

ORDINANCE NO. 2016-11

**AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, ANNEXING THE
HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF OVILLA
AND EXTENDING THE BOUNDARY LIMITS OF THE CITY TO
INCLUDE THE HEREINAFTER DESCRIBED PROPERTY, AND
ADOPTING A SERVICE PLAN.**

WHEREAS, Section 43.103 of the Texas Local Government Code authorizes the annexation of a street, highway, alley or other public or private way that is adjacent and runs parallel to the boundaries of the municipality without the consent of any person; and

WHEREAS, the annexation of the territory will extend the municipal boundaries of the City of Ovilla to include a portion of Shiloh Road which currently is within the extraterritorial jurisdiction of the City of Ovilla and is identified and marked in Exhibit A (herein the "Roadway"); and

WHEREAS, notice of the first public hearing on the proposed annexation was published on May 17, 2016; and

WHEREAS, the first public hearing was held on June 06, 2016; and

WHEREAS, notice of the second public hearing on the proposed annexation was published on June 02, 2016; and

WHEREAS, the second public hearing was held on June 13, 2016; and

WHEREAS, City Council of the City of Ovilla finds and determines that the requirements and procedures set forth in Section 43.103 of the Texas Local Government Code have been met and followed.

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

1. That the Roadway described in Exhibit A is hereby annexed to the City of Ovilla, Ellis County, Texas, and that the boundary limit of the City of Ovilla be, and hereby is, extended to include the said territory within the city limits of the City of Ovilla.
2. A service plan for the area is hereby adopted and attached as Exhibit B.
3. The four (4) properties south of, and adjacent to, the annexed Roadway are not annexed into the City of Ovilla and shall not be subject to, and shall be exempt from, City of Ovilla taxes and services.
4. The City Secretary is hereby directed to file with the Clerk of Ellis County, Texas, a certified copy of this ordinance.

PASSED, APPROVED and ADOPTED this 29th day of June 2016.



Richard Dormier, Mayor

ATTEST:



City Secretary



APPROVED AS TO FORM:

Ron G. MacFarlane, Jr., City Attorney

FIELD NOTES

2.271 Acres

BEING all that certain lot, tract, or parcel of land situated in the JAMES S. BERRY SURVEY, Abstract No. 86, the JOHN R. BILLINGSLEY SURVEY, Abstract No. 80, the WILLIAM BILLINGSLEY SURVEY, Abstract No. 81 and the James P. Laughlin Survey, Abstract No. 627 in Ellis County, Texas, and being a portion of the following tracts: (Tract 1) a portion (0.2590 acre) of the existing 50' right of way of SHILOH ROAD, as dedicated on the Plat of SHILOH FOREST, PHASE 2 as recorded in Cabinet H, Slides 335 through 341 of the Plat Records of Ellis County, Texas (PRECT); (Tract 2) a portion (0.7184 acre) of a called 13.998 acre tract of land conveyed to Midlothian Independent School District (ISD) and described in Volume 2601, Page 1498 of the Official Public Records of Ellis County, Texas (OPRECT); (Tract 3) a portion (0.2484 acre) of the residual of a called 124.850 acre tract of land conveyed to Shaw Development Group, LLC by deed as recorded in Volume 2105, Page 1989 OPRECT; (Tract 4) a portion (0.3857 acre) of a called 10.00 acre tract of land conveyed to Leon Poldrack, et ux by deed as recorded in Volume 1287, Page 854 OPRECT; (Tract 5) a portion (0.1837 acre) of a called 5 acre tract of land conveyed to Wayne D. Kanack, Jr. et ux by deed as recorded in Volume 1415, Page 687 OPRECT; (Tract 6) a portion (0.3837 acre) of a called 2 acre tract of land conveyed to David Davis by deed as recorded in Volume 2814, Page 1754 OPRECT and (Tract 7) a portion (0.0919 acre) of a called 12.756 acre tract of land conveyed to Rebecca Ann Switzer by deed as recorded in Volume 745, Page 505 of the Deed Records of Ellis County, Texas (DRECT), and being more particularly described as follows:

BEGINNING at a PK nail set for the easterly northwest corner of this tract in the east line of said 13.998 acre tract and the occupied east line of said William Billingsley Survey and the west line of said 124.850 acre tract and the occupied west line of said John R. Billingsley Survey in the approximate centerline of the current location of BRYSON LANE, a public road, said nail bears $N 01^{\circ}11'05'' W$, 49.86 feet from a 60-d nail found at the approximate centerline intersection of the current location of BRYSON LANE and SHILOH ROAD, a public road, at the southeast corner of said 13.998 acre tract and the occupied southeast corner of said William Billingsley Survey, and the southwest corner of said 124.850 acre tract and the occupied southwest corner of said John R. Billingsley Survey, (with the bearing basis for this description from GPS observation, Texas Co-Ordinate System, North Central Zone, and having a beginning co-ordinate of: Northing = 6874920.37, Easting = 2459176.92);

