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ORDINANCE No. 2023-004

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF SANTA CLARA, 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, Texas Local Government Code section 43.028 authorizes the City of Santa Clara, Texas to annex a sparsely occupied area on petition of the area's landowners; and

WHEREAS, in accordance with State law, the City of Santa Clara, Texas received a petition requesting annexation from the owner(s) of land, contiguous to the City of Santa Clara, Texas; and

WHEREAS, the area of said land is one-half mile or less in width; and

WHEREAS, the area of said land is vacant and without residents or on which fewer than three qualified voters reside; and

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

WHEREAS, the City Council of the City of Santa Clara, Texas, believing that the above-described petition was properly filed pursuant to Texas Local Government Code section 43.028, granted said petition; and

NOW THEREFORE:

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

SECTION 1. The land and territory lying outside of, but adjacent to and adjoining the City of Santa Clara, Texas, more particularly described as that portion of the tract of land described in Exhibit "A," attached hereto and incorporated herein by reference, is hereby added and annexed to the City of Santa Clara, Texas, and said territory, as described, shall hereafter be included within the boundary limits of said City, and the present boundary limits of said City, at the various points contiguous to the area described in Exhibit "A," are altered and amended so as to extend and include said area within the corporate limits of the City of Santa Clara, Texas, and inhabitants thereof shall be entitled to all of the rights and privileges as citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the City of Santa Clara, Texas

SECTION 2. This ordinance shall be effective from and after 6-26-2023.

PASSED AND APPROVED this, 26 day of June, 2023.

[Signature]
MAYOR
CITY OF SANTA CLARA, TEXAS

JEFF HUNT

ATTEST:
[Signature]
CITY SECRETARY
CITY OF SANTA CLARA, TEXAS
(Seal)
Donna L. White



After recording please return to:
City of Santa Clara
1653 N Santa Clara Rd.,
Texas Marion, TX 78124

EXHIBIT "A"

PAGE 1 OF 5

720-1

The State of Texas,
County of Guadalupe

} Know All Men by These Presents:

VOL 775 PAGE 107

That Jack A. Cobb and wife, Marian M. Cobb

of the County of Guadalupe State of Texas for and in consideration
of the sum of

Ten and No/100 (\$10.00)----- DOLLARS
and other good and valuable consideration
to us in hand paid by Richard Alan Gannaway and Charlyn Joyce Gannaway

as follows:

Tract 11 of an unrecorded plat, being 3.763 acres of land out of the James Rowden Survey, Abstract 281, Guadalupe County, Texas and being 3.763 acres of land out of the unrecorded subdivision of that certain 145 acre tract of land conveyed by Arthur Voight and wife to Frederick S. Schlather by deed dated January 18, 1971 and recorded in Volume 437 on pages 117-119 of the Deed Records of Guadalupe County, Texas, and described more particularly by metes and bounds as follows:

FROM an iron pin and corner post in the Southwest line of Hard Luck Road set for the East corner of the above described 145 acre tract; THENCE with the Southeast line of said 145 acre tract of land, S. 45° 42' W. 1,346.09 feet and S. 49° 30' 574.70 feet to an iron pin set for the South corner of a 60.0 foot road; THENCE with the Southwest line of said 60.0 foot road, N. 30° 03' W. 303.02 feet to an iron pin set for the North corner of Tract 10, for the East corner and POINT OF BEGINNING of the herein conveyed 3.763 acre Tract 11;

THENCE with the Northwest line of said Tract 10, S. 49° 30' W. 550.0 feet to an iron pin in the Southwest line of aforesaid 145 acre tract, set for the West corner of Tract 10, for the South corner of this tract;

THENCE with the Southwest line of said 145 acre tract, N. 30° 03' W. 303.02 feet to an iron pin set for the South corner of Tract 12, for the West corner of this tract;

