

**ORDINANCE No. 748**  
**ORDINANCE ANNEXING TERRITORY**  
**TRACT 2**

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.

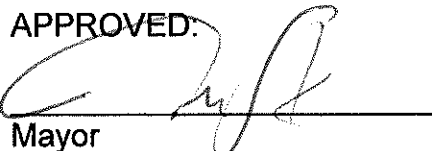
WHEREAS, the procedures prescribed by the Texas Local Government Code and the laws of this state have been duly followed with respect to the following described territory, to wit: See "Exhibit A" attached hereto and made a part hereof.

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

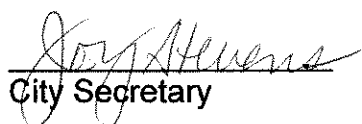
NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOWE, TEXAS:

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 17th day of October 2017.

APPROVED:   
Mayor

ATTEST:

  
City Secretary



# EXHIBIT "A"

NOTE:  
1. THE SOUTHERN LIMITS OF ORDINANCES 379 & 381 EXTEND TO THE SOUTH RIGHT-OF-WAY LINE OF BLYTHE ROAD (FARMINGTON ROAD) AND ARE SHOWN HEREON.

HOWE 175 MA  
PARTNERSHIP  
VOL. 4580, PG. 287  
D.R.G.C.T.

G. WARD PAXTON FLP II, LTD.  
(LOT 8)  
VOL. 4896, PG. 246  
D.R.G.C.T.

F.B. PHILLIPS SURVEY  
ABSTRACT NO. 950

APPROX. LOCATION  
SURVEY LINE  
W.D. FIELDS SURVEY  
ABSTRACT NO. 436

W.M. BIGGS SURVEY  
ABSTRACT NO. 114

APPROX. LOCATION  
SURVEY LINE

G. WARD PAXTON FLP II, LTD.  
(LOT 5)  
VOL. 4896, PG. 246  
D.R.G.C.T.

JOHN H. MILLER SURVEY  
ABSTRACT NO. 834

GEORGE F. MIXON, JR., THE ESTATE  
OF GEORGE F. MIXON, SR.,  
MAUDE L. MIXON, GEORGE F. MIXON, III,  
CYNTHIA MIXON BYNUM,  
& MARJORIE E. MIXON  
VOL. 1755, PG. 769  
D.R.G.C.T.

ORDINANCE No. 381  
CITY OF HOWE  
ANNEXATION  
VOL. 1786, PG. 818  
D.R.G.C.T.

HOWE COMMERCIAL, LTD.  
(TRACT TWO)  
VOL. 4046, PG. 500  
D.R.G.C.T.

ORDINANCE No. 379  
CITY OF HOWE  
ANNEXATION  
VOL. 1786, PG. 822  
D.R.G.C.T.

JOSEPH HAYHURST SURVEY  
ABSTRACT NO. 530

HOWE COMMERCIAL, LTD.  
(TRACT ONE)  
VOL. 4046, PG. 500  
D.R.G.C.T.

146.894 ACRES  
(6,398,691 SQ. FT.)

BLYTHE ROAD

PLACE OF  
BEGINNING

NEW PARKWOOD, L.P.  
VOL. 5674, PG. 53  
D.R.G.C.T.

CLYDE RAY ASKEW AND  
DOROTHY J. ASKEW  
REVOCABLE LIVING TRUST  
VOL. 5137, PG. 478  
D.R.G.C.T.

OPAL ANDERSON  
VOL. 2598, PG. 482  
D.R.G.C.T.

ALEXANDER WILSON SURVEY  
ABSTRACT NO. 1337

HSIUTAO LIANG, YUN HUA LIN,  
TZU HSIANG HSU,  
AND CONNIE L. HSU  
VOL. 4536, PG. 179  
D.R.G.C.T.

W.C. WILSON SURVEY  
ABSTRACT NO. 1330

**WIA WIER & ASSOCIATES, INC.**

2201 E. LAMAR BLVD., SUITE 200E ARLINGTON, TEXAS 76006 METRO (817)467-7700  
Texas Firm Registration No. F-2776 www.WierAssociates.com  
Texas Board of Professional Land Surveying Registration No. 10033900

BOUNDARY EXHIBIT  
GRAYSON COUNTY, TEXAS

DRAWN BY: DCC

APPROVED: *[Signature]*

SHEET NO. 1 OF 2

REV.

