

ORDINANCE NO. 2022-620

AN ORDINANCE ANNEXING HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF SMITHVILLE, TEXAS, BASTROP COUNTY ON THE REQUEST OF SMITHVILLE LAND PARTNERS, LLC./ S. TODD MCCULLOUGH AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN THE CITY LIMITS, AND GRANTING TO ALL THE 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.

This ordinance was introduced and submitted to the City Council for adoption. After the presentation and discussion of the Ordinance, a motion was made by Councilwoman Morgan that the Ordinance be finally passed and adopted in accordance with the City's General Law Type A Government. The motion was seconded by Councilman Gordon and carried by the following votes:

Mayor Pro-tem William Gordon	<input checked="" type="checkbox"/> For	<input type="checkbox"/> Against	<input type="checkbox"/> Abstained
Councilmember Joanna Morgan	<input checked="" type="checkbox"/> For	<input type="checkbox"/> Against	<input type="checkbox"/> Abstained
Councilmember Cassie Barrientos(not present)	<input type="checkbox"/> For	<input type="checkbox"/> Against	<input type="checkbox"/> Abstained
Councilmember Tom Etheredge	<input type="checkbox"/> For	<input checked="" type="checkbox"/> Against	<input type="checkbox"/> Abstained
Councilmember Janice Bruno	<input type="checkbox"/> For	<input checked="" type="checkbox"/> Against	<input type="checkbox"/> Abstained
Tie breaker vote Mayor Foerster	<input checked="" type="checkbox"/> For	<input type="checkbox"/> Against	<input type="checkbox"/> Abstained

WHEREAS, Chapter 43, Subchapter C-3 of the Texas Local Government Code, allows the City of Smithville to annex territory upon the request of each owner of land in the area that requests annexation;

WHEREAS, by submittal of the Annexation Petition, attached hereto as Exhibit A (the "**Petition**"), each owner (the "**Owner**" whether one or more) of the real property described in the attached Exhibit B (the "**Property**"), has voluntarily requested the annexation of the Property into the City pursuant to Texas Local Government Code § 43.0671;

WHEREAS, pursuant to Texas Local Government Code § 43.0672, the City and the Owner have negotiated and entered into a written agreement to provide services in the Property prior to the adoption of this Ordinance;

WHEREAS, the City Council finds and determines that adoption of this Ordinance promotes the health, safety, and welfare of the public; and

WHEREAS, the City Council finds and determines that the procedures prescribed by the Texas Local Government Code and City of Smithville, Texas, and the laws of this state have been duly followed with respect to the annexation of the Property, including but not limited to the procedures set forth in Chapter 43, Subchapter C-3 of the Texas Local Government Code (the ownership of the Property being determined based on the representations of the Owner in the Petition), and that the meeting at which this Ordinance was passed was open to the public, that public notice of the time, place and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code;

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

SECTION 1. The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

SECTION 2. The Property is hereby annexed to the City of Smithville, Bastrop County, Texas, and that the boundary limits of the City of Smithville be and the same are hereby extended to include the above described territory within the city limits of the City of Smithville, 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 right and privileges of other citizens of the City of Smithville and they shall be bound by the acts, ordinances, resolutions, and regulations of said city.

SECTION 3. That the City Secretary is hereby directed to file with the County Clerk and other appropriate officials and agencies, as required by state and federal law and city annexation procedures, certified copies of this Ordinance.

SECTION 4. This Ordinance shall become effective upon passage and publication of the caption of this ordinance as required by State law.

APPROVED and PASSED on the second and final reading on this 13th day of June 2022.



Sharon Foerster, Mayor
City of Smithville

ATTEST:



Jennifer Lynch, City Secretary

Exhibit "A"

ANNEXATION PETITION

TO THE MAYOR AND GOVERNING BODY
OF THE CITY OF SMITHVILLE, TEXAS:

The undersigned owner(s) of the hereinafter described tract of land, which is vacant and without residents, or on which less than three(3) qualified voters reside, hereby petition your honorable body to extend the present city limits so as to include as a part of the City of Smithville, Texas, the following described territory, to wit:

(See Attached Exhibit A – metes and bounds description.)

I/We certify that the above described tract of land is contiguous to the City of Smithville, Texas (only separated by American Legion Road), is not more than one-half (1/2) mile in width and that this petition is signed and duly acknowledged by each and every person or corporation having an interest in said land.

In the event annexation of this property is approved by the City, and subsequently the proposed plat of "Enclave at Riverbend subdivision", which includes the property described by metes and bounds and attached hereto, does not get approved by the City, then Owner will require disannexation of this property under applicable provisions of Local Government Code.

THE STATE OF TEXAS
COUNTY OF BASTROP

S. Todd McCallough
Owner's Signature #1

Before me, the undersigned authority, on this day personally appeared S. Todd McCallough known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he or she executed the same for purposes and consideration therein expressed.

Given under my hand and seal of office, this 20th day of April, 2022.

