

TOWN OF PECOS CITY, TEXAS
SERVICE PLAN FOR ANNEXED AREA

Property Subject to Plan (the “Annexation Area”):

1. APPROXIMATELY A 1,714.74 ACRE TRACT OF LAND, BEING ALL OF SECTIONS 36, 38 AND THE SOUTH 2/3 OF SECTION 35, BLOCK 5, H&GN RR CO. SURVEY, REEVES COUNTY. BEING THE SAME LANDS CONVEYED IN WARRANTY DEED RECORDED IN VOLUME 914, PAGE 489, OF THE OFFICIAL RECORDS OF REEVES COUNTY, TEXAS AND IN THE WARRANTY DEED WITH VENDOR’S LIEN TO BLACK MOUNTAINS SWD LP RECORDED IN VOLUME 1414, PAGE 712 IN THE OFFICIAL PUBLIC RECORDS OF REEVES COUNTY, TEXAS, SAID TRACT LOCATED IN SECTION 36, BLOCK 5, H&GN RR CO. SURVEY, ABSTRACT NO. 1334 & SECTION 35, BLOCK 5, H&GN RR CO. SURVEY, ABSTRACT NO 483 & SECTION 38, BLOCK, H&GN RR CO. SURVEY, ABSTRACT 1389 & 1124 ALL IN REEVES COUNTY, TEXAS;
2. A 2,146.17 ACRE TRACT CONTAINING ALL OF SECTION 20, 47, AND 48, & THE NORTH ONE-THIRD (N/3) OF SECTION 35, BLOCK 5, REEVES COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED IN WARRANTY DEED DATED DECEMBER 21, 2012 FROM ARNALDO BARROS AND MARIA BARROS, HUSBAND AND WIFE TO MARIA BARROS AS TRUSTEE OF THE ARNALDO BARROS IRREVOCABLE CREDIT SHELTER TRUST U/A DATED DECEMBER 20, 2012, RECORDED UNDER DEED VOLUME 979, PAGES 5-9, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, REEVES COUNTY, TEXAS;
3. A 1231.30 ACRE TRACT OF LAND, OUT OF SECTION 1, BLOCK 5, ABSTRACT 422, H. & G.N. RAILROAD COMPANY SURVEY, SECTION 2, BLOCK 5, ABSTRACT 5608, H. & G.N. RAILROAD COMPANY SURVEY, SECTION 12, BLOCK 5, ABSTRACTS 5904, 5905, 5906, 5919, 5926, AND 4740, H. & G.N. RAILROAD COMPANY SURVEY, SECTION 14, BLOCK 5, ABSTRACT 5775, H. & G.N. RAILROAD COMPANY SURVEY, SECTION 25, BLOCK 5, ABSTRACT 433, H. & G.N. RAILROAD COMPANY SURVEY, AND OUT OF SECTION 54, BLOCK 5, ABSTRACT 2742, R.H. MATTHEWS SURVEY, REEVES COUNTY, TEXAS;
4. A 2581.46 ACRE TRACT OF LAND, OUT OF BLOCK 5, SECTION 20, ABSTRACTS 1333, 3540, BLOCK 5 SECTION 35, ABSTRACT 438, BLOCK 5 SECTION 36, ABSTRACT 1334, BLOCK 5 SECTION 38, ABSTRACT 1389, H & G. N. RAILROAD SURVEY, REEVES COUNTY, TEXAS AND
5. A 134.24 ACRE TRACT OF LAND, OUT OF SECTION 1, BLOCK 5, ABSTRACT 422, H. & G.N. RAILROAD COMPANY SURVEY, SECTION 2, BLOCK 5, ABSTRACT 5608, H. & G.N. RAILROAD COMPANY SURVEY, SECTION 3, BLOCK 5, 423, AND THE H. & G.N. RAILROAD COMPANY SURVEY, SECTION 1, BLOCK 6, ABSTRACT 15, REEVES COUNTY, TEXAS;

Location: Town of Pecos City Extraterritorial Jurisdiction

County: Reeves

Municipal services to the Annexation Area will be furnished by or on behalf of the Town of Pecos City, Texas, at the following levels and in accordance with the following service plan programs:

I. CONTINUATION OF LAND USE

In accordance with Sec 43.002 of the Local Government Code, A municipality may not, after annexing an area, prohibit a person from:

1. Continuing to use land in the area in the manner in which the land was being used on the date of annexation proceedings were instituted if the land use was legal at the time; or
2. Beginning to use land in the area in the manner that was planned for the land before the 90th day before the effective date of the annexation...

