

ORDINANCE

(Motion was made by Councilman Barnett, seconded by Councilman Ingers, that the following Ordinance be passed:)

ORDINANCE NO. 97

AN ORDINANCE PROVIDING FOR THE EXTENSION OF BOUNDARY LINES OF THE CITY OF MAGNOLIA, TEXAS, AND THE ANNEXATION OF A TRACT OF LAND CONTAINING 11.4366 ACRES OF LAND OUT OF THE JOHN DORSEY SURVEY, ABSTRACT #112 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 John Dorsey Survey, A-172, in Montgomery County, Texas, to-wit:

BEING 11.4366 acres of land in the John Dorsey Survey, A-172, Montgomery County, Texas, and being a part of that certain 1.981-acre tract recorded in Vol. 1016, Page 375, M.C.D.R. and a part of the T. H. Von 40-acre tract recorded in Vol. 188, Page 348, M.C.D.R., said 11.4366 acres being described as follows:

BEGINNING at a $\frac{1}{2}$ " iron rod found marking the southwest corner of the above-mentioned 1.981-acre tract in the south line of the Von 40 acres, same being the south line of the Dorsey Survey and the north line of the Edward Taylor Survey, A-554, said rod being N. 89 deg. 17' E., 35.0 feet from the Southwest corner of said 40 acres;

THENCE N. 00 deg. 16' 25" W. along the west line of the 1.981 acre tract which is the east line of that certain 0.66-acre tract recorded in Vol. 893, Page 551, M.C.D.R. for a distance of 834.16 feet to a $\frac{1}{2}$ " iron rod found marking the northwest corner of said 1.981 acres and the northeast corner of the 0.66-acre tract in the south right-of-way line of F.M. Highway No. 1488;

THENCE N. 67 deg. 14' 55" E. along the south right-of-way line of F.M. Highway No. 1488 for a distance of 262.03 feet to a concrete monument found marking an angle point in same;

THENCE N. 88 deg. 35' 40" E. continuing along same line for a distance of 304.36 feet to a $\frac{1}{2}$ " iron rod set for corner;

THENCE S. 00 deg. 16' 25" E. for a distance of 936.13 feet to an axle for corner in the south line of the 40-acre tract, same being the south line of the Dorsey Survey and the north line of the Taylor Survey, said axle also being the northeast corner of that certain 11.028-acre tract recorded in Vol. 893, Page 932, M.C.D.R.;

THENCE S 89 deg. 17' 00" W. along the south line of the 40-acre tract which is the common line between the Dorsey and Taylor Surveys for a distance of 546.44 feet to the point of BEGINNING and containing 11.4366 acres of land.

This description is based on the Standard Land Survey and plat made by Michael Case, Registered Public Surveyor on Feb. 2, 1983.

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 Manolia, 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:

BEING 11.4366 acres of land in the John Dorsey Survey, A-172, Montgomery County, Texas, and being a part of that certain 1.981-acre tract recorded in Vol. 1016, Page 375, M.C.D.R. and a part of the T. H. Von 40-acre tract recorded in Vol. 188, Page 348, M.C.D.R., said 11.4366 acres being described as follows:

BEGINNING at a $\frac{1}{2}$ " iron rod found marking the southwest corner of the above-mentioned 1.981-acre tract in the south line of the Von 40 acres, same being the south line of the Dorsey Survey and the north line of the Edward Taylor Survey, A-554, said rod being N. 89 deg. 17' E., 35.0 feet from the Southwest corner of said 40 acres;

THENCE N. 00 deg. 16' 25" W. along the west line of the 1.981 acre tract which is the east line of that certain 0.66-acre tract recorded in Vol. 893, Page 551, M.C.D.R. for a distance of 834.16 feet to a $\frac{1}{2}$ " iron rod found marking the northwest corner of said 1.981 acres and the northeast corner of the 0.66-acre tract in the south right-of-way line of F.M. Highway No. 1488;

THENCE N. 67 deg. 14' 55" E. along the south right-of-way line of F.M. Highway No. 1488 for a distance of 262.03 feet to a concrete monument found marking an angle point in same;

THENCE N. 88 deg. 35' 40" E. continuing along same line for a distance of 304.36 feet to a $\frac{1}{2}$ " iron rod set for corner;

THENCE S. 00 deg. 16' 25" E. for a distance of 936.13 feet to an axle for corner in the south line of the 40-acre tract, same being the south line of the Dorsey Survey and the north line of the Taylor Survey, said axle also being the northeast corner of that certain 11.028-acre tract recorded in Vol. 893, Page 932, M.C.D.R.;

THENCE S 89 deg. 17' 00" W. along the south line of the 40-acre tract which is the common line between the Dorsey and Taylor Surveys for a distance of 546.44 feet to the point of BEGINNING and containing 11.4366 acres of land.

