

ORDINANCE NO. 755
ORDINANCE ANNEXING TERRITORY

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF HOWE, GRAYSON COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID 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; AND ADOPTING A SERVICE PLAN.

WHEREAS, §43.028 of the Texas Local Government Code authorizes the annexation of the territory, subject to the laws of this state.

WHEREAS, the procedures prescribed by the Texas Local Government Code and the laws of this state have been duly followed with respect to the following described territory, to wit: See "Exhibit A" attached hereto and made a part hereof.

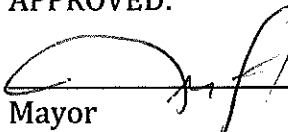
WHEREAS, the City has prepared a Service Plan for said tract of land which is "Exhibit B", attached hereto and made a part hereof.

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

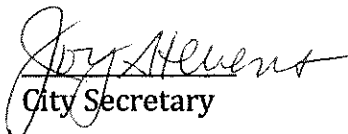
1. That the territory described in "Exhibit A," attached hereto and made a part hereof, is hereby annexed into the City of Howe, Grayson County, Texas, and that the boundary limits of the City of Howe be and the same are hereby extended to include the territory described in "Exhibit A" within the city limits of the City of Howe, and the same shall hereafter be included within the territorial limits of said City, and the inhabitants and future inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the City of Howe and they shall be bound by the acts, ordinances, resolutions, and regulations of said City.
2. A service plan for the area is hereby adopted and attached as "Exhibit B."
3. The City Secretary is hereby directed to file with the County Clerk of Grayson County, Texas, a certified copy of this ordinance.

PASSED by an affirmative vote of all members of the City Council, this the 20th day of November 2018.

APPROVED:


Mayor

ATTEST:


City Secretary

Regular Meeting
Howe City Council
November 20, 2018

Mayor Jeff Stanley called a Regular meeting of the Howe City Council to order at 6:00 p.m. Members present were Bill French, Jonathan Coleman and Georgia Richardson. Sam Haigis and Darren Foster were not in attendance.

Georgia Richardson gave the invocation.

Mayor Stanley led the pledges to the United States of America and Texas flags.

Motion by Bill French, second by Georgia Richardson to approve the Consent agenda, approving minutes of the October 16, 2018 Council meeting, and the financial statements for October 2018. The 2018 Tax Roll Values were approved. Motion carried 3 Yes 0 No.

Motion by Bill French, second by Jonathan Coleman, to adopt Ordinance No. 755, annexing property at 2703 Hwy 5, owned by Jose Luis Mondragon and Luzelena Juarez. Motion carried 3 Yes 0 No.

ORDINANCE No. 755

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Motion by Jonathan Coleman, second by Georgia Richardson to approve Certificate Pay Incentive revision. Motion carried 3 Yes 0 No.

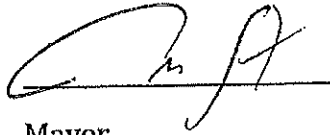
Paul Jasin, Managing Director of Specialized Public Finance presented the proposal for issuance of Certificates of Obligation in the amount of three-hundred thousand dollars (\$300,000.00) to be used for water line improvements to utilize surface water. Motion by Bill French, second by Georgia, to proceed with this process. Motion carried 3 Yes 0 No.

Motion by Jonathan Coleman, second by Bill French, to continue with the process of refinancing eligible bonds on a fifteen-year (15 year) term. Motion carried 3 Yes 0 No.

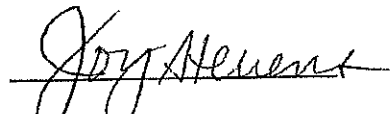
Departmental reports were given by Carl Hudman, Police Department, David Wortham, Public Works Director, Robert Maniet, Fire Department, and Monte Walker, EDC Director.

ADJOURN

Meeting adjourned at 6:27 p.m.


Mayor

ATTEST:


City Secretary

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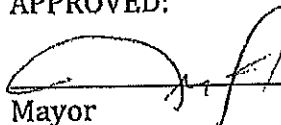
WHEREAS, the City has prepared a Service Plan for said tract of land which is "Exhibit B", attached hereto and made a part hereof.

