

RESOLUTION NUMBER _____

RESOLUTION NUMBER _____ OF THE CITY OF CARROLLTON, TEXAS ACKNOWLEDGING A PETITION TO ANNEX TWO TRACTS OF APPROXIMATELY 1.22 ACRES LOCATED ON THE SOUTH SIDE OF PARKER ROAD WEST OF THE BURLINGTON NORTHERN SANTA FE RAILROAD AND THE SOUTH ONE HALF OF CULPEPPER ROAD EAST OF DOZIER ROAD; DIRECTING THE DEVELOPMENT OF A SERVICE PLAN FOR THE PROPOSED ANNEXATION; SETTING DATES FOR THE REQUIRED PUBLIC HEARINGS; DIRECTING THE PUBLICATION OF SUCH PUBLIC HEARINGS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has been petitioned by the owner of two tracts of approximately 1.22 acres of land located on the south side of Parker Road, west of the Burlington Northern Santa Fe Railroad and the south one-half of Culpepper Road, east of Dozier Road;

WHEREAS, the City is authorized, pursuant to the Texas Local Government Code, Chapter 43, to annex an area located in its extraterritorial jurisdiction;

WHEREAS, the Charter of the City of Carrollton, authorizes the annexation of property adjoining the City of Carrollton by written petition by a majority of landowners to the City Council,

WHEREAS, pursuant to the Texas Local Government Code, section 43.065, the City Council shall direct the planning department, or other appropriate municipal department to prepare a service plan that provides for the extension of full municipal services to the area to be annexed; and

WHEREAS, pursuant to Texas Local Government Code, two public hearings must be conducted to allow persons interested in the annexation an opportunity to be heard, and must be conducted on or before the 40th day but before the 20th day before the date of the institution of the proceedings.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, THAT:

Section 1.

The owners of two tracts of approximately 1.22 acres of land located on the south side of Parker Road west of the Burlington Northern Santa Fe Railroad (Tract 1), and the south one-half of Culpepper Road, east of Dozier Road (Tract 2), as described in Exhibit A and shown in Exhibit B (“Property”) which are attached hereto and incorporated herein, have submitted an affidavit, attached as Exhibit C, petitioning the City of Carrollton to annex the Property and in accordance with the City Charter and Texas state laws, this Council will provide an opportunity to all interested persons to be heard regarding the annexation of the Property.

Section 2.

The Planning Department shall prepare a service plan providing for the extension of full municipal services to the Property.

Section 3.

The public annexation hearings shall be held on August 2nd and August 16th 2016 in City Council Chambers of City Hall.

Section 4.

The City Manager or his designee is directed to cause notice of such public hearings to be published once in a newspaper having general circulation in the city and in the above described territory and to post notice on the City’s Internet website not more than twenty days nor less than ten days prior to the date of such public hearing, in accordance with the Municipal Annexation Act.

Section 5.

The City Manager is authorized to take those steps reasonable and necessary to comply with the intent of this resolution.

Section 6.

This resolution shall become and be effective on and after its adoption.

PASSED AND APPROVED this the Twelfth day of July, 2016.

CITY OF CARROLLTON

By: _____
Doug Hrbacek, Mayor Pro Tem

ATTEST:

Laurie Garber
City Secretary

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Susan Keller
Assistant City Attorney

Loren Shapiro
Chief Planner

EXHIBIT A
LEGAL DESCRIPTION

TRACT 1

LEGAL DESCRIPTION:

BEING a 0.852 acre tract of land situated in the Samuel H. Brown Survey, Abstract No. 111, Denton County, Texas, and being all of a called 0.851 acre ("Tract 2") of land in the Town of Hebron, conveyed by a Special Warranty Deed with Vendor's Lien to KELSPAR, LLC, recorded as Document No. 2013-77373, in the Deed Records of Denton County, Texas (DRDCT), and being more particularly described as follows (Bearings are based on State Plane Coordinates using City of Carrollton Monuments COC-8 and COC-12):

BEGINNING at a 5/8" iron rod with a cap stamped, "SURVCON" found for corner at the intersection of the northeast right-of-way line of Dozier Road (80' right-of-way) with the south right-of-way line of Parker Road (variable width right-of-way) and being the southwest corner of a right-of-way dedication for Parker Road, as described in a Affidavit recorded in Volume 4927, Page 1469 (DRDCT), and the northwest corner of said 0.851 acre tract;

THENCE along the south right-of-way line of said Parker Road and the north line of said 0.851 acre tract as follows:

North 89°15'46" East, a distance of 351.50 feet to a 5/8" iron rod with a cap stamped, "SURVCON" found for corner at an interior "ell" corner of said 0.851 acre tract;

North 00°40'24" West, a distance of 4.45 feet to a point for corner at an exterior "ell" corner of said 0.851 acre tract, from which a 5/8" iron rod with a cap stamped, "SURVCON," found for reference bears North 41°47'31" West, a distance of 0.17 feet, said point for corner being in a non-tangent curve to the left, having a radius of 1,110.00 feet and a chord which bears North 79°06'51" East, a distance of 391.70 feet;

Along said curve to the left, through a central angle of 20°19'30", an arc distance of 393.76 feet to a 5/8" iron rod with a cap stamped, "SURVCON," found for the end of said curve to the left and the beginning of a reverse curve to the right, having a radius of 990.00 feet and a chord which bears North 70°50'32" East, a distance of 65.33 feet;

Along said curve to the right, through a central angle of 03°46'54", an arc distance of 65.34 feet to a 1/2" iron rod found for the end of said curve;

