

**Village of Volente**  
**ORDINANCE 2017-O-01**

**AN ORDINANCE AMENDING ORDINANCE 2014-O-04**  
**“EXHIBIT C” MUNICIPAL SERVICES PLAN**  
**FOR ~~PROPERTY TO BE SURFACE WATER~~ ANNEXED TO**  
**THE VILLAGE OF VOLENTE *WITHIN LAKE TRAVIS***

**WHEREAS**, the Village of Volente, Texas ~~intends to institute annexation proceedings for~~ *annexed* portions of a navigable stream adjacent to the Village known as Lake Travis, the area of which ~~is~~ *was* described more fully hereinafter (referred to herein as the “Subject Property”); and

**WHEREAS**, Section 43.056 of the Local Government Code requires a service plan be adopted with the annexation ordinance; and

**WHEREAS**, it is found that all statutory requirements have been satisfied, and the City is authorized by Chapter 43 of the Local Government Code to annex the Subject Property into the City;

**NOW, THEREFORE**, the Village of Volente agrees to provide the following municipal services for the Subject Property upon the effective date of annexation:

**1. Police protection as follows:**

Routine patrols of areas, radio response to calls for police service and all other police services now being offered to the citizens of the Village of Volente on portions of the navigable streams within the Village’s corporate limits.

**2. Fire protection and Emergency Medical Services as follows:**

Fire protection by Travis County Emergency Services District (“ESD”) No. 14 personnel and equipment of the emergency services district fire fighting force with ~~the~~ limitations *resulting from having to handle such responses on the waters of* ~~water available~~ *Lake Travis*. Radio response for Emergency Medical Services by ESD No. 14 with the present personnel and equipment.

**3. Animal control as follows:**

Service by present personnel, equipment and facilities or by contract with a third party, as provided within the Village.

**4. Inspection services in conjunction with building permits and routine Village code enforcement services by present personnel, equipment and facilities.**

**5. Maintenance of other Village facilities, buildings and services.**

**6. ~~Land use and water~~ *Water* quality regulations as follows:**

~~On the effective date of annexation, the zoning jurisdiction of the Village shall be extended to include the annexed area as applicable, and all property therein shall be grandfathered; and shall be temporarily zoned Open Space (OS) pursuant to the Village's Zoning Ordinance. The Planning & Zoning Commission and the Village Council will consider rezoning the property at future times in response to requests submitted by the landowners or authorized Village staff, as appropriate.~~

~~On the effective date of annexation, and in~~ In accordance with the Interlocal Cooperation Agreement between the City of Austin and the Village of Volente effective March 8, 2012, a critical water quality zone, referred to as the Lake Travis Critical Water Quality Zone (LTCWQZ) shall be established along and parallel to the portion of the Subject Property located along the shoreline of Lake Travis, coinciding with the 681-foot contour line. The width of the Lake Travis Critical Water Quality Zone (LTCWQZ), measured horizontally inland, shall be one-hundred (100) feet or, for a detached single-family residence, seventy-five (75) feet. Any duly authorized development within the Lake Travis Critical Water Quality Zone (LTCWQZ) that may be submerged from time to time and below the 681-foot contour line shall be prohibited, except that, subject compliance with all other applicable Village ordinances and all other applicable governmental regulations, a boat dock, pier, wharf, or marina and necessary access and appurtenances may be allowed. Within the Lake Travis Critical Water Quality Zone (LTCWQZ), approval by the Village or an agency designated by the Village Council of the Village of Volente of chemicals used to treat building materials that may be submerged in water shall be required before a permit may be issued or a site plan approved and released. All such development must also comply with the 2006 LCRA Highland Lakes Watershed Ordinance, as it may be amended from time to time, and the 2006 LCRA Water Quality Management Technical Manual, as it may be amended from time to time.

**7. Enforcement of Municipal Ordinance:**

*The Village's health and safety ordinances will be enforced in the annexed area provided the Council extends those ordinances into the annexed area.*

**CAPITAL IMPROVEMENTS**

Construction of the following capital improvements shall be initiated within two (2) years of the effective date of annexation and shall be substantially complete within four and one-half (4 ½) years of the effective date of annexation:

The capital improvements planned for the Subject Property, being a navigable stream, are as follows: **NONE.**

**PROPERTY DESCRIPTION**

The legal description of the Subject Property, which is described and depicted as "Tract B" in Exhibit "A" and described by metes and bounds in Exhibit "B" to the Annexation Resolution, to which this Municipal Services Plan is attached as Exhibit "C".

## **SEVERABILITY**

Should any section or portion of this ordinance be held unconstitutional, illegal, or invalid, or in the event the application of this resolution to any person or set of circumstances is held to be ineffective, invalid or unenforceable for any reason, then that holding shall not be construed to affect the validity of any other portion of this ordinance, and all other portions of this ordinance shall remain in full force and effect. All provisions of this ordinance are declared severable for that purpose.

## **EFFECTIVE DATE**

This ordinance shall take effect immediately upon its approval by the Village Council in accordance with the provisions of the Texas Local Government Code

## **OPEN MEETINGS**

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.

**PASSED AND APPROVED** this, the 21st day of March, 2017, by a vote of the Volente Village Council of \_\_\_\_\_ in favor to \_\_\_\_\_ opposed, with \_\_\_\_\_ abstentions.

\_\_\_\_\_  
Ken Beck, Mayor

Attest:

\_\_\_\_\_  
Nicole Vicuña, Village Secretary