

ATTACHMENT  
ORDINANCE NO. 013  
Legal Description

TERRITORY A

A legal description of the metes and bounds of a 115 acre tract of land being a part of the J. H. NEWBY SURVEY, Abstract 2038, and the H. W. NEWBY SURVEY, Abstract 2242, Parker County, Texas, and being more fully described as follows:

BEGINNING at an angle iron, said point being N. 0 deg. 22 min. E 129.5 ft. and N. 0 deg. 56 min. W 104.72 ft. from the S.W. corner of the A. W. Worrell Survey, Abstract 1656.

THENCE with the general line of a fence following calls: N 0 deg. 56 min. W 102.46 ft.; N 0 deg. 52 min. E 1207.16 ft; N 0 deg. 10 min. E 849 ft. to an angle iron for corner;

THENCE, S. 85 deg. 30 min. W with the general line of a fence 1720.69 ft. to an angle iron for corner;

THENCE: S. 6 deg. 36 min. W 69.43 ft. to an angle iron for corner;

THENCE N. 88 deg. 54 min. W. with the general line of a fence 603.77 ft. to an angle iron for corner in the EBL of FM Hwy. 1545;

THENCE, S. 0 deg. 06 min. W with the EBL of the above mentioned FM Hwy. 1545 1934.9 ft. to the P.C. of a curve to the right, said curve having the following data: radius 1960.06 ft. Chord S. 2 deg. 01 min. 25 sec. W 132.0 ft.;

THENCE with the EBL of the above mentioned FM Hwy 1545 and with the above mentioned curve to the right 132.02 ft. to an angle iron for corner;

THENCE East 2316.95 ft. to the Place of Beginning and containing 115 acres of land more or less.

TERRITORY B

A legal description of the metes and bounds of a 55 acre tract of land being a part of the I & G.N.RR Company Survey 3, Abstract 1814 and J. H. Newby Survey, Abstract 2038, Parker County, Texas, being more fully described as follows:

BEGINNING at a steel rod, said point being the Southwest corner of the A. S. Worrell Survey, Abstract 1656;

THENCE, North 00 degrees 22 minutes West, 129.5 feet and North 00 degrees 56 minutes West 104.72 feet to a steel rod for a corner;

THENCE West 1306.44 ft. to a steel rod for a corner;

THENCE South 1498.33 feet to a steel rod for a corner;

THENCE North 39 degrees, 36 minutes East 915.04 feet and North 89 degrees 56 minutes East 788.1 feet to a steel rod for a corner;

THENCE North 03 degrees 59 minutes West 1258.7 feet to a steel rod for a corner;

THENCE North 89 degrees 47 minutes West, 306.71 feet to the Place of Beginning and containing 55 acres of land, more or less.

ORDINANCE NO. 013

AN ORDINANCE OF THE TOWN OF ANNETTA, TEXAS ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE TOWN OF ANNETTA, PARKER COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID TOWN SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID TOWN LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF SAID TOWN.

WHEREAS, a petition has been signed by a majority of the inhabitants qualified to vote for members of the State Legislature and who are citizens of the State of Texas, and inhabitants of the following described territory, to wit:

(SEE ATTACHED LEGAL DESCRIPTION)

WHEREAS, said territory is adjoining the Town of Annetta, and

WHEREAS, said petition, desiring and requesting the annexation of said territory to said town has been presented to the Board of Aldermen and has attached to it the affidavit of three (3) of said applicants to the effect that said petition is signed by a majority of the qualified voters within such property;

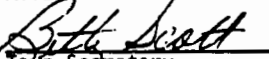
NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE TOWN OF ANNETTA, TEXAS:

THAT, the following described property, to wit: (See attached legal description) be and the same is hereby annexed to the Town of Annetta, Parker County, Texas, and that the boundary limits of the Town of Annetta be and the same are hereby extended to include the above described territory within the town limits of the Town of Annetta, and the same shall hereafter be included within the territorial limits of said town, and the inhabitants thereof shall hereafter be entitled to all rights and privileges of other citizens of the Town of Annetta and they shall be bound by the acts, ordinances, resolutions and regulations of said town.

PASSED by an affirmative vote of a majority of the members of the Board of Aldermen, this the 18th day of May, 1982.

  
\_\_\_\_\_  
Mayor, Town of Annetta

ATTEST:

  
\_\_\_\_\_  
Town Secretary



POST OFFICE BOX 191

ALEDO, TEXAS 76008

(817) 441-5770

April 21, 1994

Ms. JoElla Johnson  
Staples & Hampton  
701 Texas Commerce Bank Bldg.  
860 Airport Freeway West  
Hurst, TX 76054

Dear JoElla:

After looking at the enclosed ordinance, I'm not sure how to do the wording to reflect a change. The new ordinance number will be 55. Do you mind helping with this? I guess I'm a little nervous about wording it incorrectly considering the mess we're in over other ordinances. I'm sure as time passes and I become more familiar with procedures, I won't bother you so much. Until then, your help is greatly appreciated.

