



Control Number: 27233



Item Number: 153

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27233

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FILED CLERK

July 30, 2013

RE: Municipal boundary change/ Annexation of 3.79 acres
City of Gainesville, Cooke County, Texas

This letter, with enclosures, is to notify you that the City of Gainesville, Cooke County, Texas, has adopted an annexation ordinance that changes its municipal boundary.

Enclosed is a certified copy of Ordinance No. 1322-07-2013, which was adopted by the City Council of the City of Gainesville, Texas on July 16, 2013. The ordinance grants voluntary annexation of a 3.79 acre tract owned by A & P Convenience Stores, Inc.

The annexed area consists of 3.79 acres located on the Northeast corner of U. S. Hwy 82 and F.M. Road 371 (Walnut Bend Road), in the T. Rutledge Survey, Abstract 866, Cooke County, Texas.

The tract is owned in its entirety by A & P Convenience Stores, Inc., which petitioned the City of Gainesville for voluntary annexation. The annexed tract is vacant and without residents.

The land is less than one-half mile in width and is contiguous to the boundary of the City of Gainesville, Texas.

The said 3.79 acres is hereby annexed by Ordinance 1322-07-2013 and made a part of the City of Gainesville, Texas, for all purposes pursuant to law.

From this date, the above described property shall be zoned C-3, outdoor commercial, pursuant to the zoning ordinance of the City of Gainesville, Texas.

The annexed area in this ordinance shall be included in City Council Ward 3 of the City of Gainesville, Texas.

If additional information is needed or required, please contact me by phone 940-668-4500 ext. 222, or email klunnon@cogtx.org , or by mail at the address below.

Sincerely,

Kay Lunnon
City Secretary

Published July 21 & 25, 2013

ORDINANCE NO. 1322-07-2013

AN ORDINANCE GRANTING THE PETITION FILED BY A & P CONVENIENCE STORES, INC. TO ANNEX 3.79 ACRES OF LAND TO THE CITY OF GAINESVILLE, TEXAS AND DECLARING THAT SAID 3.79 ACRES SHALL HEREAFTER BE A PART OF THE CITY OF GAINESVILLE, TEXAS.

WHEREAS, A & P Convenience Stores, Inc. filed a petition with the City Secretary of the City of Gainesville, Texas, requesting the City to annex 3.79 acres of land described as follows, to-wit:

All that certain tract or parcel of land situated in the T. Rutledge Survey Abstract 866, Cooke County, Texas, being all of a 1.69 acre tract described in a deed from Helena Bridges Robinette to Jonathan Simons and Connie Simons recorded in Volume 1331, page 248 of the Cooke County Official Public Records, all of a 1.26 acre tract described in a deed from Helena Bridges Robinette to Jonathan Simons and Connie Simons recorded in Volume 1414, page 302 of the Public Records, and all of a 0.845 acre tract described in a deed from Helena Bridges Robinette to Jonathan Simons and Connie Simons recorded in Volume 1555, page 646 of said Public Records, and being more particularly described as follows:

BEGINNING at a found steel pin on the North line of U.S. Highway 82 as described in a Right of Way Deed to The State of Texas recorded in Volume 405, page 603 of the Cooke County Deed Records, said point located North 83 degrees, 49 minutes 13 seconds East, a distance of 407.41 feet from the intersection of said North line of said U.S. Highway 82 with the East line of said Rutledge Survey, said beginning point being the Southeast corner of said 1.69 acre tract, common to the Southernmost Southwest corner of a tract described in a deed to Roger and Pamela Purdy recorded in Volume 1776, page 50 of said Public Records;

THENCE South 83 degrees 49 minutes 13 seconds West, with said North line of U.S. Highway 82, passing the Southwest corner of said 1.69 acre tract, common to the Southeast corner of said 1.26 acre tract, continuing a total distance of 277.41 feet to a found steel pin at the Southwest corner of said 1.26 acre tract, common to the Southeast corner of a tract conveyed to the State of Texas by deed recorded in Volume 1142, page 833 of said Public Records, at the Intersection of said North line of U.S. highway 82 with the East line of F.M. Road 371;

THENCE North 49 degrees 09 minutes 58 seconds West, with said East line of F.M. Road 371, a distance of 67.40 feet to a found steel pin at an angle;

