

ORDINANCE NO. 813
ORDINANCE ANNEXING TERRITORY

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF HOWE, GRAYSON 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.

WHEREAS, § 43.0671 of the Texas Local Government Code authorizes the annexation of the territory, subject to the laws of this state.

WHEREAS, the procedures prescribed by the Texas Local Government Code and the laws of this state have been duly followed with respect to the following described territory, to wit: See "Exhibit A" attached hereto and made a part hereof.

WHEREAS, the City has prepared a Service Plan for said tract of land which is "Exhibit B," attached hereto and made a part hereof.

WHEREAS, the City Council has determined that the Property to be annexed, as set forth in the Petition, is located within the extraterritorial jurisdiction of the City.

WHEREAS, the City Council has investigated into, determined, and officially finds that no part of the Property is within the extraterritorial jurisdiction of any other incorporated city or town.

WHEREAS, after hearing and considering arguments for and against the same, the governing body voted to annex the territory described herein into the city.

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

1. That the territory described in "Exhibit A," attached hereto and made a part hereof, is hereby annexed into the City of Howe, Grayson County, Texas, and that the boundary limits of the City of Howe be and the same are hereby extended to include the territory described in "Exhibit A" within the city limits of the City of Howe, and the same shall hereafter be included within the territorial limits of said City, and the inhabitants and future inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the City of

EXHIBIT A
(Description of Territory)

LEGAL DESCRIPTION

BEING a 91.31 acre tract of land out of the Lemuel Thornburg Survey, Abstract Number 1215 and the W.A. Park Survey, Abstract Number 925, situated in Grayson County, Texas and being all of a called 91.25 acre tract of land conveyed to A.R.C. STX Holdings, L.L.C. by deed of record in Volume 4740, Page 315 of the Official Records of Grayson County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING, at a PK Nail with washer stamped "RPLS 4613" found at or near the center of Ponderosa Road, being the Northeast corner of a called Tract Two conveyed to Niels T. Sorensen, Trustee by deed of record in Volume 1980, Page 536 of said Official Records, also being the Southeast corner of said 91.25 acre tract and hereof;

THENCE, N 88°31'15" W, along the South line of said 91.25 acre tract, being in part, the common North line of said Tract Two and in part, the common North line of a called 55.714 acre tract of land conveyed to Saddleback Ventures, LLC by deed of record in Document Number 2020-16850 of said Official Records, passing at a distance of 23.64 feet, a T-post found and continuing a total distance of 1895.70 feet to a 1/2 inch iron rod found in the Southeast right-of-way line of the Southern Pacific Railway, being the Northwest corner of said 55.714 acre tract, also being the Southwest corner of said 91.25 acre tract and hereof;

THENCE, along the East line of said Southern Pacific Railway and the common West line of said 91.25 acre tract, the following three (3) courses and distances:

1. N 23°03'54" E, a distance of 971.80 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set at the beginning of a curve to the left with a radius of 2914.93 feet, a delta angle of 23°18'00", whose chord bears N 11°24'54" E, a distance of 1177.24 feet;
2. Along said curve to the left, an arc distance of 1185.39 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set at the end of said curve;
3. N 00°14'06" W, a distance of 593.42 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set at the Southwest corner of a called 7.29 acre tract of land described in deed to Jimmy and Darlene Murley, recorded in Document Number 2006-00006492 of said Official Records, also being the Northwest corner of said 91.25 acre tract and hereof, from which a disturbed 2 inch metal pipe found bears S 47°28'00" W, a distance of 0.59 feet;

THENCE, S 89°52'50" E, along the South line of said 7.29 acre tract and the common North line of said 91.25 acre tract, passing at a distance of 1320.00 feet, a 3/8 inch iron rod found and continuing a total distance of 1345.58 feet to a 60D nail found at or near the center of said Ponderosa Road, being the Southeast corner of said 7.29 acre tract, also being the Northeast corner of said 91.25 acre tract and hereof;

THENCE, along the East line of said 91.25 acre tract, along or near the center of said Ponderosa Road, the following two (2) courses and distances:

1. S 01°20'52" W, a distance of 1974.11 feet to a 1/2 inch iron rod found;
2. S 01°13'59" W, a distance of 714.22 feet to the **POINT OF BEGINNING** and containing 91.31 acres (3,977,408 square feet) of land, more or less.

AND

THAT PORTION OF PONDEROSA ROAD, GRAYSON COUNTY, TEXAS, THAT ABUTS THE ANNEXATION PROPERTY, INCLUDING THE ENTIRE WIDTH OF SAID COUNTY ROAD AND THE ADJACENT RIGHT-OF-WAY ON BOTH SIDES OF THE COUNTY ROAD THAT ABUTS THE ANNEXATION PROPERTY.

