

**CITY OF WHARTON
ORDINANCE NO. 2019-17**

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY, IN WHARTON COUNTY TEXAS: A CERTAIN 86.20 ACRES ALEXANDER JACKSON SURVEY, ABSTRACT 34, WILLIAM KINCHELOE SURVEY, ABSTRACT 38 IN WHARTON, COUNTY, TEXAS AS DESCRIBED IN THE METES AND BOUNDS ATTACHED HERETO AS EXHIBIT "A"; TO THE CITY OF WHARTON, WHARTON COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL 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, Article I. Incorporation; Form of Government; Corporate and General Powers of the City of Wharton City Charter; Section 9 Extending and fixing city limits by ordinance as restricted by law, of the City Charter, of the City of Wharton, Texas, an incorporated city, authorizes the annexation of territory, subject to the laws of this state; and

WHEREAS, the procedures prescribed by the City Charter of the City of Wharton, Texas, and the laws of this state have been duly followed with respect to the territory described in the Exhibit "A" attached hereto; and

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

Section I. That the heretofore described property is hereby annexed to the City of Wharton, Wharton County, Texas, and that the boundary limits of the territory described in the attached Exhibit "A," within the city limits of the City of Wharton, 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 Wharton and they shall be bound by the acts, ordinances, resolutions, and regulations of said city.

Section II. A service plan for the area is adopted and attached as Exhibit "B."

Section III. The City Secretary is hereby directed to file with the County Clerk of Wharton, Texas, a certified copy of this ordinance.

Section IV. This ordinance shall become effective immediately upon its passage.

PASSED, APPROVED, and ADOPTED by the City Council of the City of Wharton, Texas, on the 8th day of July 2019.

CITY OF WHARTON, TEXAS

By: *Don Mueller*
DON MUELLER
Mayor Pro-Tem

ATTEST:

Paula Favors
PAULA FAVORS
City Secretary

APPROVED AS TO FORM:

Paul Webb
PAUL WEBB
City Attorney



Exhibit "A"

Annexation Tract No. 2
86.20 Acres

Alexander Jackson Survey, Abstract 34
William Kincheloe Survey, Abstract 38

STATE OF TEXAS §

COUNTY OF WHARTON §

A **METES & BOUNDS** description of an 86.20 acre tract of land in the Alexander Jackson Survey, Abstract 34, and the William Kincheloe Survey, Abstract 38, Wharton County, Texas, being comprised of that certain called 0.0604 acre tract recorded in Volume 684, Page 158, Official Records, Wharton County, Texas, that certain called 38.72 acre tract and called 1.93 acre tract recorded in Volume 1125, Page 393, Official Records, Wharton County, Texas, that certain called 4.9971 acre tract recorded in Volume 1083, Page 352, Official Records, Wharton County, Texas, that certain called 5.2604 acre tract and called 2.70 acre tract recorded in Volume 1012, Page 695, Official Records, Wharton County, Texas, and Lot 1 and Lot 2 of Peach Creek Subdivision, according to map or plat thereof recorded under Slide Number 2061, Plat Cabinet Records, Wharton County, Texas, with all bearings based upon the southwest line of said called 38.72 acre tract as being North 73 degrees 13 minutes 03 seconds West (called North 73 degrees 13 minutes 03 seconds West).

Beginning at the south corner of said Lot 2 of Peach Creek Subdivision, being at the intersection of the northeast right-of-way line of County Road 222 and the northwest right-of-way line of the adjoining Southern Pacific Railroad right-of-way, for the south corner and **Place of Beginning** of the herein described tract;

Thence North 73 degrees 13 minutes 03 seconds West along the southwest line of said Lot 2, the lower southwest line of said Lot 1, and the lower southwest line of said called 38.72 acre tract, same being the northeast right-of-way line of County Road 222, 1,687.64 feet to a point at the beginning of a curve to the right;

Thence along said curve to the right, being the southwest line of said called 38.72 acre tract and said called 0.0604 acre tract, same being the northeasterly right-of-way line of County Road 222 and County Road 231, having a radius of 77.30 feet, a central angle of 92 degrees 22 minutes 39 seconds, an arc length of 124.63 feet, and a chord bearing North 27 degrees 21 minutes 54 seconds West, 111.56 feet to the end of said curve;

