

ORDINANCE NO. 309

AN ORDINANCE OF THE CITY OF MAGNOLIA, TEXAS, EXTENDING THE CITY LIMITS OF SAID CITY TO INCLUDE ALL OF THE TERRITORY WITHIN CERTAIN LIMITS AND BOUNDARIES AND ANNEXING TO THE CITY OF MAGNOLIA ALL OF THE TERRITORY WITHIN SUCH LIMITS AND BOUNDARIES; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING A SAVING AND SEVERABILITY CLAUSE.

* * * * *

WHEREAS, on the 17th day of July, 2002, the Magnolia Independent School District, owner of all the territory described in Exhibit "A" attached hereto, petitioned the City Council of the City of Magnolia, Texas, to annex such territory into the City; and

WHEREAS, such territory is less than one-half mile in width, is contiguous to the City, is vacant, and lies wholly within the extraterritorial jurisdiction of the City; and

WHEREAS, pursuant to and in accordance with Section 43.028, Texas Local Government Code, the City Council of the City of Magnolia heard the petition and arguments for and against such proposed annexation; and

WHEREAS, pursuant to and in accordance with Section 43.0561, Texas Local Government Code, the City Council of the City of Magnolia conducted hearings on such proposed annexation and all person desiring to be heard regarding same were heard; and

WHEREAS, having considered the testimony the City Council deems it appropriate and in the interest of the City to grant such petition, now, therefore,

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

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The boundaries and limits of the City of Magnolia, Texas, are hereby extended to embrace and include all of the following described territory, and such territory as described by metes and bounds in Exhibit "A" attached hereto and made a part hereof is hereby annexed to and made a part of the City.

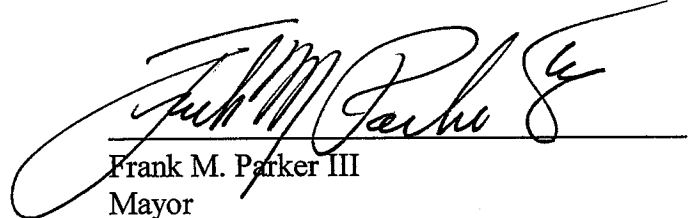
Section 3. The plan for extension of municipal services into the territory annexed to the City of Friendswood, by the provisions of this Ordinance, is set forth in the "Municipal Service Plan" attached hereto and made a part hereof for all purposes. Such Municipal Service Plan is hereby approved.

Section 4. The City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place, and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 552, Texas Government Code, as amended; and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter thereof have been discussed, considered, and formally acted upon. The City Council further ratifies, approves, and confirms such written notice and the contents and posting thereof.

Section 5. If any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application thereof ineffective or inapplicable as to any territory, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no wise affect, impair, or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect; and should this Ordinance for any reason be ineffective as to any part of the territory hereby annexed to the City of Magnolia, such ineffectiveness of this Ordinance as to any such part or parts of any such territory shall not affect the effectiveness of this

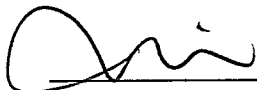
Ordinance as to all of the remainder of such territory or area, and the City Council hereby declares it to be its purpose to annex to the City of Magnolia every part of the territory described in Section 1 of this Ordinance, regardless of whether any other part of such described territory is hereby effectively annexed to the City. Provided, further, that if there is included in the general description of territory set out in Section 1 of this Ordinance to be hereby annexed to the City of Magnolia any territory which is already a part of and included within the general limits of the City of Magnolia, or which is presently part of and included in the limits or extraterritorial jurisdiction of any other city, town, or village, or which is not within the City of Magnolia's jurisdiction to annex, the same is hereby excluded and excepted from the territory to be annexed hereby as fully as if such excluded and excepted territory were especially and specifically described herein.

PASSED, APPROVED, AND ADOPTED this 12th day of November, 2002.



