

AN ORDINANCE PROVIDING FOR THE ANNEXATION INTO THE CITY OF BURLESON OF TERRITORY MORE SPECIFICALLY DESCRIBED BELOW GENERALLY COMPRISING APPROXIMATELY 43.379 ACRES, FOR ALL MUNICIPAL PURPOSES; APPROVING A SERVICE PLAN FOR SUCH TERRITORY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Burleson, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, after proper notice was provided in accordance with Chapters 43 of the Texas Local Government Code, public hearings on the proposed annexation were held before the Burleson City Council, said hearing dates being not more than forty days nor less than twenty days before the adoption of this ordinance on first reading; and

WHEREAS, all of the property described herein is adjacent to and within the exclusive extraterritorial jurisdiction of the City of Burleson.

WHEREAS, a Service Plan has been prepared and presented at the public hearings and is attached to and adopted with this Ordinance; and

WHEREAS, all requirements of law have been met to require this annexation, including compliance with the provisions of Chapter 43 of the Texas Local Government Code.

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

Return To:
City Secretary
City of Burleson
141 W. Renfro
Burleson, TX 76028

SECTION 1

ANNEXATION

That all portions of the following parcel (the "Territory") located in Johnson County, Texas, comprising a combined total of approximately 43.379 acres of land, more or less, is hereby annexed to the City of Burleson as a part of the city for all municipal purposes, and the city limits are extended to include such Territory: being a part of the J. Wallace Survey A-862 and the T. Jones Survey A-468, as filed in the deed records of Johnson County, Texas and being more particularly described on Exhibit "A" and depicted as "Area 4" on Exhibit "B", both attached to and incorporated in this Ordinance for all purposes.

SECTION 2

RIGHTS AND DUTIES OF OWNERS AND INHABITANTS IN NEWLY ANNEXED AREA

The owners and inhabitants of the Territory are entitled to all of the rights and privileges of all other citizens and property owners of the City of Burleson, and are bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be subsequently adopted.

SECTION 3.

OFFICIAL MAP

The official map and boundaries of the City, previously adopted, are amended to include the Territory as a part of the City of Burleson, Texas. The City Secretary is directed and authorized to perform or cause to be performed all acts necessary to correct the official map of the town to add the territory annexed as required by law.

SECTION 4.

FILING CERTIFIED COPY

The City Secretary is directed to file or cause to be filed a certified copy

of this ordinance in the office of the county clerk of Johnson County, Texas.

SECTION 5.

SERVICE PLAN

The Service Plan, attached as Exhibit "C" and incorporated in this Ordinance, is approved in all things and made a part of this ordinance for all purposes.

SECTION 6

CUMULATIVE CLAUSE

This ordinance shall be cumulative of all provisions of ordinances of the City of Burleson, Texas, 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 7.

SEVERABILITY CLAUSE

Should any section or part of this ordinance be held unconstitutional, illegal or invalid, or the application thereof, the unconstitutionality, illegality, invalidity or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof, but as to such remaining portions, the same shall be and remain in full force and effect.

SECTION 8.

AREAS EXCEPTED FROM ANNEXATION

Should this ordinance for any reason be ineffective as to any part of the area hereby annexed to the City of Burleson, such ineffectiveness of this ordinance as to any such part or parts of any such area shall not affect the effectiveness of this ordinance as to the remainder of such area. The City Council hereby declares it to be its purpose to annex to the City of Burleson every part of the area described in

Section 1 of this ordinance, regardless of whether any part of such described area is hereby not effectively annexed to the City. Provided, further, that if there is included within the general description of territory set out in Section 1 of this ordinance to be hereby annexed to the City of Burleson any lands or area which are presently part of and included within the limits of the City of Burleson, or which are presently part of and included within the limits of any other City, Town or Village, or which are not within the City of Burleson's jurisdiction to annex, the same is hereby excluded and excepted from the territory to be annexed hereby as fully as if such excluded and excepted area were expressly described herein.

SECTION 9

EFFECTIVE CLAUSE

This ordinance shall be in full force and effect from and after its passage, and it is so ordained.

PASSED AND APPROVED ON THIS 27th DAY OF November 2002.

