

Ordinance 2017.2.2

AN ORDINANCE ANNEXING THE TERRITORY DESCRIBED HEREIN, TO THE CITY OF FLATONIA, FAYETTE COUNTY, TEXAS, EXTENDING THE BOUNDARY LIMITS OF SAID CITY TO INCLUDE THE TERRITORY DESCRIBED HEREIN WITHIN THE CITY LIMITS OF SAID CITY AND GRANTING TO ALL INHABITANTS OF THE TERRITORY DESCRIBED HEREIN ALL OF THE RIGHTS AND PRIVILEGES OF CITIZENS OF THE CITY OF FLATONIA WHILE BINDING THEM BY ALL THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATION OF THE CITY OF FLATONIA.

WHEREAS, a Resolution of the City Council of the City of Flatonia regarding annexation of the property described in Exhibit "A" attached hereto and incorporated for all purposes by reference the same as if fully copied and set forth at length was passed by the City Council of the City of Flatonia, Texas, on the 13th day of December, 2016; and

WHEREAS, said City Council of Flatonia, Texas, by such resolution directed the City Manager and City Attorney to undertake steps necessary to annex the above-described property, including compliance with notice, hearing, service plan preparation and any such other requirements mandated by the Municipal Annexation Act as Codified in Chapters 42 and 43 of the Texas Local Government Code, and such policies established by resolution or ordinance as previously adopted by the City of Flatonia; and

WHEREAS, notice of requisite hearings was published by the City Manager in the Flatonia Argus, a newspaper having general circulation in the City of Flatonia and in the territory to be annexed, including a description of the property to be annexed (being the same as herein described), and appeared in the issue of December 29, 2016 of such newspaper, a date not more than twenty (20) days nor less than ten (10) days prior to said hearings as required by Section 43.052 of the Local Government Code (TEX. LOCAL GOVT. CODE ANN. 43.052); and

WHEREAS, the City Council of Flatonia, Fayette County, Texas, convened on the dates and at the times and places specified in said notice of hearings, called up for discussion the proposal for annexation. and heard all persons desiring an opportunity to express themselves on the matter of the annexation of the territory described herein; and

WHEREAS, after such hearings, and after considerable deliberation, it was decided that an Ordinance annexing the property described in "Exhibit A" be enacted; and

City of Flatonia

Ordinance #2017-2.2

Adopted February 14, 2017

WHEREAS, more than ninety (90) days not having elapsed since the institution of annexation proceedings by said City Council, and said City Council having carefully considered the proposal to annex the above-described territory to the City and all arguments for and against such action, finding that the above-described territory is adjacent to and contiguous to the present City Limits, is contiguous with the corporate limits of the City on at least two sides for each area annexed less than five hundred feet in width at its narrowest point, is wholly within the extraterritorial jurisdiction of said City of one (1) mile from the present City Limits, does not in area exceed in total size ten percent (10%) of the total corporate area on January 1, 2017 and hearings upon said proposal for annexation after due and property notice were held in accordance with the provisions of Chapters 42 and 43, Texas Local Government Code; and,

WHEREAS, prior to the publication notice of hearings, said City Council, by resolution previously mentioned, directed the City Manager of the City of Flatonia to prepare a service plan for each territory to be annexed providing for the extension of municipal services into each area to be annexed, said plans were prepared in conformance with Section 43.056 of the Local Government Code (TEX. LOCAL GOVT. CODE ANN. 43.056), by the City Manager, said plans provide for no fewer services or a lower level of services in the respective areas to be annexed than were in existence in such areas at the time immediately preceding annexation effectuate by this ordinance, said plans were made available for inspection and explained to the inhabitants of the areas to be annexed at said public hearings and said plans are attached as Exhibit B to this Ordinance and are approved as a part thereof:

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLATONIA, FAYETTE COUNTY, TEXAS:

This property described in Exhibit "A" attached hereto and incorporated for all purposes by reference the same as if fully copied and set forth at length, be and the same are hereby annexed to the City of Flatonia, Fayette County, Texas, and that the boundary limits of Flatonia, Fayette County Texas, be and the same are hereby extended to include the above described territories within the City of Flatonia, Fayette County, Texas, and the inhabitants thereof shall hereafter be entitled to all rights and privileges of the citizens of the City and shall be bound by all of the acts, ordinances, resolutions and regulations of said City.

