

CITY OF CANTON, TEXAS

ANNEXATION ORDINANCE NO. 95-13

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF CANTON, VAN ZANDT COUNTY, TEXAS AND EXTENDING THE BOUNDARIES OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN THE CITY LIMITS AND GRANTING TO SAID TERRITORY AND TO ALL FUTURE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF THE SAID CITY.

WHEREAS, a petition has been duly signed and acknowledged by each and every person or corporation having an interest in the territory proposed to be annexed;

WHEREAS, said petition was presented to the governing body and approved such petition not less than five (5) days and not more than thirty (30) days;

WHEREAS, the tract of land is contiguous to the City and is not more than one-half (1/2) miles in width, and on which fewer than three (3) qualified voters reside;

WHEREAS, the City has prepared a service plan for said tract which is attached as Exhibit "A" to this ordinance;

WHEREAS, the City has published notice of hearings on said annexation and held hearings as required by state law; and

WHEREAS, after hearing such petition and the arguments for and against the same, the governing body as voted to grant such petition and to annex said territory into the city.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CANTON, TEXAS:

Section 1: That the following described territory is hereby annexed into the City, and the boundary limits of the City of Canton are hereby extended to include said territory within the city limits of the City, and said land and the future inhabitants thereof shall hereafter be entitled to all rights and privileges of other citizens of the City and shall be bound by the acts and ordinances of said City.

TRACT 1

All that certain lot, tract, or parcel of land situated in the Q. C. NUGENT SURVEY A-618, Van Zandt County, Texas, same being all of a called 0.420 acre tract as found conveyed to the State of Texas in Deed dated October 4, 1932 from Albert Utts as found recorded in Vol. 228, Page 247 of the Real Records of Van Zandt County, Texas, and part of a called 5.589 acre tract as found conveyed to the State of Texas in Deed dated October 11, 1932 from W. S. Mills as found recorded in Vol. 229, Page 224 of the Real Records of Van Zandt County, Texas, and being more fully described as follows:

BEGINNING on the Northeast R.O.W. line of State Hwy. 64 for the most Westerly West corner of said 0.420 acre tract, same being the Southeast corner of a called 6.67 acre tract now or formerly owned by Bonnie and Jeanette Sumner (Vol. 1031, Page 943 Real Records), said point being on the recognized common Survey Lines of said Q. C. Nugent Survey and the Jesse Stockwell Survey A-760 and also being on the recognized City Limits line of Canton, Van Zandt County, Texas, from which a 1/2" Iron Rod reference was found North 45 deg. 48 min. 20 sec. West 4.85 feet;

THENCE: With the Northeast R.O.W. line of said State Hwy. 64, and with the arc of a curve to the right which has a central angle of 31 deg. 09 min. 55 sec., a radius of 1989.86 feet, a tangent of 554.93 feet, a subchord bearing of South 61 deg. 18 min. 25 sec. East, a subchord distance of 1069.06 feet, and an arc distance of 1082.35 feet to a 1/2" Iron Rod found for a South corner of a called 60.55 acre tract now or formerly owned by Corry Davis Marketing Inc. (Vol. 1302, Page 429 Real Records), same being a West corner of a tract now or formerly owned by J. G. Guess (Vol. 269, Page 314 Real Records);

THENCE: South 32 deg. 19 min. 43 sec. West 142.84 feet crossing State Hwy. 64 to a 3/8" Iron Rod found on the Southwest R.O.W. line of same for the East corner of "Fourth Tract" in Deed to Earl Duane Curry (Vol. 1035, Page 119 Real Records);

THENCE: With the Southwest R.O.W. line of said State Hwy. 64, and with the arc of a curve to the left which has a central angle of 02 deg. 35 min. 33 sec., a radius of 1850.10 feet, a tangent of 41.87 feet, a subchord bearing of North 46 deg. 07 min. 33 sec. West, a subchord distance of 83.71 feet, and an arc distance of 83.72 feet to a concrete R.O.W. monument found for the P.T. of said curve;

THENCE: North 60 deg. 39 min. 03 sec. West 98.39 feet with the Southwest R.O.W. line of State Hwy. 64 to a concrete R.O.W. monument found for a corner of same;