Bryan J. Black
MAYOR

ATTEST:

Mary Stayer
CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

D. A. N. Prema
CITY ATTORNEY

First reading: 11/14/02

Effective: 11/27/02

GENERAL DESCRIPTION OF ANNEXATION

Annexation Tract No. 4

to the City of Burleson, Texas

Being a tract of land containing 43.379 acres, of land more or less, out of the J Wallace Survey A-862, Johnson Co., the T. Jones Survey A-468, and the JM Cartwright Survey A-132 Johnson Co., being located in the extraterritorial jurisdiction of the City of Burleson, Texas, being more particularly described as follows:

BEGINNING at a point being the westerly most corner of a tract of land deeded to E McCall Jr as recorded in vol. 1045, page 84 of the Deed Records of Johnson Co., said point also being the southeast corner of Lot 11 of Oakwood Addition, being an unrecorded plat;

THENCE in a northeasterly direction along the northwest property line of said E McCall Jr. tract and the southeast property line of said Lot 11 of Oakwood Addition to a point for corner, said point being the southerly most corner of Lot 10 of said Oakwood Addition as deeded to RG Williams as recorded in vol. 1983, page 684 of the Deed Records of Johnson Co.;

THENCE continuing in a northwesterly direction along the southwest property line of said Lot 10 to a point for corner, said point being the southerly most corner of Lot 9 of Oakwood Addition as deeded to RG Rodriguez etux, as recorded in vol. 1983, page 174 of the Deed Records of Johnson Co.;

THENCE continuing in a northwesterly direction along the southwest property line of said Lot 9 to a point for corner, said point being the southerly most corner of Lot 8 of Oakwood Addition as deeded to IL Walraven, as recorded in vol. 491, page 857 of the Deed Records of Johnson Co.;

THENCE continuing in a northwesterly direction along the southwest property line of said Lot 8 to a point for corner, said point being the southerly most corner of Lot 7 of Oakwood Addition as deeded to WM Kennedy, as recorded in vol. 1513, page 192 of the Deed Records of Johnson Co.;

THENCE continuing in a northwesterly direction along the southwest property line of said Lot 7 to a point for corner, said point being the southerly most corner of Lot 6B of Oakwood Addition as deeded to WM Kennedy, as recorded in vol. 1513, page 992 of the Deed Records of Johnson

Co.;

THENCE continuing in a northwesterly direction along the southwest property line of said Lot 6B to a point for corner, said point being the southerly most corner of Lot 6 of Oakwood Addition as deeded to EM Dean, as recorded in vol. 1833, page 483 of the Deed Records of Johnson Co.;

THENCE continuing in a northwesterly direction along the southwest property line of said Lot 6 to a point for corner, said point being the southerly most corner of Lot 5 of Oakwood Addition as deeded to BW Sager, as recorded in vol. 680, page 435 of the Deed Records of Johnson Co.;

THENCE continuing in a northwesterly direction along the southwest property line of said Lot 5 to a point for corner, said point being the southerly most corner of Lot 4 of Oakwood Addition as deeded to BW Sager, as recorded in vol. 680, page 435 of the Deed Records of Johnson Co.;

THENCE continuing in a northwesterly direction along the southwest property line of said Lot 4 to a point for corner, said point being the southerly most corner of Lot 3 of Oakwood Addition as deeded to C. Edwards, as recorded in vol. 541, page 396 of the Deed Records of Johnson Co.;

THENCE continuing in a northwesterly direction along the southwest property line of said Lot 3 to a point for corner, said point being the southerly most corner of Lots 1&2 of Oakwood Addition as deeded to G. Purselley, as recorded in vol. 869, page 153 of the Deed Records of Johnson Co. said point being located in the east right-of-way line of CR 809;

THENCE continuing in a northwesterly direction along the projected southwestern property line of said Lots 1&2 to a point being located in the west right-of-way line of CR 809, said northwesterly projected line being parallel to the city limit line of the City of Burleson and generally parallel to the centerline of I-35W;

THENCE continuing in a northwesterly direction along a line parallel to the city limit line of the City of Burleson and generally parallel to the centerline of I-35W, said line also being the boundary agreement line between the City of Burleson and Briaroaks as executed in the Joint Resolution executed on the 14th of February, 1984, to a point, said point being located in the north property line of a tract of land deeded to R Sloan etux, as recorded in vol. 1508, page 399 of the Deed Records of Johnson Co. and in the north boundary line of the T. Jones Survey A-486, said point also being the southeast corner of Lot 13, Block 1, of the Mabe Subdivision, an addition recorded in vol. 1 page 15 of the Plat Records of Johnson Co.;