THENCE through said 124.850 acre tract as follows:

$N 89^{\circ}18'31'' E$, 36.63 feet along the north line of this tract to a bend point in the future west right of way line of BRYSON LANE, a future 100' wide right of way;

$N 89^{\circ}11'55'' E$, 179.84 feet continuing along the north line of this tract crossing said future BRYSON LANE right of way to the northeast corner of this tract;

$S 00^{\circ}31'00'' E$ along the east line of this tract, passing at approximately 50.64 feet the approximate centerline of said SHILOH ROAD and the south line of said 124.850 acre tract and the occupied south line of said John R. Billingsley Survey and the north line of said 12.756 acre tract and the occupied north line of said Berry Survey, in all, 90.65 feet to the southeast corner of this tract;

THENCE along the south line of this tract as follows:

$S 89^{\circ}25'37'' W$, 100.00 feet through said 12.756 acre tract to the west line of said 12.756 acre tract and the east line of said 2 acre tract in the approximate centerline of said BRYSON LANE;

S 89°25'37" W through said 2 acre tract, passing at approximately 115.88 feet the occupied west line of said Berry Survey and the occupied east line of said Laughlin Survey, in all, 417.64 feet to the west line of said 2 acre tract and the east line of said 5 acre tract;

S 89°25'37" W, 200.00 feet through said 5 acre tract to the west line of said 5 acre tract and the east line of said 10.00 acre tract;

S 89°25'37" W, 420.00 feet through said 10.00 acre tract to the southwest corner of this tract in the west line of said 10.00 acre tract and the east line of a called 10.373 acre tract of land conveyed to Seven S Ranch, Inc. by deed as recorded in Volume 2090, Page 1345 OPRECT;

THENCE N 00°31'10" W along the west line of this tract and the west line of said 10.00 acre tract and the east line of said 10.373 acre tract, passing at 39.84 feet the northwest corner of said 10.00 acre tract and the northeast corner of said 10.373 acre tract in the approximate centerline of said SHILOH ROAD and the occupied north line of said Laughlin Survey and the occupied south line of said William Billingsley Survey, in all, 89.80 feet to the northwest corner of this tract in the north line of said SHILOH ROAD and the south line of Lot 5 in Block I of said SHILOH FOREST, PHASE 2;

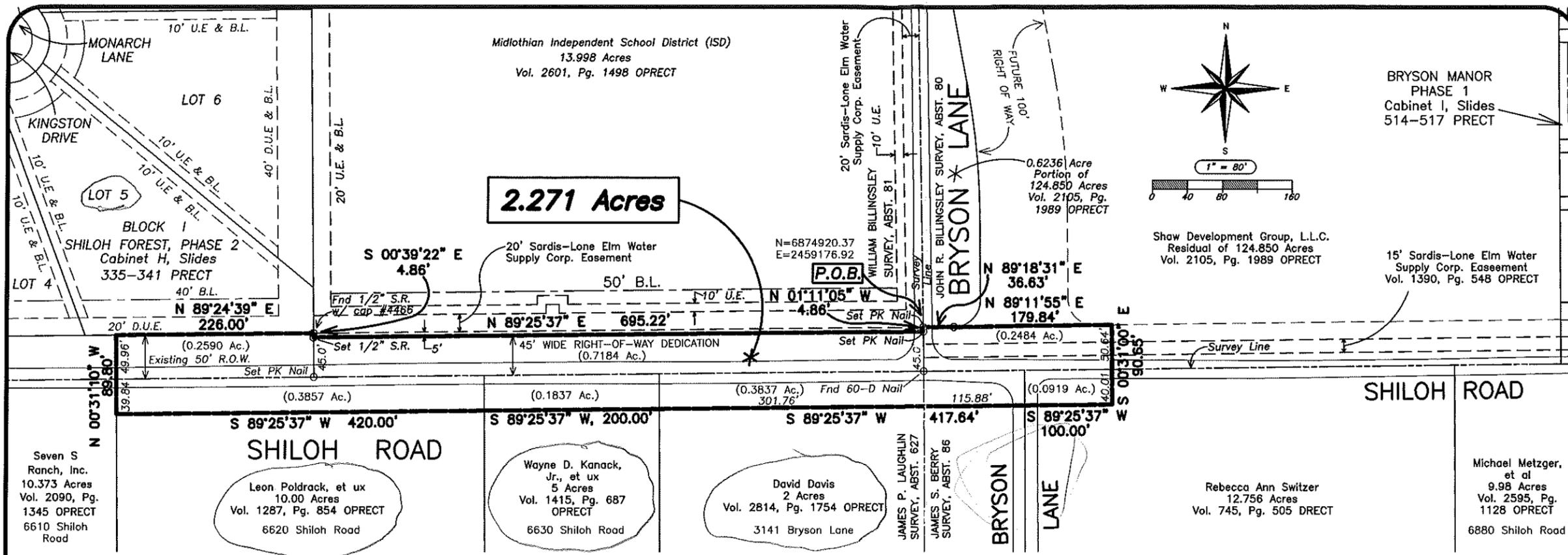
THENCE along the north line of this tract as follows:

