

ORDINANCE NO. _____

AN ORDINANCE ANNEXING TERRITORY ADJACENT AND CONTIGUOUS TO THE CITY OF MINEOLA TERRITORIAL AND JURISDICTIONAL BOUNDARIES CONSISTING OF A 6.3661 ACRE TRACT, DESCRIBED HEREIN, PROVIDING FOR DEFAULT ZONING REGULATION, AND EXTENDING THE BOUNDARY LIMITS OF THE CITY OF MINEOLA SO AS TO INCLUDE THE HEREINAFTER DESCRIBED PROPERTY WITHIN THE CITY'S TERRITORIAL AND JURISDICTIONAL BOUNDARIES, 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, the City has received and has accepted the voluntary petition for annexation of a property owner whose property is adjacent to the City's territorial and jurisdictional boundaries; and

WHEREAS, the property owner was offered and declined a development agreement consistent with Texas Local Government Code §43.016; and

WHEREAS, upon request to annex territory eligible for a property owner voluntary request for annexation, but for the lack of contiguity, the City is authorized, pursuant to Texas Local Government Code §43.028(g) to additionally annex a public right-of-way of a road or highway in order to achieve contiguity; and

WHEREAS, all procedural and substantive prerequisites to annexation have occurred; and

WHEREAS, the property owner petition for voluntary annexation still desires such annexation.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MINEOLA, TEXAS THAT: THE BELOW IDENTIFIED PROPERTY IS HEREBY ANNEXED BY THE CITY OF VENUS AS FOLLOWS:

SECTION 1. Territory: 6.3661 Acres, Hamilton A Survey A-285

Pursuant to the authority granted by Chapter 43 of the Texas Local Government Code, the City of Mineola hereby annexes to the City of Mineola the territory described in **Attachment A** by metes and bounds and incorporated by reference herein. Such annexation is for full purposes including all privileges and liabilities extended to inhabitants of such territory.

That the boundary limits of the City of Mineola be and the same are hereby extended to include the above described territory as well as all public rights-of-way annexed as part of said territory within the city limits of the City of Mineola, 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 Mineola and they shall be bound by the acts, ordinances, resolutions, and regulations of the City.

SECTION 2. Service Plan: A service plan for the area is hereby adopted and attached as Attachment B.

SECTION 3. Zoning: Pursuant to City ordinances, newly annexed territory shall be zoned as agricultural. The territory herein described an annexed is hereby zoned by default and shall remain as such until properly altered by the City Council.

SECTION 4. Savings Clause: Should any part of this Ordinance be declared invalid by a court of competent jurisdiction, it shall not affect or vary the remaining parts of the ordinance.

SECTION 5. Effective Date: This ordinance shall be in full force and effect from and after five days after its publication. The City Secretary is hereby directed to file with the County Clerk of Wood County, Texas, a certified copy of this ordinance.

II. CUMULATIVE CLAUSE

That this Ordinance shall be cumulative of all provisions of the City of Mineola, except where the provisions of this Ordinance are in direct conflict with the provisions of such other ordinance, in which event the conflicting provisions of such other ordinance are hereby repealed, while leaving the remainder of such other ordinance intact. To the extent of any conflict, this Ordinance is controlling.

III. SEVERABILITY

That it is hereby declared to be the intention of the City Council of the City of Mineola. that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional or invalid by final judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional or invalid phrases, sentences, paragraphs, or sections.

IV. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government

DULY PASSED AND APPROVED, on the ____ day of _____, 20__, at a regular meeting of the City Council of the City of Mineola, Texas, which was held in compliance with the Open Meetings Act, Gov't. Code §551.001, et. Seq. at which meeting a quorum was present and voting.

CITY OF MINEOLA, TEXAS

Jayne Lankford, Mayor

ATTEST:

Cindy Karch, City Secretary

APPROVED:

Blake Armstrong, City Attorney

Attachment A - Territory

[Metes and Bounds of full property including property of landowner and property annexed including any ROW.]