THENCE along the south boundary line of said Mabe Subdivision to a point for corner, said

point being the southwest corner of Lot 16, Block 1 of the said Mabe Subdivision, said point also being the southwest corner of a tract of land deeded to BD Grubbs etux, as recorded in vol. 1239, page 232 of the Deed Records of Johnson Co.;

THENCE in a northerly direction along the west property line of said BD Grubbs tract to a point for corner,

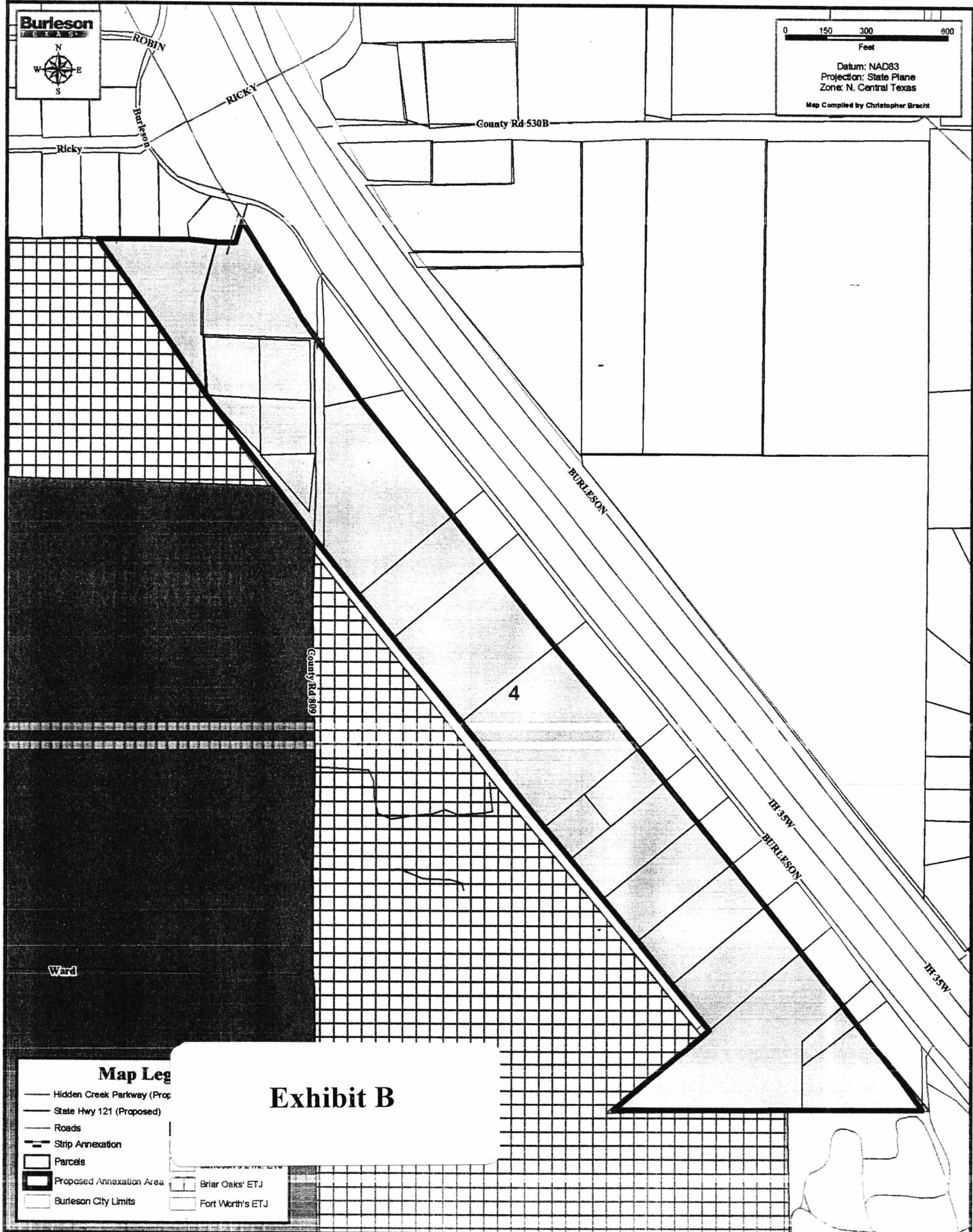
THENCE in a northeasterly direction along the west property line of said BD Grubbs tract to a point for corner, said point being the northwest corner of said BD Grubbs tract and being located in the right-of-way of I-35W;

