

CITY OF CANTON, TEXAS

ANNEXATION ORDINANCE NO. 2008-03

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 AND ALL CONTIGUOUS ROADWAY 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; and

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 owned by the City of Canton consisting of 16.38 acres situated in the D. Towns Survey, A-845, located on Highway 64 East, known as the CYRA Ballpark and more particularly described in "Exhibit A" attached hereto and made a part hereof, along with all contiguous roadway, 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 3. That the municipal service plan for the herein annexed territory provided for in Exhibit "B" 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 18th day of March, 2008.


RUSTY WILSON, MAYOR
The City of Canton, Texas

ATTEST:

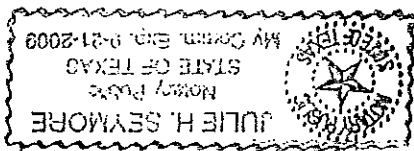

Julie H. Seymore, City Secretary



THE STATE OF TEXAS §
COUNTY OF VAN ZANDT §

BEFORE ME, the undersigned authority on this day personally appeared RUSTY WILSON, 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 18 day of March, 2008.



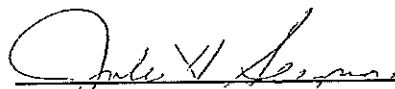

Notary Public, State of Texas

EXHIBIT "A"

All that certain lot, tract or parcel of land, being a 16.38 acre tract of land located in the D, TOWNS SURVEY, Abstract 845, Van Zandt County, Texas, and being situated approximately S 40 deg E 1 mile from the town of Canton, Van Zandt County, Texas. Said 16.38 acre tract of land being a part of a 50 acre tract conveyed to V. A. McWilliams by Tom Sherbert, Jr., et ux, on July 26, 1950, and being recorded in Vol. 392 Page 262, of the Deed Records of Van Zandt County, Texas. Said 16.38 acre tract of land being more particularly described as follows:

BEGINNING at an iron stake set in the Northeast right-of-way of State Hwy 64 on the occupied Southwest line of said Towns Survey and being S 45 deg E 3210 feet from the West corner of said same. Said stake being S 45 E deg about 936 feet from the West corner of the said 50 acre tract and being set for the South corner of this tract of land.

THENCE N 43 deg 33' E, in all a total distance of 1757.4 feet to an iron stake set in the Northeast line of said 50 acre tract and for the East corner of this tract of land;

THENCE N. 44 deg 16' W, with the Northeast line of said 50 acre tract, in all a total distance of 454.3 feet to an iron stake set at the East corner of a 16.6 acre tract conveyed to Paul Wade Hampton and recorded in Vol. 463 Page 443 of the Deed Records of Van Zandt County, Texas, and said stake being set for the North corner of this tract of land;

THENCE S 45 deg 53' W with the Southwest line of said 16.6 acre tract of land, in all a total distance of 1, 464.4 feet to an iron stake set for the Westerly West corner of this tract of land;

THENCE S 46 deg 33' E, in all a total distance of 488.1 feet to an iron stake set for an Ell corner of this tract of land;

THENCE S 46 deg 14' West in all a total distance of 313.1 feet to an iron stake set in the Northeast right-of-way of Hwy.64, and for the Southerly West corner of this tract of land;

THENCE S 46 deg 44' E, with the Northeast right-of-way of Hwy.64, in all a total distance of 40 feet to the place of beginning, containing 16.38 acres of land.

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