

ORDINANCE 96-18

AN ORDINANCE SETTING A DATE, TIME AND PLACE FOR TWO PUBLIC HEARINGS ON THE PROPOSED ANNEXATION OF CERTAIN PROPERTY BY THE CITY OF COMMERCE, TEXAS; AUTHORIZING AND DIRECTING THE CITY MANAGER TO PUBLISH NOTICE OF SUCH PUBLIC HEARINGS, AND PROVIDING THAT NOTICE CONTAIN PROVISION RESPECTING AVAILABILITY OF SERVICE PLAN; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF COMMERCE, TEXAS:

Section 1. Pursuant to Chapter 42 and Chapter 343, Local Government Code, two Public Hearings will be held giving all interested persons the right to appear and be heard on the proposed annexation by the City of Commerce, Texas, of the hereinafter described property. The first of such hearings to be conducted on the 14th day of January, 1997, at 12:00 p.m. in the Council Chamber of the City Hall of the City of Commerce, Texas, such time and place being not more than forty (40) days nor less than twenty (20) days prior to passage of such proposed annexation. The Second of such hearings to be conducted on the 21st day of January, 1997, at 7:00 p.m. in the Council Chamber of the City Hall of the City of Commerce, Texas. The proposed property to be annexed being described as follows, to-wit:

Tract 1

Being all that certain lot, tract or parcel of land situated in Hunt County, Texas, being part of the John Grilski Survey, Abstract No. 388, and the J.C. Riley Survey, Abstract No. 921, being the property conveyed by A.A. Morgan, et ux. to Jimmy Clack and described as first Tract and Second tract in the deed recorded in the Real Property Records of Hunt County in Volume 367 and Page 292 and being more particularly described as follows:

BEGINNING at a 3/4 inch iron rod found at the northwest corner of said First Tract, said corner being in the center of County Road No. 4421 (also known as Oak Lane);
THENCE S 85 degrees 33'18" E along said center of Road and the north line of said First Tract a distance of 563.32 feet to a 1/2 inch iron rod set, for a corner,
THENCE S 02 degrees 30'00" W along a fence 878.57 feet to a 1/2 inch iron rod found at a fence corner, for a corner,
THENCE S 75 degrees 49'22" E along a fence 148.83 feet to a 1/2 inch iron rod found at a fence corner at a northwest corner of Woodglen Estates, an subdivision in said County (plat unrecorded), for a corner,
THENCE S 01 DEGREES 47'45" W along a fence 360.03 feet to a 1/2 inch iron rod found at a fence corner at a westernmost southwest corner of said Woodglen Estates, for a corner,

THENCE S 88 degrees 23'54" E along a fence 251.83 feet to the center of a creek at the northwest corner of Lot 14 of said Woodglen Estates, for a corner, said corner being referenced by a 1/2 inch iron rod found off-set N 88 degrees 23'54" W 13 feet on the west bank of said Creek;

THENCE in a southerly direction with said center of Creek as follows: S20 degrees 28'14" E 16.79 feet, S 13 degrees 25'06" E 43.91 feet, S 02 degrees 15'34" W 22.09 feet, S 24 degrees 46'36" E 43.16 feet, S 75 degrees 37'31" E 55.58 feet, S 37 degrees 12'40" E 57.54 feet, S 14 degrees 56'32" W 32.78 feet, S 03 degrees 56'22" E 16.70 feet, S 16 degrees 04'18" W 65.69 feet, S 64 degrees 59'02" E 41.07 feet, S 05 degrees 59'19" E 82.58 feet, S 66 degrees 40'30" E 46.91 feet and S 02 degrees 59'50" W 67.82 feet to the southeast corner of said Second Tract, for a corner'

THENCE N 97 degrees 14'01" W, at 17.32 feet passing a 1/2 inch iron rod found and continuing along a fence, for a total distance of 1130.82 feet to a 1/2 inch iron rod found at a fence corner at the southwest corner of said Second Tract, for a corner;

THENCE N 00 degrees 31'03" E along a fence on the west line of said Second Tract and the west line of a road a distance of 383.15 feet to a 1/2 inch iron rod set;

THENCE N 01 degrees 28'28" E along said fence and west line of road and said Second Tract and the west line of said First Tract a total distance of 723.19 feet to a 1/2 inch iron rod set;

THENCE N 01 degrees 37'02" E continuing along said west line of road and said First Tract 58.81 feet to a 1/2 inch iron rod set, for a corner;

THENCE N 21 degrees 21'03" E along the center of said road and the west line of said First Tract 204.36 feet to the beginning of a curve to the left in said road and west line having a radius of 361.96 feet, a central angle of 40 degrees 10'13" and a chord bearing N 02 degrees 02'50" E 248.61 feet to the end of said curve;

THENCE 253.77 feet in a northerly direction along said curve in said west line and center of road to a 1/2 inch iron rod set at the end of said curve;

THENCE N 25 degrees 12'24" W continuing along said center of road and west line 158.13 feet to return to the Place of Beginning and containing 27.852 acres of land.