THENCE in a northwesterly direction which is perpendicular to the city limit line of the City of Burleson to a point for corner, said point being located in the city limits line of the City of Burleson;

THENCE in a southeasterly direction along the city limits line of the City of Burleson to a point for corner, said point being located in the south property line of a tract of land deeded to DN Weaver etux, as recorded in vol 1599, page 242 of the Deed Records of Johnson Co.;

THENCE in a westerly direction along the south property line of said DN Weaver tract to a point, said point being the southwest corner of said DN Weaver tract and the southeast corner of said E. McCall Jr. tract;

Thence in a westerly direction along the south property line of said E. McCall Jr. tract to a point, said point being the POINT OF BEGINNING, containing 44.202 acres of land, more or less.



ANNEXATION SERVICE PLAN

For approximately 43.379 acres, more or less, located in the J. Wallace Survey A-862 and the T. Jones Survey A-468, as filed in the deed records of Johnson County, Texas, as shown on the attached maps, and abutting the city limits.

SERVICES PROVIDED UPON THE EFFECTIVE DATE OF ANNEXATION:

1. POLICE PROTECTION

The City of Burleson, Texas will provide police protection to the newly annexed tract at the same or similar level of service now being provided to other areas of the City of Burleson, Texas, with similar topography, land use and population.

1. FIRE PROTECTION AND AMBULANCE SERVICE

The City of Burleson, Texas will provide, or cause to be provided, fire protection and ambulance service to the newly annexed tract at the same or similar level of service now being provided to other areas of the City of Burleson, Texas, with similar topography, land use and population. The City of Burleson, Texas will take steps immediately upon annexation of the tract to transfer residents in the newly annexed tract to the Tarrant County 911 District.

2. SOLID WASTE COLLECTION

At the present time the City of Burleson, Texas, provides solid waste and refuse collection services within the city limits of the City of Burleson, Texas. Upon payment of any required deposits and the agreement to pay lawful service fees and charges, solid waste collection will be provided to residents in the newly annexed area to the extent that the City has access to the area to be serviced. Any property owners currently contracting with private solid waste and refuse collection services shall be required to use the services provided by the City of Burleson, Texas beginning on July 1, 2003.

3. MAINTENANCE OF WATER AND WASTE WATER FACILITIES

Any and all water or waste water facilities owned or maintained by the City of Burleson, Texas, at the time of the proposed annexation shall continue to be maintained by the City of Burleson, Texas. Any and all water or waste water facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the City of Burleson, Texas, to the extent of its ownership. The now existing water mains at their existing locations shall be available for point of use extension based upon the current City's standard water extension policies now existing

or as may be amended. The City Council of the City of Burleson, Texas, believes the existing sewer systems can adequately accommodate the raw sewage in the area proposed to be annexed.

4. MAINTENANCE OF ROADS AND STREETS

Any and all roads, streets or alleyways which have been dedicated to the City of Burleson, Texas, or which are owned by the City of Burleson, Texas, shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas with similar topography, land use and population density. Any and all lighting of roads, streets and alleyways which may be positioned in a right-of-way, roadway or utility company easement shall be maintained by the applicable utility company servicing the City of Burleson, Texas, pursuant to the current rules, regulations and fees of the City of Burleson, Texas.

5. MAINTENANCE OF PARKS, PLAYGROUNDS AND SWIMMING POOLS

The City Council of the City of Burleson, Texas, is not aware of the existence of any parks, playgrounds or swimming pools now located in the area proposed for annexation. In the event any such parks, playgrounds or swimming pools do exist and are public facilities, the City of Burleson, Texas, will maintain such areas to the same extent and degree that it maintains parks, playgrounds and swimming pools and other similar areas of the City now incorporated in the City of Burleson, Texas.

