



ORDINANCE NO. O-2020-015 ANNEXING TERRITORY

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS, ANNEXING THE HEREINAFTER DESCRIBED TERRITORIES TO THE CITY OF MAGNOLIA, MONTGOMERY COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY; AND ADOPTING A SERVICE PLAN.

* * * * *

WHEREAS, §43.0671 of the Texas Local Government Code, authorizes the annexation of territory, subject to the laws of this state.

WHEREAS, a written agreement for the provisions of services has been negotiated and entered into pursuant to §43.0672 of the Texas Local Government Code.

WHEREAS, the procedures prescribed by the Texas Local Government Code and the laws of this state have been duly followed with respect to the following described territory and more fully described by the attached Exhibits "A" and "B", to wit:

Parcel 1.: Being a 0.6699 of an acre (29,180 sq. ft.) tract of land out of the residue of a called 8.2459 acre tract described in a deed dated March 31, 1999 from Christilles Investment Company, Inc., to Daniel L. Morgan and wife Rebecca E. Morgan, recorded under Montgomery County Clerk's File (M.C.C.F.) No. 99025357, situated in the Colin Mcrae Survey, Abstract No.375, and the John B. Richards Survey, Abstract No. 449, Montgomery County, Texas, and being more particularly described by metes and bounds contained in Exhibit "A" which is available on the City's website under Public Notices or in the City Secretary's office.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAGNOLIA, MONTGOMERY COUNTY, TEXAS:

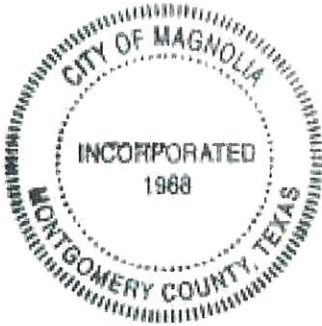
Section 1. That the heretofore described properties are hereby annexed to the City of Magnolia, Montgomery County, Texas, and that the boundary limits of the City of Magnolia be and the same are hereby extended to include the above described territories within the city limits of the City of Magnolia, and the same shall hereafter be included within the territorial limits of said city, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the City of Magnolia and they shall be bound by the acts, ordinances, resolutions, and regulations of said City.

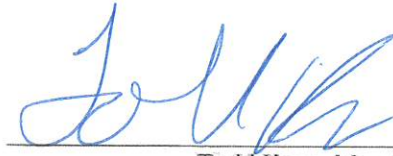
other citizens of the City of Magnolia and they shall be bound by the acts, ordinances, resolutions, and regulations of said City.

Section 2. A written agreement for the provisions of service services plan for the above described area is hereby adopted and attached as Exhibit "C".

The City Secretary is hereby directed to file with the County Clerk of Montgomery County, Texas, a certified copy of this ordinance.


PASSED by an affirmative vote of all members of the City Council, this 9th day of June 2020.





Todd Kana, Mayor

ATTEST.



Lynne George, TRMC, CPM
City Secretary



LANDTECH CONSULTANTS, INC.

Civil Engineering • Land Surveying

Being a 0.6699 of an acre (29,180 sq. ft.) tract of land out of the residue of a called 8.2459 acre tract described in a deed dated March 31, 1999 from Christilles Investment Company, Inc., to Daniel L. Morgan and wife Rebecca E. Morgan, recorded under Montgomery County Clerk's File (M.C.C.F.) No. 99025357, situated in the Colin Mcrae Survey, Abstract No. 375, and the John B. Richards Survey, Abstract No. 449, Montgomery County, Texas: said 0.6699 of an acre tract being more particularly described as follows:

