

ORDINANCE 97-4

AN ORDINANCE ANNEXING CERTAIN PROPERTY AND TERRITORY TO THE CITY OF COMMERCE, TEXAS, AND EXTENDING THE CORPORATE LIMITS OF THE CITY OF COMMERCE TO INCLUDE AND EMBRACE SAID TERRITORY WHICH IS ADJACENT TO AND CONTENTIOUS WITH THE PRESENT CORPORATE LIMITS OF THE CITY OF COMMERCE AND IS NOT WITHIN THE CITY LIMITS OF ANY OTHER CITY AND LIES SOLELY WITHIN THE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF COMMERCE; SAID TERRITORY BEING HEREINAFTER FULLY DESCRIBED BY METES AND BOUNDS IN SECTION 1 OF THIS ORDINANCE; PROVIDING A SERVICE PLAN, SAME BEING ATTACHED HERETO AND MADE A PART HEREOF; PLACING SUCH INHABITANTS ON EQUAL FOOTING WITH PRESENT INHABITANTS OF THE CITY OF COMMERCE; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATIONS; AND DECLARING AN EMERGENCY.

WHEREAS, in pursuant to Vernon's Texas Code Annotated, Local Government Code, Section 43.052, two public hearings were held giving all interested persons the right to appear and be heard on the proposed annexation of the property and territories described in Section 1 of this ordinance. The first of such hearings was held at City Hall on the 14th day of January, 1997, which date is not more than forty (40) nor less than twenty (20) days prior to the institution of annexation proceedings, the second public hearing was held at City Hall on the 21st day of January, 1997, which date is not more than forty (40) nor less than ten (10) days prior to the institution of annexation proceedings; and

WHEREAS, notice of each public hearing was published in a newspaper having general circulation in the City of Commerce, Texas, and in the hereinafter described territory. The notice of each hearing was published at least once in such newspaper not more than twenty (20) days nor less than ten (10) days prior to each hearing; and

WHEREAS, each notice informed inhabitants of the area of the existence of a service plan prepared by the Public Services Department of the city of Commerce, Texas, and informed inhabitants of the availability of such service plan for inspection as well as the availability of the director to explain such plan to inhabitants of the area of proposed annexation and in accordance with Vernon's Texas Code Annotated, Local Government Code, Section 43.052, said service plan marked Exhibit "A" and made a part hereof as if copied herein verbatim, and being approved by this ordinance; and

WHEREAS, the hereinafter described territory lies within the extraterritorial jurisdiction of the City of Commerce, Texas, solely; and

WHEREAS, the territory hereinafter described contains 52.852 acres; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF COMMERCE, TEXAS:

SECTION 1. TRACT DESCRIPTION: The following tracts of land located in Hunt County, Texas be and the same is hereby ordered to be annexed and to be included with the corporate limits of the City of Commerce, Texas, the corporate limits be extended so as to include said tracts of land in Hunt County, Texas, the same being described as a 27.852 acre tract of land and a 25 acre tract of land all situated in Hunt County, Texas, and that same tracts of land being further described in attached Exhibit "A".

SECTION 2. The above described territory and the area so annexed shall be a part of the City of Commerce, Texas, and the property so added hereby shall bear its pro rata part of the taxes levied by the City of Commerce, Texas, and the inhabitants thereof shall be entitled to all the rights and privileges of all citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the City of Commerce.

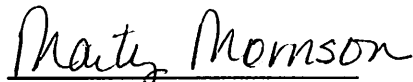
SECTION 3. That if any section, subsection, word, sentence or phrase of this ordinance is held invalid, it shall not affect the remaining part of this ordinance.

SECTION 4. The City Secretary is hereby authorized and directed to publish a copy of this ordinance in accordance with the terms and provisions of the charter of the City of Commerce and the laws of the State of Texas.

SECTION 5. The fact that it is necessary to place in operation the laws and municipal functions of the city within the territory annexed to the City of Commerce at the earliest possible date creates an emergency for the immediate preservation of the public business, property, health, safety and general welfare of the public which requires that this ordinance be passes as an emergency measure under the Charter of the City of Commerce, Texas.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Commerce, Texas, on this the 18th day of February, 1997.

