

**CITY OF TERRELL, TEXAS**

**ORDINANCE NO. 2082**

**AN ORDINANCE TO THE CITY OF TERRELL, TEXAS, ANNEXING ADJACENT AND CONTIGUOUS TERRITORY, AS DESCRIBED IN EXHIBIT A AND AS DEPICTED IN EXHIBIT A.1, TO THE CITY OF TERRELL, TEXAS; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREA SHALL BECOME A PART OF THE CITY AND THAT THE OWNERS AND INHABITANTS THEREOF SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREAFTER ADOPTED; FURTHER PROVIDING FOR AMENDING AND CORRECTING THE OFFICIAL BOUNDARIES OF THE CITY AS HERETOFORE ADOPTED; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR SAID ORDINANCE TO TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE.**

**WHEREAS**, the City of Terrell, Texas (the “CITY”), pursuant to Chapter 43 of the Texas Local Government Code and Section 1.04 of Article I of the Home Rule Charter of the City of Terrell, Texas, has instituted annexation proceedings to annex additional territory lying adjacent to the CITY, which territory is described in Exhibit A and depicted in Exhibit A.1, both of which are attached hereto and incorporated herein for all purposes; and

**WHEREAS**, two separate public hearings were conducted in accordance with Chapter 43 of the Texas Local Government Code, the first being held at 5:30 o’clock p.m. on August 21, 2001, at the Terrell City Hall, 201 E. Nash Street, Terrell, Texas 75160, and the second public hearing being held at 5:45 o’clock p.m. on August 21, 2001, at the Terrell City Hall, 201 E. Nash Street, Terrell, Texas 75160, and

**WHEREAS**, the public hearings were conducted and held not more than forty (40) days nor less than twenty (20) days prior to the institution of annexation proceedings; and

**WHEREAS**, notice of the public hearings was published in a newspaper of general circulation in the CITY and in the territory proposed to be annexed by publication at least once in said newspaper not more than twenty (20) days nor less than ten (10) days prior to each public hearing; and

**WHEREAS**, all required statutory notices pursuant to the Chapter 43 of the Texas Local Government Code and Section 1.04 of Article I of the Home Rule Charter of the City of Terrell, Texas, have been accomplished; and

**WHEREAS**, in accordance with Chapter 43 of the Texas Local Government Code, a service plan, attached hereto as Exhibit B and incorporated herein for all purposes, was prepared by the City Manager, or his designee, which plan was made available for inspection and explained at the public hearings conducted as herein described; and

**WHEREAS**, annexation proceedings were instituted relative to the territory to be annexed on September 18, 2001, by the introduction of this annexation ordinance during a Regular Session of the City Council of the City of Terrell on said date; and

**WHEREAS**, Chapter 43 of the Texas Local Government Code requires the annexation of an area by a municipality to be completed within ninety (90) days after the date the governing body of the municipality institutes the annexation proceedings relative thereto, or those annexation proceedings are void; and

**WHEREAS**, the adoption of this annexation ordinance during a Regular Session of the City Council of the City of Terrell on October 2, 2001, will complete the annexation proceedings relative to the territory to be annexed within the ninety (90) day period stipulated by Chapter 43 of the Texas Local Government Code; and

**WHEREAS**, the territory to be annexed is contiguous and adjacent to the corporate limits of the City of Terrell and meets all applicable size and shape requirements of state law governing eligibility for annexation.

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

**SECTION 1**

All of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2**

The property described in Exhibit A and depicted in Exhibit A.1, both of which are attached hereto and incorporated herein for all purposes, be and is hereby annexed and brought within the corporate limits of the City of Terrell, Kaufman County, Texas, and same is hereby made a part of the **CITY**.

**SECTION 3**

The service plan, attached hereto as Exhibit B and incorporated herein for all purposes was submitted in accordance with Chapter 43 of the Texas Local Government Code and is hereby approved as part of this Ordinance, and is made a part hereof.

**SECTION 4**

The property described in Exhibit A shall bear its pro rata share of the taxes levied by the **CITY**, and the inhabitants of the area herein annexed shall be entitled to all of the rights, privileges, and responsibilities of other citizens of the **CITY** and area hereby bound by all acts, ordinances and all other legal action now in full force and effect and all those which may be hereafter adopted.

**SECTION 5**

The official map and boundaries of the **CITY** heretofore adopted and amended be and are hereby amended so as to include the property described in Exhibit A and depicted in Exhibit A.1 as part of the **CITY**.

**SECTION 6**

The City Manager is hereby directed and authorized to perform or cause to be performed all acts necessary to effectuate this Ordinance, including any corrections to the official map of the City to add the territory hereby annexed as required by law.