North 80°52'26" East, a distance of 158.53 feet to a 5/8" iron rod with a cap stamped, "SURVCON," found for corner at the northeast corner of said 0.851 acre tract and being an interior "ell" corner of said Parker Road right-of-way dedication;

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THENCE South 00°45'16" East along the east line of said 0.851 acre tract and a west line of said Parker Road right-of-way dedication, a distance of 122.39 feet to a 5/8" iron rod with a cap stamped, "SURVCON," found for the southeast corner of said 0.851 acre tract and being in the north line of a 9.725 acre ("Tract 1") conveyed by a Special Warranty Deed With Vendor's Lien to KELSPAR, LLC, recorded as Document No. 2013-77373, in the Deed Records of Denton County, Texas (DRDCT), same being an exterior "ell" corner of said Parker Road right-of-way dedication;

THENCE South 89°16'11" West along the common line of said 9.725 acre and 0.851 acre tracts, a distance of 952.16 feet to a 5/8" iron rod with a cap stamped, "SURVCON," found for corner at the common west corner thereof and being in a curve to the left, having a radius of 421.97 feet and a chord which bears North 37°33'18" West, a distance of 6.29 feet;

THENCE along said curve to the left, through a central angle of 00°51'13", an arc distance of 6.29 feet to the PLACE OF BEGINNING and Containing 0.852 acres, or 37,116 square feet, of land.

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TRACT 2

LEGAL DESCRIPTION:

BEING a 15,925 square foot (0.366 acre) tract of land situated in the A. Dyer Survey, Abstract No. 360, Town of Hebron, Denton County, Texas, and being part of a called 3.820 acre tract of land conveyed to Peruna Acquisition, LLC, recorded as Document No. 2011-116441 of the Official Public Records, Denton County, Texas (OPRDCT), and being more particularly described as follows (Bearings are based on State Plane Coordinates using City of Carrollton Monuments COC-8 and COC-12):

BEGINNING at a 1/2" iron rod found for corner at the northwest corner of said 3.820 acre tract and being the southwest corner of a called 4.8636 acre tract of land conveyed to WJ Family, LP, recorded as Document No. 2010-3352 (OPRDCT), and being in the northeast right-of-way line of Dozier Road (80' right-of-way) and being near the center of Culpepper Road (a partially asphalted surface);

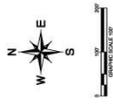
THENCE North 89°36'13" East near the center of said Culpepper Road and along the common line of last mentioned tracts, a distance of 457.92 feet to a 1/2" iron rod found for corner at the common east corner thereof and being in the northwest right-of-way line of Burlington Northern & Santa Fe (BNSF) Railway right-of-way (100' right-of-way), said point also being in a non-tangent curve to the right, having a radius of 5,679.58 feet and a chord which bears South 10°30'03" West, a distance of 36.15 feet;

THENCE along said curve to the right and said BNSF Railway right-of-way, through a central angle of 00°21'53", an arc distance of 36.15 feet to a point for corner at the end of said curve;

THENCE South 89°36'13" West, along a line that is 35.50 feet south of and parallel to the north line of said 3.820 acre tract, a distance of 439.60 feet to a point for corner in the east right-of-way line of said Dozier Road, said point being in a non-tangent curve to the left, having a radius of 613.00 feet and a chord which bears North 18°19'20" West, a distance of 37.31 feet;

THENCE along said curve to the left and said Dozier Road, through a central angle of 03°29'17", an arc distance of 37.32 feet to the PLACE OF BEGINNING and Containing 15,925 square feet, or 0.366 acres, of land.

EXHIBIT B LOCATION



NOTE: CITY LIMITS ARE APPROXIMATE BASED ON DATA DOWNLOADED FROM DENTON COUNTY.

Villas at Parker Disannexation/Annexation Exhibit

Tract 1 (~0.9 acres)
Tract 2 (~0.4 acres)

June 27, 2016

DATE PLOTTED: 04/28/2016 11:14:11 AM PROJECT NUMBER: 15-0014 PROJECT TITLE: VILLAS AT PARKER DISANNEXATION/ANNEXATION EXHIBIT PAGE 06 OF 06

EXHIBIT C

AFFIDAVIT/PETITION FOR ANNEXATION

TO THE MAYOR AND CITY COUNCIL OF THE GOVERNING BODY OF CARROLLTON, TEXAS:

The undersigned owners of the hereinafter described tract of land, hereby petition your honorable Body to extend the present city limits so as to include as part of the City of Carrollton, Texas, the territory more fully described in Exhibit A, attached hereto and incorporated herein for all intents and purposes, and hereinafter known as the "Property".

Villas at Parker Road, LLC is the legal owner of the Property, and is hereinafter referred to as the "Owner". I legally represent the Owner of the Property, and I am a duly authorized representative of the Owner with the legal authority to execute this document.

I certify the Property is contiguous and adjacent to the City of Carrollton, Texas, and the undersigned represents that the Owner of the Property desires to be annexed to and made part of the City of Carrollton, Texas, subject to all laws, rules, and regulations of said city.

There are no qualified voters in the said territory, and I certify that this affidavit is signed and acknowledged by each and every person, including any entity owning the described land or having an interest in any part thereof.

I swear, or affirm under penalty of perjury, that the information in this affidavit is true and correct.

Stephen Davis
AFFIANT, Mr. Stephen Davis
Manager
Villas at Parker Road, LLC

Subscribed and sworn to before me, this the 5 day of July, 2016.

Karen M. Shannon
Notary Public in and for the State of Texas

