

**CITY OF CANTON, TEXAS
ANNEXATION ORDINANCE NO. 2009-10**

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 AND ALL CONTIGUOUS ROADWAY 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; and

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; and

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

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

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 has 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 the City of Canton consisting of 3.80 acres situated in the James Douthit Survey, A-198, located on Highway 19 South, more particularly described in "Exhibit A" attached hereto and made a part hereof, along with all contiguous roadway, 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 3. That the municipal service plan for the herein annexed territory provided for in Exhibit "B" attached hereto is hereby adopted.

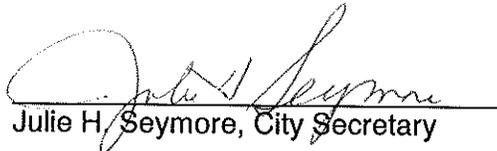
Section 4. That the City Secretary is hereby directed to file with the County Clerk and other appropriate officials and agencies, as required by state and federal law and city annexation procedures, certified copies of this ordinance.

PASSED by an affirmative vote of the Governing Body of the City of Canton, Texas, this the 17th day of March, 2009.

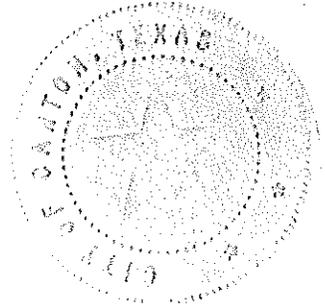


WILLIAM R. WILSON, MAYOR
The City of Canton, Texas

ATTEST:



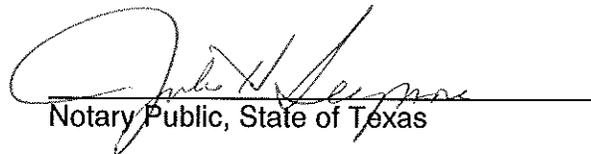
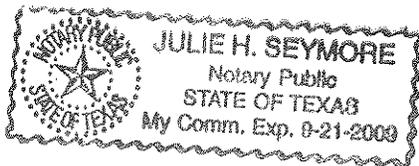
Julie H. Seymore, City Secretary



THE STATE OF TEXAS §
COUNTY OF VAN ZANDT §

BEFORE ME, the undersigned authority on this day personally appeared WILLIAM R. WILSON, 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 17 day of March, 2009.



Notary Public, State of Texas

EXHIBIT A

METES AND BOUNDS DESCRIPTION

Being 3.80 acres of land situated in the James Douthit Survey, Abstract No. 198, Van Zandt County, Texas, being a part of that certain called 44.0897 acre tract referred to in a Special Warranty Deed, dated June 13, 2001, from Mary Jo Burnett, Trustee, to the J. W. Burnett Family Trust, recorded in Volume 1655, Page 522 of the Real Records of Van Zandt County, Texas, said 44.0897 acre tract being more particularly described as "Tract No. 2" in a Partition Deed recorded in Volume 804, Page 630 of the Deed Records of Van Zandt County, Texas, and also being a part of that certain called 12.0898 acre tract (14.0898 acres, save and except 2.0 acres) described in a Warranty Deed, dated September 20, 1996, from J. W. Burnett and wife, Mary Jo Burnett to J. W. Burnett or Mary Jo Burnett, Trustees for The J. W. & M. J. Burnett Living Trust, recorded in Volume 1402, Page 75 of the Real Records of Van Zandt County, Texas. Said 3.80 acres of land being more particularly described as follows:

BEGINNING at a 1/2 inch drill hole in concrete (set) for corner in the West right-of-way line of State Highway No. 19, at the Southeast corner of that certain called 1.299 acre access easement described in an Easement Agreement for Access from Mary Jo Burnett, as Trustee of the J. W. Burnett Living Trust dated February 3, 2000, and as Trustee for the J. W. and M. J. Burnett Living Trust dated September 20, 1996, to Canton Economic Development Corporation, recorded in Volume 1976, Page 395 of the Real Records of Van Zandt County, Texas, and being located North 88 deg. 11 min. 34 sec. West, a distance of 60.09 feet and North 01 deg. 18 min. 06 sec. West, a distance of 61.24 feet from the Southeast corner of the above referenced 44.0897 acre tract;

