

ORDINANCE NO. 22-0901-1

PROVIDING FOR THE EXTENSION OF THE CITY LIMITS OF THE CITY OF CHINA GROVE, TEXAS BY THE ANNEXATION OF A TRACT OF LAND CONTAINING .0714 ACRE TRACT OF LAND SITUATED IN THE JOHN H. LUSCAS SURVEY NO. 54, ABSTRACT NO. 430, COUNTY BLOCK 5134, BEXAR COUNTY, TEXAS AND BEING A PORTION OF A CALLED 7.002 ACRE TRACT OF LAND DESCRIBED BY GENERAL WARRANTY DEED DATED FEBRUARY 28, 2020 CONVEYED FROM CHARLOTTE'S CONCRETE INC. TO JAMES RICE AS RECORDED IN INSTRUMENT NO. 20200050761 OF THE OFFICIAL PUBLIC RECORDS, BEXAR COUNTY, TEXAS AND APPROVING A SERVICE PLAN FOR SUCH AREA.

WHEREAS, the City of China Grove, Texas received a petition requesting voluntary annexation from the owner of land that is contiguous to the City of China Grove, Texas, pursuant to the state law provisions for voluntary annexation by a municipality; and

WHEREAS, Texas Local Government Code section 43.0671 authorizes the City of China Grove, Texas to annex on petition of the area's landowners; and

WHEREAS, in accordance with state law, the above-described petition was filed with the City of China Grove, Texas on June 13, 2022; and

WHEREAS, the City Council of the City of China Grove, Texas, believing that the above-described petition was properly filed pursuant to Texas Local Government Code section 43.0671 granted said petition; and

WHEREAS, on the 1st day of September, 2022, the City Council of the City of China Grove, Texas held a public hearing on the proposed annexation of approximately 0.714 acres of land situated outside of, but immediately adjacent to, the current corporate limits of the City of China Grove, Texas and such public hearing gave all interested persons the right to appear and be heard on the proposed annexation of such land; and

WHEREAS, notice of the above mention public hearing was published in the Wilson County News on Wednesday August 17, 2022, a newspaper having general circulation in the City of China Grove, Texas and within the territory to be annexed, in accordance with law; and

WHEREAS, said publication was on or after the 20th day but before the 10th day before the date of the first public hearing, and posted on the City's website for the same corresponding time frame; and

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

SECTION 1. The land and territory lying outside of, but adjacent to and adjoining the City of China Grove, Texas, more particularly described as that portion of the tract of land described in Exhibit "A," attached hereto and incorporated herein by reference, is hereby added and annexed to the City of China Grove, Texas, and said territory, as described, shall hereafter be included within the boundary limits of said City, and the present boundary limits of said City, at the various points

contiguous to the area described in Exhibit "A," are altered and amended so as to include said area within the corporate limits of the City of China Grove, Texas.

SECTION 2. The land and territory more particularly described as that portion of the tract of land described in Exhibit "A," attached hereto and incorporated herein by reference shall be part of the City of China Grove, Texas and inhabitants thereof shall be entitled to all of the rights and privileges as citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the City of China Grove, Texas.

SECTION 3. A service plan outlining the provisions of necessary municipal service to the property described in Exhibit "A," is hereby approved and the implementation of said plan is hereby authorized. Such plan is attached hereto and incorporated herein as Exhibit "B."

SECTION 4. The City Secretary is hereby authorized and directed to take appropriate action to have the official map of the City revised to reflect the additions to the City's Corporate Limits and to provide appropriate notice to the State of Texas and the County of Bexar of this annexation.

SECTION 5. This Ordinance shall be cumulative of all provisions of ordinances of the City of China Grove, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Any and all previous versions of this Ordinance to the extent that they are in conflict herewith are repealed.

SECTION 6. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 7. This ordinance shall be effective from and after September 1, 2022.

PASSED AND APPROVED this, the 1st day of September 2022.



Mary Ann Hajek, Mayor

ATTEST:



Susan Conaway, City Secretary

Exhibit A

0.714 ACRES

**THE STATE OF TEXAS}
THE COUNTY OF BEXAR}**

BEING a 0.714 acre tract of land situated in the John H. Lucas Survey No. 54, Abstract No. 430, County Block (C.B.) 5134, Bexar County, Texas and being a portion of a called 7.002 acre tract of land described by General Warranty Deed dated February 28, 2020 conveyed from Charlotte's Concrete, Inc. to James Rice as recorded in Instrument No. 20200050761 of the Official Public Records, Bexar County, Texas, said 0.714 acre tract being particularly described by metes and bounds as follows:

BEGINNING at a found 1/2" steel rebar marking the north most corner of the aforesaid 7.002 acre tract, being along the southeasterly line of a called 3.00 acre tract of land described by Instrument to William V. Gillespie and wife, Sieglinde R. Kehres Gillespie as recorded in Volume 4032, Page 38 of the Official Public Records, Bexar County, Texas and being an exterior corner of a called 3.42 acre tract of land described by Instrument to John Vrzalik, Jr. and Lori Vrzalik as recorded in Instrument No. 20190017336 of the Official Public Records, Bexar County, Texas for the north corner of the herein described tract;

THENCE, South 76°03'11" East (South 76°00'17" East), along the northeasterly line of the aforesaid 7.002 acre tract, with the southwesterly line of the aforesaid 3.42 acre tract, a distance of 168.35 (168.51) feet to a found 1" pipe marking the northeasterly corner of said 7.002 acre tract, same being the south most corner of said 3.42 acre tract, and being along the northwesterly line of a called 270.4 acre tract of land described by Instrument to Intertex Enterprises, Inc. as recorded in Volume 17248, Page 648 of the Official Public Records, Bexar County, Texas for the northeasterly corner of the herein described tract;

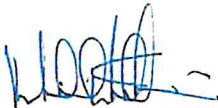
THENCE, South 13°51'56" West (South 13°56'00" West), along the common line between said 7.002 acre tract and the aforesaid Intertex Tract, a distance of 186.99 feet to a set 5/8" steel rebar with yellow plastic cap stamped "URBAN SURVEYING, INC." along the common line of said 7.002 acre tract and said Intertex Tract for the southeasterly corner of the herein described tract;

THENCE, North 73°49'07" West, over and across said 7.002 acre tract, a distance of 170.22 feet to a set 5/8" steel rebar with yellow plastic cap stamped "URBAN SURVEYING, INC." along the common line between said 7.002 acre tract and the aforementioned 3.00 acre tract for the southwesterly corner of the herein described tract, from which a found 1" pipe marking an interior corner of said 7.002 acre tract and being the south most corner of said 3.00 acre tract bears South 14°24'54" West, a distance of 45.00 feet;

THENCE, North 14°24'54" East (North 14°23'03" East), along the common line between said 7.002 acre tract and said 3.00 acre tract, a distance of 180.36 feet to the **POINT OF BEGINNING, CONTAINING** within these metes and bounds a 0.714 acre tract of land, more or less.

Basis of bearing is based on the Texas State Plane Coordinate System (NAD 83), South Central Zone (4204). This survey was adjusted using a combined scale factor of 1.00016267368622 (GEOID12A).

The foregoing legal description and accompanying survey plat were prepared from an actual survey made on the ground under my supervision in April, 2021 and are true and correct to the best of my knowledge and belief.



04/20/2021

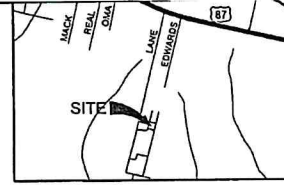
Urban Surveying, Inc.
By: Michael K. Williams
Registered Professional Land Surveyor
Texas No. 6616



SA0400.00

DIVISION SURVEY

BEING A 0.714 ACRE TRACT OF LAND SITUATED IN THE JOHN H. LUCAS SURVEY NO. 54, ABSTRACT NO. 430, COUNTY BLOCK (C.B.) 5134, BEXAR COUNTY, TEXAS AND BEING A PORTION OF A CALLED 7.002 ACRE TRACT OF LAND DESCRIBED BY GENERAL WARRANTY DEED DATED FEBRUARY 28, 2020 CONVEYED FROM CHARLOTTE'S CONCRETE, INC. TO JAMES RICE AS RECORDED IN INSTRUMENT NO. 2020050761 OF THE OFFICIAL PUBLIC RECORDS, BEXAR COUNTY, TEXAS.