THENCE with the Southeast line of Tract 12, N. 49° 30' E. 550.0 feet to an iron pin in the Southwest line of aforesaid 60.0 foot road, set for the East corner of Tract 12, for the North corner of this tract;

THENCE with the Southwest line of 60.0 foot road, S. 30° 03' E. 303.02 feet to the place of beginning.

have Granted, Sold and Conveyed, and by these presents do Grant, Sell and Convey, unto the said Richard Alan Gannaway and Charlyn Joyce Gannaway

of the County of Bexar State of Texas all that certain
piece or parcel of land, situated, lying and being in the County of
Guadalupe, State of Texas, and described as follows:



TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Richard Alan Gannaway and Charlyn Joyce Gannaway, their

heirs and assigns forever and we do hereby bind ourselves, our heirs, executors and administrators, to Warrant and Forever Defend, all and singular the said premises unto the said Richard Alan Gannaway and Charlyn Joyce Gannaway, their

heirs and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

WITNESS my hand at San Antonio, Texas
this 23rd day of July, 1986.

Witness at request of Grantor:

Jack A. Cobb

JACK A. COBB

Marian M. Cobb

MARIAN M. COBB

JACK A. COBB TO THE PUBLIC
 THE STATE OF TEXAS § 7416
 COUNTY OF GUADALUPE § EXTENSION OF PROPERTY RESTRICTIONS

We, the undersigned, being a majority of the owners of those certain twenty tracts of land constituting an unrecorded subdivision of approximately 96 acres of land, more or less, out of that certain tract originally called 145 acres in conveyance by Arthur Voight and wife to Frederick S. Schlather, recorded in Volume 437, Page 117, of the Deed Records of Guadalupe County, Texas, of which approximately 96.0 acres as referred to above was thereafter conveyed by Frederick S. Schlather as owner to Schlather Enterprises, Inc.; which said 96.0 acres were divided into twenty tracts varying in size from 24.715 acres to 2.051 acres, all of said twenty tracts being subject to certain restrictions contained in the deeds of said tracts by Schlather Enterprises, Inc., to the purchasers of said twenty tracts, and the restrictions pertaining to said tracts being deemed desirable to be extended by the majority of the owners thereof beyond the present expiration date of December 31, 1980, do hereby extend such restrictions over each of said twenty tracts out of that certain tract conveyed by Frederick S. Schlather to Schlather Enterprises, Inc., by deed recorded in Volume 470, Page 781, Deed Records of Guadalupe County, Texas, for an additional period of ten years to December 31, 1990, it being further understood that on or before the latter date such restrictions could be further extended for additional periods of ten years by agreement of a majority of the owners then existing, said restrictions being as follows:

No noxious or offensive activity shall be carried on upon this tract.

This tract shall be used for residential purposes only.

Only one residence shall be constructed upon this tract.

No hogs or members of the swine family shall be maintained on the premises.

This tract of land shall not be used for dumping of garbage, rubbish or trash.

The Grantees shall erect a fence surrounding this property capable of containing his own livestock. Under no circumstances shall the Grantees maintain upon said premises livestock in excess of the ratio of one animal per acre.

No dwelling exclusive of open porches, garage, carports, and patios shall be permitted on this tract at a cost of less than \$20,000.00 and the dwelling shall contain at least 1200 square feet of living area and the exterior walls shall be of at least 75% brick or stone masonry. All buildings will be set back a minimum of 50 feet from front, back or side property lines.

No shacks or tents may be erected upon the property to be used for shelter or storage of any kind, except livestock shelters which shall be a minimum of 100 feet from the property line and shall be painted and kept in an orderly manner.

No outside toilet shall be installed or maintained on the premises at any time, and all plumbing shall be connected with a sanitary sewer or septic tank approved by the State and Local Departments of Health.

The property shall be maintained in a well kept manner

to enhance the value and beauty of this tract as well as the adjoining tracts.

All structures are to be placed at least 50 feet in distance from the property line abutting any road and shall be set back a distance of 50 feet from any side or rear line.

