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 INLCUDE 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 17, 2013 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 24,2013, 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 159.25 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 total of 159.25 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 15th day of October 2013.

PASSED AND APPROVED on the SECOND READING at a regular meeting of the City Council of the City of Commerce, Texas, on this the 19th day of November 2013.

ATTEST:

Marty Cunningham, City Secretary

CITY OF COMMERCE:

John Ballotti, Mayor

(seal)

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, City Secretary

(seal)

Sworn to and subscribed before me, on this the 21st day of November 2013, to certify which witness my hand and seal of office.

Notary Public, State of Texas

BECKY PATTILLO
Notary Public
STATE OF TEXAS
My Comm. Exp. May 16, 2015

(seal)

newordinance/HydroAnnexationOrd.111913

Annexation Service Plan

Hydro Aluminum currently has all City Services as does the Chogie Building. The City of Commerce will provide full Municipal Service to the Industrial Park as it is developed.

PROPOSED ANNEXATION
9.14 Acres
Samuel Swartout Survey A-1022
Hunt County Texas
July 2013

Being 9.14 acres of land situated N 65° E, 14.8 miles from the City of Greenville, County of Hunt, State of Texas, being a part of the Samuel Swartout Survey A-1022, also being part of a called 10.01 acre tract of land conveyed to Jacoby Family Limited Partnership from Brad D. Jacoby and wife, Catherine G. Jacoby on June 24, 2005 and recorded in volume 1347, page 100 of the Official Public Records of said county. The said 9.14 acre tract of land being more fully described by metes and bounds as follows:

Beginning at an iron rod found for corner at the Southeast corner of the aforementioned called 10.01 acre Jacoby tract, said rod also being in the North right of way line of a flare in State Highway Number 11 (called to be 131 feet Left of centerline station 78+36.6 on TXDOT right of way maps), and in the West boundary line 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 envelope G-127 of the Plat Records of Hunt County Texas, said rod also being located in the current city limits line of the City of Commerce;

Thence N 87°49'57" W, 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 206.85 feet to a point in the North right of way of State Highway Number 11(called to be 60 feet Left of centerline station 76+76.2 on TXDOT right of way maps);

Thence N 48°41'56" W, 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 448.01 feet to a ½ inch capped iron rod found at the Southeast corner of a tract of land conveyed from Commerce Industrial Development Association to Wallace Murray Corporation on June 18, 1982 and recorded in volume 898, page 630 of the Deed Records of Hunt County Texas;

Thence N 27°54'42" E a distance of 557.25 feet (as per the Final Plat of CEDC Industrial Park Block A, Lot 1 as recorded in Hunt County Clerk's Document Number 2011-12488 and envelope G-127 of the Plat Records of Hunt County Texas), along the common boundary line of the aforementioned Jacoby tract and the West boundary line of the aforementioned Wallace Murray Corporation tract, to a ½ inch iron rod found at the most Northern Southwest corner of said Block A, Lot 1 CEDC Industrial Park;

KKW

Thence S 64°36'06" E a distance of 654.62 feet (as per the Final Plat of CEDC Industrial Park Block A, Lot 1 as recorded in Hunt County Clerk's Document Number 2011-12488 and envelope G-127 of the Plat Records of Hunt County Texas), along the North boundary line of the aforementioned Jacoby tract and the most Northern South boundary of the aforementioned Final Plat of Block A, Lot 1, CEDC Industrial Park, to a ½ inch iron rod found at the Northeast corner of said Jacoby tract, said rod also being at an inner corner of said Block A, Lot one and also being located in the West boundary line of the aforementioned Public Access and Utility Easement;

Thence S 30°57'00" W a distance of 600.70 (as per the Final Plat of CEDC Industrial Park Block A, Lot 1 as recorded in Hunt County Clerk's Document Number 2011-12488 and envelope G-127 of the Plat Records of Hunt County Texas), along the East boundary line of the aforementioned Jacoby tract and the West boundary line of the aforementioned Public Access and Utility Easement to the Point of Beginning and containing 9.14 acres of land.

The reference bearing for the tract of land described above is the East boundary line of the aforementioned Public Access and Utility Easement.

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 July 11, 2013.

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 SURVEY 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 07/24/2013

KEVIN K. WHITLEY, RPLS

STATE OF TEXAS
REGISTERED
KEVIN K. WHITLEY
5892
PROFESSIONAL
LAND SURVEYOR

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 JULY 11, 2013.

