



**EXHIBIT "B"**  
**CITY OF SAN ANTONIO**  
**SERVICE PLAN FOR THE**  
**US 281 NORTH RESIDENTIAL AREA**

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## **INTRODUCTION**

The City is making this Service Plan ("Plan") available pursuant to Chapter 43 of the Texas Local Government Code. This Plan relates to the annexation by the City of a tract of land ("Annexation Area") known as the US 281 North Residential Area.

On, September 8, 2016, the US 281 North Residential Area was identified in the City of San Antonio ("City") three year municipal annexation plan. The adoption of a municipal annexation plan allows future negotiation for a non-annexation agreement to correspond with the expiration of the Lumbermen's Investment Corporation and Timberwood Park non-annexation agreements. The proposed effective date to consent to voluntary annexation is 2034.

State law establishes the annexation procedures the City must follow after the adoption of the municipal action plan. Written notification is provided to the property owners and public entities. Current public services provided to the area are inventoried, and a service plan is developed for a proposed annexation area, followed by two public hearings. A request will be submitted to the Bexar County Commissioners Court to appoint five representatives to negotiate the terms of the non-annexation agreement, called a "Services in Lieu of Annexation" Agreement. The agreement would be considered by the Planning Commission for recommendation and City Council for approval.

The Annexation Area consists of approximately 11.02 square miles to the east and west of U.S. Highway 281 North Corridor and is contiguous to the City limits of San Antonio and within the City's Extraterritorial Jurisdiction (ETJ). This area excludes the US 281 North Corridor which was annexed December 1, 2016 under Annexation Procedure for Areas Exempted from Municipal Annexation Plan (Chapter 43, Subchapter C-1). The proposed Annexation Area contains primarily residential and vacant properties.

### **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. Residents of the Annexation Area may request extension of the service plan, and the Plan may be extended upon the mutual agreement of the City and the residents.

### **Intent**

It is the intent of the City 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) Annexation Service Requirements (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 and private non-profit service organizations to provide such services by contract in whole or in part. It may also include separate agreements with associations or similar entities. Services are provided and fees are assessed in accordance with San Antonio Municipal Code, and are subject to changes by the City Council.

## **1. ANNEXATION SERVICE REQUIREMENTS**

The following will be provided in the Annexation Area commencing on the effective date of the annexation for full purposes, unless otherwise noted.

### **A. Police Protection**

The San Antonio Police Department (SAPD) will provide protection and law enforcement services in the Annexation Area upon the effective date of annexation. These services include:

- Routine patrols and responses;
- Handling of complaints and incident reports;
- Special units, such as traffic enforcement, criminal investigations, covert operations, K-9 Unit, Family Assistance Crisis Teams, Bomb Squad, and Special Weapons and Tactics Team (SWAT); and
- Any other services or programs provided to the citizens of San Antonio at the time of annexation.

The Annexation Area will be served by the North Patrol Substation, located at 13030 Jones Maltsberger Rd. Each Substation is responsible for a Patrol "Service Area." This Substation is staffed with Patrol Officers, Property Crimes Detectives, Robbery Detectives and San Antonio Fear Free Environment Unit (SAFFE) Officers assigned to the Service Area. The Annexation Area will become part of new or existing patrol district(s). Patrol districts are staffed 24 hours a day, 7 days a week and to maintain an average response time comparable to other areas of the city. SAFFE officers will be available to meet with residents as requested to discuss police issues in the neighborhoods.

Police services are initiated by on-sight officer activity, citizen requests, and any other means available. The most common means by which officers receive their assignments is through direct supervisory command and radio/computer transmissions by police dispatchers.

#### **B. Fire Protection and Emergency Medical Service (EMS)**

The San Antonio Fire Department (SAFD) will provide fire protection and EMS services to the Annexation Area consistent with the provision of services in like areas of San Antonio. SAFD services will be provided through the use of 53 Engines, 20 ladder trucks, 34 full-time and up to eight peak period EMS ambulances, four Medic Officers, nine Chief Officers, and other contractual assistance. These resources result in a minimum of 382 on duty personnel 24 hours a day throughout the City.

