

CITY OF CANTON, TEXAS

ANNEXATION ORDINANCE NO. 2004-20

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 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;

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;

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

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

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 as 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:

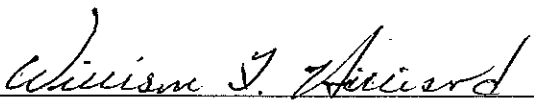
**Section 1.** All of that territory more particularly described in "Exhibit A" attached hereto and made a part hereof is hereby annexed into the City, and the boundary limits of the City of Canton are hereby extended to include said territory within the city limits of the City, and said land and the 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 2.** That the municipal service plan for the herein annexed territory provided for in Exhibit "B" attached hereto is hereby adopted.

Section 3. That the property owner's agreement to incur all costs associated with the provision of water and sewer service lines to this voluntarily-annexed property provided for in Exhibit "C" 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 21<sup>st</sup> day of September, 2004.

  
WILLIAM F. HILLIARD, MAYOR  
The City of Canton, Texas

ATTEST:

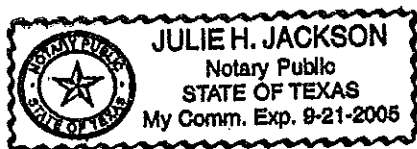
  
Julie H. Jackson, City Secretary



THE STATE OF TEXAS }  
COUNTY OF VAN ZANDT }

BEFORE ME, the undersigned authority on this day personally appeared WILLIAM F. HILLIARD, 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 27<sup>th</sup> day of September, 2004.



  
Notary Public, State of Texas

EXHIBIT A

SSC

STANGER SURVEYING COMPANY

100 WEST DALLAS STREET  
CANTON, TEXAS 75103

PH: 903-567-5680

FAX: 903-567-6861

Q. C. NUGENT SURVEY, ASBTRACT NO. 618  
VAN ZANDT COUNTY, TEXAS

METES AND BOUNDS DESCRIPTION FOR 26.24 ACRES OF LAND

BEING 26.24 acres of land situated in the Q. C. Nugent Survey, Abstract No. 618, Van Zandt County, Texas, being all of that certain called 1.11 acre tract (Lot 1) set aside to Jesse Smith Estate, all of that certain called 1.112 acre tract (Lot 11) set aside to Alma Smith Williams, all of that certain called 1.112 acre tract (Lot 12) set aside to Gratis G. Smith, and all of that certain called 1.112 (Lot 13) set aside to Curtis Smith, all being described in Report of Commissioners (Cause No. 11,371) styled Charlie Turner, et al vs. Clayton Bolt, et al, recorded in Volume 846, Page 830 of the Deed Records of Van Zandt County, Texas, and being all of that certain called 20.0 acre tract described in a Special Warranty Deed, dated May 20, 2003, from John A. Wilkins to Velma Waddleton, recorded in Volume 1833, Page 341 of the Real Records of Van Zandt County, Texas. Said 26.24 acres of land being more particularly described as follows:

BEGINNING at a point for corner at the West corner of the above referenced 1.11 acre tract (Lot 1), at the South corner of that certain called 2.37 acre tract (Lot 20) set aside as a public roadway in the above referenced Report of Commissioners (Vol. 846, Pg. 830) and being located in the roadway of County Road No. 2106, from which a 1-3/4 inch iron pipe (found) and used for reference bears North 43 deg. 59 min. 47 sec. East, a distance of 28.98 feet;

THENCE: North 43 deg. 59 min. 47 sec. East, with the Northwest line of said 1.11 acre tract and with the Southeast line of said 2.37 acre tract, a distance of 147.54 feet to a point for corner at the North corner of said 1.11 acre tract, from which a 1 inch iron pipe (found) and used for reference bears South 44 deg. 57 min. 05 sec. East, a distance of 0.06 feet;

THENCE: South 44 deg. 57 min. 05 sec. East, with the Northeast line of said 1.11 acre tract, a distance of 328.75 feet to a 1/2 inch iron rod (set) for corner at the East corner of same and in the Northwest line of the above referenced 20.0 acre tract;

THENCE: North 43 deg. 59 min. 47 sec. East, with the Northwest line of said 20.0 acre tract, a distance of 594.19 feet to a point for corner at the South corner of the above referenced 1.112 acre tract (Lot 11), from which a 1-1/4 inch galvanized iron pipe (found) and used for reference bears North 44 deg. 55 min. 17 sec. West, a distance of 0.38 feet;

