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ORDINANCE No. 2022-008

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF SANTA CLARA, GUADALUPE 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 INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING ALL INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY.

WHEREAS, the Texas Local Government Code section 43.0671 authorizes the City of Santa Clara, Texas (the "City") to annex an area that is adjacent and contiguous to the City upon REQUEST OF the area OWNERS; and

WHEREAS, DMK LAND DEVELOPMENT LLC, a Texas Limited Liability Company, ("DMK") is the owner of approximately 24.785 acres known as the Persimmon Trail Project (the "Area"); and

WHEREAS, said Area is vacant and without residents; and

WHEREAS, said Area is not within the extraterritorial jurisdiction of any other municipality; and

WHEREAS, the City has negotiated and entered into an agreement for services with DMK for the area upon annexation; and

WHEREAS, the City Council desires to annex said Area; and

WHEREAS, the City Council of the City held a public hearing on the proposed annexation of the Area on November 28th, 2022 (the "Public Hearing"); and

WHEREAS, notice of the Public Hearing was published in the Seguin Gazette on the 9th day of November, and continuously on the City website until each Public Hearing; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, TEXAS, THAT:

SECTION 1. FINDINGS OF FACT.

All of the forgoing recitals are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. ANNEXATION.

All of the Area described as being 24.785 acres of land, more or less, out of the Josefa Leal Survey No. 91, Abstract 211, Guadalupe County, Texas, conveyed to DMK by warranty deed recorded in document number 202299024593, and being more particularly describe by metes and bounds on the attached Exhibit "A", attached hereto and incorporated herein for all purposes, is hereby added and annexed into the corporate limits of the City (the "Annexed Area"), and the present boundary limits of the City, at the various points contiguous to the area described in Exhibit "A," are hereby altered and amended so as to extend and include said Annexed Area within the corporate limits of the City, and the official map of the City, heretofore adopted and amended, is hereby amended so as to include the Annexed Area as part of the City.

SECTION 3. RIGHTS, PRIVILEGES AND SERVICES.

The existing and future owners and inhabitants of the Annexed Area shall be entitled to all of the rights and privileges as Citizens of the City, to the services of the City as set forth in the Agreement for Services attached hereto as Exhibit “B”, and shall be bound by the acts, ordinances, resolutions, regulations, and all other legal actions of the City, whether now in effect or adopted hereafter.

SECTION 4. INITIAL ZONING.

The Annexed Area shall be initially zoned R-AG, Agricultural Home-Site, Single Family.

SECTION 5. SEVERABILITY.

If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications thereof which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 6. MEETING OPEN TO THE PUBLIC.

It is hereby found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and that the public notice of the time, place and purpose of said meeting was given as required.

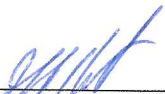
SECTION 7. EFFECTIVE DATE.

This Ordinance shall be effective upon passage, approval, and publication in accordance State Law.

PASSED AND APPROVED on this the 12th day of December, 2022.

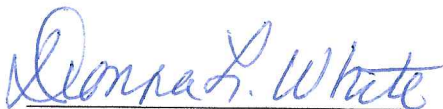


CITY OF SANTA CLARA, TEXAS



Jeff Hunt, Mayor

ATTEST:



Donna L. White, City Secretary

After recording please return to:

City of Santa Clara, Texas
1653 N. Santa Clara Rd.
Santa Clara, TX 78124

EXHIBIT "A"

[Insert Metes and Bounds Description of Area]

1856 Lockhill-Selma, Suite 105
San Antonio, Texas 78213
www.mavericklsc.com



TBPLS Firm No. 10132700
Phone (210) 342-9455
Fax (210) 342-9524



January 10, 2022
Job No. 587633-0001

STATE OF TEXAS
COUNTY OF GUADALUPE

24.785 ACRE TRACT

FIELDNOTE DESCRIPTION of a 24.785 acre tract of land out of the Josefa Leal Survey No. 91, Abstract No. 211, Guadalupe County, Texas, being a 33.036 acre tract of land known as Tract 4A conveyed to Elsie Clara Louise Wittig-Bischoff, et.al by partition deed recorded in Document No. 202099012007, of the Official Public Records of Guadalupe County, Texas, SAVE AND EXCEPT that certain 8.26 acre tract conveyed to Elsie Clara Louise Wittig-Bischoff by partition deeds recorded in Document Numbers 202199007162, 202199007163 and 202199007164, said Official Public Records, in all said 24.785 acre tract being more particularly described as follows:

BEGINNING at a ½ inch iron rod with cap stamped RPLS 2633 on the southwest right-of-way line of Santa Clara Road, at the common north corner of Tract 4B, a 33.036 acre tract described in said partition deed recorded in Document No. 202099012007 and the south east corner of said Tract 4A, for the east corner and POINT OF BEGINNING of this tract of land,

