texas.
- g. Anti-litter Services. The Austin Solid Waste Services Department will provide anti-litter services in the annexed area. Anti-litter is a fee-based service. Services currently provided in the City include:
 - regularly scheduled bulky item collection – a notice to customers is provided in advance of the pickup date
 - regularly scheduled large brush collection – a notice to customers is provided in advance of the pickup date
 - regularly scheduled street sweeping service – approximately six (6) times per year for streets with curb and gutter
 - dead animal collection – dead animals are removed from roadways upon request
 - household hazardous waste drop-off facility – use of facility on regularly scheduled days of operation
 - tall weed and grass and litter abatement programs

The City may collect anti-litter fees throughout the annexation area consistent with City policy.

- h. Other Services. All other City Departments with jurisdiction in the area will provide services according to City policy and procedure.

3. CAPITAL IMPROVEMENTS PROGRAM

The City will initiate the construction of capital improvements necessary for providing municipal services for the annexation area as necessary.

Each component of the Capital Improvement Program is subject to the City providing the related service directly. In the event that the related service is provided through a contract service provider, the capital improvement may not be constructed or acquired by the City but may be provided by the contract provider. The City may also lease buildings in lieu of construction of any necessary buildings.

- a. Police Protection. No capital improvements are necessary at this time to provide police services.
- b. Fire Protection. No capital improvements are necessary at this time to provide fire services.
- c. Emergency Medical Service. No capital improvements are necessary at this time to provide EMS services.
- d. Solid Waste Collection. No capital improvements are necessary at this time to provide solid waste collection services.
- e. Water and Wastewater Facilities. No capital improvements are necessary at this time to provide water or wastewater service.

Water and wastewater services to any new development and subdivisions will be provided according to the standard policies and procedures of the Austin Water Utility, which may require the developer of a new subdivision or site plan to install water and wastewater lines. The extension of water and sewer service will be provided in accordance with the attached water and wastewater service extension policy.

- f. Roads and Streets. No road or street related capital improvements are necessary at this time. In general, the City will acquire control of all public roads and jurisdiction in, over and under all public roads and public streets within the annexation area upon annexation. Future extensions of roads or streets and future installation of related facilities, such as traffic control devices, will be governed by the City's standard policies and procedures.
- g. Parks, Playgrounds and Swimming Pools. No capital improvements are necessary at this time to provide services.
- h. Watershed Protection. No capital improvements are necessary at this time to provide services.
- i. Street Lighting. No capital improvements are necessary at this time to provide services. Street lighting in new and existing subdivisions will be installed and maintained in accordance with the applicable standard policies and procedures.
- j. Other Publicly Owned Facilities, Building or Services: Additional Services. In general, other City functions and services, and the additional services described above can be provided for the annexation area by using existing capital

improvements. Additional capital improvements are not necessary to provide City services.

- k. Capital Improvements Planning. The annexation area will be included with other territory in connection with planning for new or expanded facilities, functions, and services.

4. **SERVICES TO BE PROVIDED BY LIMITED DISTRICT**

The Springwoods Limited District, created under the Strategic Partnership Agreement, will provide the following services.

- a. Solid Waste Collection. Springwoods Limited District shall be responsible for providing solid waste and recycling pick-up and disposal for the area during the existence of the Limited District. Services may be provided by District employees or by private solid waste service providers under contract with the District.

The Springwoods Municipal Utility District currently provides solid waste collection services under a contract with a private solid waste service provider. After conversion of the Municipal Utility District to the Limited District, the Limited District will continue to provide solid waste services. When the term of the contract expires, or the contract is terminated for any reason, or the District and the contractor agree to extend the contract, any new, extended, or amended contract for solid waste collection will include a provision for the collection of recyclable material by the private solid waste provider as "Single Stream." Single Stream recycling is defined as curbside collection of all recyclable containers and fiber products, from a single cart, emptied into a non-compartmentalized truck and processed at a Material Recovery Facility.

- b. Maintenance and Security for Amenities. The Limited District will retain ownership of the Amenities in the area as defined in the SPA during the existence of the district, including community recreation facilities, such as parks and swimming pool facilities, and other land and associated buildings and structures owned by the District or the Limited District, as such amenities are more particularly described in Exhibit "D" of the SPA and are not located in this annexation area. The district shall be responsible for providing security, maintenance, and any necessary capital improvements for all such parks and recreation facilities currently owned by Springwoods MUD. Security and maintenance services may be provided by district personnel or by private service providers under contract with the District.
- c. Deed Restriction Enforcement. The Springwoods Limited District shall retain the authority of the Springwoods MUD under Texas law, as it may be amended, to enforce deed restrictions applicable to property within the boundaries of the District and any restrictive covenants to which the MUD is a party.