BEGINNING at a point (from which a found 5/8 inch iron rod bears South 04° 10' 31" East, 0.24 feet) in the existing north right-of-way line of FM 1488 (width varies per Volume 523, Page 117, Montgomery County Deed Records and M.C.C.F. No. 2013118269) for the southwest corner of a called 31.8283 acre tract described in a deed dated November 12, 2014 to Shadyside Land Company, LLC, recorded under M.C.C.F. No. 2014109990; said point also being the southeast corner of the herein described tract and being in a curve to the right whose center bears North 30°27'05" East, 1,859.86 feet;

THENCE, along the existing northerly right-of-way line of said FM 1488 and around said curve to the right with a radius of 1,859.86 feet, an arc length of 16.06 feet, a central angle of 00° 29' 41", and a chord which bears North 59° 18' 04" West, 16.06 feet to a 5/8 inch iron rod with TxDot aluminum cap found for the beginning of a non-tangential compound curve to the right whose center bears North 43° 06' 01" East, 207.00 feet;

THENCE, continuing along the existing northerly right-of-way line of said FM 1488 and around said curve to the right with a radius of 207.00 feet, an arc length of 229.97 feet, a central angle of 63° 39' 13", and a chord which bears North 15° 04' 19" West, 218.32 feet to a 5/8 inch iron rod found for a point of reverse curvature of a curve to the left whose center bears North 73° 14' 46" West, 255.00 feet;

THENCE, continuing along the existing northerly right-of-way line of said FM 1488 and around said curve to the left with a radius of 255.00 feet, an arc length of 271.87 feet, a central angle of 61° 05' 06", and a chord which bears North 13° 47' 21" West, 259.17 feet to a 1/2 inch iron rod found for the end of said curve and the northwest corner of the herein described tract;

THENCE, North 45° 40' 09" East, along the northwest line of the herein described tract, a distance of 127.87 feet to a 3/8 inch iron rod with plastic cap stamped Landtech Consultants set in the west line of said 31.8283 acre tract and the east line of the residue of said 8.2459 acre tract for the northeast corner of the herein described tract; from which point a 5/8 inch iron rod found for the northwest corner of said 31.8283 acre tract bears North 04° 10' 31" West, 406.51 feet;

THENCE, South 04° 10' 31" East, along the west line of said 31.8283 acre tract and the east line of the residue of said 8.2459 acre tract, a distance of 561.56 feet the **POINT OF BEGINNING** and containing 0.6699 of an acre (29,180 square feet) of land.

Notes:

1. All bearings are based on the Texas Coordinate System, Central Zone, North American Datum of 1983 (NAD83) per TxDot Right of Way Map, R.C.S.J. No. 0523-10-037.
2. This description is accompanied by a separate survey map of even date.
Survey date: September 28, 2015

Landtech Consultants Inc.
TBPLS Firm No. 10019100



Leo M. Delatorre
Registered Professional Land Surveyor
Texas Registration No. 5113



Exhibit B

SHADYSIDE LAND
COMPANY, LLC
M.C.C.F. NO. 2014109990
NOVEMBER 12, 2014
CALLED 31.8283 ACRES

NOTES:

1. ALL BEARINGS SHOWN
COORDINATE SYSTEM, C
DATUM OF 1983 (NAD83
0523-10-037.
2. THIS SURVEY WAS PRE
COMMITMENT ISSUED BY
COMPANY AND VERITAS
SEPTEMBER 30, 2015,
3. THIS SURVEY IS ACCOM
BOUNDS DESCRIPTION (C
28, 2015).



I HEREBY CERTIFY TO
THAT THIS SURVEY WA
UNDER MY SUPERVISIC
ENCROACHMENTS, EXC

Leo M. Delatorre

LEO M. DELATORRE
REGISTERED PROFESSI
STATE OF TEXAS REGI

EXISTING R.O.W.
TO THE STATE OF TEXAS
PER M.C.C.F. NO. 2014106854

R=255.00'
L=271.87'
 $\Delta=61^{\circ}05'06''$
CH=N13°47'21"W
259.17'

FND. 5/8" IR
(C.M.)

