

**CITY OF WHARTON
ORDINANCE NO. 2019-16**

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY, IN WHARTON COUNTY TEXAS: A CERTAIN 189.86 ACRE TRACT OF LAND SITUATED IN THE JAMES TUMLINSON SURVEY, ABSTRACT 63 RANDALL JONES 1/2 LEAGUE, ABSTRACT 36 IN WHARTON, COUNTY, TEXAS AS DESCRIBED IN THE METES AND BOUNDS ATTACHED HERETO AS EXHIBIT "A"; TO 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 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 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 territory described in the Exhibit "A" attached hereto; and

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 territory described in the attached Exhibit "A," 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 8th day of July 2019.

CITY OF WHARTON, TEXAS

By: *Don Mueller*
DON MUELLER
Mayor Pro-Tem

ATTEST:

Paula Favors
PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

Paul Webb
PAUL WEBB
City Attorney



Exhibit "A"

Annexation Tract No. 1
189.86 Acres

James Tumlinson Survey, Abstract 63
Randall Jones ½ League, Abstract 36

STATE OF TEXAS §

COUNTY OF WHARTON §

A **METES & BOUNDS** description of a 189.86 acre tract of land in the James Tumlinson Survey, Abstract 63, and the Randall Jones ½ League, Abstract 36, Wharton County, Texas, being comprised of all of Reserve "A" of Colorado Bend Power II Subdivision, according to map or plat thereof recorded under and Slide Number 3089, Plat Cabinet Records III, Wharton County, Texas, the residue of that certain called 71.049 acre tract recorded in Volume 967, Page 607, Official Records, Wharton County, Texas, being a portion of Reserve "A" of Colorado Bend Energy Center Subdivision, according to map or plat thereof recorded under Slide Numbers 2149 and 2150, Plat Cabinet Records II, Wharton County, Texas, and Lots 4, 29, 30, 31, 32, 33, 34 and 35 of Plantation Acres Section Number 2, according to map or plat thereof recorded under Slide Number 108-A, Plat Cabinet Records, Wharton County, Texas, and portions of that certain called 130.409 acre tract and called 4.23 acre tract recorded in Volume 715, Page 332, Official Records, Wharton County, Texas, portions of that certain called 11.104 acre tract and called 2.005 acre tract recorded in Volume 845, Page 115, Official Records, Wharton County, Texas, a portion of that certain called 10.00 acre tract recorded in Volume 635, Page 831, Official Records, Wharton County, Texas, portions of those certain tracts in deed to Knolle Properties, LLC, recorded in Volume 933, Page 468, Official Records, Wharton County, Texas, a portion of a tract into Wharton County Junior College, and a portion of a called 65.666 acre tract recorded in Volume 281, Page 101, Official Records, Wharton County, Texas, with all bearings based upon the southwest line of an adjoining called 102.253 acre tract recorded in Volume 645, Page 319, Official Records, Wharton County, Texas, as being North 29 degrees 24 minutes 00 seconds West (called North 29 degrees 24 minutes 00 seconds West).

Beginning at the west corner of said adjoining residue of a called 102.253 acre tract, same being the south corner of an adjoining called 2.120 acre tract recorded in Volume 379, Page 584, Official Records, Wharton County, Texas, for an angle point in the upper northeast line and **Place of Beginning** of the herein described tract, said point being the south corner of the existing City of Wharton City Limits according to Ordinance 2007-24, and being in the northeast right-of-way line of State Highway 60 (100-foot wide);

Thence South 29 degrees 24 minutes 00 seconds East along the northeast right-of-way line of State Highway 60, same being the southwest line of said adjoining residue of a called 102.253 acre tract, 750.46 feet to an angle point, being the south corner of said adjoining residue of a called 102.253 acre tract, same being the west corner of the second-mentioned Reserve "A";

Thence South 29 degrees 23 minutes 46 seconds East along the northeast right-of-way line of State Highway 60, same being the southwest line of said Reserve "A", 954.51 feet to a point on said line for a reentry corner to the herein described tract, being the west corner of said residue of a called 71.049 acre tract;

Thence North 60 degrees 40 minutes 35 seconds East along the westerly line of said called 71.049 acre tract, crossing said Reserve "A", 828.90 feet to a reentry corner to the herein described tract;