N 89°24'39" E, 226.00 feet along the north line of said SHILOH ROAD and the south line of said Lot 5 to a ½" steel rod found with cap #4466 for the southeast corner of said Lot 5 in the west line of said 13.998 acre tract and being the westerly northeast corner of this tract;

S 00°39'22" E, 4.86 feet along the west line of said 13.998 acre tract to a ½" steel rod set for an inner ell corner of this tract;

N 89°25'37" E, 695.22 feet through said 13.998 acre tract to a PK nail set for an inner ell corner of this tract in the east line of said 13.998 acre tract and the occupied east line of said William Billingsley Survey and the west line of said 124.850 acre tract and the occupied west line of said John R. Billingsley Survey in the approximate centerline of the current location of BRYSON LANE;

N 01°11'05" W, 4.86 feet along the east line of said 13.998 acre tract and the west line of said 124.850 acre tract and along the said common William Billingsley-John R. Billingsley survey line and along the approximate centerline of the current location of said BRYSON LANE to the POINT OF BEGINNING and containing approximately 2.271 acres of land.



FIELD NOTES ~ 2.271 Acres

BEING all that certain lot, tract, or parcel of land situated in the JAMES S. BERRY SURVEY, Abstract No. 86, the JOHN R. BILLINGSLEY SURVEY, Abstract No. 80, the WILLIAM BILLINGSLEY SURVEY, Abstract No. 81 and the James P. Laughlin Survey, Abstract No. 627 in Ellis County, Texas, and being a portion of the following tracts: (Tract 1) a portion (0.2590 acre) of the existing 50' right of way of SHILOH ROAD, as dedicated on the Plat of SHILOH FOREST, PHASE 2 as recorded in Cabinet H, Slides 335 through 341 of the Plat Records of Ellis County, Texas (OPRECT); (Tract 2) a portion (0.7184 acre) of a called 13.998 acre tract of land conveyed to Midlothian Independent School District (ISD) and described in Volume 2601, Page 1498 of the Official Public Records of Ellis County, Texas (OPRECT); (Tract 3) a portion (0.2484 acre) of the residual of a called 124.850 acre tract of land conveyed to Shaw Development Group, LLC by deed as recorded in Volume 2105, Page 1989 OPRECT; (Tract 4) a portion (0.3857 acre) of a called 10.000 acre tract of land conveyed to Leon Poldrack, et ux by deed as recorded in Volume 1287, Page 854 OPRECT; (Tract 5) a portion (0.1837 acre) of a called 5 acre tract of land conveyed to Wayne D. Kanack, Jr. et ux by deed as recorded in Volume 1415, Page 687 OPRECT; (Tract 6) a portion (0.3837 acre) of a called 2 acre tract of land conveyed to David Davis by deed as recorded in Volume 2814, Page 1754 OPRECT and (Tract 7) a portion (0.0919 acre) of a called 12.756 acre tract of land conveyed to Rebecca Ann Switzer by deed as recorded in Volume 745, Page 505 of the Deed Records of Ellis County, Texas (DRECT), and being more particularly described as follows:

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N 89°11'55" E, 179.84 feet continuing along the north line of this tract crossing said future BRYSON LANE right of way to the northeast corner of this tract;

S 00°31'00" E along the east line of this tract, passing at approximately 50.64 feet the approximate centerline of said SHILOH ROAD and the south line of said 124.850 acre tract and the occupied south line of said John R. Billingsley Survey and the north line of said 12.756 acre tract and the occupied north line of said Berry Survey, in all, 90.65 feet to the southeast corner of this tract;

THENCE along the south line of this tract as follows:
 S 89°25'37" W, 100.00 feet through said 12.756 acre tract to the west line of said 12.756 acre tract and the east line of said 2 acre tract in the approximate centerline of said BRYSON LANE;