6. A TWO PAGE METES AND BOUNDS DESCRIPTION ACCOMPANIES THIS PLAT.

N

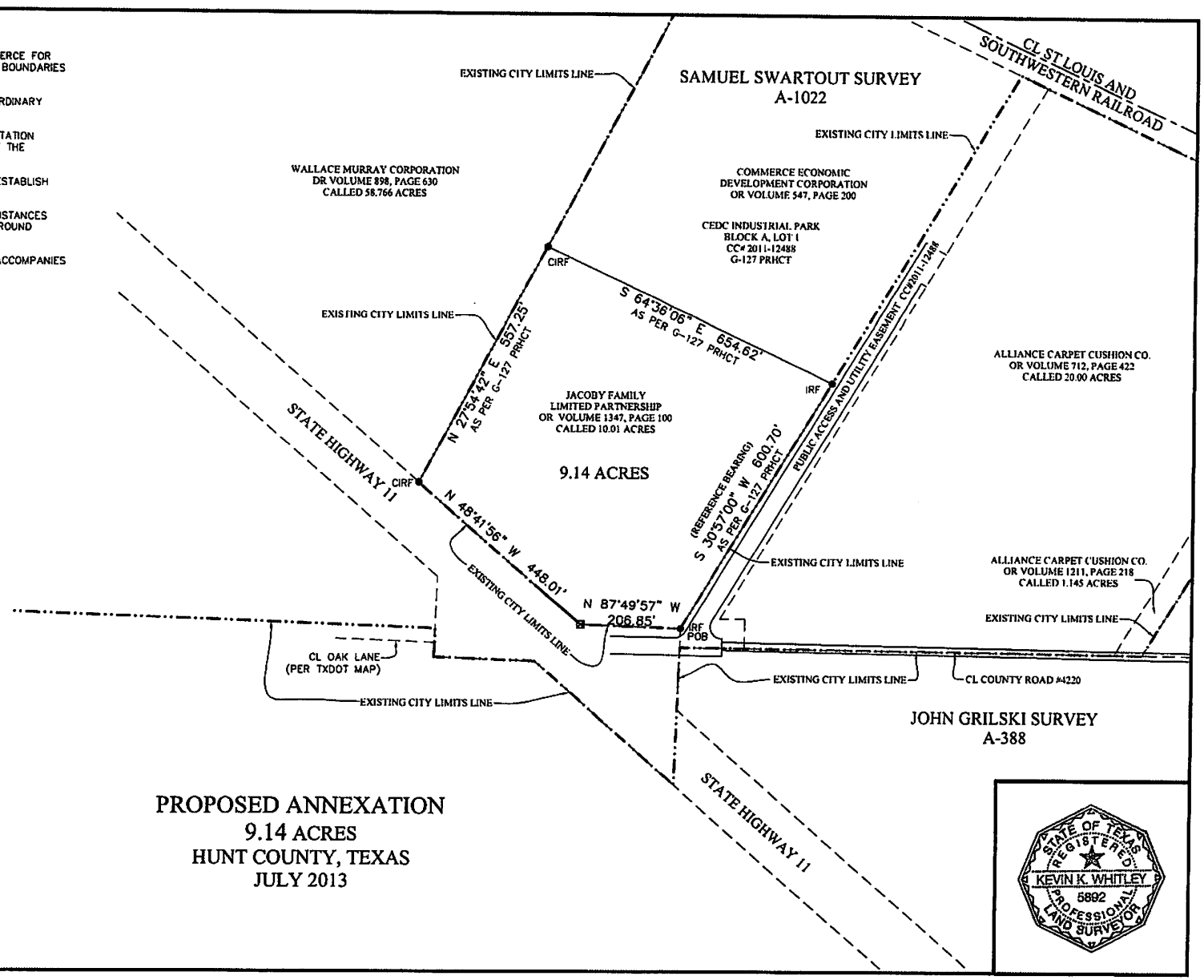
SCALE: 1"=200'

100' 50' 0 50' 100' 200'

BAR SCALE

LEGEND

● IRF	IRON ROD FOUND
⊠	POINT
● CIRF	CAPPED IRON ROD FOUND
PRHCT	PLAT RECORDS HUNT COUNTY TEXAS
DR	DEED RECORDS
CC#	COUNTY CLERK DOCUMENT
OR	OFFICIAL PUBLIC RECORDS
POB	POINT OF BEGINNING
—·—·—	EXISTING CITY LIMITS LINE
— — —	EXISTING PROPERTY LINE



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.

