



City of Orchard, Texas
Ordinance No.086-2009

AN ORDINANCE ANNEXING THE HEREAFTER DESCRIBED TERRITORY TO THE CITY OF ORCHARD, FORT BEND COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREAFTER 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, the owners of the territory has petitioned the City Council for the City of Orchard in writing to annex the proposed area.

WHEREAS, THE PROCEDURES PRESCRIBED BY THE (Texas Local Government Code and/or Charter) of the City of Orchard, Texas, and the laws of this state have been duly followed with respect to the following described territory, to wit:


(SEE ATTACHED EXHIBIT B)

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

1. That the heretofore described property is hereby annexed to the City of Orchard, Fort Bend County, Texas, and that the boundary limits of the City of Orchard be and the same are hereby extended to include the above described territory within the city limits of the City of Orchard, and the same shall hereafter be included within the territorial limits of said city, and the inhabitants thereof shall hereafter be entitled to all rights and privileges of other citizens of the city of Orchard and they shall be bound by the acts, ordinances, resolutions, and regulations of said city.
2. A service plan for the area is adopted and attached as exhibit A.

The City Secretary is hereby directed to file with the County Clerk of Fort Bend, Texas, a certified copy of the ordinance.

PASSED and APPROVED this 14th day of January, 2009.



Rod Pavlock

Rod Pavlock

Mayor, City of Orchard, Texas

David Kolafa

David Kolafa

Commissioner, City of Orchard, Texas

Rachelle Demmy

Rachelle Demmy

Commissioner, City of Orchard, Texas

ATTEST:

Merry Sue Hajdik

Merry Sue Hajdik

City Secretary, City of Orchard, Texas

ANNEXATION PETITION

TO THE MAYOR AND CITY COMMISSION
OF THE CITY OF ORCHARD, TEXAS

The undersigned, owner of all of the territory described by metes and bounds in Exhibit "A" attached hereto and made a part hereof for all purposes (the "Territory"), which is contiguous to the City of Orchard, Texas, is one-half (1/2) mile or less in width, and on which fewer than three qualified voters reside, hereby petitions the City of Orchard to extend the present city limits so as to include the Territory.

EXECUTED this 18th day of November 2008.

Jack Ellis

(Name of Petitioner)

By:

Jack Ellis

(Signature)

Superintendent
(Title)

ACKNOWLEDGMENT

THE STATE OF TEXAS

§

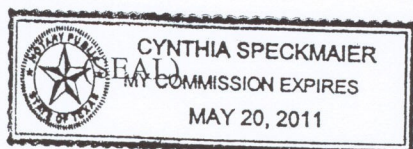
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COUNTY OF FORT BEND

§

BEFORE ME, the undersigned authority, personally appeared Jack Ellis, the Superintendent of Brazos ISD, known to me to be the person whose name is subscribed the foregoing instrument, and acknowledged that he executed said instrument for and on behalf of said entity and in the capacity therein stated.

WITNESS MY HAND and seal of office this 18th day of November 2008.



Cynthia Speckmaier
Notary Public In and For the State of Texas

CHARLIE KALKOMEY SURVEYING, INC.

1815 MONS AVENUE
ROSENBERG, TEXAS 77471
281 342-2033

FIELD NOTES FOR A 22.569 ACRE TRACT OF LAND BEING BLOCKS 1, 2, 3, 10, AND A PART OF BLOCKS 11 AND 12, INCLUDING ABANDONED STREETS AND ALLEYS, CITY OF ORCHARD (FRUITLAND), IN THE GAIL BRODEN LEAGUE, ABSTRACT 12, FORT BEND COUNTY, TEXAS, ACCORDING TO A MAP OR PLAT THEREOF, RECORDED IN VOLUME X, PAGE 30, DEED RECORDS, FORT BEND COUNTY, TEXAS.