VICINITY MAP

LEGEND

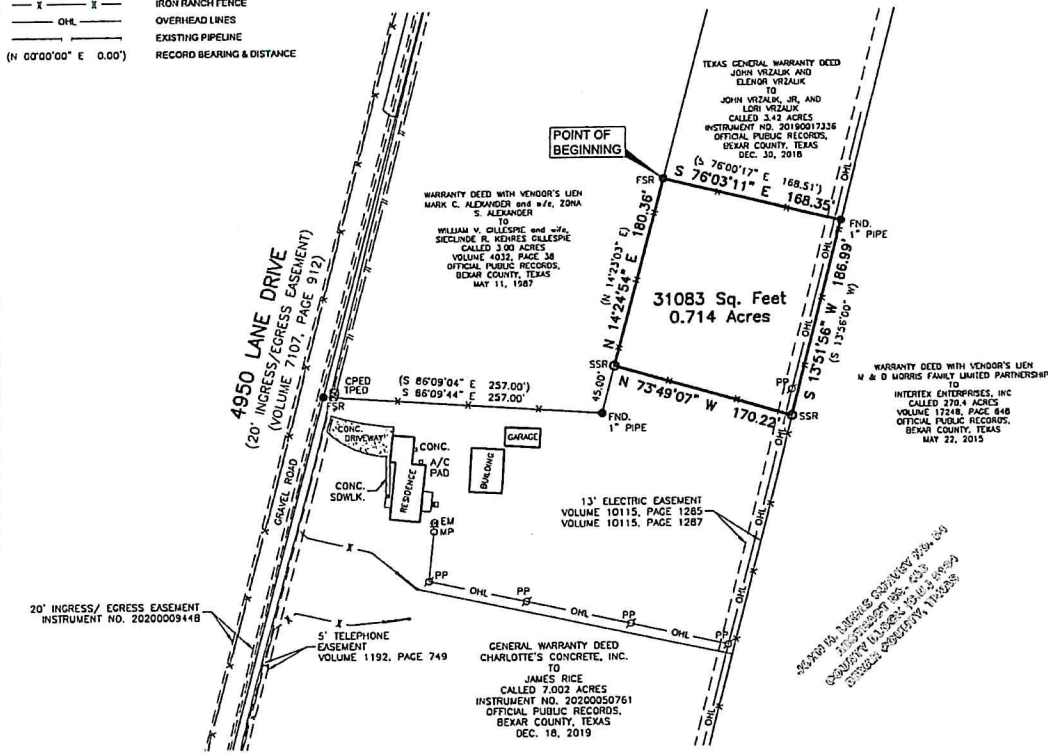
These standard symbols will be found in the drawing.

- SET 5/8" STEEL REBAR WITH "USF" CAP
- FOUND 1/2" STEEL REBAR (UNLESS OTHERWISE DESCRIBED)
- ⊗ CABLE PEDESTAL
- ⊗ TELEPHONE PEDESTAL
- ⊗ POWER POLE
- ⊗ METER POLE
- ⊗ SEPTIC SYSTEM
- ⊗ ELECTRIC METER
- EASEMENT LINE
- X- EXISTING WIRE FENCE
- CHAIN LINK FENCE
- ||- WOOD FENCE
- WROUGHT IRON FENCE
- X-X- IRON RANCH FENCE
- OHL- OVERHEAD LINES
- PP- EXISTING PIPELINE
- (N 00°00'00" E 0.00')
- RECORD BEARING & DISTANCE

NOTE: THE PROPERTY DESCRIBED HEREON MAY OR MAY NOT BE IN COMPLIANCE WITH CITY, COUNTY OR STATE SUBDIVISION ORDINANCES.

THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. THERE MAY BE EASEMENTS, OR OTHER MATTERS, NOT SHOWN.

BASIS OF BEARING IS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM (NAD 83), SOUTH CENTRAL ZONE (4204). THIS SURVEY WAS ADJUSTED USING A COMBINED SCALE FACTOR OF 1.00016267368622 (GEOD12A)

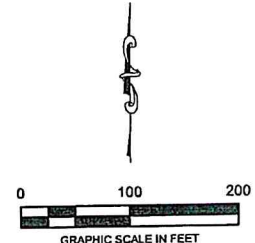


TO THE LIENHOLDERS AND/OR THE OWNERS OF THE PREMISES SURVEYED AND TO THE TITLE COMPANY:

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON ON 04/20/21, AND IS CORRECT, AND THAT THERE ARE NO DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, EASEMENTS OR RIGHTS OF WAY, EXCEPT AS SHOWN HEREON, AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY.

ACCORDING TO THE FLOOD INSURANCE RATE MAP (FIRM) FOR THE CITY OF BEXAR COUNTY, TEXAS, COMMUNITY PANEL NUMBER 48029C 0440 G MAP REVISED SEPT. 29, 2010, THE SUBJECT PROPERTY IS LOCATED IN ZONE X WHICH IS NOT A SPECIAL FLOOD HAZARD AREA.

SIGNED: Michael K. Williams 04/20/2021
 URBAN SURVEYING, INC.
 BY: MICHAEL K. WILLIAMS
 REGISTERED PROFESSIONAL LAND SURVEYOR
 TEXAS No. 6616



usi
 Land Surveying + Aerial Imaging
 Since 1981
 VICTORIA, TEXAS (361) 578-9837 FIRM # 10021100
 CUERO, TEXAS (361) 277-0061 FIRM # 10021101
 SAN ANTONIO, TEXAS (210) 207-6654 FIRM # 10193845

DRAWN BY: MKW
 JOB NO.: SA0400.00

Exhibit B

SERVICE AGREEMENT CITY OF CHINA GROVE, TEXAS

SERVICE PLAN FOR ANNEXATION OF A 0.714 ACRE TRACT OF LAND SITUATED IN THE JOHN H. LUCAS SURVEY NO. 54, ABSTRACT NO. 430, COUNTY BLOCK 5134, BEXAR COUNTY, TEXAS

Upon annexation of the area identified in the Petition for Voluntary Annexation, the City of China Grove will provide City services utilizing methods by which it extends services to any other equivalent area of the City.