07/24/2013

KEVIN K. WHITLEY, RPLS

HAYTER ENGINEERING INCORPORATED
4445 S.E. LOOP 286 PARIS, TEXAS
903-785-8383
www.HayterEngineeringInc.com
TBPE FIRM NO. F 000315

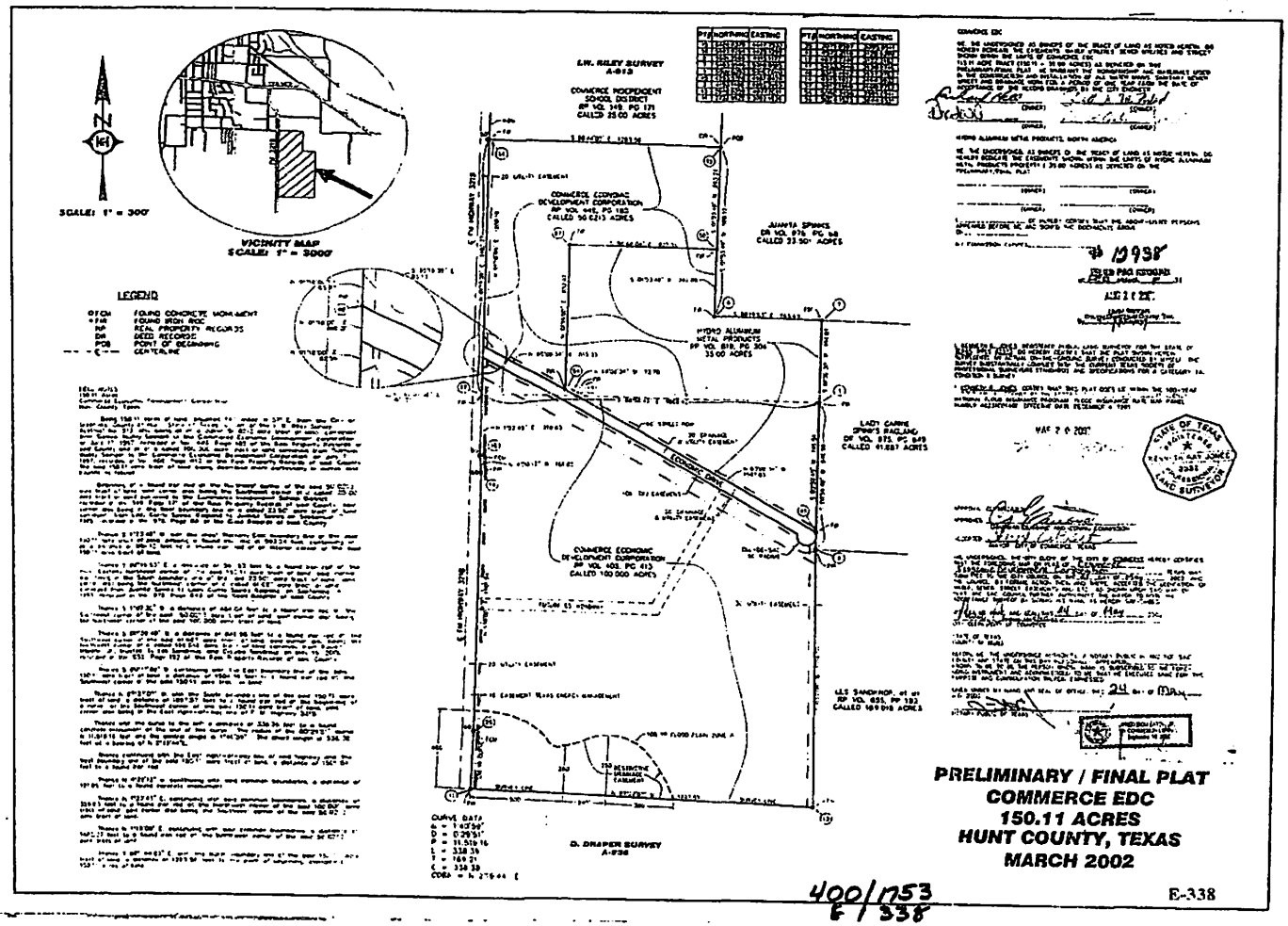
PROPOSED ANNEXATION
9.14 ACRES
HUNT COUNTY, TEXAS
JULY 2013

STATE OF TEXAS
REGISTERED
KEVIN K. WHITLEY
5892
PROFESSIONAL
LAND SURVEYOR

X:\Geo\SURVEYS\2013\DWG\Choate Annexation.dwg

PROPOSED ANNEXATION
150.11 Acres
I. W. Riley Survey A-913
Hunt County Texas
July 2013