THENCE S 60° 48' 54" W, 1491.31 feet (deed call is S 60° 48' 53" W, 1,491.15 feet) to a ½ inch iron rod with cap stamped RPLS 2633 on the northeast line of a 66.07 acre tract of land conveyed to Andrew B. Weller by deed recorded in Document No.2015021476, said Official Public Records, at the common west corner of said Tract 4B, the south corner of said Tract 4A and the south corner of this tract,

THENCE along the northeast line of said 66.07 acre tract, N 31° 21' 31" W (deed bearing is N 31° 21' 31" W), 719.12 feet to a ½ inch iron rod with cap stamped Doucet & Associates, at the south corner of said 8.26 acre tract of land and west of this tract,

THENCE N 60° 48' 32" E (deed bearing is N 60° 48' 53" E), 1513.13 feet to a ½ inch iron rod with cap stamped Doucet & Associates on the southwest right-of-way line of said Santa Clara Road, at the east corner of said 8.26 acre tract and the north corner of this tract,

THENCE along the southwest right-of-way line of said Santa Clara Road, S 29° 37' 11" E (deed bearing is S 29° 37' 27" E), 718.78 feet to the POINT OF BEGINNING.

CONTAINING in all 1,079,616 square feet or 24.785 acres of land, more or less. Bearings based NAD83(2011) Texas State Plane Coordinate System for the South Central Zone 4204. A survey of subject property completed on the ground January 4, 2022 by Team Members of Maverick Land Surveying Company, under my supervision.



MAVERICK LAND SURVEYING COMPANY

Jacob W. Oder, R.P.L.S. Texas No. 5846

VOLUNTARY ANNEXATION PETITION


TO THE MAYOR AND GOVERNING BODY OF THE CITY OF SANTA CLARA, TEXAS:

The undersigned owner of the hereinafter described tract of land, which is (1) one-half mile or less in width, (2) contiguous to the city limits, (3) vacant and without residents, or on which less than three (3) qualified voters reside, and (4) not within the extraterritorial jurisdiction of any other municipality, hereby petition your Honorable Body to extend the present city limits so as to include as a part of the City of Santa Clara, Texas, that portion of the following described property that is not within the City of Santa Clara's city limits, which described property is additionally detailed in Exhibit "A-1", attached hereto and made a part hereof, to wit:

A 24.785 acre tract of land out of the Josefa Leal Survey No. 91, Abstract No. 211, Guadalupe County, Texas, being a 33.036 acre tract of land known as Tract 4A conveyed to Elsie Clara Louise Wittig-Bischoff, et.al by partition deed recorded in Document No. 202099012007, of the Official Public Records of Guadalupe County, Texas, SAVE AND EXCEPT that certain 8.26 acre tract conveyed to Elsie Clara Louise Wittig-Bischoff by partition deeds recorded in Document Numbers 202199007162, 202199007163 and 202199007164, said Official Public Records.

I HEREBY CERTIFY, UNDER OATH, that the above-described tract of land is partially within City limits, while the remaining portion is contiguous and adjacent to the City of Santa Clara, Texas, is not more than one-half mile in width, is not within the extraterritorial jurisdiction of any other municipality, and that this petition is signed and duly acknowledged by each and every owner having an interest in said land in order to request annexation into City limits.

