

TOWN OF ANNETTA ORDINANCE NO. 139
CITY OF ANNETTA SOUTH ORDINANCE NO. 72

**A JOINT ORDINANCE AND BOUNDARY AGREEMENT BETWEEN
THE TOWN OF ANNETTA AND THE CITY OF ANNETTA SOUTH
RELEASING AND ACCEPTING CORPORATE LIMITS.**

STATE OF TEXAS §
 §
COUNTY OF PARKER §

WHEREAS, the Town of Annetta, Texas (“Annetta”) is a Type A general law city situated in Parker County, Texas; and

WHEREAS, the City of Annetta South, Texas (“Annetta South”) is a Type A general law city situated in Parker County, Texas; and

WHEREAS, Annetta and Annetta South share common boundaries; and

WHEREAS, municipalities in Texas are authorized and empowered, pursuant to Chapter 43 of the Texas Local Government Code, to exchange area with other municipalities; and

WHEREAS, Section 43.031 of the Texas Local Government Code authorizes adjacent municipalities to make mutually agreeable changes in their boundaries of areas that are less than 1,000 feet in width; and

WHEREAS, the tract of land subject to this Ordinance and fully described in Exhibit “A” is less than 1,000 feet in width (“Property”); and

WHEREAS, the surface estate of the Property is wholly owned by Annetta; and

WHEREAS, the mutually shared, corporate boundary line of Annetta and Annetta South runs through the Property; and

WHEREAS, Annetta and Annetta South desire to adjust their corporate boundary lines, whereby Annetta South will release land from its corporate limits to be relinquished to and become part of the corporate limits of Annetta so that the entirety of the Property will thereafter be wholly within the corporate limits of Annetta; and

WHEREAS, the respective governing bodies of the cities hereby determine that this joint ordinance is in the best interest of the health, safety, morals and welfare of the citizens of the respective cities and hereby authorize the mayor of each city to execute this joint ordinance and agreement.

NOW, THEREFORE, BE IT ORDAINED AND MUTALLY AGREED BY THE TOWN COUNCIL OF THE TOWN OF ANNETTA AND THE CITY COUNCIL OF THE CITY OF ANNETTA SOUTH:

SECTION 1.

Pursuant to Sections 43.021 and 43.031 of the Texas Local Government Code, Annetta and Annetta South hereby agree that the boundaries between the cities will be adjusted such that the property described in Exhibit "A," which is attached hereto and incorporated herein for all purposes, shall be deemed to be wholly within the corporate limits of Annetta.

SECTION 2.

In accordance with the terms of this Joint Ordinance and Boundary Agreement, Annetta South hereby relinquishes any claim to land within the Property and disannexes such Property from the corporate limits of Annetta South. Annetta hereby accepts and annexes the portion of the Property previously within the corporate limits of Annetta South into its corporate limits.

SECTION 3.

This ordinance shall be cumulative of all provision of ordinances of the Annetta and Annetta South, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 4.

It is hereby declared to be the intention of the Town Council of Annetta and the City Council of Annetta South 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 shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections, since the same would have been enacted without incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 5.

Annetta and Annetta South do hereby covenant and agree to protect, preserve, and defend the herein depicted boundary adjustment.

SECTION 6.

Annetta and Annetta South agree and ordain that the adoption by both cities of this Joint Ordinance and Boundary Agreement, and the boundary changes resulting there from do not mitigate, diminish or less in any way the rights that either party may have, at law or in equity, to challenge or contest any other annexations, attempted annexations, or extraterritorial jurisdiction claims made by the other party.

SECTION 7.


The Joint Ordinance and Boundary Agreement shall become effective and shall become a binding agreement upon the Annetta and Annetta South by the adoption of same in the regular, open meetings of the councils of Annetta and Annetta South.

SECTION 8.

This Joint Ordinance and Boundary Agreement, upon adoption by both cities, shall be executed in duplicate originals by the Mayor of each city.

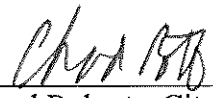
APPROVED this 19 day of DECEMBER, 2013.

TOWN OF ANNETTA, TEXAS



Bruce Pinckard, Mayor

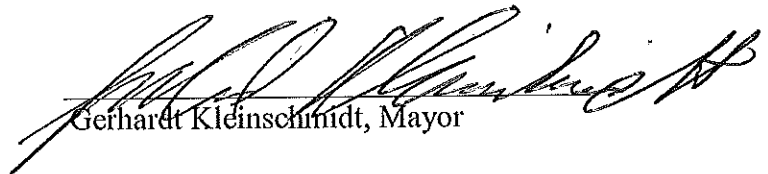
ATTEST:



Chad Roberts, City Secretary,
Town of Annetta

APPROVED this 12th day of December, 2013.

