

ORDINANCE NO. 2022-07-05-??

AN ORDINANCE ANNEXING ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF ELGIN, TEXAS, TO WIT: 34.74 ACRES OF LAND, MORE OR LESS, OUT OF THE HENRY MARTIN SURVEY NO. 65, ABSTRACT NO. 518 IN TRAVIS COUNTY, TEXAS, INCLUDING ADJACENT RIGHT-OF-WAY, AND BEING FULLY DESCRIBED IN EXHIBIT “A”, ATTACHED HERETO; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

WHEREAS, the City is a duly constituted Home Rule City pursuant to Chapter 9, Local Government Code, as amended, and

WHEREAS, pursuant to Section 43.028, Local Government Code, the owners of a tract of land containing 34.74 acres of land out, more or less, of the Henry Martin Survey No. 65, Abstract No. 518 of land (the “Property”) more fully described in Exhibit “A”, have petitioned the City Council in writing to annex the Property, and

WHEREAS, the property is (1) one-half mile or less in width; (2) contiguous to the City; and (3) vacant without residents, or on which less than three (3) qualified voters reside, and

WHEREAS, the City Council has determined that all requirements of Section 43.028. Local Government Code have been complied with and hereby consider it appropriate to grant the petition for annexation, Now Therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ELGIN, TEXAS, THAT:

I.

That all of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in its entirety.

II.

That the City Council has heard arguments for and against the annexation and has determined to grant the petition for annexation.

III.

That the Property described in Exhibit “A”, attached hereto and incorporated herein for all proposes, be and is hereby annexed and brought within the corporate limits of the City of Elgin, Travis County, Texas, and same is hereby made an integral part hereof.

IV.

That the owners and future inhabitants of the area herein annexed be entitled to all the rights and privileges of other citizens and property owners of said City and are hereby bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be hereafter adopted.

V.

That the official map and boundaries of the City, heretofore adopted and amended be and is hereby amended so as to include the aforementioned territory as part of the City of Elgin, Texas.

VI.

That the City Manager is hereby directed and authorized to perform or cause to be performed all acts necessary to correct the official map of the City to add territory hereby annexed as required by law.

VII.

That this Ordinance shall become effective after “passage”.

VIII.

That the City Secretary is hereby directed and authorized to file a certified copy of this Ordinance in the Office of the County Clerk of Travis County, Texas.

IX.

If any section, subsection, sentence, phrase, or word of this Ordinance be found illegal, invalid, or unconstitutional or any portion of said property is incapable of being annexed by the City, for any reason whatsoever, the adjudication shall not affect any other section, subsection, sentence, phrase, word, paragraph, or provision of this Ordinance or the application of any other section, subsection, sentence, phrase, word, paragraph, or provision of any other Ordinance of the City. The City Council declares that it would have adopted the valid portions and applications of this Ordinance and would have annexed the valid property without the invalid part, and to this end the provisions of this Ordinance are declared to be severable.

X.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this Ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as always required by law during which this Ordinance and the subject matter hereof were discussed, considered, and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

By motion duly made, seconded, and passed with an affirmative vote of all the Council members present, the requirement for reading this Ordinance on two separate days was dispensed with.

READ, PASSED, and ADOPTED on first reading this the 5th day of July 2022.

THERESA Y. MCSHAN, Mayor
City of Elgin, Texas

ATTEST:

JENNIFER STUBBS, City Secretary

Exhibit "A"

**PETITION REQUESTING ANNEXATION
TERRITORY IN WHICH THERE ARE FEWER THAN THREE VOTERS**

TO THE MAYOR OF THE GOVERNING BODY OF THE CITY OF
ELGIN, TEXAS.

The undersigned owners of the hereinafter described tract of land, which is vacant and without residents, or on which less than three qualified voters reside, hereby petition your Honorable Body to extend the present city limits so as to include as part of the City of Elgin, Texas, the following described territory, to wit:

See Exhibit "A", attached hereto and incorporated herein.

We certify that the above-described tract of land is contiguous and adjacent to the City of Elgin, Texas, is not more than one-half mile in width and that this petition is signed and duly acknowledged by each and every person or corporation having an interest in said land.

Signed: Randy H. Axelson

Signed: Mary Jo Bengtson

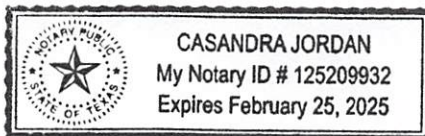
THE STATE OF TEXAS
COUNTY OF Williamson

Before me, the undersigned authority, on this day personally appeared Harry Axelson and Mary Jo Bengtson, known to me to be the persons whose names are subscribed to the foregoing instrument and each acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 20 day of May, 2021. 2022

Notary Public, Cassandra Jordan

Williamson County, Texas



METES & BOUNDS DESCRIPTION

BEING 34.72 ACRES OF LAND, MORE OR LESS, OUT OF THE HENRY MARTIN SURVEY NUMBER 65, ABSTRACT NUMBER 518, IN TRAVIS COUNTY, TEXAS, AND BEING ALL OF A CALLED 34.72 ACRE TRACT, AS CONVEYED HAGN FAMILY PARTNERSHIP, RECORDED IN VOLUME 13334, VOLUME 0050, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS [O.P.R.T.C.T.], SAID 34.72 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod found for the northeast corner of said 34.72 acre tract, and the northwest corner of a called 35.94 Acre tract, as conveyed to Hagn Family Partnership, recorded in Document Number 2019007565 [O.P.R.T.C.T], same being in the southwest right-of-way of said Carlson Lane (50-foot right of way);

