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ANNEXATION ORDINANCE NO. 2013-04

Parties: CITY OF CANTON

to

THE PUBLIC

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Van Zandt County, Texas

10 Pages

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STATE OF TEXAS
COUNTY OF VAN ZANDT

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded under the Document Number stamped hereon of the Official Public Records of Van Zandt County.

Charlotte Bledsoe, County Clerk

Record and Return To:

CITY OF CANTON
PO BOX 245

CANTON, TX 75103



**CITY OF CANTON, TEXAS
ANNEXATION ORDINANCE NO. 2013 - 04**

AN ORDINANCE ANNEXING AN 8.84-ACRE TRACT SITUATED IN THE J. DOUTHIT SURVEY, A-198, VAN ZANDT COUNTY, TEXAS, OWNED BY HENRY LEWIS, AND ALL CONTIGUOUS ROADWAY INTO THE CITY OF CANTON, VAN ZANDT COUNTY, TEXAS; EXTENDING THE BOUNDARIES OF THE CITY OF CANTON TO INCLUDE THE ANNEXED PROPERTY AND ALL CONTIGUOUS ROADWAY WITHIN THE CITY LIMITS; GRANTING TO THE ANNEXED TERRITORY AND TO ALL FUTURE INHABITANTS OF THE ANNEXED TERRITORY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS; AND BINDING FUTURE INHABITANTS OF THE TERRITORY TO ALL OF THE ACTS AND ORDINANCES OF THE CITY OF CANTON

WHEREAS, a petition has been duly signed and acknowledged by every person or corporation having an interest in the territory proposed to be annexed; and

WHEREAS, the petition was heard by the city council, which approved it not less than five and not more than 30 days after the petition was filed; and

WHEREAS, the territory is contiguous to the City, is not more than ½-mile in width, and fewer than three qualified voters reside on the tract; and

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

WHEREAS, the City has published notice of and held hearings on the annexation as required by state law; and

WHEREAS, after due consideration of the petition, the governing body has voted to annex the 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 consisting of 8.84 acres situated in the J. Douthit Survey, A-198, located South of Hwy. 243, 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 the territory within the city limits of the City, and the territory and the future inhabitants of the territory shall 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 in Exhibit "B," which covers the annexed territory, is hereby adopted. The landowner agrees to extend water and wastewater utility services as needed at his expense.

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 11th day of March, 2013.

Cary Hilliard

CARY S. HILLIARD, MAYOR
The City of Canton, Texas

ATTEST:

Julie H. Seymore
Julie H. Seymore, City Secretary

THE STATE OF TEXAS §
COUNTY OF VAN ZANDT §

BEFORE ME, the undersigned authority on this day personally appeared CARY S. 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 11 day of March, 2013.



Julie H. Seymore
Notary Public, State of Texas

EXHIBIT "A"

Metes and Bounds Description: (Tract One – 8.84 Acres)

Being a tract of land situated in the City of Canton, Van Zandt County, Texas and being a part of the James Douthit Survey, Abstract No. 198, said tract also being a part of that called 17.60 acre tract of land, described by deed to Henry Lewis, as recorded in Volume 1199, Page 664, in the Deed Records, Van Zandt County, Texas (D.R.V.Z.C.T.), said tract being more particularly described as follows:

BEGINNING at a 1" iron pipe found at the most northerly corner of said 17.60 acre tract, same being the most westerly corner of a called 0.66 acre tract of land described by deed to Ray Ridings, as recorded under Document No. 2010-006794, of the Real Records, Van Zandt County, Texas (R.R.V.Z.C.T.), said corner also being in a southeasterly monumented line of State Highway No. 243;

THENCE South 46°22'35" East, along the northeasterly line of said 17.60 acre tract, same being the southwesterly line of said 0.66 acre tract, passing the southerly corner of said 0.66 acre tract, same being the westerly corner of a called 1.24 acre tract of land described by deed to Ray F. Ridings, as recorded under Document No. 2010-010148, R.R.V.Z.C.T., continuing along the common line between said 17.60 acre and 1.24 acre tracts, passing the most southerly corner of said 1.24 acre tract, same being the most westerly corner of a called 6.20 acre tract of land described by deed to Joann Robertson, Virgil Pierce, Dale Pierce, Marcy Nix, Dorisene Groves and Niki Homer, as recorded in Volume 1794, Page 32 D.R.V.Z.C.T., and continuing along the common line between said 17.60 acre and 6.20 acre tracts, a total distance of 866.63' to a ½" iron rod with a plastic cap stamped "STANGER" found at the most easterly corner of said 17.60 acre tract, said corner also being an "ell" corner of a called 5.00 acre tract of land described by deed to Dennis Gore and wife, Robin Gore, as recorded in Volume 1440, Page 81, D.R.V.Z.C.T.;