WA#17099 PRINTED: 8/15/2017 STB FILE: WIER-SURVEY-STB LAST SAVED: 8/15/2017 11:57 AM SAVED BY: DANNYC FILE: BOUNDARYEXHIBIT-ANNEX2-17099.DWG

## EXHIBIT "A"

\* FIELD NOTES \*

BEING A TRACT OF LAND LOCATED IN THE JOSEPH HAYHURST SURVEY, ABSTRACT No. 530 AND THE JOHN H. MILLER SURVEY, ABSTRACT No. 834, GRAYSON COUNTY, TEXAS, BEING ALL OF TRACT ONE AND A PORTION OF TRACT TWO OF LAND DESCRIBED IN A DEED TO HOWE COMMERCIAL, LTD., RECORDED IN VOLUME 4046, PAGE 500, DEED RECORDS, GRAYSON COUNTY, TEXAS (D.R.G.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID HOWE TRACT ONE AND BEING IN THE EAST RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 75 (I.H. 75) (A VARIABLE WIDTH RIGHT-OF-WAY), FROM WHICH A RAILROAD SPIKE FOUND BEARS S 52°24'30" W, 1.41 FEET;

THENCE ALONG THE WEST LINE OF SAID HOWE TRACT ONE AND THE EAST RIGHT-OF-WAY LINE SAID I.H. 75 AS FOLLOWS:

- 1) N 25°42'58" W, 22.05 FEET TO A POINT;
- 2) N 41°48'58" W, 180.40 FEET TO A POINT FROM WHICH THE REMAINS OF A CONCRETE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) MONUMENT FOUND BEARS S 17°52' E, 0.8 FEET;
- 3) N 25°42'58"W, 695.20 FEET TO A POINT FROM WHICH THE REMAINS OF A CONCRETE TXDOT MONUMENT FOUND BEARS S 55°25' E, 0.8 FEET;
- 4) N 28°34'58"W, 801.00 FEET TO A POINT FROM WHICH THE REMAINS OF A CONCRETE TXDOT MONUMENT FOUND BEARS S 21°07' E, 0.7 FEET;
- 5) N 25°42'57"W, 397.69 FEET TO A 1" IRON PIPE FOUND, SAID IRON PIPE FOUND BEING THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN A DEED TO GEORGE F. MIXON, JR., THE ESTATE OF GEORGE F. MIXON, SR., MAUDE L. DIXON, GEORGE F. MIXON, III, CYNTHIA MIXON BYNUM, & MARJORIE E. MIXON, RECORDED IN VOLUME 1756, PAGE 789, D.R.G.C.T.;

THENCE N 00°57'05"W, DEPARTING THE EAST RIGHT-OF-WAY LINE OF SAID I.H. 75, ALONG A SOUTH LINE OF SAID MIXON TRACT, A DISTANCE OF 195.61 FEET TO A POINT;

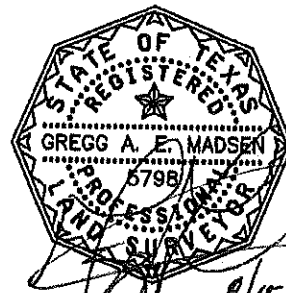
THENCE N 89°09'02"E, CONTINUING ALONG A SOUTH LINE OF SAID MIXON TRACT, 1608.51 FEET TO THE SOUTHEAST CORNER OF SAID MIXON TRACT, THE NORTHEAST CORNER OF SAID HOWE TRACT ONE, AND IN THE WEST LINE OF SAID HOWE TRACT TWO;

N 00°45'42"W, ALONG THE WEST LINE OF SAID HOWE TRACT TWO, THE EAST LINE OF SAID MIXON TRACT, AND THE EAST LINE OF A TRACT OF LAND DESCRIBED IN A DEED AS LOT 5 TO G. WARD PAXTON FLP II, LTD., RECORDED IN VOLUME 4896, PAGE 246, D.R.G.C.T., 2449.50 FEET TO A POINT;

S 22°06'22"E, DEPARTING THE WEST LINE OF SAID HOWE TRACT TWO AND THE EAST LINE OF SAID LOT 5 TO G. WARD PAXTON TRACT, 4825.81 FEET TO A POINT IN THE SOUTH LINE OF SAID HOWE TRACT TWO;

THENCE S 88°57'29" W, 1756.49 FEET TO THE SOUTHWEST CORNER OF SAID HOWE TRACT TWO AND THE SOUTHEAST CORNER OF SAID HOWE TRACT ONE;

THENCE S 89°17'02" W, ALONG THE SOUTH LINE OF SAID HOWE TRACT ONE, 645.15 FEET TO THE PLACE OF BEGINNING AND CONTAINING 146.894 ACRES (6,398,691 SQ. FT.) OF LAND, MORE OR LESS.



