

ORDINANCE 11-20

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; AND PROVIDING FOR PUBLICATIONS.

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 such hearings was held at City Hall on September 20, 2011 which date is not more than forth (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 September 27, 2011, 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 Community Development 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 with the extraterritorial jurisdiction of the City of Commerce, Texas, solely; and

WHEREAS, the territory hereinafter described contains a total of 20 acres; and

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

SECTION 1: TRACT DESCRIPTION: The following tract 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 tract of land in Hunt County, Texas, the same being described as a 20 acres tract of land situated in Hunt County, Texas, and that same tract 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.

PASSED AND APPROVED on the FIRST READING at a regular meeting of the City Council of the City of Commerce, Texas, on this the 18th day of October 2011.

PASSED AND APPROVED on the SECOND READING at a regular meeting of the City Council of the City of Commerce, Texas, on this the 15th day of November 2011.

ATTEST:

Marty Cunningham
Marty Cunningham, City Secretary

(seal)

CITY OF COMMERCE:

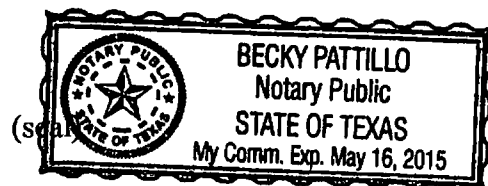
Quay Throgmorton
Quay Throgmorton, Mayor

I, Marty Cunningham, 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 Cunningham
Marty Cunningham, City Secretary

(seal)

Sworn to and subscribed before me, on this the 12th day of November 2011, to certify which witness my hand and seal of office.



Becky Pattillo
Notary Public, State of Texas

newordinance/AllianceAnnexationOrd.111511

PROPOSED ANNEXATION
24.9 Acres
Samuel Swartout Survey A-1022
John Grilski Survey A-388
Hunt County Texas
November 2011

Being 24.9 acres of land situated N 65°30' E, 15 miles from the City of Greenville, County of Hunt, State of Texas, being a part of the Samuel Swartout Survey A-1022 and the John Grilski Survey A-388, also being all of a called 20.00 acre tract of land conveyed to Alliance Carpet Cushion Co from Commerce Economic Development Corporation on December 20, 2000 and recorded in volume 712, page 422 of the Official Public Records of said county, and being all of a called 1.145 acre tract of land conveyed to Alliance Carpet Cushion Co from Commerce Economic Development Corporation on September 2, 2004 and recorded in volume 1211, page 218 of the Official Public Records of said county, along with a portion of a Public Access and Utility Easement as shown on the Final Plat of CEDC Industrial Park Block A, Lot 1 as recorded in Hunt County Clerk's Document Number 2011-12488, and also a portion of the right of way of State Highway Number 11. The said 24.9 acre tract of land being more fully described by metes and bounds as follows:

Beginning at a point for corner in the North right of way line of State Highway Number 11 at the existing eastern city limits of the City of Commerce, said point also being in the South boundary line of a called 10.01 acre tract of land conveyed from Brad D. Jacoby and wife Catherine G. Jacoby to Jacoby Family Limited Partnership No. V on June 24, 2005 and recorded in volume 1347, page 100 of the Official Public Records of Hunt County, Texas, from said point a ½ inch capped iron rod found at the westernmost corner of said Jacoby tract bears N 48°37'16" W, a distance of 346.74 feet;

Thence S 48°37'16" E, along the North right of way line of State Highway Number 11, and the South boundary line of the aforementioned Jacoby tract a distance of 101.37 feet to a point at a flare in the right of way of State Highway Number 11;

Thence S 87°52'51" E, along the aforementioned flare in the right of way of State Highway Number 11 and the South boundary line of the aforementioned Jacoby tract, a distance of 207.04 feet to a ½ inch iron rod found in the East line of a tract of land conveyed from Commerce Industrial Development Association to Commerce Economic Development Corporation on January 29, 1999 and recorded in volume 547, page 200 of the Official Public Records of Hunt County Texas, and also in the West line of a Public Access and Utility Easement as shown on the plat of Block A, Lot 1 CEDC Industrial Park as recorded in County Clerk's Document Number 2011-12488 of Hunt County Texas;

Thence N 30°57'00" E, along the East boundary line of the aforementioned Jacoby tract and the West boundary line of the aforementioned Public Access and Utility Easement shown on the plat of Block A, Lot 1, CEDC Industrial Park, a distance of 600.70 feet to a ½ inch iron rod found at an interior corner of said Block A, Lot 1 CEDC Industrial Park;

Thence N 30°58'00" E, along the West boundary of the aforementioned Public Access and Utility Easement as shown on the Plat of Block A, Lot 1, CEDC Industrial Park, a distance of 747.73 feet to a point in the North boundary line of said Block A, Lot 1, CEDC Industrial Park, and the aforementioned

Commerce Industrial Development Association tract, said rod also being in the South right of way line of the St Louis and Southwestern Railroad;