SERVICES PROVIDED BY THE EFFECTIVE DATE OF ANNEXATION

1. **Police Protection**

The City of China Grove, Texas and its Police Department will provide police protection to newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed areas. The Police Department will have the responsibility to respond to all dispatched calls for service or assistance within the newly annexed areas.

2. **Fire Protection and Emergency Medical Services**

Fire protection will be provided by the China Grove Fire & Rescue to the newly annexed area at the same or similar level of service now being provided to other areas of the City, with like topography, land use and population density as those found within the newly annexed areas.

EMS services will be provided by the City of China Grove to the newly annexed area at the same or similar level of service now being provided to other areas of the City, with like topography, land use and population density as those found within the newly annexed areas.

3. **Maintenance of Water and Wastewater Facilities**

Water and Wastewater facilities are owned and maintained by San Antonio Water System (SAWS). Water and wastewater services will be provided by SAWS to the newly annexed area at the same or similar level of service now being provided to other areas of the City, with like topography, land use and population density as those found within the newly annexed areas. On-site sewerage systems may be maintained in accordance with the City's Code of Ordinances.

4. **Solid Waste Collection**

Solid waste collection will be provided to citizens in the newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and density as those found within the newly annexed areas. The City may negotiate with annexed areas to allow continued services with an existing solid waste management provider. After the second anniversary of the annexation date, the City will impose fees and provide the service.

5. **Maintenance of Roads and Streets**

The City of China Grove, Texas is not aware of the existence of any public roads, streets or alleyways located within the proposed areas of annexation. Private roads will remain under the ownership of the property owner.

6. **Maintenance of Parks, Playgrounds, and Swimming Pools**

The City of China Grove, Texas is not aware of the existence of any publicly owned parks, playgrounds or swimming pools now located in the proposed areas of annexation.

7. **Maintenance of any Publicly owned Facility, Building or Municipal Service**

The City of China Grove, Texas is not aware of the existence of any publicly owned facility, building, or other municipal service now located in the proposed areas of annexation.

8. **Other Services**

The City of China Grove, Texas finds and determines that such services as planning, code enforcement, animal control, parks and recreation, court and general administration will be made available after the effective date of annexation at the same or similar level of service now being provided to other areas of the City with similar topography, land use and density as those found within the newly annexed areas.

CONSTRUCTION OF ANY CAPITAL IMPROVEMENTS TO BE COMPLETED WITHIN 2 ½ YEARS

1. **Police and Fire Protection and Solid Waste Collection**

The City of China Grove, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas for the purpose of providing police protection, fire protection, emergency medical services or solid waste collection. The City finds and determines that it has at the present time adequate facilities and other resources to provide the same type, kind and level of service and protection which is presently being administered to other areas already incorporated in the City of China Grove, Texas with like topography, land use and population density as those found within the newly annexed areas.

2. **Roads and Streets**

The City of China Grove, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas.

3. **Maintenance of Parks, Playgrounds, and Swimming Pools and Any Other Publicly Owned Facility, Building, or Service**

The City of China Grove, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas for the purpose of parks maintenance, playgrounds, swimming pools and other publicly owned facility, building or service.

SPECIFIC FINDINGS

The City of China Grove, Texas, finds and determines that this proposed service plan will not provide any fewer services and will not provide a lower level of service in the areas being considered for annexation that were in existence in the proposed areas at the time immediately preceding the annexation process. Given the proposed annexation areas' topography, land utilization and population density, the service levels to be provided in the newly annexed areas will be equivalent to those provided to other areas of the City with similar characteristics.

TERMS

This plan shall be valid for a term of ten (10) years. Renewal of the Service Plan is at the discretion of the City of China Grove.

LEVEL OF SERVICE

Nothing in this plan shall require the City to provide a uniform level of full municipal services to each area of the City, including the annexed areas, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

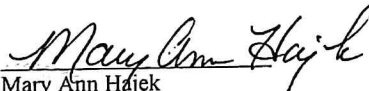
AMENDMENTS

The plan shall not be amended unless public hearings are held in accordance with Chapter 43 of the Texas Local Government Code.

Agreed to on this the 7 day of July, 2022 by the following parties subject to acceptance by the City Council of the City of China Grove.

City of China Grove:

Property Owner:


Mary Ann Hajek
Mayor


Siegfride R. Gillespie

Attest:


Susan Conaway
City Secretary