

ORDINANCE # 79**AN ORDINANCE ANNEXING CERTAIN PROPERTY TO THE CITY OF ANNETTA, TEXAS, PROVIDING A REPEALER CLAUSE, SEVERABILITY CLAUSE; AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Annetta, Texas is a Type A general-law municipality located in Parker county, created in accordance with the provisions of chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas;

**WHEREAS**, the City is authorized and empowered to adopt ordinances necessary for the government, interest, welfare and/good order of the municipality as a body politic (51.012, Texas Local Government Code); and

**WHEREAS**, the City of Annetta, Texas, is authorized to annex land with no residents upon petition (43.028, Texas Local Government Code) and such a petition has been received and accepted by act of the Annetta City Council;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANNETTA, TEXAS:**

**SECTION 1. ANNEXATION**

- A. The property described in Exhibit "A", attached hereto and adopted herein for all purposes, and is hereby annexed into the City of Annetta, Parker County, Texas, and the area is henceforth a part of this City and the area is entitled to the rights and privileges of the municipality and is bound by the acts and ordinances adopted by the municipality. It is not the intent of the City of Annetta to annex or attempt to annex land in the Extraterritorial Jurisdiction (ETJ) of another city; in the event that any area described in Exhibit "A" is in the ETJ of another city or town, that area in another's ETJ is excluded from this annexation and it is not the City of Annetta's intent to annex same; nor does the City intend to annex land that it has already annexed and in the event of an overlap of the City intends that this annexation ordinance does not include that overlap, but only includes that which may be annexed.
- B. This annexation is contingent upon the City of Annetta passing a new, or amending an old ordinance that would grant zoning changes to and for the land herein described and such ordinance or amendment shall be mutually agreeable to the City of Annetta and the current landowners of the land described herein.

**SECTION 2. Repealer Clause**

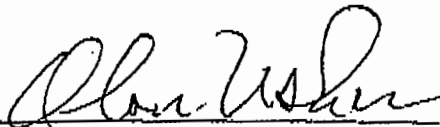
All ordinances or parts of ordinances not consistent or conflicting with the provisions of this ordinance are hereby repealed; provided that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered in this ordinance. Any cause of action accruing prior to the passage of this ordinance shall continue as if this ordinance was not passed or any other ordinance had not been repealed.

**SECTION 3. Severability Clause**

That it is hereby declared that the sections, articles, subsections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and if any phrase, clause, sentence, paragraph, subsection, article, or section of this ordinance shall be declared void, ineffective, or unconstitutional by a valid judgment or final decree of a court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not effect any of the remaining phrases, clauses, sentences, paragraphs, subsections, articles, or sections of this ordinance since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective, or unconstitutional phrase, clause, sentence, paragraph, subsection, article, or section.

**SECTION 4. Effective Date**

This ordinance shall be effective after final passage and the signature of the Mayor, of the land in exhibit "A", except for the parcel of land that is set aside for the clubhouse and parking facilities and that parcel's annexation shall become effective (12) months later.

PASSED AND APPROVED THIS THE 17 DAYOF July 2001.  
MAYOR

ATTEST

  
CITY SECRETARY

## SPLIT RAIL ESTATES SECTOR TWO

## L E G A L   D E S C R I P T I O N

41.040 acres situated in the FRANCIS S. BLODGET SURVEY, Abst. No. 87 and the JOSEPH CARROL SURVEY, Abst. No. 293, Parker County, Texas, being a portion of that certain tract of land conveyed to James Homer Slaton et ux, described in deed as First Tract, by deed recorded in Volume 298, Page 520, Deed Records, Parker County, Texas, and a portion of that certain tract of land conveyed to Sherry Lee Walter and William G. Mitchell, described in deed as First Tract, by deed recorded in Volume 1548, Page 964, Real records, Parker County, Texas, being more particularly described as follows:

Beginning at a point in the north line of Old Annetta Road (a variable width R.O.W.) in the south line of said Slaton tract, said point being South 53 degrees 56 minutes 35 seconds East, 2525.78 feet from a railroad tie fence corner post found at the northwest corner of said JOSEPH CARROL SURVEY;