**SECTION 7**

The City Manager is hereby directed and authorized to file a certified copy of this Ordinance with the necessary governmental agencies.

**SECTION 8**

If any section, subsection, sentence, phrase, or word be found to be illegal, invalid, unconstitutional or if any portion of said property is incapable of being annexed by the City of Terrell, Texas, for any reason whatsoever, the adjudication shall not affect another section, sentence, phrase, word, paragraph or provision of this Ordinance or the application of any other section, sentence, phrase, word, paragraph or provision to any other person or portion of said property, situation or circumstance, nor shall the adjudication affect any other section, sentence, phrase, word, paragraph or provision of any other ordinance of the City of Terrell, Texas. The City Council declares that it would have adopted the valid portions and applications of this Ordinance and would have annexed the valid property without the invalid part and to this end the provisions of this Ordinance are declared to be severable.

**SECTION 9**

This Ordinance shall take effect and be in full force from and after its passage, as provided by the Revised Civil Statutes of the State of Texas and the Home Rule Charter of the City of Terrell, Texas.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, THIS 18<sup>TH</sup> DAY OF SEPTEMBER, 2001.**

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS, THIS 2<sup>ND</sup> DAY OF OCTOBER 2001.**

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Henry C. Madgwick, Mayor

**ATTEST:**

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John R. Rounsavall, City Secretary

**APPROVED AS TO FORM AND LEGALITY:**

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Mary Gayle Ramsey, City Attorney

**EXHIBIT A TO ORDINANCE NO. 2082  
CITY OF TERRELL**

BEING a 192.29 acre tract of land, situated in the John C. Hale Survey, Abstract No. 202, Kaufman County, Texas, and being part of that land conveyed to Mary T. Roffino Family Investments I, LTD. by deed recorded in Volume 1420, Page 0148, Deed Records, Kaufman County, Texas, except a tract of land called the Beyer Addition according to the plat thereof recorded in Volume 2, Page 218, Map Records, Kaufman County, Texas. Said 192.29 acre tract also being part of a tract of land conveyed to Roffino Construction, Inc., called, "Tract Three", by deed recorded in Volume 736, Page 608, Deed Records, Kaufman County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found on the Southeast boundary line of said 184.77 acre tract and being located at the most Southern corner of said Beyer tract, and being in the Northwest right-of-way line of said F.M. Road No. 148;

THENCE North 47 degrees 10 minutes 23 seconds East, along the Northwest right-of-way line of said F.M. Road No. 148 and said Beyer tract, a distance of 145.15 feet to a point for corner;

THENCE South 61 degrees 09 minutes 55 seconds East, 115.86' to a point in the Southeast right-of-way line of said F.M. Road No. 148;

THENCE South 46 degrees 59 minutes 12 seconds West, along the Southeast right-of-way line of said F.M. Road No. 148, a distance of 526.86 feet to a point for corner;

THENCE South 45 degrees 45 minutes 27 seconds West, along the Southeast right-of-way line of said F.M. Road No. 148, a distance of 798.51 feet to a point for corner;

THENCE South 45 degrees 56 minutes 34 seconds West, along the Southeast right-of-way line of said F.M. Road No. 148, a distance of 1360.38 feet to a point for corner;

THENCE North 41 degrees 22 minutes 05 seconds West, along the Northeast right-of-way line of said Talty Lawrence Road, at 297.02 feet, pass a concrete monument found in the Northwest right of way of said F.M. Road No. 148, and continuing for a total distance of 527.34 feet to a concrete monument found in the South right-of-way line of said (New) Interstate Highway No. 20;

THENCE North 35 degrees 12 minutes 00 seconds West, 478.09 feet to a point for corner. Said point being located North 75 degrees 51 minutes 04 seconds East, 40.56 feet from a concrete monument;

THENCE North 43 degrees 03 minutes 11 seconds West, 100.00 feet from and parallel to the Northeast right-of-way line of the Talty Lawrence Road, a distance of 3448.43 feet to a point on the Northwest boundary line of said tract;

THENCE North 46 degrees 55 minutes 21 seconds East, along the Southeast line of said J. R. Leath Survey, Abstract No. 305, a distance of 1162.21 feet to a point and being the corporate City Limit of Terrell, Texas;

THENCE along said City Limit Line, South 61 degrees 09 minutes 55 seconds East, a distance of 4292.77 feet to a point for corner on the Northwest line of said Beyer Addition;

THENCE South 46 degrees 55 minutes 49 seconds West, along the Northwest property line of said Beyer tract, a distance of 73.22 feet to a 1/2 inch iron rod found for corner;

THENCE South 43 degrees 02 minutes 07 seconds East, along the Southwest property line of said Beyer tract, a distance of 218.82 feet to the POINT OF BEGINNING and containing 192.29 acres of land.