Thence North 15 degrees 57 minutes 13 seconds East along the westerly line of said called 38.72 acre tract, same being the easterly right-of-way line of County Road 231, 143.00 feet to the beginning of a curve to the left;

Thence along said curve to the left, being the westerly line of said called 38.72 acre tract, same being the easterly right-of-way line of County Road 231, having a radius of 80.80 feet, a central angle of 89 degrees 04 minutes 57 seconds, an arc length of 125.63 feet, and a chord bearing North 27 degrees 55 minutes 26 seconds West, 113.35 feet to the end of said curve;

Thence North 72 degrees 39 minutes 03 seconds West along the upper southwest line of said called 38.72 acre tract, same being the northeast right-of-way line of County Road 231, 688.20 feet to a point for corner;

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Thence North 10 degrees 19 minutes 03 seconds West continuing along said line, 49.00 feet to a point for corner, said point being in the southeasterly right-of-way line of U. S. Highway 59, and being in the southeasterly line of the existing City of Wharton City Limits (Ordinance 1992-21);

Thence along the northwest line of said called 38.72 acre tract, the northwest line of said called 4.9971 acre tract, the northwest line of said called 1.93 acre tract, the northwest line of said called 5.2604 acre tract, and the northwest line of said called 2.70 acre tract, same being the southeasterly right-of-way line of U. S. Highway 59, being generally along and within the existing City of Wharton City Limits with the following courses and distances:

North 50 degrees 28 minutes 57 seconds East, 726.35 feet to the beginning of a curve to the right;

Thence along said curve to the right having a radius of 1,390.40 feet, a central angle of 10 degrees 31 minutes 21 seconds, an arc length of 255.35 feet, and a chord bearing North 55 degrees 14 minutes 17 seconds East, 254.99 feet to the end of said curve;

North 60 degrees 29 minutes 57 seconds East, 357.66 feet to the beginning of a curve to the left;

Thence along said curve to the left having a radius of 1,432.40 feet, a central angle of 10 degrees 06 minutes 21 seconds, an arc length of 252.65 feet, and a chord bearing North 55 degrees 53 minutes 01 second East, 252.32 feet to the end of said curve;

North 50 degrees 02 minutes 22 seconds East, 478.14 feet to a point for the north corner of the herein described tract and said called 2.70 acre tract, same being the west corner of an adjoining called 9.542 acre tract recorded in Volume 126, Page 526, Official Records, Wharton County, Texas, and being in the centerline of Peach Creek;

Thence along the centerline of Peach Creek with the following meanders:

South 81 degrees 21 minutes 50 seconds East, 240.52 feet;

South 80 degrees 07 minutes 12 seconds East, 196.96 feet;

South 79 degrees 11 minutes 43 seconds East, 400.75 feet;

North 83 degrees 27 minutes 36 seconds East, 49.80 feet;

North 77 degrees 36 minutes 13 seconds East, 60.50 feet;

South 88 degrees 34 minutes 03 seconds East, 16.80 feet;

South 73 degrees 38 minutes 44 seconds East, 80.80 feet;

South 63 degrees 20 minutes 16 seconds East, 42.30 feet;

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South 72 degrees 25 minutes 32 seconds East, 21.72 feet to a point for the east corner of the herein described tract, said point being the east corner of the aforementioned Lot 1, same being the south corner of an adjoining called 1.90 acre tract recorded in Volume 15, Page 450, Deed Records, Wharton County, Texas, and being in the northwest right-of-way line of the aforementioned adjoining Southern Pacific Railroad right-of-way;

Thence South 10 degrees 31 minutes 57 seconds West along the southeast line of the herein described tract, the southeast line of said Lot 1, and the southeast line of the aforementioned Lot 2, same being the northwest right-of-way line of said adjoining Southern Pacific Railroad right-of-way, 2,171.24 feet to the **Place of Beginning** and containing 86.20 acres of land, more or less.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

April 25, 2019

Job Number 05135-0900-19

Jones | Carter
1229 Corporate Drive, Suite 100
Rosenberg, TX 77471
(281) 342-2033
Texas Board of Professional Land
Surveying Registration No. 10046104




Acting By/Through Chris D. Kalkomey
Registered Professional Land Surveyor
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Exhibit "B"
ANNEXATION SERVICE PLANS CITY OF WHARTON, TEXAS
MUNICIPAL SERVICE PLAN
Annexation 2

TERRITORY

This Service Plan is applicable to the territory which are described in Exhibit B attached to this document, which are being annexed by the City of Wharton, Texas.