II. PROGRAM FOR SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF THE ANNEXATION

In accordance with Local Government Code Section 43.065(a), a service plan is hereby presented for areas to be annexed. The City will provide the following services in the Annexation Area on the effective date of the annexation, unless otherwise noted.

1. POLICE PROTECTION

The Town of Pecos City, Texas will provide police protection to the Annexation Area at the same or similar level of service now being provided to other areas of the Town of Pecos City, Texas, with similar topography, land use and population density. The need for additional service will be assessed periodically as new development occurs within the Annexation Area based on population growth, predicted future growth, call volume and response times.

2. FIRE PROTECTION AND AMBULANCE SERVICE

The Town of Pecos City, Texas will provide, or cause to be provided, fire protection and ambulance service to the Annexation Area at the same or similar level of service now being provided to other areas of the Town of Pecos City, Texas, with similar topography, land use and population density. The need for additional service will be assessed periodically as new development occurs within the Annexation Area based on population growth, predicted future growth, call volume and response times.

3. SOLID WASTE COLLECTION

The Town of Pecos City, Texas provides, or causes to provide, solid waste and refuse collection services within the city limits of the Town of Pecos City, Texas. Upon payment of any required deposits and the agreement to pay lawful service fees and charges, solid waste collection will be provided to citizens in the newly annexed areas to the extent that the annexed lot or tract is adjacent to public right-of-way. Persons using the services of a privately owned solid waste management service provider prior to the effective date of annexation may continue to use such services until the second anniversary of the annexation in accordance with Section 43.056 (n) and (o), Local Government Code, State of Texas.

4. MAINTENANCE OF WATER AND WASTE WATER FACILITIES

Any and all water or waste water facilities owned or maintained by the Town of Pecos City, Texas, at the time of annexation shall continue to be maintained by the Town of Pecos City, Texas. Any and all water or waste water facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the Town of Pecos City, Texas, to the extent of its ownership. The newly annexed existing water mains at their existing locations shall be available for point of use extension based upon the current City's standard water extension policies now existing or as may be amended.

5. MAINTENANCE OF ROADS AND STREETS

Any and all roads, streets or alleyways which have been dedicated to the public, and which are owned by the Town of Pecos City, Texas, shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas with similar topography, land use and population density. Any and all lighting of roads, streets and alleyways which may be positioned in a right-of-way, roadway, or utility company easement shall be maintained by the applicable utility company servicing the Town of Pecos City, Texas, pursuant to the current rules, regulations and fees of the Town of Pecos City, Texas.

6. MAINTENANCE OF PARKS, PLAYGROUNDS AND SWIMMING POOLS

The City Council of the Town of Pecos City, Texas, is not aware of the existence of any public parks, public playgrounds or public swimming pools now located in the area proposed for annexation. In the event any such public parks, public playgrounds, or public swimming pools do exist and are public facilities, the Town of Pecos City, Texas, will maintain such areas to the same extent and degree that it maintains public parks, public playgrounds and public swimming pools and other similar areas of the City now incorporated in the Town of Pecos City, Texas.

7. MAINTENANCE OF PUBLICLY OWNED FACILITY, BUILDING OR MUNICIPAL SERVICE

The City Council of the Town of Pecos City, Texas is not aware of the existence of any publicly owned municipal facility, building or other municipal service now located in the area proposed for annexation. In the event any such publicly owned municipal facility, building or municipal service does exist and are public facilities, the Town of Pecos City, Texas, will maintain such areas to the same extent and degree that it maintains publicly owned municipal facilities, buildings or municipal services of the City now incorporated in the Town of Pecos City, Texas.

III. PROGRAM FOR PROVIDING ADDITIONAL SERVICES

In addition to the services identified above, the following services will be provided in the Annexation Area on the effective date of the annexation, unless otherwise noted:

1. MUNICIPAL ADMINISTRATION

The Town of Pecos City, Texas will provide general municipal administration and administrative services commencing on the effective date of the annexation.

2. ENFORCEMENT OF CODES AND ORDINANCES

Enforcement of the City's ordinances and regulatory codes will be provided within the Annexation Area on the effective date of the annexation. The City's health, environmental, building, plumbing, mechanical, electrical, and all other codes will be enforced within the Annexation Area beginning with the effective date of the annexation. The City's zoning ordinance, subdivision regulations, design standards manual and related ordinances shall be enforced in the Annexation Area beginning on the effective date of the annexation. Complaints of ordinance or regulation violations within the area will be answered and investigated by existing personnel.

