

City of Magnolia, Texas

Ordinance No. 2008-138

ORDINANCE TO PROHIBIT DRILLING, EXPLORATION OR MINING FOR OIL, GAS OR OTHER MINERALS ON THAT CERTAIN TRACT OF LAND BEING a 29.979 acre tract or parcel of land lying and being situated in the Cyrus Wickson Survey, Abstract 601 and the Gamble Dawson Survey, Abstract 177, Montgomery County, Texas, being a portion of a tract said to contain 70.01 acres conveyed to Magnolia Independent School District (M.I.S.D.) by deed recorded in CF#263-00-1050, et seq. of the Official Public Records of Real Property of Montgomery County (O.P.R.R.P.M.C.), said 29.979 acres tract being more particularly described by metes and bounds in "EXHIBIT A" ATTACHED HERETO.

WHEREAS, the City Council of the City of Magnolia, Texas, has applied for a grant for improvements to a tract of land being described as a 29.979 acre tract or parcel of land lying and being situated in the Cyrus Wickson Survey, Abstract 601 and the Gamble Dawson Survey, Abstract 177, Montgomery County, Texas, being a portion of a tract said to contain 70.01 acres conveyed to Magnolia Independent School District (M.I.S.D.) by deed recorded in CF#263-00-1050, et seq. of the Official Public Records of Real Property of Montgomery County (O.P.R.R.P.M.C.), said 29.979 acres tract being more particularly described by metes and bounds in the "Exhibit "A"" attached hereto and incorporated herein (hereinafter the "Property"); and

WHEREAS the said Property is being used for Public Park purposes; and

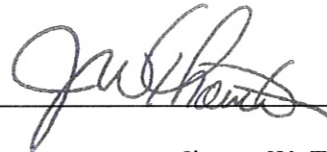
WHEREAS, to comply with grant requirements, the City of Magnolia, Texas, has no intention of exploring for oil, gas or other minerals or permitting drilling or mining for oil, gas or other minerals on or any pooling of said property; and

WHEREAS drilling on the said property will negatively affect the health, safety and welfare of the city and its inhabitants and would not promote orderly growth and development to the city.

NOW, BE IT ORDAINED by the City Council of the City of Magnolia, Texas,


1. That the facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct.
2. That in the event the City purchases said property, the property shall not be the subject of any mining, drilling for oil, gas or other minerals or exploration of any kind and further the City of Magnolia, Texas, shall not consent to or execute any documents to transfer, sell, assign, or convey or lease any mineral development rights on said property to any person or entity whatsoever.
3. To the Extent this Ordinance conflicts with Ordinance No. 340 passed and adopted on May 25, 2004, this Ordinance controls.

PASSED AND APPROVED this 10th day of November, 2008.



Jimmy W. Thornton, Jr.
Mayor

Attest:



Lu Ann D. Drake
City Secretary



TRACT "A"

STATE OF TEXAS)
COUNTY OF MONTGOMERY)

ALL THAT CERTAIN 29.979 acre tract or parcel of land lying and being situated in the Cyrus Wickson Survey, Abstract 601 and the Gamble Dawson Survey, Abstract 177, Montgomery County, Texas, being a portion of a tract said to contain 70.01 acres conveyed to Magnolia Independent School District (M.I.S.D.) by deed recorded in CF# 263-00-1050, et seq. of the Official Public Records of Real Property of Montgomery County (O.P.R.R.P.M.C.). Said 29.979 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1 inch iron rod found in the southeast right of way of F.M. Hwy. 1488 for the most northerly corner of said called 70.01 acre parent tract;

THENCE with the west lines of those tracts conveyed to George Troy Young by deed recorded in CF# 863-01-2624 O.P.R.R.P.M.C., Robert E. Tarbet by deed recorded in CF# 625-01-1499 O.P.R.R.P.M.C. and Insulated Glass Services by deed recorded in CF# 824-10-2671 O.P.R.R.P.M.C., South 02°19'15" East, a distance of 576.58 feet to a 1 1/2 inch iron pipe found for reentrant corner of said called 70.01 acre parent tract;