6. MAINTENANCE OF PUBLICLY OWNED FACILITY, BUILDING OR MUNICIPAL SERVICE

The City Council of the City of Burleson, Texas, is not aware of the existence of any publicly owned municipal facility, building or other municipal service now located in the area proposed for annexation. In the event any such publicly owned municipal facility, building or municipal service does exist and are public facilities, the City of Burleson, Texas, will maintain such areas to the same extent and degree that it maintains publicly owned municipal facilities, buildings or municipal services of the City now incorporated in the City of Burleson, Texas.

CAPITAL IMPROVEMENTS

1. GENERAL

a. The City policy for extending water and wastewater service is to extend service on an as required basis when development applications or subdivision plats are submitted to the City in accordance with the City's subdivision and development ordinances.

b. Landowners may be required to fund capital improvements necessary to provide service in a manner consistent with law. Nothing in this plan shall be interpreted to require a landowner within the newly annexed area to fund capital improvements necessary to provide municipal services in a manner inconsistent with Chapter 395 of the Local Government Code, unless otherwise agreed to by the landowner.

2. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICE

The City Council of the City of Burleson, Texas finds and determines it to be unnecessary to acquire or construct any capital improvement for the purposes of providing police protection, fire protection, or emergency medical service. The City Council finds and determines that it has at the present time adequate facilities to provide the same type, kind and level of protection and service which is presently being administered to other areas already incorporated in the City of Burleson, Texas, with the same or similar topography, land use and population density, without reducing by more than a negligible amount the level of fire, police and emergency services provided within the corporate limits of the City.

3. WATER FACILITIES AND SERVICES

The City Council of the City of Burleson, Texas, has determined that given the current rural state of development and expected development over the next ten (10) years, the area to be annexed is adequately served by Bethesda Water Supply Corporation, and it is not necessary to construct capital improvements to provide municipal services. If further development occurs that warrants extension or expansion of the water main, such extension or expansion will be in accordance with the City's utility policies. Upon connection to existing mains, water will be provided at rates established by the City.

4. SEWER SERVICE

The City Council of the City of Burleson, Texas, has determined that given the current state of development and expected development over the next ten (10) years, the area is or can be adequately served by private septic systems and it is not necessary to construct capital improvements to provide full municipal services. If further development occurs that warrants extension or expansion of the sewer main, such extension or expansion will be in accordance with the City's utility policies. Upon connection to existing mains, sewer will be provided at rates established by the City.

5. ROADS AND STREETS

Within 4 ½ years, the City of Burleson, Texas, with a cooperative effort of the City's designated utility company, will undertake to provide the same degree of road and street lighting as is provided in areas of similar topography, land use and population density within the present corporate limits of the City of Burleson, Texas. Maintenance of properly dedicated roads and streets will be consistent with the maintenance provided by the City to other roads and streets in areas of similar topography, land use and subdevelopment of the annexed property. Developers will be required pursuant to the ordinances of the City of Burleson, Texas, to provide internal and peripheral streets and to construct those streets in accordance with the specifications required by the City of Burleson, Texas.

SPECIFIC FINDINGS

The City Council of the City of Burleson, Texas finds and determines that this proposed Service Plan will not provide any fewer services, and it will not provide a lower level of service in the area proposed to be annexed than were in existence in the proposed area at the time immediately preceding the annexation process.

Because of the differing characteristics of topography, land utilization and population density, the service levels which may ultimately be provided in the newly annexed area may differ somewhat from services provided other areas of the City of Burleson, Texas. These differences are specifically dictated because of differing characteristics of the property and the City of Burleson, Texas will undertake to perform consistent with this contract so as to provide the newly annexed area with the same type, kind and quality of service presently enjoyed by the citizens of the City of Burleson, Texas who reside in areas of similar topography, land utilization and population.

WARNING — THIS IS PART OF THE OFFICIAL RECORD
DO NOT DESTROY

Filed For Record 9:07 AM/PM

JAN 13 2003

County Clerk Johnson County
By [Signature] Deputy



STATE OF TEXAS
COUNTY OF JOHNSON

that I hereby certify this instrument was FILED on the date and at the time stamped hereon by me and was duly RECORDED in the OFFICIAL PUBLIC RECORDS OF JOHNSON COUNTY, TEXAS in the Volume and Page as shown hereon.

[Signature]

CURTIS H. DOUGLAS, COUNTY CLERK
JOHNSON COUNTY, TEXAS