



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 owners of the tracts 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 land described in Exhibit A is hereby annexed to, and made a part of, the City.

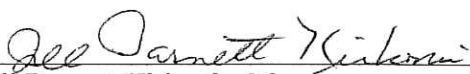
Section 2. The plan for extension of municipal services into the area annexed to the City by the provisions of this Ordinance is set forth in the "Annexation Service Plan" which is attached hereto as Exhibit B and made a part hereof for all purposes and which is hereby approved.

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.

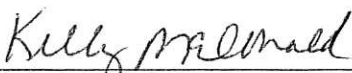
Section 4. By affirmative vote of all council members present, the City Council dispenses with the requirement of Section 3.09 of the Charter of the City that this Ordinance be read at two (2) regular meetings.

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



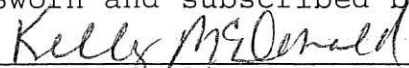
Jill Barnett Kirkonis, Mayor

ATTEST:



Kelly McDonald, City Secretary

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



Notary Public

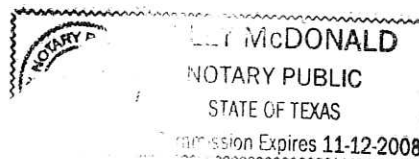


EXHIBIT A

CLEVELAND SURVEYING COMPANY, p.c.

P.O. BOX 1274 ---709 SOUTH WASHINGTON AVENUE, Suite B
CLEVELAND, TEXAS 77327

www.clevelandsurveying.com

Phone: (281) 592-6395 Fax: (281) 592-7136

LEGAL DESCRIPTION

3.8917 Acre Tract

BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND CONTAINING **3.8917** ACRES OF LAND SITUATED IN THE *JOHN BREEDING SURVEY, ABSTRACT No. 432, AND THE T.J. WILLIAMS SURVEY, ABSTRACT No. 394, LIBERTY COUNTY, TEXAS*, AND BEING OUT OF A CALLED 34.36 ACRE TRACT AND BEING OUT AND A PART OF A CALLED 95.5 ACRE TRACT AND FURTHER DESCRIBED IN A DEED RECORDED IN VOLUME 551, PAGE 550 OF THE DEED RECORDS OF LIBERTY COUNTY, TEXAS AND BEING OUT OF THE CALLED McWATERS PROPERTIES, LTD AND CAMPBELL REAL ESTATE. LLC 27.2128 ACRE TRACT; SAID **3.8917** ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

BEGINNING at a concrete right-of-way monument found in the west right-of-way of the U. S. Highway 59 By-pass for the Southeast corner of the above described 34.36 acre tract and the Southeast corner of the parent 27.2128 acre tract;

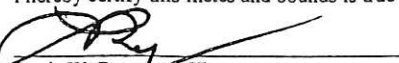
THENCE North 80 degrees 42 minutes 20 seconds West, a distance of 679.67 feet with the south line of the parent tract to a 1 inch iron pipe set for the Southwest corner of this tract;

THENCE NORTH 00 DEGREES 18 MINUTES 00 SECONDS WEST, a distance of 205.95 feet to a 5/8 inch iron rod set for the Northwest corner of this tract;

THENCE SOUTH 89 DEGREES 11 MINUTES 43 SECONDS EAST, a distance of 656.43 feet to a 5/8 inch iron rod set in the west right-of-way of U. S. Highway No. 59 south bound access road;

THENCE SOUTH 02 DEGREES 53 MINUTES 15 SECONDS EAST, a distance of 306.88 feet with the west right-of-way of said access road to the **PLACE OF BEGINNING** and containing 169522 square feet or **3.8917** acres more or less.

I hereby certify this metes and bounds is true and correct to the best of my knowledge, and belief, as surveyed on the ground, June 13, 2005.


Louis W. Bergman, III
R.P.L.S. No. 2056
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LEGAL DESCRIPTION

6.00 Acre Tract

TRACT I

BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND CONTAINING 6.00 ACRES OF LAND SITUATED IN THE *JOHN BREEDING SURVEY, ABSTRACT No. 432, AND THE T.J. WILLIAMS SURVEY, ABSTRACT No. 394, LIBERTY COUNTY, TEXAS*, AND BEING OUT OF A CALLED 34.36 ACRE TRACT AND BEING OUT AND A PART OF A CALLED 95.5 ACRE TRACT AND FURTHER DESCRIBED IN A DEED RECORDED IN VOLUME 551, PAGE 550 OF THE DEED RECORDS OF LIBERTY COUNTY, TEXAS AND BEING OUT OF THE CALLED McWATERS PROPERTIES, LTD AND CAMPBELL REAL ESTATE. LLC 27.2128 ACRE TRACT; SAID 6.00 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

