

**ORDINANCE NO. 2005- 359**

**AN ORDINANCE EXTENDING THE LIMITS OF THE CITY OF MAGNOLIA, TEXAS TO EMBRACE AND INCLUDE TERRITORY WITHIN CERTAIN BOUNDARIES IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF MAGNOLIA, TEXAS, CONSTITUTING THE ACRES, MORE OR LESS, LEGALLY DESCRIBED IN EXHIBIT "A", ANNEXING TO THE CITY OF MAGNOLIA ALL OF THE TERRITORY WITHIN SUCH BOUNDARIES AS HEREIN DESCRIBED AND SET OUT IN THE ATTACHMENT HERETO; FINALLY APPROVING THE SERVICE PLAN FOR SUCH TERRITORY; MAKING FINDINGS OF FACT AND OTHER PROVISIONS RELATING THERETO; AND PROVIDING FOR SEVERABILITY.**

**WHEREAS**, the City Council of the City of Magnolia did heretofore previously, on the 26<sup>th</sup> day of October 2004 by Ordinance number 2004-359, call two public hearings in accordance with the requirements of law for the annexation of certain area and territory previously located within the extraterritorial jurisdiction of the City of Magnolia into the city limits of the City of Magnolia; and

**WHEREAS**, said ordinance provided and required that publication of the notices for the public hearings occur in accordance with law and, as such, notices of the two public hearings were duly published in the official newspaper of the City of Magnolia, the first publication having occurred on the 29<sup>TH</sup> Day of October 2004 for the first public hearing which was held on the 9<sup>th</sup> day of November 2004 and notice for the second public hearing having been duly published on the 12<sup>th</sup> day of November 2004 for the second public hearing which was held on the 23<sup>rd</sup> day of November 2004; and

**WHEREAS**, notices of said hearings were published in accordance with V.T.C.A., Texas Local Government Code §43.052; and

**WHEREAS**, at said public hearings all persons desiring to be heard on or in connection with the proposal to annex certain territory within the extraterritorial jurisdiction of the City of Magnolia into the city limits of the City of Magnolia were heard and, further, at said public hearings a presentation was made as to the territory and area sought to be annexed, and the terms and provisions of the proposed Service Plan for the area and territory to be annexed was published; and

**WHEREAS**, the proposed Service Plan for the area to be annexed was prepared, available for inspection, and explained in accordance with V.T.C.A., Texas Local Government Code §43.056; and

**WHEREAS**, the City Council finds and determines that all proceedings relating to the proposed annexation are fully in compliance with the provisions of Chapter 43 of the Texas Local Government Code for annexation of certain tracts and parcels of property;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS:**

**Section 1.** That all of the findings of fact and conclusions herein set out are adopted by the City Council of the City of Magnolia as if repeated verbatim herein.

**Section 2.** That the City Council of the City of Magnolia finds and determines that all of the property to be annexed herein was immediately prior to said annexation within the extraterritorial jurisdiction of the City of Magnolia. That the certain lot and tract of property being described in Exhibit "A" as attached hereto is hereby annexed and made a part of the City of Magnolia for full and general purposes.

**Section 3.** The Service Plan for the tract and parcel of property herein annexed to the City of Magnolia is labeled Exhibit "B" and is finally approved and adopted as the Service Plan for the tract of property as herein described.

**Section 4.** This ordinance shall not repeal, impair, modify or in any way affect any other ordinance annexing territory to the City or any other ordinance heretofore passed on one or more readings and not yet passed on final reading annexing any territory to the City, but such other ordinance or ordinances shall remain and continue to be effective as to their intent and purpose as therein stated, wholly unaffected in any way or manner by the passage of this ordinance. This ordinance shall not in any way be impaired or affected by any other ordinance heretofore introduced or passed on any reading, whether final or not; nor shall it be affected by any other ordinance which may hereafter be introduced or passed on one or more readings, as of the date of final passage of this ordinance, and this ordinance shall be effective to its intent and purposes as hereinafter stated, wholly unaffected by any other annexation ordinance introduced and passed or hereafter introduced and passed on any reading.

**Section 5.** It is the intention of the City and the City Council to comply with all applicable provisions of Constitutions and laws of the government of the United States of America and the State of Texas, and this ordinance shall be interpreted and construed in harmony therewith.

