

**CITY OF WHARTON
ORDINANCE NO. 2024-17**

AN ORDINANCE TO DISANNEX CERTAIN TERRITORY FROM THE CORPORATE LIMITS OF THE CITY OF WHARTON TO WIT: 14.76 ACRES IN THE A. JACKSON TIMBER LEAGUE, ABSTRACT NO. 34, WHARTON COUNTY, TEXAS, AND AS DESCRIBED IN THE ATTACHED EXHIBIT “A”; FINDING THAT ALL REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; TERMINATING THE RIGHTS AND PRIVILEGES CONFERRED ON THE PROPERTY FROM THE CITY OF WHARTON; PROVIDING FOR AMENDING AND CORRECTING THE OFFICIAL BOUNDARIES OF THE CITY OF WHARTON, TEXAS, AS HERETOFORE ADOPTED; AUTHORIZING THE CITY MANAGER TO UNDERTAKE CERTAIN ACTIONS RELATIVE TO SAID DISANNEXATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR SAID ORDINANCE TO TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE.

WHEREAS, The City of Wharton, Texas (“City”) is a home-rule city possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of the Texas Local Government Code, and the home Rule Charter for the City of Wharton, Texas; and,

WHEREAS, Effective November 12, 2024, the City of Wharton agrees to disannex the 14.76-acre tract described by metes and bounds in the attached Exhibit “A”; and,

WHEREAS, Pursuant to the authority granted in Section 43.142 of the Texas Local Government Code, a municipality may disannex an area from the municipality “as may be provided by the charter of the municipality and not inconsistent with the procedural rules prescribed by [Chapter 43 of the Texas Local Government Code]”; and,

WHEREAS, Article I, Section 9 of the City of Wharton Charter authorizes the City to fix or adjust its boundaries; and,

WHEREAS, The City, pursuant to Chapter 43 of the Texas Local Government Code, as amended, has instituted proceedings to disannex the Property from the City; and,

WHEREAS, All statutory notices pursuant to Chapter 43 of the Texas Local Government Code have been published, delivered, or otherwise accomplished.

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

Section I. The facts and recitations in the preamble and recitals of this ordinance are found and declared to be true and correct and adopted as part of this ordinance for all purposes.


Section II. The property that is the subject of the agreement referenced above and that is described in Exhibit “A”, attached to this Ordinance and incorporated herein for all purposes, is hereby disannexed from the corporate limits of the City of Wharton, Wharton County, Texas, and the same is no longer a party of the City.

- Section III.** All rights, privileges, and responsibilities previously conferred on the property described in the attached Exhibit "A" and any citizens and inhabitants of that property are immediately terminated, and are of no force and effect, immediately upon the disannexation of the property from the City of Wharton.
- Section IV.** The official map and boundaries of the City heretofore adopted and amended are hereby amended to exclude the area described in Exhibit "A" so as to accurately reflect that said area no longer is a part of the City of Wharton, Wharton County, Texas.
- Section V.** The City Manager is directed and authorized to perform or cause to be performed all acts necessary to effectuate this Ordinance, including but not limited to any corrections to the official map of the City of Wharton so as to accurately reflect the City's boundaries, and to delete the area hereby disannexed as required by law.
- Section VI.** The City Manager is directed and authorized to file a certified copy of this Ordinance with any and all necessary governmental agencies or entities so affected by the acts described herein, including the United States Department of Justice.
- Section VII.** It is the intent of the City Council to disannex from the corporate limits of the City of Wharton the entirety of the property described in Exhibit "A" attached hereto, and the City Council hereby finds and determines that the provisions of Chapter 43 of the Texas Local Government Code have been fully complied with in effecting this disannexation. It is not the intent of the City of Wharton to disannex any territory that it has no legal right to disannex; rather, it is the intent of the City Council and the City of Wharton to disannex only such territory as may be legally disannexed by the City within the limits of the described property.
- Section VIII.** It is hereby declared to be the intention of the City Council that if any word, phrase, clause, sentence, paragraph, or section of this Ordinance is declared to be illegal, invalid, or unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such adjudication shall not affect the application of any remaining word, phrase, clause, sentence, paragraph, or section of this Ordinance. Similarly, the City Council declares this if a court of competent jurisdiction determines that any portion of said properties is incapable of being annexed by the City, the City Council would have adopted the valid portions and applications of this Ordinance and would have annexed the valid property without the invalid part and the invalid properties, and to this end, the provisions of this Ordinance are declared to be severable.
- Section IX.** Any provision of any prior ordinance of the City, whether codified or uncoded, which is in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or uncoded, which are not in conflict with the provisions of this Ordinance shall remain in full force and effect.