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

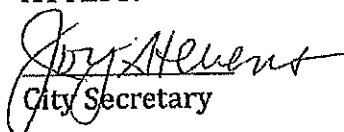
1. That the territory described in "Exhibit A," attached hereto and made a part hereof, is hereby annexed into the City of Howe, Grayson County, Texas, and that the boundary limits of the City of Howe be and the same are hereby extended to include the territory described in "Exhibit A" within the city limits of the City of Howe, and the same shall hereafter be included within the territorial limits of said City, and the inhabitants and future inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the City of Howe and they shall be bound by the acts, ordinances, resolutions, and regulations of said City.
2. A service plan for the area is hereby adopted and attached as "Exhibit B."
3. The City Secretary is hereby directed to file with the County Clerk of Grayson County, Texas, a certified copy of this ordinance.

PASSED by an affirmative vote of all members of the City Council, this the 20th day of November 2018.

APPROVED:


Mayor

ATTEST:


City Secretary

CITY OF HOWE, TEXAS
SERVICE PLAN FOR ANNEXED AREA

ANNEXATION ORDINANCE NO.755

DATE OF ANNEXATION ORDINANCE: November 20, 2018

ACREAGE ANNEXED: 0.8245 acres of land, more or less

SURVEY, ABSTRACT & COUNTY: J. Hanning Survey, Abstract Number 515,
Grayson County

OWNER: Jose Luis Mondragon Granados & Luzelena Juarez.

Municipal Services to the acreage described above shall be furnished by or on behalf of the City of Howe, Texas, at the following levels and in accordance with the following schedule:

A. POLICE SERVICE

1 Patrolling, responses to calls and other routine police services, within the limits of existing personnel and equipment and in a manner consistent with any of the methods of the City of Howe, Texas, extends police service to any other area of the municipality, will be provided upon the effective date of the annexation ordinance.

2 Upon ultimate development of the area, the same level of police services will be provided to this area as are furnished throughout the City.

B. FIRE/AMBULANCE SERVICES

1 Fire protection by the present personnel and the present equipment of the Howe Volunteer Fire Department, within the limitations of available water and distances from existing fire stations, and in a manner consistent with any of the methods of the City of Howe, Texas, extends fire service to any other area of the municipality, will be provided to this area upon the effective date of the annexation ordinance.

2 Emergency ambulance in a manner consistent with any of the methods of the City of Howe, Texas, provides emergency ambulance service to any other area of the municipality, will be provided to this area upon the effective date of the annexation ordinance.

3 Upon ultimate development of the area, the same level of fire and emergency ambulance services will be provided to this area as are furnished throughout the City.

C. ENVIRONMENTAL HEALTH AND CODE ENFORCEMENT SERVICES

1 Enforcement of the City's environmental health ordinances and regulations, including but not limited to, weed and brush ordinances, junked and abandoned vehicle ordinances and animal control ordinances, shall be provided within this area sixty (60) days of the effective date of the annexation ordinance. These ordinances and regulations will be enforced through the use of existing personnel.

2 Inspection services, including the review of building plans, the issuance of permits and the inspection of all buildings, plumbing, mechanical and electrical work to ensure compliance with City codes and ordinances will be provided within sixty (60) days of the effective date of the annexation ordinance. Existing personnel and third-party inspectors will be used to provide these services.

3 The City's zoning, subdivision, sign and other ordinances shall be enforced in this area beginning upon the effective date of the annexation.

4 All inspection services furnished by the City of Howe, but not mentioned above, will be provided to this area beginning within sixty (60) days of the effective date of the annexed ordinance.

5 As development and construction commence in this area, sufficient personnel or use of third-party inspectors will be provided to furnish this area the same level of Environmental Health and Code Enforcement Services as are furnished throughout the City.

D. PLANNING AND ZONING SERVICES

The planning and zoning jurisdiction of the City will extend to this area upon the effective date of the annexation ordinance. City planning will thereafter encompass this property, and it shall be entitled to consideration for zoning in accordance with the City's Comprehensive Zoning Ordinance and Comprehensive Plan.

E. PARK AND RECREATION SERVICES

1 Residents of this property may utilize all existing park and recreational services, facilities, and sites throughout the City, beginning upon the effective date of the annexation ordinance.

2 Additional facilities and sites to serve this property and its residents will be acquired, developed and maintained at locations and times provided by applicable plans, policies, and programs and decisions of the City of Howe. This property will

be included in all future plans for providing parks and recreation services to the City.

