

CERTIFICATE FOR ORDINANCE

THE STATE OF TEXAS
FRANKLIN COUNTY
CITY OF MOUNT VERNON, TEXAS

We, the undersigned officers of the City Council of the City of Mount Vernon, Texas (the "City Council" or "Council"), hereby certify as follows:

1. The City Council convened in a regular meeting on the 15th day of October, 2024, at the designated meeting place (the "Meeting"), and the roll was called of the duly constituted officers and members of said City Council, to wit:

Brad Hyman, Mayor
Rebecca Bailey, Councilmember
Mary Keys, Councilmember

Mark Huddleston, Mayor Pro-Tempore
Harold Cason, Councilmember
Martin Carrascosa, Councilmember

and all of said persons were present except _____, thus constituting a quorum. Whereupon, among other business, the following was transacted at the Meeting (the "Ordinance"):

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MOUNT VERNON, TEXAS, ANNEXING ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF MOUNT VERNON, TEXAS, BEING APPROXIMATELY 33 ACRES OF REAL PROPERTY, AS MORE FULLY DEPICTED AND DESCRIBED IN EXHIBIT A; 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; PROVIDING FOR AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT.

The Ordinance was duly introduced for the consideration of said City Council. It was then duly moved and seconded that the Ordinance be passed; and, after due discussion, said motion, carrying with it the passage of the Ordinance, prevailed and carried, with all members of said City Council shown present above voting "Aye," except as noted below:

NAYS: _____ ABSTENTIONS: _____

2. That a true, full and correct copy of the aforesaid Ordinance adopted at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; that said Ordinance has been duly recorded in said City Council's minutes of said Meeting; that the above and foregoing paragraph is a true, full and correct excerpt from said City Council's minutes of said Meeting pertaining to the adoption of said Ordinance; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of said City Council as indicated therein; that each of the officers and members of said City Council was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the aforesaid Meeting, and that said Ordinance would be introduced and considered for adoption at said Meeting, and each of said officers and members consented, in advance, to the holding of said Meeting for such purpose, and that said Meeting was open to the public and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government

3. The Mayor of said City has approved and hereby approves the aforesaid Ordinance; that the Mayor and the City Secretary of said City have duly signed said Ordinance; and that the Mayor and the City Secretary of said City hereby declare that their signing of this Certificate shall constitute the signing of the attached and following copy of said Ordinance for all purposes.

ADOPTED AND APPROVED on this the 15th day of October, 2024.

CITY OF MOUNT VERNON, TEXAS

Brad Hyman, Mayor
City of Mount Vernon, Texas

ATTEST

Kathy Lovier, City Secretary
City of Mount Vernon, Texas

[CITY SEAL]

CITY OF MOUNT VERNON, TEXAS

ORDINANCE NO. 2024-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MOUNT VERNON, TEXAS, ANNEXING ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF MOUNT VERNON, TEXAS, BEING APPROXIMATELY 33 ACRES OF REAL PROPERTY, AS MORE FULLY DEPICTED AND DESCRIBED IN EXHIBIT A; 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; PROVIDING FOR AN EFFECTIVE DATE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT.

WHEREAS, the City of Mount Vernon, Texas (the "City"), pursuant to Chapter 43 of the Texas Local Government Code (the "Code"), has instituted annexation proceedings to lawfully annex approximately 33 acres of additional territory lying adjacent and contiguous to the City (the "Property"), which Property is further depicted and described in the attached **EXHIBIT A**, which Exhibit A is attached hereto and incorporated herein for all intents and purposes;

WHEREAS, the City received a written request from the owners of the Property requesting the voluntary annexation of the Property into the City's corporate limits;

WHEREAS, the City Council hereby finds and determines that the Property to be annexed is contiguous and adjacent to the corporate limits of the City and meets all applicable size and shape requirements of Texas law, including, without limitation, those enumerated in the Code, governing eligibility for annexation;