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.

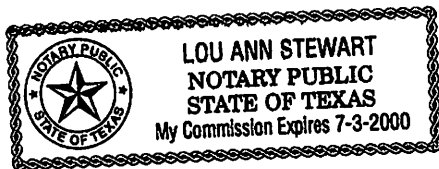
(seal)

Marty Morrison
Marty Morrison
City Secretary

Sworn to and subscribed before me, on this the 18 day of February, 1997, to certify which witness my hand and seal of office.

(seal)

Lou Ann Stewart
Notary Public
State of Texas



Tract 1 - J.F. Clack Property

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 - Commerce Elementary School

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.

**City of Commerce, Texas
Annexation Service Plan
October, 1996**

This service plan for annexation of property to the City of Commerce, Texas, has been prepared by the Public Services Department of the City of Commerce, Texas, in conformance with the requirements of Chapter 43, SubChapter C, Section 43.056, Texas Local Government Code:

SECTION 2.1: SERVICES TO BE PROVIDED WITHIN SIXTY (60) DAYS.

- A. POLICE PROTECTION.** Police protection personnel and equipment from the Commerce Police Department will be provided to the area within sixty (60) days of the effective date of annexation, using existing personnel and equipment.
- B. FIRE PROTECTION.** Fire protection and suppression personnel and equipment from the Commerce Fire Department will be provided upon request within sixty (60) days of the effective date of annexation using existing personnel and equipment. Fire protection service to the tract will be from the main fire station.

The services of the City of Commerce Fire Marshall shall be provided within the same time frame.

- C. SOLID WASTE COLLECTION.** Solid waste collection shall be provided by the City of Commerce in accordance with Chapter 78 "Solid Waste", Code of Ordinances, as amended, City of Commerce, Texas, within sixty (60) days of the effective date of annexation. The collection of refuse from individual properties and containers shall be made in accordance with usual scheduling. The provision of refuse container receptacles shall in accordance with the City's Sanitation Contract.
- D. MAINTENANCE OF WATER AND WASTEWATER FACILITIES.** Maintenance of water facilities shall be assumed by the City of Commerce Public Utilities Department in accordance with Chapter 94 "Utilities", Code of Ordinances, as amended, City of Commerce, within sixty (60) days of the effective date of annexation.

Sanitary sewer extensions will be paid by the subdividers as additional development occurs in accordance with the City's Subdivision Ordinance.
- E. MAINTENANCE OF ROADS, STREETS, ALLEYS AND STREET LIGHTING.** The placement of proper traffic control devices, street markers and street lights shall be made within sixty (60) days of the effective date of annexation. All traffic control devices, street markers, and street lights shall be

located per the requirement of the Director of Public Works. Maintenance of existing traffic control devices, street markers, and street lights shall become the responsibility of the City of Commerce within sixty (60) days of the effective date of annexation.

Traffic control devices, street markers, and street lights required by additional development in the area will be provided in accordance with Chapter 82 "Streets and Sidewalks", and Chapter 90 "Traffic and Vehicles", Code of Ordinances, as amended, City of Commerce.

- F. MAINTENANCE OF PARKS, PLAYGROUNDS, SWIMMING POOLS, AND OTHER PUBLICLY OWNED FACILITIES, BUILDINGS, OR SERVICES.** Since no public parks, playgrounds, swimming pools, or other publicly owned facilities or buildings presently exist in this tract, no maintenance of such is necessary. Upon development of any of these facilities and acceptance by the City, maintenance shall become the responsibility of the City of Commerce.

Property owners within the annexed area shall be afforded the opportunity to utilize all City services including, but not limited to, code enforcement, planning, animal control, library, health, parks and recreation programs and all other normal municipal services within sixty (60) days of the effective date of annexation.

SECTION 2.2: CAPITAL IMPROVEMENTS.

All capital improvements including, but not limited to, streets, alleys, water service lines, waste water service lines, and fire hydrants, for new development shall be constructed by the developer of the tract in accordance with Appendix B "Subdivisions", Code of Ordinances, as amended, City of Commerce.