BE IT FURTHER ORDAINED that the map of said City of Flatonia, Fayette County, Texas maintained in the offices of the City Secretary and the City Manager shall immediately be corrected to show the addition of the territories described herein, to henceforth be known as the Amigos Addition 2017 to said City, indicating thereon the date of annexation and a reference to the minutes where this Ordinance is recorded in full and that a true copy of this Ordinance be recorded in the Deed Records of Fayette County, Texas.

City of Flatonia

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PASSED AND APPROVED this the 14th day of February, 2017.

CITY OF FLATONIA, TEXAS

SIGNED:

Bryan Milson, Mayor

ATTEST:

Melissa Brunner, TRMC, CMC
City Secretary

APPROVED AS TO FORM:

Maria Angela Flores Beck,
City Attorney



STATE OF TEXAS,

COUNTY OF FAYETTE

This instrument was acknowledged before me on this the 14th day of February, 2017, by Bryan Milson, Mayor of the City of Flatonia, on behalf of the City of Flatonia, Texas.



Notary Public

EXHIBIT "A"

STATE OF TEXAS
COUNTY OF FAYETTE

CITY OF FLATONIA
AMIGOS ANNEXATION PARCEL
26.626 ACRES

All that certain tract or parcel of land containing **26.626 acres** situated in the M. Muldoon League No. 14, A-76, in Fayette County, Texas, and being comprised of the following:

6.316 acres, being all of that AMK Properties, LLC tract described as 6.336 acres in a Correction Deed from FM 609 Flatonia, LLC, to AMK Properties, LLC, dated November 18, 2015 and recorded in Volume 1756, Page 295 of the Official Records of Fayette County;

20.310 acres, being a portion of the State of Texas Interstate Highway 10 and F.M. Highway 609 rights-of-way, and being all or parts of those tracts described as 3.04 acres and 0.44 acres (Vol. 278, Pg. 55 F.C.D.R.), 4.18 acres (Vol. 278, Pg. 60 F.C.D.R.), 10.521 acres (Vol. 386, Pg. 352 F.C.D.R.), 0.008 acre (Vol. 384, Pg. 499 F.C.D.R.), 0.990 acre (Vol. 384, Pg. 527 F.C.D.R.), 1.466 acre (Vol. 389, Pg. 542 F.C.D.R.), 4.128 acres (Vol. 384, Pg. 230 F.C.D.R.) and 20.557 acres (Vol. 389, Pg. 433 F.C.D.R.) in the Deed Records of Fayette County;

said **26.626 acre** tract being more particularly described by metes and bounds as follows:

Beginning at a 1/2" iron rod found (w/cap #4438) in the North right-of-way line of said Interstate Highway 10 (Variable width right-of-way) for the Southwest corner of the residual of the (original) 59.34 acre Ira Syler tract (Vol. 343, Pg. 550 - "FIRST TRACT" - F.C.D.R.), the Southeast corner of said 6.316 acre AMK Properties tract, the Northeast corner of said (called) 10.521 acre Interstate Highway 10 right-of-way parcel (Vol. 386, Pg. 352 F.C.D.R.), an angle point in the Southeast line of the tract herein described and the **PLACE OF BEGINNING**, said point having a coordinate value of N=13,806,170.04 feet and E=2,572,223.74 feet according to the Texas State Plane Coordinate System - South Central Zone - NAD 83(CORS 96) and being 333.2 feet left of Interstate Highway 10 centerline Station 377+65.3, from which a fence corner found in said North right-of-way line for the Southeast corner of said Syler residual tract bears South 89 degrees 56 minutes 36 seconds East, 1,457.54 feet (called South 88 degrees 41 minutes 02 seconds East - 1,457.54 feet - Vol. 389, Pg. 433) and an erroneous 1/2" iron rod found bears South 43 degrees 27 minutes 13 seconds East, 3.04 feet;

