

**CITY OF WHARTON  
ORDINANCE NO. 2022-14**

**AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY, OWNED BY THE CITY OF WHARTON, WHARTON 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,** Article I. Incorporation; Form of Government; Corporate and General Powers of the City of Wharton City Charter; Section 8 Extending city limits upon petition and Section 9 Extending and fixing city limits by ordinance as restricted by law, of the City Charter, of the City of Wharton, Texas, an incorporated city, authorizes the annexation of territory, subject to the laws of this state; and,

**WHEREAS,** The procedures prescribed by the City Charter of the City of Wharton, Texas, and the laws of this state have been duly followed with respect to the following described territory, to wit:

1. 0.420 acre tract of land, located within the M. Allen Survey, Abstract No. 1 being a part of a called 4.167 acre tract as recorded in Volume 1000, Page 476 of the Deed Records of Wharton County, Texas. (Exhibit A).

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS, that:**

**Section I.** That the heretofore described property is hereby annexed to the City of Wharton, Wharton County, Texas, and that the boundary limits of the above described territory within the city limits of the City of Wharton, 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 Wharton and they shall be bound by the acts, ordinances, resolutions, and regulations of said city.

**Section II.** A service plan for the area is adopted and attached as Exhibit B.

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

**Section IV.** This ordinance shall become effective immediately upon its passage.

**PASSED, APPROVED, and ADOPTED** by the City Council of the City of Wharton, Texas, on the 12<sup>th</sup> day of September 2022.

**CITY OF WHARTON, TEXAS**

By: *Tim Barker*  
**TIM BARKER**  
Mayor

**ATTEST:**

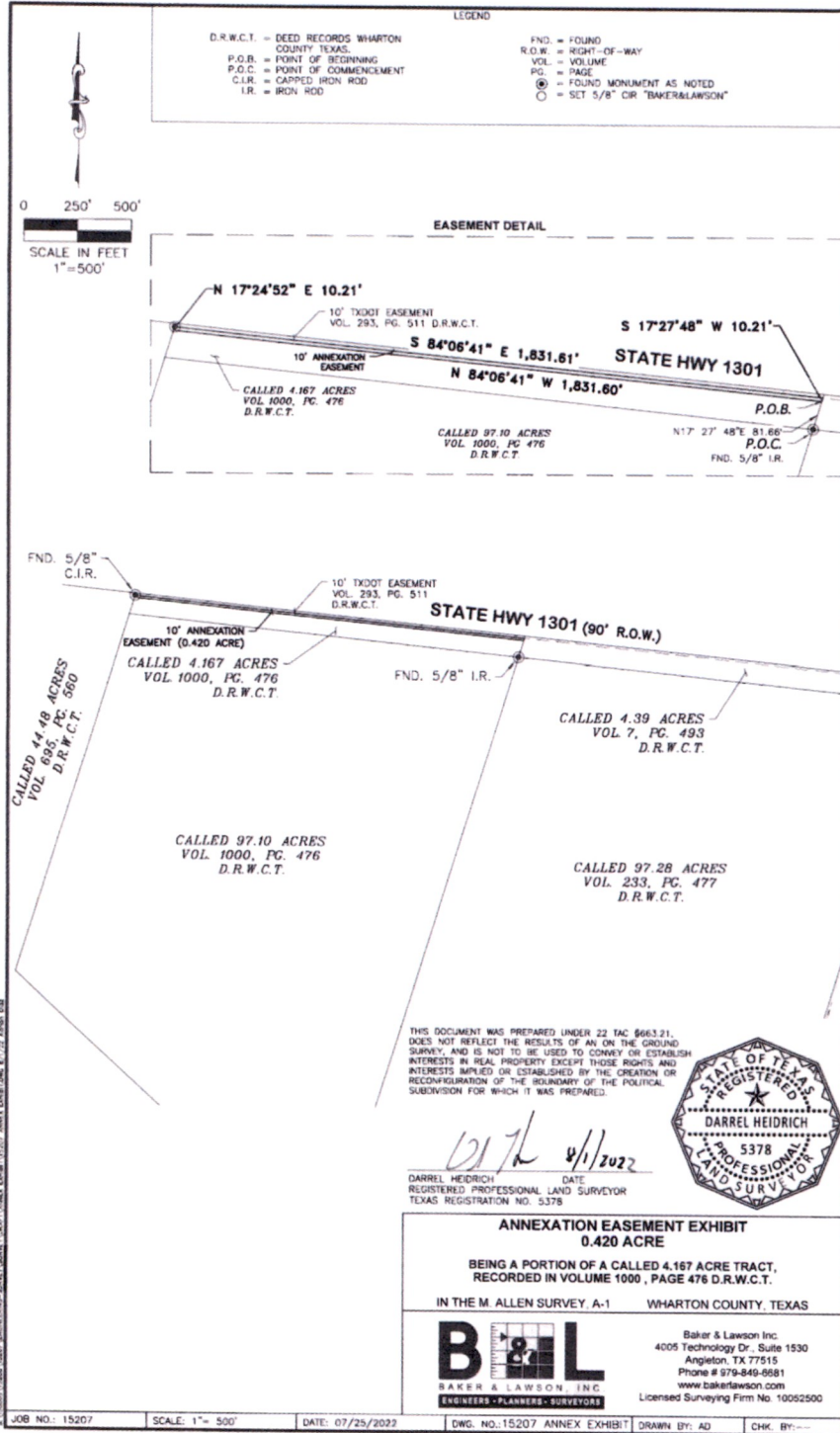
*Paula Favors*  
**PAULA FAVORS**  
City Secretary