THENCE with the south line of said Insulated Glass Services tract and the south line of a tract conveyed to Wayne Hickson, et ux by deed recorded in CF# 2002-095883 O.P.R.R.P.M.C., North 88°06'00" East, a distance of 349.16 feet to a 1/2 inch iron rod found and North 88°14'41" East, a distance of 114.29 feet to a 1/2 inch iron rod set, from which a 1/2 inch iron rod found for a northeast corner of said called 70.01 acre parent tract bears North 88°14'41" East, a distance of 450.65 feet;

THENCE severing said called 70.01 acre parent tract, South 01°43'37" East, a distance of 77.76 feet to a 1/2 inch iron rod set;

THENCE South 88°59'32" West, a distance of 166.52 feet to a 1/2 inch iron rod set at the beginning of a curve to the left;

THENCE with a curve to the left having a central angle of 87°11'29", a length of 304.35 feet, a radius of 200.00 feet and chord which bears South 45°23'48" West, a distance of 275.83 feet to a 1/2 inch iron rod set;

THENCE South 01°48'04" West, a distance of 41.56 feet to a 1/2 inch iron rod set at the beginning of a curve to the left;

THENCE with a curve to the left having a central angle of 71°01'12", a length of 247.91 feet, a radius of 200.00 feet and chord which bears South 33°42'32" East, a distance of 232.34 feet to a 1/2 inch iron rod set;

THENCE South 69°13'08" East, a distance of 558.23 feet to a 1/2 inch iron rod set;

THENCE South 87°19'54" East, a distance of 170.77 feet to a 1 inch iron rod found for the southwest corner of a tract said to contain 19.790 acres conveyed to Power Partnership by deed recorded in CF# 885-10-2548 O.P.R.R.P.M.C.;

THENCE with the south line of said Power Partnership tract, North 89°43'42" East, a distance of 414.34 feet to a 1/2 inch iron rod set for the northwest corner of a tract said to contain 1.0055 acres conveyed to Magnolia United Methodist Church by deed recorded in CF# 480-00-2107 O.P.R.R.P.M.C.;

THENCE with the west line of said Magnolia United Methodist Church tract, South 00°07'51" East, a distance of 99.15 feet to a 1/2 inch iron rod found for the northeast corner of a tract said to contain 0.497 acres conveyed to Michael Wyrick, et ux by deed recorded in CF# 299-00-0526 O.P.R.R.P.M.C.;

THENCE with the north line of said Michael Wyrick, et ux tract, South 89°37'36" West, a distance of 107.90 feet to a 1/2 inch iron rod set for the northwest corner of said Michael Wyrick, et ux tract and the northeast corner of a tract said to contain 0.4705 acres conveyed to Robert LaSalle, et ux by deed recorded in CF# 949-00-1911 O.P.R.R.P.M.C.;

THENCE with the north line of said Robert LaSalle, et ux tract, South 78°55'32" West, a distance of 109.78 feet to a 2 inch iron pipe found for the northwest corner of said Robert LaSalle, et ux tract and the northeast corner of a tract said to contain 0.5869 acres conveyed to Frank M. Parker III, et ux by deed recorded in CF# 263-00-0862 O.P.R.R.P.M.C.;

THENCE with the upper north line of said called 0.5869 acre Frank M. Parker III, et ux tract, South 55°46'08" West, a distance of 143.56 feet to a 2 inch iron pipe found for a reentrant corner of said called 70.01 acre parent tract;

THENCE with the upper west line of said called 0.5869 acre Frank M. Parker III, et ux tract, South 00°22'04" West, a distance of 99.97 feet to a 2 inch iron pipe found for a reentrant corner of said called 0.5869 acre Frank M. Parker III, et ux tract;

THENCE with the lower north line of said called 0.5869 acre Frank M. Parker III, et ux tract, South 89°24'18" West, a distance of 77.60 feet to a 2 inch iron pipe found for a reentrant corner of said called 70.01 acre parent tract;

THENCE with the lower west line of said called 0.5869 acre Frank M. Parker III, et ux tract and the west line of a tract said to contain 5.649 acres conveyed to Frank M. Parker III, et ux by deed recorded in CF# 361-00-0354 O.P.R.R.P.M.C., South 00°22'00" East, a distance of 259.08 feet to a 1/2 inch iron rod set, from which a 1 inch iron rod found for the southwest corner of said 5.649 acre Frank M. Parker III, et ux tract bears South 00°22'00" East, a distance of 258.41 feet;