0.6699 ACRES
29,180 SQ. FT.

SURVEY LINE

COLIN MCRAE SURVEY A-375
JOHN B. RICHARDS SURVEY A-449

R=207.00'
L=229.97'
 $\Delta=63^{\circ}39'13''$
CH=N15°04'19"W
218.32'

FND. 5/8" IR
W\TXDOT
ALUM. CAP

R=1859.86'
L=16.06'
 $\Delta=00^{\circ}29'41''$
CH=N59°18'04"W
16.06'

R.O.W. WIDTH VARIES PER
FM 1488
VOL. 523, PG. 117, M.C.D.R.
M.C.C.F. NO. 2013118269

EXISTING R.O.W. PER
M.C.C.F. NO. 2013118269

EXISTING R.O.W.

REVISED: OCT
REMOVE GUY
AND ADD NAM

SURVEY OF 0.6699 OF AN ACRE (29,180 SQ. FT.) OF LAND OUT
OF THE RESIDUE OF A CALLED 8.2459 ACRE TRACT DESCRIBED
IN A DEED DATED MATCH 31, 1999 FROM CHRISTILLES
INVESTMENT COMPANY, INC., TO DANIEL L. MORGAN AND WIFE
REBECCA E. MORGAN, RECORDED UNDER MONTGOMERY COUNTY
CLERKS FILE NO. 99025357, SITUATED IN THE COLIN MCRAE
SURVEY, A-375, AND THE JOHN B. RICHARDS SURVEY, A-449,
MONTGOMERY COUNTY, TEXAS.

LANDTECH

Civil Engineer

2525 N

Houston

Tel. (713) 861-70
TBPE FIRM NO.: F-1

DATE:

SCALE:

DRAWING NO.:

JOB NO.:

SHEET:

CITY OF MAGNOLIA MUNICIPAL SERVICE PLAN¹

This Municipal Service Plan (the "Agreement") is made as of May 12, 2020 (the "Effective Date"), between the City of Magnolia (the "City") and Shadyside Land Company, LLC, a Texas limited liability company ("Shadyside"), (the City and Shadyside are sometimes referred to collectively as the "parties" or individually as "party").

RECITALS:

A. Shadyside owns the real property described in Exhibit A attached hereto (the "Shadyside Property") located in the City.

B. In connection with the annexation of the Shadyside Property, the City and Shadyside have agreed that certain services will be provided by the City to the Shadyside Property and the parties desire to enter into this Agreement to set forth their understanding and agreement regarding the services.

FIRE

Existing Services: None

Services to be Provided: Fire suppression will be available to the area upon annexation. Primary fire response will be provided by Fire Station No. 181, located at 18215 Buddy Riley Blvd, Magnolia, TX 77354. Adequate fire suppression activities can be afforded to the annexed area within current budget appropriation. Fire prevention activities will be provided by the Fire Marshall's office as needed.

POLICE

Existing Services: None

Services to be Provided: Currently, the area is under the jurisdiction of the Montgomery County Sheriff's Office. However, upon the effective date of the annexation, the City of Magnolia Police Department will extend regular and routine patrols to the area. It is anticipated that the implementation of police patrol activities can be effectively accommodated within the current budget and staff appropriation.

BUILDING INSPECTION

Existing Services: None

Services to be Provided: The Building Inspection Department will provide Code Enforcement Services upon the effective date of the annexation. This includes issuing building, electrical and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes which regulated building construction within the City of Magnolia.

¹ This Service Plan is solely for use by the City of Magnolia. A Capital Improvement Plan for water and sewer was adopted by City Council on August 13, 2019 and is on file in the City Hall.

PLANNING AND ZONING

Existing Services: None

Services to be Provided: The Planning and Zoning Department's responsibility for regulating development and land use through the administration of the City of Magnolia Zoning Ordinance will extend to this area on the effective date of the annexation. The property will also continue to be regulated under the requirements of the City of Splendora Subdivision Ordinance. These services can be provided within the department's current budget.

