ORDINANCE NO. 2023-07-01

AN ORDINANCE OF THE TOWN OF POETRY, TEXAS, ANNEXING PROPERTY DESCRIBED HEREINAFTER TO THE TOWN OF POETRY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF THE TOWN SO AS TO INCLUDE SAID PROPERTY WITHIN THE TOWN'S TERRITORIAL AND JURISDICTIONAL LIMITS, GRANTING TO SAID PROPERTY AND TO ALL FUTURE INHABITANTS OF SAID PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTS AND ORDINANCES OF THE TOWN; ADOPTING A SERVICE PLAN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town desires to annex certain land by consent of all of the owners of the land and in accordance with a written, negotiated Voluntary Annexation Agreement; and

WHEREAS, the land to be annexed is generally located at the northeast corner of the intersection of County Road 247 and County Road 248, more particularly described in Exhibit "A," attached hereto (the "Property"), is located entirely within the exclusive extraterritorial jurisdiction of the Town of Poetry, Texas, is contiguous and adjacent to the Town of Poetry, Texas, and is not more than one-half (1/2) mile in width; and

WHEREAS, the governing body of the Town of Poetry, in compliance with state laws with reference to annexations, has given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners and interested persons generally, the governing body of the Town of Poetry is of the opinion that the annexation of the Property described herein should be approved. Now, therefore

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF POETRY, TEXAS:

SECTION 1. That the premises and recitals in the preamble of this Ordinance are found and determined by the Town Council to be correct in all respects.

SECTION 2. That the territory and real property described in Exhibit "A" which is attached hereto and made a part hereof for all purposes, be and the same is hereby annexed into and forever made a part of the territorial and corporate limits of the Town of Poetry, Texas, and the limits and boundaries of the Town be and the same are hereby extended to include the territory.

DEPUTY
LAURA A. HUNTER
COUNTY CLERK
2023 JUL 28 PM 12:00
FILED FOR RECORD
KAUFMAN CO. TEXAS
DEPUTY
2023 JUL 28 PM 1:28
COUNTY CLERK HUNT CO. TX
BECKY LANDRUM
FILED FOR RECORD

2023-14253 ORD Total Pages: 6

ORDINANCE NO. 2023-07-01

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WHEREAS, the Town desires to annex certain land by consent of all of the owners of the land and in accordance with a written, negotiated Voluntary Annexation Agreement; and

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BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF POETRY, TEXAS:

SECTION 1. That the premises and recitals in the preamble of this Ordinance are found and determined by the Town Council to be correct in all respects.

SECTION 2. That the territory and real property described in Exhibit "A" which is attached hereto and made a part hereof for all purposes, be and the same is hereby annexed into and forever made a part of the territorial and corporate limits of the Town of Poetry, Texas, and the limits and boundaries of the Town be and the same are hereby extended to include the territory.

SECTION 3. The inhabitants of the above described property shall hereafter be entitled to all rights and privileges of other citizens of the Town of Poetry, Texas, and shall be bound by the acts and ordinances of said Town. The Town Secretary is hereby directed to file with the County Clerk of Kaufman County, Texas, a certified copy of this ordinance.

SECTION 4. That a service plan as required by Section 43.065 of the Texas Local Government Code for such property is attached hereto as Exhibit "B," made a part hereof for all purposes, and adopted and approved as a part of this Ordinance.

SECTION 5. That it is the intent of the Town Council to annex into the corporate limits of the Town of Poetry all the property described herein and the Town Council hereby finds and determines that the provisions of Chapter 43 of the Texas Local Government Code have been complied with in effecting this annexation. It is not the intent of the Town of Poetry to annex any territory which it has no legal right to annex, but to annex only such territory as may be legally annexed by it within the limits of the described property.

SECTION 6. That this Ordinance shall take effect immediately from and after its passage as the law in such cases provides.

DULY PASSED by the Town Council of the Town of Poetry, Texas, on the 18th day of July, 2023.

APPROVED:

Sara Senkewech
MAYOR

ATTEST:

Theresa Schlander
TOWN SECRETARY

APPROVED AS TO FORM:



TOWN ATTORNEY

Exhibit "A"

Legal Description For

16750 County Road 248
Terrell, Texas 75160

See Exhibit 'A' attached hereto and made a part hereof

BEING a tract of land situated in the William Smith Survey, Abstract No. 444 and also being a tract of land conveyed to Andreas and Lori Bass as recorded in Volume 3124, Page 84 of the Deed Records of Kaufman County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 3/8 inch iron rod found for corner, being a point in the Northeast Right of Way of County Road 248, being the South corner of a tract of land conveyed to Steve Cannon as recorded in Volume 1839, Page 287 of the Deed Records, Kaufman County, Texas, and being the West corner of said Bass tract;

THENCE North 44 degrees 57 minutes 00 seconds East(directional control), a distance of 410.00 feet to a ½ inch iron rod found for corner, being the East corner of said Cannon tract;

THENCE South 45 degrees 03 minutes 00 seconds East, a distance of 141.00 feet to a R.R. tie post for corner;

THENCE South 11 degrees 58 minutes 46 seconds East, a distance of 256.56 feet to a R.R. tie post for corner;

THENCE South 44 degrees 56 minutes 58 seconds West, a distance of 270.00 feet to a R.R. tie post for corner;

THENCE North 45 degrees 03 minutes 00 seconds West, a distance of 356.00 feet to the PLACE OF BEGINNING and containing 3.00 acres of land.