THENCE North 01 degrees 28 minutes 11 seconds West, 609.55 feet;

THENCE North 30 degrees 40 minutes 32 seconds East, 152.90 feet ;

THENCE North 38 degrees 06 minutes 50 seconds East, passing the common line of said Slaton and Mitchell tracts, and continuing, in all, 669.78 feet;

THENCE North 89 degrees 23 minutes 12 seconds East, 165.58 feet;

THENCE South 38 degrees 01 minutes 02 seconds East, 125.21 feet;

THENCE South 10 degrees 53 minutes 46 seconds West, 204.88 feet;

THENCE South 16 degrees 57 minutes 39 seconds West, 464.62 feet;

THENCE South 77 degrees 23 minutes 43 seconds East, 55.05 feet;

THENCE South 70 degrees 32 minutes 20 seconds East, 133.10 feet;

THENCE South 64 degrees 09 minutes 59 seconds East, 123.33 feet;

THENCE South 60 degrees 28 minutes 18 seconds East, 221.29 feet;

THENCE North 82 degrees 01 minutes 53 seconds East, 73.04 feet;

THENCE North 51 degrees 58 minutes 59 seconds East, 44.14 feet;

THENCE North 35 degrees 49 minutes 41 seconds East, 57.85 feet;

THENCE North 18 degrees 32 minutes 22 seconds East, 54.89 feet;

THENCE North 10 degrees 54 minutes 25 seconds East, 97.03 feet;

THENCE North 07 degrees 02 minutes 38 seconds East, 619.46 feet;

THENCE North 88 degrees 11 minutes 09 seconds East, 101.41 feet;

THENCE North 01 degrees 48 minutes 51 seconds West, 483.03 feet to the beginning of a curve to the right whose radius is 60.00 feet and whose long chord bears North 45 degrees 48 minutes 59 seconds East, 88.66 feet;

THENCE along said curve, through a central angle of 95 degrees 15 minutes 39 seconds, a distance of 99.76 feet to the end of said curve;

THENCE North 44 degrees 32 minutes 48 seconds East, 66.48 feet;

THENCE North 88 degrees 11 minutes 09 seconds East, 108.59 feet;

THENCE South 01 degrees 48 minutes 51 seconds East, 2094.31 feet to the north line of said Old Annetta road;

THENCE along the north line of said Old Annetta Road as follows:

South 89 degrees 19 minutes 22 seconds West, 346.45 feet;

North 87 degrees 36 minutes 43 seconds West, 88.83 feet;

North 81 degrees 04 minutes 54 seconds West, 103.28 feet;

North 75 degrees 23 minutes 04 seconds West, 94.39 feet;

North 69 degrees 51 minutes 20 seconds West, 92.30 feet;

North 66 degrees 26 minutes 16 seconds West, 98.39 feet;

North 62 degrees 12 minutes 22 seconds West, 96.62 feet;

North 58 degrees 31 minutes 42 seconds West, 110.95 feet;

North 59 degrees 13 minutes 14 seconds West, 124.48 feet;

North 67 degrees 05 minutes 12 seconds West, 89.46 feet;

North 75 degrees 14 minutes 16 seconds West, 112.17 feet;

North 86 degrees 41 minutes 34 seconds West, 105.20 feet to a 1/2" iron found at the southwest corner of said Mitchell tract and the southeast corner of said Slaton tract;

South 88 degrees 56 minutes 07 seconds West, 263.23 feet to the POINT OF BEGINNING and containing 41.040 acres of land.