WHEREAS, the City entered into a written agreement with the owners of the Property regarding services to be provided by the City to the Property upon annexation;

WHEREAS, a public hearing was conducted in accordance with the Code, commencing on the 15th day of October, 2024, at 6:00 P.M. at the Council Chambers in City Hall located at 109 North Kaufman Street, Mount Vernon, Texas 75457 (the "Public Hearing"), which Public Hearing was noticed and posted in accordance with applicable provisions of Texas law;

WHEREAS, the City Council hereby finds and determines that all required statutory notices, including, without limitation, those enumerated in the Code, have been duly accomplished within the timeframes established under Texas law;

WHEREAS, the adoption of this Ordinance by the City Council will complete the annexation proceedings relative to the Property, as stipulated by the Code;

WHEREAS, the purpose of this Ordinance is to promote the public health, safety, and general welfare of the City's citizens;

WHEREAS, the City Council deems it to be in the best interest of the citizens of the City to annex the Property into the City's corporate limits; and

WHEREAS, the City Council officially finds and determines that all statutory and constitutional requirements for the passage of this Ordinance have been adhered to, including, without limitation, the Open Meetings Act, Chapter 551 of the Texas Government Code.

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

Section 1. *Findings.* The above findings are hereby found to be true and correct and adopted as findings of fact, incorporated herein, and operative provisions hereof.

Section 2. *Annexation of Territory into City's Corporate Limits.* The Property, as further depicted and described in the attached Exhibit A, is hereby annexed and brought within the corporate limits of the City of Mount Vernon, Franklin County, Texas, and same, through this Ordinance, is hereby made a part of the City for all intents and purposes.

Section 3. *Service Plan.* The service plan covering the Property (the "*Service Plan*"), which Service Plan is attached hereto as **EXHIBIT B** and incorporated herein for all intents and purposes, was submitted in accordance with the Code and is hereby approved by the City Council as part of this Ordinance and is made a part hereof.

Section 4. *Property Bound to All Acts, Ordinances, and Legal Actions of the City.* The Property 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 the rights, privileges, and responsibilities of other citizens of the City and are hereby bound by all acts, ordinances, and all other legal actions now in full force and effect and all those which may be hereafter adopted or amended.

Section 5. *Official Boundaries of City Updated and Amended.* The official map and boundaries of the City heretofore adopted and amended be and are hereby amended so as to include the Property as part of the City.

Section 6. *Filing of Ordinance.* The City Manager or designee is hereby directed and authorized to file a certified copy of this Ordinance with the necessary governmental agencies and include this Ordinance in the official records of the City. The City Manager or designee is hereby directed and authorized to perform or cause to be performed all acts necessary to effectuate this Ordinance, including, without limitation, any corrections to the official map of the City to add the Property hereby annexed as required by law.

Section 7. *Savings, Severability, and Repealing Clauses.* Should any word, sentence, paragraph, subdivision, clause, term, provision, phrase, or section of this Ordinance be adjudged

or held to be invalid, void, or unconstitutional, the same shall be deemed to be severable and, accordingly, shall not affect the validity of the remaining portions of this Ordinance, which shall remain in full force and effect. The City Council declares that it would have adopted the valid portions and applications of this Ordinance and would have annexed the Property without the invalid part and, to this end, the provisions of this Ordinance are declared to be severable.

Section 8. *Effective Date.* This Ordinance shall be in full force and effect from and after its passage, and it is so ordained (the "Effective Date").

AND SO IT IS ORDAINED.