Violations of any of the covenants or conditions herein contained shall give the owners of the tracts of land above mentioned, the right to prevent and abate such violation of these restrictions, conditions, and covenants, herein set forth by an injunction or any appropriate relief at law, including recovery of such damages as might be occasioned by the violation thereof.

These restrictions shall run with and burden the land until December 31, 1990. These restrictions may be extended at that time for successive periods of ten years each by written instrument executed by a majority of the then property owners owning tracts out of the said tract of approximately 96 acres conveyed to Schlather Enterprises, Inc., recorded in Volume 470, Page 781, Deed Records of Guadalupe County, Texas. Any of the covenants may be amended in whole or in part at any time by a majority of the property owners executing a written instrument so amending and which instruments shall be recorded in the Deed Records of Guadalupe County, Texas.

EXECUTED THIS 2ND DAY OF AUGUST, 1980.

- | | | | |
|-----------|---------------------------------------|-----|----------------------------|
| Tract #15 | <u>Robert A. Maffett</u> | #15 | <u>Bernadette M. Auger</u> |
| #3 | <u>Donna M. Plain</u> | #16 | <u>Chas. P. Auger</u> |
| #20 | <u>Chrysler Hebra</u> | #17 | <u>George W. Fitterman</u> |
| #7+8 | <u>Olin L. Pickens</u> | #18 | <u>Jack A. Colb</u> |
| #10 | <u>Robert A. Aboga</u> | | <u>Marian M. Colb</u> |
| #9 | <u>Delores Williams</u> | | |
| #6 | <u>William K. Egg</u> | | |
| | <u>Joyce Egg</u> | | |
| #19 | <u>Monna J. Hoge + Joseph R. Hoge</u> | | |
| #12 | <u>Karen Becker</u> | | |
| #18 | <u>Melvin J. Baech</u> | | |

In lieu of the above restrictions, we being a majority of those twenty tracts of land constituting the above written, add the provision that the dwellings must

be of new construction
 R.A.H. J.R.H. M.J.B.
 D.P. H.W.B. B.M.P.
 C.K. R.A.H. J.R.H. C.F.D.
 O.G.P. R.A.H. J.R.H. G.M.
 J.B. K.A.B. J.C.
 M.C.

SINGLE ACKNOWLEDGMENT

THE STATE OF TEXAS,
COUNTY OF Guadalupe

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Jack A. Cobb and Marian M. Cobb known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE,
this the 23rd day of July A. D. 1986



Susan O. Wilson
Notary Public in and for Bexar County, Texas

SINGLE ACKNOWLEDGMENT

THE STATE OF TEXAS,
COUNTY OF

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared known to me to be the person whose name subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE,
this the day of A. D. 19

(L. S.)

Notary Public in and for County, Texas

CORPORATION ACKNOWLEDGMENT

THE STATE OF TEXAS,
COUNTY OF

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said a corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE,
this the day of A. D. 19

(L. S.)

Notary Public in and for County, Texas

THE STATE OF TEXAS,
COUNTY OF

I HEREBY CERTIFY that the foregoing instrument of writing with its certificate of authentication, was filed for record in my office on the day of A. D. 19 at o'clock M., and was duly recorded by me on the day of A. D. 19 in Vol. page of the Records of said County.

