

**CITY OF WHARTON  
ORDINANCE NO. 2024-01**

**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. 51.6733 acres of land in the Randal Jones 1/2 League, Abstract No. 36, Partially in the City of Wharton, 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 8<sup>th</sup> day of January 2024.

**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*

**Boundary Description**

***51.6733 acres of land in the Randal Jones 1/2 League, Abstract No. 36, Partially in the City of Wharton, Wharton County, Texas***

A FIELD NOTE DESCRIPTION of a 51.6733-acre tract of land in the Randal Jones 1/2 League, Abstract No. 36, partially in the City of Wharton, Wharton County, Texas; said 51.6733-acre tract being that same called 51.4217-acre tract of land conveyed to Gordon Franklin, Trustee, as recorded in Volume 249, Page 233, of the Wharton County Deed Records; said tract being more particularly described by metes-and-bounds as follows with the bearings being based on Texas State Plane Coordinate System, South Central Zone (NAD83) per GPS Observations using National Geodetic Survey Continuously Operating Reference Stations:

BEGINNING at a 1-inch iron spike found in the southeast right-of-way line of F.M. 1299 (South Alabama Road) (called 80 feet wide), as recorded in Volume 802, Page 787 of the Wharton County Deed Records for the north corner of Briar Grove Trailer Park, Lot One (1), Briar Grove Addition, Sec. 2, according to the map or plat recorded in Slide No. 120A of the Wharton County Plat Records and for a west corner of this tract;

THENCE, North  $16^{\circ} 52' 37''$  East - 364.19 feet (called North  $20^{\circ} 14' 18''$  East - 364.10 feet per Volume 249, Page 233 of the Wharton County Deed Records) with the southeast right-of-way line of said South Alabama Road to a 1/2-inch iron rod found for the west corner of a called 15.00 acre tract of land conveyed to Bichhop T. Le, as recorded in Volume 794, Page 547 of the Wharton County Deed Records and for a north corner of this tract;

THENCE, South  $73^{\circ} 40' 17''$  East - 727.16 feet (called South  $70^{\circ} 16'$  East- 727.10 feet per Volume 249, Page 233 of the Wharton County Deed Records) with the southwest line of said 15.00-acre tract to a 5/8-inch iron rod with cap found for the south corner of said 15.00-acre tract and for an interior corner of this tract;

THENCE, North  $16^{\circ} 48' 36''$  East - 898.55 feet (called North  $20^{\circ} 14' 17''$  East - 898.64 feet per Volume 249, Page 233 of the Wharton County Deed Records) with the southeast line of said 15.00-acre tract to a 1/2-inch iron rod found for the east corner of said 15.00-acre tract, for the south corner of a called 5.698-acre tract of land conveyed to Robert L. Lebow, Leonard C. Lebow, and David I. Lebow, as recorded in Volume 824, Page 719 of the Wharton County Deed Records, and for an angle point of this tract;

THENCE, North  $16^{\circ} 21' 39''$  East- 188.68 feet (called North  $19^{\circ} 44'$  East- 188.72 feet per Volume 249, Page 233 of the Wharton County Deed Records) with the southeast line of said 5.698-acre tract to a bent 5/8-inch iron rod found for the west corner of a called 5.00-acre tract of land conveyed to Gordon Franklin, Trustee, as recorded in Volume 1201, Page 830 of the Wharton County Deed Records and as described in Volume 519, Page 542 of the Wharton County Deed Records and for a north corner of this tract; from which a bent 1/2-inch iron rod found in the

southwest right-of-way line of State Highway 60 (Milam Street) (width varies - 100 feet wide at this point) for the east corner of said 5.698-acre tract and for the north corner of said 5.00-acre tract bears North  $16^{\circ} 21' 39''$  East - 350.86 feet (called North  $19^{\circ} 49' 30''$  East - 350 feet per Volume 519, Page 542 of the Wharton County Deed Records);

THENCE, South  $70^{\circ} 30' 11''$  East - 623.01 feet (called South  $67^{\circ} 05' 30''$  East - 623.00 feet per Volume 249, Page 233 of the Wharton County Deed Records) (called South  $67^{\circ} 05' 15''$  East - 623.19 feet per Volume 519, Page 542 of the Wharton County Deed Records) with the southwest line said 5.00-acre tract to a 1/2-inch iron rod found for the south corner of said 5.00-acre tract and for an interior corner of this tract;

