

## ORDINANCE NO. 281

REPEAL OF ORDINANCE OF ANNEXATION DATED MARCH 14, 2000 ANNEXING A 265 ACRE TRACT OF LAND IN CONTEMPLATION OF REANNEXATION OF 85 ACRE TRACT OF THE SAME PROPERTY. ANNEXATION OF 85 ACRES OF LAND DESCRIBED ON ATTACHED EXHIBIT A.

WHEREAS the City Of Magnolia pursuant to the Development and Annexation Agreement, dated November 9, 1999, agreed to annex all of one certain 265 acre tract belonging to Magnolia I, L.P., and known as Grand Oaks; and

WHEREAS pursuant to the Development and Annexation Agreement, a petition has been filed pursuant to TEX. LOC. GOV'T CODE § 43.028 by Magnolia I, L.P. for the annexation of an 85-acre tract, as Stage I; and

WHEREAS pursuant to the Development and Annexation Agreement such annexation was to be conducted only in stages necessitating a repeal of the prior annexation to conform to the substance of the agreement;

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

Section 1. The annexation of the 265-acre tract under Ordinance No. 276 is hereby repealed.

Section 2. The 85-acre tract of land belonging to Magnolia I, L.P. contained in the attached Exhibit A (attached hereto and incorporated herein) is hereby annexed into the City Of Magnolia, Texas for all purposes;

Section 3. The City Secretary and City Attorney are authorized to submit this ordinance for approval to the United States Department Of Justice in compliance with the Voting Rights Act of 1965.

Section 4. The tract annexed herein shall be entitled to the same services of the City Of Magnolia, Texas, as any other tract similarly situated. The tract shall also be subject to taxation uniformly and equally on an ad valorem basis.

Section 5. Residents of the annexed tract shall be citizens of the City Of Magnolia, Texas. Any current or subsequent residents of the tract annexed herein shall 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 6. Upon receiving notice of approval from the Department Of Justice, 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.

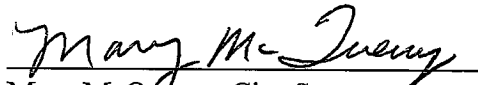
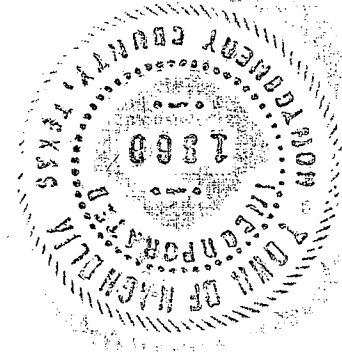
ADOPTED AND PASSED on this 13th day of June, 2000 by the City Council for the City Of Magnolia, Texas.

Councilwoman Ogden	<u>AYE</u>
Councilman Parker	<u>AYE</u>
Councilwoman Cloyd	<u>AYE</u>
Councilwoman Clapp	<u>AYE</u>
Councilman Smith	<u>AYE</u>



John Bramlett, Mayor

ATTEST:

  
Mary McQuerry, City Secretary

85.55 ACRES  
ANNEXATION TRACT

JUNE 9, 2000  
JOB NO. CDB02  
W:\SURVEY\MB\CDB02ANX

DESCRIPTION OF A 85.55 ACRE TRACT OF LAND  
SITUATED IN THE C.T. WARD SURVEY  
ABSTRACT NUMBER 612  
MONTGOMERY COUNTY, TEXAS

BEING 85.55 acres of land situated in the C.T. Ward Survey, Abstract Number 612, Montgomery County, Texas, and being part of a 58.074 acre tract of land described in a deed recorded under Montgomery County Clerk's File Number 9213597, part of a 200.00 acre tract of land described in a deed recorded under Montgomery County Clerk's File 8801360 and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron pipe found in the east right-of-way line of Nichols Sawmill Road and being the southwest corner of a 3.069 acre tract of land described in a deed to the 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 said 3.069 acre tract to a point for the southeast corner of said 3.069 acre tract;

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

THENCE S 89° 58' 58" W, a distance of 482.13 feet along the north line of said 3.069 acre tract to a point for corner;

THENCE N 73° 42' 24" W, a distance of 149.52 feet along a north line of said 3.069 acre tract to a point for corner in the east right-of-way line of Nichols Sawmill Road,

THENCE N 00° 40' 25" E, a distance of 311.83 feet along the east right-of-way line of Nichols Sawmill Road to a point for the northwest corner of said 58.074 acre tract and the southwest corner of Arnold Estates Section One (1), according to the plat recorded in Cabinet D, Sheet 110-B of the Map Records of Montgomery County;

THENCE N 89° 58' 58" E, a distance of 2381.62 feet along the south line of said Arnold Estates Section One (1) to a point for corner;

THENCE over and across said 58.074 acre tract and said 200.00 acre tract the following courses and distances;