THENCE severing said called 70.01 acre parent tract, North 74°50'34" West, a distance of 143.21 feet to a 1/2 inch iron rod set;

THENCE South 44°18'09" West, a distance of 153.91 feet to a 1/2 inch iron rod set at the beginning of a curve to the left;

THENCE with a curve to the left having a central angle of 82°08'03", a length of 473.06 feet, a radius of 330.00 feet and chord which bears South 03°14'08" West, a distance of 433.58 feet to a 1/2 inch iron rod set;

THENCE South 37°49'54" East, a distance of 265.16 feet to a 1/2 inch iron rod set at the beginning of a curve to the left;

THENCE with a curve to the left having a central angle of 26°22'25", a length of 151.90 feet, a radius of 330.00 feet and chord which bears South 51°01'06" East, a distance of 150.56 feet to a 1/2 inch iron rod set;

THENCE South 50°22'00" West, a distance of 234.38 feet to a 1 inch iron rod found for an angle point in the southwest line of said called 70.01 acre parent tract and the northeast line of a tract said to contain 32.431 acres conveyed to Mathew Feinberg, et ux by deed recorded in CF# 2003-148001 O.P.R.R.P.M.C.;

THENCE with the southwest line of said called 70.01 acre parent tract and the northeast line of said Mathew Feinberg, et ux tract for the following bearings and distances:
North 37°33'43" West, a distance of 527.24 feet to a 1 inch iron rod found,
South 54°03'35" West, a distance of 33.50 feet to a 1/2 inch iron rod set,
North 53°11'48" West, a distance of 184.64 feet to a 1/2 inch iron rod found,
and North 12°28'42" West, a distance of 77.93 feet to a 1 inch iron rod found for the northeast corner of said Mathew Feinberg, et ux tract and the southeast corner of a tract said to contain 50.28 acres conveyed to Vernon Keith Sullins, et ux by deed recorded in CF# 2002-109516 O.P.R.R.P.M.C.;

THENCE with the southwest line of said called 70.01 acre parent tract and the northeast line of said Vernon Keith Sullins, et ux tract for the following bearings and distances:
North 19°41'28" West, a distance of 442.46 feet to a 1/2 inch iron rod found,
North 61°10'05" East, a distance of 64.14 feet to a 1/2 inch iron rod found,
North 15°42'10" East, a distance of 79.71 feet to a 1/2 inch iron rod found,
North 11°23'22" West, a distance of 149.46 feet to a 1/2 inch iron rod found,
North 47°49'40" West, a distance of 269.90 feet to a 1/2 inch iron rod set,
North 32°17'30" West, a distance of 131.41 feet to a 1/2 inch iron rod found,
North 43°57'30" West, a distance of 115.84 feet to a 1/2 inch iron rod found,
North 19°07'50" West, a distance of 133.77 feet to a 1/2 inch iron rod found,
North 05°07'13" East, a distance of 161.64 feet to a 1/2 inch iron rod found,
North 11°18'07" East, a distance of 280.43 feet to a 1/2 inch iron rod set,
and North 06°31'27" West, a distance of 488.51 feet to a 1/2 inch iron rod found in the southeast right of way of F.M. Hwy. 1488 at the beginning of a curve to the left,

THENCE with the southeast right of way of F.M. Hwy. 1488 along a curve to the left having a central angle of 07°21'19", a length of 245.18 feet, a radius of 1909.88 feet and chord which bears North 61°46'39" East, a distance of 245.00 feet to the PLACE OF BEGINNING and containing 29.979 acres of land.

Notes:

1. Bearings are based on Geodetic North as determined by GPS observations.
2. All set 1/2 inch iron rods are marked with a cap stamped "O'MALLEY ENGINEERS".
3. This survey is valid only if bears the seal and original signature of the surveyor.
4. This description is accompanied by a plat of even date herewith.

April 10, 2008.

Robert C. Schmidt

Robert C. Schmidt, TX RPLS No. 4705

Page 2 of 2



I:\CG4ACI\ENGRING\0790\079001\c\Tract-A.doc

203 S. Jackson P.O. Box 1976 Brenham, Texas 77834-1976 (979)836-7937 FAX (979)836-7936