#### **C. Solid Waste Collection Services**

The San Antonio Solid Waste Management Department will provide residential solid waste collection services in this area. Collection services will be provided by City personnel or by solid waste service providers under contract with the City. Services provided will be at a level equivalent to those provided to residents in the current City limits. Services and fees are provided in accordance with Chapter 14 of the City Municipal Code, as may be amended. Fees for services will be assessed monthly on the CPS Energy (CPS) bill.

Upon annexation, residents may choose to either retain their existing private service provider or use City-provided service. If residents elect to retain private service, City solid waste service fees will not be assessed. Two years after the effective date of annexation, all residents, except those living on a private street as outlined below, must use and will be assessed for City-provided service.

Residents living within gated communities or on private streets without public road access may elect to either contract with private service providers or use City-provided services. If private collection service is used, the City solid waste fees will not be assessed to these areas. If City-provided collection services are desired, the private street community or property must consent to an indemnity agreement allowing the City or its contractor entry onto private streets and exempting the City from liability. In addition, the pavement condition of privately owned street, road or driveway must safely support the weight of collection trucks.

- *Residential Solid Waste Services* – Garbage, recycling and organics collection is provided once per week using an automated collection system. All materials must be inside the City-issued containers for collection. The City retains ownership of the containers. Customers are required to safeguard the containers and to maintain them in a sanitary condition. For an additional monthly fee, additional garbage containers can be requested.
- *Garbage Collection* – Each residence is provided one (brown) garbage container. Monthly fees will be assessed in accordance with the garbage container size. Residents will have the option to select a small, medium or large size container for garbage. [See Table I for the “Pay-as-You-Throw” fees.]
- *Recycling Collection* - Each residence is provided with one (blue) container in which to place items designated as recyclable materials by the City including newspaper; mixed office paper; magazines; corrugated cardboard; paper bag; aluminum and tin cans; steel aerosol cans; plastic bottles, tops and containers; glass bottles and jars; and single-use plastic bags bundled (soccer ball-size).
- *Organics Collection*– Each residence is provided one (green) organics collection container to place items designated as organic materials by the City including leaves, tree trimmings (no longer than height of cart),

yard trimmings, small branches, food scraps, food-soiled paper and cardboard. Other organic materials may be added to the program by the City.

- *Bagged Leaf Collection* – Residential customers may request up to two free collections of grass clippings, leaves, and weeds, per fiscal year. Each collection request should not exceed eight cubic yards and fifty paper bags /cardboard boxes per request. Additionally, bags and boxes should not exceed 0.16 cubic yards. Each bag or box must not weigh more than forty (40) pounds. Paper bags must be composed of two-ply kraft paper capable of containing the contents when handled. Cardboard boxes must be made of brown bio-degradable cardboard that contains no deleterious substances.
- *Brush and Bulky Item Collection* is provided in accordance to an annual schedule. Residents receive a notice prior to each collection. For an additional fee, residents may request special collections. *Drop-off Sites* are available for brush recycling, bulky trash and household hazardous waste. Special collection events, such as Free Disposal Days and Dial-A-Trailer neighborhood cleanups are available to all Solid Waste ratepayers.
- *Dead Animal Collection* within the City’s right-of-way (ROW) is available upon request.
- *Commercial Solid Waste Services*– Commercial collection for garbage is available for qualifying businesses in a manner similar to residential services. Bulky item, brush and bagged leaf collections are not provided to businesses. If City-provided commercial service is not desired, businesses may utilize private service providers.
- *Monthly Solid Waste Fees* are set annually by City Council and therefore subject to change. The solid waste fees are assessed are as described below:
- *Environmental Services Fee* – All properties, residential and non-residential shall be assessed a monthly environmental service fee of \$3.24 per unit. The environmental fee is comprised of a \$2.24 Solid Waste environmental fee and a \$1.00 Parks environmental fee. This fee is intended to defray municipal expenses necessary to cleaning up illegally dumped waste, collecting and disposing of dead animals, performing regulatory maintenance on closed landfills, providing environmental services to the City’s park system, and equitably sharing costs for neighborhood clean-ups benefiting residents and businesses that do not pay a monthly solid waste processing fee.
- *Pay-as-You-Throw Solid Waste Fees* – Residents (*single-or multi-family residential units*) will be assessed monthly Pay-as-You-Throw fees. Pay-as-You-Throw is a volume based fee program that allows residents to choose what size brown garbage cart based on the amount of garbage they throw away. Non-Residential/Commercial Solid Waste Service Fees are the same as the residential monthly fees for the collection of garbage and recycling only. (See Table 1 for Pay- as-You-Throw fees.) Miscellaneous one-time fees may be assessed for damaged containers, exchanges for larger size garbage containers, special collections and contamination of recycling.

