

ORDINANCE NO. 2020-23

ORDINANCE OF THE VILLAGE OF SALADO, TEXAS TO ANNEX UNDER CHAPTER 43 OF THE TEXAS LOCAL GOVERNMENT CODE, 86.678 ACRES OF LAND, LOCATED AT THE SOUTHWEST CORNER OF WILLIAMS ROAD AND WEST VILLAGE ROAD, OWNED BY QUADRUPLE BOGEY DEVELOPMENT INC., AS FURTHER DESCRIBED IN EXHIBIT "A" IN BELL COUNTY, TEXAS, LYING ADJACENT AND CONTIGUOUS TO THE PRESENT CORPORATE LIMITS OF THE VILLAGE OF SALADO IN THE VILLAGE'S EXTRATERRITORIAL JURISDICTION IN BELL COUNTY, INTO THE INCORPORATED MUNICIPAL BOUNDARIES OF THE VILLAGE OF SALADO, TEXAS INCLUDING THE FOLLOWING: FINDINGS OF FACT; EFFECTIVE DATE; REPEALER; SEVERABILITY; AND PROPER NOTICE AND MEETING.

WHEREAS, the Village of Salado, Texas ("Village") is a Type-A, General Law municipality with the rights and privileges thereto; and

WHEREAS, on November 5, 2020, Quadruple Bogey Development Inc, submitted a Petition for Voluntarily Annexation for 86.678 acres of land, also known as the "Eagle Heights Property", in accordance with Texas Local Government Code Section 43.028; and

WHEREAS, the Village desires to annex the Eagle Heights Property, adjacent and contiguous to the Village corporate limits, and as further described in the metes and bounds attached as Exhibit "A", incorporated for all purposes; and

WHEREAS, the Board of Aldermen of the Village of Salado ("Aldermen") conducted a public hearing on November 19, 2020, regarding annexation of the Eagle Heights Property and has provided all required notices within the timeframes established under Chapter 43 of the Texas Local Government Code; and

WHEREAS, the Village has prepared a service plan for the property to be annexed in accordance with Section 43.056 of the Texas Local Government Code providing for full municipal services to such area, which service plan was made available to the public; and

WHEREAS, the Board of Aldermen deems it to be in the best interest of the citizens of the Village to annex said territory into the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS:

1. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the Board of Aldermen of the Village of Salado, Texas, and are hereby approved and

incorporated into the body of this Ordinance as if copied herein in their entirety.

2. ANNEXATION OF TERRITORY

- A.** The property in the area described in Exhibit "A", which is attached hereto and incorporated herein for all purposes, is hereby annexed and brought into the municipal boundaries (i.e., corporate limits) of the Village of Salado, and is made an integral part, hereof.
- B.** The official map and boundaries of the Village of Salado are hereby amended and revised so as to include the area annexed, and to reflect the expansion of the Village's extraterritorial jurisdiction resulting from such annexation.

3. EFFECTIVE DATE

This Ordinance is effective and the annexation achieved herein shall be final and complete upon adoption of this Ordinance on the date set forth below.

4. FILING

- A.** The Village Secretary is hereby instructed to include this Ordinance in the records of the Village.
- B.** The Village Secretary is hereby instructed to have maps prepared depicting the new municipal boundaries and extraterritorial jurisdiction.
- C.** The Village Secretary is hereby instructed to file a certified copy of this Ordinance with the Bell County Clerk.


5. SEVERABILITY

It is hereby declared to be the intention of the Board of Aldermen of the Village of Salado that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

6. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED this the 19th day of November 2020, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the Board of Aldermen of the Village of Salado, Texas.