## SPLIT RAIL ESTATES SECTOR THREE

## L E G A L   D E S C R I P T I O N

1.320 acres situated in the JOSEPH CARROL SURVEY, Abst. No. 293, Parker County, Texas, being a portion of that certain tract of land conveyed to James Homer Slaton et ux, described as First Tract, by deed recorded in Volume 298, Page 520, Deed Records, Parker County, Texas, being more particularly described as follows:

Beginning at a point in the south line of said Slaton tract in the north line of Old Annetta Road (a variable width R.O.W.), said point being South 41 degrees 03 minutes 57 seconds East, 1975.18 feet from a railroad tie fence corner post found at the northwest corner of said JOSEPH CARROL SURVEY;

THENCE NORTH, 150.00 feet;

THENCE North 45 degrees 00 minutes 00 seconds East, 70.00 feet;

THENCE NORTH, 130.00 feet;

THENCE South 89 degrees 48 minutes 16 seconds West, 25.00 feet;

THENCE NORTH, 150.00 feet;

THENCE North 89 degrees 48 minutes 16 seconds East, 150.00 feet;

THENCE SOUTH, 150.00 feet;

THENCE South 89 degrees 48 minutes 16 seconds West, 25.00 feet;

THENCE SOUTH, 172.00 feet;

THENCE South 45 degrees 00 minutes 00 seconds West, 70.00 feet;

THENCE SOUTH, 108.00 feet to the north line of said Old Annetta Road;

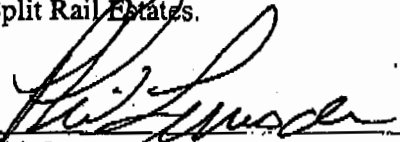
THENCE South 89 degrees 48 minutes 16 seconds West, along the north line of said Old Annetta Road, 100.00 feet to the POINT OF BEGINNING and containing 1.320 acres of land.

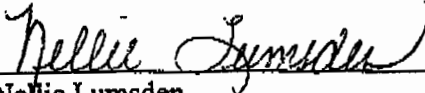
**PETITION FOR VOLUNTARY ANNEXATION**

To the Mayor and Aldermen of the Town of Annetta,

Please accept this petition as our, Phil and Nellie Lumsdens', request for voluntary annexation of the property set forth on the attached Exhibit A. We are the owners and developers of the property set forth therein.

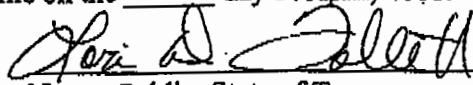
This request is contingent upon the Town of Annetta passing a new, or amending an old ordinance that would grant us and the Town of Annetta various rights and privileges and such ordinance or amendment shall be mutually agreeable to the Town of Annetta and us, and the Town of Annetta approving any zoning changes required for the establishment of Split Rail Estates.

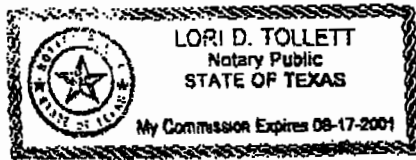
  
Phil Lumsden

  
Nellie Lumsden

Signed this the 25<sup>th</sup> day of April, 2001.

SUBSCRIBED AND SWORN TO before me on the 25<sup>th</sup> day of April, 2001.

  
Notary Public, State of Texas



STATE OF TEXAS  
COUNTY OF PARKER

RECITAL AND WAIVER

Whereas, Mr. Phil Lumsden owns the land being developed as Split Rail Estates that is located partly in the Town of Annetta and partly in the extra territorial jurisdiction of said Town;

Whereas, Mr. Lumsden has developed a preliminary plat for a portion of the entire track which is in and out of the Town;

Whereas, at the current time the Zoning Ordinance will not allow the type of development that Mr. Phil Lumsden wants for his property;

Whereas, the Town would have no alternative but to turn down this request, if the Zoning Ordinance is not amended;

Whereas, the Town is currently working on an amendment of the Zoning Ordinance;

Whereas, Mr. Phil Lumsden has presented to the Town the preliminary plat with the Town and the thirty (30) day time period for approval will begin under the terms of the Town's Subdivision Ordinance;

Whereas, time requirements will conflict to the detriment of Mr. Lumsden's development;

Whereas, the Town is willing to annex a portion of the development that is not in the Town; and

Whereas, the development will be better served if a portion of the development is annexed by the Town;

Therefore, I, Mr. Phil Lumsden, extend the thirty (30) day requirement for approval of my preliminary plat for Split Rail Estates until the passage of an annexation ordinance and zoning amendment is approved by the Town, or sixty days which ever occurs first.

Signed this 2/15/01 day of February, 2001.

  
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Phil Lumsden