

**CITY OF WHARTON
ORDINANCE NO. 2019-18**

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY, IN WHARTON COUNTY TEXAS: A CERTAIN 140.92 ACRE TRACT OF LAND IN THE ALEXANDER JACKSON SURVEY, ABSTRACT 34, AND THE WILLIAM KINCHELOE SURVEY, ABSTRACT 38, WHARTON COUNTY, TEXAS, AND BEING AN APPROXIMATE 1000-FOOT WIDE STRIP OF LAND ALONG U.S. HIGHWAY 59 EXTENDING NORTHERLY FROM THE NORTHERN EXISTING CITY LIMITS OF THE CITY OF WHARTON, WITH ALL BEARINGS BASED UPON THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 59 AS BEING NORTH 50 DEGREES 20 MINUTES 13 SECONDS EAST (CALLED NORTH 50 DEGREES 20 MINUTES 13 SECONDS EAST) 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. 3
140.92 Acres

Alexander Jackson Survey, Abstract 34
William Kincheloe Survey, Abstract 38

STATE OF TEXAS §

COUNTY OF WHARTON §

A **METES & BOUNDS** description of a 140.92 acre tract of land in the Alexander Jackson Survey, Abstract 34, and the William Kincheloe Survey, Abstract 38, Wharton County, Texas, and being an approximate 1000-foot wide strip of land along U. S. Highway 59 extending northerly from the northern existing City Limits of the City of Wharton, with all bearings based upon the westerly right-of-way line of U. S. Highway 59 as being North 50 degrees 20 minutes 13 seconds East (called North 50 degrees 20 minutes 13 seconds East).

Beginning at the intersection of the centerline of U. S. Highway 59 and the northerly line of the existing City Limits of the City of Wharton (Ordinance Number 1992-21);

Thence North 39 degrees 39 minutes 47 seconds West, 500.00 feet to a point for the west corner of the herein described tract, said point being the north corner of said existing City Limits of the City of Wharton;

Thence North 50 degrees 20 minutes 13 seconds East along a line being 500-feet perpendicular from and parallel to the centerline of U. S. Highway 59, 624.76 feet to a point on said line at its intersection with the north line of a called 32.486 acre tract, same being the south line of an adjoining called 3.75 acre tract recorded in Volume 290, Page 405, Deed Records, Wharton County, Texas, to a point for corner;

Thence South 73 degrees 09 minutes 47 seconds East along the north line of said called 32.486 acre tract, same being the south line of said adjoining called 3.75 acre tract crossing County Road 229, 202.61 feet to a point for a reentry corner of the herein described tract, said point being in the east line of a non-contiguous portion of the residue of a called 10 acre tract recorded in Volume 75, Page 495, Official Records, Wharton County, Texas, same being the west line of the Southern Pacific Railroad right-of-way;

Thence North 10 degrees 40 minutes 49 seconds East along the east line of said residue of a called 10 acre tract, same being the west line of said Southern Pacific Railroad right-of-way, 264.74 feet to a point for corner;

Thence North 50 degrees 20 minutes 13 seconds East along a line being 500-feet perpendicular from and parallel to the centerline of U. S. Highway 59, crossing the Southern Pacific Railroad right-of-way and State Highway 60, 372.59 feet to a point for corner, said point being in the easterly right-of-way line of State Highway 60, same being the west line of a called 1.00 acre tract of land recorded in Volume 139, Page 254, Official Records, Wharton County, Texas;

Thence North 10 degrees 40 minutes 49 seconds East along the east right-of-way line of State Highway 60, same being the west line of said called 1.00 acre tract, 182.05 feet to the north corner of said called 1.00 acre tract;

Annexation Tract No. 3
140.92 Acres

Alexander Jackson Survey, Abstract 34
William Kincheloe Survey, Abstract 38

Thence South 59 degrees 30 minutes 50 seconds East along the northeast line of said called 1.00 acre tract, 293.89 feet to the east corner of said called 1.00 acre tract, said point being in the westerly right-of-way line of U. S. Highway 59;

Thence along the westerly right-of-way line of U. S. Highway 59 with the following courses and distances:

North 50 degrees 20 minutes 13 seconds East, 864.61 feet to the beginning of a curve to the left;

Thence along said curve to the left having a radius of 1,382.40 feet, a central angle of 32 degrees 14 minutes 59 seconds, an arc length of 778.10 feet, and a chord bearing North 34 degrees 12 minutes 25 seconds East, 767.87 feet to the end of said curve;

North 18 degrees 04 minutes 55 seconds East, 428.00 feet to a curve to the right;

Thence along said curve to the right having a radius of 1,482.39 feet, a central angle of 09 degrees 03 minutes 41 seconds, an arc length of 234.44 feet, and a chord bearing North 22 degrees 36 minutes 46 seconds East, 234.20 feet to the end of said curve;