**Section 6.** The City Council further finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting of the City Council at which this ordinance has been discussed, considered and formally acted upon was posted at a place convenient to the public in the City Hall of the City for the time required by law preceding each meeting, as required by the Texas Open Meetings Law, Chapter 551 of the Texas Government Code, and that such meetings have been open to the public as required

by law at all times during which this ordinance or the subject matter thereof was discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notices and the contents and posting thereof.

**Section 7.** Should any section or part of this ordinance be held unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions hereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect.

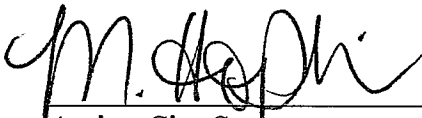
**Section 8.** This ordinance shall take effect immediately upon its final passage.

PASSED, APPROVED, AND ADOPTED this 8<sup>th</sup> day of February 2005.



Jimmy Thornton, Mayor

ATTEST:



Acting City Secretary

## EXHIBIT "A"

A TRACT OF LAND CONTAINING 580.7754 ACRES SITUATED IN THE EDWARD TAYLOR SURVEY, A-554, MONTGOMERY COUNTY, TEXAS, BEING A PORTION OF A CALLED 313.0 ACRE TRACT AS DESCRIBED UNDER C. F. No. 8442992, A PORTION OF A CALLED 102.0, ACRE TRACT AS DESCRIBED UNDER C. F. No. 9132796, ALL OF A CALLED 150.0 ACRE TRACT AS DESCRIBED UNDER C. F. No. 8115438, ALL OF A CALLED 3.645 ACRE TRACT AS DESCRIBED UNDER C. F. No. 8115439, AND ALL OF A CALLED 169.0 ACRE TRACT AS DESCRIBED UNDER C.F. No. 8716200 OF THE REAL PROPERTY RECORDS OF MONTGOMERY COUNTY, TEXAS; SAID 580.7754 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: (BEARINGS BASED ON DEEDS RECORDED UNDER C.F. No. 8115438 & C.F. No. 8115439)

BEGINNING AT AXLE FOUND FOR THE NORTHWEST CORNER OF THE LYNDON C. APPLEWHITE "TRACT 2" AS DESCRIBED UNDER C. F. No. 9132796, THE NORTHEAST CORNER OF A CALLED 11.028 ACRE TRACT AS DESCRIBED BY DEED RECORDED IN VOLUME 893, PAGE 932, MONTGOMERY COUNTY DEED RECORDS, THE SOUTHEAST CORNER OF A CALLED 11.4366 ACRE TRACT AS DESCRIBED UNDER C.F. No. 9024410 OF THE REAL PROPERTY RECORDS OF MONTGOMERY COUNTY, TEXAS, AND BEING IN THE SOUTH LINE OF A 1.981 ACRE ROADWAY EASEMENT AS DESCRIBED BY DEED RECORDED IN VOLUME 1016, PAGE 375, MONTGOMERY COUNTY DEED RECORDS;

THENCE, N 89°51'24" E, ALONG APPLEWHITE'S NORTH LINE, PASSING AT 99.78 FEET A 3/8 INCH IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID 1.981 ACRE TRACT IN THE SOUTH LINE OF A CALLED 34.1265 ACRE TRACT AS DESCRIBED UNDER C.F. No. 8315313 OF THE REAL PROPERTY RECORDS OF MONTGOMERY COUNTY, TEXAS AND CONTINUE IN ALL FOR A TOTAL DISTANCE OF 1,112.70 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID 34.1265 ACRE TRACT AND A CORNER OF A CALLED 755.103 ACRE TRACT AS DESCRIBED UNDER C. F. No. 9047315 OF THE REAL PROPERTY RECORDS OF MONTGOMERY COUNTY, TEXAS;

THENCE, N 89°48'52" E, ALONG THE SOUTH LINE OF SAID 755.103 ACRE TRACT AND APPLEWHITE'S NORTH LINE, A DISTANCE OF 4,074.42 FEET TO A 1 INCH PINCH TOP PIPE FOUND FOR THE NORTHWEST CORNER OF A CALLED 77.051 ACRE TRACT AS DESCRIBED BY DEED IN VOLUME 803, PAGE 773, MONTGOMERY COUNTY DEED RECORDS;