THENCE South 44°40'07" West, along the common line between said 17.60 acre and 5.00 acre tracts, pass a ½" iron rod found for the most westerly corner of said 5.00 acre tract, same being an "ell" corner of called Tract Two, as described by deed to Linda J. Freeman, Dennis W. Tidwell and Delores A. Langley, as recorded under Document No. 2008-004416, R.R.V.Z.C.T., at a distance of 213.46', and continuing along the common line between said 17.60 acres and Tract Two, a total distance of 281.50' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5686" set (herein after referred to as a capped iron rod set);

THENCE over and across said 17.60 acre tract, the following courses and distances:

North 89°26'26" West, a distance of 421.63' to a capped iron rod set for corner;

North 00°13'40" East, a distance of 61.68' to a capped iron rod set for corner;

North 89°26'26" West, a distance of 369.58' to a capped iron rod set in the most southerly west line of said 17.60 acre tract, same being in the easterly line of a called 2.02 acre tract of land, described by deed to the City of Canton for an access roadway, known as Arnold Paul Road;

THENCE North 10°45'13" East, along said southerly west line of said 17.60 acre tract, a distance of 66.04' to a 3/8" iron rod found at an "ell" corner of said 17.60 acre tract, same being the southwesterly corner of a tract of land described by deed to E.W. Johnson, Hardy Shumate and Altos Womble, Trustees for the First Assembly of God Church of Canton, Texas, as recorded in Volume 715, Page 264, D.R.V.Z.C.T.;

THENCE South 89°26'30" East, along the southerly line of said 3.00 acre tract, a distance of 207.51' to a ½" iron rod found for the southeasterly corner of said 3.00 acre tract;

THENCE North 00°13'26" East, along the easterly line of said 3.00 acre tract, a distance of 405.19' to a capped iron rod set at an "ell" corner of said 17.60 acre tract, same being the southwesterly corner of a called 0.50 acre tract of land described by deed to First Assembly of God of Church of Canton, Texas, as recorded in Volume 1049, Page 416, D.R.V.Z.C.T.;

THENCE South 89°42'34" East, along the southerly line of said 0.50 acre tract, a distance of 89.35' to a 1" iron pipe found for the southeasterly corner of said 0.50 acre tract, same being an "ell" corner of said 17.60 acre tract;

THENCE North 00°17'26" East, along the easterly line of said 0.50 acre tract, a distance of 253.63' to a capped iron rod set for the northeasterly corner of said 0.50 acre tract, same being the most northerly northwest corner of said 17.60 acre tract, said corner also being in the aforementioned southeasterly monumented line of State Highway No. 243;

THENCE North 81°24'04" East, along said southeasterly monumented line of State Highway No. 243, a distance of 50.00' to the POINT OF BEGINNING and containing 385.049 square feet or 8.840 acres of land, more or less.

EXHIBIT "B"

SERVICE PLAN FOR ANNEXED AREA 8,840-ACRE TRACT SITUATED IN J. DOUTHIT SURVEY, A-198 SOUTH OF STATE HIGHWAY 243 NEAR ARNOLD PAUL ROAD

DATE OF ANNEXATION ORDINANCE: MARCH 11, 2013

ACREAGE ANNEXED: 8,840 ACRES

PROPERTY DESCRIPTION: See Exhibit A attached to the annexation ordinance.

Municipal Services to the acreage described above shall be furnished by or on behalf of the City of Canton, Texas ("City") at the following levels in accordance with the following schedule:

I. FOR SERVICES EFFECTIVE IMMEDIATELY AFTER DATE OF ANNEXATION

1. FIRE and EMERGENCY MEDICAL SERVICES; CODE ENFORCEMENT SERVICES

Existing Services: Fire protection is currently provided to the annexed area by the South Van Zandt Volunteer Fire Department. Emergency Medical Services are currently provided by Champion EMS. As city codes are not applicable, no code enforcement services are currently provided.