Thence North 29 degrees 03 minutes 41 seconds West continuing along said line, 309.11 feet to a point for corner;

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Thence North 60 degrees 12 minutes 24 seconds East continuing along said line, 329.61 feet to a reentry corner to the herein described tract;

Thence North 29 degrees 34 minutes 20 seconds West continuing along said line, 643.03 feet to a point for corner;

Thence North 59 degrees 40 minutes 11 seconds East continuing along said line, 953.98 feet to a reentry corner to the herein described tract;

Thence North 30 degrees 50 minutes 11 seconds West continuing along said line, 3.98 feet to a point for a west corner of the herein described tract, said point being the east corner of the aforementioned adjoining residue of a called 102.253 acre tract, same being the south corner of a called 52.774 acre tract recorded in Volume 758, page 402, Official Records, Wharton County, Texas, and being in the northwest line of the aforementioned Reserve "A";

Thence North 60 degrees 06 minutes 00 seconds East along the northwest line of said Reserve "A", same being the southeast line of said adjoining called 52.774 acre tract, 297.61 feet to an angle point, said point being the north corner of said Reserve "A", same being the west corner of the aforementioned Lot 4;

Thence North 60 degrees 18 minutes 55 seconds East along the northwest line of said Lot 4, same being the southeast line of said adjoining called 52.774 acre tract, 172.62 feet to a point for a north corner of the herein described tract, said point being the north corner of said Lot 4, same being the west corner of the adjoining Lot 3;

Thence South 30 degrees 07 minutes 43 seconds East along the common line of said Lot 4 and said adjoining Lot 3, 510.40 feet to a reentry corner to the herein described tract, said point being the common corner of said Lot 4, said adjoining Lot 3, the aforementioned Lot 30, and the aforementioned Lot 29, as located in Dyann Drive (80-feet wide);

Thence along the centerline of Dyann Drive with the following courses and distances;

North 59 degrees 52 minutes 18 seconds East, 426.86 feet to the beginning of a curve to the right;

Thence along said curve to the right having a central angle of 30 degrees 00 minutes 00 seconds, a radius of 373.20 feet, an arc length of 195.41 feet, and a chord bearing North 74 degrees 52 minutes 18 seconds East, 193.18 feet to the beginning of a reverse curve to the left;

Thence along said reverse curve to the left having a central angle of 60 degrees 00 minutes 00 seconds, a radius of 173.20 feet, an arc length of 181.37 feet, and a chord bearing North 59 degrees 52 minutes 18 seconds East, 173.20 feet to the end of said curve;

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North 29 degrees 52 minutes 18 seconds East, 99.90 feet to a point for the most easterly north corner of the herein described tract, said point being the common corner of the aforementioned Lot 35, the adjoining Lot 1, and the adjoining Lot 15 and Lot 16 of Plantation Acres Section Number 1, according to map or plat thereof recorded Under Slide Number 107-A, Plat Cabinet Records, Wharton County, Texas;

Thence South 81 degrees 25 minutes 42 seconds East along the common line of said Lot 35 and said adjoining Lot 16, 362.26 feet to an angle point;

Thence South 57 degrees 11 minutes 42 seconds East continuing along said common line, 109.66 feet to an angle point;

Thence South 62 degrees 07 minutes 42 seconds East continuing along said common line, 217.58 feet to a point for the upper east corner of the herein described tract, being the east corner of said Lot 35, same being a south corner of the adjoining Lot 17, and being in the northwest line of an adjoining called 29.3729 acre tract (Item H-7) recorded in Volume 606, Page 134, Official Records, Wharton County, Texas;

Thence South 61 degrees 02 minutes 10 seconds West along the common line of the herein described tract and said adjoining called 29.3729 acre tract, 70.14 feet to a reentry corner to the herein described tract, said point being the most easterly north corner of the first-mentioned Reserve "A";

Thence South 30 degrees 40 minutes 38 seconds East continuing along said common line, 534.02 feet to a point for an east corner of the herein described tract, said point being the east corner of said Reserve "A", same being the south corner of said adjoining called 29.3729 acre tract, and being in the northwest line of an adjoining called 25.19 acre tract recorded in Volume 841, Page 720, Official Records, Wharton County, Texas;