**APPROVED AS TO FORM:**

*Paul Webb*  
**PAUL WEBB**  
City Attorney



# EXHIBIT A: Annexation Easement, Not Conveyance of Property







County: Wharton County  
Project: ANNEXATION EASEMENT  
Job No.: 15207

**FIELD NOTES FOR 0.420 ACRE  
ANNEXATION EASEMENT**

Description of a called 0.420 acre tract of land, located within the M. Allen Survey, Abstract No. 1 being a part of a called 4.167 acre tract as recorded in Volume 1000, Page 476 of the Deed Records of Wharton County Texas (D.R.W.C.T.), referred to hereinafter at the above referenced tract of land, said 0.420 acre tract being more particularly described by metes and bounds as follows (bearings are based on the Texas Coordinate System of 1983, (NAD83) South Central Zone, per GPS observations):

**COMMENCING** at a 5/8-inch iron rod found for the southeast corner of said 4.167 acre tract, same being the southwest corner of a called 4.39 acre tract of land as recorded in Volume 7, Page 493 D.R.W.C.T., the northeast corner of a called 97.10 acre tract of land as recorded in Volume 1000, Page 476 D.R.W.C.T. and the northwest corner of a called 97.28 acre tract as recorded in Volume 233, Page 477 D.R.W.C.T.;

**THENCE** North 17°27'48" East, along the east line of said 4.167 acre tract, same being the west line of said 4.39 acre tract, a distance of 81.66 feet to the southeast corner and **POINT OF BEGINNING** of the above referenced tract of land;

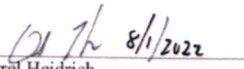
**THENCE** North 84°06'41" West, along the south line of the above referenced tract of land, a distance of 1,831.60 feet to a point for the southwest corner of the above referenced tract of land, same being in the west line of said 4.167 acre tract;

**THENCE** North 17°24'52" East, along the west line of the above referenced tract of land, same being the west line of said 4.167 acre tract, a distance of 10.21 feet to a 5/8-inch capped iron rod found for the northwest corner the above referenced tract of land, same being in the south right-of-way R.O.W. line of State Highway 1301 (10-foot wide TXDOT easement as recorded in Volume 293, Page 511 D.R.W.C.T.);

**THENCE** South 84°06'41" East, along the north line of the above referenced tract of land, same being the south R.O.W. line of said State Highway 1301, a distance of 1,831.61 feet to a point for the northeast corner of the above referenced tract of land, same being in the west line of said 4.39 acre tract;

**THENCE** South 17°27'48" West, along the east line of the above referenced tract of land, same being the west line of said 4.39 acre tract, a distance of 10.21 feet to the **POINT OF BEGINNING** of the herein described tract of land and containing 0.420 acre of land, more or less.