THENCE: South 01 deg. 18 min. 06 sec. East, with the West right-of-way line of State Highway No. 19, a distance of 165.98 feet to a 1/2 inch iron rod (found) for corner within the above referenced 12.0898 acre tract and at the Northeast corner of that certain called 7.09 acre tract described in a Warranty Deed from Mary Jo Burnett, Trustee, to First State Bank, Ben Wheeler, Texas, recorded in Volume 1580, Page 383 of the Real Records of Van Zandt County, Texas;

THENCE South 83 deg. 11 min. 39 sec. West (Bearing Base, per Vol. 1580, Pg. 383, R.R.V.Z.C.T.), with the most Easterly North line of said 7.09 acre tract, a distance of 470.69 feet to a 1/2 inch iron rod (found) for corner at an angle corner in same;

THENCE: South 38 deg. 59 min. 32 sec. West, with the most Westerly Northwest line of said 7.09 acre tract, a distance of 325.90 feet to a 1/2 inch iron rod (set) for corner in the Southwest line of said 12.0898 acre tract and in the Northeast line of that certain called 60.00 acre tract described in a General Warranty Deed from James Sides and wife, Linda Sides to Canton Economic Development Corporation, recorded in Volume 1976, Page 403 of the Real Records of Van Zandt County, Texas, from which a 1/2 inch iron rod (found) bears North 38 deg. 59 min. 32 sec. East, a distance of 0.41 feet;

THENCE: North 41 deg. 39 min. 19 sec. West, with the Southwest line of said 12.0898 acre tract and with the Northeast line of said 60.00 acre tract, a distance of 272.23 feet to a 1/2 inch iron rod (set) for corner in same;

THENCE: North 48 deg. 12 min. 39 sec. East, with the most Westerly Southeast line of the above mentioned 1.299 acre access easement, a distance of 154.26 feet to a 1/2 inch iron rod (set) for corner at the beginning of a curve to the right;

THENCE: in a Northeasterly direction, with the Southeast line of said 1.299 acre access easement, and with a curve to the right, said curve having a Radius of 445.98 feet, a Delta Angle of 34 deg. 59 min. 00 sec., a Chord Bearing of North 65 deg. 42 min. 09 sec. East and a Chord Length of 268.09 feet, an Arc Length of 272.30 feet to a 1/2 inch iron rod (set) for corner at the end of said curve;

THENCE: North 83 deg. 11 min. 39 sec. East, with the most Easterly South line of said 1.299 acre access easement, a distance of 493.72 feet back to the PLACE OF BEGINNING and containing 3.80 acres of land.