THENCE, leaving said southwest right-of-way of Carlson Lane, and continuing with the common line of said 34.72 acre tract and said 35.94 acre tract, S26°41'48"W, a distance of 1281.86 feet to a point for southeast corner of said 34.72 acre tract and in the north line of Homestead Estates Unit 2 Plat, as recorded in Document Number 202100260 [O.P.R.T.C.T];

THENCE, N63°13'02"W with the common line of said Homestead Estates Unit 2 Plat, and the northeast line of a called 75.71 acre tract of land described in Document Number 2021131000, a distance of 1,179.96 feet to a 1/2-inch iron rod found for the southwest corner of said 34.72 acre tract and being the southeast corner of a called 34.715 acre tract described to Joy L. Schiller, recorded in Document Number 200612785 [O.P.R.T.C.T.];

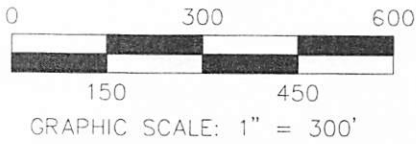
THENCE N26°44'55"E, leaving the northeast line of said 75.71 acre tract and continuing with the common line of said 34.72 acre tract and said 34.715 acre tract, a distance of 1,282.87 feet to a point for the northwest corner of said 34.72 acre tract and the northeast corner of said 34.715 acre tract, same being on the said southwest right-of-way of Carlson Lane,

THENCE S63°10'05"E, with the common line of said 34.72 acre tract and aforementioned southwest right-of-way of Carlson Lane, a distance of 1,178.50 feet to the POINT OF BEGINNING and containing approximately 34.72 acres.

Basis of bearings is the Texas Coordinate System, Central Zone [4203], NAD83 (2011), Epoch 2010. All distances are grid values, and may be converted to surface by applying scale factor of 1.00008,
Units: U.S. Survey Feet.

This survey was performed without the benefit of a title commitment. Easements or other matters of record may exist where none are shown.

I, Surveyor Name, Registered Professional Land Surveyor, hereby certify that this property description and accompanying plat of even date represent an actual survey performed on the ground.



LEGEND	
	PROPERTY LINE
	EXISTING PROPERTY LINE
	ADJOINER PROPERTY LINE
	1/2" IRON ROD FOUND [UNLESS NOTED]
	CALCULATED POINT
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
DOC. NO.	DOCUMENT NUMBER
VOL.	VOLUME
PG.	PAGE
R.O.W.	RIGHT-OF-WAY
P.R.T.C.T.	PLAT RECORDS, TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS
D.R.T.C.T.	DEED RECORDS, TRAVIS COUNTY, TEXAS

JOY L. SCHILLER
CALLED 34.715 ACRES
DOC. NO. 200612785
O.P.R.T.C.T.

34.72 ACRES
(1,512,200 SQFT)

**LARRY H. AXELSON AND
MARY JO BENGTON**
CALLED 34.715 ACRES
VOL.13334, PG. 0050
O.P.R.T.C.T.

HAGN FAMILY LIMITED
PARTNERSHIP, A TEXAS
LIMITED PARTNERSHIP
CALLED 35.94 ACRES
DOC. NO. 2019007565
O.P.R.T.C.T.

TIMOTHY NELLE
CALLED 75.71 ACRES
DOC. NO. 2021131000
O.P.R.T.C.T.

HOMESTEAD ESTATES UNIT 2
DOC NO. 202100260
P.R.T.C.T.

CARLSON LANE
S63°10'05"E 1,178.50'

N26°44'55"E 1,282.87'

S26°41'00"W 1,281.86'

N63°13'02"W 1,179.96'

P.O.B.

34.72 ACRE
TRACT
EXHIBIT A

CITY OF ELGIN, TRAVIS
COUNTY, TEXAS



DOUCET

Civil Engineering // Entitlements // Geospatial

7401 B. Highway 71 W, Ste. 160
Austin, TX 78735, Tel: (512)-583-2600
www.doucetengineers.com
TBPE Firm Number: 3937
TBPELS Firm Number: 10105800

Date: 05/06/2022

Scale: 1" = 300'

Drawn by: SWP

Reviewer: DF

Project: 1028-006

Sheet: 3 OF 4

Field Book: N/A

Party Chief: ADM

Survey Date: 04/15/2022

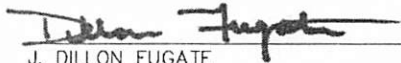
CONTROL NOTE:

BASIS OF BEARING IS THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE (4203), NORTH AMERICAN DATUM 1983 (NAD83), 2011 ADJUSTMENT (EPOCH 2010) AND A VERTICAL DATUM OF NAVD88, GEOID 12B. ALL COORDINATE VALUES AND DISTANCES SHOWN ARE SURFACE VALUES AND MAY BE CONVERTED TO GRID BY USING THE SURFACE ADJUSTMENT FACTOR OF 0.9999230059285435.

UNITS: US SURVEY FEET.

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. EASEMENTS OR OTHER MATTERS OF RECORD MAY EXIST WHERE NONE ARE SHOWN.

I, J. DILLON FUGATE, REGISTERED PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT THIS PLAT AND ACCOMPANYING LEGAL DESCRIPTION OF EVEN DATE REPRESENT AN ACTUAL SURVEY PERFORMED ON THE GROUND UNDER MY SUPERVISION.



05/06/2022
DATE

J. DILLON FUGATE
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6360
DOUCET & ASSOCIATES
DFUGATE@DOUCETENGINEERS.COM



34.72 ACRE
TRACT
EXHIBIT A

CITY OF ELGIN, TRAVIS
COUNTY, TEXAS



DOUCET

Civil Engineering // Entitlements // Geospatial

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Party Chief: ADM

Survey Date: 11/20/20