Frank M. Parker III
Mayor

ATTEST:



Jane H. Miller
City Secretary

Exhibit 'A

Being 70.01 acres of land out of a called 124.3959 acre tract as described in M.C.F.C 916-01-2370, being partially located in the Cyrus Wickson Survey, A-601 and the Gamble Dawson survey, A-177, Montgomery Co., Tx., and being more particularly described as follows to wit:

Beginning at a found 1"ir located in the southerly R.O.W. of FM 1488 and the West line of a tract described in Vol. 322 Pg. 433 M.C.D.R.,

Thence South 01 Degrees 59 Minutes 23 Seconds East (source bearing from survey by Robert La Plant, P.L.S.1853), a distance of 576.58 feet to a found 1-1/2"ip;

Thence North 88 Degrees 31 Minutes 09 Seconds East, a distance of 849.71 feet (call North 88 Degrees 31 Minutes 02 Seconds East 849.34 feet) along the common line of this tract and a tract recorded in Vol.322 Pg.433 M.C.D.R., to a Fence Post found for a corner;

Thence North 89 Degrees 01 Minutes 03 Seconds East, a distance of 64.21 feet (call North 89 Degrees 48 Minutes 30 Seconds East, a distance of 68.30 feet) to a found 1"ir;

Thence South 00 Degrees 21 Minutes 15 Seconds East, a distance of 728.84 feet (call South 02 Degrees 30 Minutes 00 Seconds East) along the common line of this tract and a tract recorded in Vol.944 Pg.766 M.C.D.R., to a found 1"ir;

Thence South 89 Degrees 55 Minutes 12 Seconds East, a distance of 414.34 feet (call North 89 Degrees 48 Minutes 23 Seconds East, a distance of 412.53 feet) along the common line of this tract and a tract recorded in Vol.944 Pg.766 M.C.D.R., to a found 1"ir;

Thence South 00 Degrees 13 Minutes 15 Seconds West, a distance of 99.15 feet (call South 00 Degrees 41 Minutes 00 Seconds East, a distance of 97.44 feet) to a found 1/2"ir;

Thence North 89 Degrees 49 Minutes 39 Seconds West, a distance of 112.22 feet (call South 89 Degrees 16 Minutes 03 Seconds West, a distance of 109.07 feet) to a set 1/2"ir;

Thence South 78 Degrees 38 Minutes 22 Seconds West, a distance of 105.61 feet (call South 78 Degrees 35 Minutes 21 Seconds West, a distance of 108.59 feet) to a found 2"ip;

Thence South 56 Degrees 07 Minutes 14 Seconds West, a distance of 143.75 feet (call South 56 Degrees 04 Minutes 16 Seconds West, a distance of 144.14 feet) to a found 2"ip (disturbed);

Thence South 00 Degrees 36 Minutes 48 Seconds West, a distance of 99.97 feet (call South 01 Degrees 56 Minutes 41 Seconds West, a distance of 97.64 feet) to a found 2"ip;

Thence South 89 Degrees 46 Minutes 03 Seconds West, a distance of 77.60 feet (call South 87 Degrees 44 Minutes 04 Seconds West, a distance of 81.74 feet) to a found 2"ip;

Thence South 00 Degrees 00 Minutes 09 Seconds East, a distance of 517.68 feet (call South 02 Degrees 30 Minutes 00 Seconds East, a distance of 518.39 feet) along the common line of this tract and a tract recorded in Vol.43 Pg.814, to a found 1"ir;

Thence South 70 Degrees 50 Minutes 45 Seconds East, a distance of 912.07 feet (call South 70 Degrees 51 Minutes 53 Seconds East, a distance of 912.20 feet) along the common line of

this tract and tracts recorded in Vol.43 Pg.814 and Vol. 755 Pg.225 to it's intersection with the West line of Nichols Sawmill Road, a found 1"ir;

Thence South 00 Degrees 10 Minutes 35 Seconds East, a distance of 1140.80 feet (call South 00 Degrees 13 Minutes 20 Seconds East) along the West line of Nichols Sawmill Road, to a found 2"ip;

Thence South 89 Degrees 51 Minutes 57 Seconds West, a distance of 429.83 feet along the common line of this tract and a tract recorded in Vol.955 Pg.268 M.C.D.R., to a found 2"ip;

Thence North 01 Degrees 16 Minutes 26 Seconds West, a distance of 64.87 feet (call North 01 Degrees 23 Minutes 19 Seconds West) along the common line of this tract and a tract recorded in Vol.418 Pg.309 M.C.D.R., to a found 1"ir;

Thence North 26 Degrees 19 Minutes 45 Seconds West, a distance of 106.71 feet (call North 26 Degrees 21 Minutes 15 Seconds West, a distance of 106.89 feet) along the common line of this tract and a tract recorded in Vol.418 Pg.309 M.C.D.R., to a set 1"ir;