THENCE North 01 degree 47 minutes 40 seconds West, continuing with said East line, passing the Northwest corner of said 1.26 acre tract, common to the Southwest corner of said 0.845 acre tract, and continuing a total distance of 302.21 feet to a found steel pin at the beginning of a curve to the left;

THENCE Northwesterly, a distance of 121.00 feet, along said curve to the

A CERTIFIED COPY

Date 7/31/13

Kay Lunnon, City Secretary

City of Gainesville, Texas

By Kay Lunnon

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left, having a radius of 11509.34 feet, the chord of which is North 02 degrees 05 minutes 38 seconds West, a distance of 121.00 feet to a found steel pin at the Northwest corner of said 0.845 acre tract, common to the Southwest corner of a tract described in a deed to Tommy Proffitt recorded in Volume 890, page 763 of said Deed Records;

THENCE North 88 degrees 30 minutes 28 seconds East, a distance of 175.52 feet to a found steel pin at the Northeast corner of said 0.845 acre tract, on the Northernmost West line of said Purdy tract;

THENCE South 00 degrees 11 minutes 41 seconds East, with the East line of said 0.845 acre tract, common to said Northernmost West line of the Purdy tract, along and near a fence, a distance of 104.17 feet to a fence corner post at the Northwest corner of said 1.69 acre tract, common to the Westernmost Southwest corner of said Purdy tract;

THENCE North 84 degrees 31 minutes 17 seconds East, along and near a fence, a distance of 165.43 feet to a fence corner post at the Northeast corner of said 1.69 acre tract, common to an ell corner of said Purdy tract;

THENCE South 00 degrees 23 minutes 20 seconds East, along and near a fence, a distance of 443.135 feet to the point of beginning containing 3.79 acres of land.

WHEREAS, said petition is in proper form and in compliance with Section 43.028 of the Texas Local Government Code; and

WHEREAS, said above-described land is owned by A & P Convenience Stores, Inc. and said land is vacant and without residents; and

WHEREAS, said above land is less than one-half mile in width and is contiguous to the boundary of the City of Gainesville, Texas; and

WHEREAS, annexing said above-described land to the City of Gainesville, Texas will not violate Section 43.055 of the Texas Local Government Code; and

WHEREAS, annexing the above-described land to the City of Gainesville, Texas, will benefit the citizens of the City of Gainesville, Texas.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, that the petition to annex 3.79 acres of land in Cooke County, Texas, described as follows:

All that certain tract or parcel of land situated in the T. Rutledge Survey Abstract 866, Cooke County, Texas, being all of a 1.69 acre tract described in a deed from Helena Bridges Robinette to Jonathan Simons and Connie Simons recorded in Volume 1331, page 248 of the Cooke County Official Public Records, all of a 1.26 acre tract described in a deed from Helena Bridges Robinette to Jonathan

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Simons and Connie Simons recorded in Volume 1414, page 302 of the Public Records, and all of a 0.845 acre tract described in a deed from Helena Bridges Robinette to Jonathan Simons and Connie Simons recorded in Volume 1555, page 646 of said Public Records, and being more particularly described as follows:

BEGINNING at a found steel pin on the North line of U.S. Highway 82 as described in a Right of Way Deed to The State of Texas recorded in Volume 405, page 603 of the Cooke County Deed Records, said point located North 83 degrees, 49 minutes 13 seconds East, a distance of 407.41 feet from the intersection of said North line of said U.S. Highway 82 with the East line of said Rutledge Survey, said beginning point being the Southeast corner of said 1.69 acre tract, common to the Southernmost Southwest corner of a tract described in a deed to Roger and Pamela Purdy recorded in Volume 1776, page 50 of said Public Records;

THENCE South 83 degrees 49 minutes 13 seconds West, with said North line of U.S. Highway 82, passing the Southwest corner of said 1.69 acre tract, common to the Southeast corner of said 1.26 acre tract, continuing a total distance of 277.41 feet to a found steel pin at the Southwest corner of said 1.26 acre tract, common to the Southeast corner of a tract conveyed to the State of Texas by deed recorded in Volume 1142, page 833 of said Public Records, at the Intersection of said North line of U.S. highway 82 with the East line of F.M. Road 371;

THENCE North 49 degrees 09 minutes 58 seconds West, with said East line of F.M. Road 371, a distance of 67.40 feet to a found steel pin at an angle;