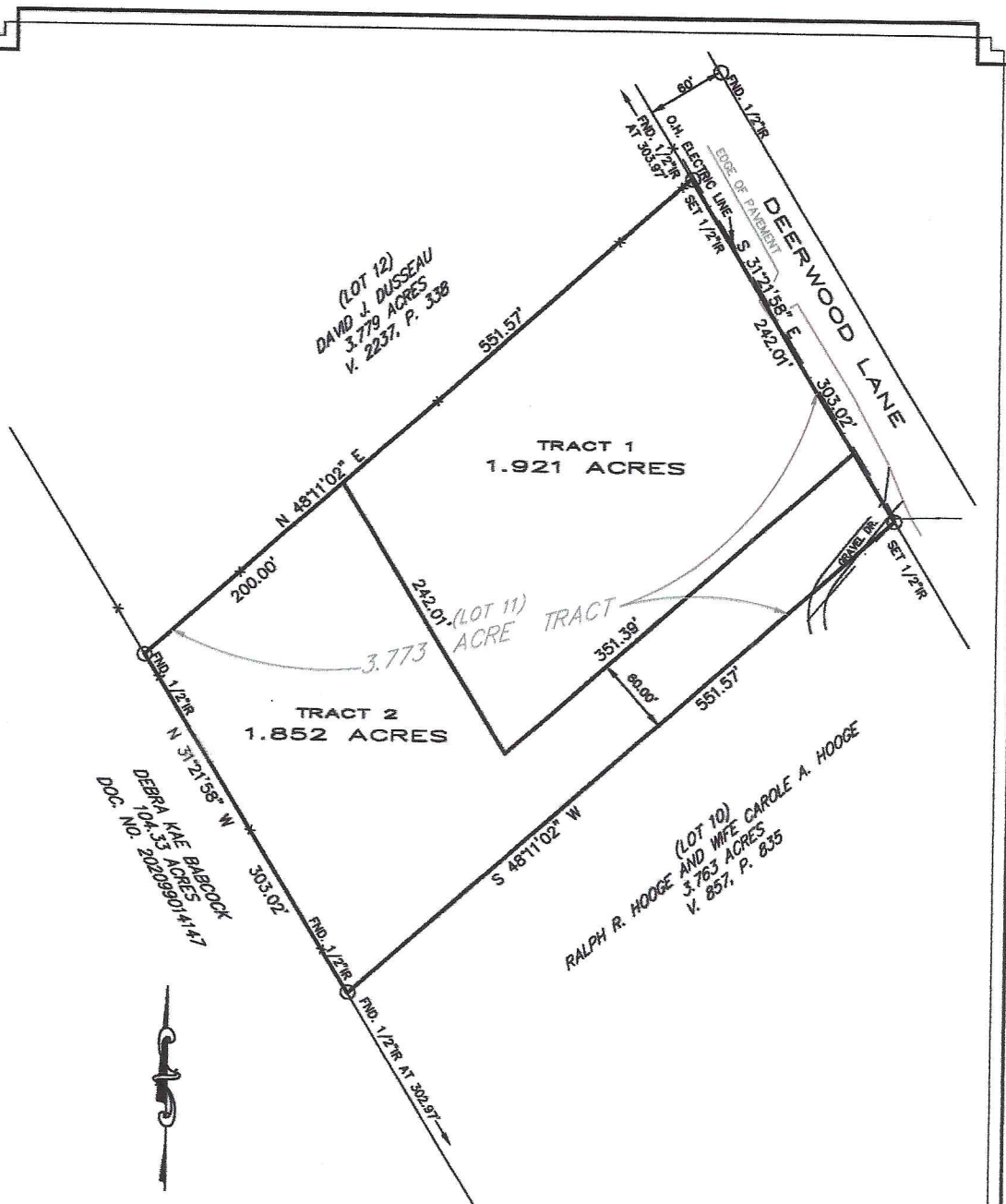
WITNESS MY HAND and the Seal of the County Court of said County, at my office in the day and year last above written.

(L. S.)