3 Existing parks, playgrounds, swimming pools, and other recreational facilities within this property shall, upon dedication to and acceptance by the City, be maintained and operated by the City of Howe, but not otherwise.

F. SOLID WASTE COLLECTION

1 Solid waste collection shall be provided to the property in accordance with existing City policies, beginning upon the effective date of the annexation ordinance.

2 As development and construction commence in this property and population density increases to the property level, solid waste collection shall be provided to this property in accordance with the current policies of the City as to frequency, changes and so forth.

G. STREETS

1 The City of Howe's existing policies with regard to street maintenance, applicable throughout the entire City, shall apply to this property beginning upon the effective date of the annexation ordinance. Unless a street within this property has been constructed or is improved to the City's standards and specifications, that street will not be maintained by the City of Howe.

2 As development, improvement or construction of streets to City standards commences within this property, acceptance upon completion and maintenance after completion shall apply per City policies.

3 The same level of maintenance shall be provided to streets within this property which have been accepted throughout the City of Howe as is provided to City streets throughout the City.

4 Street lighting installed on streets improved to the City standards shall be maintained by either TXU Energy, Oncor, Grayson County Electric Co-Op or the appropriate Franchise holder in accordance with current City policies.

H. WATER SERVICES*

1 Connection to existing City water mains for water service for domestic, commercial and industrial use within this property will be provided in accordance with existing City policies. Upon *connection to existing* mains, water will be provided at rates established by City ordinances for such service throughout the City.

2 As development and construction commence in this property, water mains of the City will be extended by Owner in accordance with provisions of the Subdivision Ordinance and other applicable ordinances and regulations. Such extensions will be commenced within two and one-half (2 1/2) years from the effective date of the annexation ordinance and substantially completed within four and one-half (4 1/2) years after that date.

3 Water mains installed or improved to City standards which are within the annexed area and are located in dedicated easements which have been formally accepted by the City shall be maintained by the City of Howe.

4 Private water lines within this property shall be maintained by their owners in accordance with existing policies applicable throughout the City.

I. SANITARY SEWER SERVICES*

1 Connections to existing City sanitary sewer mains for sanitary sewage service in this area will be provided in accordance with existing City policies. Upon connection, sanitary sewer service will be provided at rates established by City ordinances for such service throughout the City.

2 Sanitary sewage mains and/or lift stations installed or improved to City standards, located in dedicated easements which have been formally accepted by the City, and which are within the annexed area and are connected to City mains will be maintained by the City of Howe.

3 As development and construction commence in this area, sanitary sewer of the City will be extended by Owner in accordance with provisions of the Subdivision Ordinance and other applicable City ordinances and regulations. Such extensions will be commenced within two and one-half (2 1/2) years from the effective date of the annexation ordinance and substantially completed within four and one-half (4 1/2) years after that date.

J. MISCELLANEOUS

1 Any facility or building located within the annexed area and utilized by the City of Howe in providing services to the area will be maintained by the City of Howe commencing upon the date of use or upon the effective date of the annexation ordinance, whichever occurs later.

2 General municipal administration and administrative services of the City shall be available to the annexed area beginning upon the effective date of the annexation ordinance.

3 Notwithstanding anything set forth above, this Service Plan does not require all municipal services be provided as set forth above if different characteristics of topography, land use and population density are considered a sufficient basis for providing different levels of service.

4 The Service Plan is valid for ten (10) years from the effective date of the Ordinance.

NOTES:

* CERTIFICATE OF CONVENIENCE AND NECESSITY ("CCN"):

UNLESS OTHERWISE AGREED TO IN WRITING, THE CITY OF HOWE AND OWNER AGREE THAT IF THE ABOVE-DESCRIBED PROPERTY LIES WITHIN THE SEWER AND/OR WATER CCN AREA OF AN ENTITY OTHER THAN THE CITY OF HOWE, OWNER SHALL REIMBURSE THE CITY OF HOWE ANY AND ALL COSTS ASSOCIATED WITH THE CITY OF HOWE OBTAINING THE CCN TO SERVICE THE ABOVE-DESCRIBED PROPERTY WITH WATER AND/OR SEWER.