THENCE, S 00°31'48" E, ALONG THE WEST LINE OF SAID 77.051 ACRE TRACT, A DISTANCE OF 2,032.09 FEET TO A 1/2 INCH IRON ROD FOUND FOR APPLEWHITE'S SOUTHEAST CORNER AND THE NORTHWEST CORNER OF A CALLED 72.73 ACRE TRACT AS DESCRIBED UNDER C. F. No. 8322970 OF THE REAL PROPERTY RECORDS OF MONTGOMERY

COUNTY, TEXAS, FROM WHICH A 3/4 INCH IRON PIPE FOUND FOR THE SOUTHWEST OF SAID 77.051 BEARS S 00°31'48"E, 208.40 FEET;

THENCE, S 89°41'30" W, ALONG APPLEWHITE'S SOUTH LINE, THE NORTH LINE OF SAID 72.73 ACRE TRACT, A DISTANCE OF 1,079.67 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE NORTHEAST CORNER OF A 154.7783 ACRE TRACT AS DESCRIBED UNDER C.F. No. 8115438 AND C.F. No. 8115439;

THENCE, S 00°28'17" E, ALONG THE EAST LINE OF SAID 154.7793 ACRE TRACT, A DISTANCE OF 2,894.00 FEET TO A 5/8 INCH IRON ROD (BENT) FOUND FOR ANGLE POINT;

THENCE, S 69°54'08" W, CONTINUE ALONG SAID EAST LINE, A DISTANCE OF 862.55 FEET TO A 1/2 INCH IRON ROD FOUND FOR ANGLE POINT;

THENCE, S 00°32'19" E, CONTINUE ALONG SAID EAST LINE, A DISTANCE OF 193.06 FEET TO A 1/2 INCH IRON PIPE FOUND FOR ANGLE POINT;

THENCE, S 67°43'41" W, CONTINUE ALONG SAID EAST LINE, A DISTANCE OF 394.62 FEET TO A 1/2 INCH IRON ROD FOUND FOR ANGLE POINT;

THENCE, S 54°29'33" W, CONTINUE ALONG SAID EAST LINE, A DISTANCE OF 250.42 FEET TO A 1/2 INCH IRON ROD FOUND FOR ANGLE POINT;

THENCE, S 47°01'34" W, CONTINUE ALONG SAID EAST LINE, A DISTANCE OF 476.29 FEET TO A 1/2 INCH IRON ROD FOUND FOR ANGLE POINT;

THENCE, S 32°45'19" W, CONTINUE ALONG SAID EAST LINE, A DISTANCE OF 357.92 FEET TO A 1/2 INCH IRON ROD FOUND IN THE NORTHERLY LINE OF THE I. & G.N. RAILROAD RIGHT-OF-WAY;

THENCE, N 57°13'59" W, ALONG SAID NORTHERLY LINE, A DISTANCE OF 210.00 FEET TO AN IRON ROD WITH CAP FOUND FOR THE SOUTHEASTERLY CORNER OF A CALLED 5.301 ACRE TRACT AS DESCRIBED UNDER C.F., No. 9745541 OF THE REAL PROPERTY RECORDS OF MONTGOMERY COUNTY, TEXAS;

THENCE, N 32°48'00" E, DEPARTING THE NORTHERLY LINE OF SAID I. & G.N. RAILROAD, ALONG THE EASTERLY LINE OF SAID 5.301 ACRE TRACT, A DISTANCE OF 351.90 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER,

THENCE, N 57°11'13" W, ALONG THE NORTHERLY LINE OF SAID 5.301 ACRE TRACT, A DISTANCE OF 656.36 FEET TO A 5/8 INCH IRON ROD FOUND FOR CORNER;

THENCE, S 32°38'00" W, ALONG THE WESTERLY LIKE OF SAID 5.302 ACRE TRACT, A DISTANCE OF 352.43 FEET TO A 1/2 INCH IRON ROD SET IN THE NORTHERLY LINE OF SAID I. & G.N. RAILROAD RIGHT-OF-WAY;