Thence S 64°45'38" E, along the South right of way line of the aforementioned St. Louis and Southwestern Railroad right of way, at a distance of 60.33 passing a ½ inch iron rod found at the Northeast corner of the aforementioned Block A, Lot 1 CEDC Industrial Park, said rod also being the Northwest corner of a called 20.00 acre tract of land conveyed from Commerce Economic Development Corporation to Alliance Carpet Cushion Co on December 20, 2000 and recorded in volume 712, page 422 of the Official Public Records of Hunt County Texas, and continuing on at a distance of 800.82 feet passing a ½ inch iron rod found at the Northeast corner of said called 20.00 acre Alliance Carpet tract, said rod also being the Northwest corner of a called 1.145 acre tract of land conveyed from Commerce Economic Development Corporation to Alliance Carpet Cushion Co. on September 2, 2004 and recorded in volume 1211, page 218 of the Official Public records of said county, and continuing on for a total distance of 851.13 feet to a ½ inch capped iron rod found at the Northeast corner of said called 1.145 acre Alliance Carpet tract, said rod being the current Northwest corner of the Eastern remainder of the aforementioned Commerce Economic Development Corporation tract recorded in volume 547, page 200 of the Official Public Records of said county;

Thence S 30°57'07" W, along the East boundary line of the aforementioned called 1.145 acre tract, a distance of 985.86 feet to a ½ inch iron rod found in the centerline of Hunt County Road Number 4220, said iron rod also being the Southwest corner of the Eastern remainder of the aforementioned Commerce Economic Development Corporation tract, said rod also being in the South line of the Samuel Swartout Survey, A-1022 and the North line of the John Grilski Survey A-388;

Thence N 89°16'02" W, along the Southern boundary line of the aforementioned called 1.145 acre tract, at a distance of 57.94 feet passing a ½ inch iron rod found at the Southwest corner of said called 1.145 acre tract and at the Southeast corner of the aforementioned called 20.00 acre tract and continuing on for at total distance of 823.11 feet to a ½ inch iron rod found at the most Southern Southwest corner of the aforementioned called 20.00 acre tract, said rod also being the most Southern Southeast corner of the aforementioned Lot 1 of Block A, CEDC Industrial Park;

Thence N 89°19'11" W, along the South boundary line of the aforementioned Lot 1, Block A, CEDC Industrial Park, a distance of 134.34 feet to an X found chiseled in concrete at the Southernmost Southwest corner of said Lot 1, said X also being in a flare on the North right of way line of State Highway Number 11;

Thence S 02°07'09" W, along the flare in the North right of way line of State Highway Number 11 at a distance of 129.1 feet (as shown on the right of way map for State Highway Number 11) leaving the North right of way line of State Highway Number 11 and continuing on for a total distance of 284.35 feet to a point in the South right of way line of State Highway Number 11, said point also being in the North boundary line of a called 3.469 acre tract of land conveyed from New Hope Family Worship Church of God to Jesse E. Dunn and Odessa Dunn on August 31, 2004 and recorded in volume 1210, page 170 of the Official Public Records of Hunt County Texas;

Thence N 48°37'16" W, along the South right of way line of State Highway Number 11 and the North boundary line of the aforementioned Dunn tract, at a distance of 163.47 passing a ½ inch capped iron rod found at the Northwest corner of said Dunn tract, said rod also being the Northeast corner of a called 4

acre tract of land conveyed from Jerry Lynn Pope and wife Shirley Faye Pope to Kellie Brooks on June 29, 2000 and recorded in volume 665, page 659 of the Official Public Records of Hunt County Texas, and continuing on for a total distance of 386.33 feet to a ½ inch iron rod found at a flare in the South right of way line of State Highway Number 11;

Thence N 87°52'51" W, along the North boundary line of the aforementioned Brooks tract and the aforementioned flare in the South right of way line of State Highway Number 11 a distance of 207.10 feet (as shown on the right of way map for State Highway Number 11) to an angle point in said flare in the South right of way line of State Highway Number 11;

Thence N 02°07'09" E, along the aforementioned flare in the South right of way line of State Highway Number 11 a distance of 60.00 feet to a point in the current city limits line of the City of Commerce;

Thence S 87°52'51" E, along the current city limits line of the City of Commerce a distance of 151.53 feet to an angle point in the current city limits line;

Thence N 41°21'09" E, along the current city limits line of the City of Commerce a distance of 108.41 feet to the Point of Beginning and containing 24.9 acres of land.

The reference bearing for the tract of land described above is the West boundary line of the aforementioned called 20.00 acre Alliance Carpet Cushion Company tract.

This metes and bounds description is prepared for the City of Commerce for the sole purpose of defining or modifying the boundaries of the political subdivision.

Points can be located on the ground by ordinary surveying procedures

Any record monument or physical monumentation called for hereon was in place at the time of the preparation of this metes and bounds description.

This metes and bounds description is not to be used to convey or establish interests in real property.

Unless otherwise noted the bearings and distances shown hereon are the results of an on the ground survey completed by me on August 29, 2011.

A one page 11x17 plat accompanies this metes and bounds description.

