

RESOLUTION NO. 2016-65

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PROVIDENCE VILLAGE, TEXAS, GRANTING A VOLUNTARY ANNEXATION PETITION BY R & M MATERIALS, LLC, A TEXAS LIMITED LIABILITY COMPANY, OWNER OF AN APPROXIMATE 29.989 ACRES GENERALLY LOCATED AT THE SOUTHWEST CORNER OF FM 2931 AND FISHTRAP ROAD AND THOSE PORTIONS OF FISHTRAP ROAD AND FM 2931 ADJACENT TO SAID TERRITORY; SETTING PUBLIC HEARINGS FOR THE ANNEXATION; AUTHORIZING AND DIRECTING THE TOWN SECRETARY TO HAVE NOTICE OF SUCH PUBLIC HEARINGS PUBLISHED; DIRECTING THE PREPARATION OF A SERVICE PLAN AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on or about December 8, 2016, R & M Materials, LLC, a Texas Limited Liability Company, owner of an area of land described hereinbelow (the "Property") filed a written petition (the "Petition") with the Town of Providence Village, Texas (the "Town), to have the Property annexed into and become a part of the Town; and

WHEREAS, the Town Council of the Town of Providence Village ("Town Council") has found and determined that the Petition is appropriate and that it is in the best interest of the Town, to grant the Petition.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PROVIDENCE VILLAGE, 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 Town Council hereby grants the Petition requesting the annexation by the Town of the following described property being:

Denton CAD Property ID 38033, generally located at the southwest corner of FM 2931 and Fishtrap Road and being an approximate 29.979 acre tract of land situated in the M. Jones Survey Abstract 662A, Tract 38, as described in a General Warranty Deed from Rich Family Partners, Ltd. To R&M Materials, LLC, as recorded in Document Number 2010-103658 of the Real Property Records of Denton County, Texas, and being more particularly described and depicted in Exhibit "A" attached hereto and made a part hereof; and all of the right-of-way of Fishtrap Road and FM 2931 adjacent to the previously described property as depicted in Exhibit "B" attached hereto and made a part hereof.

SECTION 4. On **January 3, 2017, at 7:30 p.m., and January 3, 2017, at 7:35 p.m.** at Providence Village Town Hall, located at 1745 FM 2931, Providence Village, Texas, the Town Council will hold public hearings giving all interested persons the right to appear and be heard on the proposed annexation by the Town of Providence Village, Texas, of the property described in Section 3.

SECTION 5. The Town Secretary of the Town of Providence Village, Texas, is hereby authorized and directed to cause notice of such public hearings to be published once in a newspaper having general circulation in the Town 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 hearings, in accordance with the Municipal Annexation Act.

SECTION 6. Town staff is directed to draft a proposed Service Plan for the extension of municipal services into the proposed area of annexation.


SECTION 7. The Town 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 this 20th day of December, 2016.


Michael Jordan, Mayor Pro Tem

ATTEST:


Connie S. Hansen, Town Secretary

APPROVED AS TO FORM:


Town Attorney



EXHIBIT A

PETITION REQUESTING ANNEXATION BY LANDOWNER

TO THE HONORABLE MAYOR AND TOWN COUNCIL MEMBERS OF THE TOWN OF PROVIDENCE VILLAGE, TEXAS:

R&M Materials, a Texas LLC and owner of the hereinafter described tracts or parcels of land ("Property"), by and through its general partner/corporate officer and authorized agent, hereby voluntarily petitions the Town Council of the Town of Providence Village, Texas, to annex the Property and extend the present city limits and extraterritorial jurisdiction so as to include as part of the Town of Providence Village, Texas, the Property, containing approximately 29.979 acres of land, described as follows:

BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN THE EXTRATERRITORIAL JURISDICTION OF THE TOWN PROVIDENCE VILLAGE, DENTON COUNTY, AND BEING A PART OF A CALLED 29.989 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO R & M MATERIALS, LLC RECORDED UNDER COUNTY CLERK'S FILE NUMBER 2010-103658, OFFICIAL RECORDS, DENTON COUNTY, TEXAS; THE SUBJECT TRACT BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

A map showing the location of the Property is attached hereto as Exhibit "B" and is incorporated herein by reference.

I/we certify that the above-described Property is contiguous and adjacent to the Town of Providence Village, Texas, has been incorporated into the Town of Providence Village through a boundary adjustment agreement filed of record as Instrument Number _____ and that this petition is signed and duly acknowledged by each and every person, corporation, or entity having an ownership interest in said Property.

