

ORDINANCE NUMBER 1097

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, ANNEXING THE HEREINAFTER DESCRIBED PROPERTY CONSISTING OF A 0.7 ACRE TRACT OF LAND BEING IDENTIFIED AS LOT 1, BLOCK 1, HINSON ADDITION, WICHITA COUNTY, TEXAS; COMMONLY KNOWN AS 887 SCHMOKER, WICHITA COUNTY, TEXAS; AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE THE DESCRIBED PROPERTY WITHIN THE CITY LIMITS; FINDING AND DETERMINING THAT ALL REQUIREMENTS FOR ANNEXATION INCLUDING PUBLIC HEARINGS, NOTICES AND OPEN MEETINGS HAVE BEEN MET ACCORDING TO LAW; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING INSTRUCTIONS FOR AMENDING THE OFFICIAL MAP AND BOUNDARIES OF SAID CITY AND FOR FILING THIS ORDINANCE; PROVIDING FOR EFFECT ON TERRITORY BY GRANTING TO ALL THE INHABITANTS OF THE PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING THE INHABITANTS BY ALL OF THE ORDINANCES, RESOLUTIONS, ACTS, AND REGULATIONS OF THE CITY; PROVIDING SEVERABILITY, CUMULATIVE REPEALER, AND SAVINGS CLAUSES; FINDING AND DETERMING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Burkburnett, Texas, (“City”), is a home rule municipality created in accordance with the provisions of Chapter 9 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City is authorized, pursuant to Chapter 43 of the Texas Local Government Code, to annex property and extend the corporate limits of the City, subject to state law; and

WHEREAS, the City received a voluntary annexation petition from Dennis Company (the “Owner”) requesting the City consider the annexation of the property being more particularly described and depicted in Exhibit A, attached hereto and incorporated as if fully set forth herein (the “Property”); and

WHEREAS, in accordance with Section 43.0673 of the Texas Local Government Code, the notice of the public hearing was published in the Burkburnett Informer Star, a newspaper of general circulation within the City, on the 11th day of August, 2025, such date being not more than twenty (20) days nor less than ten (10) days prior to the public hearing; and

WHEREAS, a public hearing was conducted on August 25, 2025, at the Council Chambers of City Hall, 501 Sheppard Road, Burkburnett, Texas, 76354, to receive public comment on the consideration of the annexation of the Property; and

WHEREAS, all required statutory notices pursuant to Chapter 43 of the Texas Local Government Code have been accomplished, including posting on the City’s internet website; and

WHEREAS, the Board of Commissioners of the City (the “City Commission”) has investigated into, has determined and officially finds all of the Property described herein is contiguous to the City’s corporate limits and within the exclusive extraterritorial jurisdiction of the City; and

WHEREAS, the City and the Owner have negotiated and entered into a written agreement, in accordance with Section 43.0672 of the Texas Local Government Code, regarding services to be provided for the Property prior to the effective date of annexation of the Property, the substantive body of which is shown in **Exhibit B**, attached hereto and incorporated as if set forth fully herein; and

WHEREAS, the City Commission finds and determines that annexation of the Property as requested by the Owner is in the best interests of the citizens of the City and the owners and residents of the area.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS:

SECTION 1. Findings. It is hereby officially determined that the findings and recitations contained above in the preamble of this Ordinance are true and correct and are incorporated herein by reference.

SECTION 2. Annexation. The Property, as shown in **Exhibit A**, is hereby annexed into the City, and the boundary limits of the City are hereby extended to include the Property within the corporate limits of the City, and the same shall hereafter be included within the territorial limits of the City, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the City and they shall be bound by the acts, ordinances, resolutions, and regulations of the City.

SECTION 3. Official Map Amended.

1. The official map and boundaries of the City are hereby amended so as to include the Property and such territory shall be and is hereby annexed into the corporate limits of the City.
2. The Assistant City Manager or designee is hereby directed and authorized to perform or cause to be performed all acts necessary to correct the official map of the City to add the territory hereby annexed as required by law.