County Clerk	RECORDED IN OFFICIAL RECORDS	County, Texas
By	FILE DATE: 7-25-86 FILE TIME: 1:59 O'CLOCK A.M. VOL. 775 PAGE 107-11	Deputy.
	RECORDING DATE JUL 28 1986	
	<i>G. D. Schaffer</i>	
	COUNTY CLERK, GUADALUPE COUNTY	

EXHIBIT "A"
page 5 of 5

EXHIBIT
#B11



SCALE: 1" = 100'

EXHIBIT

FOR THE DIVISION OF 3.773 ACRES,
BEING THAT TRACT CONVEYED TO
RICHARD ALAN GANNAWAY AND CHARLYN
JOYCE GANNAWAY, BE DEED RECORDED IN
VOLUME 775, PAGE 107, ALSO KNOWN AS TRACT 11,
OF AN UNRECORDED SUBDIVISION (SCHLATHER ENT.)
OUT OF THE JAMES ROWDEN SURVEY, ABSTRACT 281,
GUADALUPE COUNTY,
TEXAS.

BASELINE

DCCM

Baseline | DCCM | TxSurv F-19030200
14350 Northbrook Dr, Ste 130, San Antonio, TX 78232
210.490.7847 | BaselineSurveyors.net

February 14, 2023

Donna White, Secretary
City of Santa Clara
1653 N. Santa Clara Rd
Santa Clara, Texas 78124

Dear City Council Members and Mayor:

I, Richard Gannaway, owner of the land described below, hereby request annexation of my land into the City of Santa Clara, city limits.

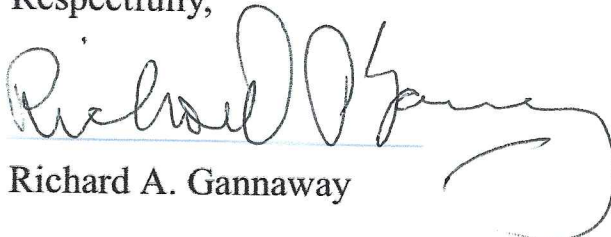
Property Address: 642 Deerwood Ln, Marion Texas
78124

Guadalupe County Property ID: 40860 (1G280-0000-01100)

Legal description: Property is known as Lot 11, Schlather
Enterprises (unrecorded subdivision) 3.76
Acres, James Rowden Survey Abst 281

I am including copy of deed showing ownership, tax appraisal card, and copy of survey.

Respectfully,


Richard A. Gannaway

THE STATE OF TEXAS

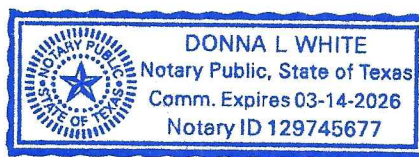
COUNTY OF GUADALUPE

BEFORE ME, the undersigned authority, on this day personally appeared RICHARD A. GANNAWAY known to me to be the person whose name is subscribed to the foregoing instrument and acknowledges to be that she executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office, this 21st day of February, 2023.

Donna L White 2/21/2023

Donna L. White,
Notary Public, Sate of Texas



This document was recorded as submitted: Multiple pages are not legible for satisfactory reproduction.

EXHIBIT "C"
page 2 OF 2

FILED and RECORDED in the OFFICIAL PUBLIC RECORDS

Honorable Teresa Kiel, Guadalupe County Clerk

Document Number: 202399016142
Recorded On: June 28, 2023 11:39 AM
Total Pages: 10
Total Fees: \$58.00

Discriminatory restrictive covenants based on race, color, religion contradict the 14th Amendment's Equal Protection Clause and are therefore unenforceable under federal law. Supreme Court Decision Shelly v. Kraemer 1948.

**THIS PAGE CONTAINS IMPORTANT RECORDING INFORMATION
AND SHALL REMAIN A PART OF THIS INSTRUMENT.**

Receipt Number: 20230628000108
User: Amanda D
Station: CCKPC17633

Return To:
ENV-CITY OF SANTA CLARA
1653 N SANTA CLARA RD

MARION TX 78124

**STATE OF TEXAS
GUADALUPE COUNTY**

**I hereby certify this instrument was FILED and RECORDED in the OFFICIAL
PUBLIC RECORDS of Guadalupe County, Texas on the date/time printed above.**



Teresa Kiel
Teresa Kiel
Guadalupe County Clerk
Guadalupe County, TX