Thence **South 36 degrees 51 minutes 11 seconds West**, departing said North right-of-way line and severing said 10.521 acre (Vol. 386, Pg. 352), 20.557 acre (Vol. 389, Pg. 433) and 4.128 acre (Vol. 384, Pg. 230) Interstate Highway 10 right-of-way parcels, **890.63 feet** to a 1/2" iron rod set (w/cap #4438) at the intersection of the South right-of-way line of Interstate

Highway 10 and the apparent East margin of "Walnut Street" (City maintained public roadway - no record right-of-way width) for the Northeast corner of the (called) 0.10 acre Shirley Tate tract (Vol. 884, Pg. 85 F.C.D.R.), the Northwest corner of the residual of the (original) 8.5 acre Theron Warren tract (Vol. 407, Pg. 248 & Vol. 188, Pg. 253 F.C.D.R.) and the Southeast corner of the tract herein described;

Thence **South 80 degrees 22 minutes 47 seconds West**, along the South right-of-way line of Interstate Highway 10, the South line of said 0.990 acre (Vol. 384, Pg. 527), said 0.008 acre (Vol. 384, Pg. 499) and said 10.521 acre (Vol. 386, Pg. 352) Interstate Highway 10 right-of-way parcels, also being the North line of said 0.10 acre Shirley Tate tract, the (called) 0.992 acre Melody Moerbe tract (Vol. 1591, Pg. 55 F.C.O.R.) and the (called) 1.76 acre Sai Saburi, Inc. tract (Vol. 1639, Pg. 691 F.C.O.R.), at 206.24 feet passing a 1/2" iron rod found for the West corner of said Tate tract and a corner of said Moerbe tract, at 268.24 feet passing a 1/2" iron rod found in the apparent East margin of "Hackberry Street" (City maintained public roadway - no record right-of-way width) for the Northwest corner of said Moerbe tract, and continuing for a total distance of **874.62 feet** to a point in the Southeast right of way line of F.M. Highway 609 (125' wide right-of-way) and the Southeast line of said 3.04 acre (Vol. 278, Pg. 55) F.M. Highway 609 right-of-way parcel for the Southwest corner of said 10.521 acre Interstate Highway 10 right-of-way parcel, the Northwest corner of said 1.76 acre Sai Saburi tract and the Southwest corner of the tract herein described, from which a 1/2" iron rod found bears North 68 degrees 59 minutes 49 seconds West, 0.31 feet;

Thence **North 22 degrees 49 minutes 43 seconds West**, departing said Southeast right-of-way line and severing said F.M. Highway 609 right-of-way, **179.09 feet** to a point at the intersection of the Northwest right-of-way line of F.M. 609 with the South right-of-way line of Interstate Highway 10 (16.013 acres - Vol. 386, Pg. 352 F.C.D.R.) for the Northeast corner of the (called) 1.568 acre Landmark Petroleum tract (Vol. 1147, Pg. 131 F.C.O.R.), from which a 1/2" iron rod found bears South 48 degrees 07 minutes 19 seconds West, 0.37 feet;

Thence **North 36 degrees 29 minutes 05 seconds East**, departing said South right-of-way line of Interstate Highway 10, **94.04 feet** along said original Northwest right-of-way line of F.M. Highway 609 to an "X" chiseled in concrete for an angle point;

