

RESOLUTION NO. 230808-2R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEONARD, TEXAS, GRANTING A PETITION REQUESTING ANNEXATION BY LANDOWNER FROM LEONARD IDS, OWNER OF APPROXIMATELY 20 AND 0.857 ACRES LOCATED AT CR 4720 AND HWY 69; SETTING A PUBLIC HEARING FOR THE ANNEXATION; AUTHORIZING AND DIRECTING THE CITY SECRETARY TO HAVE NOTICE OF SUCH PUBLIC HEARING PUBLISHED; AUTHORIZING CITY STAFF TO NEGOTIATE AND EXECUTE A WRITTEN SERVICES AGREEMENT WITH THE PROPERTY OWNER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on or about June 28, 2023, Leonard ISD, owner (the “Owner”) of an area of land described hereinbelow (the “Property”) filed a written petition (the “Petition”) with the City of Leonard, Texas (the “City”), to have the Property annexed into and become a part of the City; and

WHEREAS, the City Council of the City Leonard (“City Council”) has found and determined that the Petition is appropriate and that it is in the best interest of the City, to grant the Petition; and

WHEREAS, pursuant to Section 43.0672 of the Local Government Code, the City must first negotiate and enter into a written agreement with the Owner for the provision of for the Property and include: (1) a list of each service the City will provide on the effective date of the annexation; and (2) a schedule that includes the period within which the City will provide each service that is not provided on the effective date of the proposed annexation.

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

SECTION 1. The recitals and findings set forth above are true and correct and are incorporated into the body of this resolution as if fully set forth herein.

SECTION 2. A true and correct copy of the Petition is attached hereto as **Exhibit A.**

SECTION 3. The City Council hereby grants the Petition requesting the annexation by the City of the following described property being:

Fannin CAD Property ID 132898 and 138136, located at CR 4720 and HWY 69, and being an approximate 20 and 0.857 acre tract of land situated in the M Moore Survey Abstract



A0778, Fannin County, TX; and being more particularly described and depicted in Exhibit "B" attached hereto and made a part hereof.

SECTION 4. On **September 12, 2023, at 6:30 p.m.** at the Leonard City Hall, located at 111 W Collin Street, Leonard, Texas 75452, the City Council will hold a public hearing giving all interested persons the right to appear and be heard on the proposed annexation by the City of Leonard, Texas, of the property described in Section 3.

SECTION 5. The City Secretary of the City of Leonard, Texas, is hereby authorized and directed to cause notice of such public hearing to be published once in a newspaper having general circulation in the city and in the above-described territory not more than twenty (20) days nor less than ten (10) days prior to the date of such public hearing, in accordance with the Municipal Annexation Act.

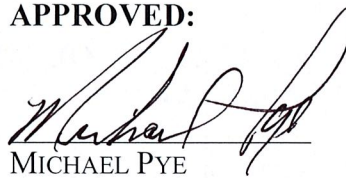
SECTION 6. Prior to the institution of annexation, city staff is hereby authorized and directed to negotiate and enter into a Written Services Agreement with the Owner for the extension of municipal services into the proposed area of annexation. The City Mayor, or his designee, is hereby authorized to execute said Agreement.

SECTION 7. The City Council hereby finds, determines and declares that the meeting, at which this Resolution is passed, approved and adopted, was open to the public, and that the public notice of time, place and subject matter to be considered was posted as required by law.

SECTION 8. This Resolution shall be effective from and after its passage as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEONARD, TEXAS, this 8th day of August, 2023.

APPROVED:


MICHAEL PYE
Mayor

ATTESTED:

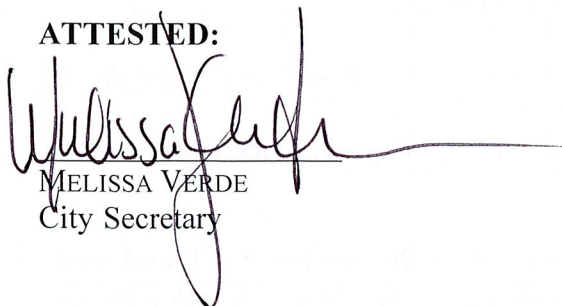

MELISSA VERDE
City Secretary

EXHIBIT A

Voluntary Annexation Petition (C-3)

TO: THE MAYOR AND CITY COUNCIL MEMBERS OF THE CITY OF LEONARD,
TEXAS:

I, Brad Maxwell *(on behalf of Leonard ISD)*, owner of the hereinafter described tract(s) or parcel(s) of land ("Property"), hereby voluntarily petition the City Council of the City of Leonard, Texas, to annex the Property and extend the present city limits and extraterritorial jurisdiction so as to include as part of the City of Leonard, Texas, the Property, containing approximately 20.857 acres of land, described as follows:

LEGAL DESCRIPTION:

See attached surveys # 2022-119 & 2023-040

I desire to enter into a written agreement for municipal services with the City of Leonard pursuant to Section 43.0672 of the Local Government Code. If any portion of the Property is appraised for ad valorem tax purposes as agricultural, wildlife management use or timber land under Chapter 23 of the Tax Code, I certify that I was offered a development agreement pursuant to Section 43.016 of the Local Government Code and still requested annexation.