**Table1: Pay-as-You-Throw Solid Waste Fees (without Environmental Fee)**

The Pay as You Throw Containers	Fees per Month
Small (48 gallon) garbage container	\$18.19
Medium (64 gallon) garbage container	\$18.69
Large (96 gallon) garbage container	\$19.94

**D. Operation and Maintenance of Water and Wastewater Facilities**

San Antonio Water System (SAWS) will maintain and operate the public water and wastewater facilities that are within its certified service area. Routine standard maintenance of the facilities is performed on a scheduled basis. Emergency maintenance and repairs receive immediate attention, and are available 24 hours a day, 7 days a week. The facilities will be maintained and operated in accordance with standard SAWS policies and procedures, and under the provisions of the SAWS Utility Service Regulations for the extension of facilities.

*SAWS Monthly Rates* – The average residential customer’s bill for water, wastewater, and water supply fee is \$58.91 (Inside City Limits) and \$69.73 (Outside City Limits) (based on a winter average consumption of 7,092 gallons of water per month, and 5,668 gallons of sewer use per month). The SAWS rate structure is designed to provide balance between residential and business rates and to encourage conservation with rates that increase at higher levels of consumption. The current rates were approved by City Council to be effective as of the beginning of January 2016. SAWS customers, after annexation, will pay the lower Inside City Limit rate as opposed to the Outside City Limit rate. For the average residential customer, this will amount a cost reduction in combined monthly water/sewer charges of 15.5%. The rates are set by City Council and can be amended in the future.

*SAWS Water Conservation Programs & Rebates* –SAWS water conservation education programs and rebates are

available to SAWS residential and commercial customers. SAWS residential customers can access other water saving programs including WaterSaver landscape coupons to replace lawn-dominated landscape areas with attractive. Educational resources regarding drought-tolerant plant are available at [www.GardenStyleSA.com](http://www.GardenStyleSA.com). With commercial customers accounting for 6.1% of the customer base and 37.4% of SAWS' annual water sales, there is great potential for water savings through commercial conservation programs. Commercial customers also have access to water conservation education and incentives. There are programs to make irrigation systems more efficient and customer rebates for big projects that address operational efficiencies. Detailed information on these and other programs can be found on the SAWS website at [www.saws.org](http://www.saws.org).

#### **E. Operation and Maintenance of Roads and Streets, including Street Lighting**

The Transportation and Capital Improvements Department (TCI) will maintain and repair public street, bridge and alley infrastructure, which the City has jurisdiction. Curbs, sidewalks, driveways approaches, curb ramps and other street infrastructures are constructed in accordance with the City and the Americans with Disability Act (ADA) standards. TCI's response to community concerns, such as pothole and base and pavement repairs, are initiated by contacting the City's 311 call center or online services. These services include:

- *Emergency Pavement Repair* – Potholes are collapsed areas within the roadway that do not exceed 3 feet by 3 feet. The City's goal is to repair reported potholes within 48 hours or two business days.
- *Street Base and Pavement Repair* – Areas of collapsed pavement that exceed 3 feet by 3 feet are in need of a base and pavement repair, which require different maintenance equipment and has a 90-day service window.
- *Preventative Street Maintenance* activities are conducted upon approval and identification of funding by City Council to include crack seal, chip seal coat, slurry seal, asphalt overlay and other structural treatments.
- *Guard Post and Guard Rail Maintenance* – The goal is to repair damaged guard posts and guard rails within 60 days of being reported to TCI. The Adopted Goal for FY 2015/2016 is 99% of flex beam service requests will be repaired within 45 days.
- *De-icing and Snow Removal Services* – TCI also monitors ice and snow on public right-of-ways (ROW) including bridge infrastructures, major thoroughfares, public facilities, and downtown sidewalks.
- *Neighborhood Access and Mobility Program (NAMP)* – Street projects are selected and funded by the City Council on a citywide basis upon availability of funding and scheduled based on workforce capacity under NAMP as approved by City Council. Current base funding for NAMP is \$200,000 per Council District in FY 2015-2016. NAMP was designed to help neighborhoods control traffic speed and provide mobility for pedestrians. NAMP Projects include the following: sidewalks for pedestrian traffic, speed humps for vehicular traffic, traffic improvements and school flashers.
- *Emergency Street Closure Services* – TCI performs barricading service for emergency situations, twenty-four (24) hours a day, and 365 days a year. Vehicular and pedestrian hazards are barricaded immediately. Requests for service and/or necessary action is reported and monitored through the 311 call center system.
- *Street Re-striping and Marking Services* – The repainting of street markings for major arterials and collectors, is on an 11 year frequency. All improved intersections and roadways are striped in conformance with the Texas Manual on Uniform Traffic Control Devices. All roadways are re-striped and remarked as needed.
- *Infrastructure Management Program (IMP)* is a five-year rolling program which focuses on the maintenance of San Antonio's infrastructure. Services needs are identified city-wide and are scheduled for street maintenance, alley maintenance, drainage maintenance, sidewalks, traffic signals, pavement marking and Advance Transportation District (ATD) projects. The IMP provides a structured program schedule, potential for additional multiple year contract awards and improved utility coordination. During the budget process of fiscal year, the IMP is presented to City Council for approval. Amendments may occur throughout the year due to coordination with utilities or unforeseen conditions, such as inclement weather. The goal of the IMP is to provide the best possible maintenance for the City.
- *Traffic Management - TCE* is responsible for the development and monitoring of the City's traffic signal system. This includes responding to community concerns for various signal maintenance needs. If necessary, TCI will provide regulatory signage services in the Annexation Area. Traffic signal, stop and all other regulatory signage studies are conducted in conjunction with growth of traffic volumes. Traffic signs, signals, and markings are installed in conformance with the Texas Manual on Uniform Traffic Control Devices. Faded, vandalized, or missing signs are replaced as needed. "Call back" service is provided 24 hours a day, 365 days a year for emergency repair of critical regulatory signs. The current goal is for critical regulatory signs to be repaired within 72 hours of being reported to TCI. Requests for signage should be called into 311 call center. On average, regulatory signs are replaced within 48 hours.

*Storm Water Utility* – The Storm Water Utility is housed within TCI and is responsible for drainage services as well as the installation, operation, and maintenance of drainage infrastructure throughout San Antonio. The Storm Water Utility Fee is intended to cover capital and maintenance expenses associated with drainage projects and fund operational services related to the Municipal Separate Storm Sewer System (MS4) Permit as required by Federal regulations. On September 10, 2015, the San Antonio City Council approved revisions to the Storm Water Fee structure using an impervious cover approach and adopted a five-year rate plan. For fiscal year 2016, Storm Water Fee rates were effective January 1, 2016. After 2016, the annual rates shall be effective on the October 1 date occurring prior to the start of the succeeding calendar year (e.g. October 1, 2016 for FY 2017 rates, October 1, 2017 for FY 2018 rates, etc.). The storm water utility fee is billed by SAWS on behalf of the City. More information about the storm water rate plan is available at [http://www.saws.org/service/rates/stormwater\\_fee.cfm](http://www.saws.org/service/rates/stormwater_fee.cfm).

Storm Water Utility services are currently provided by the SAWS, in accordance with the SAWS's approved business plan and as limited by applicable codes, laws, ordinances and special agreements. Examples of Storm Water Utility services include but are not limited to the following:

- Street sweeping of residential streets two times per year and arterial and collector streets four times per year;
- Channel Mowing/Restoration consists of inspection and maintenance of rivers, creekways and improved drainage channels and mowing improved channels in public ROW six (6) times per fiscal year;
- Drainage Infrastructure Maintenance includes replacing and cleaning underground drainage pipes, repairing and cleaning storm drainage inlets and maintaining and operating high water detection system and flood control structures; and
- Natural Creekway Debris Removal consists of de-silting and re-grading of improved channels, natural waterways and creeks and removal of debris from drainage ways and low water crossings.

