

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VAN ALSTYNE, TEXAS ANNEXING THE HEREINAFTER DESCRIBED TERRITORY INTO THE CITY OF VAN ALSTYNE, GRAYSON COUNTY, TEXAS, AND EXTENDING THE LIMITS OF SAID CITY SO AS TO INCLUDE THE DESCRIBED PROPERTY WITHIN THE CITY LIMITS, AND GRANTING TO ALL INHABITANTS OF THE PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING THE INHABITANTS BY ALL OF THE ORDINANCES, RESOLUTIONS, ACTS AND REGULATIONS OF THE CITY; ADOPTING A SERVICE PLAN; FINDING AND DETERMINING THAT ALL REQUIREMENTS FOR ANNEXATION INCLUDING PUBLIC HEARINGS, NOTICES AND OPEN MEETINGS HAVE BEEN MET ACCORDING TO LAW; PROVIDING INSTRUCTIONS FOR FILING THIS ORDINANCE AND FOR CORRECTING THE OFFICIAL MAP; PROVIDING SEVERABILITY SAVINGS AND REPEALING CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Van Alstyne, Texas (“City”) desires to annex certain territory described herein (the “Property”); and

WHEREAS, all of the Property described herein is contiguous to and within the exclusive extraterritorial jurisdiction of the City; and

WHEREAS, the City is authorized, pursuant to Chapter 43 of the Texas Local Government Code to annex territory and extend the corporate limits of the City; and

WHEREAS, the City received a petition for voluntary annexation of the Property on December 12, 2020, from the owner of the Property, Stata Fourrier (“Petition”); and

WHEREAS, on February 9, 2021, the City Council of the City adopted Resolution No. 02-2021-03 granting the Petition and calling one public hearing, among other things; and

WHEREAS, all required notices, all public hearings, and all requirements for such annexation have been provided, held, and met in accordance with applicable laws; and

WHEREAS, in accordance with Chapter 43 of the Texas Local Government Code, a Service Plan for the area to be annexed was prepared and made available to the public and is attached hereto as Exhibit “B”; and

WHEREAS, the City Council of the city of Van Alstyne, Texas, finds and determines that annexation of the property hereinafter described is in the best interest of the citizens of the City of Van Alstyne and the owners and residents of the area.

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

SECTION 1: Findings. It is hereby officially determined that the findings and recitations contained above in the preamble of this ordinance are true and correct and are incorporated herein by reference.

SECTION 2: Annexation. That the following described territory:

That certain tract of land located in Grayson County, Texas, a part of the James McKinney Survey, Abstract No. 770 and the Charles A. Fox Survey, Abstract No. 413, and also being all of that called 32.4 tract of land described in deed to Stata Fourrier, as recorded in Volume 3058, Page 380, Official Public Records of Grayson County, Texas;

be and the same is hereby annexed into the City of Van Alstyne, Grayson County, Texas, and that the boundary limits of the City of Van Alstyne, Texas, be and the same are hereby extended to include the above-described territory within the city limits of the City of Van Alstyne, and that same shall hereafter be included within the territorial limits of said City and said land and the inhabitants thereof shall be hereafter entitled to all rights and privileges of all other citizens of the City of Van Alstyne, Texas, and shall be bound by the ordinances, resolutions, acts and regulations of the City. Exhibit "A" is incorporated as if fully set forth in this Section 2.

SECTION 3: Official Map and Extraterritorial Jurisdiction Expansion. The official map and boundaries of the City, previously adopted, are amended to include the Property as part of the City of Van Alstyne and to expand the City's extraterritorial jurisdiction ("ETJ") to be one half (1/2) mile from the boundaries of the annexed Property as authorized by Texas Local Government Code, Section 42.021(a), or farther as population increases in the future. The City Clerk is directed and authorized to perform or cause to be performed all acts necessary to correct the official map of the City to add the annexed Property as required by applicable law.

SECTION 4: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid. Should any area of the Property referenced on Exhibit "A", attached hereto and incorporated herein for all purposes, for any reason be ineffective as to any part of an area annexed into the City, such ineffectiveness as to any such part or parts of any such area shall not affect the effectiveness of this Ordinance as to the remainder of such area. If there is included within the general description of territory annexed by this Ordinance referenced on Exhibit "A" any lands or areas which were, at the time of this Ordinance's adoption, part of and included within the limits of any other city, town or village, or were not within the City's jurisdiction to annex at the time of annexation, the same is hereby excluded and excepted from the territory annexed by this Ordinance as fully as if such excluded and excepted area were expressly described in this Ordinance. The City Council declares the intent to annex any portion of the land within its authority to annex.

SECTION 5: Repealing/Savings. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 6: Public Meeting. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required by law.

SECTION 7: Filing Instructions. The City Clerk is hereby directed to file a certified copy of this Ordinance with the County Clerk of Grayson County, Texas, and with other appropriate officials and agencies as required by state and federal law.

