

ORDINANCE NO. 98-4

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF DANBURY, TEXAS, AND THE ANNEXATION OF CERTAIN TERRITORY ADJACENT TO THE CITY OF DANBURY; PROVIDING THAT SAID TERRITORY SHALL BE A PART OF THE CITY OF DANBURY AND SUBJECT TO THE PROVISIONS OF ALL ORDINANCES AND LAWS OF SAID CITY; PROVIDING FOR RECORDING; PROVIDING A SERVICE PLAN; AND PROVIDING A SEVERANCE CLAUSE AND EFFECTIVE DATE.

WHEREAS, a petition for annexation has been duly signed by all of the persons owning an interest in the territory described herein, and said petition has been presented to the City Council of the City of Danbury, Texas, and a true copy of said petition is attached hereto as Exhibit "A"; and

WHEREAS, there are no residents of the area hereby annexed; and

WHEREAS, the area hereby annexed is one-half mile or less in width; and

WHEREAS, after notice was given and the petition was heard by the City Council of the City of Danbury, at the City Hall in Danbury, Texas, and all interested persons were provided with an opportunity to be heard on the proposed annexation of the herein described property, and all requirements of law have been satisfied; and

WHEREAS, the territory described herein lies within the extraterritorial jurisdiction of the City of Danbury, and;

WHEREAS, the territory is contiguous to City of Danbury;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DANBURY, TEXAS, DULY ASSEMBLED:

SECTION 1. The City Council finds and declares that all statements of fact in the foregoing preamble are true, and that all requirements of law concerning this annexation have been satisfied.

SECTION 2. The following described territory is hereby annexed to the City of Danbury, and said territory shall be included within the boundary limits of the City of Danbury, and the present boundary limits of the City of Danbury, at the various points contiguous to the area described below, are amended to include said area within the corporate limits of the City of Danbury. The annexed area is described as follows:

10.79 acres of land out of the north corner of a 32 acre tract described in the deed recorded in Volume 115, Page 377, of the Deed Records of Brazoria County, Texas; said land being in the Henry Austin League No. 5, Abstract No. 13, Brazoria County, Texas, and more fully described in the petition attached hereto as Exhibit "A".

SECTION 3. The above described territory shall be a part of the City of Danbury; and the general public, and all persons whosoever in, upon, or crossing said territory, and the inhabitants thereof, shall be entitled to all of the same rights and privileges of persons in the remainder of the City of Danbury and shall be bound by the acts, ordinances, codifications of ordinances, resolutions, regulations and any other laws of the City of Danbury, Texas.

SECTION 4. The City of Danbury hereby adopts a service plan for said annexed territory, and a copy of said service plan is attached hereto as Exhibit "B" and incorporated herein in full.

SECTION 5. The City Secretary is hereby authorized and directed to record a certified copy of this Ordinance in the Official Records of the County Clerk of Brazoria County, Texas.

SECTION 6. If any portion, of whatever size or nature, of this Ordinance is for any reason invalid, then the remainder of this Ordinance shall remain valid.

SECTION 7. This Ordinance shall be effective from its passage and approval.

PASSED AND APPROVED, this 18th day of May, 1998.


KENNETH W. WALTERS, JR., Mayor

ATTEST:


DONNA THOMSON, CITY SECRETARY

0598301.LEB/Danbury

PETITION FOR ANNEXATION

On June 29, 1994, the American Legion Post Number 501 conveyed to the City of Danbury certain property in the northeast corner of Spur 28 and County Road 530, commonly known as Quail Ridge Road. The property is a 10.79 acre tract which is more fully described on Exhibit "A" hereto, which includes a map of the property.

The property is being used for youth baseball activities. This use results in large numbers of people at the property, so improved water and sewer facilities on the property are desirable. Therefore, the City of Danbury desires to provide city water and sewer services to the property, so Danbury desires to annex the property.

The City of Danbury owns the property. Brazoria County owns an interest in County Road 530, which runs along the inside edge of the southeast line of the property. No other person or entity owns an interest in the property.

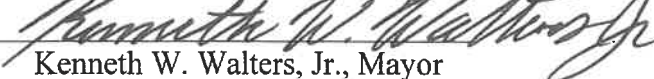
Section 43.028 of the Texas Local Government Code provides a summary procedure for annexation, resulting in increased efficiency and reduced cost of the annexation process. This procedure requires that all persons owning an interest in the area request the annexation.

NOW, THEREFORE, the undersigned hereby petition the City of Danbury to annex the area described on Exhibit "A" hereto.

COUNTY OF BRAZORIA

BY: 
John G. Willy, County Judge

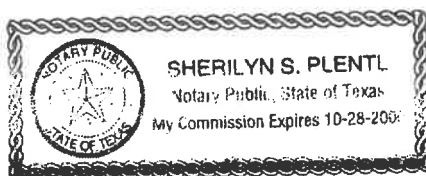
CITY OF DANBURY


BY: 
Kenneth W. Walters, Jr., Mayor

THE STATE OF TEXAS §

COUNTY OF BRAZORIA §

This instrument was acknowledged before me, on the 17 day of April, 1998, by John G. Willy, as County Judge, on behalf of the County of Brazoria.