*Street lighting* – The planning of public street lights is coordinated by the City's Development Services Department (DSD). CPS Energy will maintain public street lighting in accordance with Sec. 43.056 (b) (6) of the Texas Local Government Code and the City's policies. The City assumes the cost of electricity for public street lights.

#### **F. Operation and Maintenance of Parks, Playgrounds and Swimming Pools**

Maintenance responsibilities for municipally owned parks in annexed areas are the responsibility of the City. Any proposed or existing privately owned parks, playgrounds, swimming pools, recreational facilities and common spaces in the Annexation Area are the responsibility of the property owner(s).

#### **G. Operation and 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. Code Compliance**

The Code Compliance Division of the Development Services Department (DSD) enforces City codes and regulations to protect the health, safety and general welfare of the community. Current enforcement is provided for the following violations and is not limited to:

- Vacant dangerous premises and structures,
- Junked vehicles,
- Weeded vacant lots,
- Zoning (Unified Development Code),
- Property maintenance,
- Minimum housing, including unsanitary premises,
- Front yard parking,
- Alley and right-of-way violations,
- Monthly inspections of salvage/junk yards,

- Monitoring and enforcing materials received at salvage/junk yards, and
- Enforcement of garage sale permits.

The Code and ordinances are subject to changes by the City Council.

#### **B. Zoning**

The Annexation Area will be zoned in accordance with the adopted future land use plan in the City's North Sector Plan. The current zoning districts shall be effective upon the effective date of annexation.

#### **C. Building Permits**

Incomplete construction must obtain building permits from the DSD in accordance with City codes. Incomplete construction implies that final inspections have not been conducted and approved. For new residential construction, incomplete construction indicates approved final inspections for building, mechanical, plumbing, and electric field inspections have not been obtained. For new commercial construction, incomplete construction indicates, approved final inspections for building, mechanical, plumbing, electric, fire, traffic, drainage, sidewalks, irrigation, tree, and landscape field inspections have not been obtained. Other field inspections may be applicable for new commercial construction depending on the specific use and/or location of the project. In addition, as part of the permitting process, applicant(s) will be required to adhere to the City's Tree and Landscape requirements. Building permits may be applied for at Cliff Morton Development and Business Services Center located at 1901 South Alamo Street, San Antonio, TX.

#### **D. Certificate of Occupancy**

New and existing businesses must obtain a Certificate of Occupancy and related licenses required by City code from the DSD, San Antonio Metro Health Department, and/or City Tax Office. In accordance with the 2015 International Building Code, no person may occupy a building or a space without first obtaining a Certificate of Occupancy. Certificates of Occupancy may be applied for at the Cliff Morton Development and Business Services Center.

#### **E. Nonconforming Rights**

To establish nonconforming rights for zoning, property owners with existing land uses are encouraged to register within one year of the annexation date with the DSD. Uses that existed legally prior to annexation, generally become nonconforming after annexation because of the new zoning classification placed on the land. Registration of legal nonconforming uses allows property owners to apply for a Certificate of Occupancy. Upon the issuance of the Certificate of Occupancy, property owners may continue the legal nonconforming uses that existed prior to annexation. A Certificate of Occupancy will be issued certifying only those uses required by applicable City and State codes.

#### **F. Library Services**

Residents in the annexation areas may choose to go to any library branch. The nearest libraries to the Annexation Area are:

- Encino Branch Library, 2515 E Evans Road, San Antonio, TX
- Parman Branch Library, 20735 Wilderness Oak, San Antonio, TX.

The San Antonio public library locations provide the following services:

- Library materials for adults, young adults and children including books, periodicals, compact disks, DVD, videos, audio books, and electronic books;
- Programming for adults, young adults and children such as regularly scheduled story time;
- Book discussion groups and other topics of interest to the community; and
- Access to the Internet, databases and other computer programs.

Professional staff is available to assist library customers with reference and reader's advisory questions and public meeting room space are available. More information is available at the San Antonio Public Library Website:

[www.mysapl.org](http://www.mysapl.org).