Thence Northeasterly, along said original Northwest right-of-way line of F.M. Highway 609 with a curve to the right (**Curve Data: Radius = 2,341.53 feet; Delta = 46 degrees 33 minutes 26 seconds; Chord = North 47 degrees 16 minutes 31 seconds East, 1,850.76 feet**), passing the North right-of-way line of Interstate Highway 10 at an arc distance of 585.02 feet and continuing along said Northwest right-of-way line of F.M. 609, also being the Southeast line of the (called) 3.611 acre Kubesch Enterprises tract (Vol. 1351, Pg. 590 F.C.O.R.), the (called) 0.63 acre Schindler Investments tract (Vol. 1649, Pg. 608 F.C.O.R.), the (called) 2.16 acre Trace Siptak tract (Vol. 1507,

Pg. 237 F.C.O.R.) and the (called) 1.25 acre Robert Alvarado tract (Vol. 1051, Pg. 560 F.C.O.R.), for a total arc distance of **1,902.67 feet** to a 1/2" iron rod set in the Southeast line of said Alvarado tract for the North corner of the tract herein described;

Thence **South 19 degrees 26 minutes 51 seconds East**, severing said F.M. Highway 609 right-of-way (100' wide right-of-way - 4.18 acres - Vol. 278, Pg. 60 - F.C.D.R.), **100.00 feet** to a 1/2" iron rod found (capped #4438) in the Southeast right-of-way line for a Northwest corner of said Ira Syler residual tract, the Northeast corner of said 6.316 acre AMK Properties tract and the Northeast corner of the tract herein described, from which an erroneous 1/2" iron rod found bears South 64 degrees 05 minutes 27 seconds West, 3.40 feet;

Thence **South 01 degrees 48 minutes 32 seconds East**, departing said highway right-of-way line along the common line between said 6.316 acre AMD Properties tract and said (original) 59.34 acre Syler tract, **543.52 feet** to the **PLACE OF BEGINNING** and containing **26.626 acres**.

Bearings, distances and coordinates used herein are "GRID" based on the Texas State Plane Coordinate System - South Central Zone - NAD 83 (CORS 96). Convergence = +00 degree 55 minutes 24 seconds. Combined factor = 0.9998655.

STATE OF TEXAS

COUNTY OF FAYETTE

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 No. 10001700
Consulting Engineering & Land Surveying



Kevin Von Minden, R.P.L.S.
Registration No. 4438
December 20, 2016
BEFCO Job No. 16-6825