Thence North 58 Degrees 43 Minutes 30 Seconds West, a distance of 241.97 feet (call North 58 Degrees 44 Minutes 19 Seconds West a distance of 241.69 feet), along the common line of this tract and a tract recorded in Vol.418 Pg.309 M.C.D.R., to a found 1"ir;

Thence North 79 Degrees 46 Minutes 12 Seconds West, a distance of 302.40 feet (call North 79 Degrees 43 Minutes 45 Seconds West, a distance of 301.74 feet) along the common line of this tract and a tract recorded in Vol.513 Pg.326 M.C.D.R., to a found 1"ir;

Thence North 08 Degrees 23 Minutes 55 Seconds West, a distance of 406.07 feet (call North 08 Degrees 32 Minutes 43 Seconds West, a distance of 405.47 feet) along the common line of this tract and a tract recorded in Vol.513 Pg.326 M.C.D.R., to a found 1"ir;

Thence North 37 Degrees 12 Minutes 00 Seconds West, a distance of 527.24 feet (call North 37 Degrees 10 Minutes 12 Seconds West) along the common line of this tract and a tract recorded in Vol.513 Pg.326 M.C.D.R., to a found 1"ir;

Thence South 54 Degrees 25 Minutes 18 Seconds West, a distance of 33.50 feet to a set 1/2"ir;

Thence North 52 Degrees 50 Minutes 05 Seconds West, a distance of 184.64 feet to a set 1/2"ir;

Thence North 12 Degrees 09 Minutes 36 Seconds West, a distance of 77.93 feet to a found 1"ir;

Thence North 19 Degrees 19 Minutes 05 Seconds West, a distance of 442.25 feet to a set 1/2"ir;

Thence North 61 Degrees 29 Minutes 11 Seconds East, a distance of 64.35 feet to a set 1/2"ir;

Thence North 16 Degrees 01 Minutes 16 Seconds East, a distance of 79.71 feet to a set 1/2"ir;

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Thence North 11 Degrees 04 Minutes 16 Seconds West, a distance of 149.46 feet to a set 1/2"ir;

Thence North 47 Degrees 30 Minutes 29 Seconds West, a distance of 269.97 feet to a set 1/2"ir;

Thence North 31 Degrees 58 Minutes 24 Seconds West, a distance of 131.41 feet to a set 1/2"ir;

Thence North 43 Degrees 21 Minutes 34 Seconds West, a distance of 115.84 feet to a set 1/2"ir;

Thence North 18 Degrees 50 Minutes 24 Seconds West, a distance of 133.67 feet to a set 1/2"ir;

Thence North 05 Degrees 16 Minutes 59 Seconds East, a distance of 161.83 feet to a set 1/2"ir;

Thence North 11 Degrees 42 Minutes 46 Seconds East, a distance of 280.43 feet to a set 1/2"ir;

Thence North 06 Degrees 06 Minutes 48 Seconds West, a distance of 488.83 feet to a set 1/2"ir in the aforesaid southerly R.O.W. of FM 1488;

Thence around a curve to the left in the said southerly R.O.W. of FM 1488, through a central angle of 07 Degrees 21 Minutes 00 Seconds, an arc distance of 245.00 feet, a radius of 1909.88 feet to the POINT OF BEGINNING.

Containing 3049472 square feet or 70.01 acres, more or less.

rev. 5/29/97

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AFFIDAVIT OF PUBLICATION

BEFORE ME, the undersigned authority, on this day personally appeared Elizabeth Davis who on her oath stated:

CITY OF MAGNOLIA ORDINANCE 309

An Ordinance of the City of Magnolia, Texas, extending the city limits of said city to include all of the territory within certain limits and boundaries and annexing to the City of Magnolia all of the territory within such limits and boundaries; containing other provisions relating to the subject; and providing a saving and severability clause. (Alpha Campus-MISD)

I am the Bookkeeper for the TOMBALL MAGNOLIA TRIBUNE a newspaper published in Harris County, Texas and now the facts stated in this affidavit. The attached matter is a true and correct copy of the publication of the citation of which it purports to be copy, as the same appeared in such newspaper in the respective issues of:

nov. 25, 2002

_____, 2002

Elizabeth Davis
Elizabeth Davis, Billing Department

Subscribed and sworn to this 27 day of November, 2002