COMMENCING at a concrete right-of-way monument found in the west right-of-way of the U. S. Highway 59 By-pass for the Southeast corner of the above described 34.36 acre tract and the Southeast corner of the parent 27.2128 acre tract;

THENCE NORTH 02 DEGREES 53 MINUTES 15 SECONDS WEST, a distance of 306.88 feet with the west right-of-way the south bound access road for U.S. Highway No. 59 to a 5/8 inch iron rod set for the **PLACE OF BEGINNING**;

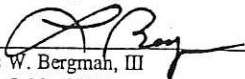
THENCE NORTH 89 DEGREES 11 MINUTES 43 SECONDS WEST, a distance of 656.43 feet with the north line of a 4.7359 acre tract surveyed this same day;

THENCE NORTH 00 DEGREES 18 MINUTES 00 SECONDS WEST, a distance of 409.48 feet to a 5/8 inch iron rod set for the Southwest corner of this tract;

THENCE SOUTH 89 DEGREES 11 MINUTES 43 SECONDS EAST, a distance of 620.35 feet with the south line of the McCoy's Building Materials 3.4133 acre tract to a 5/8 inch iron rod found in the west right-of-way of said access road;

THENCE SOUTH 05 DEGREES 19 MINUTES 33 SECONDS EAST, a distance of 411.76 feet with the access road right-of-way to the **PLACE OF BEGINNING** and containing 261360 square feet or 6.00 acres more or less.

I hereby certify this metes and bounds is true and correct to the best of my knowledge, and belief, as surveyed on the ground, June 13, 2005.


Louis W. Bergman, III
R.P.L.S. No. 2056
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LEGAL DESCRIPTION

0.8442 Acre Tract

ACCESS ROAD FOR 3.8917 ACRE TRACT

BEING ALL THAT CERTAIN ACCESS EASEMENT CONTAINING 0.8442 ACRES OF LAND SITUATED IN THE JOHN BREEDING SURVEY, ABSTRACT No. 432, AND THE T.J. WILLIAMS SURVEY, ABSTRACT No. 394, LIBERTY COUNTY, TEXAS, AND BEING OVER AND ACROSS A CALLED 34.36 ACRE TRACT AND BEING OUT AND A PART OF A CALLED 95.5 ACRE TRACT AND FURTHER DESCRIBED IN A DEED RECORDED IN VOLUME 551, PAGE 550 OF THE DEED RECORDS OF LIBERTY COUNTY, TEXAS AND BEING OVER AND ACROSS A PORTION OF THE CALLED McWATERS PROPERTIES, LTD AND CAMPBELL REAL ESTATE. LLC 27.2128 ACRE TRACT; SAID ACCESS EASEMENT TRACT IS TO PROVIDE ACCESS TO A 3.8917 ACRE TRACT SURVEYED THIS SAME DAY AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:

COMMENCING at a concrete right-of-way monument found in the west right-of-way of the U. S. Highway 59 Bypass for the Southeast corner of the above described 34.36 acre tract and the Southeast corner of the parent 27.2128 acre tract;

THENCE North 80 degrees 42 minutes 20 seconds West, a distance of 679.67 feet with the south line of the parent tract to a 1 inch iron pipe set for the Southeast corner and PLACE OF BEGINNING of this tract and being the Southwest corner of a 3.8917 acre tract surveyed this same day;

THENCE NORTH 80 DEGREES 42 MINUTES 20 SECONDS WEST, a distance of 56.38 feet to a 5/8 inch iron rod set for corner;

THENCE NORTH 00 DEGREES 18 MINUTES 00 SECONDS WEST, a distance of 662.71 feet parallel with the west line of the 3.8917 acre tract to a 5/8 inch iron rod set for corner;

THENCE SOUTH 89 DEGREES 11 MINUTES 43 SECONDS EAST, a distance of 53.09 feet to a 5/8 inch iron rod set in the west margin of a county road;

THENCE SOUTH 05 DEGREES 36 MINUTES 48 SECONDS WEST, a distance of 56.41 feet to a 5/8 inch iron rod found for the Southwest corner of said county road;

THENCE NORTH 86 DEGREES 35 MINUTES 57 SECONDS EAST, a distance of 8.34 feet to a 5/8 inch iron rod set for corner;

THENCE SOUTH 00 DEGREES 18 MINUTES 00 SECONDS EAST, a distance of 615.43 feet to the PLACE OF BEGINNING and containing 36773 square feet or 0.8442 acres more or less.

I hereby certify this metes and bounds is true and correct to the best of my knowledge, and belief, as surveyed on the ground, June 13, 2005.



Louis W. Bergman III
R.P.L.S. No. 2056
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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 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: Not applicable.
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 this 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:
2008001903

\$35.00

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