Michael Coggin, Mayor

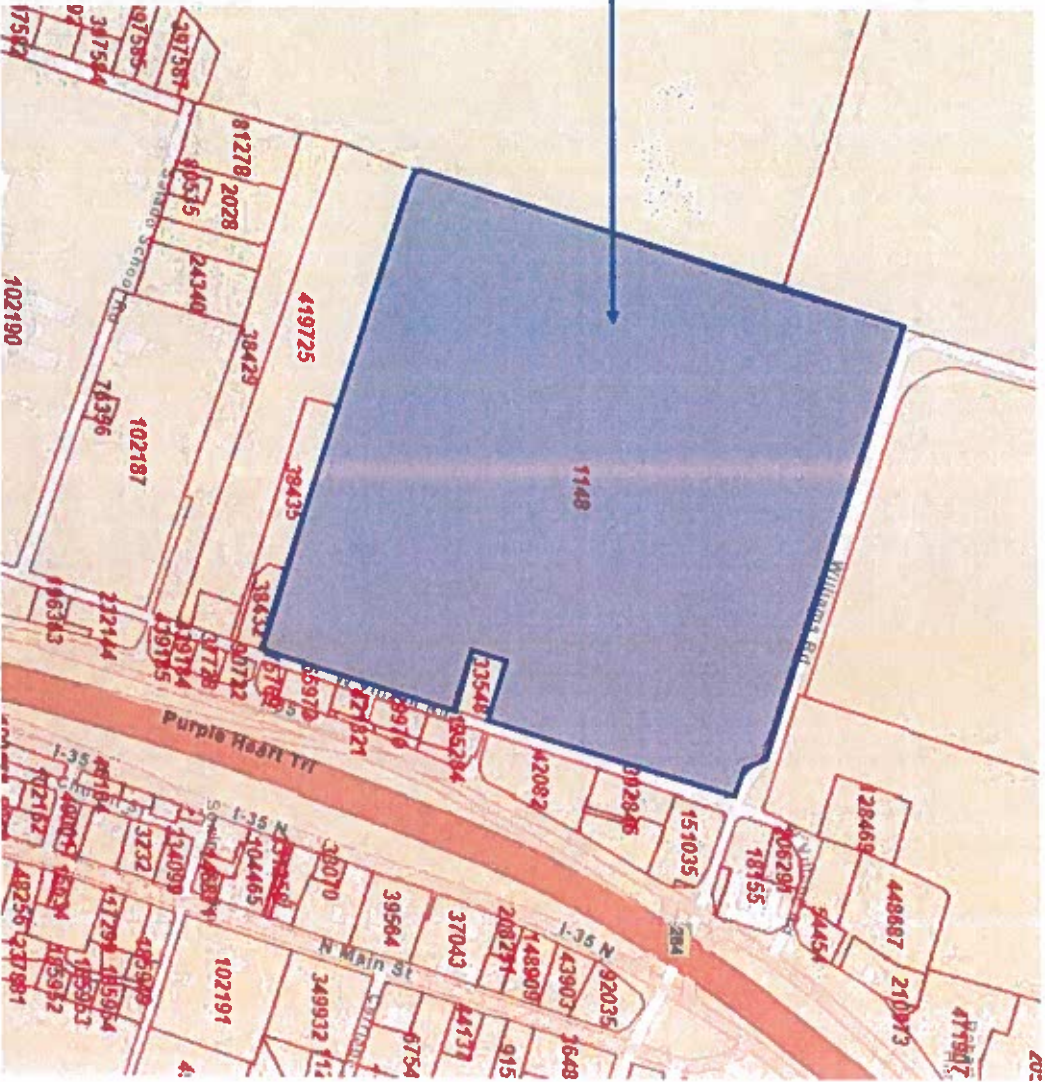
ATTEST:


Don Ferguson, Village Administrator



11-19-2020 

Property to be Annexed



FIELD NOTES PREPARED BY ALL COUNTY SURVEYING, INC.

