



AN ORDINANCE EXTENDING THE CITY LIMITS OF THE CITY OF CLEVELAND, TEXAS, TO INCLUDE ALL LAND AREA WITHIN CERTAIN LIMITS AND BOUNDARIES AND ANNEXING TO THE CITY OF CLEVELAND ALL OF THE AREA WITHIN SUCH LIMITS AND BOUNDARIES; APPROVING A SERVICE PLAN FOR ALL OF THE AREA WITHIN SUCH LIMITS AND BOUNDARIES; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND DISPENSING WITH THE REQUIREMENT THAT THIS ORDINANCE BE READ AT TWO REGULAR MEETINGS.

* * * * *

WHEREAS, the City of Cleveland ("City") and Liberty Motorsports Park, LLC entered into a development agreement for the land described in Exhibit A attached hereto; and,

WHEREAS, the owners of the tract of land described in Exhibit A attached hereto and made a part hereof have petitioned the City to annex said tract of land as provided by the development agreement; and,

WHEREAS, the City Council has granted the petition; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEVELAND, TEXAS:

Section 1. The boundaries and limits of the City of Cleveland, Texas are hereby extended to embrace and include the land described in Exhibit A attached hereto and made a part hereof, and the tract of land described in Exhibit A is hereby annexed to, and made a part of, the City.

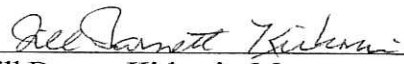
Section 2. The plan for extension of municipal services into the area annexed to the City by the provisions of this Ordinance is set forth in the development agreement and the "Annexation Service Plan" which is attached hereto as Exhibit B and made a part hereof for all purposes and which is hereby approved.

Section 3. If any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application thereof ineffective or inapplicable as to any territory, such

unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no wise affect, impair, or invalidate the remaining portion or portions hereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect; and should this Ordinance for any reason be ineffective as to any part of the area hereby annexed to the City, such ineffectiveness of this Ordinance, as to any such part or parts of any such area, shall not affect the effectiveness of this Ordinance as to all of the remainder of such area, and the City Council hereby declares it to be its purpose to annex to the City every part of the tracts of land described in Exhibit A to this Ordinance, regardless of whether any other part of such described areas is hereby effectively annexed to the City. Provided, further, that if there is included in the general description of territory set out in Exhibit A to this Ordinance any land or area which is already a part of and included within the general limits of the City, or which is presently part of and included in the limits of any other city, town or village, or which is not within the jurisdiction of the City to annex, the same is hereby excluded and excepted from the territory to be annexed as fully as if such excluded and excepted land or area were specifically described herein.


Section 4. By affirmative vote of all council members present, the City Council dispenses with the requirement of Section 3.09 of the Charter of the City that this Ordinance be read at two (2) regular meetings.

PASSED, APPROVED AND ADOPTED this 11th day of December, 2007.

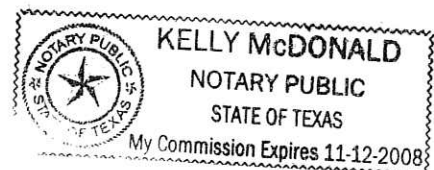


Jill Barnett Kirkonis, Mayor

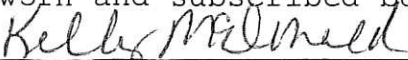
ATTEST:



Kelly McDonald, City Secretary



Sworn and subscribed before me this 11th day of December 2007.