Tract 2

Being a 9.827 acre tract of land that is a part of 55.879 acres described in a deed, from Addylene Lamb to the Commerce Industrial Development Association, recorded in Volume 908, page 446 of the Deed Records of Hunt County, Texas, lying and situated in the Samuel Swartout Survey, Abstract No. 1022 and being more particularly described by metes and bounds as follows, to-wit:

BEGINNING at the north right-of-way of State Highway 11 at the southeast corner of U.S. Brass;

THENCE S. 48 degrees 42' E, 519.40 feet to a point;

THENCE N. 87 degrees 56' W, 207.1 feet to a point;

THENCE N. 28 degrees 08' E, 578.94 feet to a point;

THENCE N. 64 degrees 50' W, 692.71 feet to a point;

THENCE S. 28 degrees 08' W, 517.56 feet to the place of beginning and containing 9.827 acres of land more or less.

TRACT 3

Situated in Hunt County, Texas and being a tract or parcel of land, a part of the land known as Swindell land in the I.W. Riley Survey, Abst. No., 913 at the easterly edge of the City of Commerce and more particularly described and bounded as follows:

BEGINNING at the intersection of center line of public road on North Bdry. of land conveyed from Maloney to Swindell et al per deed of record in Vol. 546 page 156 of Hunt County Deed Records with the Easterly R.O.W. of F.M. Hwy No. 3218 in said survey, said Easterly Hwy R.O.W. being the East Bdry of 11.071 acres conveyed to State of Texas for Hwy purposes from Swindell et al per condemnation Cause No. 29-76 of record in Vol. 782 page 11 of Hunt County Deed Records, an iron pin for marker and said point being also 100 feet Easterly from State Hwy center line station No. 145 plus 97;

THENCE S. 1 degree 18 min. W. along Hwy R.O.W. 29 feet to concrete Hwy marker;

THENCE S. 46 degrees 18 min. W. along Hwy R.O.W. 70.7 feet to concrete Hwy marker;

THENCE S. 1 degree 18 min. W. and along Hwy R.O.W. 771.43 feet to iron stake for marker;

THENCE S. 89 degrees 08 min. 22 second. E. and along staked line 1280.7 feet to iron stake in fence line on E. Bdry of Swindell land, said point being also identified as being 986 feet Northerly along fence from an inside ell corner of same.

THENCE N. 2 degree 06 min. 38 sec. E. and along fence and E. Bdry of Swindell land and E. edge of 20 foot easement from sewer line now occupied by City of Commerce a distance of 847.17 feet to a corner of intersection with center of public road;

THENCE S. 89 degree W. and along center of existing public road 1242.6 feet to the place of beginning, and containing 25.00 acres of land, of which the Northerly 20 feet are occupied by existing public road.

Section 2. Savings Clause

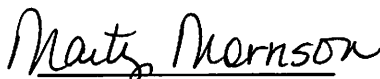
If any section, subsection, word, sentence, or phrase of this Ordinance is declared to be invalid, it shall not affect the validity of this Ordinance.

Section 3. Declaring an Emergency

WHEREAS, an emergency is apparent for the immediate preservation of order, health, safety and general welfare of the public, therefore, all rules and regulations providing for the reading of ordinances on more than one occasion be and the same are hereby suspended, and this Ordinance is passed and shall take effect as an emergency measure, and shall be and remain in full force and effect as herein provided from and after its passage and approval.

PASSED AND APPROVED, on this the 3rd day of December, 1996.

ATTEST:


Marty Morrison
City Secretary

CITY OF COMMERCE, TEXAS


John R. Sands
Mayor

(Seal)

I, Marty Morrison, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of an Ordinance, and that the same has not been repealed and is in full force and effect.

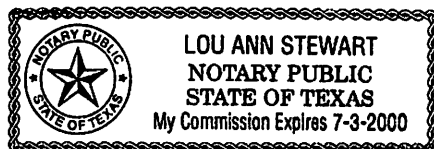
Marty Morrison
Marty Morrison, City Secretary
City of Commerce

(Seal)

SWORN TO AND SUBSCRIBED BEFORE ME, on this the 3rd day of December, 1996, to certify which witness my hand and seal of office.

Lou Ann Stewart
Notary Public, State of Texas

(Seal)



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