I certify this petition is signed and duly acknowledged by each and every person, corporation, or entity having an ownership interest in said Property.

OWNER(S):

Signature: Brad Maxwell *(on behalf of Leonard ISD)* Print Name: Brad Maxwell
If CAD shows more than one owner, add additional signature lines for each owner

Acknowledgement Follows

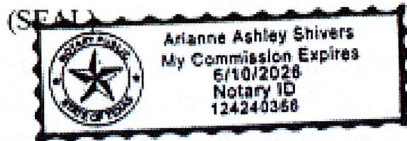


NOTARY ACKNOWLEDGEMENT

STATE OF TEXAS §
COUNTY OF FANNIN §

BEFORE ME, the undersigned authority, on this day personally appeared BRAD MAXWELL, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed on behalf of the Owner.

Given under my hand and seal of office this 27 day of JUNE, 2023



Arianne Ashley Shivers
NOTARY PUBLIC in and for the
STATE OF TEXAS

ARIANNE ASHLEY SHIVERS
Printed Name
My commission expires: 06/10/2026

Add additional acknowledgement for each owner

FOR OFFICE USE ONLY:

Date of filing with City: Co-28-23

Received by: George Evans



Property Description and Depiction
EXHIBIT B

Being: 20.000 acres located on the East side of Fannin County Road 4720 and being out of the Martin Moore Survey, Abstract No. 778, in Fannin County, Texas. The said 20.000 acre tract being a part of a tract conveyed in a General Warranty Deed from Roby Watson and Billy Watson to Roby C. Watson and Barbara S. Watson and Billy D. Watson and Barbara J. Watson dated November 23, 2009 of record in Volume 1464, Page 198, Second Tract in the Official Public Records of said County and State. The said 20.000 acre tract being described more particularly by metes and bounds as follows:

Beginning at a PK Nail in Fannin County Road 4720. From said point a found 6" metal fence corner post on the East side of Fannin County Road 4720 bears N 70°08'49" E a distance of 28.03 feet. Said point being on the East side of an 18.377 acre tract conveyed to the Leonard Independent School District recorded in Volume 594, Page 888 in the Official Public Records of said county and state. Said point being the Northwest corner of a 1.129 acre tract conveyed to the Mahmoud Zatout recorded in Document Number 2022000156, Tract One in the Official Public Records of said county and state. Said point being a Southwest corner of the referenced parent tract for the **Point of Beginning** and the Southwest corner of this tract.

Thence: North (Record Bearing North) a distance of 1049.99 feet to a PK Nail in Fannin County Road 4720. Said point being in the East side of a 20 acre tract conveyed to the A. B. Ferguson, Jr. recorded in Volume 813, Page 931 in the Official Public Records of said county and state. Said point being the West line of the referenced Parent tract and the Northwest corner of this tract.

Thence: East across the referenced parent tract passing a set 1/2" iron rod with yellow cap stamped "Sanderson Surveying" near a barbed wire fence at a distance of 25.00 feet and continuing a total distance of 920.93 feet to a set 1/2" iron rod with yellow cap stamped "Sanderson Surveying". Said point being the Northeast corner of this tract.

Thence: South across the referenced parent tract a distance of 920.93 feet to a set 1/2" iron rod with yellow cap stamped "Sanderson Surveying". Said point being the Southeast corner of this tract.