March 19, 2020

Surveyor's Field Notes for **EAGLE HEIGHTS**, being:

86.69 ACRES, situated in the **YOUNG WILLIAMS SURVEY, ABSTRACT 861**, Bell County, Texas, being all of a called 86.678 Acre tract conveyed to Carothers Brothers, LLC in Document No. 2019-00002308, Official Public Records of Real Property, Bell County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8" iron rod with cap stamped "CDS/MUERY S.A. TX" found at the northwest corner of said 86.678 Acre tract, being on the east line of a called 266.527 Acre tract conveyed to Campbell Branch Investments, LLC in Volume 4999, Page 292, Official Public Records of Real Property, Bell County, Texas, and being on the southern line of Williams Road, as described in Volume 4735, Page 4, Official Public Records of Real Property, Bell County, Texas, for the northwest corner of the herein described tract;

THENCE, in an easterly direction, with the south line of said Williams Road, **S 71° 57' 27" E – 66.67'** (*Rec. S 71° 58' 58" E – 66.65'*), a 1/2" iron rod found, and **S 73° 32' 44" E – 1689.99'** (*Rec. S 73° 32' 51" E – 1689.61'*), to a 1/2" iron rod with cap stamped "Quick Inc. RPLS 6447" found at the northwest corner of a called 0.196 Acre tract of land conveyed to the State of Texas in Doc. No. 2010-00037861, Official Public Records of Real Property, Bell County, Texas;

THENCE, in a southeasterly direction, with the southwest line of said 0.196 Acre tract, with a curve to the right; having a radius of **275.00'**, a delta angle of **10° 46' 05"**, and a long chord which bears **S 49° 04' 12" E – 51.61'**; an arc length of **51.68'**, to a 4" aluminum Texas Department of Transportation (TxDOT) monument found at the beginning of a curve to the left;

THENCE, continuing in said southeasterly direction, with said southwest line of said 0.196 Acre tract, and with said curve to the left; having a radius of **325.00'**, a delta angle of **23° 46' 44"**, and a long chord which bears **S 55° 29' 25" E – 133.92'**; an arc length of **134.88'**, to a 4" TxDOT aluminum monument found at a cutback corner on the south line of said Williams Road and the west line of Interstate Highway 35;

THENCE, in a southeasterly direction continuing with the southern line of said 0.196 Acre tract, and with said cutback, **S 26° 38' 09" E – 29.32'** (*Rec. S 26° 24' 57" E – 29.23'*), to a 1/2" iron rod with cap stamped "Quick Inc. RPLS 6447" found on the west line of said Interstate Highway 35, as described in Document No. 2010-00037833 and Document No. 2010-00028470, Official Public Records of Real Property, Bell County, Texas, for the easternmost northeast corner of the herein described tract;

THENCE, in a southerly direction, with the west line of said Interstate Highway 35, **S 16° 36' 55" W – 965.88'** (*Rec. S 16° 35' 59" W – 965.80'*), to a 1/2" iron rod found at the northeast corner of the remainder of a called 0.833 Acre tract conveyed to Rae Anne Sloan in Document No. 2010-00034895, Official Public Records of Real Property, Bell County, Texas;

THENCE, in a westerly direction, with the north line of said Sloan tract, **N 73° 20' 05" W – 247.47'** (*Rec. N 73° 19' 04" W – 247.65'*), to a 1/2" iron rod with cap stamped "Quick Inc. RPLS 6447" found at the northwest corner of said Sloan tract, for an interior corner of the herein described tract;

THENCE, in a southerly direction, with the west line of said Sloan tract, **S 16° 41' 22" W – 141.22'** (*Rec. S 16° 39' 30" W – 141.13'*), to a 1/2" iron rod with cap stamped "2181" found at the southwest corner of said Sloan tract, for an interior corner of the herein described tract;

THENCE, in an easterly direction, with the south line of said Sloan tract, **S 73° 20' 41" E – 247.00'** (*Rec. S 73° 20' 25" E – 247.08'*), to a 1/2" iron rod found on the west line of said Interstate Highway 35;

Surveyor's Field Notes for **EAGLE HEIGHTS**, (continued):