GRAPHIC SCALE



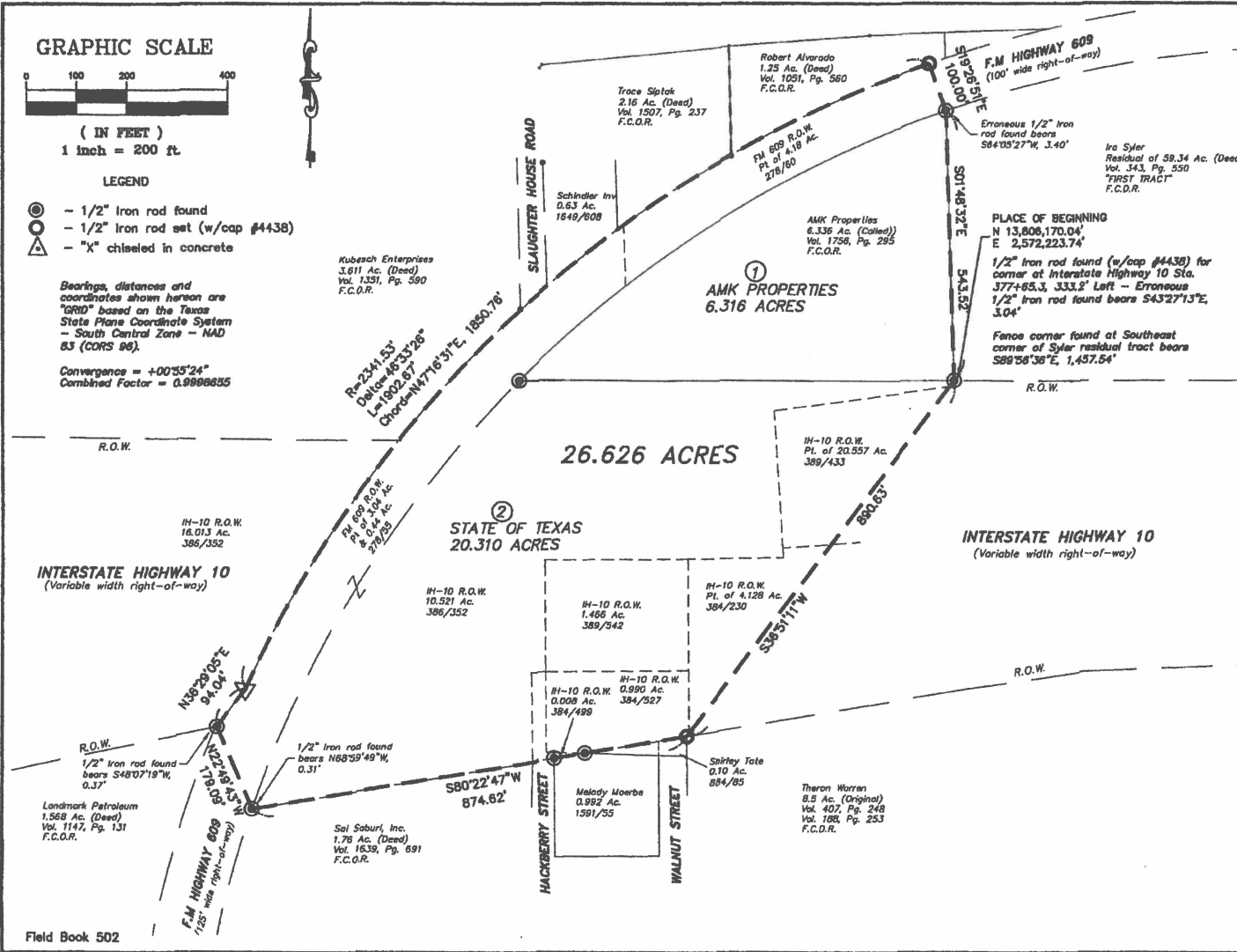
(IN FEET)
1 inch = 200 ft.

LEGEND

- ⊙ - 1/2" Iron rod found
- ⊕ - 1/2" Iron rod set (w/cap #4438)
- △ - "X" chiseled in concrete

Bearings, distances and coordinates shown hereon are "GRID" based on the Texas State Plane Coordinate System - South Central Zone - NAD 83 (CORS 98).

Convergence = +00°5'24"
Combined Factor = 0.9996655



PLAT SHOWING THE SURVEY OF 26.626 ACRES SITUATED IN THE M. MULDOON LEAGUE NO. 14, A-76, IN FAYETTE COUNTY, TEXAS, FOR PROPOSED ANNEXATION BY THE CITY OF FLATONIA, AND BEING COMPRISED OF THE FOLLOWING:

6.316 ACRES, BEING ALL OF THE AMK PROPERTIES, LLC TRACT DESCRIBED AS 6.336 ACRES IN A CORRECTION DEED FROM FM 609 FLATONIA, LLC, TO AMK PROPERTIES, LLC, DATED NOVEMBER 18, 2015 AND RECORDED IN VOLUME 1756, PAGE 295 OF THE OFFICIAL RECORDS OF FAYETTE COUNTY;

20.310 ACRES, BEING A PORTION OF THE STATE OF TEXAS INTERSTATE HIGHWAY 10 AND FM HIGHWAY 609 RIGHTS-OF-WAY, AND BEING ALL OR PARTS OF THOSE TRACTS DESCRIBED AS 3.04 ACRES AND 0.44 ACRES (V. 278, P. 55), 4.18 ACRES (V. 278, P.60), 10.521 ACRES (V. 386, P. 352), 0.008 ACRE (V. 384, P. 499), 0.990 ACRE (V. 384, P. 527), 1.466 ACRE (V. 389, P. 542), 4.128 ACRES (V. 384, P. 230) AND 20.557 ACRES (V. 389, P. 433) IN THE DEED RECORDS OF FAYETTE COUNTY.