THENCE: With the Southwest R.O.W. line of said State Hwy. 64, and with the arc of a curve to the left which has a central angle of 16 deg. 46 min. 58 sec., a radius of 1830.10 feet, a tangent of 269.96 feet, a subchord bearing of North 58 deg. 48 min. 58 sec. West, subchord distance of 534.15 feet, and an

arc distance of 536.06 feet to a 3/8" Iron Rod set on the Northeast line of said Curry tract (Vol. 1035, Page 119 Real Records), and where the recognized common Survey Lines of said Q. C. Nugent Survey and the Jesse Stockwell Survey cross said Curry Tract, same being on the recognized City Limits line of Canton, Van Zandt County, Texas;

THENCE: North 45 deg. 48 min. 20 sec. West 360.29 feet with the recognized common Survey Lines of said Q. C. Nugent Survey and the Jesse Stockwell Survey, and with the recognized City Limits line to the place of beginning containing 3.28 acres of land.

TRACT 2

All that certain lot, tract, or parcel of land situated in Van Zandt County, Texas on the Q. C. Nugent Survey, A-618 and the D. Towns Survey, A-845 and being the First, Second, Third and Fourth tracts conveyed to Mary Julia King by Jerry King by deed recorded in Volume 1015, Page 567 of the Van Zandt County Deed Records. Said lot, tract, or parcel of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1" pipe found 1 1/2 foot deep in the Northeast margin of State Highway 64, at the West corner of a 2.00 acre tract conveyed to J. G. Guess by W. S. Mills et ux by deed recorded in Volume 269, Page 314 of the Van Zandt County Deed Records,

THENCE: Northwesterly, 80.00 feet from and parallel to the centerline of State Highway 64, along a curve to the left having a central angle of 23 deg. 48 min. 32 sec., a radius of 1989.87 feet, a distance of 826.79 feet and long chord North 57 deg. 35 min. 52 sec. West 820.94 feet to a 1/2" iron rod set at the Southeast corner of an easement granted to the Texas Highway Department by Irby Mills and recorded in Volume 344, Page 152 of the Van Zandt County Deed Records;

THENCE: North 5 deg. 38 min. 50 sec. East 504.67 feet to a 1" pipe found at the Northeast corner of said easement;

THENCE: South 89 deg. 39 min. 35 sec. West 50.24 feet to the centerline of Mill Creek, WITNESS: 1/2" iron rod North 89 deg. 39 min. 35 sec. East 6.24 feet;

THENCE: down Mill Creek with its meanders as follows: North 17 deg. 46 min. 49 sec. East 119.10 feet, North 8 deg. 30 min. 08 sec. East 344.19 feet, North 24 deg. 03 min. 37 sec. East 343.72 feet and North 44 deg. 32 min. 09 sec. East 298.08 feet to the West corner of a 149.28 acre tract conveyed to Gerald Turner et ux Roni R. Turner by deed recorded in Volume 1245, Page 13 of the Van Zandt County Deed Records; WITNESS: 1/2" iron rod South 50 deg. 45 min. 15 sec. East 8.21 feet;

THENCE: South 50 deg. 45 min. 15 sec. East, along fence and the Southwest line of the 149.28 acre tract 1843.26 feet to a 1/2" iron rod set

at the North corner of a 0.50 acre tract conveyed to Edna Burton by deed recorded in Volume 264, Page 41 of the Van Zandt County Deed Records;

THENCE: South 41 deg. 22 min. 11 sec. West, along an old fence, 109.76 feet to a 1/2" iron rod found at the West corner of the 0.50 acre Burton tract and the North corner of the 1.00 acre Second Tract;

THENCE: South 50 deg. 55 min. 30 sec. East 239.44 feet to a 1/2" iron rod set at the South corner of the 0.50 acre tract and in the North margin of F. M. Highway 17, 40.00 feet from its centerline;

THENCE: along the Northwest margin of F. M. Highway 17, 40.00 feet from and parallel to its centerline as follows: South 21 deg. 56 min. 29 sec. West 82.73 feet, South 18 deg. 24 min. 01 sec. West 99.80 feet, South 16 deg. 22 min. 51 sec. West 95.68 feet, South 13 deg. 22 min. 29 sec. West 96.37 feet, South 13 deg. 33 min. 45 sec. West 108.35 feet, South 16 deg. 11 min. 34 sec. West 99.88 feet and South 21 deg. 45 min. 37 sec. West 106.19 feet to a 1/2" iron rod set at the East corner of a 0.50 acre tract conveyed from Laura Bowman et al to Diane Corry by deed recorded in Volume 947, Page 722 of the Van Zandt County Deed Records and at the South corner of the 0.50 acre tract Third Tract;

