



AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF CLEVELAND, TEXAS, TO EMBRACE AND INCLUDE ALL OF THE TERRITORY WITHIN CERTAIN LIMITS AND BOUNDARIES AND ANNEXING TO THE CITY OF CLEVELAND, TEXAS, ALL OF THE TERRITORY WITHIN SUCH BOUNDARIES; APPROVING A SERVICE PLAN FOR ALL OF THE AREA WITHIN SUCH TERRITORY; MAKING FINDINGS; AND CONTAINING OTHER PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, the City Council of the City of Cleveland, Texas (the "City") finds, determines and declares that the territory hereinafter described in Exhibit "A," attached hereto and made a part hereof, (the "Territory") is adjacent and contiguous to the present city limits of the City; that said Territory lies within the exclusive extraterritorial jurisdiction of the City; and that the annexation of said Territory to the City will promote the general health, safety and welfare of persons residing within the City and within said Territory, if any; and

WHEREAS, the City Council of the City has heretofore, on October 13, 2009, directed the staff to prepare a Service Plan that provides for the extension of municipal services to the area within the Territory; and

WHEREAS, two public hearings were held on November 17, 2009 and November 18, 2009, in the City Council Chambers, City Hall, 907 East Houston, Cleveland, Texas, at which public hearings all interested parties were given an opportunity to be heard and the proposed Service Plan was made available for public inspection. Notice of such public hearings was given by publication in the *Cleveland Advocate* on November 4, 2009, said newspaper having general circulation within the City and within the Territory. Such notices and hearings were all in conformity with the Municipal Annexation Act, codified as Chapter 43, Texas Local Government Code, as amended; now, therefore,

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

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The boundary limits of the City of Cleveland, Texas, are hereby extended to embrace and include all of the Territory more particularly described by metes and bounds in Exhibit "A" attached hereto, and such Territory is hereby annexed to and made a part of the City for general purposes.

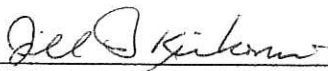
Section 3. The plan for extension of municipal services into the Territory annexed to the City by the provisions of this Ordinance is set forth in the "Municipal Service Plan" attached hereto as Exhibit "B" and made a part hereof for all purposes. Such Municipal Service Plan is hereby approved.

Section 4. The City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place, and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed, considered, and formally acted upon. The City Council further ratifies, approves, and confirms such written notice and the contents and posting thereof.

Section 5. 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 thereof, but as to such remaining

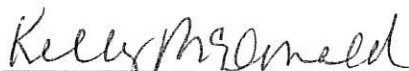
portion or portions, the same shall be and remain in full force and effect; and should this Ordinance for any reason be ineffective as to any part of the Territory hereby annexed to the City of Cleveland, such ineffectiveness of this Ordinance as to any such part or parts of any such Territory shall not affect the effectiveness of this Ordinance as to all of the remainder of such Territory or area, and the City Council hereby declares it to be its purpose to annex to the City of Cleveland every part of the Territory described in Section 2 of this Ordinance, regardless of whether any other part of such described Territory is hereby effectively annexed to the City. Provided, further, if there is included in the general description of the Territory set out in Section 2 of this Ordinance to be hereby annexed to the City of Cleveland any territory which is already a part of and included within the general limits of the City of Cleveland, or which is presently part of and included in the limits or extraterritorial jurisdiction of any other city, town, or village, or which is not within the City of Cleveland's jurisdiction to annex, the same is hereby excluded and excepted from the Territory to be annexed hereby as fully as if such excluded and excepted territory were especially and specifically described herein.

PASSED, APPROVED, AND ADOPTED this 8th day of December, 2009.



Jill Barnett Kirkonis, Mayor

ATTEST:



Kelly McDonald, City Secretary

EXHIBIT A

TRACT A

ANNEXATION TRACT 2009-A 119 ACRES - U.S. HWY 59 SOUTH

BEING ALL THAT CERTAIN 119 ACRE TRACT OF LAND SITUATED IN THE T. DEVERS SURVEY, ABSTRACT A-170, THE M. LAWRENCE SURVEY, ABSTRACT A-981, THE W. BARKER SURVEY, ABSTRACT A-133 AND THE M.B. LAWRENCE SURVEY, ABSTRACT A-306, LIBERTY COUNTY TEXAS, AND BEING FURTHER DESCRIBED AS FOLLOWS:

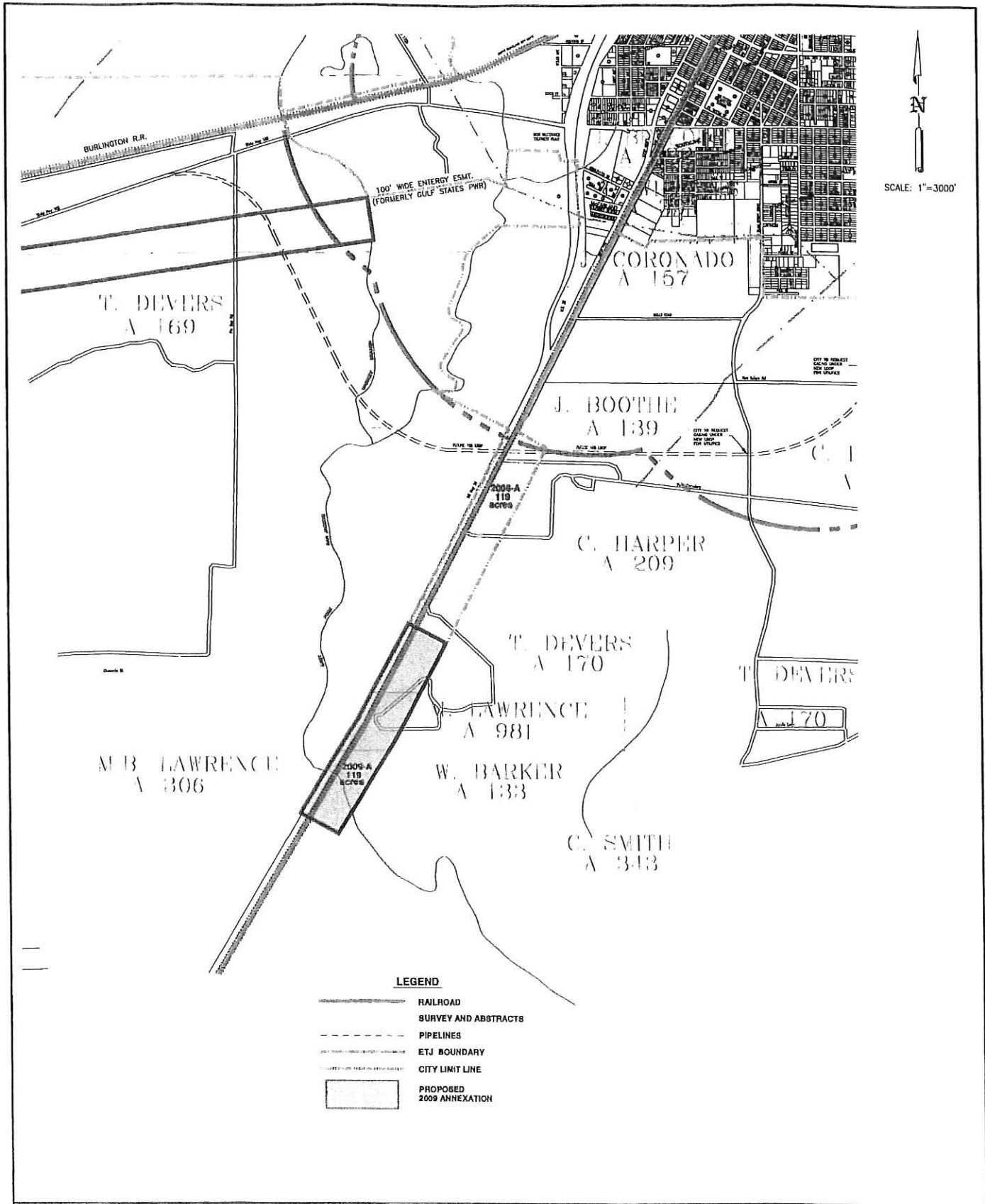
BEGINNING in the west right-of-way line of U.S. Highway 59, a 300 foot wide right-of-way and the most southwest corner of the city limit line as described in RESOLUTION NO. 10-12-2008 and labeled Annexation Tract 2008-A same being a corner of the most northwest corner of the tract described herein.

THENCE southwest along the west right-of-way line of U.S. Hwy 59, passing from the T. Devers Survey Abstract A-170, into the M. Lawrence Survey Abstract A-981, into the W. Barker Survey Abstract A-133 and into the M.B. Lawrence Survey Abstract A-306 for a total distance of 5,280 feet to a point for corner;

THENCE southeast and perpendicular to the right-of-way of U.S. Hwy 59, at 300 feet passing the east right-of-way line of U.S. Hwy 59, and continuing 700 additional feet for a total distance of 1,000 feet, all lands being within the M.B. Lawrence Survey Abstract A-306, to a point for corner;







THENCE northeast with a line paralleling and 1,000 feet southeast of the west right-of-way line of U.S. Hwy 59 passing from the M.B. Lawrence Survey Abstract A-306, into the W. Barker Survey Abstract A-133, into the M. Lawrence Survey Abstract A-981 and into the T. Devers Survey A-170 for a total distance of 5,280 feet to a point for corner;

Thence northwest for a distance of 1,000 feet perpendicular to the west right-of-way of U.S. Hwy 59, passing the east right-of-way of U.S. Hwy. 59 at 700 feet and continuing 300 feet for a total distance of 1,000 feet to the POINT OF BEGINNING and containing 119 acres of land more or less.



N
SCALE: 1"=3000'

LEGEND

-  RAILROAD
-  SURVEY AND ABSTRACTS
-  PIPELINES
-  ETJ BOUNDARY
-  CITY LIMIT LINE
-  PROPOSED 2009 ANNEXATION

SBB SPARKS - BARLOW - BARNETT, INC.
Consulting Engineers - Planners

FILENAME: P:\CLEV\2009ANNEX\ANNEX2009-A.DWG	DATE: OCTOBER 2009
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CITY OF CLEVELAND, TEXAS
ANNEXATION OF 119 ACRE TRACT 2009-A

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 be 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.

OFFICIAL RECORDS
LIBERTY COUNTY
DELIA SELLERS
COUNTY CLERK
RECORDING FEE: \$35.00
2009020162
12/28/2009 02:21 PM 7 PGS
JMINTER, DC Receipt #017768

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

DEC 28 2009

Delia Sellers
COUNTY CLERK
LIBERTY COUNTY, TEXAS