Sincerely,

*Tammie*

Tammie Knopp  
City Secretary

Enclosures

c: P. Swan

**Staples & Hampton**

ATTORNEYS AT LAW

701 TEXAS COMMERCE BANK BUILDING  
860 AIRPORT FREEWAY WEST  
HURST, TEXAS 76054

(817) 281-2222  
Metro (817) 498-4090

Telecopier No.  
(817) 656-5253

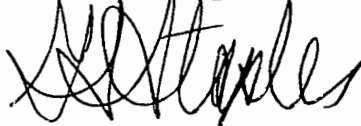
April 22, 1994

Ms. Tammie Knopp  
City Secretary  
Town of Annetta  
P.O. Box 191  
Aledo, Texas 76008-0191

Dear Ms. Knopp:

If you will furnish me a copy of the petition which underlies Ordinance 13, I will see what can be done about a "correction" ordinance.

Yours truly,



George A. Staples, Jr.

GAS:jej

15 NOVEMBER 1988

TO: CITY OF ANNETTA - FOR THE RECORD  
FROM: ALDERMAN, M.W. PECK  
SUBJECT: CHRONOLOGY AND DEFINITION OF ANNETTA CITY LIMITS

1 APR 1979.....PETITION SUBMITTED TO INCORPORATE TOWN OF ANNETTA WITH  
METES AND BOUNDS SETTING OUT 922 ACRES

8 MAY 1979.....A HEARING WAS HELD AT WHICH PROOF WAS PRESENTED THAT  
THE TOWN HAD THE REQUISITE NUMBER OF INHABITANTS AND  
THE COUNTY JUDGE ORDERED AN ELECTION TO BE HELD FOR THE  
INCORPORATION OF THE TOWN OF ANNETTA

11 AUG 1979.....ELECTION WAS HELD IN FAVOR OF INCORPORATION AND THE  
COUNTY JUDGE ORDERED AN ELECTION TO BE HELD WITHIN THE  
INCORPORATED TOWN OF ANNETTA FOR THE PURPOSE OF ELECTING  
A MAYOR, A MARSHAL, AND FIVE ALDERMAN

13 AUG 1979.....COUNTY JUDGE GERALD BIRDWELL ADJUDGED AND DECREED THAT  
THE INHABITANTS OF THE TERRITORY SO INCORPORATED FOR  
MUNICIPAL PURPOSES WILL BE KNOWN AS THE CITY OF ANNETTA,  
TEXAS

SUBSEQUENT TO THE INCORPORATION OF THE ORIGINAL 922 ACRES INTO THE CITY OF ANNETTA BY ITS PETITIONERS, THE CITY HAS INSTALLED THE OFFICE OF MAYOR AND A FIVE MEMBER BOARD OF ALDERMAN TO CARRY OUT ITS MUNICIPAL PURPOSE. (THE OFFICE OF MARSHAL REMAINS OPEN). TO DATE THE MAYOR/COUNCIL HAS INITIATED TWO ORDINANCES EXERCISING THE CITIES EXTRATERRITORIAL JURISDICTION (ETJ) RIGHTS ANNEXING AN ADDITIONAL 518.66 ACRES BRINGING THE TOTAL TO 1,440.66 ACRES NOW WITHIN THE CITY LIMITS OF ANNETTA , TEXAS. THE ANNEXATIONS ARE:

18 MAY 1982	ORDINANCE NO. 013	TERRITORY A	115.00 ACRES
		TERRITORY B	55.00 ACRES
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		TOTAL....	270.00 ACRES

12 APR 1988	ORDINANCE NO. 027	DEER CREEK	....248.66 ACRES
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		GRAND TOTAL TO DATE.....	1,440.66 ACRES

(2)

ON 14 JUNE 1988 A COMPREHENSIVE ZONING ORDINANCE WAS PASSED BY THE COUNCIL. THE ZONING ORDINANCE ESTABLISHES A REQUIREMENT FOR A ZONING MAP. IN ORDER TO COMPLY WITH THE MAP REQUIREMENT IT IS NECESSARY TO DEFINE THE CITY LIMIT LINES OF THE INCORPORATED AREA. TO ACCOMPLISH THIS AN INDEPENDENT CIVIL ENGINEERING SERVICE COMPANY WAS EMPLOYED AND WAS GIVEN CITY DOCUMENTS WHICH CONTAIN THE METES AND BOUNDS OF THE ORIGINAL INCORPORATED AREA AND THAT OF SUBSEQUENT ANNEXATIONS, ALL OF WHICH ARE ON FILE AS A MATTER OF PUBLIC RECORD IN THE OFFICE OF THE PARKER COUNTY CLERK.

IN THE REVIEW AND THE PLOTTING OF THESE METES AND BOUNDS VARIOUS ERRORS AND/OR DISCREPANCIES BECAME EVIDENT. SOME ARE DISCREPANCIES IN THE ORIGINAL LAND ABSTRACT SURVEYS WHILE OTHERS ARE EITHER TRANSPOSITION OR TYPOGRAPHICAL OR ERRORS RESULTING FROM POOR REPRODUCTION QUALITY. IN ANY EVENT THESE ERRORS LEAVE QUESTIONS AS TO THE EXACT INTENT OF THE ORIGINATORS AND THEIR SURVEYS AND THE SURVEYS WILL NOT CLOSE BACK TO THE POINT OF BEGINING.