THENCE, N 57°13'59" W, ALONG SAID NORTHERLY LINE, A DISTANCE OF 1,723.73 FEET TO A 1/2 INCH IRON FOD SET AT A FENCE CORNER FOUND IN THE WEST LINE OF THE EDWARD TAYLOR SURVEY, A-554 AND THE EAST LINE OF THE B. SOMES SURVEY, A-541, MARKING THE SOUTHWEST CORNER OF A CALLED 169.0 ACRE TRACT AS DESCRIBED UNDER C.F. No. 8716200;

THENCE, N 00°44'32" W, ALONG SAID SURVEY LINES AND THE WEST LINE OF SAID . 169.00 ACRE TRACT, A DISTANCE OF 3,124.20 FEET TO A FENCE POST FOUND MARKING THE NORTHEAST CORNER OF A CALLED 50.183 ACRE TRACT AS DESCRIBED UNDER C. F. No. 8254584 OF THE REAL PROPERTY RECORDS OF MONTGOMERY COUNTY, TEXAS;

THENCE, S 88°57'09" W, ALONG THE NORTH LINE OF SAID 50.183 ACRE TRACT, A DISTANCE OF 591.09 FEET TO A FENCE POST FOUND FOR CORNER MARKING THE SOUTHEAST CORNER OF A CALLED 68.20 ACRE TRACT AS DESCRIBED BY DEED RECORDED IN VOLUME 173, PAGE 412 OF THE DEED RECORDS OF MONTGOMERY COUNTY, TEXAS, AND THE SOUTHEAST CORNER OF THE G.W. LONIS SURVEY, A-320;

THENCE, N 00°10'13" W, ALONG THE EAST LINE OF SAID 68.20 ACRE TRACT AND THE EAST LINE OF SAID G. W. LONIS SURVEY, A DISTANCE OF 921.93 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE SOUTHWEST CORNER OF THE AFORESAID 11.028 ACRE TRACT (VOL. 893, PG. 932 M. C. D.R.);

THENCE, N 89°55'24" E, ALONG THE SOUTH LINE OF SAID 11.028 ACRE TRACT, A DISTANCE OF 594.55 FEET TO A 1/2 INCH IRON ROD FOUND MARKING THE SOUTHEAST CORNER OF SAME;

THENCE, N 00°53'35" W, ALONG THE EAST LINE OF SAID 1.1.029 ACRE TRACT, A DISTANCE OF 888.93 FEET TO THE POINT OF BEGINNING AND CONTAINING 580.7754 ACRES OF LAND.

## **EXHIBIT "B"**

### **CITY OF MAGNOLIA MONTGOMERY COUNTY, TEXAS**

#### **SERVICE PLAN**

##### **I. INTRODUCTION**

This Service Plan ("PLAN") is made by the CITY OF MAGNOLIA ("CITY") pursuant to the Local Government Code. This PLAN pertains to several tracts of land ("TRACTS") located in Montgomery County, Texas, and described in Exhibit "A-1," which is attached to this PLAN and fully incorporated in this PLAN by reference.

##### **II. TERM - EFFECTIVE DATE**

This PLAN shall be in effect for a term of ten (10) years commencing on the effective date of the annexation of the TRACTS. Renewal of this PLAN shall be at the discretion of the CITY and such discretion may be exercised by the City Council in such manner and for such time as the CITY may then direct.

##### **III. SERVICE PROGRAMS**

A. In General. This PLAN includes two (2) service programs: (1) the Early Action Program, described below, which must be implemented within sixty (60) days after the effective date of annexation; and (2) Capital Improvement Program more specifically described below.

B. Scope and Quality of Service. The CITY shall provide services to the area pursuant to any methods by which it extends or is authorized to extend services to any other area of the CITY. Under this PLAN, the CITY shall not provide fewer services or a lower level of services in the area annexed than were in existence in the area immediately preceding the date of annexation. However, it is not the intent of this PLAN to require that a uniform level of services be provided to all areas of the CITY, including the TRACTS, where differing characteristics of topography, land, use and population density are considered a sufficient basis for providing different levels of service.