THENCE, North  $16^{\circ} 18' 47''$  East (called North  $19^{\circ} 49' 30''$  East per Volume 249, Page 233 of the Wharton County Deed Records) with southeast line of said 5.00 acre tract, at a distance of 60.09 feet pass a point for the south corner of a called 0.413 acre tract of land conveyed to Hinze Bar-B-Que, Inc., as recorded in Volume 1006, Page 92 of the Wharton County Deed Records, and continuing with the southeast line of said 0.413 acre tract and with the southeast line of a called 0.784 acre tract of land conveyed to Hinze Bar-B-Que, Inc., as recorded in Volume 1006, Page 92 of the Wharton County Deed Records for a total distance of 350.60 feet (called 350.00 feet per Volume 249, Page 233 of the Wharton County Deed Records) to a 1/2-inch iron rod found in the southwest right-of-way line of said State Highway 60 for the east corner of said 0.784 acre tract and for a north corner of this tract; from which a 1/2-inch iron rod found for the north corner of said 0.784 acre tract bears North  $70^{\circ} 28' 39''$  West - 180.00 feet;

THENCE, South  $70^{\circ} 28' 39''$  East - 59.77 feet (called South  $66^{\circ} 50' 27''$  East - 59.77 feet per Volume 249, Page 233 of the Wharton County Deed Records) with the southwest right-of-way line of said State Highway 60 to a 5/8-inch iron rod with cap stamped "McKim & Creed" set for the north corner of a called 0.9918-acre tract of land conveyed to Pohler Real Estate Investments, LLC, as recorded in Volume 1120, Page 404 of the Wharton County Deed Records and for an east corner of this tract; from which a 1/2-inch iron rod found for the east corner of a 1.000-acre tract of land conveyed to Pohler Real Estate Investments, LLC, as recorded in Volume 1120, Page 404 of the Wharton County Deed Records bears South  $70^{\circ} 28' 39''$  East-251.03 feet;

THENCE, South  $16^{\circ} 16' 24''$  West (called South  $19^{\circ} 49' 30''$  West per Volume 249, Page 233 of the Wharton County Deed Records) with the northwest line of said 0.9918-acre tract, at a distance of 208.41 feet pass a 1/2-inch iron rod spinner found for the west corner of said 0.9918-acre tract and for the north corner of said 1.000-acre tract and continuing with the northwest line of said 1.000-acre tract for a total distance of 347.67 feet (called 347.55 feet per Volume 249, Page 233 of the Wharton County Deed Records) to a 1/2-inch iron rod found for the west corner of said 1.000-acre tract and for an interior corner of this tract;

THENCE, South  $70^{\circ} 26' 42''$  East - 250.01 feet (called South  $67^{\circ} 09' 08''$  East - 249.82 feet per Volume 249, Page 233 of the Wharton County Deed Records) (called South  $67^{\circ} 05' 15''$  East - 250.00 feet per Volume 1120, Page 404 of the Wharton County Deed Records) with the southwest line of said 1.000-acre tract to a 1/2- inch iron rod found for the south corner of said 1.000-acre

tract, for the west comer of Lot 1, Subdivision of Lot 24M, according to the map or plat recorded in Slide No. 3030 of the Wharton County Plat Records, and for an angle point of this tract; from which a 1/2-inch iron rod found in the southwest right-of-way line of said State Highway 60 (width varies at this point) bears North 16° 26' 37" East- 347.76 feet (called North 19° 49' 30" East - 347.55 feet per Volume 1120, Page 404 of the Wharton County Deed Records);

THENCE, South 70° 25' 24" East - 398.87 feet (called South 67° 01' 08" East- 398.87 feet per Volume 249, Page 233 of the Wharton County Deed Records) (called South 70° 26' 03" East- 398.92 feet per Slide No. 3030 of the Wharton County Plat Records) with the southwest line of said Subdivision of Lot 24M to a 5/8-inch iron rod with cap stamped "McKim & Creed" set in the northwest line of a called 1.83 acre tract of land conveyed to Edwin W. Kostka, as recorded in Volume 310, Page 229 of the Wharton County Deed Records for the south comer of Lot 2 of said Subdivision of Lot 24M and for an east comer of this tract; from which a 1/2-inch iron rod with cap stamped "RPLS 5319" found in the southwest right-of-way line of said State Highway 60 for the east comer of said Lot 2 bears North 16° 26' 03" East- 313.24 feet (called North 16° 26' 39" East - 312.97 feet per Slide No. 3030 of the Wharton County Plat Records); also from which at-post inside pvc pipe bears North 46° 04' 52" West-0.33 feet;