Being 150.11 acres of land situated N 57° E, 14.1 miles from the City of Greenville, County of Hunt, State of Texas, being a part of the I. W. Riley Survey, Abstract No. 913, also being all of a called 150.11 acre tract of land platted as Commerce EDC, recorded in Envelope E-338 of the Plat Records of Hunt County Texas and as attached hereto.



PRELIMINARY / FINAL PLAT
COMMERCE EDC
150.11 ACRES
HUNT COUNTY, TEXAS
MARCH 2002

400/1753
E/338

Hydro

FIELD NOTES
35.00 Acres
Commerce Economic Development Corporation
Hunt County, Texas

Being 35.00 acres of land, situated 14.1 miles, N 57° E, from the City of Greenville, County of Hunt, State of Texas, a part of the I. W. Riley Survey, Abstract No. 913, also being a part of a called 50.0213 acre tract of land, conveyed from Samuel Waddy Swindell to the Commerce Economic Development Corporation, on June 17, 1997, recorded on Vol. 449, Page 185 of the Real Property Records of said County, also being a part of a called 100.000 acre tract of land conveyed from Samuel Waddy Swindell to the Commerce Economic Development Corporation, on July 11, 1997, recorded in Vol. 408, Page 413 of the Real Property Records of said County. The said 35.00 acre tract of land being described more particularly in metes and bounds as follows:

Beginning at a found iron rod at the Southeast corner of the said 50.0213 acre tract of land, said corner also being in the East boundary line of the said 35.00 acre tract of land, said point also being in the West boundary line of a called 41.687 acre tract of land, conveyed from Juanita Spinks to Lady Carrie Spinks Ragland, on September 4, 1985, recorded in Vol. 975, Page 649 of the Deed Records of said County, said point also being the Northeast corner of the said 100.00 acre tract of land;

Thence S 00°59'40" W, a distance of 746.54 feet to a set iron rod at the Southeast corner of the said 35.00 acre tract of land, said corner also being in the North boundary line of a proposed 60 ft street, containing 2.94 acres of land;

Thence N 60°08'34" W, with the South boundary line of the said 35.00 acre tract of land and the North boundary line of the said 60 ft. street, passing a set iron rod at the South boundary of the said 50.0213 acre tract of land at 1547.83 feet, continuing in all, a distance of 1620.54 feet to a set iron rod at the Southwest corner of the said 35.00 acre tract of land;

Thence N 1°18'00" E, with the West boundary line of the said 35.00 acre tract of land, a distance of 852.07 feet to a set iron rod at the Northwest corner of the said 35.00 acre tract of land;

Thence S 88°44'04" E, with the North boundary line of the said 35.00 acre tract of land, a distance of 827.39 feet to a set iron rod at the most Northerly Northeast corner of the said 35.00 acre tract of land, said corner also being in the West boundary line of a called 23.501 acre tract of land, conveyed from Lady Carrie Spinks Ragland to Juanita Spinks, on September 7, 1985, recorded in Vol. 976, Page 68 of the Deed Records of said County;

Thence S 1°53'48" W, with the most Westerly East boundary line of the said 35.00 acre tract of land and the West boundary line of the said 23.501 acre tract of land, a distance of 392.88 feet to a found iron rod at an interior corner of the said 35.00 acre tract of land;

Thence S 88°19'53" E, a distance of 593.93 feet to a found iron rod at the most Southerly Northeast corner of the said 35.00 acre tract of land;

Thence S 1°02'30" W, a distance of 484.04 feet to the point of beginning, containing 35.00 acres of land.

Exhibit "A"

This conveyance is made subject to any and all easements that are of record and not of record in the Land Records of Hunt County, Texas, that are apparent, visible and ascertainable by inspection on the ground, including any buried beneath the surface of the ground for servicing of utilities and like entities.