C. Definitions.

(1) As used in this PLAN, "providing services" includes having services

provided by any method or means by which the CITY extends municipal services to any other area of the CITY. This may include causing or allowing public or private utilities, contractors, governmental entities and other public service organizations to provide such services, in whole or in part.

(2) As used in this PLAN, the phrase "standard policies and procedures" means those policies and procedures of the CITY applicable to a particular service which is in effect either at the time that the service is requested or at the time the service is made available or provided. The policies and procedures may require that a specific type of request be made, such as an application or petition. It may require that fees or charges be paid, in accordance with the law, and they may include eligibility requirements and similar provisions.

#### **IV. EARLY ACTION PROGRAM - IMPLEMENTATION WITHIN 60 DAYS**

These statutorily mandated services will be provided to the TRACTS within sixty (60) days after annexation of the TRACTS:

A. Police Protection. The Police Department of the CITY will provide protection and law enforcement to the TRACTS; and these activities will include normal patrols and responses, the handling of complaints and incident reports, and other services and support provided by the Police Department of the CITY OF MAGNOLIA to other portions of the CITY, all pursuant to standard policies and procedures.

B. Fire Protection. The Magnolia Fire Department will provide fire protection to the TRACTS in accordance with standard policies and procedures.

C. Solid Waste Collection. Business and residential solid waste collection services (garbage service) will be provided to residents and businesses in the TRACTS, all in accordance with standard policies and procedures.

D. Maintenance of Water and Wastewater Facilities. As water and wastewater facilities are available to the TRACTS, such facilities will be maintained in accordance with standard policies and procedures.

E. Maintenance of Roads, Streets, and Street Lighting. The CITY will cause to be provided via a contract with the Montgomery County Road & Bridge Division or, may on its own accord, provide maintenance of public roads and streets under the CITY'S jurisdiction. The CITY will cause to be provided via a contract with the Montgomery County Road & Bridge Division or, may on its own accord, provide traffic control devices for any CITY roads and streets, and the CITY will provide street lighting for such CITY roads and streets through Houston Lighting & Power Company, all according to standard policies and



procedures. The CITY will not maintain any private road or street within the TRACTS.

F. Maintenance of Parks, Playgrounds, and Swimming Pools. At this time there are no public parks, playgrounds, and swimming pools within the TRACTS and, therefore, it is unnecessary for the PLAN to address such service items with respect to the sixty (60) day time period. There are existing public parks, playgrounds, and swimming pools in the municipality, and they are available for use and enjoyment by residents of the TRACTS in accordance with standard policies and procedures.

G. Maintenance of Any Other Publicly Owned Facility, Building, or Service. At this time there are no other publicly owned facilities, buildings, or services within the TRACTS and, therefore, it is unnecessary for the PLAN to address such service items with respect to the sixty (60) day time period. There are existing publicly owned facilities, buildings, or services in the municipality, and they are available for use and enjoyment by residents of the TRACTS in accordance with standard policies and procedures.

H. Animal Control. Animal control will be provided to the TRACTS according to standard policies and procedures.

I. Emergency Medical Service. Emergency medical service (i.e., ambulance care) will be provided to the TRACTS by the Magnolia Emergency Medical Service (currently a volunteer service) in accordance with standard policies and procedures.

J. Other CITY Services. All other available CITY services not specifically listed above shall be extended and available to residents of the TRACTS in accordance with standard policies and procedures.

## **V. CAPITAL IMPROVEMENT PROGRAM**

The CITY will initiate construction or acquisition of capital improvements as indicated below. Any necessary construction or acquisition shall begin within two (2) years of the annexation and shall be substantially completed within four and one-half (4 1/2) years of the date of the annexation of the particular TRACTS:

A. Police Protection. Police protection for the TRACTS can be provided by using existing capital improvements.

B. Fire Protection. Fire protection for the TRACTS can be provided using existing capital improvements.

C. Solid Waste Collection. No capital improvements are necessary at this time to provide solid waste collection services within the TRACTS as described in the Early Action Program. However, the TRACTS will be included with other territory in connection with planning for new, revised, or expanded solid waste facilities.

D. Water and Wastewater Facilities. No further improvements are now required, and the CITY will maintain the water system.