THENCE, in a southerly direction, with the west line of said Interstate Highway 35, **S 16° 35' 23" W – 769.20'** (Rec. S 16° 35' 02" W – 769.26'), to a ½" iron rod found at the southeast corner of said 86.678 Acre tract, same being the northeast corner of the remainder of a called 0.7231 Acre tract conveyed to Dwaine Eugene Barton and Tammy Sue Barton in Document No. 2012-00026483, Official Public Records of Real Property, Bell County, Texas, for the southeast corner of the herein described tract;

THENCE, in a westerly direction, with the north line of said Barton tract, **N 74° 09' 58" W – 316.13'** (Rec. N 74° 08' 43" W – 316.42'), to a ½" iron rod found at the northernmost northeast corner of a called 2.080 Acre tract conveyed to Robert Earnest Fulgham in Volume 2393, Page 53, Official Public Records of Real Property, Bell County, Texas;

THENCE, continuing in said westerly direction, with the north line of said 2.080 Acre tract, and along the north line of a called 11.0722 Acre tract conveyed as Tract I to Robert Earnest Fulgham in Document No. 2009-00047727, Official Public Records of Real Property, Bell County, Texas, **N 73° 08' 39" W – 666.74'** (Rec. N 73° 08' 35" W – 666.45'), a ½" iron rod with cap stamped "Quick Inc. RPLS 6447" found, and **N 73° 24' 13" W – 968.76'** (Rec. N 73° 23' 47" W – 968.71'), to a ½" iron rod with cap stamped "Quick Inc. RPLS 6447" found at the southwest corner of said 86.678 Acre tract, same being the northwest corner of said 11.0722 Acre tract and being on the east line of a called 147.06 Acre tract conveyed to Virginia C. Cosper in Document No. 2013-00026989, Official Public Records of Real Property, Bell County, Texas, for the southwest corner of the herein described tract;

THENCE, in a northerly direction, with the east line of said 147.06 Acre tract, **N 18° 16' 24" E – 91.77'** (Rec. N 18° 16' 31" E – 91.77'), a mag nail in a tree found, **N 16° 23' 54" E – 548.45'** (Rec. N 16° 22' 53" E – 548.29'), a ½" iron rod with cap found, **N 17° 19' 12" E – 625.26'** (Rec. N 17° 19' 21" E – 625.13'), a ½" iron rod with cap found, and **N 15° 31' 13" E – 220.87'** (Rec. N 15° 26' 29" E – 221.11'), to a 12" cedar fence post found at the northeast corner of said 147.06 Acre tract and the southeast corner of said 266.527 Acre tract;

THENCE, continuing in said northerly direction, with the east line of said 266.527 Acre tract, **N 16° 12' 42" E – 472.55'** (Rec. N 16° 16' 21" E – 472.18'), to the **POINT OF BEGINNING** and containing 86.69 Acres of Land.

The bearings cited herein are based upon the Texas State Plane Coordinate System, Central Zone, NAD 83, as per GPS Observations.

This document is not valid for any purpose unless signed and sealed by a Registered Professional Land Surveyor.

Surveyed September 9, 2019

ALL COUNTY SURVEYING, INC.

1-800-749-PLAT

Tx. Firm Lic. No. 10023600

server/projects/pro190000/190800/190890/190890.1.doc



Charles C. Lucko
Registered Professional Land Surveyor
Registration No. 4636



Bell County
Shelley Coston
County Clerk
Belton, Texas 76513

Instrument Number: 2023031995

As
ORDINANCE

Recorded On: July 19, 2023

Parties: VILLAGE OF SALADO

To QUADRUPLE BOGEY DEVELOPMENT INC

Comment:

Billable Pages: 6

Number of Pages: 7

(Parties listed above are for Clerks' reference only)

**** Examined and Charged as Follows ****

CLERKS RMF:	\$5.00
COURT HOUSE SECURITY:	\$1.00
RECORDING:	\$25.00
Total Fees:	\$31.00

***** DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information

Instrument Number: 2023031995
Receipt Number: 356115
Recorded Date/Time: 07/19/2023 12:35:19 PM
User / Station: zbranead - BCCCD0642