S 89°25'37" W through said 2 acre tract, passing at approximately 115.88 feet the occupied west line of said Berry Survey and the occupied east line of said Laughlin Survey, in all, 417.64 feet to the west line of said 2 acre tract and the east line of said 5 acre tract;

S 89°25'37" W, 200.00 feet through said 5 acre tract to the west line of said 5 acre tract and the east line of said 10.000 acre tract;

S 89°25'37" W, 420.00 feet through said 10.000 acre tract to the southwest corner of this tract in the west line of said 10.000 acre tract and the east line of a called 10.373 acre tract of land conveyed to Seven S Ranch, Inc. by deed as recorded in Volume 2090, Page 1345 OPRECT;

THENCE N 00°31'10" W along the west line of this tract and the west line of said 10.000 acre tract and the east line of said 10.373 acre tract, passing at 39.84 feet the northwest corner of said 10.000 acre tract and the northeast corner of said 10.373 acre tract in the approximate centerline of said SHILOH ROAD and the occupied north line of said Laughlin Survey and the occupied south line of said William Billingsley Survey, in all, 89.80 feet to the northwest corner of this tract in the north line of said SHILOH ROAD and the south line of Lot 5 in Block 1 of said SHILOH FOREST, PHASE 2;

THENCE along the north line of this tract as follows:
 N 89°24'39" E, 226.00 feet along the north line of said SHILOH ROAD and the south line of said Lot 5 to a 1/2" steel rod found with cap #4466 for the southeast corner of said Lot 5 in the west line of said 13.998 acre tract and being the westerly northeast corner of this tract;

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N 89°25'37" E, 695.22 feet through said 13.998 acre tract to a PK nail set for an inner ell corner of this tract in the east line of said 13.998 acre tract and the occupied east line of said William Billingsley Survey and the west line of said 124.850 acre tract and the occupied west line of said John R. Billingsley Survey in the approximate centerline of the current location of BRYSON LANE;

N 01°11'05" W, 4.86 feet along the east line of said 13.998 acre tract and the west line of said 124.850 acre tract and along the said common William Billingsley-John R. Billingsley survey line and along the approximate centerline of the current location of said BRYSON LANE to the POINT OF BEGINNING and containing approximately 2.271 acres of land.

KNOW ALL MEN BY THESE PRESENTS:

That I, Walter Keven Davis, do hereby certify that I prepared this plot from an actual and accurate on-the-ground survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the subdivision regulations of the City of Ovilla, Texas.

Walter Keven Davis, RPLS #4466 _____ Date
 Davis and McDill, Inc. _____

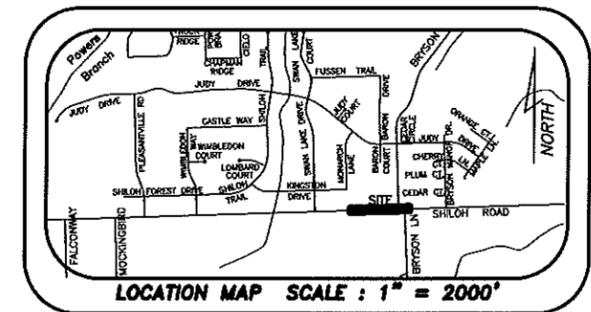
APPROVED BY THE PLANNING AND ZONING COMMISSION OF OVILLA, TEXAS, on the _____ day of _____, 2016.

City Secretary _____

Chairperson, Planning-and-Zoning Commission _____

APPROVED BY THE CITY COUNCIL OF OVILLA, TEXAS, on the _____ day of _____, 2016.

Mayor _____ City Secretary _____



ANNEXATION EXHIBIT
2.271 Acres
 in the James S. Berry Survey Abst. 86,
 the John R. Billingsley Survey Abst. 80
 the William Billingsley Survey Abst. 81,
 and the James P. Laughlin Survey Abst. 627
 City of Ovilla, Ellis County, Texas

ENGINEERS DAVIS & McDILL, Inc.
D&M SURVEYORS
 P.O. BOX 428, Waxahachie, Texas 75168
 Phone: Metro 972-938-1185 Fax: 972-937-0307
 (A Texas licensed surveying firm # 101504-00, and a Texas licensed engineering firm # F-8439)

Drawn: K. Bohanon Date: May 02, 2016 Job: 214-0484-ANNEXATION

City of Ovilla
Municipal Service Plan
2.271 Acres

Approximately 2.271 acres by the City of Ovilla, Ellis County, Texas of the following described in the James S. Berry Survey, Abstract 86, the John R. Billingsley Survey, Abstract 80, the William Billingsley Survey, Abstract 81, and the James P. Laughlin Survey, Abstract 627, Ellis County, Texas, known as Shiloh Road, adjacent to the City of Ovilla's Corporate Limits.