LIBRARY

Existing Services: None

Services to be Provided: The Montgomery County Memorial Library System, Malcom Purvis Library, 510 Melton St, Magnolia, TX 77354. Upon the effective date of annexation, free library use privileges will be available to anyone residing in this area. These privileges can be provided within the current budget appropriation.

HEALTH DEPARTMENT- HEALTH CODE ENFORCEMENT SERVICE

Existing Services: None

Services to be Provided: The Montgomery County Health Department will implement and enforce County health codes, and the City will enforce the City of Magnolia's health ordinances and regulations on the effective date of the annexation. Such services can be provided with current City personnel and within the current budget appropriation. In addition, animal control services will be provided to the area as needed by the County.

STREET

Existing Services: City Street Maintenance

Services to be Provided: Maintenance to the street facilities will be provided by the City of Magnolia upon the effective date of the annexation. This service can be provided within the current budget appropriation.

STORM WATER MANAGEMENT

Existing Services: None

Services to be Provided: Developers will provide storm water drainage at their own expense and will be inspected by the City Engineers at time of completions. The City of Magnolia will then maintain the drainage upon approval.

STREET LIGHTING

Existing Services: None

Services to be Provided: The City of Magnolia will coordinate any request for improved street lighting with the local electric provider in accordance with standard policy.

WATER SERVICE

Existing Services: None

Services to be Provided: Water service to the area will be provided in accordance with the applicable codes and departmental policy. When other property develops in the adjacent area, water service shall be provided in accordance with extension ordinances. Extension of service shall comply with City of Magnolia codes and ordinances.

SANITARY SEWER SERVICE

Existing Services: None

Services to be Provided: Sanitary sewer service to the area of proposed annexation will be provided in accordance with applicable codes and departmental policy. When property develops in the adjacent areas, sanitary sewer service shall be provided in accordance with the present City of Magnolia extension ordinance. Extension of service shall comply with applicable City codes and ordinances.

SOLID WASTE SERVICES

Existing Services: None

Services to be Provided: Solid Waste Collection shall be provided to the area of annexation in accordance with the present ordinance. Service shall comply with existing City of Magnolia policies, beginning with occupancy of structures.

MISCELLANEOUS

All other applicable municipal services will be provided to the area in accordance with the City of Magnolia's established policies governing extension of municipal services to newly annexed areas.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the dates written below, but effective for all purposes as of the Effective Date.

THE CITY:

CITY OF MAGNOLIA, TEXAS,

By:



City of Magnolia Mayor Todd Kana

SHADYSIDE:

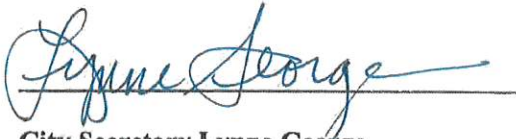
SHADYSIDE LAND COMPANY, LLC,
a Texas limited liability company

By:



Steven J. Gibson, Manager

ATTEST:



City Secretary Lynne George

Copy to the City: ☒ Attn: City Secretary Lynne George
City of Magnolia, Texas
18111 Buddy Riley Blvd.
Magnolia, Texas 77354

With copy to: City Attorney Leonard Schneider
Liles Parker PLLC
800 Rockmead Dr., Suite 165
Kingwood, Texas 77339

Copy to Shadyside: Attn: Steven J. Gibson
Shadyside Land Company, LLC
P.O. Box 1849
Houston, Texas 77251-1849
E-mail: steve@western-general.com

FILED FOR RECORD
06/30/2020 01:58PM

Mark Turnbull

COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS,
COUNTY OF MONTGOMERY

I hereby certify that this instrument was filed in the file number
sequence on the date and time stamped herein
by me and was duly RECORDED in the Official Public
Records of Montgomery County, Texas.

06/30/2020



Mark Turnbull

County Clerk
Montgomery County, Texas