North 27 degrees 08 minutes 37 seconds East, 299.97 feet to the beginning of a curve to the left;

Thence along said curve to the left having a radius of 1,382.40 feet, a central angle of 09 degrees 03 minutes 41 seconds, an arc length of 218.63 feet, and chord bearing North 22 degrees 36 minutes 46 seconds East, 218.40 feet to the end of said curve;

North 18 degrees 04 minutes 55 seconds East, 706.54 feet to a point for the north corner of the herein described tract;

Thence South 71 degrees 55 minutes 05 seconds East along the northeast line of the herein described tract, crossing U. S. Highway 59, 1,000.00 feet to a point for the east corner of the herein described tract;

Thence South 18 degrees 04 minutes 55 seconds West establishing the southeast line of the herein described tract, 2,439.31 feet to an angle point;

Thence South 50 degrees 20 minutes 13 seconds West establishing the southeast line of the herein described tract, 2,331.21 feet to an angle point;

Thence South 45 degrees 45 minutes 49 seconds West establishing the southeast line of the herein described tract, 250.83 feet to a point for corner, being in the northeast line of a called 4.245 acre tract recorded in Volume 1028, Page 937, Official Records, Wharton County, Texas;

Annexation Tract No. 3
140.92 Acres

Alexander Jackson Survey, Abstract 34
William Kincheloe Survey, Abstract 38

Thence South 39 degrees 33 minutes 46 seconds East along the northeast line of said called 4.245 acre tract, 160.68 feet to the east corner of said called 4.245 acre tract, same being the north corner of a called 0.529 acre tract recorded in Volume 1028, Page 940, Official Records, Wharton County, Texas;

Thence South 39 degrees 33 minutes 46 seconds East along the northeast line of said called 0.529 acre tract, 150.00 feet to the east corner of said called 0.529 acre tract;

Thence South 50 degrees 18 minutes 03 seconds West along the southeast line of said called 0.529 acre tract, 153.54 feet to the south corner of said called 0.529 acre tract;

Thence North 39 degrees 33 minutes 46 seconds West along the southwest line of said called 0.529 acre tract, 150.00 feet to the west corner of said called 0.529 acre tract, being in the southeast line of the aforementioned called 4.245 acre tract;

Thence South 50 degrees 18 minutes 03 seconds West along the southeast line of said called 4.245 acre tract, 352.10 feet to an angle point;

Thence North 79 degrees 16 minutes 09 seconds West along the southerly line of said called 4.245 acre tract, 56.70 feet to the east corner of a called 3.17 acre tract recorded in Volume 1028, Page 940, Official Records, Wharton County, Texas;

Thence along the southeasterly and southwesterly lines of said called 3.17 acre tract with the following courses and distances:

South 10 degrees 42 minutes 48 seconds West, 353.63 feet;

North 79 degrees 16 minutes 47 seconds West, 15.18 feet;

South 10 degrees 42 minutes 48 seconds West, 18.75 feet;

South 79 degrees 17 minutes 12 seconds East, 15.18 feet;

South 10 degrees 42 minutes 48 seconds West, 200.37 feet;

North 79 degrees 23 minutes 23 seconds West, 118.28 feet;

North 50 degrees 31 minutes 18 seconds West, 94.42 feet;

North 50 degrees 30 minutes 48 seconds West, 55.92 feet to the west corner of said called 3.17 acre tract, said point being in the east right-of-way line of State Highway 60;

Thence North 79 degrees 16 minutes 39 seconds West establishing a southerly line of the herein described tract, crossing said State Highway 60 and the aforementioned Southern Pacific Railroad right-of-way, 240.00 feet to a point in the west right-of-way line of said Southern Pacific Railroad right-of-way for corner;

Annexation Tract No. 3
140.92 Acres

Alexander Jackson Survey, Abstract 34
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Thence North 10 degrees 43 minutes 21 seconds East along the west right-of-way line of said Southern Pacific Railroad right-of-way, 375.35 feet to a point on said line at its intersection with the existing City Limits of the City of Wharton (Ordinance Number 1992-21);

Thence North 50 degrees 20 minutes 13 seconds East along the existing City Limits of the City of Wharton, 270.42 feet to a point for a reentry corner to the herein described tract, same being the upper east corner of said existing City Limits of the City of Wharton;

Thence North 39 degrees 39 minutes 47 seconds West continuing along said line, 500.00 feet to the **Place of Beginning** and containing 140.92 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.

May 8, 2019
Revised: June 20, 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



A handwritten signature in black ink, appearing to read "Chris D. Kalkomey".

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 3 – Phase 1

TERRITORY

This Service Plan is applicable to the territory which are described in Exhibit C 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 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

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.