**WIA** SURVEYOR PREPARING THIS EXHIBIT:  
**WIER & ASSOCIATES, INC.**

2201 E. LAMAR BLVD., SUITE 200E ARLINGTON, TEXAS 76006 METRO (817)467-7700  
Texas Firm Registration No. F-2776 www.WierAssociates.com  
Texas Board of Professional Land Surveying Registration No. 10033900

BOUNDARY EXHIBIT  
GRAYSON COUNTY, TEXAS

DRAWN BY: DCC

APPROVED: *GM*

SHEET NO. 2 OF 2

REV.

Ordinance No. \_\_\_\_\_  
CITY OF HOWE, TEXAS  
SERVICE PLAN FOR ANNEXED AREA  
TRACT 2

ANNEXATION ORDINANCE NO. 748-A (to be completed by the City of Howe)

DATE OF ANNEXATION ORDINANCE: 10-17-17 (to be completed by the City of Howe)

ACREAGE ANNEXED: 146.894 acres of land, more or less

SURVEY, ABSTRACT & COUNTY: Joseph Hayhurst Survey, Abst. No. 530 and John H. Miller Survey, Abst. No. 834

OWNER: HOWE COMMERCIAL, LTD

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 HOWE COMMERCIAL, LTD 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, HOWE COMMERCIAL, LTD 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.

**\*\* WAIVER OF STATUTORY SCHEDULE FOR PROVISION OF MUNICIPAL SERVICES:**

THE CITY OF HOWE AND HOWE COMMERCIAL, LTD AGREE THAT THE REQUIREMENT THAT THE CONSTRUCTION OF CAPITAL IMPROVEMENTS NECESSARY TO PROVIDE MUNICIPAL SERVICES TO THE PROPERTY MUST BE SUBSTANTIALLY COMPLETED WITHIN FOUR AND ONE-HALF (4 1/2) YEARS OF THE ANNEXATION DOES NOT APPLY TO DEVELOPMENT ON THE PROPERTY BECAUSE OF ITS SIZE OR PROJECTED MANNER OF DEVELOPMENT BY THE OWNERS OR DEVELOPERS. THE PARTIES AGREE THAT SUCH SERVICES ARE NOT REASONABLY EXPECTED TO BE COMPLETED WITHIN THAT TIME PERIOD.

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 HOWE COMMERCIAL, LTD.

Agreed to by the City of Howe, Texas on the date of and by the passage of Ordinance No. 748, annexing the above-described property, with this Service Plan being attached to and incorporated into said Ordinance as Exhibit "A". Agreed to and dated by Owner this 17<sup>th</sup> day of October, 2017.

OWNERS:

**Howe Commercial, Ltd.,**  
a Texas limited partnership  
By: Land Advisors, Ltd.,  
a Texas limited partnership,  
its General Partner

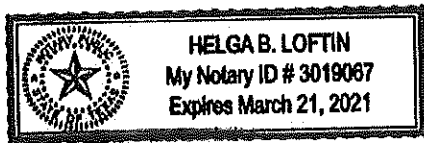
By: Land Advisors Management, L.L.C.,  
a Texas limited liability company,  
its General Partner

By:   
D.O. Tomlin, III,  
President  
Date: 9-13-2017

ACKNOWLEDGMENT

STATE OF TEXAS       §  
                                     §  
COUNTY OF DALLAS   §

This instrument was acknowledged before me on this the 13<sup>th</sup> day of SEPTEMBER, 2017, by Dan O. Tomlin III.



Helga B. Loftin  
Notary Public in and for the State of  
Texas  
Notary's Name: HELGA B. LOFTIN  
My Commission Expires: 3-21-2021  
Notary ID #: 3019067