Services Upon Annexation: Fire protection, emergency, and suppression services, and Emergency Medical Services, will be provided to the area upon annexation at a level of such services that is comparable or equal to the level of such services now being provided to other parts of the City with topography, land use, and population density similar to the annexed area.

Upon annexation, the City will provide Code Enforcement Services at a level of such services that is comparable or equal to the level of such services now being provided to other parts of the City with topography, land use, and population density similar to the annexed area.

2. POLICE

Existing Services: Law enforcement services are currently provided by the Van Zandt County Sheriff's Office.

Services Upon Annexation: Upon annexation, the City will provide police protection to the annexed area at a level of such services that is comparable or equal to the level of such services now being provided to other parts of the City with topography, land use, and population density similar to the annexed area, including the extension of regular and routine patrols to the area.

3. BUILDING INSPECTION

Existing Services: The City of Canton has limited jurisdiction over new subdivisions, sexually-oriented businesses, Bed & Breakfast establishments, and signs. Other building inspection services are not currently available in the area.

Services Upon Annexation: The City will provide building inspection and enforcement services to the annexed area upon annexation at a level of such services that is comparable or equal to the level of such services now being provided to other parts of the City with topography, land use, and population density similar to the annexed area. This includes issuing building, electrical and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes which regulate building construction within the City.

4. PLANNING AND ZONING

Existing Services: The City of Canton has limited jurisdiction over new subdivisions, sexually-oriented businesses, Bed & Breakfast establishments, and signs. No other planning and zoning regulation is currently available.

Services Upon Annexation: The City's will regulate development and land use through the administration of the City's zoning and development ordinances to the annexed area on the effective date of the annexation.

5. LIBRARY

Existing Services: Library services are currently provided by the Van Zandt County Library.

Services Upon Annexation: There will be no change in the available library services after annexation.

6. HEALTH DEPARTMENT- HEALTH CODE ENFORCEMENT SERVICE

Existing Services: Van Zandt County currently has a health department, and enforces generally applicable laws in the area.

Services Upon Annexation: Upon annexation, the City's health ordinances and regulations will be administered and applicable to the annexed area, including animal control services, at a level of such services that is comparable or equal to the level of such services now being provided to other parts of the City with topography, land use, and population density similar to the annexed area.

7. STREETS (INCLUDING STREET LIGHTING)

Existing Services: The street maintenance in the area is currently provided by Texas Department of Transportation (State Highway 243) and by the City of Canton (Arnold Paul Road).

Services Upon Annexation: Operation and maintenance of roads and streets, if any, dedicated to (and accepted by) the public or the City or owned by the City will be provided to the annexed area by the City at a level of such services that is comparable or equal to the level of such services now being provided to other parts of the City with topography, land use, and population density similar to the annexed area. Road and street lighting will be provided by the applicable utility company providing lighting or electric services in the annexed area pursuant to laws, rules, regulations, and standards of such utility.

8. STORM WATER FACILITIES

Existing Services: No storm water drainage services are currently provided to the area.

Services Upon Annexation: Storm water drainage services, to the extent located within property or facilities owned by or dedicated to (and accepted by) the City, will be provided to the annexed area at a level of such services that is comparable or equal to the level of such services now being provided to other parts of the City with topography, land use, and population density similar to the annexed area.

9. WATER SERVICE

Existing Services: The property is currently in the water service area of the City of Canton.

Services Upon Annexation: Water service is available nearby. The property owner waives his and subsequent owners' rights to the extension of water services to this property until such time as extended by the developer. Operation and maintenance of water facilities in the annexed area shall be provided in accordance with applicable City codes, ordinances, and departmental policy.

10. WASTEWATER SERVICE

Existing Services: There is no current wastewater service to the area.

Proposed Services: The property owner waives his and subsequent owners' rights to the provision of wastewater services to this property until such time as the City of Canton deems it economically feasible to extend wastewater service to the area or it is extended by the developer. Extension of wastewater facilities in the annexed area shall be provided in the future in accordance with that agreement as well as applicable City codes, ordinances, and departmental policy.

11. SOLID WASTE SERVICES

Existing Services: Solid waste collection is provided by private waste collection under agreements with customers.

Services Upon Annexation: Solid waste collection provided under exclusive contract with Sanitation Solutions will be provided to the area annexed on the effective date of the annexation. The collection of refuse shall be made in accordance with the usual waste collection scheduling and shall be conducted at a level consistent with current methods and procedures provided to similar areas.