Kevin Van Minden

Kevin Van Minden, R.P.L.S.
Registration No. 4438
BEFCO ENGINEERING, INC.
Firm No. 10001700
La Grange, Texas
979-988-6474
December 20, 2016



EXHIBIT "B"



**City of Flatonia
Annexation Service Plan**

Subject Property: AMK Properties (Amigo's Travel Center), 1415 FM 609, Flatonia, TX 78941

1. Police Protection
 - a. Existing City Service: The Flatonia Chief of Police administers the Flatonia Police Department, which provides law enforcement services to the City of Flatonia. When applicable, law enforcement services may be provided by the Fayette County Sheriff's Office, Fayette County Constable or the Texas Department of Public Safety as dispatched by the regional Fayette County dispatch office.
 - b. Services to be Provided: All normal law enforcement services as outlined in the City of Flatonia Code of Ordinances. Interlocal agreements allow for supplemental law enforcement services from the Fayette County Sheriff's Office, Fayette County Constable and the Texas Department of Public Safety. The City of Flatonia shall not provide on-site security guards to protect the subject property.

2. Fire Protection Including Ambulance Service
 - a. Existing City Service: None.
 - b. Services to be Provided: The City of Flatonia has no plans to provide city fire and/or ambulance service to the subject property. The City of Flatonia is currently serviced by the Flatonia Volunteer Fire Department, including ambulance service. The nearest Fire Station is located at 216 W. North Main Street, Flatonia, TX, and is 1.51 miles distant to the subject property. The nearest ambulance service is located at 213 N. Market Street, Flatonia, TX, and is 1.36 miles distant to the subject property. Fire and/or ambulatory services may be dispatched to the nearest available provider as determined by the regional Fayette County dispatch office, and may not be those services that reside within Flatonia, TX.

3. Water Service
 - a. Existing City Service: The subject property is supplied with potable well water via a looped system of 8", 6" and 4" water mains that are part of the City of Flatonia's Water System. These water mains provide potable water and fire fighting capability to the subject property. All the water mains, fire hydrant, water vault and water meter (serviced by a 4" main) is the property of the City of Flatonia and is serviced and maintained by the Public Works Department.

- b. Services to be Provided: All normal water supply and maintenance actions on the City's looped water supply system. The City is not responsible for water system infrastructure on the downstream side of the City's water meter for the subject property. The City provides a monthly utility bill to the subject property for payment of services provided. All utility bills are due by the 10th of the month. A late fee shall be assessed for payments not received by the 10th. Service cutoff will be initiated on the 20th of each month for unpaid utility bills. Penalty and Reconnection fees are provided in Appendix A of the City of Flatonia Code of Ordinances.

4. Sewer Services

- a. Existing City Service: The subject property is serviced by a City of Flatonia sewer line that begins at the man-hole in the center of the TXDOT right-of-way adjacent to the subject property lot line, and transits west to City Lift Station #5 located at 499 East IH-10 Frontage Road, Flatonia, TX (on the northwest corner of property where Rhisestone Angel and Joel's BBQ is located). The sewer line is part of the City of Flatonia's Sewer System, which is maintained by the Public Works Department.
- b. Services to be Provided: All normal sewer maintenance actions on the City's system. The City is not responsible for sewer system infrastructure and maintenance on any of the lines on the subject property prior to reaching the man-hole in the TXDOT right-of-way, which is the start of the City's sewer service. The City provides a monthly utility bill to the subject property for payment of services provided. All utility bills are due by the 10th of the month. A late fee shall be assessed for payments not received by the 10th. Service cutoff will be initiated on the 20th of each month for unpaid utility bills. Penalty and Reconnection fees are provided in Appendix A of the City of Flatonia Code of Ordinances.