COMMENCING at a cotton picker spindle set at the southeast corner of Block 12, City of Orchard (Fruitland), said point being the point of intersection of the north right-of-way line of Kibler Street (80-foot right-of-way) with the west right-of-way line of Sabine Street (80-foot right-of-way), same being the southeast corner of an adjoining 3.542 acre tract surveyed this date by the undersigned;

THENCE West along the north right-of-way line of Kibler Street, same being the south line of Block 12 and crossing Aransas Street (abandoned), 452.95 feet to a cotton picker spindle set in the south line of Block 11, City of Orchard (Fruitland), for the lower southeast corner and **Place of Beginning** of the herein described tract, same being the southwest corner of the aforementioned adjoining 3.542 acre tract;

THENCE continuing West along the north right-of-way line of Kibler Street, same being the south line of Block 11, crossing Illinois Avenue (abandoned) and crossing Block 10, City of Orchard (Fruitland), 667.05 feet to a ½ inch iron pipe found for the southwest corner of Block 10, City of Orchard (Fruitland), and being the point of intersection of the north right-of-way line of the aforementioned Kibler Street and the east line of Missouri Street (90-foot right-of-way), for the southwest corner of the herein described 22.569 acre tract;

THENCE North along the west line of the herein described 22.569 acre tract and the east line of the aforementioned Missouri Street and crossing Block 10, Borden Street (abandoned) and Block 3, City of Orchard (Fruitland), 1,020.00 feet to a ½ inch iron pipe found for the northwest corner of the herein described tract and being the northwest corner of Block 3, City of Orchard (Fruitland), and being at the point of intersection of the aforementioned east line of Missouri Street and the south line of Aylor Street (60-foot right-of-way);

THENCE East along the north line of the herein described tract, same being the south right-of-way line of Aylor Street and the north line of Block 3, crossing Illinois Avenue, (abandoned), the north line of Block 2, crossing Aransas Street (Abandoned), and the north line of Block 1, City of Orchard (Fruitland), 1,120.00 feet to a ½ inch iron pipe found for the northeast corner of the herein described tract and being the northeast corner of Block 1, City of Orchard (Fruitland), and being the point of intersection of the south right-of-way line of Aylor Street and the west right-of-way line of Sabine Street (80-foot right-of-way);

CHARLIE KALKOMEY
REGISTERED PROFESSIONAL LAND SURVEYOR

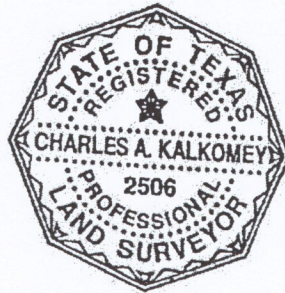
CHARLES A. KALKOMEY
REGISTERED PROFESSIONAL LAND SURVEYOR

CHRIS D. KALKOMEY
REGISTERED PROFESSIONAL LAND SURVEYOR

THENCE South along the upper east line of the herein described 22.569 acre tract, and the west line of Sabine Street, same being the east line of the aforementioned Block 1, crossing Borden Street (abandoned), and into Block 12, City of Orchard (Fruitland), 670.97 feet to a point for the upper southeast corner of the herein described tract of land, same being the northeast corner of an adjoining 0.114 acre tract of land surveyed this date by the undersigned;

THENCE North 89 degrees 23 minutes 28 seconds West along the upper south line of the herein described tract, crossing Block 12, crossing Aransas Street (abandoned), and into Block 11, at 115.87 feet pass a cotton picker spindle set at the northwest corner of the aforementioned adjoining 0.114 acre tract, same being the upper northeast corner of the aforementioned adjoining 3.542 acre tract of land, continuing for a total distance of 453.55 feet to a ½ inch iron pipe with cap marked "Kalkomey Surveying" set for a re-entry corner of the herein described 22.569 acre tract, same being the northwest corner of the aforementioned adjoining 3.542 acre tract surveyed this date;

THENCE South 00 degrees 05 minutes 35 seconds East along the lower east line of the herein described tract, same being the west line of the aforementioned adjoining 3.542 acre tract, 353.85 feet to the **Place of Beginning** and containing 22.569 acres of land, more or less.



A handwritten signature in black ink, appearing to read "Charles A. Kalkomey".

Charles A. Kalkomey, R.P.L.S.
Texas Registration Number 2506
August 9, 2005

Job Number 2648-02-FB

City of Orchard
Municipal Service Plan
Exhibit A

A. Police Protection

1. Services to be provided: The area is under the jurisdiction of the Fort Bend County Sheriff's office. Upon annexation, the Sheriff's Dept will continue regular service to annexed area. Policy enforcement and protection services shall be provided through regular patrols and at the request of residents.

B. Fire Protection

1. Services to be provided: Fire suppression will be available to the area upon annexation. Primary fire response will be provided by the Orchard Volunteer Fire Department located in Orchard, Texas. Fire prevention activities will be provided by the Fire Marshall's office as needed.

C. Solid Waste Collection

1. Services to be provided: Solid waste collection service shall be provided to residents in the annexed area in accordance with the existing city ordinances, resolutions and regulations, within 60 days after the effective date of the annexation of the area.