12. OPERATION AND MAINTENANCE OF PARKS, PLAYGROUNDS, AND SWIMMING POOLS

Existing Services: The City is not aware of any parks, playgrounds or swimming pools located within the annexed area.

Services Upon Annexation: The City is not aware of any parks, playgrounds or swimming pools located within the annexed area. In the event any such parks, playgrounds, or swimming pools do exist and are public facilities, the City will maintain such areas in a manner and to a degree that is comparable or equal to parks, playgrounds, and swimming pools in other parts of the City with topography, land use, and population density similar to the annexed area.

13. OTHER PUBLICLY OWNED FACILITY, BUILDING, OR SERVICE

Services Upon Annexation: The City is not aware of the existence of any other publicly owned facility, building, or service within the annexed area. In the event any such other publicly owned facility, building, or service is determined to exist, the City will maintain the same in a manner and to a degree that is comparable or equal to other publicly owned facilities, building, or service in other parts of the City with topography, land use, and population density similar to the annexed area.

II. CONSTRUCTION OF ANY CAPITAL IMPROVEMENTS

1. POLICE PROTECTION, FIRE PROTECTION, EMERGENCY MEDICAL SERVICES, AND SOLID WASTE COLLECTION

No capital improvements are necessary at this time to provide services.

2. WATER AND WASTEWATER FACILITIES

No capital improvements are necessary at this time to provide services.

3. ROADS AND STREETS

Maintenance of properly dedicated and accepted roads and streets will be consistent with the maintenance provided by the City to other roads and streets in areas of similar topography, land use, and subdivision of the annexed property and in accordance with the City's ordinances, rules,

policies, and procedures. Future extensions of roads or streets and future installation of related facilities, such as traffic control devices, will be governed by the City's ordinances, rules, policies, and procedures.

4. PARKS, PLAYGROUNDS, AND SWIMMING POOLS

No capital improvements are necessary at this time to provide services.

5. OTHER PUBLIC OWNED FACILITIES, BUILDINGS, OR SERVICES

In general, other City functions and services can be provided for the annexed area by the use of existing capital facilities and improvements; additional capital improvements are not necessary to provide City services.

6. CAPITAL IMPROVEMENTS

The City will initiate the construction of capital improvements necessary for providing municipal services for the annexation area as necessary, in accordance with applicable law and policies.

III. SPECIFIC FINDINGS

The City Council of the City of Canton finds and determines that this proposed Service Plan will not provide any fewer services, and it will not provide a lower level of service in the area proposed to be annexed, than were in existence in the proposed area at the time immediately preceding the annexation process. Because of the differing characteristics of topography, land use and population density and notwithstanding the above and foregoing Parts I and II, the service levels which may ultimately be provided in the newly annexed area may differ from services provided other areas of the City. These differences are specifically dictated because of differing characteristics of the property and the City will undertake to perform consistent with this Service Plan so as to provide the newly annexed area with the same type, kind and quality of service presently enjoyed by the citizens of the City who reside in areas of similar topography, land utilization and population density.

The City reserves the right to amend this Service Plan, subject to any applicable law, rule, or regulation of a governmental authority with proper jurisdiction.

As used in this Service Plan, the provision or maintenance of services or facilities means having the same provided or maintained by any method or means by which the City provides or maintains services to other areas of the City, including causing or allowing private utilities, governmental entities, and other public service organizations to provide the same by contract or agreement, in whole or in part, and may also include separate agreements with associations or similar entities.

This Plan shall be in effect for a ten-year period commencing on the effective date of the annexation, unless otherwise stated in this Plan. Renewal of the Plan shall be at the option of the City. Such option may be exercised by the adoption of an ordinance by the City Council which refers to this Plan and specifically renews this Plan for a stated period of time.

It is the intent of the City that services under this Plan shall provide full municipal services as required and defined by the Texas Local Government Code. The City reserves the right guaranteed to it by the Texas Local Government Code, to amend this Plan if the City Council determines that changed conditions or subsequent occurrence or any other legally sufficient circumstances exist under the Local Government Code, or other Texas laws to make this Plan unworkable or obsolete or unlawful.

This Plan is subject to and shall be interpreted in accordance with the Constitution and laws of the United States of America and the State of Texas, the Texas Local Government Code, and the orders, rules and regulations of governmental bodies and officers having jurisdiction.