5. SERVICES TO BE PROVIDED BY CITY IF LIMITED DISTRICT IS DISSOLVED

If the Limited District is dissolved or ceases to exist for any reason prior to the expiration of this service plan, the City shall provide the following services within 90 days of dissolution, or the date upon which the District ceases to exist:

- a. Solid Waste Collection. The Austin Solid Waste Services Department will provide services in the area. Services will be provided by City personnel or by solid waste service providers under contract with the City. Services to single family residences, including duplex, triplex, and fourplex dwelling units, will be provided in accordance to the then published program guidelines, frequencies and service levels.

Commercial garbage collection service for businesses is available on a subscription basis from the City or private service providers.

- b. Maintenance of Parks, Playgrounds, and Swimming Pools. Ownership and title to all parks and recreational facilities owned by the Springwoods Limited District shall vest in the City. Should the City acquire any parkland, facilities, or buildings not in this annexation area, the City will amend the applicable service plan in effect at that time. Services may be provided by the City Parks and Recreation Department or by private service providers under contract with the City.

AMENDMENT: GOVERNING LAW

This Plan may not be amended or repealed except as provided by the Texas Local Government Code or other controlling law. Neither changes in the methods or means of implementing any part of the service programs nor changes in the responsibilities of the various departments of the City shall constitute amendments to this Plan, and the City reserves the right to make such changes. This Plan is subject to and shall be interpreted in accordance with the Constitution and laws of the United States of America and the State of Texas, the Texas Local Government Code, and the orders, rules and regulations of governmental bodies and officers having jurisdiction.

FORCE MAJEURE

In case of an emergency, such as force majeure as that term is defined in this Plan, in which the City is forced to temporarily divert its personnel and resources away from the annexation area for humanitarian purposes or protection of the general public, the City obligates itself to take all reasonable measures to restore services to the annexation area of the level described in this Plan as soon as possible. Force Majeure shall include, but not be limited to, acts of God, acts of the public enemy, war, blockages, insurrection, riots, epidemics, landslides, lightning, earthquakes, fires, storms, floods, washouts, droughts, tornadoes, hurricanes, arrest and restraint of government, explosions, collisions and other inability of the City, whether similar to those enumerated or otherwise, which is not within the control of the City. Unavailability or shortage of funds shall not constitute Force Majeure for purposes of this Plan.

SUMMARY OF THE WATER AND WASTEWATER UTILITY SERVICE EXTENSION POLICY

The following information is a summary of the Austin Water Utility Service Extension Policy, Chapters 25-1 through 25-5 and 25-9 of the Austin City Code, in conformance with the Texas Local Government Code requirement that the Plan have a summary of the service extension policy.

Water and wastewater service is only provided to lots that have been properly subdivided and platted or are a legal lot. For property that is required by subdivision regulations to construct water or wastewater facilities connecting to the City system, funding and construction of those facilities will remain the responsibility of the developer. If the specific undeveloped property does not have City water or wastewater service fronting the property, the owner may make an application for an extension of service to the Director of the Austin Water Utility for review. If the Director determines that adequate capacity is available, or will be, and if the project does not include City cost participation or reimbursement, and if the proposed facilities are a logical extension of the City's water and wastewater system and the requested extension otherwise meets the requirements of Chapter 25-9, the extension size, capacity, and routing may be approved by the Director for funding and construction by the developer.

Depending on the size of the new facilities and other conditions, with City Council approval, the City may reimburse the developer for part of the cost of constructing certain facilities. With City Council approval, the City may cost participate by reimbursing costs associated with the oversize capacity of wastewater mains larger than 8 inches but less than 18 inches in diameter, and of water mains greater than 12 inches but less than 24 inches in diameter. With City Council approval, the City may reimburse to the developer the construction cost of the full capacity of wastewater facilities 18 inches in diameter or larger, and water facilities 24 inches in diameter or larger, as well as other facilities such as reservoirs or pumps. The actual calculation of the cost participation and reimbursement amounts, including limits and the schedules for the payments, are included in the Land Development Code.

For lots served by an existing on-site well or septic system that have water or wastewater lines within 100 feet of the lot at the time of annexation, the owner will not be required to pay the impact fees if a tap permit is obtained by the property owner on or before the second anniversary of the date of annexation. For lots served by an existing well or septic system that do not have water or wastewater lines within 100 feet of the lot, the owner will not be required to pay the impact fees of a tap permit is obtained by the property owner on or before the second anniversary of the date of acceptance of the water or sewer line to within 100 feet of their lot. In either case the owner will still be required to pay other applicable connection fees.

As long as a property is using a septic system, the property owner remains responsible for the operation and maintenance of the septic system. If the septic system fails before the City sewer service is extended to the property, the property owner must repair the system. Under certain circumstances the Austin/Travis County Health and Human Services Department may require connection to the City sewer facilities.

This policy is set by the City Council and can be amended in the future by ordinance.