THENCE North 01 degree 47 minutes 40 seconds West, continuing with said East line, passing the Northwest corner of said 1.26 acre tract, common to the Southwest corner of said 0.845 acre tract, and continuing a total distance of 302.21 feet to a found steel pin at the beginning of a curve to the left;

THENCE Northwesterly, a distance of 121.00 feet, along said curve to the left, having a radius of 11509.34 feet, the chord of which is North 02 degrees 05 minutes 38 seconds West, a distance of 121.00 feet to a found steel pin at the Northwest corner of said 0.845 acre tract, common to the Southwest corner of a tract described in a deed to Tommy Proffitt recorded in Volume 890, page 763 of said Deed Records;

THENCE North 88 degrees 30 minutes 28 seconds East, a distance of 175.52 feet to a found steel pin at the Northeast corner of said 0.845 acre tract, on the Northernmost West line of said Purdy tract;

THENCE South 00 degrees 11 minutes 41 seconds East, with the East line of said 0.845 acre tract, common to said Northernmost West line of the Purdy tract, along and near a fence, a distance of 104.17 feet to a fence corner post at the Northwest corner of said 1.69 acre tract, common to the Westernmost Southwest corner of said Purdy tract;

THENCE North 84 degrees 31 minutes 17 seconds East, along and near a fence, a distance of 165.43 feet to a fence corner post at the Northeast corner of said 1.69 acre tract, common to an ell corner of said Purdy tract;

THENCE South 00 degrees 23 minutes 20 seconds East, along and near a fence, a distance of 443.135 feet to the point of beginning containing 3.79 acres of land,

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is hereby granted.

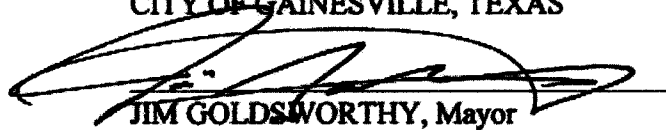
BE IT FURTHER ORDAINED that said 3.79 acres above described be, and the same is hereby annexed and made a part of the City of Gainesville, Texas, for all purposes pursuant to law. From this date, the above described property shall be zoned C-3, outdoor commercial, pursuant to the zoning ordinances of the City of Gainesville, Texas.

The annexed area in this ordinance shall be included in Ward 3 of the City of Gainesville, Texas.

PASSED AND APPROVED this 16th day of July, 2013.

6 AYES, 0 NAYS, 0 ABSENT, 0 ABSTENTIONS, 1 VACANCY

CITY OF GAINESVILLE, TEXAS


JIM GOLDSWORTHY, Mayor

ATTEST:

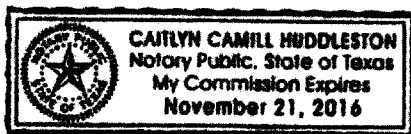

KAY LUNNON, City Secretary

I, Kay Lunn, City Secretary of The City of Gainesville, Texas, after being duly sworn, do hereby certify that the above and foregoing is a true and correct copy of an ordinance duly passed by the City Council of the City of Gainesville, Texas on the dates shown on said copy.

Signed this 17th day of July, 2013.


KAY LUNNON, City Secretary

SUBSCRIBED AND SWORN TO before me, the undersigned authority, on the 17th day of July, 2013.


Notary Public, State of Texas

**PETITION OF LANDOWNER TO CITY OF
GAINESVILLE, TEXAS TO ANNEX PROPERTY
TO THE CITY OF GAINESVILLE, TEXAS**

This petition is made by A & P Convenience Stores, Inc., which is the sole owner of the following described land located in Cooke County, Texas, and in the extra territorial jurisdiction of the City of Gainesville, Texas, to wit:

All that certain tract or parcel of land situated in the T. Rutledge Survey Abstract 866, Cooke County, Texas, being all of a 1.69 acre tract described in a deed from Helena Bridges Robinette to Jonathan Simons and Connie Simons recorded in Volume 1331, page 248 of the Cooke County Official Public Records, all of a 1.26 acre tract described in a deed from Helena Bridges Robinette to Jonathan Simons and Connie Simons recorded in Volume 1414, page 302 of the Public Records, and all of a 0.845 acre tract described in a deed from Helena Bridges Robinette to Jonathan Simons and Connie Simons recorded in Volume 1555, page 646 of said Public Records, and being more particularly described as follows:

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THENCE South 83 degrees 49 minutes 13 seconds West, with said North line of U.S. Highway 82, passing the Southwest corner of said 1.69 acre tract, common to the Southeast corner of said 1.26 acre tract, continuing a total distance of 277.41 feet to a found steel pin at the Southwest corner of said 1.26 acre tract, common to the Southeast corner of a tract conveyed to the State of Texas by deed recorded in Volume 1142, page 833 of said Public Records, at the Intersection of said North line of U.S. highway 82 with the East line of F.M. Road 371;

THENCE North 49 degrees 09 minutes 58 seconds West, with said East line of F.M. Road 371, a distance of 67.40 feet to a found steel pin at an angle;

THENCE North 01 degree 47 minutes 40 seconds West, continuing with said East line, passing the Northwest corner of said 1.26 acre tract, common to the Southwest corner of said 0.845 acre tract, and continuing a total distance of 302.21 feet to a found steel pin at the beginning of a curve to the left;

THENCE Northwesterly, a distance of 121.00 feet, along said curve to the left, having a radius of 11509.34 feet, the chord of which is North 02 degrees 05 minutes 38 seconds West, a distance of 121.00 feet to a found steel pin at the Northwest corner of said 0.845 acre tract, common to the Southwest corner of a tract described in a deed to Tommy Proffit recorded in Volume 890, page 763 of said Deed Records;

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THENCE North 84 degrees 31 minutes 17 seconds East, along and near a fence, a distance of 165.43 feet to a fence corner post at the Northeast corner of said 1.69 acre tract, common to an ell corner of said Purdy tract;

THENCE South 00 degrees 23 minutes 20 seconds East, along and near a fence, a distance of 443.135 feet to the point of beginning containing 3.79 acres of land.

A & P Convenience Stores, Inc., hereby petitions the City of Gainesville, Texas to annex the above-described land to the City of Gainesville, Texas.

A & P Convenience Stores, Inc., by this petition requests that a hearing be scheduled before the City Council of the City of Gainesville, Texas as prescribed by law to determine whether or not to grant this petition.

The area or land above described is less than one-half mile in width and is contiguous to the boundary of the City of Gainesville, Texas. The above-described land is vacant and without residents.

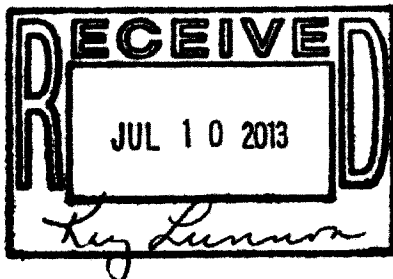
Therefore, A & P Convenience Stores, Inc., respectfully requests the City Council of the City of Gainesville, Texas, after hearing this petition pursuant to Section 43.028 of the Texas Local Government Code, to grant this petition and annex the above-described land to the City of Gainesville, Texas.

Signed this 21st day of June, 2013.

A & P Convenience Stores, Inc.

By:


Michael Bagler, President



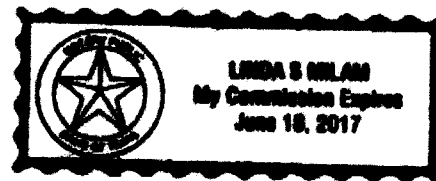
ACKNOWLEDGEMENT

STATE OF TEXAS §

COUNTY OF COOKE §

This instrument was acknowledged before me on the 24 day of June,
2013, by Michael Rigler, President, on behalf of A & P Convenience Stores, Inc.

Linda Milam
Notary Public, State of Texas



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Vol
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Filed for Record in:
Cooke County
On: Jul 18, 2013 at 11:55A

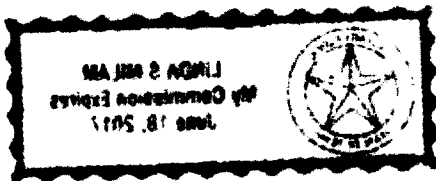
As a
Recordings

Document Number: 00039924

Amount 44.00

Receipt Number - 66452

By:
Laurie Corcoran



STATE OF TEXAS COUNTY OF COOKE
I hereby certify that this
instrument was filed on the date
and time stamped hereon by me and
was duly recorded in the volume
and page of the named records of:
Cooke County
as stamped hereon by me.

Jul 18, 2013

REBECCA LAWSON, Cooke County Clerk
Cooke County Clerk

City of D'Ville

8/44