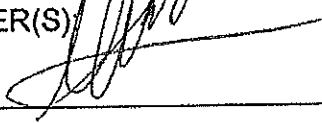
THE INDIVIDUALS EXECUTING THIS SERVICE PLAN ON BEHALF OF THE RESPECTIVE PARTIES REPRESENT TO EACH OTHER AND TO OTHERS THAT ALL APPROPRIATE AND NECESSARY ACTION HAS BEEN TAKEN TO AUTHORIZE THE INDIVIDUAL WHO IS EXECUTING THE SERVICE PLAN TO DO SO FOR AND ON BEHALF OF THE PARTY FOR WHICH HIS OR HER SIGNATURE APPEARS, THAT THERE ARE NO OTHER PARTIES OR ENTITIES REQUIRED TO EXECUTE THE SERVICE PLAN IN ORDER FOR THE SAME TO BE AN AUTHORIZED AND BINDING AGREEMENT ON THE PARTY FOR WHOM THE INDIVIDUAL IS SIGNING THE SERVICE PLAN AND THAT EACH INDIVIDUAL AFFIXING HIS OR HER SIGNATURE THERETO IS AUTHORIZED TO DO SO, AND SUCH AUTHORIZATION IS VALID AND EFFECTIVE ON THE DATE HEREOF.

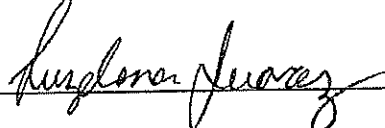
THE OWNER OF THE PROPERTY DESCRIBED ABOVE IS:

Jose Luis Mondragon Granados & Luzelena Juarez.

Agreed to by the City of Howe, Texas on the date of and by the passage of Ordinance No 755, annexing the above-described property, with this Service Plan being attached to and incorporated into said Ordinance as Exhibit" B". Agreed to and dated by Owner this ____ day of November 2018.

OWNER(S)





ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF Grayson §

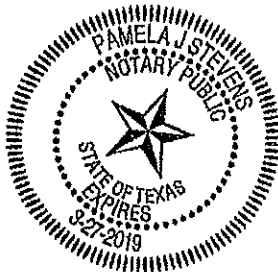
This instrument was acknowledged before me on this the 16th day of November, 2018, by Jose Luis Mondragon Granados & Luzelena Juarez.

Notary Public in and for the State of Texas

Notary's Name: Pamela J Stevens

My Commission Expires: 3-27-2019

Notary ID #: _____



FIELD NOTE DESCRIPTION For
JOSE LUIS MONDRAGON GRANADOS
FOR ANNEXATION TO THE CITY OF HOWE

ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE J. HANNING SURVEY, ABSTRACT NUMBER 515, GRAYSON COUNTY, TEXAS, BEING A PART OF THE 11.678 ACRES TRACT CONVEYED BY HLT FAMILY FARM TRUST D, TO JOSE LUIS MONDRAGON GRANADOS AND LUZELENA JUAREZ, FEBRUARY 21, 2018, BY DEED RECORDED IN CLERK'S FILE NUMBER 2018-3964, OF THE REAL PROPERTY RECORDS OF GRAYSON COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON ROD SET IN THE GRAVEL OF PATTERSON ROAD, WITH A PLASTIC CAP STAMPED 3941, ON THE WEST LINE OF SAID MONDRAGON TRACT, FROM WHICH THE NORTH CORNER OF SAID 11.678 ACRES TRACT, AN IRON ROD FOUND IN THE EAST SIDE OF THE GRAVEL OF OLD PATTERSON ROAD, ON THE SOUTHWEST RIGHT-OF-WAY (100 FEET WIDE) OF STATE HIGHWAY 5, SAID POINT, ALSO BEING AT THE NORTHEAST CORNER OF A (CALLED) 109.496 ACRES TRACT CONVEYED TO G. PAXTON WARD FLP II LTD, NOVEMBER 18, 2010, BY DEED RECORDED IN VOLUME 4896, PAGE 246, OF THE REAL PROPERTY RECORDS OF GRAYSON COUNTY, TEXAS, SAID NORTH CORNER BEARS NORTH 00 DEGREES 12 MINUTES 08 SECONDS WEST, 404.15 FEET, SAID POINT OF BEGINNING BEING ON THE EAST LINE OF A (CALLED) 2.583 ACRES TRACT CONVEYED TO GREATER TEXOMA UTILITY AUTHORITY, SEPTEMBER 21, 2006, BY DEED RECORDED IN VOLUME 4134, PAGE 448, REAL PROPERTY RECORDS OF GRAYSON COUNTY, TEXAS;