Record and Return To:

CITY OF SALADO
PO BOX 219
SALADO, TX 76571



I hereby certify that this instrument was filed on the date and time stamped hereon and was duly recorded in the Real Property Records in Bell County, Texas

Shelley Coston
Bell County Clerk

**MUNICIPAL SERVICES AGREEMENT
BETWEEN THE VILLAGE OF SALADO AND
QUADRUPLE BOGEY DEVELOPMENT, INC. REGARDING SERVICES TO BE
PROVIDED BY THE VILLAGE UPON ANNEXATION**

This Agreement is made and entered into by and between the **Village of Salado**, Texas ("Village"), a Type A, general-law municipal corporation, and **Quadruple Bogey Development, Inc.** ("Petitioners"). This Agreement is effective on the date of the last to execute below, (the "Effective Date"). The Village and the Petitioners are sometimes referred to individually as a "Party" and collectively as the "Parties."

RECITALS

The parties agree that the following recitals are true and correct and form the basis upon which the parties have entered into this Agreement.

WHEREAS, Texas Local Government Code Section 43.0671 authorizes a municipality to annex an area if each owner of land in the area requests annexation; and

WHEREAS, where the Village elects to annex such an area, the Village is required to enter into a written agreement with the property owner(s) that sets forth the Village services to be provided for the Property on or after the effective date of annexation (the "Effective Date"); and

WHEREAS, Petitioners own certain parcels of land located in Bell County, Texas, which consists of approximately 86.68 acres of land in the Village's extraterritorial jurisdiction; and

WHEREAS, on November 5, 2020, Quadruple Bogey Development, Inc. Haas submitted a Petition to the Village for Voluntary Annexation of a 86.68 acre tract of land in Bell County as further described **Exhibit A** attached hereto and incorporated into this agreement ("Property"); and

WHEREAS, Texas Local Government Code Section 43.0672 requires that prior to annexation, the Village must first negotiate and enter into a written agreement with the owners of land in the area for provision of services in the area; and

WHEREAS, the Parties desire to enter into this Agreement pursuant Texas Local Government Code Section 43.0672 for the services that that will become available upon annexation of the subject tract of land into the Village;

NOW THEREFORE, in consideration of the terms and conditions herein which are in the public interest, it is mutually agreed as follows:

MUNICIPAL SERVICES TO BE PROVIDED

Commencing on the Effective Date, the Village of Salado, Texas, will provide for the extension of full municipal services into the area proposed to be annexed as described below.

1. Police Protection

- a. Existing Village Service: The Salado Police Department provides law enforcement services in the Village.
- b. Services to be Provided: The Salado Police Department is responsible for enforcement of Village ordinances and various State laws within the Village.

Upon annexation of the subject area, the Village will be responsible for enforcement of Village ordinances and various State laws in the annexed area.

The Bell County Sheriff's Department and the Bell County Precinct Two Constable provide supplemental law enforcement services in the Village, when requested by the Village. It is not anticipated that this will change in the near term.

- c. The Village has a municipal court that can handle Class C misdemeanors, including violations of the Village of Salado Code of Ordinances.

2. Fire Protection Including Emergency Ambulance

- a. Existing Village Service: None.
- b. Services to be Provided: The Village of Salado has no plans to provide fire protection or emergency ambulance services to the subject area.

Fire protection is provided within the corporate limits of Salado by the Salado Volunteer Fire Department, per an interlocal service agreement.

The Fire Department has two (2) fire stations, one located within the Village and the other in Salado's E-T-J. The nearest fire station to the subject area is Fire Station # 2, located at 3520 FM 2484, Salado, Texas, which is approximately 0.6 miles from the subject area. 205 N. Stagecoach

Emergency medical service is provided by the Temple EMS (AMR) which has a service contract with Bell County. The nearest EMS unit is housed in Salado Fire Station #2, located at 3520 FM 2484, Salado, Texas, which is approximately 0.6 miles from the subject area.

