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181-01-0324

Carroll Eddins

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ORDINANCE

REAL PROPERTY RECORDS

(Motion was made by Cathy Lee Lee, seconded by R. H. Sammons, that the following Ordinance be passed:)

ORDINANCE NO. 94

AN ORDINANCE PROVIDING FOR THE EXTENSION OF BOUNDARY LINES OF THE CITY OF MAGNOLIA, TEXAS, AND THE ANNEXATION OF THREE TRACTS OF LAND CONTAINING 104.007 ACRES OF LAND OUT OF THE CHRISTOPHER SHILLING SURVEY, ABSTRACT #515 AND THE C. T. WARD SURVEY, ABSTRACT #612 IN MONTGOMERY COUNTY, TEXAS, WHICH SAID TERRITORY IS CONTIGUOUS AND ADJACENT TO THE CITY LIMITS OF THE CITY OF MAGNOLIA, TEXAS, AND PROVIDING EFFECTIVE DATE.

WHEREAS, a public hearing was had before the City Council of the City of Magnolia, Texas, where all of the interested persons were provided with an opportunity to be heard on the proposed annexation of the following-described tracts of land located in the Christopher Shilling Survey, A-515, and the C. T. Ward Survey, A-612, in Montgomery County, Texas, to-wit:

TRACT I:

Being 1.696 acres of land that is a part of that certain 40.000 acre tract of land conveyed to Thomas C. Macik in a Deed recorded in Volume 337, Page 556, of the Deed Records of Montgomery County and lying in the Christopher Shilling Survey, Abstract #515 in Montgomery County, Texas, said 1.696 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a fence corner post at the southwest corner of said 40.00 acre Macik Tract and at the northwest corner of the 395.25 acre tract conveyed to Carrie Lou Smith and O. R. Arnold in a Deed recorded in Volume 530, Page 322, of the Deed Records of Montgomery County and a point for corner;

THENCE N 0 deg. 40'25" E, along the east right-of-way of Nichols Sawmill Road, 738.9 feet to the southwest corner of a 42.09-acre tract conveyed to the Magnolia Independent School District in a Deed recorded in Volume 947, Page 17, of the Deed Records of Montgomery County and a point for corner;

THENCE S 87 deg. 42' 39" E, along the south line of said 42.09 acre Magnolia Independent School District Tract, 100.04 feet to a point for corner;

THENCE S 0 deg. 40' 25" W, 738.9 feet a point for corner;

THENCE N 87 deg. 42' 39" W, along the north line of said 200.00 acre Ecklund Tract, 100.04 feet to the POINT OF BEGINNING, containing 1.696 acres of land more or less.

TRACT II:

Being 2.231 acres of land that is a part of that certain 395.25 acre tract of land conveyed to Carrie Lou Smith and O. R. Arnold in a Deed recorded in Volume 530, Page 322 of the Deed Records of Montgomery County, Texas, lying in the C. T. Ward Survey, Abstract #612 in Montgomery County, Texas, said 2.231 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a fence corner post at the northwest corner of said 395.25 acre Smith-Arnold Tract and at the southwest corner of the 40.00 acre tract conveyed to Thomas C. Macik in a Deed recorded in Volume 337, Page 556, of the Deed Records of Montgomery County, said fence corner post being on the east right-of-way of Nichols Sawmill Road and is the northwest corner of the herein-described tract;

THENCE S 87 deg. 42' 39" E, along the south line of said 40.00 acre Macik Tract, 100.04 feet to a point for corner;

THENCE S 0 deg. 40' 25" W, 968.01 feet to a point for corner;

THENCE West, 100.01 feet to a point for corner on the east right-1f-way of Nichols Sawmill Road;

THENCE N 0 deg. 40' 25" E, along the east right-of-way of Nichols Sawmill Road, 972.00 feet to the POINT OF BEGINNING, containing 2.231 acres of land more or less.

TRACT III:

BEING 100.08 acres of land out of the north 217.766 acres of land remaining of that certain 395.25-acre tract of land conveyed to Carrie Lou Smith and O. R. Arnold in a Deed recorded in Volume 530, Page 322 of the Deed Records of Montgomery County, Texas, and lying in the C. T. Ward Survey, Abstract #612 in Montgomery County, Texas, said 100.08-acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2" iron pipe at the southwest corner of said 217.766 acre Smith Tract and at the northwest corner of a 200.00 acre tract conveyed to Cletus Davis, Trustee in a Deed recorded in Volume 759, Page 213, of the Deed Records of Montgomery County, Texas, said 1/2" iron pipe is also the southwest corner of a 3.069-acre tract of land conveyed to the City of Magnolia in a Deed recorded in Volume 970, Page 129 of the Deed Records of Montgomery County, and is on the east right-of-way of Nichols Sawmill Road;