An exhibit drawing of the herein described tract has been prepared by Baker & Lawson Inc. and accompanies this metes and bounds description. 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.

  
Darrel Heidrich  
Registered Professional Land Surveyor  
Texas Registration No. 5378





“Exhibit B”

## **City of Wharton Annexation Agreement of Services**

This Agreement is entered into pursuant to Sections 43.0672 of the Texas Local Government Code by and between the City of Wharton, Texas (the "City") and the undersigned property owner(s) (the "Owner"). The term "Owner" includes all owners of the Property.

**WHEREAS**, the Owner owns a parcel of real property (the "Property") in Wharton, Wharton County, Texas, which is more particularly and separately described in the attached Exhibit "A"; and,

**WHEREAS**, the City has begun the process to institute annexation proceedings on all or portions of Owner's Property and will hold a public hearing on September 12<sup>th</sup>, 2022 and,

**WHEREAS**, this Agreement is entered into pursuant to Sections 43.0672 of the Texas Local Government Code, in order to address the desires of the Owner and the procedures of the City; and,

**WHEREAS**, the Owner and the City acknowledge that this Agreement is binding upon the City and the Owner and their respective successors and assigns for the term (defined below) of this Agreement; and,

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

### **Section 1.**

#### **ANNEXATION SERVICE PLANS CITY OF WHARTON, TEXAS** **MUNICIPAL SERVICE PLAN**

#### **TERRITORY**

This Service Plan is applicable to the territory which is described in Exhibit A attached to this document, which are being annexed by the City of Wharton, Texas.

#### **INTENT**

It is the intent of the City of Wharton that this Service Plan shall provide for the delivery of full available municipal services to the annexed areas in accordance with State Law. The failure of this plan to describe any particular service shall not be deemed to be an attempt to omit the provision of such services from the annexed areas. The delivery of municipal services may be accomplished through any means permitted by law.

#### **EFFECTIVE TERM**

This Service Plan shall be in effect for a ten-year period commencing on the effective date of this annexation.

### **AMENDMENT OR RENEWAL**

This Service Plan may be amended from time to time as provided by Texas Local Government Code, Section 43.056 (e), (j), and (k). Renewal of the Service Plan shall be at the sole option of the Wharton City Council.

### **FIRE**

*Existing Services:* Wharton Volunteer Fire Department

*Services to be Provided:* Fire suppression will be available to the area upon annexation. Primary fire response will be provided by Wharton Volunteer Fire Department, located at 319 N Fulton Wharton, TX 77488. 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:* Wharton County Sheriff's Department

*Services to be Provided:* Currently, the area is under the jurisdiction of the Wharton County Sheriff's Office. However, upon annexation, the City of Wharton 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:* Wharton County Permit Department

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

### **PLANNING AND ZONING**

*Existing Services:* None

*Services to be Provided:* The City of Wharton does not have zoning.

### **LIBRARY**



*Existing Services:* Wharton County

*Services to be Provided:* Library services will continue to be provided by Wharton County.

### **HEALTH DEPARTMENT- HEALTH CODE ENFORCEMENT SERVICE**

*Existing Services:* None

*Services to be Provided:* The Texas Department of Health and Human Services will implement the enforcement of the State of Texas' health ordinances and regulations on the effective date of the annexation.

### **ANIMAL CONTROL**

*Existing Services:* None

*Services to be Provided:* Animal control services will be provided to the area as needed by the Wharton Police Department.

### **STREET**

*Existing Services:* None

*Services to be Provided:* Developers will provide streets at their own expense and will be inspected by the City of Wharton Engineers at time of completion(s). The City of Wharton will then maintain the streets(s) upon approval. Maintenance of the street(s) will be provided by the City of Wharton 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 of Wharton Engineers at time of completion. The City of Wharton will then maintain the drainage upon approval.

### **STREET LIGHTING**

*Existing Services:* None

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



### **TRAFFIC ENGINEERING**

*Existing Services:* None

*Services to be Provided:* The City of Wharton Public Works Department will provide, after the effective date of annexation, any additional traffic control devices per City of Wharton requirements.