STANGER

SURVEYING CANTON LLC

BOUNDARY SURVEY

3.80 ACRES

JAMES DOUTHIT SURVEY, ABSTRACT NO. 198
VAN ZANDT COUNTY, TEXAS

581 S. TRADE DAYS BLVD. CANTON, TEXAS 75103 PHONE: 903-567-5680 FAX: 903-567-6861

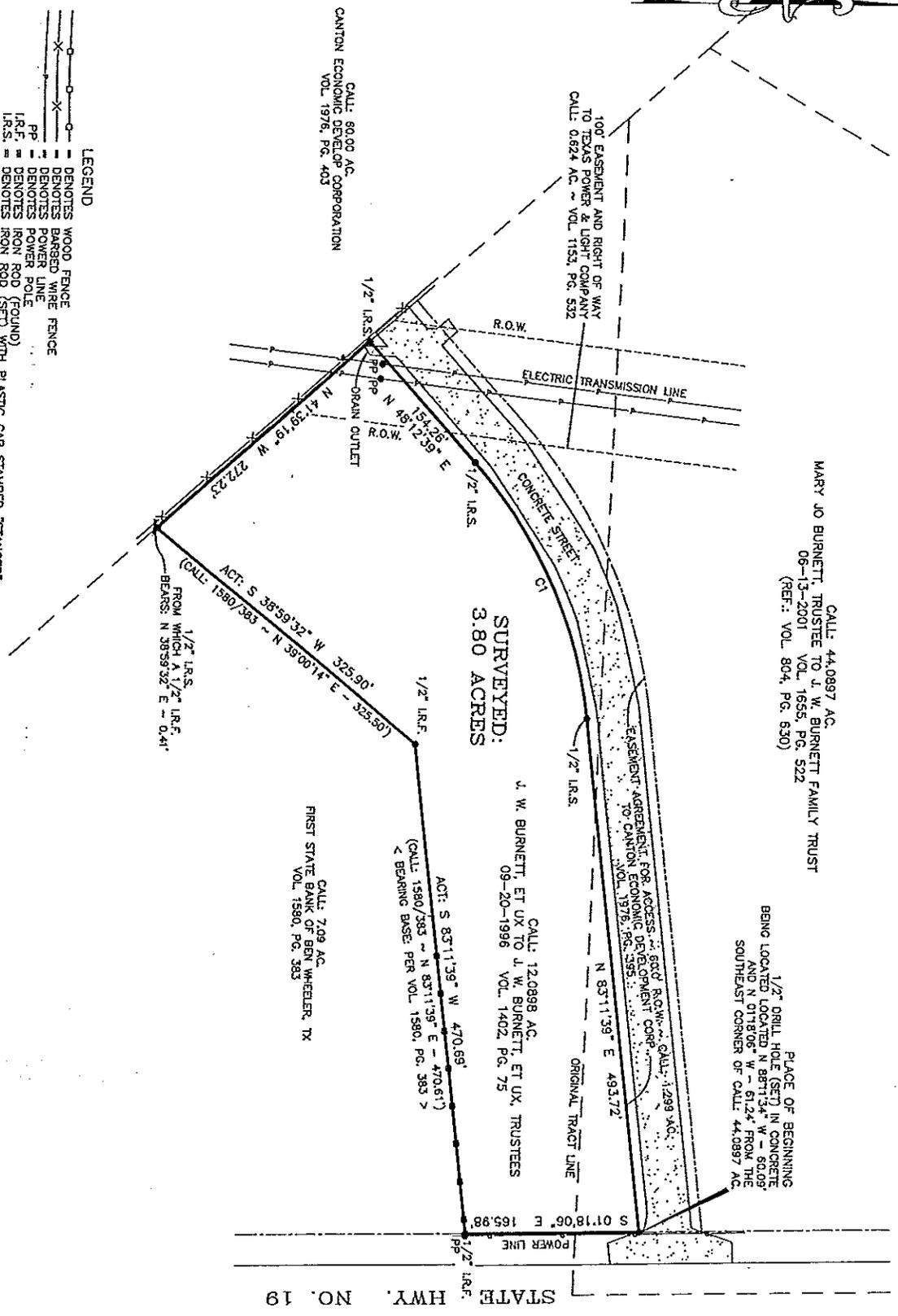
CURVE DATA (C1)			
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH
C1	445.98'	272.30'	268.09'
			CHORD BEARING
			N 85°42'09" E
			DELTA ANGLE
			3°45'00"

JAMES DOUTHIT SURVEY
ABSTRACT NO. 198

CALL: 44,0897 AC.
MARY JO BURNETT, TRUSTEE TO J. W. BURNETT FAMILY TRUST
05-13-2001 VOL. 1655, PG. 522
(REF.: VOL. 804, PG. 630)

PLACE OF BEGINNING
1/2" DRILL HOLE (SET) IN CONCRETE
AND N 01°18'06" W - 61.24' FROM THE
SOUTHEAST CORNER OF CALL: 44,0897 AC.

- LEGEND**
- DENOTES WOOD FENCE
 - - - DENOTES BARBED WIRE FENCE
 - - - DENOTES POWER LINE
 - - - DENOTES POWER POLE
 - PP DENOTES IRON ROD (FOUND)
 - PP DENOTES IRON ROD (SET) WITH PLASTIC CAP STAMPED "STRANGER"



**SURVEYED:
3.80 ACRES**

CALL: 12,0898 AC.
J. W. BURNETT, ET UX TO J. W. BURNETT, ET UX, TRUSTEES
09-20-1996 VOL. 1402, PG. 75

CALL: 7,09 AC.
FIRST STATE BANK OF BEN WHEELER, TX
VOL. 1580, PG. 383

CALL: 80,00 AC.
CANTON ECONOMIC DEVELOP CORPORATION
VOL. 1976, PG. 403

STATE HWY. NO. 19

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