

Corry Davis Mktg

CITY OF CANTON, TEXAS

ANNEXATION ORDINANCE NO. 2005 - 38

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 containing approximately 7.59 acres located in the Q. C. Nugent Survey, at Old Mill Marketplace owned by Corry Davis Marketing, 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 20th day of December, 2005.



R.C. ANDERSON, MAYOR
The City of Canton, Texas

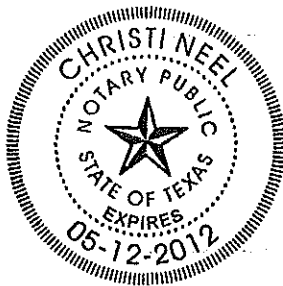
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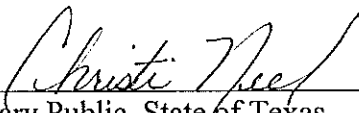
Julie H. Seymore, City Secretary

THE STATE OF TEXAS §
COUNTY OF VAN ZANDT §

BEFORE ME, the undersigned authority on this day personally appeared R.C. ANDERSON, 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 20th day of December, 2005.





Notary Public, State of Texas

EXHIBIT "A"

**J. DOUTHIT SURVEY, ABSTRACT NO. 198
VAN ZANDT COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION FOR 6.20 ACRES OF LAND

BEING a 6.20 acre tract of land situated within the J. DOUTHIT SURVEY, Abstract No. 198, Van Zandt County, Texas, and being a part of that certain called 9.39 acre tract described in a Receiver's Deed dated September 16, 1991 from Lynn Pierce, Receiver to W.L. Pierce, recorded in Volume 1235 Page 787 of the Real Records of Van Zandt County, Texas, said 6.20 acre tract of land being more particularly described as follows:

BEGINNING at a 3/8" iron rod (found) for corner at the East corner of the above referenced 9.39 acre tract, in the South line of State Highway No. 243, and being located North 78 deg 33' 55" West – 17.82 feet from a concrete monument (found) at the intersection of the South line of State Highway No. 243, with the Southwest line of State Highway No. 64;

THENCE South 44 deg 40' 07" West (Bearing Base, per Vol. 1235 Page 787), with the Southeast line of said 9.39 acre tract, a distance of 800.26 feet to a 1/2" iron rod (set) for corner at the South corner of same;

THENCE North 46 deg 24' 31" West, with the Southwest line of said 9.39 acre tract, a distance of 336.20 feet to a 1/2" iron rod (found) for corner at the South corner of that certain called 1.24 acre tract described in a Deed dated April 19, 2000, from Gladys C. Pierce to John William Crow, et ux, recorded in Volume 1555 Page 235 of the Real Records of Van Zandt County, Texas;

THENCE North 30 deg 50' 46" East, across said 9.39 acre tract, with the Southeast line of said 1.24 acre tract, and with the Southeast line of that certain called 1.30 acre tract described in a Deed dated June 11, 1997 from Joe Foster, et ux, to John W. Crow, recorded in Volume 1426 Page 275 of the Real Records of Van Zandt County, Texas, a distance of 496.47 feet to a 1/2" iron rod (set) for corner at the East corner of said 1.30 acre tract;

THENCE North 51 deg 47' 19" West, across said 9.39 acre tract and with the Northeast line of said 1.30 acre tract, a distance of 49.22 feet to a P.K. nail (found) for corner at the North corner of said 1.30 acre tract, at an angle corner in the North line of said 9.39 acre tract, and at an angle corner in the South line of State Highway No. 243;

THENCE South 78 deg 33' 55" East, with the North line of said 9.39 acre tract and with the South line of State Highway No. 243, a distance of 602.15 feet back to the Place of Beginning, and containing 6.20 acres of land.

The above field notes are furnished from an on the ground survey made under the direction and supervision of Mark D. Bryant, Sr., Registered Professional Surveyor Number 4360, on May 22nd, 2000.

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.