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EXHIBIT A

PROPERTY (including any improvements):

Being a tract of land located in the Robert M. Bailey Survey, Abstract No. 40, Franklin County, Texas, and being all of a called 20 acre tract (First Tract) and part of the remainder of a called 40 acre tract (Second Tract) conveyed to Melvina N. Buie, et al in a Deed found in Volume 140, Page 113 of the Deed Records of Franklin County, Texas, and being more particularly described as follows:

Beginning at a 5/8" iron pipe found at the northwest corner of said 20 acre tract and said Bailey Survey, an ell corner of the Sam C. Cowan Survey, Abstract No. 107, Franklin County, Texas, and an ell corner of a called 145.00 acre tract conveyed to Shanna Nicole Lee in a Decree found in Volume 347, Page 783 of the Official Public Records of Franklin County, Texas; Description of property to be annexed

Thence North 88°07'13" East, generally along a fence, along the north line of said 20 acre tract and then said 40 acre tract, the north line of said Bailey Survey, and a south line of said 145.00 acre tract and said Cowan Survey for a distance of 1051.36 feet to a 3/4" iron pipe found at a southeast corner of said 145.00 acre tract and the southwest corner of a called 1.970 acre tract conveyed to Randy Wafford in a Deed found in Volume 274, Page 281 of the Official Public Records of Franklin County, Texas;

Thence North 88°48'02" East, generally along a fence, along the north line of said 40 acre tract and said Bailey Survey, the south line of said 1.970 acre tract, and a south line of said Cowan Survey for a distance of 305.66 feet to a 1/2" iron rod found at a northeast corner of the remainder of said 40 acre tract, the southeast corner of said 1.970 acre tract, the northwest corner of a called 2.86 acre tract conveyed to the State of Texas in a Deed found in Volume 29, Page 719 of the Real Property Records of Franklin County, Texas, and the southwest corner of a called 0.199 acre tract conveyed to the State of Texas in a Judgment found in Volume 42, Page 327 of the Real Property Records of Franklin County, Texas, the same lying in a western right-of-way line of Texas State Highway No. 37, from which a 1/2" iron rod found bears North 35°01'52" East 63.03 feet, and a 1/2" iron rod found at the northeast corner of said 1.970 acre tract bears North 35°01'52" East 63.03 feet and North 08°28'16" East 195.78 feet;

Thence in a southerly direction, generally along a fence, along lines common to the remainder of said 40 acre tract, said 2.86 acre tract and said right-of-way the following courses (a 1/2" iron rod is found at the end of each course unless otherwise noted): South 34°51'30" West 81.66 feet; South 08°19'33" West 475.06 feet; with a curve to the right having Radius= 2718.13 feet, Delta = 07°27'59", and Long Chord= South 12°04'21" West 353.96 feet, for a distance of 354.21 feet; South 07°22'33" West 337.05 feet; South 15°42'00" West 264.23 feet to a 1/2" iron rod with a brass cap found at a southeast corner of the remainder of said 40 acre tract, the southwest corner of said 2.86 acre tract, the northwest corner of a called 1.444 acre tract conveyed to the State of Texas in a Deed found in Volume 29, Page 293 of the Real Property Records of Franklin County, Texas, and a northeast corner of the remainder of a called 159.965 acre tract conveyed to Charles Alden Deal, JR. and wife, Catherine Deal in a Deed found in Volume 220, Page 563 of the Deed Records of Franklin County, Texas, from which a 3/4" iron spike found bears South

16°02'50" West 45.99 feet, and a 1/2" iron rod found bears South 16°02'50" West 45.99 feet and South 15°46'46" West 216.12 feet;

Thence South 87°30'52" West, generally along a fence, along a south line of said 40 acre tract and a north line of said 159.965 acre tract for a distance of 111.14 feet to a 3/4" iron pipe found at the southwest corner of said 40 acre tract and an ell corner of said 159.965 acre tract;

Thence North 02°56'33" West, generally along a fence, along the west line of said 40 acre tract and an east line of said 159.965 acre tract for a distance of 536.14 feet to a 1/2" iron rod, with a cap marked "Denney" set, beside a broken 811 wooden fence corner, at the southeast corner of said 20 acre tract and a northeast corner of said 159.965 acre tract;