- c. The subject area is currently served by the Salado Fire Department and Temple EMS (AMR).

3. Solid Waste Collection

- a. Existing Village Service: None.
- b. Services to be Provided: The Village of Salado has no plans to provide solid waste collection services to the subject area.

Within the corporate limits of Salado, solid waste collection services are provided by three (3) private, commercial solid waste collection companies who have franchise agreements with the Village. The companies provide regular curbside garbage and recyclable collection. Participation is mandatory. No change in the current arrangement regarding solid waste collection is anticipated in the near future.

- c. The subject area is currently serviced by a private, commercial solid waste collection company.

4. Water Service

- a. Existing Village Service: None.
- b. Services to be Provided: The Village of Salado has no plans to provide water service to the subject area.

Retail water service is provided to properties within the corporate limits of Salado by the Salado Water Supply Corporation (SWSC).

- c. The subject area is currently serviced by the SWSC.

5. Sanitary Sewer Service

- a. Existing Village Service: Retail wastewater service is provided to properties on Main Street, Royal Street, Church Street, Stagecoach Road, and portions of West Village Road, Salado School Road, Thomas Arnold Road and Williams Road. The Village anticipates expanding its wastewater service area in the future, as demands for service increase.

Properties outside the retail wastewater service area are currently serviced by permitted on-site septic systems.

- b. Services to be Provided:

The Village of Salado will provide retail wastewater service to the subject area.

6. Maintenance of Roads and Streets

- a. Existing Village Service: The Village of Salado provides regular road maintenance service for its inventory of public streets.
- b. Services to be Provided: Upon annexation, the Village of Salado will maintain any roadway dedicated as public roadway, where the subject area is located.

7. Parks, Playgrounds and Swimming Pools

- a. Existing Village Service: The Village of Salado currently maintains and operates two (2) public parks. One is Pace Park which is located east of Main Street along the Salado Creek. The other is Sirena Park which located northwest of the intersection of Main Street and Royal Street, along the Salado Creek. Pace Park contains a natural swimming area, recreation lawn, covered pavilion, restroom facilities and a playscape. Meanwhile, Sirena Park contains a natural swimming area and picnic tables. Both parks are open and available to the general public.
- b. Services to be Provided: In addition to maintaining and operating the Village's existing park facilities, the Village is considering the possible development of a multi-purpose trail system in the near future.

8. Library Service

- a. Existing Village Service: None.

- b. Services to be Provided: There are no plans for the Village of Salado to provide library service to the subject area.

However, the Village is located within the boundaries of the Salado Public Library District which is responsible for providing library services to the subject properties. The District's library is located at 1151 N. Main Street which is approximately 2.7 miles from the subject properties.

9. Street Lighting

- a. Existing Village Service: The Village provides limited street lighting in its downtown business district and on a limited number of residential public streets within the Village, per an interlocal agreement with ONCOR Electric.
- c. Services to be Provided: The Village of Salado shall own and be responsible for operation of street lights constructed in the subject area.

10. Planning and Zoning

- a. Existing Village Service: The Village of Salado provides planning services for properties within the Village including, but not limited to, zoning, subdivision review and approval, and code enforcement.

Zoning and subdivision approvals are performed by the Planning and Zoning Commission and the Board of Aldermen.

- b. Services to be Provided: The Village of Salado's planning and zoning jurisdiction will extend to the subject area on the effective date of the annexation ordinance.
- c. The Village will consider initial zoning of the subject area within thirty (30) days after approval of the annexation ordinance

11. Electrical Service

- a. Existing Village Service: None.
- b. Services to be Provided: The Village of Salado does not have plans to provide retail electric service to the subject area.

Currently, numerous retail electric companies provide electrical service in Salado. Meanwhile, ONCOR Electric is the electric transmission and distribution service provider in Salado and the surrounding area.