SIGNATURES ON NEXT PAGE

APPROVED:
TOWN OF PROVIDENCE VILLAGE
KERRY O. SAMUELSON

OWNER:

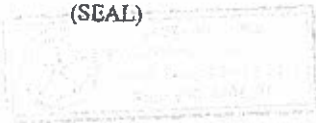
By: Barry Bush Title: MEMBER

NOTARY ACKNOWLEDGEMENT

STATE OF TEXAS §
COUNTY OF Collin §

BEFORE ME, the undersigned authority, on this day personally appeared Barry Bush, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 6th day of December, 2016.



Laura Mitchell
NOTARY PUBLIC in and for the STATE OF TEXAS

Laura Mitchell
Printed Name
My commission expires: 09/10/19

OWNER:

By: _____ Title: _____

NOTARY ACKNOWLEDGEMENT

STATE OF TEXAS §
COUNTY OF _____ §

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

Given under my hand and seal of office this _____ day of _____, 20____.

(SEAL)

NOTARY PUBLIC in and for the STATE OF TEXAS

Printed Name _____
My commission expires: _____

EXHIBIT "A"

THAT PORTION OF THE EXTRATERRITORIAL JURISDICTION OF THE TOWN OF PROVIDENCE VILLAGE, TEXAS THAT IS PART OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE MARCELLA JONES SURVEY, ABSTRACT NUMBER 662, DENTON COUNTY, TEXAS. BEING A TRACT OF LAND AS CONVEYED BY DEED TO R & M MATERIALS, LLC RECORDED UNDER COUNTY CLERK'S FILE NUMBER 2010-103658, OFFICIAL RECORDS, DENTON COUNTY, TEXAS, BEING PART OF A TRACT DESCRIBED IN A DEED TO OPAL BELL, RECORDED UNDER COUNTY CLERK'S FILE NUMBER 13-R0033883, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD FOUND AT THE INTERSECTION OF THE NORTH LINE OF LAND CONVEYED TO R & M MATERIALS, LLC AS RECORDED UNDER COUNTY CLERK'S FILE NUMBER 2010-103658, OFFICIAL RECORDS, DENTON COUNTY, TEXAS WITH THE WEST RIGHT OF WAY LINE OF F. M. 2931 (A PUBLIC RIGHT OF WAY);

THENCE ALONG SAID WEST RIGHT OF WAY THE FOLLOWING COURSES AND DISTANCES: SOUTH 43 DEGREES 54 MINUTES 07 SECONDS EAST, A DISTANCE OF 99.52 FEET, TO A 6 INCH WOOD POST RIGHT OF WAY MARKER FOUND FOR CORNER;

THENCE CONTINUING ALONG SAID WEST RIGHT OF WAY LINE OF F.M. 2931, SOUTH 00 DEGREES 54 MINUTES 07 SECONDS EAST, A DISTANCE OF 930.08 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER ON THE NORTH LINE OF LAND CONVEYED TO VALERIE L. FREEMAN AS RECORDED UNDER VOLUME 4515, PAGE 1058, REAL PROPERTY RECORDS, DENTON COUNTY;

THENCE ALONG SAID NORTH LINE OF FREEMAN AND THE NORTH LINE OF R & M MATERIALS, LLC AS RECORDED UNDER CC# 2016-16715, OFFICIAL RECORDS DENTON COUNTY, TEXAS, NORTH 87 DEGREES 54 MINUTES 14 SECONDS WEST PASSING A 1/2 INCH IRON ROD AT A DISTANCE OF 735.95, CONTINUING A TOTAL DISTANCE OF 1317.45 FEET TO A 1/2 INCH IRON ROD WITH PLASTIC CAP (STAMP DESTROYED) FOR CORNER ON THE EAST LINE OF LAND CONVEYED TO R & M MATERIALS, LLC AS RECORDED UNDER CC# 2015-14049, OFFICIAL RECORDS DENTON COUNTY, TEXAS,

THENCE ALONG THE EAST LINE OF THE LAST DESCRIBED LAND OF R & M MATERIAL, NORTH 01 DEGREES 12 MINUTES 26 SECONDS EAST, PASSING A 1/2 IRON ROD WITH PLASTIC CAP (STAMP PARTIALLY DESTROYED) AT 957.47 FEET, CONTINUING A TOTAL DISTANCE OF 990.82 FEET TO A COTTON PICKER SPINDLE SET FOR CORNER IN FISHTRAP ROAD ON THE NORTH LINE OF LAND CONVEYED TO R & M MATERIALS, LLC AS RECORDED UNDER CC# 2010-103658, OFFICIAL RECORDS DENTON COUNTY, TEXAS;

THENCE ALONG THE NORTH LINE OF THE LAST DESCRIBED LAND CONVEYED TO R & M MATERIALS LLC, SOUTH 88 DEGREES 17 MINUTES 14 SECONDS EAST, A DISTANCE OF 1241.88 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 29.9794 ACRES.