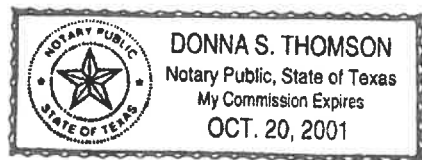

Notary Public in and for the State of Texas

THE STATE OF TEXAS

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COUNTY OF BRAZORIA §

This instrument was acknowledged before me, on the 23rd day of April, 1998, by Kenneth W. Walters, Jr., as Mayor, on behalf of the City of Danbury.



Donna S. Thomson
Notary Public in and for the State of Texas

0398352.leb

EXHIBIT A

10.79 acres of land out of the north corner of a 32 acre tract described in the deed recorded in Volume 115, Page 377, of the Deed Records of Brazoria County, Texas; said land being in the Henry Austin League No. 5, Abstract No. 13, Brazoria County, Texas;

BEGINNING at a 1 1/2 inch iron pipe found at the north corner of said 32 acre tract and of said 10.79 acre tract;

THENCE S 27° 00' E along the old fence on the northeast line of said 32 acre tract 439.7 feet to a 1/2 inch iron rod set for the east corner of said 10.79 acre tract, being 435.1 feet N 27° 00' W of an old 2 inch iron pipe at the east corner of said 32 acre tract on the north line of Danbury Townsite;

THENCE S 63° 00' W and parallel to the northwest line of said 32 acre tract 1092.8 feet to a 1/2 inch iron rod set on the east line of the 120 foot right-of-way of State Highway Spur No. 28;

THENCE Northwesterly with a curve to the right having a radius of 2804.79 feet and along the said east right-of-way line of State Highway Spur No. 28 a distance of 52.58 feet to a concrete monument at the P.C. of said curve;

THENCE N 20° 47' W along said east right-of-way line 389.6 feet to a 3/4 inch square iron bar on the northwest line of said 32 acre tract;

THENCE N 63° 00' E along said northwest line 1045.3 feet to the place of beginning.


There is hereby excepted from this conveyance one-half (1/2) of all the oil, gas, sulphur and other minerals that may be produced or taken from the above described property for a period of twenty (20) years from date and so long thereafter as oil, gas, sulphur and other minerals may be produced from said property. This conveyance is subject to the oil, gas and mineral lease now owned by Humble Oil Co.

City of Danbury
Service Plan for Annexation of Ballfield Area

The City of Danbury, as part of its plan to annex a 10.79 acre tract which is more fully described on Exhibit "A" hereto attached, which includes a map of the property, has established this service plan to provide full municipal services to the aforementioned area.

- A. The following services will be provided by the City of Danbury immediately upon annexation:
- (1) Police protection - To be provided by the Danbury Police Department.
 - (2) Fire protection - To be provided by the Danbury Volunteer Fire Department
 - (3) Solid waste collection - To be provided by Waste Management of Southeast Texas under the city's current franchise.
 - (4) Maintenance of water and wastewater facilities - To be provided by City workers
 - (5) Maintenance of roads and streets, including road and street lighting - To be provided by City workers, County workers through an interlocal agreement, or through outside contractors designated by the City.
- B. The City of Danbury's service extension policy for the extension of the City's water and sewer facilities is to balance the cost, extent, and need for the extension and to determine whether the extension is justified.
- C. Construction of capital improvements has already begun and will be accomplished in a continuous process and completed as soon as reasonably possible, and in any event, within 4-1/2 years from the date of annexation. This applies to water and sewer services for the annexed area. Attached are Exhibit "B", which shows the existing water facilities already provided by the City, and Exhibit "C", which shows the planned sewer facilities to be provided by the City

This service plan is limited by any exceptions or conditions as stated in Section 43.056 of the Texas Local Government Code.