EXHIBIT B

TOWN OF POETRY
ANNEXATION SERVICE PLAN

In accordance with the provisions of Chapter 43 of the Texas Local Government Code, the following services will be provided immediately upon annexation by Town of Poetry, or within sixty (60) days after the effective date of the annexation ordinance:

1. Street and road maintenance;
2. Planning and Zoning services;
3. General government services.

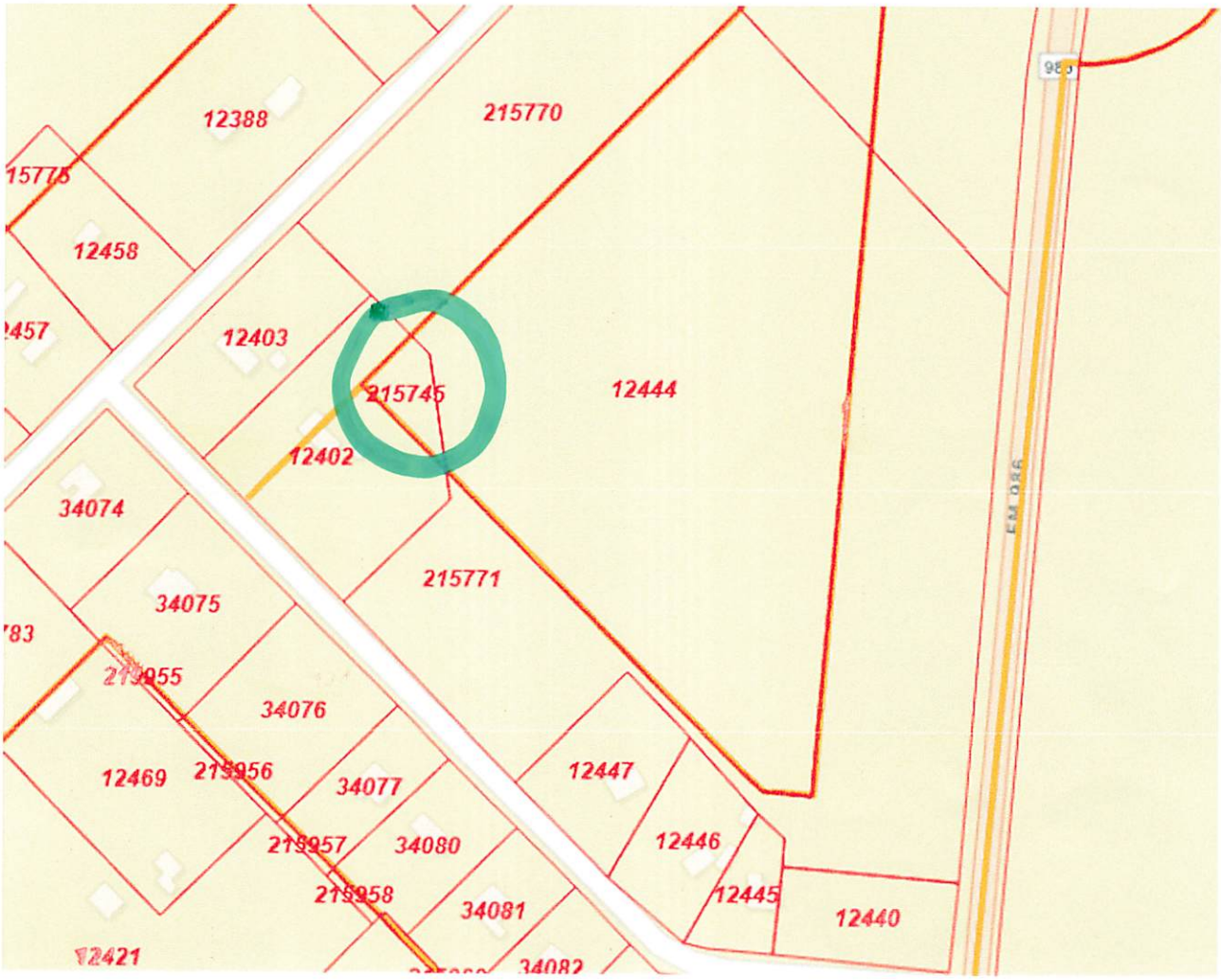
The foregoing services will be provided by the Town at the same or comparable level as that provided in other areas of the Town. As the Town progresses and develops additional municipal services, the Town will provide the Property and its owners all future services provided by the Town to other residents and properties. This service plan does not, however, require a uniform level of full municipal services to each area of the Town, including the annexed area, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

Existing uses of property at the time of annexation will be allowed to continue as non-conforming uses, if not compatible with future zoning, and any Development Agreements pertaining to the continuation of existing uses will be followed. Expansion of a non-conforming use, however, will require approval by the Town or a change in zoning to accommodate the existing or proposed use.

As provided by the Texas Local Government Code, no money received for the sale of bonds or evidenced by other instruments of indebtedness may be allocated to the annexed area for a period of 180 days after annexation. No plans currently exist for any capital improvements to be made in the annexed area.

General municipal administration and administrative services of the Town shall be available to the annexed area beginning with the effective date of the annexation.

This service plan is valid for a period of ten years. Renewal of the service plan is at the discretion of the Town.



THE STATE OF TEXAS

COUNTY OF HUNT

I hereby certify that this instrument was FILED on the date and the time stamped hereon by me and was duly RECORDED in the Records of HUNT County, Texas.

2023-14253 ORD
07/28/2023 01:27 PM

Becky Landrum, County Clerk
Hunt County, TX