

2000-039854

ORDINANCE OF ANNEXATION #276

278

AN ORDINANCE ANNEXING A 265 ACRE TRACT OF LAND PURSUANT TO THE PETITION OF THE SOLE OWNER OF THE TRACT AND AFTER REQUISITE HEARING ON THE PETITION FOR ANNEXATION BY MAGNOLIA I, L.P. A TEXAS LIMITED PARTNERSHIP

WHEREFORE, as the city council for the City of Magnolia, Texas, has received a petition for annexation from Magnolia I, L.P., pursuant to TEX.LOC. GOV'T CODE 43.028; and

WHEREFORE, Since the tract of real property sought to be annexed is wholly owned by petitioner in fee simple; and

WHEREFORE, since there are no persons currently residing on the property sought to be annexed; and

WHEREFORE, since there are no legal impediments to the proposed annexation and that hearings have been held concerning the proposed annexation seeking comments or objections thereto;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MAGNOLIA, TEXAS as follows:

Section 1--Annexation of tract.

The 265-acre tract described by metes and bounds in the attached Exhibit A, is hereby annexed into the city limits of the City of Magnolia, Texas for all purposes;

Section 2—Effective Date.

This annexation shall not be effective until the pre-clearance of the annexation by the United States Department Of Justice under the 1965 Voting Rights Act and the endorsement of this ordinance by the Mayor.

The Mayor shall not endorse and file this ordinance until the receipt of notice of pre-clearance by the Civil Rights Division of the Department of Justice. The receipt of pre-clearance from the Civil Rights Division and the endorsement by the Mayor of this ordinance shall constitute final approval of this ordinance.

Section 3—City Services and taxation.

City of Magnolia
P.O. Box 356
MAGNOLIA, TX 77353

The tract annexed herein shall be entitled to the same services of the City of Magnolia, as any other tract similarly situated. The tract shall be subject to taxation uniformly and equally on an ad valorem basis.

Section 4—Rights and duties of residents on annexed tract.

Residents of the annexed tract shall be citizens of the City of Magnolia, Texas. Any current or subsequent residents of the tract annexed by this ordinance shall also be entitled to the same rights and privileges as other citizens of the City of Magnolia, Texas, and are bound by the acts and ordinances adopted by the City of Magnolia, Texas.

Section 4—Filing

Upon final approval of this ordinance, the City Secretary is ordered to forward a certified copy of this ordinance of annexation, together with the petition for annexation to the County Clerk for Montgomery County, Texas, for filing with the records of the Clerk. Further, the City Secretary is ordered to forward a certified copy of this ordinance to the Secretary of State, Statutory Documents Division, P.O. Box 12887, Austin, Texas 78711, together with a statement of whether the annexation is the subject of pending or threatened litigation:

Section 5—Enactment

ADOPTED AND PASSED on this 14th day of March, 2000, by the City Council for the City of Magnolia, Texas.

Councilwoman Ogden	Aye
Councilman Mattern	Aye
Councilwoman Cloyd	Absent
Councilwoman Clapp	Aye
Councilman Smith	Aye


John Bramlett, Mayor

Attest:

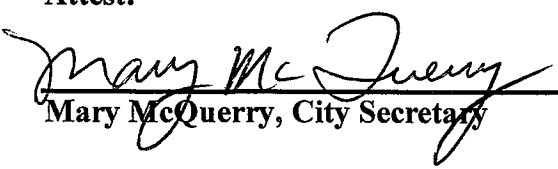

Mary McQuerry, City Secretary

EXHIBIT 'B'
DESCRIPTION
266.146 Acres of Land

All that certain tract or parcel of land containing 266.146 acres situated in the C. T. Ward Survey, Abstract 612, Montgomery County, Texas and being the combining of a 200.00 acre tract as described in deed to Two Hundred Magnolia, recorded under Clerk's File No. 8801360, a 58.074 acre tract as described in deed recorded under County Clerk's No. 9713597, and a 8.73 acre tract as described in Volume 455, Page 562 Montgomery County Deed Records and being more particularly described as follows with all bearings referenced to the south line of ARNOLD ESTATES SECTION 1 being a subdivision of 42.069 acres of land in the C. T. Ward Survey A-612, Montgomery County, Texas and recorded in Cabinet D, Sheet 110-B, Montgomery County Map Records.

BEGINNING at a ½ inch iron pipe found (Control Monument) in the east right-of-way line of Nichols Sawmill Road for the northwest corner of the aforementioned 200.00 acre tract, and being the southwest corner of that certain 3.069 acre tract described in deed to City of Magnolia, recorded in Volume 970, Page 129 of the Montgomery County Deed Records;

THENCE, N 89° 58' 58" E, a distance of 625.77 feet along the south line of the said 3.069 acre tract to a point for corner, same point being the southeast corner of said 3.069 acre tract;

THENCE, N 00° 40' 25" E, 208.71 feet along the east line of said 3.069 acre tract to a point for corner, same point being the northeast corner of the 3.069 acre tract;

THENCE, S 89° 58' 58" W, 482.13 feet along the north line of the same 3.069 acre tract to a common angle point;

THENCE, continuing along said north line of the 3.069 acre tract N 73° 42' 24" W, 149.52 feet to a point on the east right-of-way line of Nichols Sawmill Road and being the northwest corner of the aforementioned 3.069 acre tract and a westerly corner for the tract described herein;

THENCE, N 00° 40' 25" E, 311.83 feet along said east right-of-way line of Nichols Sawmill Road to a point for the northwest corner of the herein described tract, same point being the southwest corner of ARNOLD ESTATES SECTION 1, according to the map or plat recorded in Cabinet D, Sheet 110-B of the Montgomery County Map Records;

THENCE, N 89° 58' 58" E, along the south line of ARNOLD ESTATES SECTION 1, at 3257.85 feet passing a point for the southeast corner of ARNOLD ESTATES SECTION 1, a total distance of 4736.18 feet to a point in the west line of GALLERIA OAKS ESTATES SUBDIVISION SECTION FOUR, according to the map or plat recorded in Cabinet C, Sheet 75 of the Montgomery County Map Records, same point being the northeast corner of the herein described tract;

THENCE, S 00° 55' 47" W, a distance of 562.57 feet along the west line of GALLERIA OAKS ESTATES SUBDIVISION SECTION FOUR, to a point for corner.