SECTION 8: Effective Date: This ordinance shall be in full force and effect immediately upon its passage and approval by the City Council of the City of Van Alstyne, Texas.

PASSED AND APPROVED by the City Council of the City of Van Alstyne, Texas this 16th day of March, 2021.

CITY OF VAN ALSTYNE

By: _____
Jim Atchison, Mayor

ATTEST:

Jennifer Gould, City Clerk

State of Texas §
County of Grayson §

This instrument was acknowledged before me on the ____ day of March, 2021, by Jim Atchison, Mayor, of the City of Van Alstyne, Texas.

Notary Public, State of Texas

EXHIBIT "A"
Legal Description

Situated in the County of Grayson, State of Texas, being a part of the James McKinney Survey, Abstract No. 770 and the Charles Fox Survey, Abstract No. 413, and being a part of the same tract of land described as 42.774 acres and referred to as Tract Two as conveyed by the Elizabeth Selby Trust to Statia Fourrier by deed dated April 16, 2001, recorded in Volume 3058, Page 860, Official Public Records, Grayson County, Texas, and being more particularly described by metes and bounds as follows:

Commencing at a 1/2" steel rod found in the original West line of said Tract Two and in the center of a public road locally known as Lincoln Park Road, said rod maintaining the Southwest corner of the same tract of land described as 4.94 acres previously severed from said Tract Two and subsequently conveyed by Les M. Montgomery and Lara G. Montgomery to Les M. Montgomery and Lara G. Montgomery, Co-Trustees by deed dated December 11, 2017, recorded in Document No. 2018-179, said Official Public Records, said rod also being in the East line of the same tract of land described as 12.50 acres conveyed by Timmy Lee Evans to Sharron O. Evans by deed dated March 31, 2011, recorded in Volume 4946, Page 343, said Official Public Records;

Thence South 89° 22'46" East with the South line of the said 4.94 acre tract, exiting said road and continuing with a ditch for a total distance of 220.38 feet to the Point of Beginning of the herein described tract;

Thence South 89° 22'46" East continuing along said line and said ditch for a distance of 818.79 feet to an angle point;

Thence North 46° 34'14" East a distance of 53.81 feet to a 1/2" steel rod found maintaining the Southeast corner of the said 4.94 acre tract in the West line of the same tract of land described as 4.69 acres conveyed by Matthew Sheehan and Joanne Sheehan to Benjamin Simmons et ux by deed dated September 1, 2016, recorded in Volume 5867, Page 299, said Official Public Records;

Thence South 02° 08'57" East with said West line of the Simmons tract a distance of 47.60 feet to an angle point at the base of a corner post;

Thence South 00° 41'13" West a distance of 1018.07 feet to a 1/2" steel rod set marking the Southwest corner of the said Simmons tract in the North right-of-way line of F.M. Highway No. 121;

Thence in a Southwesterly direction with said North right-of-way line along a curve to the right having a radius of 1105.98 feet, (chord bears South 61° 17'40" West, 442.03 feet), an arc distance of 445.03 feet to a 1/2" steel rod set marking the end of said curve;

Thence South 72° 49'18" West continuing with said North right-of-way Line a distance of 833.52 feet to a 1/2" steel rod set for the Southwest corner of the herein described tract at the intersection of said North right-of-way line of Highway No. 121 with the extended said center of Lincoln Park Road from the North;

Thence North 00° 05'43" East with said center of Lincoln Park Road and West line of said Tract Two, passing the Southeast corner of the same tract of land described as 49.46 acres conveyed by the Veterans Land Board of The State of Texas to Jack R. Trammel by deed dated May 15, 1985, recorded in Volume 1768, Page 343, Deed Records, and continuing for a total distance of 1089.59 feet to point for corner;

Thence South 89° 22'46" East exiting said road for a distance of 427.55 feet to a point for corner;

Thence North 26° 08'44" West a distance of 459.20 feet to the Point of Beginning and containing 32.4 acres of land more or less.

EXHIBIT “B”

CITY OF VAN ALSTYNE, TEXAS MUNICIPAL SERVICE PLAN

TERRITORY

This Service Plan is applicable to the territories which are described in Exhibits A attached to this document, which are being annexed by the City of Van Alstyne, Texas.

INTENT

It is the intent of the City of Van Alstyne that this Service Plan shall provide for the delivery of full available municipal services to the annexed areas in accordance with State law. The failure of this plan to describe any particular service shall not be deemed to be an attempt to omit the provision of such services from the annexed areas. The delivery of municipal services may be accomplished through any means permitted by law.

EFFECTIVE TERM

This Service Plan shall be in effect for a ten-year period commencing on the effective date of this annexation.