THENCE, South 16° 26' 03" West - 33.43 feet (called South 20° 08' 12" West - 33.43 feet per Volume 249, Page 233 of the Wharton County Deed Records) with the northwest line of said 1.83-tract to a 5/8-inch iron rod with cap stamped "McKim & Creed" set for the west comer of said 1.83-tract, for the north comer of a called 8.72-acre tract of land (Tract 3) conveyed to Edwin W. Kostka, Jr., as recorded in Volume 210, Page 638 of the Wharton County Deed Records and for an angle point of this tract; from which a 1-1/2-inch iron pipe found for the south comer of said 1.83-acre tract bears South 70° 16' 36" East - 228.92 feet (called South 66° 59' East - 228.33 feet per Volume 310, Page 229 of the Wharton County Deed Records); also from which a 1/2-inch iron rod found for the east comer of said 8.72-acre tract bears South 70° 16' 36" East - 258.77 feet (called South 66° 59' East-258.33 feet per Volume 210, Page 638 of the Wharton County Deed Records);

THENCE, South 18° 14' 30" West - 740.07 feet (called South 22° 46' 36" West- 739.79 feet per Volume 249, Page 233 of the Wharton County Deed Records) (called South 21° 39' 08" West- 737.78 feet per Volume 210, Page 638 of the Wharton County Deed Records) with the northwest line of said 8.72-acre tract to at-post inside pvc pipe found for an angle point of said 8.72-acre tract and for an angle point of this tract;

THENCE, South 19° 23' 26" West - 716.72 feet (called South 21° 36' 12" West- 716.75 feet per Volume 249, Page 233 of the Wharton County Deed Records) (called South 22° 53' West- 716.75 feet per Volume 210, Page 638 of the Wharton County Deed Records) with the northwest line of said 8.72-acre tract to at-post inside pvc pipe found in the northeast line of Block 1, Briar Grove Addition, Section 4, according to the map or plat recorded in Page 47A of the Wharton County Plat Records (previously platted as Briar Grove Addition Section 3, according to the map or plat recorded in Slide No. 38A of the Wharton County Plat Records, revoked per Volume 558, Page 166 of the Wharton County Deed Records) for the west comer of said 8.72-acre tract and for the south comer of this tract;

THENCE, North 70° 33' 43" West (called North 67° 09' 26" West per Volume 249, Page 233 of the Wharton County Deed Records) with the northeast line for said Briar Grove Addition, Section 4, with the northeast line of Re-plat of Briar Grove Addition, Section. 3, according to the map or plat recorded in Page No. 45A of the Wharton County Plat Records, and with the northeast line of Briar Grove Addition, Section 2, according to the map or plat recorded in Volume 1, Page 72 of the Wharton County Plat Records, at a distance of 1,871.31 feet pass a 1/2-inch iron rod found for the north comer of Lot 2 of said Briar Grove Addition, Section 2, and for the east comer of said Briar Grove Trailer Park, Lot One (1), Briar Grove Addition, Sec. 2 and continuing with the northeast line of said Briar Grove Trailer Park, Lot One (1), Briar Grove Addition, Sec. 2, for a total distance of 2008.02 feet (called 2,008.10 feet per Volume 249, Page 233 of the Wharton County Deed Records) to the POINT OF BEGINNING and containing 51.6733 acres of land.

**“Exhibit B”**

**City of Wharton Annexation Agreement of Services**

This Agreement is entered into pursuant to Section 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 the Owner's Property and will hold a public hearing on January 8, 2024, 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.

**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 is 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 the 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 the Wharton Voluntary Fire Department, located at 319 N Fulton Wharton, TX 77488. Adequate fire suppression activities can be afforded to the annexed area within the 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 that 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

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 and the laws of the state of Texas.

### **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 8<sup>th</sup> day of January, 2024.

BJA  
Owner

Printed Name: Brian Jarrard, Manager  
Wharton SS, LLC

Owner

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

Owner

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

McBarber  
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 8<sup>th</sup> day of January, 2024, by Brian Jarrard, Owner.



Brandi Jimenez

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 8<sup>th</sup> day of January, 2024, by Tim Barker, Mayor, City of Wharton, Texas.



Brandi Jimenez  
Notary Public, State of Texas