5. Electrical Service

- a. Existing City Service: The subject property is serviced by City of Flatonia overhead electrical service. Electrical service utilizes City utility poles located in the TXDOT right-of-way along the southeastern side of FM 609 terminating at the property's ground-level transformer.
- b. Services to be Provided: Electrical lines, utility pole and ground-based transformer maintenance is the responsibility of the City of Flatonia's Public Works Department. The City is not responsible for any electrical system maintenance on the secondary providing power to the building and all ancillary uses, with the exception that the City is required to provide voltage to the meter disconnect along the secondary, which is downstream of the ground-based transformer. The City provides a monthly utility bill to the subject property for payment of services provided. All utility bills are due by the 10th of the month. A late fee shall be assessed for payments not received by the 10th. Service cutoff will be initiated on the 20th of each month for unpaid utility bills. Penalty and Reconnection fees are provided in Appendix A of the City of Flatonia Code of Ordinances.

6. Solid Waste and Recycling Service

- a. Existing City Service: None. The City of Flatonia contracts solid waste and recycling services with Texas Disposal Systems (TDS). The subject property must activate this contract service through the City of Flatonia in order to be added to the TDS pick-up route. By contract

agreement between the City of Flatonia and TDS, the subject property is prohibited from using any other solid waste and/or recycling service provider other than Texas Disposal Systems.

- b. **Services to be Provided:** When contract solid waste and recycling service is activated through the City of Flatonia, TDS will provide weekly pickup of waste and scheduled recycling pickup on the bi-weekly schedule. The City provides a monthly utility bill to the subject property for payment of services provided. All utility bills are due by the 10th of the month. A late fee shall be assessed for payments not received by the 10th. Service cutoff will be initiated on the 20th of each month for unpaid utility bills. Utility rates, Penalty and Reconnection fees are provided in Appendix A of the City of Flatonia Code of Ordinances.

7. **Maintenance of Roads and Streets**

- a. **Existing City Service:** None. The subject property is service by FM 609 owned and maintained by TXDOT.
- b. **Services to be Provided:** None. The City of Flatonia has no intention of providing any additional city roadways to the subject property.

8. **Street Lighting and Signage**

- a. **Existing City Service:** None.
- b. **Services to be Provided:** The City of Flatonia has no intention of providing lights and/or signage to the TXDOT right-of-way that services the subject property. The City is not responsible for lighting of the subject property. Signage of the subject property shall conform to regulations contained in the City of Flatonia Code of Ordinances.

9. **Planning and Zoning**

- a. **Existing City Service:** The City of Flatonia has a Planning and Zoning (P&Z) Committee. Within 30 days of annexation, P&Z shall forward a recommendation to the City Council for the zoning that shall be applied to the subject property once annexed.
- b. **Services to be Provided:** The City of Flatonia's planning and zoning jurisdiction, including but not limited to subdivisions, platting, zoning requirements, shall extend to the subject property once annexed into the City of Flatonia. Any non-conforming use, structure or lot at the time of annexation shall be grandfathered from compliance with the City of Flatonia Code of Ordinances until the non-conforming use, structure or lot undergoes a permitted upgrade or renovation. At that time, the non-conforming use, structure or lot must be brought up to existing City of Flatonia Code.

10. **Applications and Permits**

- a. **Existing City Service:** Construction permits are issued by the City of Flatonia. Permit fees are determined by ordinance. The City of Flatonia uses the most recently adopted International Code Council (ICC) family of codes (Building Code, Residential Code, Plumbing Code, Mechanical Code, Fuel Gas Code, Property Maintenance Code, Housing Code, Existing Building Code, Fire Prevention Code, and the Unsafe Building Abatement Code), and the National Fire Protection Association National Electric Code. Wastewater rules are those established by the Texas Commission on Environmental Quality (TCEQ) and the City of

Flatonia Code of Ordinances. Site plan approval is conducted by the City of Flatonia Building Official.

- b. Services to be Provided: No additional services other than what already exists will be provided to the subject property.