Rodger Thomas, Utility Superintendent

4-30-98
Date Signed

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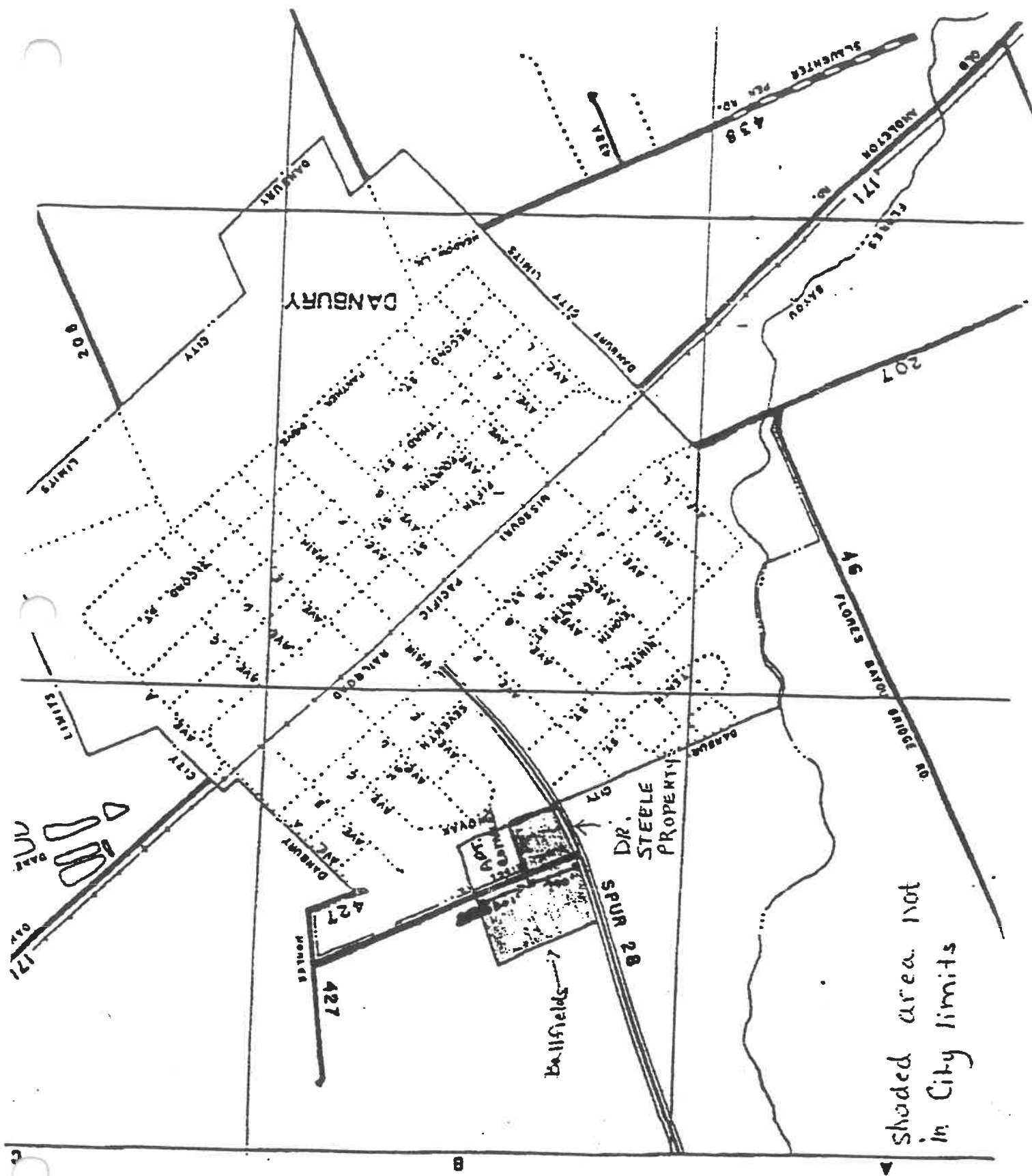
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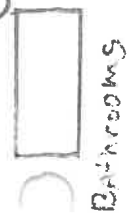
THENCE Northwesterly with a curve to the right having a radius of 2804.79 feet and along the said east right-of-way line of State Highway Spur No. 28 a distance of 52.58 feet to a concrete monument at the P. C. of said curve;

THENCE N 20° 47' W along said east right-of-way line 389.8 feet to a 3/4 inch square iron bar on the northwest line of said 32 acre tract;

THENCE N 63° 00' E along said northwest line 1045.3 feet to the place of beginning.

There is hereby excepted from this conveyance one-half (1/2) of all the oil, gas, sulphur and other minerals that may be produced or taken from the above described property for a period of twenty (20) years from date and so long thereafter as oil, gas, sulphur and other minerals may be produced from said property. This conveyance is subject to the oil, gas and mineral lease now owned by Humble Oil Co.

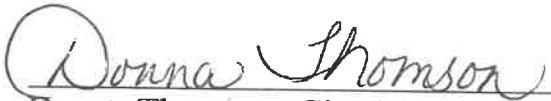




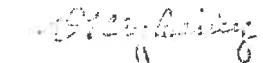
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I hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 98-4 passed by the City Council of the City of Danbury on the 18th day of May, 1998.

Witness my hand and seal of office this 19th day of May, 1998.


Donna Thomson, City Secretary


FILED FOR RECORD
98 MAY 19 PM 3:00


COUNTY CLERK
BRAZORIA COUNTY TEXAS

THE STATE OF TEXAS
COUNTY OF BRAZORIA

I, DOLLY BAILEY, Clerk of the County Court in and for Brazoria County, Texas do hereby certify that this instrument was FILED FOR RECORD and RECORDED in the OFFICIAL RECORD at the time and date as stamped hereon by me.




County Clerk of Brazoria Co., TX