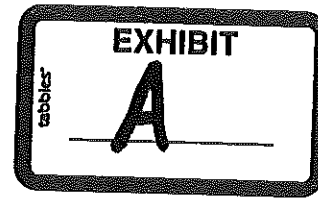
CITY OF ANNETTA SOUTH, TEXAS


Gerhard Kleinschmidt, Mayor

ATTEST:

Alawka

EXHIBIT A



All that certain property owned by the Town of Annetta, Texas now lying within the city limits of the City of Annetta South and more particularly described as:

Being 5.000 acres situated in the EDENTON THOMPSON SURVEY, Abst. No. 1294, Parker County, Texas, being a portion of that certain tract of land conveyed to The Town of Annetta, Texas, by deed recorded in Volume 2805, page 636, Real Records, Parker County, Texas, said 5.000 acres being more particularly described as follows:

COMMENCING at a ½” iron found in the West line of Thunder Head Lane (a 50 foot R.O.W.) at the Southeast Corner of Lot 2, Block 17, DEER CREEK PHASE VII, an Addition to the City of Annetta, Parker County, Texas, according to Plat recorded in Plat Cabinet B, Slide 180, Plat Records, Parker County, Texas:

THENCE along the West line of said Thunder Head Lane, as follows:

S 07 degrees 57 minutes 00 degrees E, 357.95 feet to a ½” iron found at the beginning at a curve to the right whose radius is 620.00 feet and whose long chord bears S 12 degrees 44 minutes 58 seconds W, 438.30 feet;

Along said curve in a Southwesterly direction, through a central angle of 41 degrees 23 minutes 56 seconds; a distance of 447.98 feet to a ½” iron found at the end of said curve;

S 33 degrees 26 minutes 56 seconds W, 213.84 feet to a ½” iron found at the beginning of a curve to the left whose radius is 680.00 feet and whose long cord bears S 16 degrees 47 minutes 46 seconds W, 389.73 feet;

Along said curve in a Southwesterly direction, through a central angle of 33 degrees 18 minutes 19 seconds, a distance of 395.27 feet to a ½” iron found at the end of said curve;

S 00 degrees 08 minutes 37 seconds W, 586.07 feet to a ½” iron set at the Point of Beginning, said point being the Northeast corner of the herein described tract;

S 00 degrees 08 minutes 37 seconds W, 299.14 feet to a ½’ iron found:

S 45 degrees 29 minutes 42 seconds W, 28.11 feet to a ½” Iron found at the intersection of the West line of said Thunder Head Lane and the North line of Farm to Market Highway No. 5 (an 80 foot R.O.W.);

THENCE along the North line of said Farm to Market Highway No. 5, as follows:

N 89 degrees 09 minutes 38 seconds W, 432.39 feet to a 7/8" iron found at the beginning of a curve to the left whose radius is 377.03 feet and whose long chord bears S 77 degrees 15 minutes 52 Seconds W, 176.99 feet;

Along said curve in a Southwesterly direction, through a central angle of 27 degrees 08 minutes 59 seconds, a distance of 178.66 feet to a 7/8" iron found at the end of said curve;

S 63 degrees 41 minutes 22 seconds W, 7.20 feet to a 7/8" iron found;

THENCE N 89 degrees 22 minutes 27 seconds W, 45.81 feet to a 1" iron found at the Southwest corner of said Hanley tract in the East line of that certain tract of land conveyed to Denzell Bruce Kongable and Margaret V. Kongable Living Trust, by deed recorded in Volume 1578, page 363, Real Records, Parker County, Texas, said point being the Southwest corner of the herein described tract;

THENCE N 00 degrees 08 minutes 26 seconds E, along the common line of said Hanley tract and said Kongable tract, 355.92 feet to a 1/2" iron set:

THENCE S 89 degrees 51 minutes 23 seconds E, 677.17 feet to the POINT OF BEGINNING and containing 5.00 acres of land.

AND

Any and all portions of those lots in Deer Creek Phase VII as recorded in the deed records of Parker County, Texas and that lie in whole or in part within the city limits of the City of Annetta South, Texas, which lots are more particularly described as:

Lot 1, Block 19;

Lots 1, 2, 3 and 4, Block 18; and

Lots 44, 45, 46 and 47, Block 17,

as recorded in Plat Cabinet B, page 180 of the Parker County plat records, including any existing easements, or right of ways existing thereon whether recorded or not.

After Recording Return to:

Town of Annetta
P.O. Box 1150
Aledo, Texas 76008