### **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 Wharton 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 extension ordinance. Extension of service shall comply with applicable codes and ordinances.

### **SOLID WASTE SERVICES**

*Existing Services:* None

*Services to be Provided:* Solid Waste Collection and Disposal shall be provided to the area of annexation in accordance with the present ordinance. Service shall comply with existing City of Wharton policies and the laws of the State of Texas, beginning with the occupancy of structures.

### **MISCELLANEOUS**

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

**Section 2.** This Agreement may be separately executed in individual counterparts and, upon execution, shall constitute one and same instrument.

Entered into this 6<sup>th</sup> day of September, 2022.

Raymond C. Harrison, Jr.  
Owner

Printed Name: RAYMOND C. HARRISON, Jr.

\_\_\_\_\_  
Owner

Printed Name: \_\_\_\_\_

\_\_\_\_\_  
Owner

Printed Name: \_\_\_\_\_

\_\_\_\_\_  
Owner

Printed Name: \_\_\_\_\_

Jan Barker  
Mayor, City of Wharton, Texas

Attest:

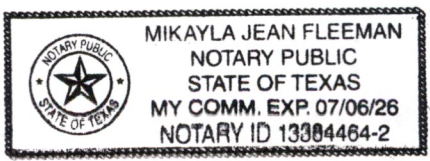
[Signature]  
City Secretary, City of Wharton, Texas

THE STATE OF TEXAS )

COUNTY OF WHARTON )

This instrument was acknowledged before me on the 6<sup>th</sup> day of September, 2022 by Raymond C. Harrison, Jr., Owner.

Mikayla Fleeman  
Notary Public, State of Texas



THE STATE OF TEXAS )

COUNTY OF WHARTON )

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 202\_, by \_\_\_\_\_, Owner.

\_\_\_\_\_  
Notary Public, State of Texas

THE STATE OF TEXAS )

COUNTY OF WHARTON )

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 202\_, by \_\_\_\_\_, Owner.

\_\_\_\_\_  
Notary Public, State of Texas

THE STATE OF TEXAS )

COUNTY OF WHARTON )

This instrument was acknowledged before me on the 12<sup>th</sup> day of September, 2022, by Tim Barker, City Manager, City of Wharton, Texas.

*mayor*

Brandi Jimenez  
Notary Public, State of Texas





Entered into this 6<sup>th</sup> day of September, 2022

Sallie Harrison Sweeney  
Owner

Printed Name: Sallie Harrison Sweeney

\_\_\_\_\_  
Owner

Printed Name: \_\_\_\_\_

\_\_\_\_\_  
Owner

Printed Name: \_\_\_\_\_

\_\_\_\_\_  
Owner

Printed Name: \_\_\_\_\_

Dr. Parker

\_\_\_\_\_  
Mayor, City of Wharton, Texas

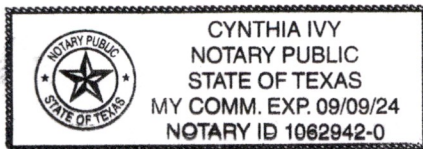
Attest:

[Signature]  
\_\_\_\_\_  
City Secretary, City of Wharton, Texas

THE STATE OF TEXAS )

COUNTY OF WHARTON )

This instrument was acknowledged before me on the 6 day of September, 2022, by Sallie Harrison Sweeney, Owner.



Cynthia Ivy  
\_\_\_\_\_  
Notary Public, State of Texas

THE STATE OF TEXAS )

COUNTY OF WHARTON )

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 202\_, by \_\_\_\_\_, Owner.

\_\_\_\_\_  
Notary Public, State of Texas

THE STATE OF TEXAS )

COUNTY OF WHARTON )

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 202\_, by \_\_\_\_\_, Owner.

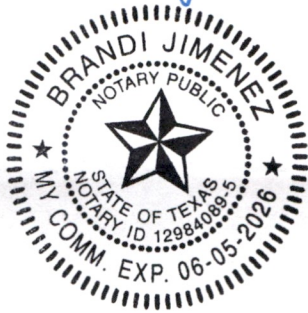
\_\_\_\_\_  
Notary Public, State of Texas

THE STATE OF TEXAS )

COUNTY OF WHARTON )

This instrument was acknowledged before me on the 12<sup>th</sup> day of September, 2022, by Tim Barker, Mayor City Manager, City of Wharton, Texas.