THENCE N 0 deg. 40' 25" E, along the east right-of-way of Nichols Sawmill Road, 250.71 feet, to the northwest corner of said 3.069-acre City of Magnolia Tract and the POINT OF BEGINNING;

THENCE continuing N 0 deg. 40' 25" E, along the east right-of-way of Nichols Sawmill Road, 874.29 feet, to a point for corner;

THENCE East, 3252.00 feet to a point for corner;

THENCE S 0 deg. 40' 25" W, 562.5 feet to a point for corner;

THENCE East, 1485.65 feet to a point on the west line of the 234.154-acre tract conveyed to Mitchell Development Corporation of the Southwest in a Deed recorded in Volume 1000, Page 445, of the Deed Records of Montgomery County, and a point for corner;

THENCE S 0 deg. 56 W, along the west line of said 234.154-acre Mitchell development Corporation of the Southwest Tract, 562.54 feet to the northeast corner of said 200.00-acre Cletus Davis, Trustee Tract and a point for corner;

THENCE West, along the north line of said 200.00-acre Cletus Davis, Trustee Tract, 4108.97 feet to the southeast corner of said 3.069-acre City of Magnolia Tract and a point for corner;

THENCE N 0 deg. 40' 25" E, along said 3.069-acre City of Magnolia Tract, 208.71 feet to a point for corner;

THENCE West, along said 3.069-acre City of Magnolia Tract, 482.13 feet to a point for corner;

THENCE N 73 deg. 41' 17" W, along said 3.069-acre City of Magnolia Tract 150.0 feet to the POINT OF BEGINNING, containing 100.08 acres of land more or less.

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

SECTION I

That the following-described land and territory contiguous and adjacent to the city limits of the City of Magnolia, Texas, is hereby added and annexed to the City of Magnolia, Texas, and said territory hereinafter-described shall hereinafter be included within the boundary limits of the City of Magnolia, Texas, and the present boundary lines of such City, and the various points contiguous to the area hereinafter described are altered and amended so as to include said area within the corporate limits of the City of Magnolia, Texas, to-wit:

TRACT I:

Being 1.696 acres of land that is a part of that certain 40.000 acre tract of land conveyed to Thomas C. Macik in a Deed recorded in Volume 337, Page 556, of the Deed Records of Montgomery County and lying in the Christopher Shilling Survey, Abstract #515 in Montgomery County, Texas, said 1.696 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a fence corner post at the southwest corner of said 40.00 acre Macik Tract and at the northwest corner of the 395.25 acre tract conveyed to Carrie Lou Smith and O. R. Arnold in a Deed recorded in Volume 530, Page 322, of the Deed Records of Montgomery County and a point for corner;

THENCE N 0 deg. 40' 25" E, along the east right-of-way of Nichols Sawmill Road, 738.9 feet to the southwest corner of a 42.09-acre tract conveyed to the Magnolia Independent School District in a Deed recorded in Volume 947, Page 17, of the Deed Records of Montgomery County and a point for corner;

THENCE S 87 deg. 42' 39" E, along the south line of said 42.09 acre Magnolia Independent School District Tract, 100.04 feet to a point for corner;

THENCE S 0 deg. 40' 25" W, 738.9 feet a point for corner;

THENCE N 87 deg. 42' 39" W, along the north line of said 200.00 acre Ecklund Tract, 100.04 feet to the POINT OF BEGINNING, containing 1.696 acres of land more or less.

TRACT II:

Being 2.231 acres of land that is a part of that certain 395.25 acre tract of land conveyed to Carrie Lou Smith and O. R. Arnold

in a Deed recorded in Volume 530, Page 322 of the Deed Records of Montgomery County, Texas, lying in the C. F. Ward Survey, Abstract #612 in Montgomery County, Texas, said 2.231 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a fence corner post at the northwest corner of said 395.25 acre Smith-Arnold Tract and at the southwest corner of the 40.00 acre tract conveyed to Thomas C. Macik in a Deed recorded in Volume 337, Page 556, of the Deed Records of Montgomery County, said fence corner post being on the east right-of-way of Nichols Sawmill Road and is the northwest corner of the herein-described tract;

THENCE S 87 deg. 42' 39" E, along the south line of said 40.00 acre Macik Tract, 100.04 feet to a point for corner;

THENCE S 0 deg. 40' 25" W, 968.01 feet to a point for corner;

THENCE West, 100.01 feet to a point for corner on the east right-of-way of Nichols Sawmill Road;

THENCE N 0 deg. 40' 25" E, along the east right-of-way of Nichols Sawmill Road, 972.00 feet to the POINT OF BEGINNING, containing 2.231 acres of land more or less.