S 00° 00' 02" E, a distance of 583.92 feet to a point being the point of curvature of a curve to the right;

In a southwesterly direction 633.58 feet along said curve to the right having a radius of 435.00 feet, a central angle of 83° 27' 04" and a chord which bears S 41° 43' 30" W, 579.04 feet to the point of tangency;

ANNEXATION TRACT  
85.55 ACRES  
MARCH, 30 20000  
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S 83° 27' 02" W, a distance of 145.32 feet to a point being the point of curvature of a curve to the left;

In a southwesterly direction, 230.45 feet along the arc of said curve to the left having a radius of 365.00 feet, a central angle of 36° 10' 30" and a chord which bears S 65° 21' 47" W, 226.64 feet to the point of tangency;

S 47° 16' 32" W, a distance of 893.46 feet to a point being the point of curvature of a curve to the right;

In a southeasterly direction, 39.27 feet along the arc of said curve to the right having a radius of 25.00 feet, a central angle of 90° 00' 00" and a chord which bears S 87° 43' 28" E, 35.36 feet to the point of tangency;

S 42° 43' 28" E, a distance of 46.90 feet to a point being the point of curvature of a curve to the left;

In a southeasterly direction, 70.77 feet along the arc of said curve to the left having a radius of 500.00 feet, a central angle of 08° 06' 35" and a chord which bears S 46° 46' 45" E, 70.71 feet to the point of reverse curvature;

In a southeasterly direction, 70.77 feet along the arc of said curve to the right having a radius of 500.00 feet, a central angle of 08° 06' 35" and a chord which bears S 46° 46' 45" E, 70.71 feet to the point of tangency;

S 42° 43' 28" E, 217.04 feet to a point for corner;

S 47° 16' 32" W, 330.00 feet to a point for corner;

S 42° 43' 28" E, 110.00 feet to a point for corner;

S 47° 16' 32" W, 50.00 feet to a point for corner;

N 42° 43' 28" W, 275.00 feet to a point for corner;

S 47° 16' 32" W, 110.00 feet to a point for corner;

N 42° 43' 28" W, 49.53 feet to a point for corner;

N 47° 16' 32" E, 110.00 feet to a point for corner;

N 42° 43' 28" W, 257.83 feet to a point of curvature of a curve to the right;

In a southwesterly direction, 312.67 feet along the arc of said curve to the right having a radius of 650.00 feet, a central angle of 27° 33' 39" and a chord which bears S 81° 51' 10" W, 309.66 feet to the point of tangency;

N 84° 22' 0" W, 115.00 feet to the point of curvature of a curve to the right;

In a northwesterly direction, 168.24 feet along the arc of said curve to the right having a radius of 335.00 feet, a central angle of 28° 46' 26" and a chord which bears N 69° 58' 47" W, 166.47 feet to the point of reverse curvature;

In a northwesterly direction, 63.98 feet along the arc of said curve to the left having a radius 500.00 feet, a central angle of 07° 19' 55" and a chord which bears N 59° 15' 32" W, 63.94 feet to the point of reverse curvature;

In a northwesterly direction, 86.71 feet along the arc of said curve to the right having a radius of 500.00 feet, a central angle of 09° 56' 11" and a chord which bears N 57° 57' 24" W, 89.60 feet to the point of reverse curvature;

In a northwesterly direction, 15.68 feet along the arc of said curve to the left having a radius of 150.00 feet, a central angle of 05° 59' 22" and a chord which bears N 55° 58' 59" W, 15.67 feet to the point of tangency;

S 05° 42' 00" W, 593.36 feet to a point for corner;

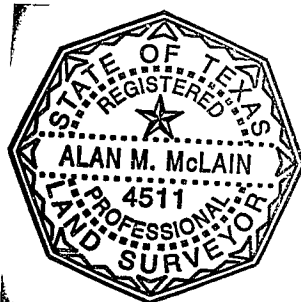
N 89° 59' 57" W, 100.48 feet to a point in the east right-of-way line of said Nichols Sawmill Road for corner;

THENCE along said east right-of-way line of Nichols Sawmill Road and the west line of said 200.00 acre tract as follows:

N 05° 36' 59" E, 1623.80 feet to an angle point;

N 01° 10' 14" E, 235.84 feet to the POINT OF BEGINNING and containing 85.55 acres of land;

This document was prepared under 22 TAC-663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.



  
Alan M. McLain RPLS No. 4511  
Brown & Gay Engineers, Inc.  
11490 Westheimer Road, Suite 700  
Houston, Texas 77077  
Telephone: (281) 558-8700

775-00-0293

FILED FOR RECORD

00 SEP 18 AM 9:20

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.

SEP 18 2000



*Mark Turnbull*  
COUNTY CLERK  
MONTGOMERY COUNTY, TEXAS