

CITY OF CANTON, TEXAS

ANNEXATION ORDINANCE NO. 2005 - 12

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 "B" 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. All of that territory owned by Henry Lewis consisting of four tracts: 14-acres situated in the William Sherman Survey, A-761; 5.0 acres situated in the William Sherman Survey, A-761, and the Q.C. Nugent Survey, A-618; 9.342 acres and 41.1968 acres situated in the Q.C. Nugent Survey, A-618; all located on Interstate Highway 20 North Service Road immediately east and west of FM 859, more particularly described in "Exhibit A" attached hereto and made a part hereof 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.

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

Section 3. That the property owner's agreement to incur all costs associated with the provision of water and sewer service lines to this voluntarily-annexed property provided for in Exhibit "C" attached hereto is hereby adopted.

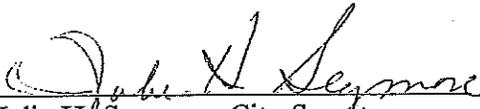
Section 4. That the City Secretary is hereby directed to file with the County Clerk and other appropriate officials and agencies, as required by state and federal law and city annexation procedures, certified copies of this ordinance.

PASSED by an affirmative vote of the Governing Body of the City of Canton, Texas, this the 17th day of May, 2005.

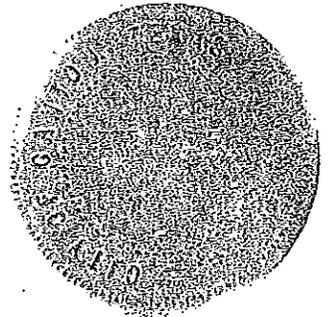


R.C. ANDERSON, MAYOR
The City of Canton, Texas

ATTEST:



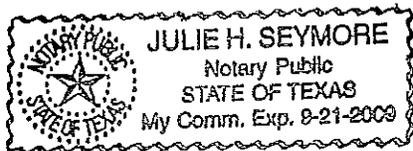
Julie H. Seymore, City Secretary

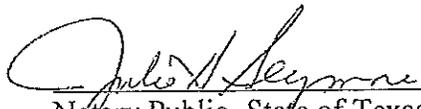


THE STATE OF TEXAS §
COUNTY OF VAN ZANDT §

BEFORE ME, the undersigned authority on this day personally appeared R.C. ANDERSON, 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 17th day of May, 2005.





Notary Public, State of Texas

Exhibit "A"

Tract 1

All that certain 14.00 acre lot, tract or parcel of land situated in the WILLIAM SHERMAN SURVEY, Abst. 761, Van Zandt County, Texas, and being a part of the Minnie Johnson lands and being more particularly described as follows:

BEGINNING at an iron stake set on the North line of Interstate Highway No. 20, said point being located South 64 deg 06 min East, 1311.89 feet from the intersection of said North line with the Northwest line of said Minnie Johnson Lands;

THENCE North 25 deg 54 min East, 776.42 feet to an iron stake set for corner;

THENCE South 64 deg 06 min East, 897.09 feet to an iron stake set on the West line of Farm to Market Road No. 859, for corner;

THENCE South 05 deg 13 min East, with the West line of said Farm to Market Road No. 859, 100.00 feet to an iron stake for corner;

THENCE North 64 deg 06 min West, 180.00 feet to an iron stake for corner;

THENCE South 25 deg 54 min West, 691.47 feet to an iron stake set on the North line of Interstate Highway No. 20, for corner;

THENCE North 64 deg 06 min West, with the North line of said Interstate Highway No. 20, 767.89 feet to the PLACE OF BEGINNING and containing 14.00 acres of land.

Being the same land described in Warranty Deed from Farbie Johnson, et al to Merline Morrison dated November 10, 1973, recorded in Volume 807 Page 62, Real Property Records of Van Zandt County, Texas.

Tract 2

All that certain 5.00 acre lot, tract or parcel of land situated in the WILLIAM SHERMAN SURVEY, A-761, and the Q.C. NUGENT SURVEY, A-618, Van Zandt County, Texas, and being a part of the Minnie Johnson lands and being more particularly described as follows:

BEGINNING at the intersection of the West line of Farm to Market Road No. 859, and the North line of Interstate Highway No. 20, a concrete monument for corner;

THENCE South 83 deg. 45 min. West, with the North line of said Interstate Highway No. 20, 272.78 feet to a concrete monument for corner;

THENCE North 79 deg. 39 min. West, with the North line of said Interstate Highway No. 20, 235.37 feet to a concrete monument for corner;

THENCE North 64 deg. 06 min. West, with the North line of said Interstate Highway No. 20, 14.74 feet to an iron stake for corner;

THENCE North 25 deg. 54 min. East, 691.47 feet to an iron stake for corner;

THENCE South 64 deg. 06 min. East, 180.88 feet to an iron stake set on the West line of Farm to Market Road No. 859, for corner;

THENCE South 05 deg. 13 min. East, with the West line of said Farm to Market Road No. 859, 564.40 feet to the place of beginning, containing 5.00 acres of land.