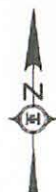
I, KEVIN K. WHITLEY, REGISTERED PROFESSIONAL LAND SURVEYOR, #5892, STATE OF TEXAS, HEREBY CERTIFY THAT: THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SUREVEY, AND IS NOT TO BE USED TO ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONVIFURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

K. K. Whitley 11/15/2011
KEVIN K. WHITLEY, RPLS



NOTES

1. THIS PLAT IS PREPARED FOR THE CITY OF COMMERCE FOR THE SOLE PURPOSE OF DEFINING OR MODIFYING THE BOUNDARIES OF THE POLITICAL SUBDIVISION.
2. POINTS CAN BE LOCATED ON THE GROUND BY ORDINARY SURVEYING PROCEDURES.
3. ANY RECORD MONUMENT OR PHYSICAL MONUMENTATION CALLED FOR HEREON WAS IN PLACE AT THE TIME OF THE PREPARATION OF THIS PLAT.
4. THIS PLAT IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY.
5. UNLESS OTHERWISE NOTED THE BEARINGS AND DISTANCES SHOWN HEREON ARE THE RESULTS OF AN ON THE GROUND SURVEY COMPLETED ON AUGUST 29, 2011.



SCALE: 1"=200'



SAMUEL SWARTOUT SURVEY A-1022

COMMERCE ECONOMIC
DEVELOPMENT CORPORATION
OR VOLUME 547, PAGE 200

CEDC INDUSTRIAL PARK
BLOCK A, LOT 1
CC# 2011-12488

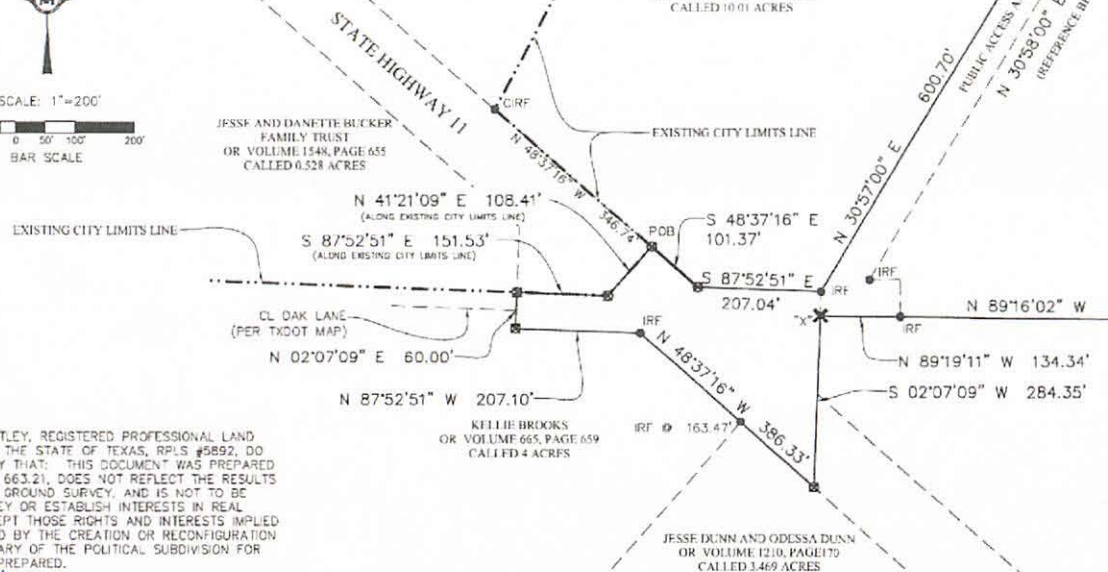
JACOBY FAMILY
LIMITED PARTNERSHIP
OR VOLUME 1547, PAGE 100
CALLED 10.01 ACRES

ALLIANCE CARPET CUSHION CO.
OR VOLUME 712, PAGE 422
CALLED 20.00 ACRES

24.9 ACRES

ALLIANCE CARPET CUSHION CO.
OR VOLUME 1211, PAGE 218
CALLED 1.145 ACRES

COMMERCE ECONOMIC
DEVELOPMENT CORPORATION
OR VOLUME 547, PAGE 200



JOHN GRILSKI SURVEY A-388

LEGEND

- IRF IRON ROD FOUND
- ✕ "X" FOUND IN CONCRETE POINT
- CIRF CAPPED IRON ROD FOUND
- RP REAL PROPERTY RECORDS
- DR DEED RECORDS
- CC# COUNTY CLERK DOCUMENT
- OR OFFICIAL PUBLIC RECORDS
- POB POINT OF BEGINNING
- EXISTING CITY LIMITS LINE
- EXISTING PROPERTY LINE



PROPOSED ANNEXATION 24.9 ACRES HUNT COUNTY, TEXAS NOVEMBER 2011

I, KEVIN K. WHITLEY, REGISTERED PROFESSIONAL LAND SURVEYOR FOR THE STATE OF TEXAS, RPLS #5892, DO HEREBY CERTIFY THAT: THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

K. Whitley 11/15/2011
KEVIN K. WHITLEY, RPLS

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TBP# FIRM NO. F 000315

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