

ORDINANCE NO. 2021-05-10

AN ORDINANCE ANNEXING ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF LADONIA, FANNIN COUNTY, TEXAS, TO WIT: 98.00 ACRES OF LAND, LYING IN AND BEING SITUATED OUT OF THE AC MAXWELL SURVEY, ABSTRACT 741 IN FANNIN COUNTY TEXAS AND BEING FULLY DESCRIBED IN EXHIBIT "A", ATTACHED HERETO; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

WHEREAS, the City is a duly constituted a type A General Law City pursuant to Chapter 6, Local Government Code, as amended, and

WHEREAS, pursuant to Section 43.012, Local Government Code, the city owning a tract of land containing 98.00 acres of land, more or less, out of the AC MAXWELL Survey, Abstract 741 of land (the "Property") more fully described in Exhibit "A", is requesting to annex the Property, and

WHEREAS, the property is (1) contiguous to the City; and (3) vacant without residents, and

WHEREAS, the City Council has determined that all requirements of Section 43.012, Local Government Code have been complied with and hereby consider it appropriate to grant annexation, Now Therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LADONIA, TEXAS, THAT:

I.

That all of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in its entirety.

II.

That the City Council has heard arguments for and against the annexation and has determined to grant the annexation.

III.

That the Property described in Exhibits "A", attached hereto and incorporated herein for all proposes, be and is hereby annexed and brought within the corporate limits of the City of Ladonia, Fannin County, Texas, and same is hereby made an integral part hereof.

IV.

That the owners and future inhabitants of the area herein annexed be entitled to all of the rights and privileges of other citizens and property owners of said City and are hereby bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

V.

That the official map and boundaries of the City, heretofore adopted and amended be and is hereby amended so as to include the aforementioned territory as part of the City of Ladonia, Texas.

VI.

That the City Secretary is hereby directed and authorized to perform or cause to be performed all acts necessary to correct the official map of the City to add territory hereby annexed as required by law.

VII.

That this Ordinance shall become effective after its passage

VIII.

That the City Secretary is hereby directed and authorized to file a certified copy of this Ordinance in the Office of the County Clerk of Fannin County, Texas.

IX.

If any section, subsection, sentence, phrase, or word of this Ordinance be found illegal, invalid, or unconstitutional or any portion of said property is incapable of being annexed by the City, for any reason whatsoever, the adjudication shall not affect any other section, subsection, sentence, phrase, word, paragraph, or provision of this Ordinance or the application of any other section, subsection, sentence, phrase, word, paragraph, or provision of any other Ordinance of the City. The City Council declares that it would have adopted the valid portions and applications of this Ordinance and would have annexed the valid property without the invalid part, and to this end the provisions of this Ordinance are declared to be severable.

X.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this Ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered, and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

By motion duly made, seconded, and passed with an affirmative vote of all the Council members present, the requirement for reading this Ordinance on two separate days was dispensed with.

READ, PASSED, and ADOPTED on first reading this the 10th day of May 2021.


Jan Cooper, Mayor

ATTEST:


Dana Burkett, City Secretary

EXHIBIT "A"

All that certain tract of parcel of land situated in the Southeast part of Fannin County, Texas, being partially located in the City of Ladonia on the east side of Highway #50 and being a part of the AC. Maxwell Survey, Abst. #741, and being the same land described in a deed from Frances Russell Hurse to D.W. Fain recorded in Vol. 516, Page 102, Deed Records of Fannin County, Texas, more fully described as follows:

BEGINNING at a point in a county road for the Northwest corner of this tract, in the east right-of-way of Highway #50, 40 ft. East from the Northwest corner of the original Survey;

THENCE South 1 deg. 08 min. 45 sec. West, along said Highway passing an iron stake at 11 ft., continuing on this course in all 1500.03 ft. to an iron stake standing by a fence post for the Southwest corner;

THENCE East, along an old fence line crossing the center of a Lone Star Gas Company line, recorded in Vol. 207, Page 613, Deed Records Fannin County, Texas, at 1679.07 ft., continuing East passing an iron stake standing in the west line of a county road at 2843 ft., continuing on this course in all 2861 ft. to a point in a road for the Southeast corner;

THENCE North, along the center line of said county road, 1500 ft. to a nail driven in a bridge over a creek for the Northwest corner, in the north line of the original survey;

THENCE West 2831 ft. to the point of beginning, containing 98.003 acres of land, more or less.

Filed for Record in:
Fannin County
Municipality Margaret Silbert
County Clerk
On Sep 21, 2001 at 12:50

As a
Signature

Document Number: 00005061

Amount: 12.00


Receipt Number - 167750

By: John Hale, Deputy

ANY PROVISION HEREIN WHICH RESTRICTS THE
SHELF, MORTGAGE, OR USE OF THE DESCRIBED
REAL PROPERTY RECORDS OF VALUE OR MADE IS
HEREBY HEREBY UNLAWFUL UNDER FEDERAL LAW.
STATE OF TEXAS COUNTY OF FANNIN

I hereby certify that this instrument was
filed on the date and time stamped hereon by me
and was only recorded in the volume and page
of the index records of Fannin County
as stamped hereon by me.

SEP 21, 2001

By:  Deputy
Margaret Silbert, County Clerk
Fannin County