Thence South 87°46'20" West, generally along a fence, along the south line of said 20 acre tract and a north line of said 159.965 acre tract, and at a distance of 292.94 feet passing a point in a 24" oak tree at a northwest corner of the remainder of said 159.965 acre tract and a northeast corner of a called 37.719 acre tract conveyed to Charles Alden Deal, JR. and Catherine Deal in a Deed found in Volume 280, Page 418 of the Official Public Records of Franklin County, Texas (from which a 1/2" iron rod found bears South 06°39'10" West 1.56 feet), then continuing on along a north line of said 37.719 acre tract for a total distance of 916.40 feet to a 1/2" iron rod found at the southwest corner of said 20 acre tract and an ell corner of said 37.719 acre tract, the same lying in the west line of said Bailey Survey and an east line of the David Elder Survey, Abstract No. 159, Franklin County, Texas;

Thence North 00°43'56" East, generally along a fence, along the west line of said 20 acre tract and said Bailey Survey and an east line of said 37.719 acre tract and said Elder Survey for a distance of 270.21 feet to a 5/8" iron pipe found at a northeast corner of said 37.719 acre tract and said Elder Survey and a southeast corner of said 145.00 acre tract and said Cowan Survey;

Thence North 00°06'44" West, generally along a fence, along the west line of said 20 acre tract and said Bailey Survey and an east line of said 145.00 acre tract and said Cowan Survey for a distance of 665.76 feet to the place of beginning, and containing 29.034 acres of land.

EXHIBIT B

SERVICE PLAN FOR PROPERTY

ORDINANCE NO.: 2024-16

DATE OF ORDINANCE: October 15, 2024

ACREAGE ANNEXED INTO CITY'S CORPORATE LIMITS: 33

PROPERTY DESCRIPTION:

P-1, C8 AB 40 R M Bailey Survey

Upon the Effective Date of this Ordinance, municipal services to the Property shall be furnished by or on behalf of the City at the following levels and in accordance with the following plan and schedule:

A. POLICE PROTECTION:

- (1) Police personnel and equipment from the Mount Vernon Police Department shall be provided to the Property, at a level consistent with current methods and procedures presently provided to similar areas, on the Effective Date of this Ordinance.
- (2) As development commences within these areas, sufficient police protection, including personnel and equipment will be provided to furnish the Property with the level of police services consistent with the characteristics of topography, land utilization and population density of the area.
- (3) Upon ultimate development, police protection will be provided at a level consistent with other similarly situated areas within the City's corporate limits.

B. FIRE PREVENTION AND PROTECTION / EMERGENCY MEDICAL SERVICES (EMS):

- (1) Fire prevention and protection and EMS from the City shall be provided to the Property, at a level consistent with current methods and procedures presently provided to similar areas, on the Effective Date of this Ordinance.
- (2) As development commences within these areas, sufficient fire prevention and protection and EMS, including personnel and equipment will be provided to furnish the Property with the level of services consistent with the characteristics of topography, land utilization and population density of the area. It is anticipated that fire stations planned to serve areas currently within the City will be sufficient to serve areas now being considered for annexation.
- (3) Upon ultimate development, fire prevention and protection and EMS will be provided at a level consistent with other similarly situated areas within the City's corporate limits.

C. SOLID WASTE COLLECTION:

- (1) Solid waste collection shall be provided to the Property upon request on the Effective Date of this Ordinance. The collection of refuse from individual properties shall be made in accordance with the usual sanitation department scheduling.
- (2) As development commences within these areas, sufficient solid waste collection will be provided to furnish the level of services consistent with the characteristics of topography, land utilization, and population density of the area.
- (3) Upon ultimate development, solid waste collection will be provided at a level consistent with other similarly situated areas within the City's corporate limits.