Tract 3

Being all that certain lot, tract or parcel of land situated in Van Zandt County, Texas, a part of the Q.C. NUGENT SURVEY, Abstract No. 618, and described as follows:

Being a part of a certain tract called 73.05 acres in deed from C.E. Daniel et ux to Russell Gambill, dated March 10, 1960, and now of record in the Deed Records of Van Zandt County, Texas;

BEGINNING at a point in the Northeast Right-of-Way of I-20, as same is marked and occupied as of this date, said beginning point being the point of intersection of said highway right-of-way line with the center line of State Farm Road No. 859, a concrete monument bears S 86 deg 33 min East 40 feet;
THENCE North 7 deg West following center line of said Farm Road No. 859, a distance of 300 feet to corner in same, an existing iron bar bears South 86 deg 33 min East 40 feet;
THENCE South 86 deg 33 min East following a Southwest line of a certain tract called 41.1968 acres in deed from Clayton A. Bolt et ux to George McNeff, dated July 30, 1971, and now of record in Volume 764, page 588, of the Deed Records of Van Zandt County, Texas, a distance of 280.83 feet to existing iron bar for corner;
THENCE South 64 deg 4 min East following said Southwest line 355.60 feet to existing iron bar for corner;
THENCE South 29 deg 27 min East following said Southwest line 480.57 feet to existing iron bar for corner;
THENCE South 43 deg 3 min East following said Southwest line, 127.88 feet to existing iron bar for corner;
THENCE South 64 deg 4 min East following said Southwest line, 129 feet to existing iron bar for corner, said corner being an inner "L" corner of said 41.1968 acre tract;
THENCE South 25 deg 56 min West, following Northwest line of said 41.1968 acre tract, 300 feet to iron bar marking a corner of said 41.1968 acre tract that is in said Northeast Right-of-Way Line of I-20;
THENCE North 64 deg 4 min West following said right of way line, 294.40 feet to concrete monument for corner;
THENCE North 43 deg 3 min West following said right of way line, 213.70 feet to concrete monument for corner;
THENCE North 29 deg 27 min West following said right of way line, 431.30 feet to concrete monument for corner;
THENCE North 64 deg 4 min West following said right of way line, 185 feet to concrete monument for corner;
THENCE North 86 deg 33 min West following said right of way line, 186 feet to the place of beginning, containing 9.342 acres of land and including 0.27 acre in said Farm Road, the portion in said road being the equivalent of a strip that is 300 feet in length and 40 feet in width.

Tract 4

All that certain lot, tract or parcel of land, lying and being situated in Van Zandt County, Texas, being a part of the Q.C. NUGENT SURVEY, Abstract No. 618, and the WILLIAM SHERMAN SURVEY, Abstract No. 761, Van Zandt County, Texas, and being a part of that certain 73.05 acre tract out of said surveys described in deed dated March 10, 1960 from C.E. Daniel and wife, Lucy Daniel to Russell Gambill and wife, Olga Parker Gambill as found of record under File No. 924 of the Deed Records of Van Zandt County, Texas, and this portion thereof described as follows, to-wit;

BEGINNING at a ½" iron rod set for corner at the most Northerly East corner of said 73.05 acre tract, same being in the Northeast side of an abandoned roadway; same being on the survey line between the Wm. Sherman and Q.C. Nugent survey;

THENCE North 45 deg West with the most Northerly Northeast line of said 73.05 acre tract and said roadway, 300 feet to a ½" iron rod set for corner in same;

THENCE South 60 deg 21 min 42 sec West, 21 min 42 sec West, 1342.44 feet to a point in the West line of said 73.05 acre tract, same being a point in the center of Farm Road No. 859 from which a ½" iron rod brs North 60 deg 21 min 42 sec East 47.5 feet;

THENCE South 5 deg 03 min 29 sec East with the center of said Farm Road No. 859 and the West line of said 73.05 acre tract, 753.51 feet to a point in same from which a ½" iron rod brs North 86 deg 14 min East 40.50 feet;

THENCE North 86 deg 14 min East, 280.83 feet to a ½" iron rod set for corner;

THENCE South 64 deg 31 min East, 355.60 feet to a ½" iron rod set for corner;

THENCE South 30 deg 31 min East, 480.57 feet to a ½" iron rod set for corner;

THENCE South 44 deg 36 min East, 127.86 feet to a ½" iron rod set for corner;

THENCE South 65 deg 09 min East, 240.67 feet to a ½" iron rod set for corner;

THENCE South 24 deg 51 min West, 300 feet to a ½" iron rod set for corner in the Northeast right of way line of Interstate Highway 20 same being in the Southwest line of said 73.05 acre tract;

THENCE South 65 deg 09 min East with said Southwest line of said 73.05 acre tract, 572.70 feet to the South corner of said 73.05 acre tract, a ½" iron rod set for same;

THENCE North 44 deg 31 min East with the most Southerly Southeast line of said 73.05 acre tract, 524.78 feet to a ½" iron rod set for corner at the most Southerly East corner of same;

THENCE North 45 deg West with the most Southerly Northeast line of said 73.05 acre tract, 1898.0 feet to a ½" iron rod set for corner at the Eastern inner ell corner of same; same being on the survey line between the said Sherman and Nugent surveys;

THENCE North 45 deg East with said Survey line and most Northerly Southeast line of said 73.05 acre tract, 1046.0 feet to the point of beginning, containing 41.1968 acres of land.

EXHIBIT "B"

CITY OF CANTON, TEXAS
ANNEXATION SERVICE PLAN

AREA ANNEXED

All of that territory more particularly described in "Exhibit A" attached hereto and made a part hereof.

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.

AFTER RECORDING, RETURN TO:

City Secretary
City of Canton
P.O. Box 245
Canton, TX 75103

Doc 00038903 BK Vol Pg
2182 374

FILED AND RECORDED

REAL RECORDS

On: Oct 27, 2006 at 01:03P

Document Number: 00038903

Amount 39.00

By
Dachelle Furr
Elizabeth Everitt, County Clerk
Van Zandt County

STATE OF TEXAS

COUNTY OF VAN ZANDT

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded in the volume and page of the named records of: Van Zandt County as stamped hereon by me.

Oct 27, 2006

Elizabeth Everitt, County Clerk
Van Zandt County