Thence South 59 degrees 25 minutes 14 seconds West along the southeast line of said Reserve "A", 2,650.94 feet to an angle point, said point being in the northwest line of an adjoining called 130.409 acre tract (Parcel 1) recorded in Volume 715, Page 332, Official Records, Wharton County, Texas;

Thence South 60 degrees 00 minutes 29 seconds West continuing along the southeast line of said Reserve "A", 208.22 feet to a point on said line, being 1,000 feet distant from the northeast right-of-way line of State Highway 60;

Thence South 29 degrees 20 minutes 09 seconds East along a line being 1,000 feet perpendicular from and parallel to the northeast right-of-way line of State Highway 60, crossing said called 130.409 acre tract, 385.02 feet to a point for the lower east corner of the herein described tract;

Thence South 60 degrees 39 minutes 51 seconds West crossing said called 130.409 acre tract and the aforementioned called 4.23 acre tract, at 1,000.00 feet pass the northeast right-of-way line of State Highway 60, and continuing for a total distance of 1,100.00 feet to a point for corner in the southwest right-of-way line of State Highway 60;

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Thence North 29 degrees 20 minutes 09 seconds West along the southwest right-of-way line of State Highway 60, 130.08 feet to a point for a reentry corner to the herein described tract, said point being the east corner of the aforementioned called 2.005 acre tract, same being the north corner of an adjoining called 10.00 acre tract recorded in Volume 721, Page 545, Official Records, Wharton County, Texas;

Thence South 60 degrees 07 minutes 57 seconds West along the common line of said called 2.005 acre tract and the aforementioned called 11.104 acre tract, and said adjoining called 10.00 acre tract, 899.82 feet to a point for the south corner of the herein described tract, said point being 1,000 feet distant from the northeast right-of-way line of State Highway 60;

Thence along the southwest line of the herein described tract, being 1,000 feet perpendicular from and parallel to the northeast right-of-way line of State Highway 60, crossing said called 11.104 acre tract, the aforementioned called 10.00 acre tract, the aforementioned Knolle Properties, LLC tracts, the aforementioned Wharton County Junior College tract, and the aforementioned called 65.666 acre tract, with the following courses and distances:

North 29 degrees 23 minutes 07 seconds West, 251.56 feet;

North 29 degrees 21 minutes 05 seconds West, 626.04 feet;

North 29 degrees 23 minutes 46 seconds West, 954.09 feet;

North 29 degrees 24 minutes 00 seconds West, crossing County Road 142, 1,750.43 feet to a point in said called 65.666 acre tract for the upper west corner of the herein described tract;

Thence North 60 degrees 36 minutes 00 seconds East along the upper north line of the herein described tract, at 900.00 feet pass the southwest right-of-way line of State Highway 60, and continuing for a total distance of 1,000.00 feet to a point for the most westerly north corner of the herein described tract, said point being in the southwest line of an adjoining called 1.299 acre tract recorded in Volume 527, Page 868, Official Records, Wharton County, Texas, same being the northeast right-of-way line of State Highway 60, and being in the southwest line of the existing City of Wharton City Limits;

Thence South 29 degrees 24 minutes 00 seconds East along the northeast right-of-way line of State Highway 60, same being the southwest line of said adjoining called 1.299 acre tract, and the southwest line of the aforementioned adjoining called 2.120 acre tract, being the existing City of Wharton City Limits, 1,000.00 feet to the **Place of Beginning** and containing 189.86 acres of land, more or less.

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.

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April 25, 2019

Job Number 05135-0900-19

Jones | Carter
1229 Corporate Drive, Suite 100
Rosenberg, TX 77471
(281) 342-2033
Texas Board of Professional Land
Surveying Registration No. 10046104




Acting By/Through Chris D. Kalkomey
Registered Professional Land Surveyor
No. 5869
CDKalkomey@jonescarter.com

Exhibit "B"
ANNEXATION SERVICE PLANS CITY OF WHARTON, TEXAS
MUNICIPAL SERVICE PLAN
Annexation I

TERRITORY

This Service Plan is applicable to the territory which are described in Exhibit B 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 Voluntary 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 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 regulated 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 serves 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

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 to 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 completions. 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 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, beginning with 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.



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