THENCE: North 68 deg. 39 min. 47 sec. West 153.55 feet to a 1/2" iron rod set at the North corner of the Corry 0.50 acre tract and the West corner of the 0.50 acre Third Tract;

THENCE: South 22 deg. 59 min. 46 sec. West 108.82 feet, along an old fence to a 1/2" iron rod set at fence corner at the West corner of the Corry 0.50 acre tract;

THENCE: South 69 deg. 50 min. 30 sec. East 153.02 feet to a 1/2" iron rod set in the North margin of F. M. Highway 17, 40.00 feet from its centerline;

THENCE: along the Northwest margin of F. M. Highway 17, 40.00 feet from and parallel to its centerline as follows: South 24 deg. 19 min. 10 sec. West 98.73 feet, South 23 deg. 18 min. 19 sec. West 78.79 feet, South 16 deg. 53 min. 42 sec. West 91.91 feet and South 08 deg. 40 min. 50 sec. West 44.35 feet to a 1/2" iron rod set at the East corner of a 1.00 acre Second Tract conveyed to Frank Corry by Eddie O. and May Terry by deed recorded in Volume 754, Page 328 of the Van Zandt County Deed Records;

THENCE: North 39 deg. 45 min. 27 sec. West 268.19 feet to a 1/2" iron rod set for corner at the North corner of the Corry 1.00 acre tract;

THENCE: South 49 deg. 44 min. 46 sec. West 163.00 feet to the West corner of the Corry 1.00 acre tract in a pond and the East corner of a 1.50 acre tract conveyed to Frank Corry by C. W. Corry and Thelma Corry by

deed recorded in Volume 439, Page 486 of the Van Zandt County Deed Records;

THENCE: North 40 deg. 09 min. 23 sec. West 364.00 feet to a 1/2" iron rod set at the North corner of the Corry 1.50 acre tract;

THENCE: North 40 deg. 45 min. 08 sec. West 416.00 feet to an 1" pipe found at fence corner at the North corner of the Guess 2.00 acre tract;

THENCE: South 37 deg. 35 min. 48 sec. West 212.96 feet to the place of beginning and containing 60.55 acres of land;

LESS AND EXCEPT All that certain lot, tract, or parcel of land situated in Van Zandt County, Texas, on the Q. C. Nugent Survey, A-618 and the D. Towns Survey, A-845 and being a part of the 60.55 acre tract conveyed to Corry Davis Marketing, Inc. by Mary Julia King A/K/A Mary Corry King by deed dated January 6, 1994 and recorded in Volume 1302, Page 429 of the Real Records of Van Zandt County. Said lot, tract, or parcel of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found in the West R.O.W. of F. M. Highway 17, at the East corner of the Frank Corry 1.00 acre Second Tract recorded in Volume 754, Page 328 and the South corner of the 60.55 acre tract;

THENCE: North 39 deg. 45 min. 27 sec. West 268.19 feet to a 1/2" iron rod found at the North corner of the 1.00 acre tract;

THENCE: South 49 deg. 44 min. 46 sec. West 163.00 feet to a point in pond for the West corner of the 1.00 acre tract;

THENCE: North 40 deg. 09 min. 23 sec. West 364.00 feet to a 1/2" iron rod found at the North corner of the Frank Corry 1.50 acre tract recorded in Volume 439, Page 486;

THENCE: North 40 deg. 44 min. 39 sec. West 415.73 feet to an 1" iron pipe found at the North corner of the J. G. Guess 2.00 acre tract recorded in Volume 269, Page 314;

THENCE: North 20 deg. 36 min. 39 sec. East 275.46 feet to a 1/2" iron rod set for corner;

THENCE: South 79 deg. 50 min. 46 sec. East 280.23 feet to a 1/2" iron rod set for corner;

THENCE: North 15 deg. 30 min. 22 sec. East 700.77 feet to a 1/2" iron rod set for corner;