INTENT

It is the intent of the City of Wharton that this Service Plan shall provide for the delivery of full available municipal services to the annexed areas in accordance with State law. The failure of this plan to describe any particular service shall not be deemed to be an attempt to omit the provision of such services from the annexed areas. The delivery of municipal services may be accomplished through any means permitted by law.

EFFECTIVE TERM

This Service Plan shall be in effect for a ten-year period commencing on the effective date of this annexation.

AMENDMENT OR RENEWAL

This Service Plan may be amended from time to time as provided by Texas Local Government Code, Section 43.056 (e), (j), and (k). Renewal of the Service Plan shall be at the sole option of the Wharton City Council.

FIRE

Existing Services: Wharton Volunteer Fire Department

Services to be Provided: Fire suppression will be available to the area upon annexation. Primary fire response will be provided by Wharton Voluntary Fire Department, located at 319 N Fulton Wharton, TX 77488. Adequate fire suppression activities can be afforded to the annexed area within current budget appropriation. Fire prevention activities will be provided by the Fire Marshall's office as needed.

POLICE

Existing Services: Wharton County Sheriff's Department

Services to be Provided: Currently, the area is under the jurisdiction of the Wharton County Sheriff's Office. However, upon annexation, the City of Wharton Police Department will extend regular and routine patrols to the area. It is anticipated that the

implementation of police patrol activities can be effectively accommodated within the current budget and staff appropriation.

BUILDING INSPECTION

Existing Services: Wharton County Permit Department

Services to be Provided: The Building Inspection Department will provide Code Enforcement Services upon annexation. This includes issuing building, electrical and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes which regulated building construction within the City of Wharton.

PLANNING AND ZONING

Existing Services: None

Services to be Provided: The City of Wharton does not have zoning.

LIBRARY

Existing Services: Wharton County

Services to be Provided: Library serves will continue to be provided by Wharton County.

HEALTH DEPARTMENT- HEALTH CODE ENFORCEMENT SERVICE

Existing Services: None

Services to be Provided: The Texas Department of Health and Human Services will implement the enforcement of the State of Texas' health ordinances and regulations on the effective date of the annexation.

ANIMAL CONTROL

Existing Services: None

Animal control services will be provided to the area as needed by the Wharton Police Department.

STREET

Existing Services: None

Services to be Provided: Developers will provide streets at their own expense and will be inspected by the City of Wharton Engineers at time of completion(s). The City of

Wharton will then maintain the streets(s) upon approval. Maintenance to the street(s) will be provided by the City of Wharton upon the effective date of the annexation. This service can be provided within the current budget appropriation.

STORM WATER MANAGEMENT

Existing Services: None

Services to be Provided: Developers will provide storm water drainage at their own expense and will be inspected by the City of Wharton Engineers at time of completions. The City of Wharton will then maintain the drainage upon approval.

STREET LIGHTING

Existing Services: None

Services to be Provided: The City of Wharton will coordinate any request for improved street lighting with the local electric provider in accordance with standard City of Wharton policy.

TRAFFIC ENGINEERING

Existing Services: None

Services to be Provided: The City of Wharton Public Works Department provide, after the effective date of annexation, any additional traffic control devices per City of Wharton requirements.

WATER SERVICE

Existing Services: None

Services to be Provided: Water service to the area will be provided in accordance with the applicable codes and departmental policy. When other property develops in the adjacent area, water service shall be provided in accordance with extension ordinances. Extension of service shall comply with City of Wharton codes and ordinances.

SANITARY SEWER SERVICE

Existing Services: None

Services to be Provided: Sanitary sewer service to the area of proposed annexation will be provided in accordance with applicable codes and departmental policy. When property develops in the adjacent areas, sanitary sewer service shall be provided in

accordance with the present extension ordinance. Extension of service shall comply with applicable codes and ordinances.

SOLID WASTE SERVICES

Existing Services: None

Services to be Provided: Solid Waste Collection and Disposal shall be provided to the area of annexation in accordance with the present ordinance. Service shall comply with existing City of Wharton policies, beginning with occupancy of structures.

MISCELLANEOUS

All other applicable municipal services will be provided to the area in accordance with the City of Wharton's established policies governing extension of municipal services to newly annexed areas.