#### **G. Health Department Services**

The San Antonio Metro Health District (SAMHD) currently provides certain public health services, including dental screening and treatment, communicable disease control, emergency preparedness and response, and health

education to person residing in the Annexation Areas through an interlocal agreement with Bexar County/University Health Systems. Upon full purpose annexation the following additional services will become available:

- Investigation of public health related complaints including food borne illness, recreational water quality, and public swimming pools and spas, and investigation of toxic exposures;
- Permitting and routine sanitation inspections of food establishments, schools, day cares, swimming pools and mobile living parks;
- Enforcement of the City's smoking ordinance in public places;
- Investigation of reported elevated Blood Lead Levels (BLL) in children;
- Access to community health clinics; and
- Medical Assistance Program benefits.  
SAMHD would provide additional services for oversight of day care centers, semi-public swimming pools, air quality permits and livestock issues.

#### **H. Animal Care Services**

Newly annexed areas will receive the same level of service as the current San Antonio city limits. These services include, but may not be limited to, animal enforcement and control, educational and public outreach, low cost animal related resources as microchips and spay/neuter services, and community cat program services.

#### **I. 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 as may be necessary for providing municipal services to the Annexation Area. The timing for the construction of capital projects that may be necessary for the delivery of municipal services will be done in accordance with the requirements of Subchapter C of Chapter 43, Local Government Code.

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 and EMS Services** – No capital improvements are necessary at this time to provide fire protection and EMS services.
- C. Solid Waste Collection** – No capital improvements are necessary at this time to provide solid waste collection services.
- D. Roads and Streets**–No newly constructed road or street related capital improvements are necessary at this time to provide services. The City will assume maintenance responsibilities for all public streets.
- E. Parks, Playgrounds and Swimming Pools** – No capital improvements are necessary at this time to provide parks and recreational services.
- F. Library Services** – No capital improvements are necessary at this time to provide library services.
- G. Capital Improvements Planning** – The Annexation Area will be included with other territory within the municipality in connection with planning for new or expanded facilities and/or services. All other capital improvements will be considered through the 6-Year Capital Budget that represents the City's long-range physical infrastructure development and improve plan. Major funding sources are General Obligation Bonds, Certificates of Obligation, Storm Water Revenue Bonds, and Community Development Block Grants as applicable. Capital projects are placed in inventory by the City Council representative through input from neighborhood plans, community association, neighborhood requests and other community processes.

### **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 Waste Water Utility Service Regulations 2016**

The following information is a summary of the SAWS Utility Service Regulations for the extension of water and/or waste water facilities as incorporated by reference in the latest version of the UDC, in conformance with the Texas Local Government Code requirement that the Plan have a summary of the service extension policy.

Water and waste water 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 waste water facilities connecting to the SAWS system, funding and construction of those facilities will remain the responsibility of the developer. If the specific undeveloped property does not have SAWS water or wastewater service fronting the property, the owner may make an application for an extension of service to SAWS Director of Infrastructure Development Department for review. If the Director determines that adequate capacity is available, or will be and if the project does not include SAWS cost participation or reimbursement, and if the proposed facilities are a logical extension of SAWS water and/or wastewater system and the requested extension meets the requirements of SAWS Utility Service Regulations, the extension size, capacity, and routing may be approved by the Director. Funding and construction of the facilities will be the responsibility of the developer.

Depending on the size of the new facilities and other conditions, with SAWS Board of Trustees approval, SAWS may reimburse the developer for a portion of the cost of constructing certain facilities. With Board approval, SAWS may reimburse costs associated with the oversize capacity of water and wastewater mains. The actual calculation of the cost participation and reimbursement amounts, including limits and the schedules for the payments, are included in SAWS Utility Service Regulations as incorporated by reference in the UDC.

For lots that have water or wastewater lines in the street fronting the lot, the owner may receive water or wastewater service by applying for a tap permit and paying any required fees. The new customers will be required to pay the impact fees and all connection fees.

Should a property is served by a septic system: The property owner remains responsible for the operation and maintenance of the septic system. If the septic system fails, the property owner must repair the system or pay to extend SAWS wastewater facilities to the property, if unavailable. Under certain circumstances the SAMHD and/or applicable regulatory agency for septic tanks may require the property owner to connect to SAWS public waste water facilities.

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