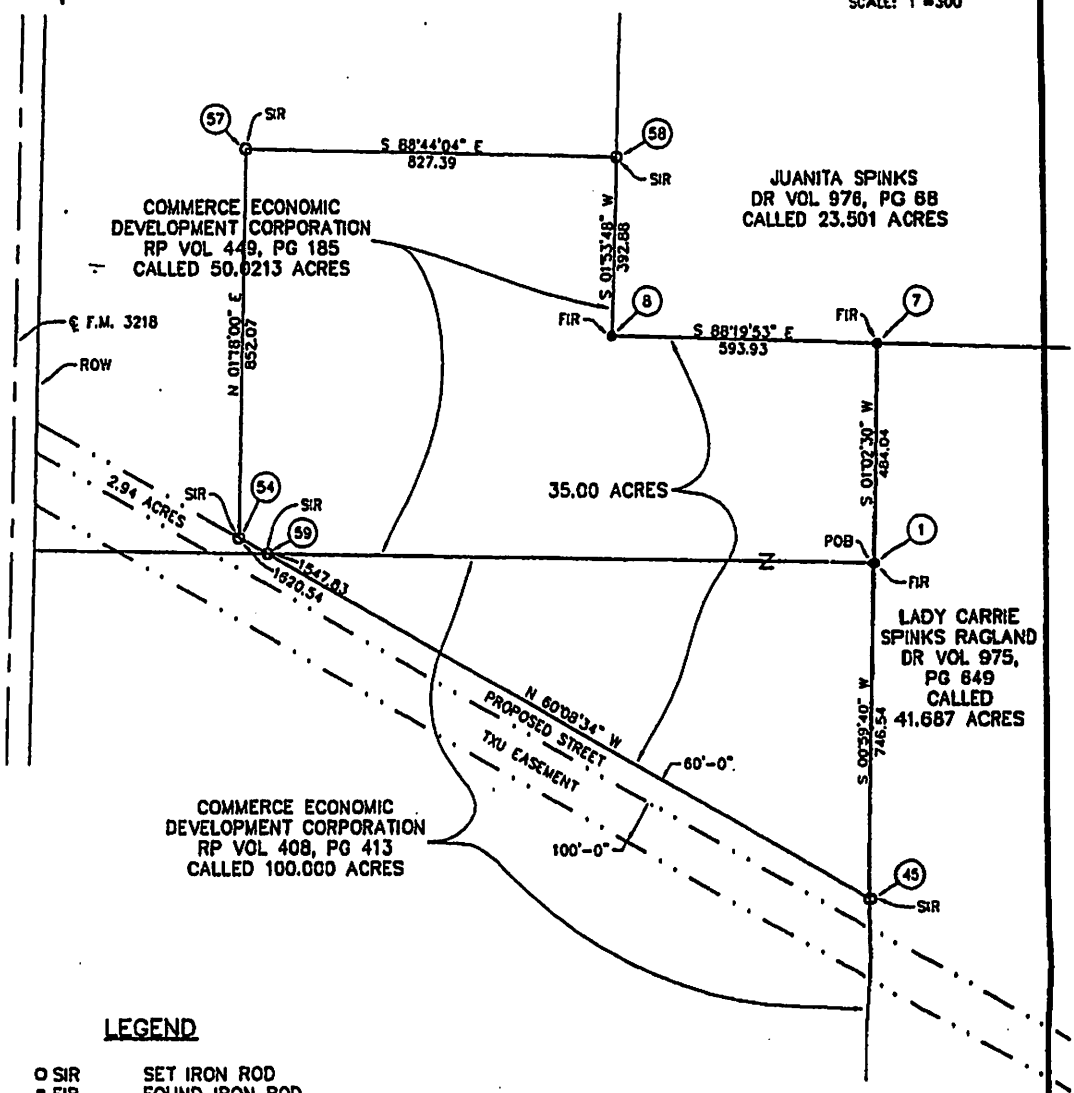
I, KENNETH RAY JONES, REGISTERED PROFESSIONAL LAND SURVEYOR, #3332, STATE OF TEXAS, HEREBY CERTIFY THE ABOVE IS TAKEN FROM MEASUREMENTS MADE UPON THE GROUND.