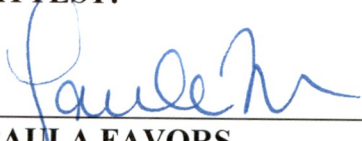
Section X. This Ordinance shall take effect and be in full force immediately from and after its passage as the law in such case provides.

PASSED, APPROVED, and ADOPTED by the City Council of the City of Wharton, Texas, on the 12th day of November 2024.

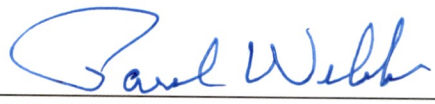
CITY OF WHARTON, TEXAS

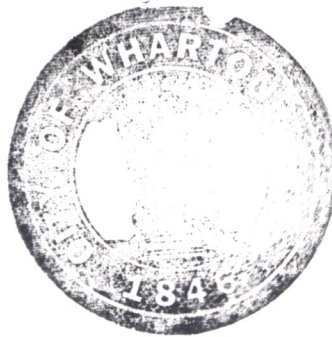
By: 
TIM BARKER
Mayor

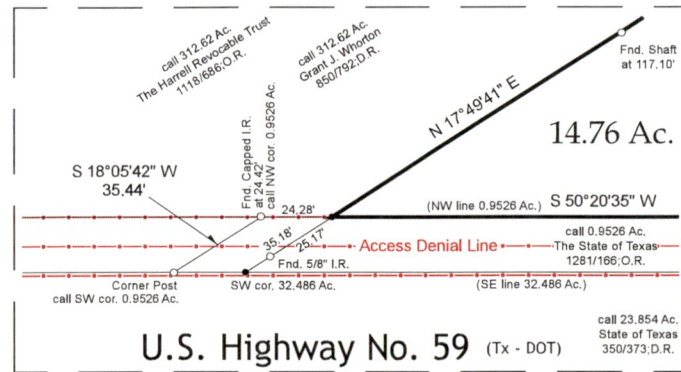
ATTEST:


PAULA FAVORS
City Secretary

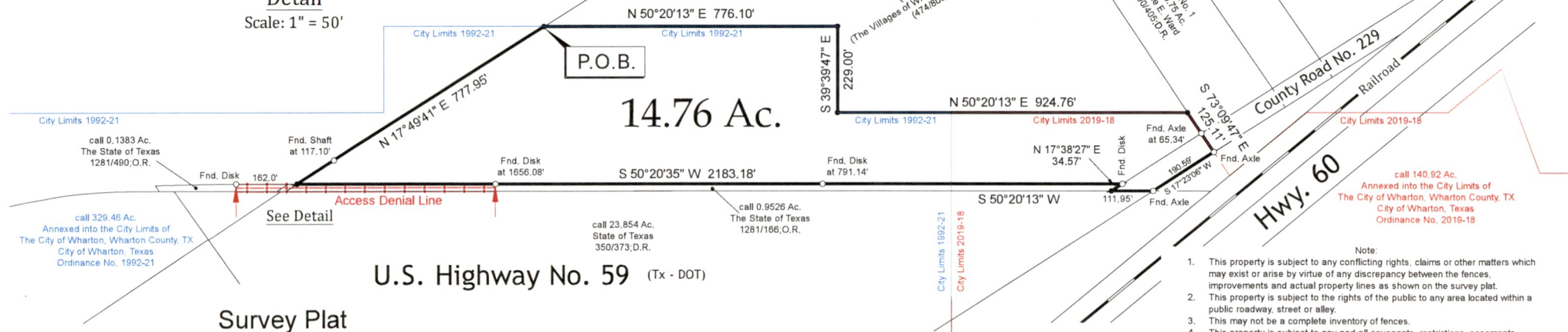
APPROVED AS TO FORM:


PAUL WEBB
City Attorney





Detail
Scale: 1" = 50'