THENCE: South 50 deg. 37 min. 30 sec. East 481.43 feet to a 1/2" iron rod set for corner;

THENCE: South 41 deg. 22 min. 11 sec. West 109.76 feet to a 1/2" iron rod set for corner;

THENCE: South 50 deg. 55 min. 30 sec. East 340.55 feet to a 1/2" iron rod set for corner in the West R.O.W. of F. M. Highway 17;

THENCE: along F. M. Highway 17, South 18 deg. 32 min. 54 sec. West 104.10 feet, South 16 deg. 22 min. 51 sec. West 95.68 feet, South 13 deg. 22 min. 29 sec. West 96.37 feet, South 13 deg. 33 min. 45 sec. West 108.35 feet, South 16 deg. 11 min. 34 sec. West 99.88 feet and South 21 deg. 45 min. 37 sec. West 106.19 feet to a 1/2" iron rod found at the East corner of the Diane Corry 0.50 acre tract recorded in Volume 947, Page 722;

THENCE: North 68 deg. 39 min. 47 sec. West 153.55 feet to a 1/2" iron rod found at the North corner of the 0.50 acre tract;

THENCE: South 22 deg. 59 min. 46 sec. West 108.82 feet to a 1/2" iron rod found at the West corner of the 0.50 acre tract;

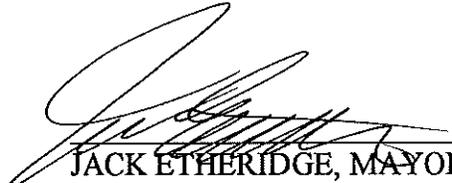
THENCE: South 69 deg. 50 min. 30 sec. East 153.02 feet to a 1/2" iron rod found at the South corner of the 0.50 acre tract, in the West R.O.W. of F. M. Highway 17;

THENCE: along F. M. Highway 17, South 24 deg. 19 min. 10 sec. West 98.73 feet, South 23 deg. 18 min. 19 sec. West 78.79 feet, South 16 deg. 53 min. 42 sec. West 91.91 feet and South 08 deg. 40 min. 50 sec. West 44.35 feet to the place of beginning and containing 20.245 acres of land.

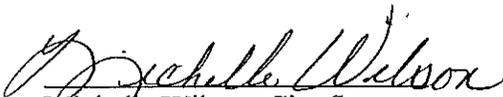
Section 2: That the municipal service plan for the herein annexed territory provided for in Exhibit "A" attached hereto is hereby adopted.

Section 3: That the city secretary is hereby directed to file with the county clerk and other appropriate officials and agencies, as required by state and federal law and city annexation procedures, certified copies of this ordinance.

PASSED by an affirmative vote of the Governing Body of the City of Canton, Texas, this the 19th day of December, 1995.


 JACK ETHERIDGE, MAYOR
 The City of Canton, Texas

ATTEST:


 Michelle Wilson, City Secretary

THE STATE OF TEXAS)

COUNTY OF VAN ZANDT)

BEFORE ME, the undersigned authority on this day personally appeared JACK ETHERIDGE, MAYOR OF THE CITY OF CANTON, TEXAS, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 19th day of December, 1995.



Rita Raggsdale

Notary Public, State of Texas

EXHIBIT "A"**CITY OF CANTON, TEXAS****ANNEXATION SERVICE PLAN**AREA ANNEXED**TRACT 1**

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THENCE: down Mill Creek with its meanders as follows: North 17 deg. 46 min. 49 sec. East 119.10 feet, North 8 deg. 30 min. 08 sec. East 344.19

feet, North 24 deg. 03 min. 37 sec. East 343.72 feet and North 44 deg. 32 min. 09 sec. East 298.08 feet to the West corner of a 149.28 acre tract conveyed to Gerald Turner et ux Roni R. Turner by deed recorded in Volume 1245, Page 13 of the Van Zandt County Deed Records; WITNESS: 1/2" iron rod South 50 deg. 45 min. 15 sec. East 8.21 feet;

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INTRODUCTION

This service plan has been prepared in accordance with V.T.C.A., Local Government Code, Section 43.056. Municipal facilities and services to the annexed area described above will be provided or made available on behalf of the city at the following levels and in accordance with the following schedule:

POLICE PROTECTION

Patrolling, responses to calls, and other police services will be provided within sixty (60) days after the effective date of the annexation at the same level as provided throughout the city.

