

ORDINANCE NO. 2022.04.12

AN ORDINANCE OF THE CITY OF GLEN ROSE, TEXAS, DECLARING ALL THE AREA OF THE 1960 MOODY BOOKER GLEN ROSE PLAT, PORTIONS OF THE FARR AND RAILROAD ADDITIONS, AND A 3.76 ACRE TRACT OUT OF THE J. A. HERNANDEZ SURVEY TO BE PART OF THE CITY; PROVIDING REPEALING, SEVERABILITY, PROPER NOTICE, MEETING, AND QUORUM CLAUSES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Glen Rose (City) is a Type A General Law Municipality;

WHEREAS, the City has an agreement with the Somervell Central Appraisal District (SCAD) for the assessment and collection of ad valorem property taxes;

WHEREAS, to properly fulfill its duties, SCAD has asked the City to provide an accurate depiction of the city limit lines;

WHEREAS, the March 24, 1926 incorporation papers for the City included a sketch and a metes and bounds description of the City's original corporate limits;

WHEREAS, the metes and bounds description incorporates natural features such as the Paluxy River and several of its branches;

WHEREAS, apparently from the beginning there were errors in the distances and/or bearings in the metes and bounds description, because in more than one instance when using digital depictions of the above-noted natural features, it isn't possible to fit the lines called for in the metes and bounds description in between the natural features;

WHEREAS, minutes of an April 20, 1959 City Council meeting reference a motion approved by unanimous vote directing "County Surveyor, Moody Booker to show the Tax Assessor where the City Boundary is and if necessary to re-survey some of the lines";

WHEREAS, in response to the above commission, County Surveyor Booker prepared a Glen Rose, Somerville (sic) County, Texas Plat (Booker's Plat) in 1960 with a scale of 400' = 1" "showing city limit boundary lines";

WHEREAS, the City has no record of annexations occurring prior to December 5, 1983, so the Booker Plat is believed to have been a more accurate depiction of the city limit boundaries than was the sketch provided in the City's 1926 incorporation papers;

WHEREAS, during the 1970's W. F. Soules and Associates appear to have used Booker's Plat in depicting the Glen Rose city limit boundary lines on some of their utility project drawings;

WHEREAS, Edwin A. Apel Consulting Engineers appear to have used Booker's Plat in depicting the Glen Rose city limit boundary lines on a 1976 City of Glen Rose Comprehensive Plan Condition of Structures Map.

WHEREAS, on April 11, 2000, Ordinance 329 was adopted, annexing a portion of Lot 5 and all of Lot 6 of Block 5 of the Railroad Addition;

WHEREAS, on April 11, 2001, Ordinance 338 was adopted, annexing Block 25, Lots 7 and 8; Block 26; Block 17; Block 5, Lots 4 through 8; and, Block 16, Lot 12 of the Farr Addition;

WHEREAS, although the above-cited annexation ordinances failed to reference the streets and alleys in the area of the annexations, since the time of those annexations said streets and alleys have been considered to be part of the City and the streets have been maintained by the City;

WHEREAS, over the years, different sources have shown the city limits boundary line described in the City's original incorporation papers, which runs along the southeast end of the Farr and Railroad Additions, as being in different locations;

WHEREAS, depending on where said city limits boundary line was drawn, one full lot and several partial lots located between the City's original corporate limits and the said year 2000 and 2001 annexations have at times been shown to be inside the city limits and at other times to be outside the city limits;

WHEREAS, a search of the 1978-1980 City of Glen Rose ad valorem tax receipt books in the possession of the SCAD revealed that city taxes were paid on all of the said properties except for one partial lot and that said lot was designated as being subject to city ad valorem tax in the 2001 Tax Assessor Roll;

WHEREAS, a 3.76 acre tract of land out of the Jose Antonio Hernandez Survey, A-44, is currently listed on the City's tax roll;

WHEREAS, much of said property is shown to be in the city limits on the Booker Plat;

WHEREAS, deeds conveying said 3.76 acre tract dated May 16, 1978 and June 20, 1978 identify the property as "being in the south part of Glen Rose, Somervell County, Texas";