BENT PINE SURVEYING, INC
214 N NEWSOM
MINEOLA, TEXAS 75773
FIRM # 10194326
903-569-1776



Bent Pine Surveying, Inc.
Job # 2306017
July 18, 2023
Field Notes for Davis Whisenhunt
6.3661 Acres
A Hamilton Survey A-285
Wood County, Texas

GENERAL DESCRIPTION

All that certain tract lot or parcel of land, a part of the A Hamilton Survey A-285, Wood County, Texas, and also being a part of the Residue of that certain called 165.00 acres tract of land that is described in an Instrument from Royce E. Wisenbaker, Trustee, to Susan Mary Wisenbaker that is recorded in Volume 635 Page 913 dated April 22, 1971 and recorded in Volume 719 Page 250 dated April 22, 1976 of the Deed Records of County, Texas, and being more completely described as follows to wit;

METES AND BOUNDS DESCRIPTION

Beginning at a ½ Iron Rod found for corner at the S.W.C. of the certain tract to Southwestern Electric Power Company (Vol 840 Pg 245) and in the N.B.L. of NE Loop 564;

Thence South 86 Degrees 09 Minutes 49 Seconds West, along the S.B.L. of said tract and N.B.L. of said Loop for at 230.32 feet pass a Concrete R.O.W. Monument and continue for a total distance of 475.52 feet to a ½ Inch Iron Rod found for corner at the S.W.C. of said tract;

Thence North 08 Degrees 17 Minutes 10 Seconds West, along the E.B.L. of that certain tract to TX DOT (Vol 1135 Pg 631) for a distance of 557.57 feet to a ½ Inch Iron Rod found for corner at the N.E.C. of said TX DOT tract;

Thence North 88 Degrees 19 Minutes 49 Seconds East, along the S.B.L. of that certain tract (94421, 08-20-2008, called 57.00 acres) for a distance of 541.68 feet to a 5/8 Inch Iron Pipe found for corner at the N.W.C. of said SWEPCO tract;

BENT PINE SURVEYING, INC
214 N NEWSOM
MINEOLA, TEXAS 75773
FIRM # 10194326
903-569-1776



Page 2 of 2
Field Notes for 6.3661 acres cont'd

Thence South 01 Degrees 25 Minutes 45 Seconds East, along the W.B.L. of said SWEPCO tract for a distance of 535.89 feet to the place of beginning containing **6.3661 acres.**

Bearing Source: TX NC NAD83
PLAT PREPARED OF EVEN DATE.

I, **RUBEN GREGG SAXON**, Registered Professional Land Surveyor No. 5669, do hereby certify to David Whisenant that the above field notes were prepared from an actual survey made on the ground under my direction and supervision during the month of July 2023.

GIVEN UNDER MY HAND AND SEAL, this the 18th day of July 2023.

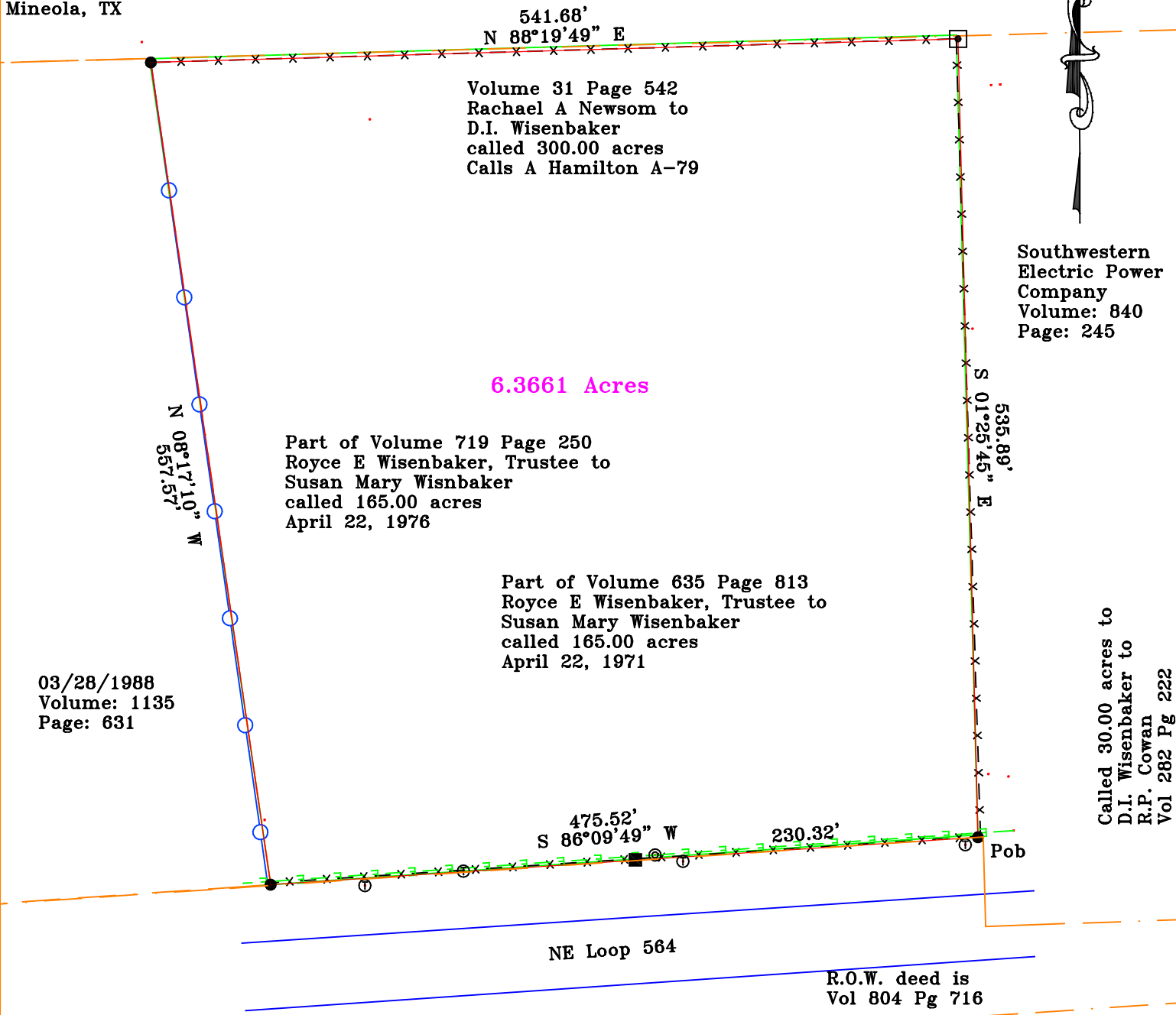
A handwritten signature in blue ink that reads "Ruben Gregg Saxon".

