

**CITY OF LOWRY CROSSING, TEXAS
ORDINANCE 245**

ANNEXING TERRITORY

AN ORDINANCE OF THE CITY OF LOWRY CROSSING, TEXAS ANNEXING THE HEREINAFTER DESCRIBED TERRITORY, COMPRISING APPROXIMATELY 1.152 ACRES OF LAND, TO THE CITY OF LOWRY CROSSING, COLLIN COUNTY, 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 THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY; AND ADOPTING A SERVICE PLAN; DIRECTING THAT PROCEEDINGS FOR THE PERMANENT ZONING OF THE TERRITORY ANNEXED HEREBY BE PURSUED AND ACCOMPLISHED IN ACCORDANCE WITH LAW; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 43 of the Texas Local Government Code (the “Code”) authorizes municipalities, including the City of Lowry Crossing, Texas (the “City”) to annex territory in accordance with the procedures provided for therein; and

WHEREAS, §43.028 of the Texas Local Government Code of the Code authorizes the City to annex territory upon the written petition for annexation submitted by the owners of the area; and

WHEREAS, on June 26, 2012 the City of Lowry Crossing, Texas (the “City”) received a written petition from the owner(s) of a certain land area adjacent and contiguous to the corporate limits of the City and within the City’s extraterritorial jurisdiction that requested the City to annex the area, and a copy of the petition, including the description of the land area (which land area is sometimes referred to herein as the “Property” and is described below), is on file in the office of the City Secretary of the City, and the City Council thereafter granted the petition pursuant to Resolution No. 67 of the City; and

WHEREAS, the Property as described herein is one-half mile or less in width, is contiguous to the City, and is vacant and without residents or on which fewer than three qualified voters reside; and

WHEREAS, notice was published in accordance with law to hold public hearings regarding the proposed annexation of the Property, and such public hearings were held, in accordance with the requirements of Chapter 43 of the Code; and

WHEREAS, all procedures prescribed by the Texas Local Government Code and the laws of this state have been duly followed with respect to the annexation of the following described territory (the “Property”), to wit:

All that certain lot, tract, or parcel of land situated in Collin County, Texas, being part of the David Cherry Survey, Abstract No. 166, being part of a 2.00 of tract of land described in a deed from Lee Roy Purser to Citizens State Bank as recorded in Volume 1761 at Page 677 of the Collin County Land Records and being further described as follows:

BEGINNING at a ½ inch iron rod found for a corner on the southwest Right-of-Way of U. S. Highway No. 380, said Point of Beginning being at the northwest corner to a 1.000 acre tract of land as conveyed to Lee Roy Purser as recorded in Volume 4880 at Page 2927 of the Official Records of Collin County, Texas.

THENCE SW 00° 46' 15" E along the east line of said 2.00 acre tract and the west line of said 1.000 acre tract, a distance of 211.75 feet to a ½ inch iron rod set for a corner;

THENCE S 88° 11' 56" a distance of 220.26 feet to a ½ inch iron rod set for a corner on the east line of Collin County Road No. 984;

THENCE N 00° 39' 15" W along the west line of said 2.00 acre tract and the east line of Collin County Road No. 984, a distance of 214.06 feet to a ½ inch iron rod found for a corner;

THENCE N 31° 43' 45" E a distance of 90.40 feet to a ½ inch iron rod found for a corner on the southwest Right-of-Way of U.S. Highway No. 380;

THENCE S 64° 24' 15" E along the southwest Right-of-Way of U.S. Highway No. 380, a distance of 168.78 feet returning to the point of Beginning and containing 1.152 acres of land;

and

WHEREAS, the City Council desires to adopt this Ordinance annexing the Property on the date set forth below.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWRY CROSSING, TEXAS:

1. That the heretofore described Property is hereby annexed to the City of Lowry Crossing, Collin County, Texas, and that the boundary limits of the City of Lowry Crossing be and the same are hereby extended to include the above described territory within the city limits of the City of Lowry Crossing, and the same shall hereafter be included within the territorial limits of said City, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the City of Lowry Crossing and they shall be bound by the acts, ordinances, resolutions, and regulations of said City.
2. A service plan for the area is hereby adopted and attached as exhibit A.
3. This Ordinance shall be cumulative of all ordinances of the City of Lowry Crossing, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of those ordinances, in which event the conflicting provisions of those ordinances are hereby repealed.
4. As set forth in and in accordance with Section 6-1 of the Zoning Ordinance of the City (the same being Ordinance No. 110, as amended), the annexed Property is classified as TR1

Temporary R1 District, and no new use other than the lawful use in existence at the time of the TR1 classification shall be permitted until a new permanent zoning classification is granted by ordinance. Permanent zoning of the Property shall be pursued and accomplished in accordance with law and in a period of time that will allow the City adequate time for appropriate land use planning, and this paragraph constitutes the initiation of proceedings to provide such permanent zoning.

5. The sections, parts, and provisions of this Ordinance are severable, and should any section, part or provision of this Ordinance be held unconstitutional, illegal or invalid, or the application thereof ineffective or inapplicable as to the Property or any territory, the unconstitutionality, illegality, invalidity, ineffectiveness, or inapplicability of such section, part, or provision shall in no way 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 unconstitutional, illegal, invalid, ineffective, or inapplicable as to any part of the Property hereby annexed to the City, such unconstitutionality, illegality, invalidity, ineffectiveness, or inapplicability of this Ordinance as to any such part or parts of the Property shall not affect the effectiveness of this Ordinance as to all of the remainder of the Property hereby annexed. The City Council hereby declares that it would have adopted the valid portions and applications of this Ordinance and would have annexed the valid portion of the Property without the invalid portion, and to that end the provisions of this Ordinance are severable. Provided, further, that if there is included within the general description of the Property any lands or area which are presently part of and included within the limits of the City, or which are presently part of and included within the limits of any other city, or which are not within the City's jurisdiction to annex, the same is hereby excluded and excepted from the territory to be hereby annexed as fully as if such excluded and excepted area were expressly described herein.

6. The City Secretary is hereby directed to file with the County Clerk of Collin County, Texas, a certified copy of this ordinance. The official map and boundaries of the City heretofore adopted and amended are hereby amended so as to include the Property described herein.

7. This Ordinance shall take effect and be in full force from and after its passage.

PASSED and approved by the City Council of the City of Lowry Crossing, Texas, this the _____ day of _____, 2012.

APPROVED:

Derek Stephens, Mayor

ATTEST:

Janis Cable, City Secretary

Exhibit A

Service Plan 4832 US Hwy 380 Annexation

The City of Lowry Crossing will provide the following:

1. Police protection shall be provided in accordance with the existing City policy through the Collin County Sheriff's Department.
2. Fire protection shall be provided in accordance with existing City policy.
3. Solid waste collection shall be provided in accordance with existing City policy that authorizes collection of solid waste by a private company or companies authorized to conduct such activities within the City.
4. Maintenance of water facilities shall be provided in accordance with existing City policy through Milligan Water Supply Corporation. Waste water facilities are provided by individual property owner septic systems and regulated by Collin County Development Services.
5. Maintenance of roads and streets shall be provided in accordance with existing City policy which includes an Inter-local Cooperation Agreement between the City of Lowry Crossing and Collin County.

Signed this _____ day of _____, 2012.

Derek Stephens, Mayor