THENCE: North 44 deg. 55 min. 17 sec. West, with the Southwest line of said 1.112 acre tract (Lot 11), a distance of 328.75 feet to a point for corner at the West corner of same and in the Southeast line of the above mentioned 2.37 acre tract, from which a 3/4 inch iron pipe (found) and used for reference bears South 44 deg. 55 min. 17 sec. East, a distance of 0.08 feet;

THENCE: North 43 deg. 59 min. 47 sec. East, with the Northwest line of said 1.112 acre tract (Lot 11), with the Northwest line of the above referenced 1.112 acre tract (Lot 12), with the Northwest line of the above referenced 1.112 acre tract (Lot 13), and with the Southeast line of said 2.37 acre tract, a distance of 441.78 feet to a point for corner at the North corner of said 1.112 acre tract (Lot 13), from which a 1 inch iron pipe (found) and used for reference bears South 45 deg. 02 min. 17 sec. East, a distance of 0.27 feet;

THENCE: South 45 deg. 02 min. 17 sec. East, with the Northeast line of said 1.112 acre tract (Lot 13), a distance of 328.74 feet to a 1/2 inch iron rod (set) for corner at the East corner of same and in the Northwest line of the above mentioned 20.0 acre tract;

THENCE: North 43 deg. 59 min. 47 sec. East, with the Northwest line of said 20.0 acre tract, a distance of 538.46 feet to a cotton spindle (set) for corner at the North corner of same and being located in a root on the Northeast side of a 14 inch cedar tree;

THENCE: South 46 deg. 02 min. 11 sec. East, with the Northeast line of said 20.0 acre tract and entering into the existing right-of-way of Private Road No. 6050, a distance of 547.97 feet (call: N 45° W - 504.44') to a 1/2 inch rod (set) for corner at the East corner of said 20.0 acre tract and being located in the Southwest margin of said road;

THENCE: South 43 deg. 53 min. 39 sec. West, with the Southeast line of said 20.0 acre tract, a distance of 1732.07 feet (call: N 45° E - 1725') to a point for corner at the South corner of same and being located in the roadway of County Road No. 2106, from which a 1/2 iron rod (set) for reference bears North 43 deg. 53 min. 39 sec. East, a distance of 32.58 feet;

THENCE: North 45 deg. 01 min. 00 sec. West, with the Southwest line of said 20.0 acre tract, with the Southwest line of the above mentioned 1.11 acre tract (Lot 1), and with the roadway of County Road No. 2106, a distance of 879.88 (total call: 833.16') back to the PLACE OF BEGINNING and containing a total of 26.24 acres of land, of which approximately 0.612 of an acre of land lies within the existing right-of-way of County Road No. 2106 and of which approximately 0.077 of an acre of land lies within the existing right-of-way of Private Road No. 6050.

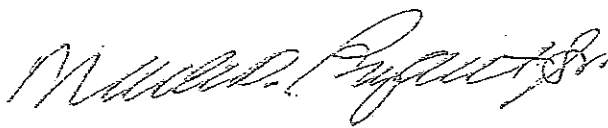
I, Mark D. Bryant, Sr., Registered Professional Land Surveyor, do hereby certify that the above description was prepared from an actual survey made on the ground under my direction and supervision during the months of January and February, 2004.

A red plastic cap stamped "Stanger" was placed on the above described 1/2 inch iron rods (set).

Bearings are based on the record bearing of S 45°01'00" E between a 1/2 inch iron rod (found) at the North corner of Lot 14 and a 1/2 inch iron rod (found) at the East corner of Lot 8, Canton Industrial Park, recorded in Glide 218B of the Plat Records of Van Zandt County, Texas.

Reference made to Plat of Survey prepared even date.

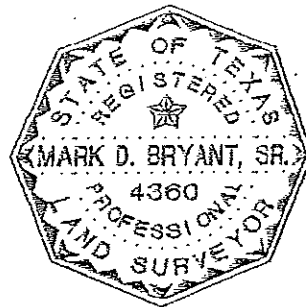
GIVEN UNDER MY HAND AND SEAL, this the 3rd day of February, 2004.



Mark D. Bryant, Sr.,  
Registered Professional Land Surveyor  
State of Texas No. 4360

Job No.: C04011

Survey Completed: 02-02-2004





**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

Doc BK Vol Pg  
00038898 OR 2182 337

FILED AND RECEIVED  
REAL RECORDS

On: Oct 27, 2006 at 01:03P

Document Number: 00038898

Amount 43.00

By  
Dachelle Furr  
Elizabeth Everitt, County Clerk  
Van Zandt County

STATE OF TEXAS

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:  
Van Zandt County  
as stamped hereon by me.

COUNTY OF VAN ZANDT

Oct 27, 2006

Elizabeth Everitt, County Clerk  
Van Zandt County