TRACT III:

BEING 100.08 acres of land out of the north 217.766 acres of land remaining of that certain 395.25-acre tract of land conveyed to Carrie Lou Smith and O. R. Arnold in a Deed recorded in Volume 530, Page 322 of the Deed Records of Montgomery County, Texas, and lying in the C. F. Ward Survey, Abstract #612 in Montgomery County, Texas, said 100.08-acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2" iron pipe at the southwest corner of said 217.766 acre Smith Tract and at the northwest corner of a 200.00 acre tract conveyed to Cletus Davis, Trustee in a Deed recorded in Volume 759, Page 213, of the Deed Records of Montgomery County, Texas, said 1/2" iron pipe is also the southwest corner of a 3.069-acre tract of land conveyed to the City of Magnolia in a Deed recorded in Volume 970, Page 129 of the Deed Records of Montgomery County, and is on the east right-of-way of Nichols Sawmill Road;

THENCE N 0 deg. 40' 25" E, along the east right-of-way of Nichols Sawmill Road, 250.71 feet, to the northwest corner of said 3.069-acre City of Magnolia Tract and the POINT OF BEGINNING;

THENCE continuing N 0 deg. 40' 25" E, along the east right-of-way of Nichols Sawmill Road, 874.29 feet, to a point for corner;

THENCE East, 3252.00 feet to a point for corner;

THENCE S 0 deg. 40' 25" W, 562.5 feet to a point for corner;

THENCE East, 1485.65 feet to a point on the west line of the 234.154-acre tract conveyed to Mitchell Development Corporation of the Southwest in a Deed recorded in Volume 1000, Page 445, of the Deed Records of Montgomery County, and a point for corner;

THENCE S 0 deg. 56 W, along the west line of said 234.154-acre Mitchell development Corporation of the Southwest Tract, 562.54 feet to the northeast corner of said 200.00-acre Cletus Davis, Trustee Tract and a point for corner;

THENCE West, along the north line of said 200.00-acre Cletus Davis, Trustee Tract, 4108.97 feet to the southeast corner of said 3.069-acre City of Magnolia Tract and a point for corner;

THENCE N 0 deg. 40' 25" E, along said 3.069-acre City of Magnolia Tract, 208.71 feet to a point for corner;

THENCE West, along said 3.069-acre City of Magnolia Tract, 482.13 feet to a point for corner;

THENCE N 73 deg. 41' 17" W, along said 3.069-acre City of Magnolia Tract 150.0 feet to the POINT OF BEGINNING, containing 100.08 acres of land more or less.

said hearing was held at the City Hall on the 9 day of December, 1982, which date is not less than five (5) nor more than thirty (30) days after the filing of a Petition requesting the annexation of such territory; and

WHEREAS, the population of the City of Magnolia is less than 5,000 inhabitants; and

WHEREAS, the above-described territory lies within the extra-territorial jurisdiction of the City of Magnolia; and

WHEREAS, the territory is used for the purpose of annexation to the City; and

WHEREAS, such territory is contiguous and adjacent to the city limits of the City of Magnolia, Texas; and

WHEREAS, the territory is vacant and without residents and/or there are less than three (3) qualified voters residing on such territory; and

SECTION II

The above-described territory and the area so annexed shall be a part of the City of Magnolia, Texas, and the inhabitants thereof, if any, shall be entitled to all of the rights, and privileges of all of the citizens and shall be bound by the acts, ordinances, resolutions and regulations of the City of Magnolia.

SECTION III

This Ordinance is passed in a manner provided in Article 974g, Revised Civil Statutes of Texas.

SECTION IV

This Ordinance shall become effective on and after the 30th day of December, 1982, and the City Clerk is hereby directed to file with

181-01-0329

the County Clerk of Montgomery County, Texas, a certified copy of this

Ordinance 168102
PASSED AND APPROVED this the 9 day of December, 1982.

CITY OF MAGNOLIA, TEXAS

By: Ed E. J. J. Mayor

By: Kay Coughlin City Secretary



APPROVED AS TO FORM AND CONTENT:

By: J. R. Lake City Attorney

City of Magnolia

P.O. Box 396

Magnolia, TX 77355

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 hereon by me, and was duly RECORDED,
in the central Public Records of said Property of
Montgomery County, Texas.

JAN 24 1983

FILED FOR RECORD

1983 JAN 24 PM 2:15



Ray Harris
COUNTY CLERK,
MONTGOMERY COUNTY, TEXAS

Ray Harris
COUNTY CLERK,
MONTGOMERY COUNTY, TEXAS