(Seal)



Kory Johanning
Notary Public in and for the State of Texas
My commission expires: 9-13-2023

Exhibit "B"

STATE OF TEXAS

HURTA REAL ESTATE, LLC

COUNTY OF BASTROP

34.858 ACRES

All that certain tract or parcel of land containing **34.858 acres** situated in the Edward Burleson Survey, A-16, in Bastrop County, Texas, being a part of that tract described as 156.886 acres in a deed from Hurta Land, Inc. to Hurta Real Estate, LLC dated May 31, 2018 and recorded in County Clerk's File No. 201807688 of the Official Records of Bastrop County, said **34.858 acre** tract being more particularly described by metes and bounds as follows:

Commencing at a concrete monument found in the Southwest right-of-way line of State Highway 71 (Variable width - 29.651 acres - Vol. 298, Pg. 101 B.C.O.R.) for the Northeast corner of said 156.886 acre Hurta Real Estate tract, said point having a coordinate value of North = 9,987,672.12 feet and East = 3,301,735.43 feet according to the Texas State Plane Coordinate System - Central Zone - NAD 83(CORS 96);

Thence South 42 degrees 18 minutes 06 seconds East, 607.98 feet along the common line between said State Highway 71 right-of-way tract and said Hurta Real Estate tract to a 1/2" iron rod set for the Northeast corner of the tract herein described and the **PLACE OF BEGINNING**;

Thence South 42 degrees 18 minutes 06 seconds East, 1,392.49 feet along the common line between said State Highway 71 right-of-way tract and said Hurta Land, Inc. tract to a 1/2" iron rod set for the most Easterly corner of the tract herein described;

Thence South 37 degrees 17 minutes 26 seconds West, departing said Highway 71 line, 519.47 feet to a 1/2" iron rod set within said 156.886 acre Hurta Real Estate tract for corner;

Thence South 84 degrees 36 minutes 44 seconds West, 596.67 feet to a 1/2" iron rod set in the Northwest line of a 75 foot wide Multifuels Bluebonnet Pipeline easement (Clerk's File No. 201903575 - B.C.O.R.) and within said 156.886 acre Hurta Real Estate tract for corner;

Thence South 42 degrees 59 minutes 22 seconds West, 193.29 feet along said easement line to a 1/2" iron rod found for corner;

Thence South 87 degrees 03 minutes 27 seconds West, departing said Multifuels easement line, 283.36 feet to a 1/2" iron rod set in the East margin of American Legion Road (old Highway 71) and the West line of said 156.886 acre Hurta Real Estate tract for the Southwest corner of the tract herein described, from which a 1/2" iron rod found for the Northwest corner of "HURTA RIVER ESTATES" (Plat Cab. 6, Slide 158A - Bastrop County Plat Records) bears South 02 degrees 56 minutes 33 seconds East, 455.68 feet;

HURTA REAL ESTATE, LLC
34.858 ACRES
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Thence North 02 degrees 56 minutes 33 seconds West, 1,633.12 feet along said East margin of American Legion Road and the West line of said Hurta Real Estate tract to a 1/2" iron rod set for the Northwest corner of the tract herein described, from which a concrete monument found for the Northwest corner of said (called) 156.886 acre Hurta Real Estate tract bears North 02 degrees 56 minutes 33 seconds West, 469.84 feet;

Thence North 87 degrees 03 minutes 24 seconds East, departing said American Legion Road and severing said 156.886 acre Hurta Land tract, 470.80 feet to the PLACE OF BEGINNING and containing 34.858 acres.

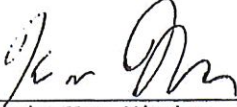
Bearings, distances and coordinates used herein are "GRID" based on the Texas State Plane Coordinate System - Central Zone - NAD 83(CORS 96). Convergence = +01 degree 38 minutes 31 seconds. Combined factor = 1.0000135.

STATE OF TEXAS

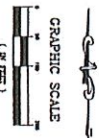
COUNTY OF BASTROP

I, Kevin Von Minden, a Registered Professional Land Surveyor, do hereby certify the foregoing field notes to be true and correct to the best of my knowledge and belief.

BEFCO ENGINEERING, INC.
Surveying Firm #10001700
Consulting Engineering & Land Surveying


Kevin Von Minden, R.P.L.S.
Registration No. 4438
January 3, 2022
BEFCO Job No. 22-8262(1)





LEGEND

1/2" = 100' (1" = 200')

— 1/2" and less
- - - 1/2" and more
... 1/2" and more

NOTES:

1. ALL LOT CORNERS ARE SET BY THE SURVEYOR.

2. ALL LOT CORNERS ARE SET BY THE SURVEYOR.

3. ALL LOT CORNERS ARE SET BY THE SURVEYOR.

4. ALL LOT CORNERS ARE SET BY THE SURVEYOR.

5. ALL LOT CORNERS ARE SET BY THE SURVEYOR.

STATEMENT OF RECORD (Title 17, Chapter 125, Subchapter C, Section 125.001, Texas Property Code)