AMENDMENT OR RENEWAL

This Service Plan may be amended from time to time as provided by Texas Local Government Code, Section 43.056 (e), (j), and (k). Renewal of the Service Plan shall be at the sole option of the City Council.

FIRE

Existing Services: Fire suppression and protection service is currently provided in the annexed areas by the City of Van Alstyne.

Services to be provided: The City of Van Alstyne, Texas will continue to be available to the area upon annexation.

POLICE

Existing Services: Currently, the area to be annexed is under the jurisdiction of the Van Alstyne Police Department.

Services to be provided: Upon annexation, the City of Van Alstyne Police Department will extend regular and routine patrols to the area. It is anticipated that the implementation of police patrol activities can be effectively accommodated within the current budget and staff appropriation.

BUILDING INSPECTION

Existing Services: None

Services to be provided: The City will provide code enforcement services upon annexation.

This includes issuing building, electrical and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes which regulates building construction within the City of Van Alstyne.

PLANNING AND ZONING

Existing Services: None

Services to be provided: The Planning and Zoning Commission's responsibility for regulating development and land use through the administration of the City of Van Alstyne Zoning Ordinance will extend to this area on the effective date of the annexation. The property will also continue to be regulated under the requirements of the City of Van Alstyne's Subdivision Ordinance. These services can be provided within the City's current budget.

LIBRARY

Existing Services: Currently the area to be annexed is served by the Van Alstyne City Library.

Services to be provided: The City of Van Alstyne will provide Library services to the annexed area.

STREET MAINTENANCE

Existing Services: City of Van Alstyne and State of Texas road maintenance

Services to be provided: Maintenance of public streets and ditches in the annexed area will be provided by the City to the extent public rights-of-way are not maintained by the State of Texas. Street maintenance is subject to all applicable City ordinances, including the City's Subdivision Ordinance. This service can be provided within the current budget appropriation.

STORM WATER MANAGEMENT

Existing Services: None

Services to be provided: In accordance with applicable City ordinances, developers will provide storm water drainage at their own expense and will be inspected by the City engineer at time of completion. The City, upon acceptance, will then maintain the drainage upon approval, subject to compliance with all City ordinances.

STREET LIGHTING

Existing Services: None

Services to be provided: The City of Van Alstyne will coordinate any request for improved street lighting with the local electric provider in accordance with standard policy.

WATER SERVICE

Existing Services: City of Van Alstyne or South Grayson Special Utility District

Services to be provided: Water service to the area will be provided in accordance with the applicable City of Van Alstyne codes and departmental policies, and any applicable Development Agreement. Privately owned and operated water wells are not authorized in the City. By City ordinance, all buildings in the City must be connected to City water and sewer. When property develops in the area, water service shall be provided in accordance with extension ordinances at the in-city rates. Extension of service shall comply with all City codes and ordinances.

SANITARY SEWER SERVICE

Existing Services: None

Services to be provided: Sanitary sewer service to the area of proposed annexation will be provided in accordance with applicable codes and departmental policies, and any applicable Development Agreement. When property develops in the areas, sanitary sewer service shall be provided in accordance with present extension ordinances at the in-city rates. Extension of service shall comply with City codes and ordinances.

SOLID WASTE SERVICE

Existing Services: None

Services to be provided: Sanitation Solutions, Inc., a solid waste collection company, currently provides solid waste collection services under an exclusive contract with the City. The City invoices the City customer for the monthly garbage collection charge with its water and sewer charges. Service shall be available to the area to be annexed in compliance with existing City policies.

NATURAL GAS UTILITY SERVICE

Existing Services: None

Services to be provided: The City of Van Alstyne does not provide natural gas utility service. Atmos, a public natural gas utility company, provides natural gas service, which is presently not available to all parts of the City.

EMERGENCY MEDICAL SERVICE

Existing: Currently the area to be annexed is served by the Van Alstyne Emergency Medical Service's emergency and non-emergency ambulance transport service.

Services to be provided: The City of Van Alstyne, Texas does provide first responder or emergency services. Emergency medical services will continue to be available to the area upon annexation from the City of Van Alstyne Emergency Medical Service (EMS) ambulances.

HEALTH CODE ENFORCEMENT SERVICE

Existing: Currently the area to be annexed is served by Grayson County Health Services, a department of Grayson County.

Services to be provided: The City of Van Alstyne does not provide health code enforcement services. These services will continue to be provided by Grayson County Health Services.

PARKS, PLAYGROUNDS AND SWIMMING POOLS

Existing: None

Services to be provided: The City of Van Alstyne maintains current city parks but does not own or operate a public swimming pool or other playgrounds. Public school playgrounds will remain the responsibility of the Van Alstyne Independent School District. Private recreational facilities, open spaces and swimming pools are not affected by annexation.

MISCELLANEOUS

All other applicable municipal services will be provided to the area in accordance with the City of Van Alstyne's ordinances and policies governing extension of municipal services to newly annexed areas.