Notary Public

BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND CONTAINING 819.9978 ACRES OF LAND SITUATED IN THE PRESSLEY GILL SURVEY, ABSTRACT NO. 230 AND THE THOMAS DEVERS SURVEY, ABSTRACT NO. 790(M), 169 (L), L.A. HALPHEN SURVEY, ABSTRACT NO. 680 (M), 854 (L), AND THE PETER ORNIE SURVEY, ABSTRACT NO. 326 (L), MONTGOMERY AND LIBERTY COUNTIES, TEXAS; AND BEING OUT AND A PART OF THE RST WILLIAMS INTERESTS, LP 844.4068 ACRE TRACT AS DESCRIBED IN A DEED FILED UNDER CLERK'S FILE NO. 2004002458 OFFICIAL PUBLIC RECORDS OF LIBERTY COUNTY, (O.P.R.L.C.); AND SAID 819.9978 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING at an iron pipe found for the most northerly Northeast corner of the above described 844.4068 acre tract;

THENCE South 87 degrees 20 minutes 06 seconds West, a distance of 11563.17 feet with the north line of the Ornie Survey to a 1 inch iron pipe found for corner and being an interior corner of the parent tract and being the Northeast corner of the Dundee Motor Speedway, Inc. tract as described in deed recorded in Clerk's File No. 2003-009700, under Clerk's Film Code No. 385-10-0801 O.P.R.L.C.;

THENCE South 02 degrees 40 minutes 02 seconds East, a distance of 831.17 feet to a 1 inch iron pipe found for the Southeast corner of the Speedway tract;

THENCE South 86 degrees 39 minutes 22 seconds West, a distance of 2867.29 feet with the Speedway south line to a 1 inch iron pipe found in the east right-of-way of Fostoria Tram Road;

THENCE ALONG AND WITH THE EAST RIGHT-OF-WAY OF THE FOSTORIA TRAM ROAD IN A SOUTHERLY DIRECTION AS FOLLOWS:

THENCE South 5 degrees 06 minutes 20 seconds East, a distance of 217.33 feet to a Point of Curve;

THENCE around a curve in a clockwise direction having a delta angle of 23 degrees 04 minutes 12 seconds, an arc distance of 217.42 feet, a radius of 539.98 feet, and a chord of South 6 degrees 25 minutes 43 seconds West, a distance of 215.96 feet to a Point of Tangency;

THENCE South 17 degrees 57 minutes 51 seconds West, a distance of 602.06 feet to a Point of Curve;

THENCE around a curve in a counterclockwise direction having a delta angle of 21 degrees 36 minutes 58 seconds, an arc distance of 178.76 feet, a radius of 473.82 feet, and a chord of South 7 degrees 09 minutes 25 seconds West, a distance of 177.70 feet to a Point of Tangency;

THENCE South 3 degrees 39 minutes 06 seconds East, a distance of 2189.67 feet to a Point of Curve;

THENCE around a curve to the right through a central angle of 03 DEGREES 24 MINUTES 00 SECONDS an arc distance of 14.32 feet, a chord bearing of SOUTH 01 DEGREES 57 MINUTES 17 SECONDS EAST, a distance of 14.32 feet to a 5/8 inch iron rod set for corner;

THENCE NORTH 71 DEGREES 14 MINUTES 35 SECONDS EAST, a distance of 164.74 feet following the fenced north line of a 1.1436 acre tract surveyed this same day to a fence corner post found for corner;

THENCE SOUTH 14 DEGREES 21 MINUTES 26 SECONDS EAST, a distance of 214.45 feet to a 5/8 inch iron rod set in the north right-of-way of the A.T and S.F. Railroad right-of-way;

THENCE North 73 degrees 20 minutes 48 seconds East, a distance of 14890.50 feet with the north right-of-way of said railroad to a 1 inch iron pipe found in the upper east line of the above described parent tract for the Southeast corner of this tract;

THENCE North 1 degrees 59 minutes 54 seconds West, a distance of 802.75 feet with the parent east line and the west line of a Wirt Davis Estate tract to the **PLACE OF BEGINNING** containing 35719102 square feet or 819.9978 acres.

EXHIBIT B

CITY OF CLEVELAND, TEXAS
ANNEXATION SERVICE PLAN

DATE:

ANNEXATION AREA:

Being all that certain tract or parcel of land as described in Exhibit A of this Ordinance.