JUN 0 4 2001

PT#	NORTHING	EASTING
1	5000.0000	5000.0000
45	4253.5768	4987.0428
59	5024.1523	3644.6551
54	5060.3458	3581.6041
57	5912.1960	3600.9353
58	5893.9204	4428.1200
8	5501.2588	4415.1177
7	5483.9649	5008.8005

I.W. RILEY SURVEY
A-913

SCALE: 1"=300'



LEGEND

O SIR	SET IRON ROD
■ FIR	FOUND IRON ROD
RP	REAL PROPERTY RECORDS
DR	DEED RECORDS .
POB	POINT OF BEGINNING
ROW	RIGHT OF WAY LINE

COMMERCE ECONOMIC DEVELOPMENT CORP.
35.00 ACRES
HUNT COUNTY, TEXAS
JUNE 2001

I, KENNETH RAY JONES, REGISTERED PROFESSIONAL LAND SURVEYOR FOR THE STATE OF TEXAS, RPLS #3332, DO HEREBY CERTIFY THAT THE PLAT SHOWN HEREIN REPRESENTS AN ACTUAL ON-THE-GROUND SURVEY CONDUCTED BY MYSELF. THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS STANDARDS AND SPECIFICATIONS FOR A CATEGORY 1A, CONDITION IV SURVEY.

REGISTERED PROFESSIONAL LAND SURVEYOR

HAYTER ENGINEERING

JUN 0 4 2001

STATE OF TEXAS
KENNETH RAY JONES
3332
PROFESSIONAL
LAND SURVEYOR

Doc	Bk	Vol	Pg
16591	OR	819	309

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS
On: Dec 07,2001
at 01:13P

Document Number: 16591

Amount 19.00

By
Tammie Raney
Linda Brooks,
County Clerk
Hunt County

STATE OF TEXAS COUNTY OF HUNT

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 Hunt County as stamped hereon by me.

Dec 07,2001

Linda Brooks, County Clerk
Hunt County

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of Race, Color, Religion, Sex, Handicap, Familial Status or National Origin is invalid and unenforceable under FEDERAL LAW, 3/12/89

16591

Doc 16591 Bk OR Vol 819 Pg 304

819 | 12

WARRANTY DEED
(PREPARED WITHOUT TITLE EXAMINATION)

Date: November 5, 2001

Grantor: COMMERCE ECONOMIC DEVELOPMENT CORPORATION, a Texas non-profit corporation, acting herein by and through its President, Richard Hill and attested by its Secretary, Bob Clark.

Grantor's Mailing Address (including county): c/o City of Commerce, 1119 Alamo Street, Commerce, Texas 75428

Grantee: HYDRO ALUMINUM METAL PRODUCTS, NORTH AMERICA, a subsidiary of Norsk Hydro

Grantee's Mailing Address (including county): 3000 Economic Drive, Commerce, Texas 75428

Consideration: The sum of TEN AND NO/100 ($10.00) DOLLARS and other good and valuable consideration to the undersigned paid by the Grantee herein named, the receipt and full sufficiency of which is hereby acknowledged and confessed.

Property (including any improvements): All that certain lot, tract or parcel of land lying and being situated in the City of Commerce, Hunt County, Texas and being 35.00 acres of land out of the I.W. Riley Survey, Abstract No. 913 more fully described by metes and bounds on Exhibit "A" attached hereto to which Exhibit A reference is here made for the purpose of incorporating the same herein for all pertinent purposes.

Reservations from and Exceptions to Conveyance and Warranty: This conveyance is made and accepted subject to all matters affecting the property reflected in the Real Property Records of Hunt County, Texas.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to warranty.

When the context requires, singular nouns and pronouns include the plural.

EXECUTED this 21 day of November, 2001.

COMMERCE ECONOMIC DEVELOPMENT CORPORATION

Richard Hill

RICHARD HILL, President

ATTEST:

BOB CLARK, Secretary

STATE OF TEXAS §
COUNTY OF HUNT §

This instrument was acknowledged before me on the 21 day of November, 2001, by ~~DAVID AYERS~~ Richard Hill, President of COMMERCE ECONOMIC DEVELOPMENT CORPORATION, a Texas corporation, on behalf of said corporation.

SALLY FLIPPIN
NOTARY PUBLIC
STATE OF TEXAS
My Commission Expires 09-03-2003

Sally Flippin
Notary Public, State of Texas

T:\Clients\CEDC\Hydro Aluminum\Deed

PREPARED IN THE LAW OFFICE OF:
CURTIS, ALEXANDER, McCAMPBELL
AND MORRIS, P.C.
Attorneys at Law
2708 Washington Street
P. O. Box 1256
Greenville, Texas 75403-1256
(903) 455-8113

AFTER RECORDING RETURN TO:
CURTIS, ALEXANDER, McCAMPBELL
AND MORRIS, P.C.
Attorneys at Law
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Greenville, Texas 75403-1256