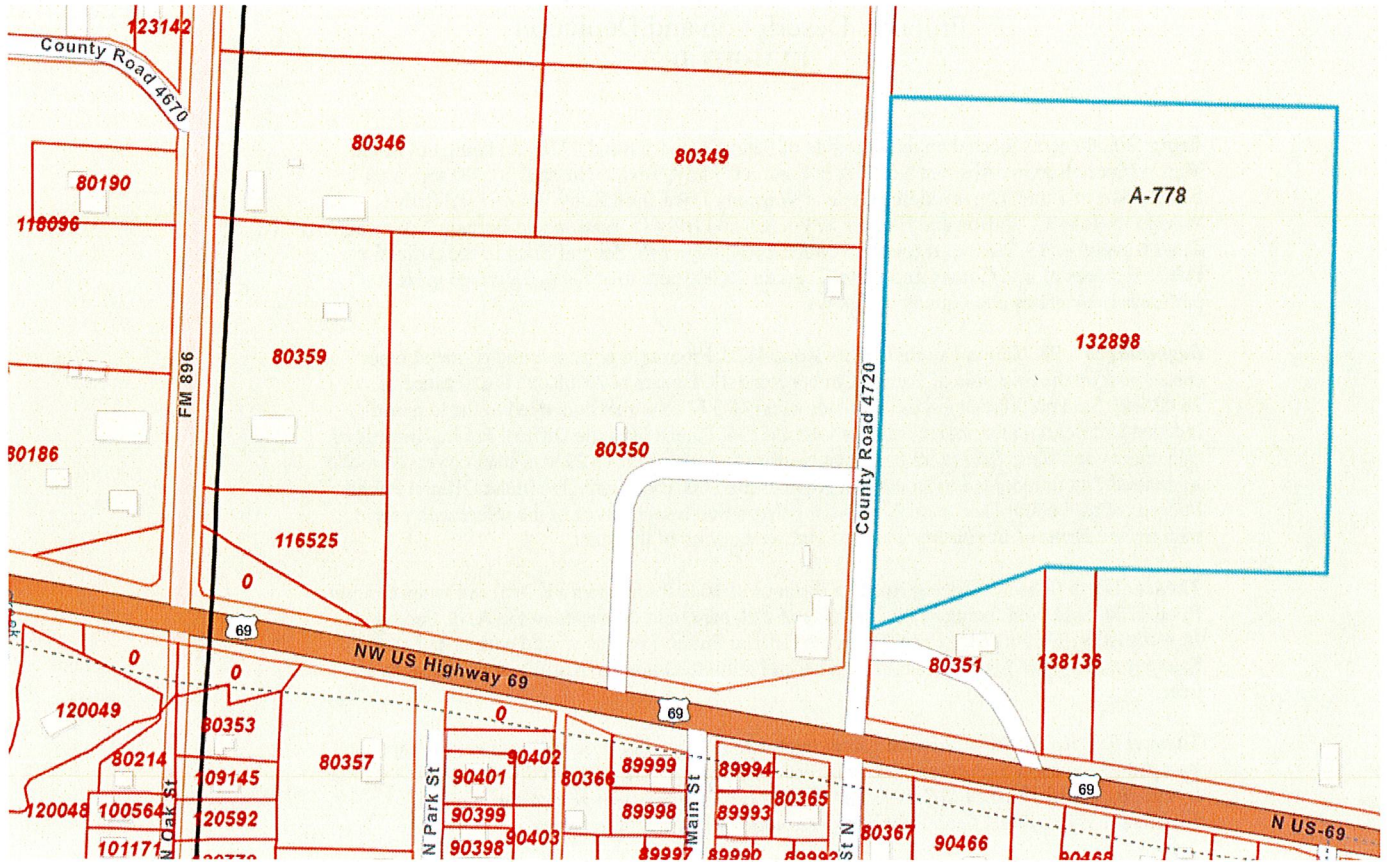
Thence: West across the referenced parent tract a distance of 563.49 feet a set 1/2" iron rod with yellow cap stamped "Sanderson Surveying". Said point being the Northeast corner of the referenced Zatout Tract Two. Said point being an inside Southwest corner of the referenced parent tract and a bend in the South line of this tract.

Thence: S 70°08'49" W passing a found 6" metal fence corner post on the East side of Fannin County Road 4720 at a distance of 352.00 feet and continuing a total distance of 380.03 feet to the **Point of Beginning** and containing 20.000 acres, of which 0.6 acres lay within Fannin County Road 4720.

I, Mark L. Sanderson Registered Professional Land Surveyor #4911, State of Texas, do hereby certify the above was taken from measurements made upon the ground on 7/7/2022 and are true and correct and there are no visible easements, rights-of-way, encroachments or overlapping of improvements, except as shown on the plat.