Survey Plat

A 14.76 AC. TRACT OF LAND, SITUATED IN THE A. JACKSON TIMBER LEAGUE, ABSTRACT NO. 34, WHARTON COUNTY, TEXAS, BEING A PORTION OF TWO PARCELS: 1) THAT CERTAIN CALLED 329.46 AC. TRACT OF LAND ANNEXED INTO THE CITY LIMITS OF THE CITY OF WHARTON, WHARTON COUNTY, TEXAS BY CITY OF WHARTON, TEXAS ORDINANCE NO. 1992-21; AND 2) THAT CERTAIN CALLED 140.92 AC. TRACT OF LAND ANNEXED INTO THE CITY LIMITS OF THE CITY OF WHARTON, WHARTON COUNTY, TEXAS BY CITY OF WHARTON, TEXAS ORDINANCE NO. 2019-18; SAID 14.76 AC. TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS ATTACHED.

NOTE: Bearings are based on the Texas Coordinate System of 1983, Texas South-Central Zone.

I, Robert W. Kolacny, Registered Professional Land Surveyor No. 5319, do hereby certify that the foregoing Plat correctly describes results of a Survey made under my supervision on the ground, October 30, 2024.



Robert W. Kolacny
Registered Professional Land Surveyor No. 5319
Ph. (979) 532-8056

FILE: Garden De-annexation.dwg
PROJECT: W. Hungerford/RuralBarnes
CRD: Barnes CRD
BY: PV Arriaga

ROBERTO KOLACNY
AND ASSOCIATES, LLC
RPLS#5319 FIRM# 10107000

140 S. HOUSTON STREET | WHARTON TEXAS 77488 | 979.532.8056

- Registered Professional Land Surveyors -
OFFICE (979) 532-8056 - kolacny.survey@gmail.com

- Note:
1. This property is subject to any conflicting rights, claims or other matters which may exist or arise by virtue of any discrepancy between the fences, improvements and actual property lines as shown on the survey plat.
 2. This property is subject to the rights of the public to any area located within a public roadway, street or alleyway.
 3. This may not be a complete inventory of fences.
 4. This property is subject to any and all covenants, restrictions, easements, conditions and ordinances which may be applicable.
 5. Title: This survey is not a Land Title Survey - no Title Commitment was provided to Surveyor. No attempt was made by Surveyor to independently research or locate easements that may or may not affect Subject Tract.
 6. Property owners must call the pipeline's owner or an official notification center for a precise physical location of all pipelines.



ROBERT KOLACNY AND ASSOCIATES, LLC

RPLS#5319

FIRM# 10107000



140 S. HOUSTON STREET | WHARTON TEXAS 77488 | 979.532.8056 | KOLACNY.SURVEY@GMAIL.COM

A 14.76 AC. TRACT OF LAND, SITUATED IN THE A. JACKSON TIMBER LEAGUE, ABSTRACT NO. 34, WHARTON COUNTY, TEXAS, BEING A PORTION OF TWO PARCELS: 1) THAT CERTAIN CALLED 329.46 AC. TRACT OF LAND ANNEXED INTO THE CITY LIMITS OF THE CITY OF WHARTON, WHARTON COUNTY, TEXAS BY CITY OF WHARTON, TEXAS ORDINANCE NO. 1992-21; AND 2) THAT CERTAIN CALLED 140.92 AC. TRACT OF LAND ANNEXED INTO THE CITY LIMITS OF THE CITY OF WHARTON, WHARTON COUNTY, TEXAS BY CITY OF WHARTON, TEXAS ORDINANCE NO. 2019-18; SAID 14.76 AC. TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

FOR REFERENCE begin at an old Ford Axle called & found in the East line of a called 312.62 Ac. tract of land conveyed to Grant. J. Whorton (Vol. 850, Pg. 792; D.R.) for the Northwest corner of a called 32.486 Ac. tract of land conveyed to Van Gogh RV Garden LLC (Vol. 1320, Pg. 368; O.R.);

THENCE South 17 Deg. 49 Min. 41 Sec. West (called South 20 Deg. 00 Min. West), with the common line between said 312.62 Ac. tract and said 32.486 Ac. tract, 1292.30 ft. to a point in the Northwest line of said 329.46 Ac. City Limits tract for the **Northwest** and BEGINNING corner hereof;

THENCE with the Northwest line of the City Limits of Wharton County, Texas, the following:
North 50 Deg. 20 Min. 13 Sec. East (call & meas.), 776.10 ft. to a corner of said 329.46 Ac. City Limits tract, same being a **corner** hereof;