**EXHIBIT B
(Service Plan)**

Ordinance No. _____
CITY OF HOWE, TEXAS
SERVICE PLAN FOR ANNEXED AREA
VOLUNTARY ANNEXATION
RUDHI INV.
MALACHI 3

RESOLUTION NO. _____

ANNEXATION ORDINANCE NO. 813 (to be completed by the City of Howe)

DATE OF ANNEXATION ORDINANCE: 2-20-2024 (to be completed by the City of Howe)

ACREAGE ANNEXED: 91.31 acres of land, more or less

SURVEY, ABSTRACT & COUNTY:

Tract 1:

Property ID: 130706

Legal Description: G-0925 PARK W A A-G0925, ACRES 27.69
W.A. Park Survey Abstract No. 925
Grayson County, Texas

Tract 2:

Property ID: 128922

Legal Description: G-1215 THORNBURGH L A-G1215, ACRES 48.62
Lemuel Thornburgh Survey Abstract No. 1215
Grayson County, Texas

OWNER: RUDHI INVESTMENTS LLC

Tract 3:

Property ID: 128925

Legal Description: G-1215 THORNBURGH L A-G1215, ACRES 15.0
Lemuel Thornburgh Survey Abstract No. 1215
Grayson County, Texas

OWNER: MALACHI 310

Municipal Services to the acreage described above shall be furnished by or on behalf of the City of Howe, Texas, at the following levels and in accordance with the following schedule:

A. POLICE SERVICE

1 Patrolling, responses to calls and other routine police services, within the limits of existing personnel and equipment and in a manner consistent with any of the methods of the City of Howe, Texas, extends police service to any other area of the municipality, will be provided upon the effective date of the annexation ordinance.

2 Upon ultimate development of the area, the same level of police services will be provided to this area as are furnished throughout the City.

B. FIRE/AMBULANCE SERVICES

1 Fire protection by the present personnel and the present equipment of the Howe Volunteer Fire Department, within the limitations of available water and distances from existing fire stations, and in a manner consistent with any of the methods of the City of Howe, Texas, extends fire service to any other area of the municipality, will be provided to this area upon the effective date of the annexation ordinance.

2 Emergency ambulance in a manner consistent with any of the methods of the City of Howe, Texas, provides emergency ambulance service to any other area of the municipality, will be provided to this area upon the effective date of the annexation ordinance.

3 Upon ultimate development of the area, the same level of fire and emergency ambulance services will be provided to this area as are furnished throughout the City.

C. ENVIRONMENTAL HEALTH AND CODE ENFORCEMENT SERVICES

1 Enforcement of the City's environmental health ordinances and regulations, including but not limited to, weed and brush ordinances, junked and abandoned vehicle ordinances and animal control ordinances, shall be provided within this area sixty (60) days of the effective date of the annexation ordinance. These ordinances and regulations will be enforced through the use of existing personnel.

2 Inspection services, including the review of building plans, the issuance of permits and the inspection of all buildings, plumbing, mechanical and electrical work to ensure compliance with City codes and ordinances will be provided within sixty (60) days of the effective date of the annexation ordinance. Existing personnel and third-party inspectors will be used to provide these services.

3 The City's zoning, subdivision, sign and other ordinances shall be enforced in this area beginning upon the effective date of the annexation.

4 All inspection services furnished by the City of Howe, but not mentioned above, will be provided to this area beginning within sixty (60) days of the effective date of the annexed ordinance.

5 As development and construction commence in this area, sufficient personnel or use of third-party inspectors will be provided to furnish this area the same level of Environmental Health and Code Enforcement Services as are furnished throughout the City.

D. PLANNING AND ZONING SERVICES

The planning and zoning jurisdiction of the City will extend to this area upon the effective date of the annexation ordinance. City planning will thereafter encompass this property, and it shall be entitled to consideration for zoning in accordance with the City's Comprehensive Zoning Ordinance and Comprehensive Plan.

E. PARK AND RECREATION SERVICES

1 Residents of this property may utilize all existing park and recreational services, facilities, and sites throughout the City, beginning upon the effective date of the annexation ordinance.

2 Additional facilities and sites to serve this property and its residents will be acquired, developed and maintained at locations and times provided by applicable plans, policies, and programs and decisions of the City of Howe. This property will be included in all future plans for providing parks and recreation services to the City.