- c. The subject area is currently served by a private retail electric company.

12. Building Inspection / Code Enforcement / Permitting

- a. Existing Village Service: The Village of Salado provides plan review and permitting services for planned site developments and building construction within the Village.

The Village requires all contractors to adhere to the following development codes: the 2011 National Electric Code; 2009 International Mechanical Code; 2009 International Plumbing Code; 2009 International Residential Code; 2009 International Building Code; 2009 International Energy Conservation Code; 2009 International Fire Code; 2009 International Fuel Gas Code; 2009 International Existing Building Code; and 1994 Texas Accessibility Standards.

Wastewater rules are the latest version of those published by the Texas Commission on Environmental Quality (TCEQ) and Village of Salado.

Site plan approval is performed by the Planning and Zoning Commission and the Board of Aldermen.

Building inspections, Fire Code enforcement and plan reviews are conducted by third-party contractors on behalf of the Village.

Code Enforcement is conducted by the Village on a complaint basis.

- b. Services to be Provided: The Village of Salado's development permitting services will extend to the subject area on the effective date of the annexation ordinance.

13. All other municipal services will be provided to the area in accordance with policies established by the Village of Salado.

14. **SERVICE LEVEL.** The Village will provide the Property 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 Village with topography, land use, and population density similar to those reasonably contemplated or projected for the Property.

14. **AUTHORITY.** Village and Petitioners represent that they have full power, authority, and legal right to execute, deliver and perform their obligations pursuant to this Agreement.

15. **SEVERABILITY.** If any part, term, or provision of this Agreement is held by the courts to be illegal, invalid, or otherwise unenforceable, such illegality, invalidity, or unenforceability will not affect the validity of any other part, term or provision, and the rights of the parties will be construed as if the part, term, or provision was never part of the Agreement.

16. **INTERPRETATION.** The Parties to this Agreement covenant and agree that in any litigation relating to this Agreement, the terms and conditions of the Agreement will be interpreted according to the laws of the State of Texas. The parties acknowledge that they are of equal bargaining power and that each of them was represented by legal counsel in the negotiation and drafting of this Agreement.

17. **GOVERNING LAW AND VENUE.** Venue shall be in the state courts located in Bell County, Texas, and construed in conformity with the provisions of Texas Local Government Code Chapter 43.

18. **NO WAIVER.** The failure of either party to insist upon the performance of any term or provision of this Agreement or to exercise any right granted hereunder shall not constitute a waiver of that party's right to insist upon appropriate performance or to assert any such right on any future occasion.

19. **GOVERNMENTAL POWERS.** It is understood that by execution of this Agreement, the Village does not waive or surrender any of its governmental powers or immunities.

20. **COUNTERPARTS.** This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

21. **CAPTIONS.** The captions to the various clauses of this Agreement are for informational purposes only and shall not alter the substance of the terms and conditions of this Agreement.

22. **AGREEMENT BINDS AND BENEFITS SUCCESSORS AND RUNS WITH THE LAND.** This Agreement is binding on and inures to the benefit of the parties, their successors, and assigns. The term of this Agreement constitutes covenants running with the land comprising the Property, is binding on the Petitioners and the Village, and is enforceable by any current or future owner of any portion of the Property.

23. **ENTIRE AGREEMENT.** This Agreement constitutes the entire agreement

between the parties and supersedes all prior oral and written agreements between said parties. This Agreement shall not be amended unless executed in writing by both parties.

Executed as of the day and year first above written to be effective on the effective date of annexation of the Property.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed:

VILLAGE OF SALADO

By: *Skip Blancett*
Skip Blancett, Mayor

Date of Execution 11/19/2020

Attest:

By: *Cara McPartland*
Cara McPartland, Village Secretary

PETITIONERS

QUADRUPLE BOGEY DEVELOPMENT, INC.

By: *Jared Bryan*
Jared Bryan - Vice President

Date of Execution 11/19/2020

Attest:

By: *Cy Hunka*