FIRE PROTECTION AND FIRE PREVENTION

Fire protection and fire prevention services will be provided within sixty (60) days after the effective date of the annexation at the same level as provided throughout the city.

EMERGENCY MEDICAL SERVICES

Emergency medical services will be provided within sixty (60) days after the effective date of the annexation on the same basis and at the same level as provided throughout the city.

SOLID WASTE COLLECTION AND DISPOSAL

Solid waste collection and disposal services will be provided with sixty (60) days after the effective date of the annexation on the same basis and at the same level as provided throughout the city.

MAINTENANCE OF WATER AND WASTEWATER FACILITIES THAT ARE NOT WITHIN THE SERVICE AREA OF ANOTHER WATER OR WASTEWATER UTILITY

Maintenance of water and wastewater facilities that are not within the service area of another water or wastewater utility will be provided within sixty (60) days after the effective date of the annexation on the same basis and at the same level as provided throughout the city.

MAINTENANCE OF ROADS AND STREETS AND DRAINAGE

Maintenance of roads and streets and drainage will be provided within sixty (60) days after the effective date of the annexation on the same basis and at the same level as provided throughout the city.

STREET LIGHTING

Street lighting will be made available within sixty (60) days after the effective date of the annexation on the same basis and at the same level as provided throughout the city.

MAINTENANCE OF CITY PARK AND RECREATION FACILITIES

If any city park and recreation facilities are located within the annexed area, they will be maintained within sixty (60) days after the effective date of the annexation on the same basis and at the same level as similar facilities are maintained throughout the city.

OTHER SERVICES

Other services that may be provided by the city such as planning, code enforcement, animal control, library, park and recreation, court, and general administration will be made available within sixty (60) days after the effective date of the annexation on the same basis and at the same level as provided throughout the city.

CAPITAL IMPROVEMENTS

Construction of water, sewer, street, and drainage facilities will begin within two (2) years after submission of written request by landowners and payment of any development fees and construction costs required by the city in accordance with subdivision regulations and water and sewer extension policies. Construction will be completed within four and one-half (4-1/2) years after request unless the construction process is interrupted by circumstances beyond the control of the city. No impact fees will be charged to any developer or landowner within the annexed area except in conformity with V.T.C.A., Local Government Code, ch. 395. Construction of other capital improvements shall be considered by the city in the future as the needs dictate on the same basis as such capital improvements are considered throughout the city.

UNIFORM LEVEL OF SERVICES MAY NOT BE REQUIRED

Nothing in this plan shall require the city to provide a uniform level of full municipal services to each area of the city, including the annexed area, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