SECTION 4. Filing Instructions. The Assistant City Manager or designee is hereby directed to file a certified copy of this Ordinance with the County Clerk of Wichita County, Texas, and with other appropriate officials and agencies as required by state and federal law.

SECTION 5. Effect on Territory. From and after the passage of this Ordinance, the Property shall be a part of the City, and subject to the written services agreement referenced in the

above findings incorporated by Section 1 of this Ordinance. The inhabitants thereof shall be entitled to all of the rights, privileges and immunities as all other citizens of the City, and shall be bound by all of the Ordinances and regulations enacted pursuant to and in conformity with the general laws of the State of Texas.

SECTION 6. Severability Clause. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid. The City Council hereby declares that if there is an error in any call or description in **Exhibit A** preventing any portion of the Property from being annexed, the City Council would have annexed all remaining area having correct calls or descriptions and or would have corrected the call or description to include the entire intended area in this annexation.

SECTION 7. Cumulative Repealer/Savings Clause. This Ordinance shall be cumulative of all provisions of ordinances of the City except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 8. Public Meeting. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required by law.

SECTION 9. Effective Date. This Ordinance shall be in full force and effect immediately upon its passage and approval by the City Council in accordance with state law.

PASSED AND APPROVED this 15th day of September 2025.

**LORI KEMP
MAYOR**

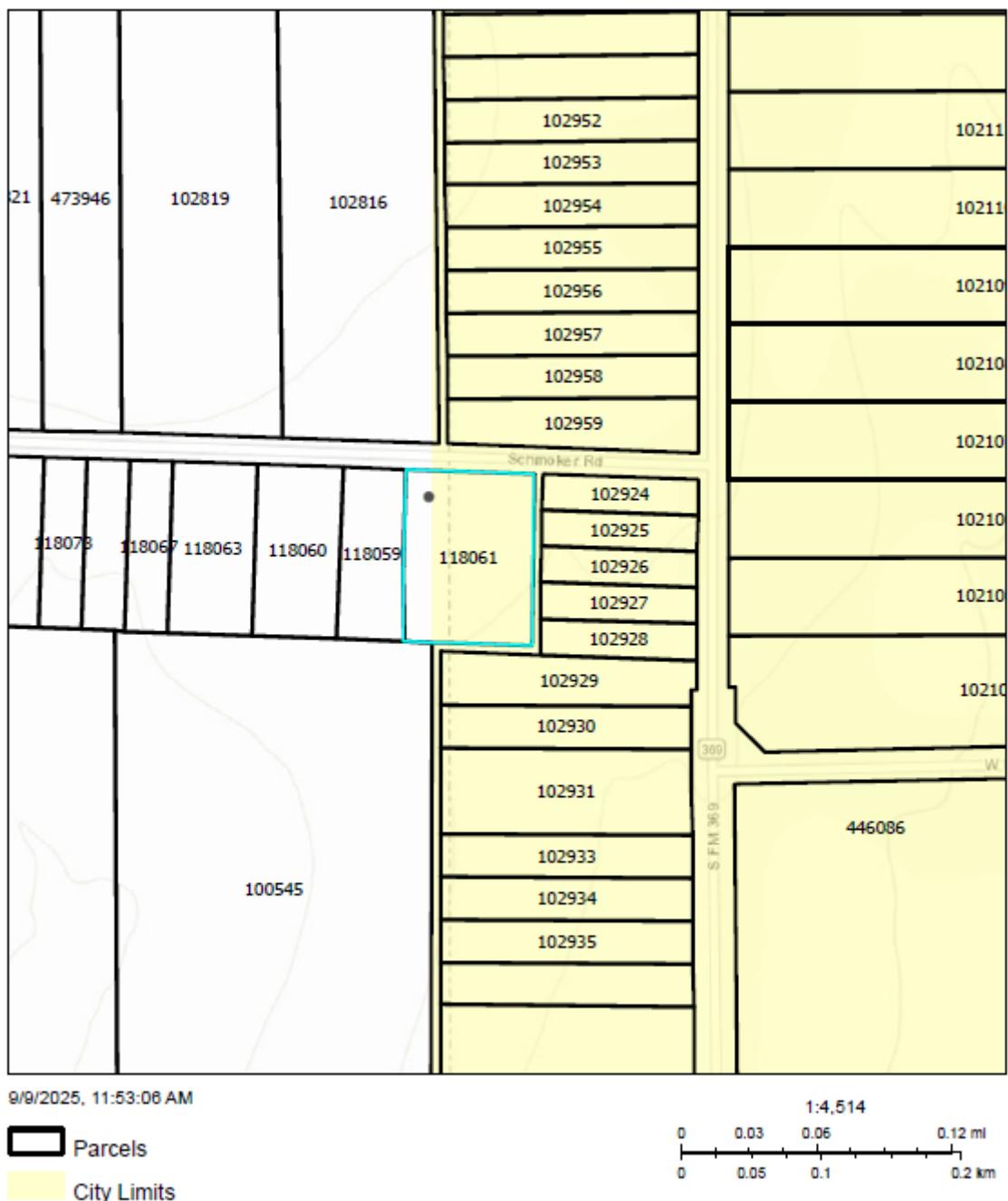
ATTEST:

**NIKKI TEPFER
CITY CLERK**

EXHIBIT A
LEGAL DESCRIPTION AND DEPICTION

Lot No. 1, Block No. 1, Hinson Addition, an addition to the City of Burk Burnett,
Wichita County, Texas, according to the plat of record in Instrument #20258708,
Wichita County Plat Records.

Wichita CAD Web Map



Texas Parks & Wildlife, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

EXHIBIT B
SERVICES AGREEMENT

A) SERVICE PLAN GENERALLY

- 1) This service plan has been prepared in accordance with the Texas Local Government Code (“LGC”), Section 43.0672. Municipal facilities and services to the annexed area will be provided or made available on behalf of the City of Burk Burnett (the “City”) in accordance with the following plan. Unless otherwise indicated, the City will provide the following services to the annexed property within two and one-half years unless certain services cannot be reasonably provided within that time and the City proposes a schedule to provide services within four and one-half years. The City shall provide the annexed tract the levels of service, infrastructure, and infrastructure maintenance that are comparable to the levels of service, infrastructure, and infrastructure maintenance available in other parts of the City with similar topography, land use, and population density.
- 2) For purposes of this service plan, to “provide” services includes having services provided by any method or means by which the City provides municipal services to any other areas of the City, and may include causing or allowing private utilities, governmental entities and other public service organizations to provide such services by contract or right, in whole or in part, and may include certain duties on the part of the private landowner with regard to such services.

B) EMERGENCY SERVICES

- 1) Police Protection
 - a) Police protection from the City of Burk Burnett shall be immediately provided to the annexed area at a level consistent with current methods and procedures presently provided to similar areas on the effective date of the annexation ordinance. Some of these services include:
 - i) Routine patrol and responses;
 - ii) Dispatch responses to emergency and non-emergency service calls;
 - iii) Handling of complaints and incident reports;
 - iv) Special units, such as traffic enforcement and investigations;
 - v) Coordination with other public safety support agencies; and
 - vi) Animal control services.
 - b) **As development commences in these areas, enough police protection, including personnel and equipment will be provided to furnish these areas with the level of police services consistent with the characteristics of topography, land utilization and population density of the areas.**
 - c) Upon ultimate development, police protection will be provided at a level consistent with other similarly situated areas within the city limits.
- 2) Fire Protection and Emergency Medical Services
 - a) The City of Burk Burnett will continue to provide emergency medical services

and fire prevention services to the annexed area. These services include, but are not limited to:

- i) Fire suppression and rescue;
- ii) Pre-hospital medical services including triage, treatment and transport by American Medical Response (“AMR”), fire engines, trucks and ambulances;
- iii) Hazardous materials response and mitigation;
- iv) Emergency prevention and public education efforts;
- v) Technical rescue response; and
- vi) Construction Plan Review and required inspections.