3. INSPECTION SERVICES

All inspection services furnished by the Town of Pecos City, Texas, but not mentioned above, will be provided to the Annexation Area beginning on the effective date of the annexation.

IV. CONSTRUCTION OF CAPITAL IMPROVEMENTS

In addition to the services listed above, the Town of Pecos City, Texas will provide full municipal services to the Annexation Area commensurate with the levels of services provided in other parts of the City no later than five (4 ½) years after the effective date of the annexation except if differences in topography, land use, and population density constitute a sufficient basis for providing different levels of service. If full municipal services cannot be reasonably provided within the aforementioned time period, the Town of Pecos City, Texas will propose a schedule for providing said services, or upon commencement of development of a land subdivision within the Annexation Area; whichever occurs later.

1. GENERAL

- a. The City policy for extending water and waste water service is to extend service on an as required basis when development applications or subdivision plats are submitted to the City in accordance with the City's subdivision and development ordinances.
- b. Landowners may be required to fund capital improvements necessary to provide service in a manner consistent with law. Nothing in this plan shall be interpreted to require a landowner within the newly annexed area to fund capital improvements necessary to provide municipal services in a manner inconsistent with Chapter 395 of the Local Government Code, unless otherwise agreed to by the landowner.

2. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICE.

The City Council of the Town of Pecos City, Texas finds and determines it to be unnecessary to acquire or construct any capital improvement for the purposes of providing police protection, fire protection, or emergency medical service. The City Council finds and determines that it has at the present time adequate facilities to provide the same type, kind and level of protection and service which is presently being administered to other areas already incorporated in the Town of Pecos City, Texas, with the same or similar topography, land use and population density, without reducing by more than a negligible amount the level of police, fire and emergency medical services provided within the corporate limits of the City. The need for construction of new facilities will be assessed periodically as new development occurs within the Annexation Area based on population growth, predicted future growth, call volume and response times.

3. WATER FACILITIES AND SERVICES

The Town of Pecos City, Texas will undertake to provide water mains for points of connection for serviceable extensions, and/or contract with other utilities to provide service, for the establishment of water and wastewater service within the Annexation Area pursuant to the City's standard water extension policies now in existence or as may be amended by the City Council. The area to be annexed is currently served by another water provider with a Certificate of Convenience and Necessity. If further development occurs that warrants extension or expansion of the water main, such extension or expansion will be implemented in accordance with the City's utility policies and Water and Wastewater Master Plan. Upon connection to existing mains, water will be provided at rates established by the water service provider.

4. WASTE WATER SERVICES The Town of Pecos City, Texas will undertake to provide waste water mains for points of connection for serviceable extensions, and/or contract with other utilities to provide service, for the establishment of water and wastewater service within the Annexation Area pursuant to the City's standard wastewater extension policies now in existence or as may be amended by the City Council. Upon connection to existing mains, waste water

services will be provided at rates established by the City.

5. **ROADS AND STREETS** The Town of Pecos City, Texas, with cooperative effort of the City's designated utility company, will undertake to provide the same degree of road and street lighting as provided in areas of similar topography, land use and population density within the present corporate limits of the Town of Pecos City, Texas. Maintenance of properly dedicated roads and streets will be consistent with the maintenance provided by the City to other roads and streets in areas of similar topography, land use and population density to the annexed property. Developers will be required, pursuant to the ordinances of the Town of Pecos City, Texas, to provide internal and peripheral streets and to construct those streets in accordance with the specifications required by the Town of Pecos City, Texas.

6. **MAINTENANCE OF PARKS, PLAYGROUNDS, AND SWIMMING POOLS, AND THE MAINTENANCE OF ANY OTHER PUBLICLY OWNED FACILITY, BUILDING OR SERVICE.**

To the extent that it becomes necessary due to development demands, population growth, and a bona fide need, the City Council of the Town of Pecos City, Texas, will undertake to provide any such facility which it deems necessary to adequately provide for the health and safety of the citizens of the newly incorporated area based upon the standard considerations of topography, land use and population density.

V. SPECIFIC FINDINGS

The City Council of the Town of Pecos City, Texas, finds and determines that this Service Plan will provide full municipal services to the Annexation Area commensurate with the levels of services provided in other parts of the City with the same or similar topography, land use and population density, and it will not provide a lower level of service in the area proposed to be incorporated than were in existence at the time immediately preceding the effective date of annexation.

VI. TERMS

This plan shall be valid for a term of ten (10) years. Renewal of the Service Plan is at the discretion of the Town of Pecos City.

PROPOSED SERVICE PLAN