D. WATER SERVICE:

- (1) Connection to existing City water mains for water service will be provided in accordance with existing City policies. Upon connection to existing mains, water will be provided at rates established by City ordinance.
- (2) As development commences within these areas, water mains will be extended in accordance with the provisions of the Subdivision Ordinance and/or other applicable ordinances and regulations of the City. City participation in the costs of these extensions shall be in accordance with applicable City ordinances and regulations. Capacity shall be provided consistent with the characteristics of topography, land utilization, and population density of the area. The water facilities plan on file with the City reflects the principal facilities currently planned by the City to provide for currently expected land utilization and population density, based on applicable City policies, ordinances, and regulations.
- (3) Water mains installed or improved to City standards within the Property, which are located within dedicated easements, rights-of-way, or any other acceptable location approved by the City Engineer, shall be maintained by the City on the Effective Date of this Ordinance.
- (4) Maintenance of private lines will be the sole responsibility of the owner or occupant.
- (5) Operation and maintenance of water facilities in the Property that are within the service area of another water utility will be the responsibility that utility.

E. SANITARY SEWER SERVICE:

- (1) Connection to existing City sanitary sewer mains for sewage service will be provided in accordance with existing City policies. Upon connection to existing mains, sanitary sewer collection will be provided at rates established by City ordinances.
- (2) As development commences within these areas, sanitary sewer mains will be extended in accordance with the provisions of the Subdivision Ordinance and/or other applicable ordinances and regulations of the City. City participation in the costs of these extensions

shall be in accordance with applicable City ordinances and regulations. Capacity shall be provided consistent with the characteristics of topography, land utilization, and population density of the area. The sanitary sewer service / wastewater facilities plan on file with the City reflects the principal facilities currently planned by the City to provide for currently expected land utilization and population density, based on applicable City policies, ordinances and regulations.

- (3) Sanitary sewer mains and lift stations installed or improved to City standards within the Property which are located within dedicated easement, rights-of-way, or any other acceptable location approved by the City Engineer, shall be maintained by the City on the Effective Date of this Ordinance.
- (4) Operation and maintenance of wastewater facilities in the Property that are within the service area of another wastewater utility will be the responsibility that utility.
- (5) Operation and maintenance of private wastewater facilities in the Property will be the sole responsibility of the owner.

F. STREETS:

- (1) Emergency street maintenance shall be provided for publicly dedicated streets or roads within these areas on the Effective Date of this Ordinance.
- (2) Routine maintenance will be scheduled as part of the City's annual street maintenance program in accordance with the then current policies and procedures defined by ordinance.
- (3) As development commences in these areas, all publicly dedicated streets shall be constructed to current City's standards. The regulations and ordinance regarding City participation, maintenance, and acceptance upon completion, shall apply. Maintenance will be provided at a level consistent with the characteristics of topography, land utilization, and population density of the area.

G. PARKS AND RECREATION:

- (1) Residents within the areas annexed may utilize all existing park and recreation facilities, on the Effective Date of this Ordinance. Fees for such usage shall be in accordance with current fees established by ordinance.
- (2) As development commences in these areas, additional park and recreation facilities shall be constructed based on Park policies defined in the City's Comprehensive Plan. The general planned locations and classifications of parks will ultimately serve residents from the City's current corporate limits and residents from areas being considered for annexation.

H. ENVIRONMENTAL HEALTH AND CODE ENFORCEMENT SERVICES:

- (1) Enforcement of current environmental health ordinances and regulations, including but not limited to, weed and brush ordinances, junked and abandoned vehicles ordinances and

animal control ordinances, shall begin within this area within sixty (60) days of the Effective Date of this Ordinance.

- (2) Inspection services, including but not limited to, the review of building plans, the issuance of permits and the inspection of all buildings, plumbing, mechanical, and electrical work to ensure compliance with City codes and ordinances will be provided within sixty (60) days of the Effective Date of this Ordinance.
- (3) As development commences in this area, the City shall provide the level of Environmental Health and Code Enforcement Services as are furnished in other similarly situated areas throughout the City.

I. MISCELLANEOUS:

- (1) Any publicly owned facility, building, or service located within the Property shall be maintained by the City on the Effective Date of this Ordinance.