D. Water Service

1. Water services shall be provided to the annexed area in accordance with the existing city ordinances, resolutions, and regulations. Full municipal water service will be provided to the annexed area no later than 2 ½ years after the effective date of the annexed area. Unless certain services cannot be reasonably provided within that time and a city proposes a schedule to provide services within 4 ½ years.

E. Sanitary Sewer Service

1. Sanitary sewer services shall be provided to the annexed area in accordance With the existing city ordinances, resolutions, and regulations. Full municipal sanitary sewer services shall be provided to the annexed area no later than 2 ½ years after the effective date of the annexation of the area.

F. Maintenance of Roads and Streets

1. Services to be provided: Street maintenance and other street services shall be provided to the annexed area in accordance with existing city, ordinances, resolutions, and regulations after the effective date of the annexation of the area.

G. Parks and Recreation

1. Services to be provided: All of the city parks and recreational facilities shall be available for use by residents of the annexed area, beginning on the effective date of the annexation ordinance. Deposit and fees apply.

H. Street Lighting

1. Services to be provided: The city will coordinate any request for street lighting with the local electric provider in accordance with standard policy.

I. Miscellaneous

1. All other applicable municipal services will be provided to the area in accordance with the City of Orchard's established policies governing extension of municipal services to newly annexed areas.

RETURNED AT COUNTER TO:

MERRY SUE HADLIK
P.O. BOX 59
ORCHARD, TX 77464

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dianne Wilson

2009 Jan 22 01:44 PM

2009006737

CDC \$35.00

Dianne Wilson COUNTY CLERK

FT BEND COUNTY TEXAS

12-14

City of Orchard

Notice of
Public Hearing

PUBLISHER'S AFFIDAVIT

THE STATE OF TEXAS §
COUNTY OF FORT BEND §

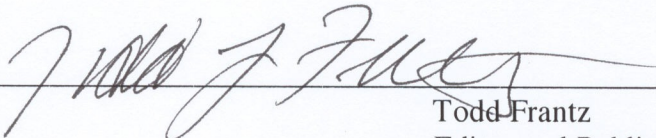
Before me, the undersigned authority, on this day personally appeared Todd Frantz who being by me duly sworn, deposes and says that he is the Publisher of *Fort Bend Herald* and that said newspaper meets the requirements of Section 2051.044 of the Texas Government Code, to wit:

1. it devotes not less than twenty-five percent (25%) of its total column lineage to general interest items;
2. it is published at least once each week;
3. it is entered as second-class postal matter in the county where it is published; and
4. it has been published regularly and continuously since 1959.
5. it is generally circulated within Fort Bend County.

Publisher further deposes and says that the attached notice was published in said newspaper on the following date(s) to wit:

12-14

_____, A.D. 2008



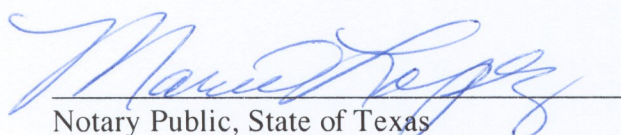
Todd Frantz
Editor and Publisher

SUBSCRIBED AND SWORN BEFORE ME by Todd Frantz who

X a) is personally known to me, or

_____ b) provided the following evidence to establish his/her identity, _____

on this the 15th day of December, A.D. 2008,
to certify which witness my hand and seal of office.


Notary Public, State of Texas

(CLIPPING) (S)

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS, THAT:

The City of Orchard, Texas proposes to institute annexation proceedings to enlarge and extend the boundary limits of said city to include the following described territory, to-wit:

A. 22.569 ACRE TRACT OF LAND BEING BLOCKS 1, 2, 3, 10 AND A PART OF BLOCKS 11 AND 12, INCLUDING ABANDONED STREETS AND ALLEYS.

A public hearing will be held by and before the City Council of the City of Orchard, Texas on the 22nd day of December, 2008 at 9:00 a.m. o'clock in the City Council Chamber of the City Hall of the City of Orchard, Texas, for all persons interested in the above proposed annexation. At said time and place all such persons shall have the right to appear and be heard. Of all said matters and things, all persons interested in the things and matters herein mentioned, will take notice.

By order of the City Council of the City of Orchard, Texas this the 10th day of December, 2008.

Rod Pavlock,
Mayor

ATTEST:
Merry Sue Hajkik
City Secretary