This description is based on the Standard Land Survey and plat made by Michael Case, Registered Public Surveyor on Feb. 2, 1983.

said hearing was held at the City Hall on the 28th day of June, 19 83, 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 12 day of July, 1983, and the City Clerk is hereby directed to file with the County Clerk of Montgomery County, Texas, a certified copy of this Ordinance.

PASSED AND APPROVED this the 12 day of July, 1983.

ATTEST:

CITY OF MAGNOLIA, TEXAS

By: Kay Crowl
City Secretary

By: Leid E. Zoh
Mayor

APPROVED AS TO FORM AND CONTENT:

By: _____
City Attorney

PETITION FOR ANNEXATION FOR CERTAIN
TERRITORY TO THE CITY OF MAGNOLIA, TEXAS

THE STATE OF TEXAS

X

COUNTY OF MONTGOMERY

X

TO THE HONORABLE CITY COUNCIL OF THE CITY OF MAGNOLIA, STATE OF TEXAS:

COMES NOW, the undersigned, hereinafter called Petitioners, and pursuant to Article 974g, Vernon's Annotated Texas Statutes, would respectfully show:

I.

That Petitioners request that the existing corporate boundaries of the City of Magnolia, State of Texas, be altered and added to include the following-described adjoining territory in the John Dorsey Survey, A-172, Montgomery County, Texas, to-wit:

BEING 11.4366 acres of land in the John Dorsey Survey, A-172, Montgomery County, Texas, and being a part of that certain 1.981-acre tract recorded in Vol. 1016, Page 375, M.C.D.R. and a part of the T. H. Yon 40-acre tract recorded in Vol. 188, Page 348, M.C.D.R., said 11.4366 acres being described as follows:

BEGINNING at a $\frac{1}{2}$ " iron rod found marking the southwest corner of the above-mentioned 1.981-acre tract in the south line of the Yon 40 acres, same being the south line of the Dorsey Survey and the north line of the Edward Taylor Survey, A-554, said rod being N. 89 deg. 17' E., 35.0 feet from the Southwest corner of said 40 acres;

THENCE N. 00 deg. 16' 25" W. along the west line of the 1.981 acre tract which is the east line of that certain 0.66-acre tract recorded in Vol. 893, Page 551, M.C.D.R. for a distance of 834.16 feet to a $\frac{1}{2}$ " iron rod found marking the northwest corner of said 1.981 acres and the northeast corner of the 0.66-acre tract in the south right-of-way line of F.M. Highway No. 1488;

THENCE N. 67 deg. 14' 55" E. along the south right-of-way line of F.M. Highway No. 1488 for a distance of 262.03 feet to a concrete monument found marking an angle point in same;

THENCE N. 88 deg. 35' 40" E. continuing along same line for a distance of 304.36 feet to a $\frac{1}{4}$ " iron rod set for corner;

THENCE S. 00 deg. 16' 25" E. for a distance of 936.13 feet to an axle for corner in the south line of the 40-acre tract, same being the south line of the Dorsey Survey and the north line of the Taylor Survey, said axle also being the northeast corner of that certain 11.028-acre tract recorded in Vol. 893, Page 932, M.C.D.R.;

THENCE S 89 deg. 17' 00" W. along the south line of the 40-acre tract which is the common line between the Dorsey and Taylor Surveys for a distance of 546.44 feet to the point of BEGINNING and containing 11.4366 acres of land.

This description is based on the Standard Land Survey and plat made by Michael Case, Registered Public Surveyor on Feb. 2, 1983.

II.

That said territory adjoins the city limits of the City of Magnolia, Texas, and no part thereof exceeds one-half (1/2) mile width from the city limits of the City of Magnolia, Texas.

III.

Petitioners herein would show that the land sought to be annexed is vacant and without residents.

IV.

That this Petition has been duly signed and acknowledged as required on deeds by each and every person or corporation having an interest in the land described herein.

WHEREFORE, PREMISES CONSIDERED, Petitioners pray that such territory above described be annexed to the City of Magnolia, Texas, according to the laws of the State of Texas, and the City of Magnolia, Texas.

WITNESS OUR HANDS this the 2nd day of June,
1983.

ART DE PUE

ART DE PUE

THE STATE OF TEXAS

X

COUNTY OF MONTGOMERY

X

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared ART DEPUE, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 2nd day
of June, 1983.

LETICIA S. HALL MARK
Notary Public, State of Texas
My Commission Expires 4/7/86

Leticia S. Hall Mark
Notary Public, State of Texas