The following is a plan whereby the City of Ovilla will provide municipal services as defined in Section 43.056 of the Texas Local Government Code utilizing methods by which it extends services to any other equivalent area in the city.

Municipal facilities and services will be provided to the annexed area at the following levels and in accordance with the following schedule:

1. POLICE PROTECTION

Upon the effective date of annexation, the City of Ovilla will provide police protection to the newly annexed area in 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 area. The Police Department will have the responsibility to respond to all dispatched calls for service or assistance within the newly annexed area.

2. PROTECTION and EMERGENCY MEDICAL SERVICES

Upon the effective date of annexation, the City of Ovilla will provide fire protection services and emergency medical services to the newly annexed area in 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 area.

3. MAINTENANCE OF WATER AND WASTEWATER FACILITIES

The City of Ovilla is aware of the existence of publicly owned water facilities in the newly annexed area.

The City of Ovilla is not aware of the existence of any publicly owned wastewater facilities in the newly annexed area.

4. SOLID WASTE SERVICE

The City of Ovilla contracts with a provider for the collection of solid waste, recycling and refuse within the corporate limits of the City. Solid waste and recycling collection will be provided, within ninety (90) days after the effective date of annexation, to the citizens in 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 density as those found within the newly annexed area.

5. ROADS AND STREETS/STREET LIGHTING

Any and all public roads, streets, alleyways or street lighting shall be maintained to the same degree and extent that other public roads, streets, alleyways, and street lighting are maintained in areas of the City with like topography, land use and density as those found within the newly annexed area. Roads that are privately owned will remain under private ownership and as such maintained by the individual owner(s).

6. MAINTENANCE OF PARKS AND PLAYGROUNDS

The City of Ovilla is not aware of the existence of any publicly owned parks or playgrounds now located in the proposed annexed area. In the event any such parks or playgrounds do exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to the other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed area. Private facilities that are privately owned will remain under private ownership and as such maintained by the individual owner(s).

7. MAINTENANCE OF ANY PUBLICLY OWNED FACILITY, BUILDING OR MUNICIPAL SERVICE

The City of Ovilla is not aware of the existence of any publicly owned facility, building or other municipal service now located in the proposed area of annexation. In the event any publicly owned facility, building, or other municipal service does exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed areas.

8. OTHER SERVICES

The City of Ovilla finds and determines that such services as planning, code enforcement, animal control, parks and recreation, court and general administration will be made available upon the effective date of annexation at the same or similar level of

City of Ovilla
Municipal Service Plan
2.271 Acres

service now being provided to other areas of the City with similar topography, land use and density as those found as those found within the newly annexed area.

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

1. POLICE AND FIRE PROTECTION AND SOLID WASTE COLLECTION

The City of Ovilla finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of annexation of the particular annexed area for the purpose of providing police protection, fire protection, 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 Ovilla with like topography, land use and population density as those found with the newly annexed areas.

2. WATER FACILITIES

The City of Ovilla finds and determines it is not necessary to acquire or construct any capital improvements for water services to this property as it is served by the Sardis Lone Elm Water Supply Corporation. Construction of any capital improvements for water service to the newly annexed area will be developed pursuant to the Sardis Lone Elm Water Supply Corporation capital improvement plan and policies.

3. WASTEWATER FACILITIES

The City of Ovilla 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 area for wastewater services. Thereafter construction of any capital improvements for wastewater services to the newly annexed area will be developed pursuant to the City's capital improvement plan and policies. This property is served by the Trinity River Authority, Red Oak Creek Regional Wastewater Treatment Plant.

4. ROADS AND STREETS

The City of Ovilla 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 area. Thereafter, construction of any roads and streets will be developed pursuant to the City's Thoroughfare Standards and in accordance with the City's Code of Ordinances.

5. MAINTENANCE OF PARKS AND PLAYGROUNDS AND ANY OTHER PUBLICLY OWNED FACILITY, BUILDING OR SERVICE.

The City of Ovilla 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 area for the purpose of parks maintenance, playgrounds, and other publicly owned facility, building or service.

SPECIFIC FINDINGS

The City of Ovilla 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 area being considered for annexation that were in existence in the proposed areas at the time immediately preceding the annexation process. Given the proposed annexation area's topography, land utilization and population density, the service levels to be provided in the newly annexed area 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 Municipal Service Plan is at the discretion of the City of Ovilla.

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.