- b) Fire protection and emergency medical services from the City shall be provided to the annexed area at a level consistent with current methods and procedures presently provided to similar areas of the City on the effective date of the annexation ordinance.
- c) As development commences in these areas, sufficient, fire protection and emergency medical services, including personnel and equipment will be provided to furnish these areas with the level of services consistent with the characteristics of topography, land utilization and population density of the areas. It is anticipated that fire stations planned to service areas currently with the City will be sufficient to serve the annexed area.
- d) Upon ultimate development, fire protection and emergency medical services will be provided at a level consistent with similarly situated areas within the city limits.

C) SOLID WASTE

- 1) The City will provide fee-based waste collection services to the Property, contracting with a provider. Notification to the provider to expand the service area will be made upon council approval of the annexation.

D) SANITARY SEWER

- 1) Sanitary sewer service to the area will be provided in the same manner that such service is provided to the other similarly situated areas within the corporate limits of the City and in accordance with applicable codes and policy. As property develops in the area, sanitary sewer service shall be provided in accordance with the standard extension ordinances, regulations and rules, subject to and consistent with the City's participation policies.

E) WATER FACILITIES

- 1) Water service to the area will be provided in the same manner that such service is provided to the other similarly situated areas within the corporate limits of the City and in accordance with applicable codes and policy.

F) ROAD AND STREETS

- 1) Maintenance of roads and streets, including street lighting, if any, will be

maintained in the same manner as provided to other similarly situated areas within the corporate limits of the City.

G) CODE ENFORCEMENT & INSPECTION SERVICES

- 1) Code enforcement services will be available on the effective date of annexation. Code enforcement services include the response, investigation and potential abatement of property maintenance issues, nuisance issues, sanitation issues, illegal signs, abandoned or inoperable vehicles and other zoning violations.
- 2) Upon the effective date of annexation, the City will provide building permits and inspection services to the Property. This service will be made available to the Property on the same basis and at the same level of service as similar facilities throughout the City.

H) PLANNING AND ZONING SERVICES

- 1) The Planning and zoning jurisdiction of the City will extend to this area upon the effective date of the annexation ordinance. City planning will thereafter encompass this property, and it shall be entitled to consideration for zoning in accordance with the City's Zoning Ordinance and Comprehensive Plan.

I) PARKS, PLAYGROUNDS, LIBRARIES, SWIMMING POOLS

- 1) Residents within the annexed area may utilize all existing park and recreation facilities, on the effective date of this ordinance. Fees for such usage shall be in accordance with current fees established by ordinance.
- 2) As development commences in the area, additional park and recreation facilities shall be constructed based on requirements outlined in any applicable City ordinances, resolutions and regulations. The general planned locations and classifications of parks will ultimately serve residents from the current City limits and residents from areas being considered for annexation.

J) PUBLICLY OWNED FACILITIES

- 1) The City is not aware of any publicly owned facilities, buildings or services associated with the Property for purposes of operation and maintenance.

K) OTHER SERVICES

- 1) Other services that may be provided by the City, such as municipal and general administration will be made available on the effective date of the annexation. The City shall provide levels of service, infrastructure, and infrastructure maintenance, enforcement of all zoning ordinances, building codes, and miscellaneous penal ordinances including but not limited to regulation of animals, roads and streets, fireworks, alcoholic beverages, firearms, littering and dumping that are comparable to the levels of services available in other parts of the City with similar topography, land use, and population density similar to those reasonably contemplated or projected in the area.

Entered into this _____ day of _____, 2025.

CITY OF BURKBURNETT

By: _____
Name: Lindsey McNabb-Fox
Title: Assistant City Manager
Date: _____

OWNER:

DENNIS COMPANY
P.O. Box 4815
Wichita Falls, Texas 76308

By: _____
Name _____
Title: _____