E. Roads and Streets. In general, the CITY will acquire dominion, control, and jurisdiction in, over and under public roads and streets within the TRACTS upon annexation, subject to the jurisdiction of other governmental entities, including contractual obligations with Montgomery County. Additional roads, streets, or related facilities are not necessary at this time to serve the TRACTS. Future extensions of roads or streets and future installation of related facilities such as traffic control devices or street lights will be governed by standard policies and procedures. The TRACTS will be included with other territory in connection with planning for new, revised, widened or enlarged roads, streets, or related facilities. The CITY will not maintain any private road or street within the TRACTS.

F. Parks, Playgrounds. There are no plans for capital improvements at this time. The TRACTS will be included with other territory in connection with planning new parks, playgrounds, and related facilities.

## **VI. AMENDMENT; GOVERNING LAW**

This PLAN may not be amended or repealed except as provided by the Local Government Code or other controlling law. Neither changes in the methods or means of implementing any part of the service programs nor changes in the responsibilities of the various departments of the CITY shall constitute amendments to this PLAN, and the CITY reserves the right to make such changes. This PLAN is subject to, and shall be interpreted in accordance with the Local Government Code, the Constitution and laws of the federal government of the United States of America and the State of Texas.

## **VII. FORCE MAJEURE**

Should a force majeure interrupt the services described herein, the CITY shall resume services under this PLAN within a reasonable time after the cessation of the force majeure. "Force Majeure," for the purposes of this PLAN, shall include, but not be limited to, acts of God, acts of the public enemy, war, blockades, insurrection, riots, epidemics, lightning, earthquakes, fires, storms, floods, washouts, droughts, tornadoes, hurricanes, arrests and restraints of government, explosions, collisions, and any other inability imposed upon the CITY whether similar to those enumerated or otherwise, which is not within the control of the CITY.

## **VIII. ENTIRE PLAN**

This document contains the entire and integrated Service PLAN relating to the TRACTS and supersedes all other negotiations, representations, plans and agreements, whether written

LVS\3886-1\City of Magnolia\Annexation\Applewhite\ORD-adoptAnnex.doc

or oral.



## AFFIDAVIT OF PUBLICATION

### STATE OF TEXAS COUNTY OF MONTGOMERY

Personally appeared before the undersigned, a Notary Public within and for said County and State, Angela Holman, Representative for Robb Reeves, Publisher of the Conroe Courier, a newspaper of general circulation in the County of Montgomery, State of Texas. Who being duly sworn, states under oath that the report of Legal Notices, a true copy of which is hereto annexed was published in said newspapers in its issue(s) of the

29 day of October, 2004

and the 12 day of November, 2004

Angela Holman

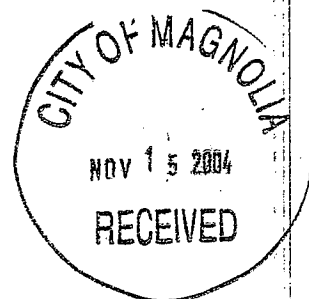
Publisher's Representative

Sworn to and subscribed before me this 12<sup>th</sup> day of Nov, 2004.

Notary Public

My commission expires on

May 21, 2005



**EXHIBIT "C"**

**NOTICE OF INTENT TO ANNEX CERTAIN PROPERTY WITHIN THE  
EXTRATERRITORIAL JURISDICTION OF THE CITY OF MAGNOLIA**

NOTICE IS HEREBY GIVEN to all interested persons that the City of Magnolia, Texas proposes to institute annexation proceedings to enlarge and extend the boundary limits of said City to include certain property within the extraterritorial jurisdiction of the City of Magnolia, said property being legally described as follows:

A TRACT OF LAND CONTAINING 580.7754 ACRES SITUATED IN THE EDWARD TAYLOR SURVEY, A-554, MONTGOMERY COUNTY, TEXAS; PORTION OF A CALLED 313.0 ACRE TRACT AS DESCRIBED UNDER C.F. No. 8442992, A PORTION OF A CALLED 102.0 ACRE TRACT AS DESCRIBED UNDER C.F. No. 9132796, ALL OF A CALLED 150.0 ACRE TRACT AS DESCRIBED UNDER C.F. No. 8115438, ALL OF A CALLED 3.645 ACRE TRACT AS DESCRIBED UNDER C.F. No. 8115439, AND ALL OF A CALLED 169.0 ACRE TRACT AS DESCRIBED UNDER C.F. No. 8716200 OF THE REAL PROPERTY RECORDS OF MONTGOMERY COUNTY, TEXAS.

