

**KATHERINE PROPERTIES ANNEXATION  
AND PUBLIC FACILITIES AGREEMENT STATUS**

Office of Law Status Report and Recommendation  
9/1/17

The Law Office continues to recommend to the City Council that there is no action that the City Council needs to take regarding the pending Resolution or the Public Facilities Agreement governing the Resolution. The Law Office recommends that the City Council again postpone consideration of the Resolution. The law office will notify the Mayor and City Council if the Law Office or the Planning and Zoning Department believes there is any reason to have the Resolution placed on the agenda in the future.

Since the previous staff report to the City Council, a CCRC, which is a contract purchaser of part of the annexed parcel, has submitted an application for special exception. The special exception application is in its beginning stages of review in the Planning and Zoning Department. The first submission of plans has been returned by the Planning and Zoning Department to the CCRC. The application is considered not complete at this time. When complete and given final departmental review, the special exception application will be subject to the approval of the Board of Appeals after a public hearing. The final subdivision plat will be subject to review and approval by the Planning Commission. This is a City Code required process that is ongoing at this time. Consequently, the Law Office believes at this time that it is more practical to allow the City Code required process to reach a conclusion without any amendment of the Public Facilities Agreement.

In the last staff report to the City Council prepared by the Law Office and the Planning and Zoning department, the Law Office made three points regarding possible amendments of the Public Facilities Agreement governing the entire annexed parcel.

1. Regarding the conservation easement that is required to be conveyed to the City, the Planning and Zoning Department confirms that the requirement that the conservation area be approximately 75 acres will be enforced as will the requirement that it be located in its entirety in the general vicinity of the equestrian center on the property.
2. Regarding the proposed road previously identified as a part of an extended relief road, and now sometimes referred to as a "parallel road," the Planning and Zoning Department confirms that the CCRC will be required to construct at its expense that part of the parallel road that runs through the area of the annexed parcel that it will purchase. Regarding the area that the CCRC will not be purchasing, the Planning and Zoning Department will require a dedication on the subdivision plat that future development of that area will entail construction of a connecting road within that area at the expense of the developer.
3. The Law Office and Planning and Zoning Department know of no documentation which confirms that there were any occupied structures on the annexed parcel at the time of the annexation. Therefore, the provision of the Public Facilities Agreement which requires that the developer connect any occupied structures on the annexed parcel existing at the time of the annexation, which were at that time served by well and septic, to City water and sewer within one year of the effective date of the annexation, is not in

play. However, Ms. Richardson's home, which is on the annexed parcel and which Ms. Richardson began to occupy subsequently, will have to be connected, pursuant to City Code, to City water and sewer when development of that area of the parcel occurs at any point in the future.

Prepared by Gary M. Elson, Asst. City Attorney, Office of Law.