THENCE, S 00° 53' 23" W, a distance of 1084.56 feet continuing along the west line of GALLERIA OAKS ESTATES SECTION FOUR to a point for the southwest corner of GALLERIA OAKS ESTATES SECTION FOUR, and being the northwest corner of that certain 6.33 acre tract described in deed to Robert H. Traylor, recorded under C. C. F. No. 9153571, and point for corner;

THENCE, S 00° 09' 38" W, a distance of 27.50 feet along the west line of the said 6.33 acre tract to a point for the eastern southeast corner of this tract, and being the northeast corner of that certain 6.29 acre tract described in deed to Sandra Kaye Firby, recorded under C. C. F. No. 9212080, and point for corner;;

THENCE, N 89° 59' 10" W. A distance of 917.35 feet along the north line of the said 6.29 acre tract and along the north line of that certain 2.89 acre tract described in deed to Joe Sealy, recorded in Volume 982, Page 732 of the Montgomery County Deed Records, to a point for the northwest corner of the said 2.89 acre tract, and being the northeast corner of that certain 4.32543 acre tract described in deed to Richard Carswell, recorded under C. C. F. No. 9729179, and point for corner;

THENCE, S 89° 55' 31" W, a distance of 926.14 feet along the north line of the said 4.32543 acre tract and along the north line of that certain 4.35454 acre tract described in deed to Richard Carswell, recorded under C. C. F. No. 9722344, to a point for the northwest corner of the said 4.35454 acre tract, and being the northeast corner of that certain 18.42 acre tract described in deed to Daniel T. Minter, recorded under C. C. F. No. 9324940, and point for corner;

THENCE, N 89° 56' 01" W, along the north line of the said Minter 18.42 acre tract, at 463.14 feet pass a point for the northwest corner of the said Minter 18.42 acre tract and the northeast corner of that certain 18.42 acre tract described in deed to Louis P. Manuell, recorded under C. C. F. No. 9346855, and continuing along the Manuell 18.42 acre tract for a total distance of 926.28 feet to a point for the northwest corner of the said Manuell 18.42 acre tract, and point for corner;

THENCE, S 00° 02' 51" W, a distance of 1759.82 feet along the west line of the said Manuell 18.42 acre tract to a point in the north line of the Veterans Road for the southwest corner of the said Manuell 18.42 acre tract, and point for corner;

THENCE, S 59° 26' 18" W, a distance of 111.40 feet along the north line of Veterans Road to a point for corner;

THENCE, N 89° 55' 23" W, along the north line of Veterans Road and along the north line of that certain 22.2849 acre tract described in deed to Charles W. Lystra, et ux, recorded under C. C. F. No. 8111044, a total distance of 1963.68 feet to a point in the center of a creek for the southwest corner of this tract, said corner being in the east line of that certain 2.02 acre tract described in deed to Larry Brandon, recorded under C. C. F. No. 9241783;

THENCE, along the center of the said creek and the east line of the said 2.02 acre tract the following courses; 1. N 25° 38' 24" E, 57.72 feet; 2. N 78° 44' 03" E, 43.06 feet; 3. N 02° 03' 53" E, 70.75 feet; 4. N 25° 05' 23" W, 97.51 feet; 5. N 40° 24' 36" W, 51.72 feet; 6. N 00° 05' 02" W, 92.54 feet; 7. S 72° 14' 46" E, 166.05 feet; 8. N 11° 45' 08" W, 50.33 feet; 9. N 31° 55' 03" W, 41.83 feet; 10. N 56° 34' 43" W, 102.26 feet; 11. N 66° 25' 09" W, 78.43 feet; and 12. N 63° 07' 06" W, 76.40 feet to a point at the intersection of the center of the said creek with the east right-of-way line of Nichols Sawmill Road;

THENCE, N 05° 36' 59" E, along the east line of Nichols Sawmill Road at 1154.07 feet passing a point in the center of a creek for the former southwest corner of that certain 8.73 acre tract described in deed to Ferd Sebastian, Jr., recorded in Volume 455, Page 562 of the Montgomery County Deed Records, a total distance of 2191.46 feet to a point for corner, same point also being at the northwest corner of the former 8.73 acre tract;

THENCE, N 01° 10' 26" E, a distance of 235.86 feet along the east line of Nichols Sawmill Road to the POINT OF BEGINNING and containing 266.146 acres of land.

FILED FOR RECORD
00 MAY 15 AM 9:55
MARK TURNBULL, CO. CLERK
MONTGOMERY COUNTY, TEXAS
DEPUTY

STATE OF TEXAS

COUNTY OF MONTGOMERY

I hereby certify that 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 of Montgomery County, Texas.

MAY 15 2000



Mark Turnbull
COUNTY CLERK
MONTGOMERY COUNTY, TEXAS