Ruben Gregg Saxon, R.P.L.S. No. 5669



Address
Loop 564
Mineola, TX

08/20/2008
Number: 94421



541.68'
N 88°19'49" E

Volume 31 Page 542
Rachael A Newsom to
D.I. Wisenbaker
called 300.00 acres
Calls A Hamilton A-79

Southwestern
Electric Power
Company
Volume: 840
Page: 245

6.3661 Acres

Part of Volume 719 Page 250
Royce E Wisenbaker, Trustee to
Susan Mary Wisnaker
called 165.00 acres
April 22, 1976

Part of Volume 635 Page 813
Royce E Wisenbaker, Trustee to
Susan Mary Wisenbaker
called 165.00 acres
April 22, 1971

03/28/1988
Volume: 1135
Page: 631

Called 30.00 acres to
D.I. Wisenbaker to
R.P. Cowan
Vol 282 Pg 222

475.52'
S 86°09'49" W

230.32'

Pob

NE Loop 564

R.O.W. deed is
Vol 804 Pg 716

REVISED PLAT OF SURVEY SHOWING
PART OF THE HAMILTON A SURVEY A-285
WOOD COUNTY, TEXAS
SURVEYED JULY 2023
SCALE 1 INCH = 100.00 FEET

I, RUBEN GREGG SAXON, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5669, do hereby certify to David Whisenant that the plat shown hereon was prepared from an actual survey made on the ground under my direction and supervision during the month of July 2023. Apparent, above ground, conflicts, protrusions or encroachments, if any, are as shown.

GIVEN UNDER MY HAND AND SEAL, this the 18th day of July 2023.

REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5669

Bearing Source: (TX NC NAD83)

This survey is protected under copyright. Use of this liscence by parties not certified to will done at your own risk



Surveyor's Note:

PLEASE KEEP ORIGINALS IN A SAFE PLACE. AFTER 30 DAYS MY RECORDS ARE ARCHIVED AND NO COPIES WILL BE PULLED. NO EXCEPTIONS.

Some of the older deeds refer to the Hamilton Survey as A-79 which is obviously incorrect

Date	Revision
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- Overhead Power Line
- Barbed Wire Fence
- Chain link Fence
- Wood Privacy Fence
- Pipeline
- Telephone

- Railroad Spike Fnd.
- Railroad Spike Set
- point for corner
- 1/2" Iron Rod Fnd.
- 1/2" Iron Pipe Fnd.
- 3/8" Iron Rod Fnd.
- 1" Iron Pipe Fnd.
- Con. Mrkr. Fnd.
- 1/2" Iron Rod Set
- utility pole
- "X" cut
- 5/8" Iron Pipe Fnd.
- 60D Nail Fnd.
- 60D Nail Set

Drawn by: R.G.S.

Field Work by:

Book/Page:

Bent Pine Surveying, Inc.
P.O. BOX 856
Mineola, TX 75773
BentPineSurveying.com
gregg@BentPineSurveying.com
FIRM # 10194326

Attachment B
[Service Plan]