3 Existing parks, playgrounds, swimming pools, and other recreational facilities within this property shall, upon dedication to and acceptance by the City, be maintained and operated by the City of Howe, but not otherwise.

F. SOLID WASTE COLLECTION

1 Solid waste collection shall be provided to the property in accordance with existing City policies, beginning upon the effective date of the annexation ordinance.

2 As development and construction commence in this property and population density increases to the property level, solid waste collection shall be provided to

this property in accordance with the current policies of the City as to frequency, changes and so forth.

G. STREETS / STREET LIGHTING

1 The City of Howe's existing policies with regard to street maintenance, applicable throughout the entire City, shall apply to this property beginning upon the effective date of the annexation ordinance. Unless a street within this property has been constructed or is improved to the City's standards and specifications, that street will not be maintained by the City of Howe.

2 As development, improvement or construction of streets to City standards commences within this property, acceptance upon completion and maintenance after completion and acceptance shall apply per City policies.

3 The same level of maintenance shall be provided to streets within this property which have been accepted throughout the City of Howe as is provided to City streets throughout the City.

4 Street lighting installed on streets improved to the City standards shall be maintained by either TXU Energy, Oncor, Grayson County Electric Co-Op or the appropriate Franchise holder in accordance with current City policies.

H. WATER SERVICES*

1 Connection to existing City water mains for water service for domestic, commercial and industrial use within this property will be provided in accordance with existing City policies. Upon *connection to existing* mains, water will be provided at rates established by City ordinances for such service throughout the City.

2 As development and construction commence in this property, water mains of the City will be extended by Owner in accordance with provisions of the Subdivision Ordinance and other applicable ordinances and regulations. **

3 Water mains installed or improved to City standards which are within the annexed area and are located in dedicated easements which have been formally accepted by the City shall be maintained by the City of Howe.

4 Private water lines within this property shall be maintained by their owners in accordance with existing policies applicable throughout the City.

I. SANITARY SEWER SERVICES*

None by the City. It is anticipated that the property will be developed as ½ acre or larger lots with on-site sewage facilities (OSSF). Owners shall comply with all TCEQ, Grayson County and City rules, policies, and regulations. If future connection to sanitary sewer services is requested, and said request is approved by the City, the following shall apply.

There is no guarantee of future sewer capacity.
Subject to the above and City approval:

- 1 Connections to existing City sanitary sewer mains for sanitary sewage service in this area will be provided in accordance with existing City policies. Upon connection, sanitary sewer service will be provided at rates established by City ordinances for such service throughout the City.
- 2 Sanitary sewage mains and/or lift stations installed or improved to City standards, located in dedicated easements which have been formally accepted by the City, and which are within the annexed area and are connected to City mains will be maintained by the City of Howe.
- 3 As development and construction commence in this area, sanitary sewer of the City will be extended by Owner in accordance with provisions of the Subdivision Ordinance and other applicable City ordinances and regulations.**

J. MISCELLANEOUS

- 1 Any facility or building located within the annexed area and utilized by the City of Howe in providing services to the area will be maintained by the City of Howe commencing upon the date of use or upon the effective date of the annexation ordinance, whichever occurs later.
- 2 General municipal administration and administrative services of the City shall be available to the annexed area beginning upon the effective date of the annexation ordinance.
- 3 Notwithstanding anything set forth above, this Service Plan does not require all municipal services be provided as set forth above if different characteristics of topography, land use and population density are considered a sufficient basis for providing different levels of service.
- 4 The Service Plan is valid for ten (10) years from the effective date of the Ordinance.

NOTES:

*** CERTIFICATE OF CONVENIENCE AND NECESSITY ("CCN"):**

UNLESS OTHERWISE AGREED TO IN WRITING, THE CITY OF HOWE AND OWNERS AGREE THAT IF THE ABOVE-DESCRIBED PROPERTY LIES WITHIN THE SEWER AND/OR WATER CCN AREA OF AN ENTITY OTHER THAN THE CITY OF HOWE, OWNERS SHALL REIMBURSE THE CITY OF HOWE ANY AND ALL COSTS ASSOCIATED WITH THE CITY OF HOWE OBTAINING THE CCN TO SERVICE THE ABOVE-DESCRIBED PROPERTY WITH WATER AND/OR SEWER.