THENCE NORTH 89 DEGREES 47 MINUTES 52 SECONDS EAST, PASSING AT A DISTANCE OF 25.00 FEET A ½ INCH IRON ROD WITH A CAP STAMPED 3941, SET ON THE EAST SIDE OF PATTERSON ROAD, PASSING A DISTANCE OF 190.00 FEET A ½ INCH IRON ROD WITH A CAP STAMPED 3941, AND CONTINUING ON SAID BEARING, A TOTAL DISTANCE OF 361.33 FEET TO A CORNER;

THENCE NORTH 47 DEGREES 49 MINUTES 00 SECONDS EAST, A DISTANCE OF 1.73 FEET TO A CORNER, ON THE SOUTH RIGHT-OF-WAY OF STATE HIGHWAY 5 (100 FEET WIDE), FROM WHICH A WEST CORNER OF A CONCRETE ENTRANCE BEARS, NORTH 47 DEGREES 49 MINUTES EAST, 0.50 FEET;

THENCE SOUTH 42 DEGREES 11 MINUTES 00 SECONDS EAST, WITH SAID SOUTHWEST RIGHT-OF-WAY LINE (50 FEET FROM CENTERLINE) AND THE NORTHEAST LINE OF SAID MONDRAGON TRACT, A DISTANCE OF 20.00 FEET TO A CORNER, FROM WHICH THE SOUTH CORNER OF SAID CONCRETE ENTRANCE BEARS, SOUTH 71 DEGREES 45 MINUTES WEST, 0.17 FEET;

THENCE SOUTH 47 DEGREES 49 MINUTES 00 SECONDS WEST, A DISTANCE OF 9.41 FEET TO A CORNER;

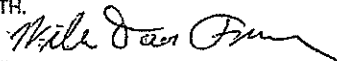
THENCE SOUTH 89 DEGREES 47 MINUTES 52 SECONDS WEST, A DISTANCE OF 179.00 FEET TO A CORNER;

THENCE SOUTH 00 DEGREES 12 MINUTES 08 SECONDS EAST, A DISTANCE OF 150.00 FEET TO A ½ INCH IRON ROAD WITH A CAP STAMPED 3941, SET FOR CORNER;

THENCE SOUTH 89 DEGREES 47 MINUTES 52 SECONDS WEST, PASSING AT A DISTANCE OF 165.00 FEET AN IRON ROD WITH A CAP STAMPED 3941, SET ON THE EAST SIDE OF OLD PATTERSON ROAD, AND CONTINUING ON SAID BEARING A TOTAL DISTANCE OF 190.00 FEET TO CORNER IN THE WEST LINE OF SAID MONDRAGON TRACT, IN THE MIDDLE OF THE GRAVEL OF OLD PATTERSON ROAD, ON THE EAST LINE OF SAID PAXTON 109.496 ACRES TRACT;

THENCE NORTH 00 DEGREES 12 MINUTES 08 SECONDS WEST, WITH THE EAST LINE OF SAID PAXTON TRACT, ALONG THE MIDDLE OF OLD PATTERSON ROAD, PASSING AT A DISTANCE OF 88.13 FEET AN IRON ROD WITH A PLASTIC CAP FOUND AT THE SOUTHEAST CORNER OF SAID UTILITY AUTHORITY TRACT, AND CONTINUING ON SAID BEARING A TOTAL DISTANCE OF 170.00 FEET TO THE POINT-OF-BEGINNING AND CONTAINING IN ALL 0.8245 ACRE OF LAND.

I, WILLIAM DAVIS FINNEY, TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR NUMBER 3941, DO HEREBY CERTIFY THAT THIS SURVEY AND FIELD NOTE DESCRIPTION, WAS THIS DAY, AUGUST 28, 2018, PREPARED FROM A CAREFUL AND ACCURATE SURVEY, MADE ON THE GROUND UNDER MY SUPERVISION, OF THE PROPERTY DESCRIBED HEREIN, AND THAT THERE ARE NO (VISIBLE) ENCROACHMENTS, PROTRUSIONS, CONFLICTS, OR EASEMENTS, EXCEPT AS SHOWN HEREWITH.



WILLIAM DAVIS FINNEY, TX RPLS #3941