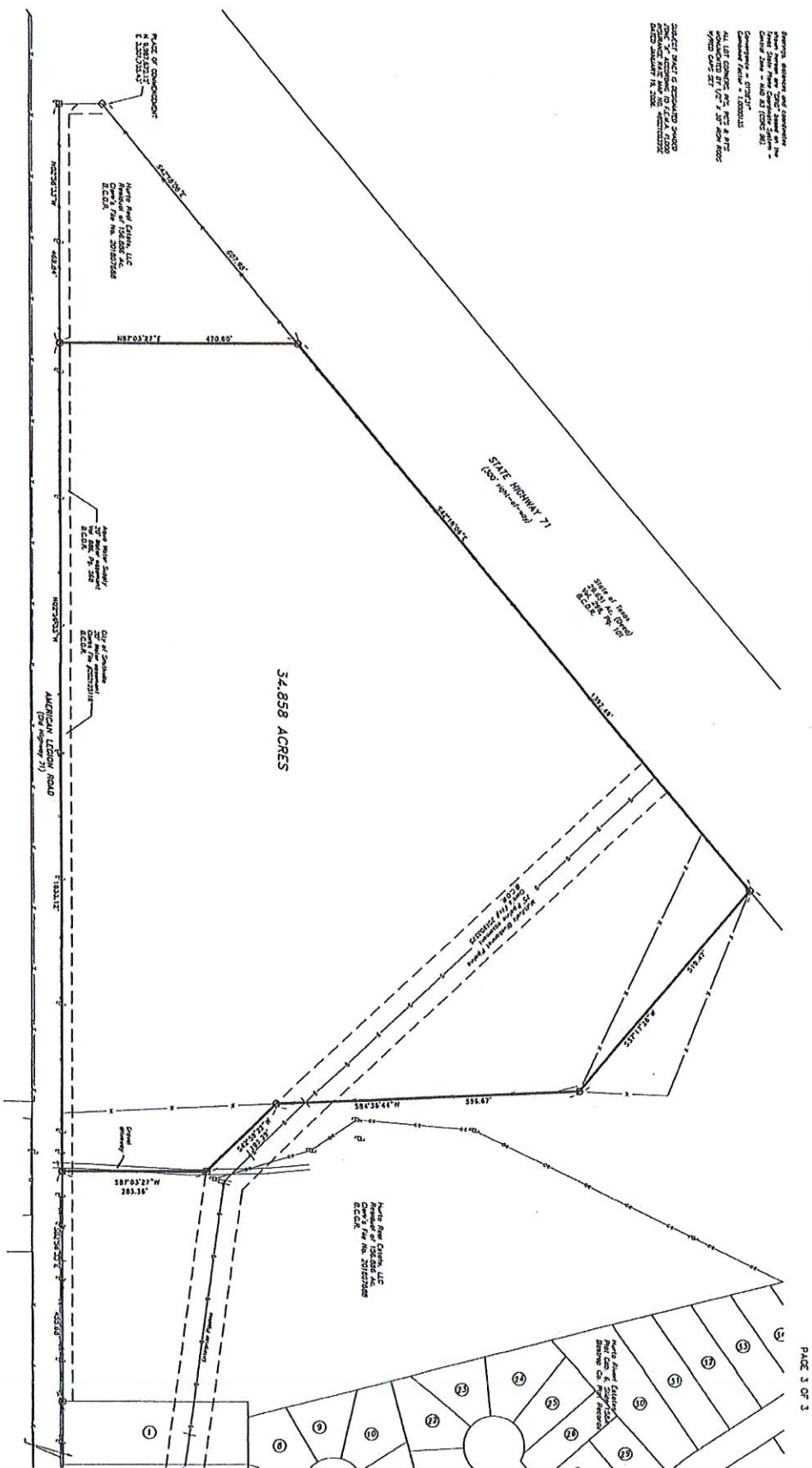
This instrument is a duly recorded instrument in the public records of the County of Bastrop, Texas, and is hereby acknowledged by the parties thereto.

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PLAT SHOWING THE SURVEY OF A 34.858 ACRE TRACT SITUATED IN THE EDWARD BURESON SURVEY A-16, IN BASTROP COUNTY, TEXAS, BEING A PART OF THAT TRACT DESCRIBED AS 156.866 ACRES IN A DEED FROM HURTA LAND, INC. TO HURTA REAL ESTATE, L.L.C. DATED MAY 31, 2018 AND RECORDED IN COUNTY CLERK'S FILE NO. 201807688 OF THE OFFICIAL RECORDS OF BASTROP COUNTY



STATE OF TEXAS

COUNTY OF BASTROP

I, **KEVIN VON MINDEN**, Surveyor, do hereby certify that the foregoing is a true and correct copy of the original survey as recorded in the public records of the County of Bastrop, Texas, and is hereby acknowledged by the parties thereto.

KEVIN VON MINDEN, Surveyor

STATE OF TEXAS

COUNTY OF BASTROP

I, **KEVIN VON MINDEN**, Surveyor, do hereby certify that the foregoing is a true and correct copy of the original survey as recorded in the public records of the County of Bastrop, Texas, and is hereby acknowledged by the parties thereto.

KEVIN VON MINDEN, Surveyor

SECCO ENGINEERING, INC.

10000 Highway 101, Suite 200

Bastrop, Texas 78004

(512) 786-0000