IF; HOWEVER, CERTAIN RATIONALE IS APPLIED TO THE PLOTTING OF THESE METES AND BOUNDS THE SURVEYS CAN BE MADE TO CLOSE AND THEY TEND TO BE MORE IN LINE WITH WHAT IS BELIEVED TO BE THE ORIGINATORS INTENT; I.E. ONE SURVEY MAKES A CALL OF 89 DEGREES WHICH WILL NOT PERMIT CLOSURE. IF THE MEASURE OF 89 DEGREES IS USED THE SURVEY WILL CLOSE BACK TO THE POINT OF BEGINING. IT IS THEREFORE RATIONALIZED THAT THE CALL OF 89 DEGREES INLIEU OF 39 DEGREES IS CORRECT.

IN ANOTHER SURVEY A DISTANCE CALL READS 1207.16 FT. THE SURVEY LINES WILL NOT CLOSE WITH THIS DEMENSION. IF THE CALL IS CHANGED TO READ 1307.16 FT. THE SURVEY WILL CLOSE.

IN THE SURVEY WHICH SETS UP THE ORIGINAL 922 ACRES OF THE CITY THERE ARE SEVERAL DISCREPANCIES IN THE METES AND BOUNDS AS WELL AS VARIANCES IN THE LOCATIONS OF THE POINTS OF BEGINING BASED ON SURVEY LINES SET FORTH IN THE ORIGINAL LAND ABSTRACTS. EVEN WITH EXTENSIVE RESEARCH IT IS VIRTUALLY IMPOSSIBLE TO DETERMINE WITH UNDISPUTABLE ACCURACY THE EXACT LINES OF THE CITY LIMITS. YET THE FILED DOCUMENTS STAND AS THE LEGALLY DEFINED AREA.

TO INITIATE NEW SURVEYS AND EFFECT CORRECTIVE CHANGES TO EXISTING PUBLIC RECORDS WOULD BE EXPENSIVE AND WOULD SERVE NO HELPFUL PURPOSE AT THIS TIME. THIS STATEMENT IS MADE ON THE BASIS THAT THE LAND AREAS OF THE ORIGINAL INCORPORATION AND THE SUBSEQUENT ANNEXATIONS FALL WITHIN THE NEWLEY DEFINED EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF ANNETTA, EXCEPT FOR ONE MOST SOUTHERN PORTION OF TERRITORY "B" ANNEXED UNDER ORDINANCE NO. 13.

THE ETJ LINE REFERED TO IS THE NEW SOUTH LINE OF ANNETTA RECENTLY DETERMINED BY LEGAL SETTLEMENT AND DOCUMENTED AS FOLLOWS:

24 JUN 1988....FINAL JUDGEMENT AND DECREE ESTABLISHING A COMMON BOUNDARY LINE BETWEEN THE TWO CITIES GIVING ANNETTA THE EXCLUSIVE RIGHT TO ANNEX LAND NORTH OF THE COMMON LINE.

(3)

THE JUDGEMENT AND DECREE ALSO ORDERS THAT: "ALL PRIOR ANNEXATIONS BY EITHER CITY WHICH ARE INCONSISTENT WITH THE APPORTIONED ETJ DESCRIBED HEREIN, ARE HEREBY DECLARED VOID."

IN VIEW OF THE ABOVE IT IS RECOMMENDED THAT NO ACTION BE TAKEN BY THE CITY AT THIS TIME TO INITIATE CORRECTIONS OR CHANGES TO ALL EXISTING SURVEYS. IT IS PROPOSED THAT ANY DISPUTES THAT MAY ARISE IN THE FUTURE AS A RESULT OF THE INCONSISTENCIES IN THE SURVEYS BE HANDELED ON AN INDIVIDUAL BASIS AND DISPOSED OF INACCORDANCE WITH THE CIRCUMSTANCES AT THAT TIME. IN AS MUCH AS THE JUDGEMENT HAS DECLARED ANNEXATIONS VOID IF THEY ARE NOT WITHIN THE ETJ IT IS RECOMMENDED THAT AN AMMENDMENT TO ORDINANCE NO. 13 BE EXECUTED TO COMPLY WITH THE ETJ LINE. IT IS FURTHER PROPOSED THAT THE ATTACHED MAP BE MAINTAINED IN THE CITY FILES ALONG WITH A COPY OF THIS LETTER OF RECORD TO DEFINE THE ANNETIA CITY LIMITS FROM THE PERIOD OF INITIAL INCORPORATION THRU ANNEXATION ORDINANCES NO. 13 AND 27 AND THE CURRENT DATE OF NOVEMBER 1988.



M.W. "WES" PECK  
ALDERMAN, PLACE 2  
CITY OF ANNETTA, TX