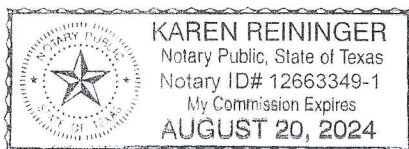
DMK Land Development, LLC


By: Dale Koehler, President

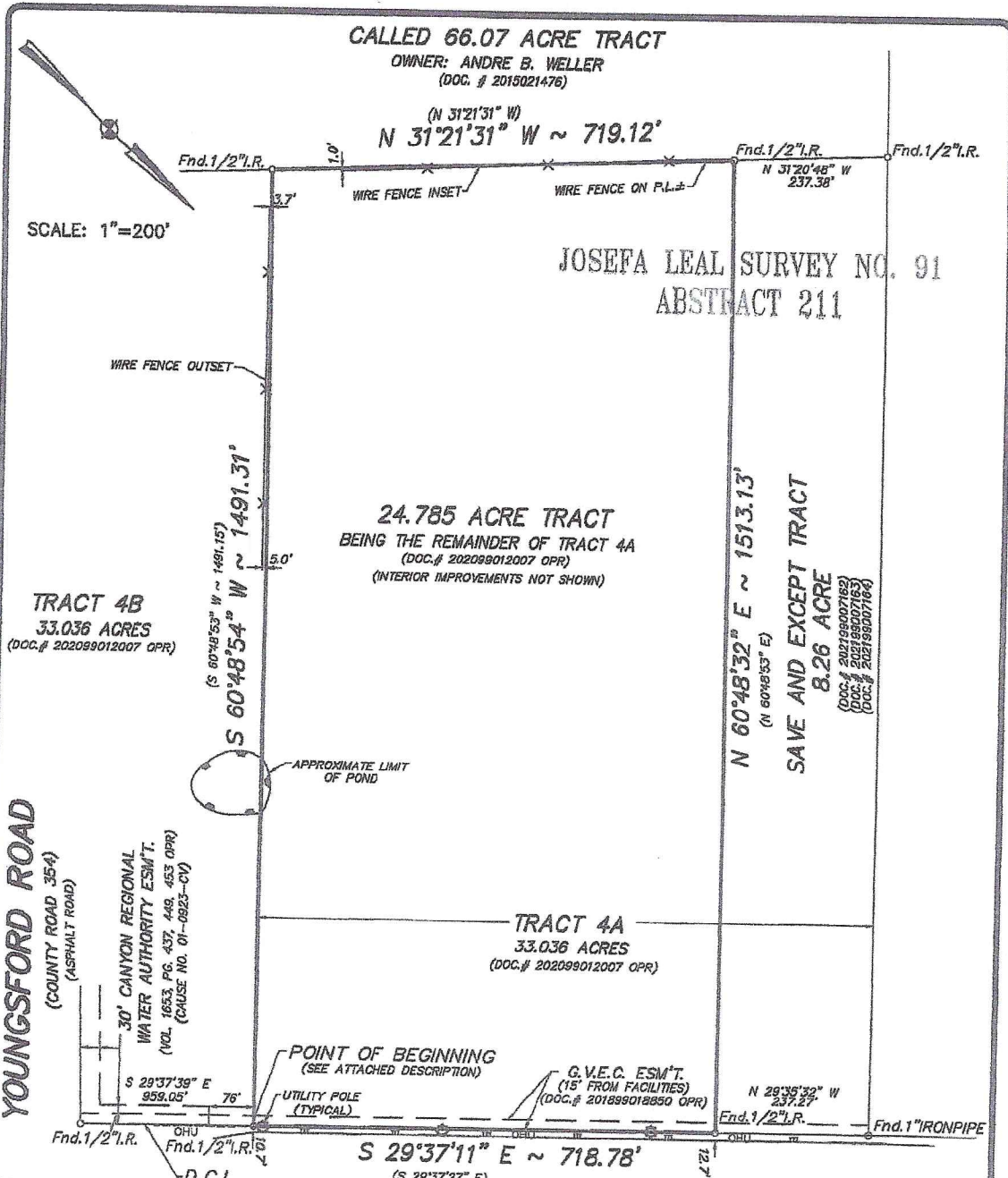
THE STATE OF TEXAS
COUNTY OF GUADALUPE

BEFORE ME, the undersigned authority, on this day personally appeared Dale Koehler, as President and on behalf of DMK Land Development, LLC, a Texas corporation, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledges to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 22 day of Sept, 2022.




Notary Public, State of Texas



() = RECORD DATA
 RESTRICTIONS:
 DOC. # 201899018850, OPR

- NOTES:**
1. D.C.L. = DIRECTIONAL CONTROL LINE.
 2. ——— = DENOTES EDGE OF ASPHALT PAVEMENT.
 3. BEARING BASIS = NAD83(2011) TEXAS STATE PLANE COORDINATE SYSTEM SOUTH CENTRAL ZONE 4204.
 4. INSET OR OUTSET DIMENSIONS FOR FENCES, IF ANY, ARE TO CLOSEST EDGE OF POST.
 5. THE FOREGOING PROPERTY IS LOCATED WITHIN THE LIMITS OF ZONE X ACCORDING TO THE APPLICABLE FEMA FLOOD INSURANCE RATE MAP #48187C0235 F, DATED NOVEMBER 2, 2007. ZONE X IS NOT WITHIN A 100 YEAR FLOOD HAZARD ZONE.

ADDRESS:
TBD SANTA CLARA
 LOT AREA = 1,079,616 sq. ft.
 24.785 acres

LAND TITLE SURVEY OF

A 24.785 ACRE TRACT OF LAND OUT OF THE JOSEFA LEAL SURVEY NO. 91, ABSTRACT No. 211

WE, MAVERICK LAND SURVEYING COMPANY, HAVE MADE A SURVEY ON THE GROUND OF THE FOREGOING PROPERTY, AND WE CERTIFY THAT, EXCEPT AS SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.

BY: _____

Maverick Land Surveying Co.
 1856 Lockhill Selma, Suite 105, San Antonio, Texas 78213
 (210) 342-9455, Fax 342-9524
 © 1990-2022, Maverick Land Surveying Co.
 TSPS FIRM No. 10132700

STATE OF TEXAS
COMMISSION ON PROFESSIONAL LAND SURVEYING
JACOB W. OBER
 6846
PROFESSIONAL LAND SURVEYOR

F.W. BY: MTD
 DATE JAN 4, 2022
 JOB NO. 58733-0001
 DRN.: J.S. CKD.: JWO

GUADALUPE COUNTY, TEXAS
 DEED REFERENCE: OFFICIAL PUBLIC RECORDS
 DOC. # 201299007164 DATE MAY. 18, 2020