WHEREAS, a City Limits and ETJ Map prepared by Freese and Nichols and included in the City of Glen Rose 2009 Comprehensive Plan shows the entire 3.76 acre tract as being in the city limits;

WHEREAS, the City's records indicate that the above referenced areas have been part of the municipality for at least the preceding 20 years;

WHEREAS, the City has provided municipal services, including police protection, to above referenced areas and has otherwise treated the areas as a part of the City during the preceding 20 years;

WHEREAS, there has not been a final judicial determination during the preceding 20 years that the above referenced areas are outside the boundaries of the City;

WHEREAS, there is no pending lawsuit that challenges the inclusion of the above referenced areas as part of the City;

WHEREAS, pursuant to §41.003 of the Texas Local Government Code, “the governing body of a municipality may adopt an ordinance to declare an area that is adjacent to the municipality” and where, “...the records of the municipality indicate that the area has been a part of the municipality for at least the preceding 20 years; the municipality has provided municipal services, including police protection, to the area and has otherwise treated the area as a part of the municipality during the preceding 20 years; there has not been a final judicial determination during the preceding 20 years that the area is outside the boundaries of the municipality; and, there is no pending lawsuit that challenges the inclusion of the area as part of the municipality... to be part of the municipality,” creating an “irrebuttable presumption that the area is a part of the municipality for all purposes,” and that “the presumption may not be contested for any cause after the effective date of the ordinance”;

WHEREAS, the City’s Governing Body, the City Council, has determined for the good government, peace, and order of the municipality, under the authority granted by §41.003 of the Texas Local Government Code and for the benefit of the SCAD to solidify the City’s corporate limits by declaring certain areas to be part of the City;

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

SECTION 1 (OF 8) INCORPORATION OF RECITALS

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

SECTION 2 (OF 8) DECLARATION ON THE BOOKER PLAT

All of the area shown to be within the city limits in the attached Exhibit “A,” the 1960 Glen Rose Plat drafted by County Surveyor Moody Booker, which is incorporated into this Ordinance by reference, is, hereby, declared to be part of the City of Glen Rose. Where there are conflicts between the city limit lines as depicted on the Booker Plat and metes and bound descriptions, the lines depicted on the Plat shall take precedence in determining the location of the City’s corporate boundaries.

SECTION 3 (OF 8) DECLARATION ON PORTIONS OF THE FARR AND RAILROAD ADDITIONS

All of the area of the Farr and Railroad Additions identified in the attached Exhibit “B,” which is incorporated into this Ordinance by reference, is, hereby, declared to be part of the City of Glen Rose.

SECTION 4 (OF 8)
DECLARATION ON THE JOSE ANTONIO HERNANDEZ SURVEY, A-44,
3.76 ACRE TRACT

All of the 3.76 acre tract in the Jose Antonio Hernandez Survey, A-44, identified in the attached Exhibit “C,” which is incorporated into this Ordinance by reference, is hereby declared to be part of the City of Glen Rose.

SECTION 5 (OF 8)
REPEALING CLAUSE

All other ordinances and/or resolutions, or parts of ordinances and/or resolutions, in conflict with this Ordinance are hereby repealed.

SECTION 6 (OF 8)
SEVERABILITY CLAUSE

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional, illegal or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Glen Rose hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION 7 (OF 8)
PROPER NOTICE, MEETING, AND QUORUM CLAUSE

It is hereby officially found and determined that the meeting at which this Ordinance was adopted by majority vote of the City Council of the City of Glen Rose, Texas was open to the public; that public notice of the time, place, and purpose of the meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code; and, that a quorum was present pursuant to §22.039 of the Texas Local Government Code.

SECTION 8 (OF 8)
EFFECTIVE DATE

This Ordinance shall be in force and effect from and after its passage.

PASSED AND APPROVED this the 12th day of April, 2022.

APPROVED:

Julia Douglas, Mayor

ATTEST:

Rosario Sosol Lihaut, Deputy City Secretary