South 39 Deg. 39 Min. 47 Sec. East, 229.00 ft. (call & meas.) to an interior corner of said 329.46 Ac. City Limits tract, same being an **interior corner** hereof;

North 50 Deg. 20 Min. 13 Sec. East (call & meas.), at 300 ft. pass the Northeast corner of said 329.46 Ac. City Limits tract, same being the Northwest corner of said 140.92 Ac. City Limits tract, and in all, 924.76 ft. to a point in the Southwest line of a called 3.75 Ac. tract of land referred to as Tract No. 1, conveyed to Willie E. Ward (Vol. 290, Pg. 405; D.R.), same being in the North line of said 32.486 Ac. tract for a corner of said 140.92 Ac. City Limits tract, same being a **corner** hereof;

South 73 Deg. 09 Min. 15 Sec. East (call & meas.), with the Northeast line of said 140.92 Ac. City Limits tract, at 65.34 ft. pass an old Ford Axle called & found in the West margin of COUNTY ROAD NO. 229 (meas. 60 ft. wide), and in all, 125.11 ft. to an old Ford Axle called & found in the East line of COUNTY ROAD NO. 229, for the Northeast corner of said 32.486 Ac. tract, same being the **Northeast corner** hereof;

THENCE South 17 Deg. 23 Min. 06 Sec. West (called South 19 Deg. 40 Min. West), with the West line of COUNTY ROAD NO. 229, 190.59 ft. (called 190.8 ft.) to an old Ford Axle called & found at its intersection with the Northwest line of U.S. HIGHWAY NO. 59 (Tx-Dot), in the Northwest line of a called 23.854 Ac. tract of land conveyed to the State of Texas (Vol. 350, Pg. 373; D.R.) for the Southeast corner of said 32.486 Ac. tract, same being the **Southeast corner** hereof;

THENCE South 50 Deg. 20 Min. 13 Sec. West (call & meas.), with the Northwest line of said 23.854 Ac. tract, same being with the Southeast line of said 32.486 Ac. tract, and with the Northwest line of said HIGHWAY, 111.95 ft. to a point for the Southeast corner of a called 0.9526 Ac. tract of land conveyed to the State of Texas (Vol. 1281, Pg. 166; O.R.), same being a **corner** hereof;

THENCE North 17 Deg. 38 Min. 27 Sec. East, 34.57 ft. (call & meas.) to a Tx-Dot Disk called & found for the Northeast corner of said 0.9526 Ac. tract, same being an **interior corner** hereof;

THENCE South 50 Deg. 20 Min. 35 Sec. West (call & meas.), with the Northwest line of said 0.9526 Ac. tract, passing Tx-Dot Disks at 791.14 ft. and 1656.08 ft., and in all, 2183.18 ft. (called 2207.46 ft.) to a point in the common line between said 312.62 Ac. tract and said 32.486 Ac. tract for the true Northwest corner of said called 0.9526 Ac. tract, same being the **Southwest corner** hereof; from which corner, a capped iron rod found, that is called to be the Northwest corner of said 0.9526 Ac. tract, bears, South 50 Deg. 20 Min. 35 Sec. West, 24.42 ft.; also from which corner, a 5/8 inch iron rod called & found on the common line between said 312.62 Ac. tract and said 32.486 Ac. tract bears, South 17 Deg. 49 Min. 41 Sec. West, 25.17 ft.;

THENCE North 17 Deg. 49 Min. 41 Sec. East (called North 20 Deg. 00 Min. East), with the common line between said 312.62 Ac. tract and said 32.486 Ac. tract, at 117.10 ft. pass an old iron shaft, and in all, 777.95 ft. to the PLACE OF BEGINNING and containing 14.76 Ac. of land.

NOTE: A Plat accompanies this Metes & Bounds description.

Bearings are based on the Texas Coordinate System of 1983, Texas South-Central Zone. Unless this Metes and Bounds Description (Field Note Description), including preamble, seal and signature, appears in its entirety, and in its original form, Surveyor assumes no responsibility or liability for its accuracy.

I, Robert W. Kolacny, Registered Professional Land Surveyor No. 5319, do hereby certify that the foregoing Field Note Description correctly describes results of a Survey made under my supervision on the ground, October 30, 2024.



Robert W. Kolacny, RPLS No. 5319