MARK L. SANDERSON R.P.L.S. #4911
7/7/2022







Being: 0.857 acres of land, and being out of the Martin Moore Survey, Abstract No. 778, and being on the North side of U.S. Highway 69 in Fannin County, Texas. The said 0.857 acre tract being a part of a tract conveyed in a General Warranty Deed from Roby Watson and Billy Watson to Roby C. Watson and Barbara S. Watson and Billy D. Watson and Barbara J. Watson dated November 23, 2009 of record in Volume 1464, Page 198, Second Tract in the Official Public Records of said County and State. The said 0.857 acre tract being described more particularly by metes and bounds as follows:

Commencing at a Point on the North side of U.S. Highway 69 from which a found 3/8" found iron rod bears N 03°58'03" W a distance of 1.56 feet. Said point being the Southeast corner of a tract conveyed to the Mahmoud Zatout recorded in Document Number 2022000156, Tract Two in the Official Public Records of said county and state. Said point also being the most Southerly Southwest corner of the parent tract. Thence with the North Right of Way of U.S. Highway 69, S 82°19'27" E a distance of 300.00 feet to a set 1/2" set iron with yellow cap stamped "Sanderson". Said point being in the South line of the referenced remainder of the Watson tract and being the Southwest corner of this tract and for the Point of Beginning and containing 0.857 acres. (Reference Bearing West line of the Watson tract Volume 1464, Page 198, NORTH).

Thence: North a distance of 369.25 feet to a set 1/2" set iron with yellow cap stamped "Sanderson". From said point, the Northeast corner of the referenced Zatout tract and a Northwest corner of the Watson tract bears West 320.14 feet. Said point being in a break in the South line of a called 20.000 acre tract conveyed to the Leonard ISD in Document #202200629. Said point being in a North line of the referenced remainder of the Watson tract. Said point being in a South line of the Leonard ISD tract. Said point also being the Northwest corner of this tract.

Thence: East a distance of 100.00 feet to a set 1/2" set iron with yellow cap stamped "Sanderson". From said point, the Southeast corner of the referenced Leonard ISD tract and an inside Southeast corner of the Watson tract bears East 143.35 feet. Said point being in the North line of the referenced remainder of a Watson tract. Said point being in a South line of a called 20.000 acre tract conveyed to the referenced Leonard ISD tract and also being the Northeast corner of this tract.

Thence: South a distance of 382.73 feet to a set 1/2" set iron with yellow cap stamped "Sanderson" on the North side of U.S. Highway 69. Said point being in the South line of the referenced remainder of the Watson tract and also being a Southeast corner of this tract.

Thence: N 82°19'22" W a distance of 100.90 feet to the Point of Beginning and containing 0.857 acres.

50' North-South Ingress/Egress Easement

Being: 0.130 acres of land being set out for a 50 foot North -South Ingress/Egress Easement and being out of the Martin Moore Survey, Abstract No. 778, and being on the North side of U.S. Highway 69 in Fannin County, Texas. The said 0.130 acre tract being a part of a tract conveyed in a General Warranty Deed from Roby Watson and Billy Watson to Roby C. Watson and Barbara S. Watson and Billy D. Watson and Barbara J. Watson dated November 23, 2009 of record in Volume 1464, Page 198, Second Tract in the Official Public Records of said County and State. The said 0.130 acre tract being described more particularly by metes and bounds as follows:



Commencing at a Point on the North side of U.S. Highway 69 from which a found 3/8" found iron rod bears N 03°58'03" W a distance of 1.56 feet. Said point being the Southeast corner of a tract conveyed to the Mahmoud Zatout recorded in Document Number 2022000156, Tract Two in the Official Public Records of said county and state. Said point also being the most Southerly Southwest corner of the parent tract. Thence with the North Right of Way of U.S. Highway 69, S 82°19'27" E a distance of 300.00 feet to a set 1/2" set iron with yellow cap stamped "Sanderson". Said point being in the South line of the referenced remainder of the Watson tract and being the Southwest corner of this tract and for the Point of Beginning and containing 0.857 acres. (Reference Bearing West line of the Watson tract Volume 1464, Page 198, NORTH).

Thence: North a distance of 50.00 feet to a point. Said point being the Northwest corner of this 50 foot North -South Ingress/Egress Easement tract.

Thence: East a distance of 100.00 feet to point. Said point being the Northeast corner of this 50 foot North -South Ingress/Egress Easement tract.

Thence: South a distance of 63.48 feet to a to a set 1/2" set iron with yellow cap stamped "Sanderson" on the North side of U.S. Highway 69. Said point being in a South line of the referenced remainder of the Watson tract and also being the Southeast corner of this 50 foot North -South Ingress/Egress Easement tract.

Thence: N 82°19'22" W a distance of 100.90 feet to the Point of Beginning and containing 0.130 acres.

I, Mark L. Sanderson Registered Professional Land Surveyor #4911, State of Texas, do Hereby certify the above was taken from measurements made upon the ground on 3/13/2023 and are true and correct and there are no visible easements, right-of-ways, encroachments or overlapping of improvements, except as shown on the plat.

MARK L. SANDERSON R.P.L.S. #4911

3/14/2023