Brandi Jimenez  
Notary Public, State of Texas



Existing Services: None

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

**MISCELLANEOUS**

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

**Section 2.** This Agreement may be separately executed in individual counterparts and, upon execution, shall constitute one and same instrument.

Entered into this 4<sup>th</sup> day of September 2022

Gerard A. Harrison

Owner

Printed Name: GERARD A. HARRISON

\_\_\_\_\_  
Owner

Printed Name: \_\_\_\_\_

\_\_\_\_\_  
Owner

Printed Name: \_\_\_\_\_

\_\_\_\_\_  
Owner

Printed Name: \_\_\_\_\_

Jeri Barber

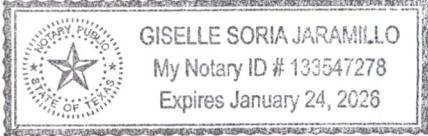
\_\_\_\_\_  
Mayor, City of Wharton, Texas

Attest:



Paulo An  
City Secretary, City of Wharton, Texas

THE STATE OF TEXAS )  
COUNTY OF Travis WHARTON (GS)



This instrument was acknowledged before me on the 4<sup>th</sup> day of September, 2022, by Gerard A Harrison, Owner.

Gund  
Notary Public, State of Texas

THE STATE OF TEXAS )  
COUNTY OF WHARTON )

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 202\_, by \_\_\_\_\_, Owner.

\_\_\_\_\_  
Notary Public, State of Texas

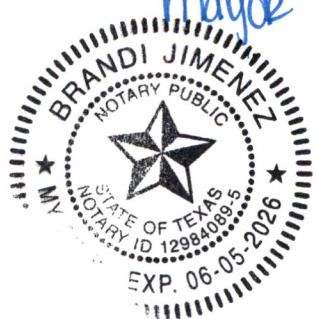
THE STATE OF TEXAS )  
COUNTY OF WHARTON )

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 202\_, by \_\_\_\_\_, Owner.

\_\_\_\_\_  
Notary Public, State of Texas

THE STATE OF TEXAS )  
COUNTY OF WHARTON )

This instrument was acknowledged before me on the 12<sup>th</sup> day of September, 2022, by Tim Barker Mayor, City Manager, City of Wharton, Texas.



Brandi Jimenez  
Notary Public, State of Texas

Entered into this 13<sup>th</sup> day of September, 2022.

\_\_\_\_\_  
Owner

Printed Name: \_\_\_\_\_

A. Judd Harrison  
\_\_\_\_\_  
Owner

Printed Name: A. Judd Harrison

\_\_\_\_\_  
Owner

Printed Name: \_\_\_\_\_

\_\_\_\_\_  
Owner

Printed Name: \_\_\_\_\_

Dr. Barker  
\_\_\_\_\_  
Mayor, City of Wharton, Texas

Attest:

Paula [Signature]  
\_\_\_\_\_  
City Secretary, City of Wharton, Texas

THE STATE OF TEXAS )

COUNTY OF WHARTON )

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 202\_, by \_\_\_\_\_, Owner.

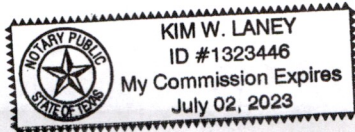
\_\_\_\_\_

Notary Public, State of Texas

THE STATE OF TEXAS )

COUNTY OF WHARTON )

This instrument was acknowledged before me on the 7<sup>th</sup> day of Sept., 2022, by A. Judd Harrison, Owner.



Kim W. Laney  
Notary Public, State of Texas

THE STATE OF TEXAS )

COUNTY OF WHARTON )

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 202\_, by \_\_\_\_\_, Owner.

\_\_\_\_\_  
Notary Public, State of Texas

THE STATE OF TEXAS )

COUNTY OF WHARTON )

This instrument was acknowledged before me on the 12<sup>th</sup> day of September, 2022, by Tim Barker, Mayor City Manager, City of Wharton, Texas.



Brandi Jimenez  
Notary Public, State of Texas