**** WAIVER OF STATUTORY SCHEDULE FOR PROVISION OF MUNICIPAL SERVICES:**

THE CITY OF HOWE AND OWNERS AGREE THAT, IF THERE IS A REQUIREMENT THAT THE CONSTRUCTION OF CAPITAL IMPROVEMENTS SUCH AS WATER SERVICES AND SANITARY SEWER SERVICES NECESSARY TO PROVIDE MUNICIPAL SERVICES TO THE PROPERTY MUST BE COMMENCED WITHIN TWO AND ONE-HALF (2 1/2) YEARS FROM THE EFFECTIVE DATE OF THE ANNEXATION ORDINANCE AND BE SUBSTANTIALLY COMPLETED WITHIN FOUR AND ONE-HALF (4 1/2) YEARS OF THE ANNEXATION, SUCH REQUIREMENT(S) DO(ES) NOT APPLY TO DEVELOPMENT ON THE PROPERTY BECAUSE OF ITS SIZE OR PROJECTED MANNER OF DEVELOPMENT BY THE OWNERS OR DEVELOPERS. THE PARTIES AGREE THAT SUCH SERVICES ARE NOT REASONABLY EXPECTED TO BE COMPLETED WITHIN THAT TIME PERIOD.

THE INDIVIDUALS EXECUTING THIS SERVICE PLAN ON BEHALF OF THE RESPECTIVE PARTIES REPRESENT TO EACH OTHER AND TO OTHERS THAT ALL APPROPRIATE AND NECESSARY ACTION HAS BEEN TAKEN TO AUTHORIZE THE INDIVIDUAL WHO IS EXECUTING THE SERVICE PLAN TO DO SO FOR AND ON BEHALF OF THE PARTY FOR WHICH HIS OR HER SIGNATURE APPEARS, THAT THERE ARE NO OTHER PARTIES OR ENTITIES REQUIRED TO EXECUTE THE SERVICE PLAN IN ORDER FOR THE SAME TO BE AN AUTHORIZED AND BINDING AGREEMENT ON THE PARTY FOR WHOM THE INDIVIDUAL IS SIGNING THE SERVICE PLAN AND THAT EACH INDIVIDUAL AFFIXING HIS OR HER SIGNATURE THERETO IS AUTHORIZED TO DO SO, AND SUCH AUTHORIZATION IS VALID AND EFFECTIVE ON THE DATE HEREOF.

THE OWNERS OF THE PROPERTY DESCRIBED ABOVE ARE:
RUDHI INVESTMENTS LLC
MALACHI 310 CONSTRUCTION LLC

Agreed to by the City of Howe, Texas on the date of and by the passage of Resolution No. _____ and adopted with Ordinance No. _____, annexing the above-described property, with this Service Plan being attached to and incorporated into said Ordinance as Exhibit "_____".

Agreed to and dated by Owner this 19 day of OCTOBER, 2023.

OWNERS:

Rudhi Investments LLC
912 Warwick Blvd
The Colony, TX 75056-6301

By: _____

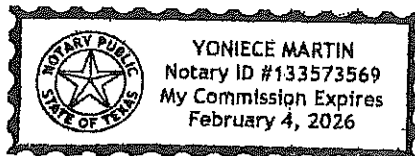
Date: 10/19/2023

ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF Travis

This instrument was acknowledged before me on this the 19th day of October, 2023, by Nehal N. Reddy.



Notary Public in and for
the State of Texas

Notary's Name: Yoniece Martin
My Commission Expires: February 4, 2026
Notary ID #: 133573569

Malachi 310 Construction, LLC
409 S. Central Expy # 107-201
Anna, TX 75409

By: [Signature]

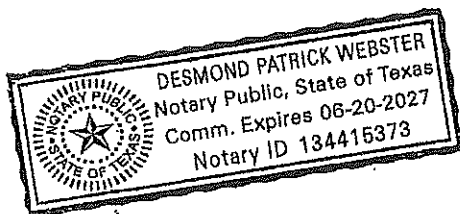
Date: 10/16/23

ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF Collin

This instrument was acknowledged before me on this the 16 day of October, 2023, by Desmond Patrick Webster



[Signature]

Notary Public in and for
the State of Texas

Notary's Name: Desmond P Webster

My Commission Expires: 06/20/2027

Notary ID #: 134415373

Howe and they shall be bound by the acts, ordinances, resolutions, and regulations of said City.

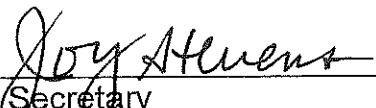
2. A service plan for the area is hereby adopted and attached as "Exhibit B."
3. The City Secretary is hereby directed to file with the County Clerk of Grayson County, Texas, a certified copy of this ordinance.

PASSED by an affirmative vote of all members of the City Council, this the 20th day of February, 2024.

APPROVED:


Mayor

ATTEST:


City Secretary