PROVISION OF SERVICE:

The City of Cleveland, Texas will provide for the extension of municipal services into the territory to be annexed in compliance with Section 43.056 of the Local Government Code and in accordance with the Development Agreement between the City of Cleveland and Liberty Motorsports Park, LLC and the following schedule:

1. POLICE PROTECTION: Provided immediately upon annexation. Service will be provided to all residents of the annexed area on the same basis as those residents currently living within the City limits.
2. FIRE PROTECTION: The existing level of service will continue to be provided to the annexed area.
3. EMERGENCY MEDICAL SERVICES: The existing level of service will continue to be provided to the annexed area.
4. SOLID WASTE COLLECTION: Immediately upon annexation, all residents/businesses within the annexed area will be provided with solid waste collection; cost to be at the prevailing rates of the City's franchise hauler.
5. WATER AND WASTEWATER SERVICE: Water and sanitary sewer service will be provided according to current policy, established by the City Council and applicable to all property presently within the corporate limits of the City, at the prevailing City rates. This policy basically provides for the extension of mains and/or lift stations from the existing systems by those requesting the service.
6. MAINTENANCE OF WATER AND WASTEWATER FACILITIES IN THE ANNEXED AREA: Will be provided to all residents of the annexed area on the same basis as those residents currently living within the City limits.
7. MAINTENANCE OF ROADS AND STREETS, INCLUDING ROAD AND STREET LIGHTING: Will be provided on all public streets in the annexed area on the effective date of the annexation ordinance.
8. PARKS, PLAYGROUNDS AND SWIMMING POOLS: The City park and all recreational facilities will be available for use by residents of the annexed area, beginning on the effective date of the annexation ordinance.
9. MAINTENANCE OF ANY OTHER PUBLICLY OWNED FACILITY, BUILDING OR SERVICE: Not applicable.

CITY OF CLEVELAND, TEXAS
ANNEXATION SERVICE PLAN
PAGE 2

10. CAPITAL IMPROVEMENTS REQUIRED FOR THE ACQUISITION OR CONSTRUCTION FOR THE PROVISION OF MUNICIPAL SERVICES ADEQUATE TO SERVE THE AREA: In accordance with the Development Agreement.
11. PLANNING SERVICES: Planning services will provided immediately upon annexation. These will include enforcement of subdivision regulations, and the processing of applications for subdivision and platting of site plans will be provided by existing City staff.
12. CODE ENFORCEMENT SERVICES:
 - a. Enforcement of the City's ordinances will be provided within the annexed area on the effective date of the annexation ordinance. These ordinances and other regulations will be enforced using existing personnel.
 - b. Complaints of ordinance violations or other code violations within the annexed area will be answered and investigated by existing personnel on the effective date of the annexation ordinance.
 - c. Animal Control services will be provided to those areas within the annexed area on the effective date of the annexation ordinance using existing personnel and equipment.
 - d. Vector control services will be provided to those areas within the annexed area on the effective date of the annexation ordinance using existing personnel and equipment.
13. MISCELLANEOUS: General municipal administration and administrative services of the City shall be available to the annexed area beginning with the effective date of the annexation ordinance.
14. LIBRARY SERVICES: The City Library and facilities will be available for use by residents of the annexed area, beginning on the effective date of the annexation ordinance.

STATE OF TEXAS }
COUNTY OF LIBERTY }
I, Delia Sellers, hereby certify that this instrument as FILED in the number
sequence on the date and at the time stamped hereon by me, and was duly
RECORDED in the volume and page of the OFFICIAL PUBLIC RECORDS
of Liberty County, Texas, as Stamped hereon by me on

FEB 14 2008

Delia Sellers
COUNTY CLERK
LIBERTY COUNTY, TEXAS

OFFICIAL RECORDS
LIBERTY COUNTY
DELIA SELLERS
COUNTY CLERK
RECORDING FEE:
2008001904
\$27.00
02/14/2008 03:01 PM 5 PGS
MLOZANO, DC Receipt #002547