TERM

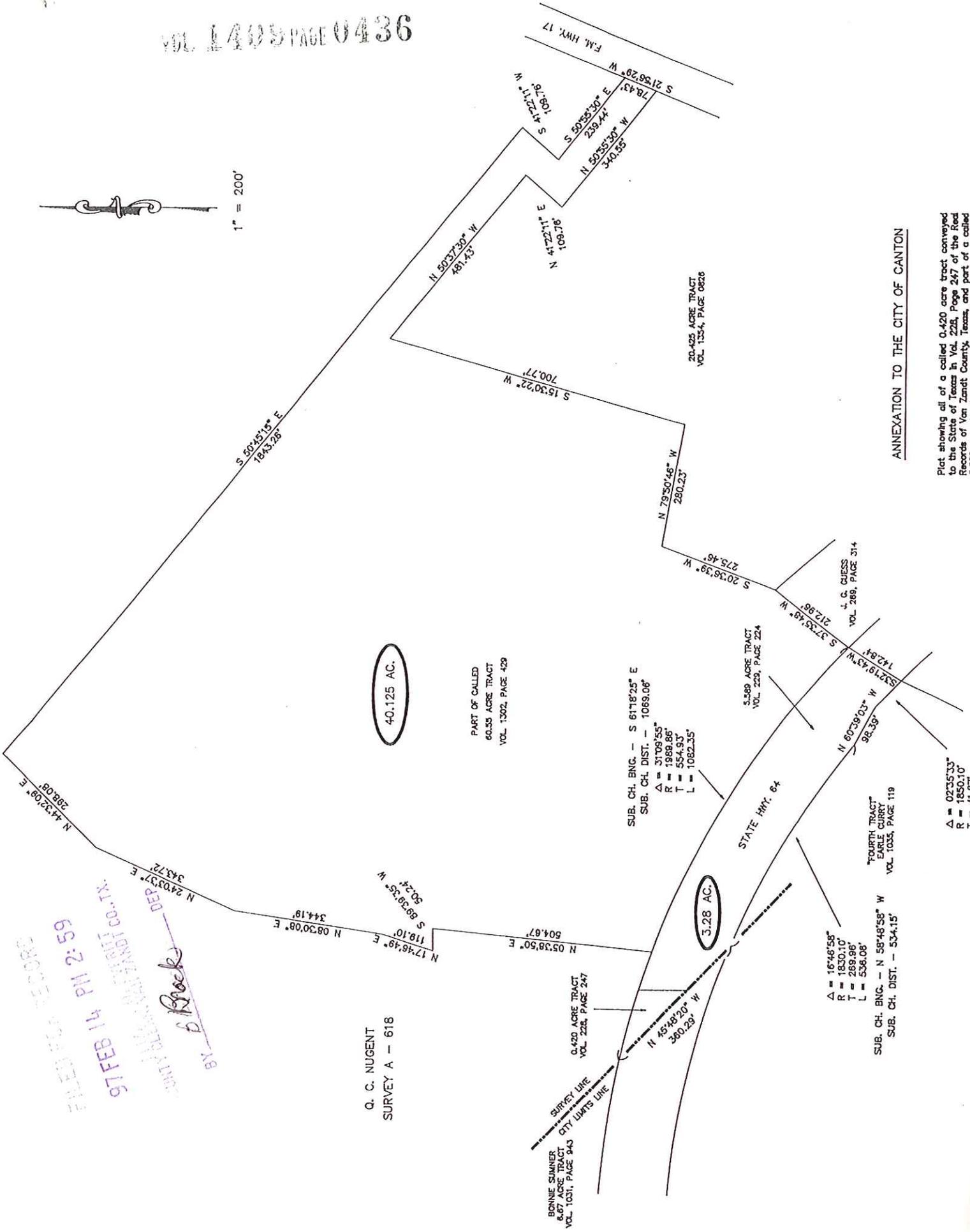
This service plan shall be valid for a term of ten (10) years.

AMENDMENTS

The plan shall not be amended unless public hearings are held in accordance with V.T.C.A., Local Government Code, Section 43.052.



1" = 200'



FILED FOR RECORD
 65
 97 FEB 14 PM 2:59
 COUNTY OF VAN ZANDT, TEXAS
 DEPT. OF COUNTY CLERK
 BY: *B. Brock*

Q. C. NUGENT
SURVEY A - 618

BONNIE SUMNER
0.420 ACRE TRACT
VOL. 1031, PAGE 243

0.420 ACRE TRACT
VOL. 228, PAGE 247

40.125 AC.

PART OF CALLED
60.55 ACRE TRACT
VOL. 1302, PAGE 429

3.28 AC.

SUB. CH. BNC. - S 61°18'25" E
SUB. CH. DIST. - 1069.08'
Δ = 31°09'55"
R = 1989.85'
T = 554.93'
L = 1082.35'

5.389 ACRE TRACT
VOL. 223, PAGE 224

Δ = 16°46'58"
R = 1830.10'
T = 268.86'
L = 538.08'

SUB. CH. BNC. - N 58°48'58" W
SUB. CH. DIST. - 534.15'

FOURTH TRACT
EARLE CURRY
VOL. 1035, PAGE 119

Δ = 02°35'33"
R = 1850.10'
T = 41.87'

20.425 ACRE TRACT
VOL. 1034, PAGE 0626

J. G. GIBBS
VOL. 289, PAGE 314

ANNEXATION TO THE CITY OF CANTON

Plat showing all of a called 0.420 acre tract conveyed
 to the State of Texas in Vol. 228, Page 247 of the Filed
 Records of Van Zandt County, Texas, and part of a called
 5.389 acre tract conveyed to the State of Texas in Vol. 223, Page 224