A first public hearing will be held by and before the City Council of the City of Magnolia on the 9th day of November 2004 and a second public hearing will be held by and before the City Council of the City of Magnolia on the 23rd day of November 2004. The hearing to be held on the 23rd day of November will be held at 7:00 p.m., both public hearings to be held in the City Council Chamber of the City Hall of the City of Magnolia located at 16835 FM 1488, Bld 3, Magnolia, Texas, for all persons interested in the above proposed annexation. At such time and place, all such persons shall have the right to appear and be heard. All persons interested in this annexation and matters in relation thereto shall take notice of the date and time of said hearings.

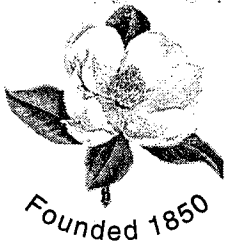
By Order of the City Council of the City of Magnolia, as contained in Ordinance No. 2004-355, duly adopted by the City Council of the City of Magnolia on the 26th day of October 2004.

ASST. CITY SECRETARY  
City of Magnolia

Jimmy Thornton, MAYOR  
City of Magnolia

31385 October 29, 2004 & November 12, 2004

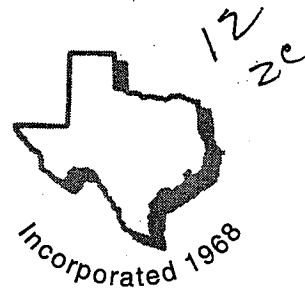
2005-034695



*City of Magnolia*

P.O. BOX 396  
MONTGOMERY COUNTY  
MAGNOLIA, TEXAS 77353-0396  
281-356-2266  
Fax 281-259-7811

796-10-1810



## Certification for Ordinance 2005-359

March 31, 2005

To whom it may concern:

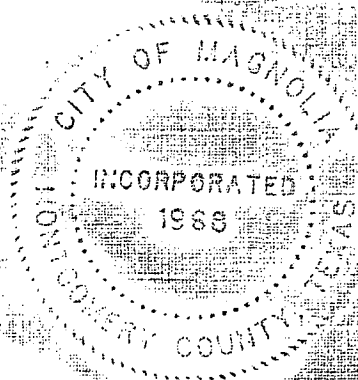
This will certify that the attached is a true and correct copy of the action taken by the City Council Members on February 8, 2005.

### ORDINANCE NO. 2005- 359

AN ORDINANCE EXTENDING THE LIMITS OF THE CITY OF MAGNOLIA, TEXAS TO EMBRACE AND INCLUDE TERRITORY WITHIN CERTAIN BOUNDARIES IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF MAGNOLIA, TEXAS, CONSTITUTING THE ACRES, MORE OR LESS, LEGALLY DESCRIBED IN EXHIBIT "A", ANNEXING TO THE CITY OF MAGNOLIA ALL OF THE TERRITORY WITHIN SUCH BOUNDARIES AS HEREIN DESCRIBED AND SET OUT IN THE ATTACHMENT HERETO; FINALLY APPROVING THE SERVICE PLAN FOR SUCH TERRITORY; MAKING FINDINGS OF FACT AND OTHER PROVISIONS RELATING THERETO; AND PROVIDING FOR SEVERABILITY.

CITY OF MAGNOLIA, TEXAS

Melonie M. Hopkins  
Acting City Secretary



796-10-1821

or oral.

**RECORDS MEMORANDUM**

At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blackouts, additions and changes were present at the time the instrument was filed and recorded.



**FILED FOR RECORD**

2005 APR -5 PM 3:58

*Mark Turnbull*  
COUNTY CLERK  
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS  
COUNTY OF MONTGOMERY

I hereby certify this instrument was filed in  
File Number Sequence on the date and at the time  
stamped herein by me and was duly RECORDED in  
the Official Public Records of Real Property at  
Montgomery County, Texas.

APR - 5 2005



*Mark Turnbull*  
County Clerk  
Montgomery County, Texas