CITY OF OAK RIDGE

ORDINANCE NUMBER 71-22

AN ORDINANCE OF THE CITY OF OAK RIDGE, KAUFMAN COUNTY, TEXAS ANNEXING APPROXIMATELY 176.99 ACRES OF LAND IN THE S.A. & M.G.R.R. CO. SURVEY, ABSTRACT NO. 525, THE H. HOLT SURVEY, ABSTRACT NO. 232, AND THE P. WALKER SURVEY, ABSTRACT NO. 569, KAUFMAN COUNTY, TEXAS, GENERALLY BORDERED BY STATE HIGHWAY 34, COUNTY ROAD 130, AND ABNER ROAD SHOWN IN EXHIBIT "A" AND DESCRIBED IN EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF; ADOPTING A SERVICE AGREEMENT AS DESCRIBED IN EXHIBIT "C" ATTACHED HERETO AND MADE A PART HEREOF; AND PROVIDING AN EFFECTVE DATE.

WHEREAS, Lackland Land Developer, Ltd., the sole owner of the land shown in Exhibit "A" and described in Exhibit "B" (the "Property") has petitioned the City of Oak Ridge to annex the Property in accordance with Section 43.0671 of the Texas Local Government Code; and

WHEREAS, the City Council of the City of Oak Ridge has conducted a public hearing at which persons interested in the annexation of the land have been given the opportunity to be heard; and

WHEREAS, such public hearing was conducted pursuant to notice published in a newspaper of general circulation in the City and the area proposed for annexation at least once on or after the twentieth day but before the tenth day before the date of such hearing;

NOW THEREFORE, be it ordained by the City Council of the City of Oak Ridge, Texas:

SECTION 1. That the "Property is within the exclusive extraterritorial jurisdiction of the City of Oak Ridge and adjacent and contiguous to the boundary limits thereof.

SECTION 2. That the Property is hereby annexed into the City of Oak Ridge and the boundary lines of the City of Oak Ridge are hereby extended to include the Property within the City limits of Oak Ridge and the same shall hereafter be included within the territorial limits of said City

SECTION 3. That the inhabitants of the Property shall hereafter be entitled to all rights and privileges of other citizens of the City of Oak Ridge, and shall be bound by the acts, ordinances, resolutions, and regulations of said City.

SECTION 4. That the premises hereof are found and determined by the City Council to be correct in all respects.

SECTION 5. That it is the intent of the City Council to annex all of the Property into the corporate limits of the City of Oak Ridge and the City Council hereby finds and determines that the provisions of Chapter 43 of the Texas Local Government Code have been complied with in

effecting this annexation. It is not the intent of the City of Oak Ridge to annex any territory which it has no legal right to annex, but to annex only such territory as may be legally annexed by it within the limits of the described property.

SECTION 6. That an agreement for provision of services to the Property, as required by Section 43.0672 of the Texas Local Government, has been negotiated by the parties and is attached hereto as Exhibit "C", made a part hereof for all purposes, and adopted and approved as a part of this ordinance.

SECTION 7. This ordinance shall take effect immediately from and after its passage.

DULY APPROVED AND PASSED by the City Council of the City of Oak Ridge on this 24th day of April, 2023.

APPROVED:

Al Rudin, Mayor

ATTECT.

Donna Sprague, City Secretary

Man of the Property

Exhibit B Legal Description of the Property

STATE OF TEXAS: COUNTY OF KAUFMAN: 1901459-1B

BEING ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE S.A. & M.G.R.R. CO. SURVEY, ABSTRACT NO. 525, THE H. HOLT SURVEY, ABSTRACT NO. 232, THE P. WALKER SURVEY, ABSTRACT NO. 569, KAUPMAN COUNTY, TEXAS, BEING KNOWN AS THOSE TRACTS OF LAND DESCRIBED IN DEED AS "FIRST TRACT, SECOND TRACT, A PORTION OF FIFTH TRACT AND SIXTH TRACT", TO JERRY R. ALLEN, DEANNA ADAMS AND JOANNA EASTON, RECORDED IN VOLUME 5124, PAGE 259, OFFICIAL PUBLIC RECORDS, KAUFMAN COUNTY, TEXAS AND BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT FOR CORNER NEAR THE CENTER OF ABNER ROAD AND IN THE APPARENT SOUTHWEST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO FLOR SALDANA, RECORDED IN VOLUME 4622, PAGE 198, OFFICIAL PUBLIC RECORDS, KAUFMAN COUNTY, TEXAS, SAID POINT BEING THE RECOGNIZED NORTH CORNER OF SAID ALLEN "FIRST TRACT" AND THE APPARENT EAST CORNER OF A TRACT OF LAND DESCRIBED IN DEED AS "TRACT 1" TO HUNT OIL COMPANY, RECORDED IN VOLUME 1023, PAGE 546, OFFICIAL PUBLIC RECORDS, KAUFMAN COUNTY, TEXAS, FROM WHICH A 1/2 INCH IRON ROD SET WITH YELLOW CAP STAMPED BG&A RPLS 5569 FOR WITNESS BEARS SOUTH 44 DEGREES 43 MINUTES 19 SECONDS WEST – 32.00 FEET;

THENCE SOUTH 45 DEGREES 14 MINUTES 00 SECONDS EAST, WITHIN SAID ABNER ROAD AND ALONG THE RECOGNIZED NORTHEAST LINE OF SAID ALLEN "FIRST TRACT", A DISTANCE OF 2387.06 FEET TO A POINT FOR CORNER NEAR THE CENTER OF SAID ABNER ROAD, SAID POINT BEING THE RECOGNIZED EAST CORNER OF SAID ALLEN "FIRST TRACT", FROM WHICH A "1" INCH IRON PIPE FOUND FOR WITNESS, THE APPARENT NORTH CORNER OF LOT 167 OF LAGO VISTA ESTATES, PHASE 3 ADDITION, RECORDED IN CABINET 2, ENVELOPE 722, PLAT RECORDS, KAUFMAN COUNTY, TEXAS BEARS SOUTH 44 DEGREES 39 MINUTES 02 SECONDS WEST – 31.07 FEET;

THENCE SOUTH 44 DEGREES 57 MINUTES 12 SECONDS WEST, ALONG THE RECOGNIZED SOUTHEAST LINE OF SAID ALLEN "FIRST TRACT" AND THE APPARENT NORTHWEST LINE OF SAID LOT 167, A DISTANCE OF 3691.77 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER IN THE RECOGNIZED SOUTHEAST LINE OF SAID ALLEN "FIFTH TRACT" AND THE APPARENT NORTHWEST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO KAUFMAN AND 1132 PARTNERS, LTD., RECORDED IN VOLUME 3196, PAGE 629, OFFICIAL PUBLIC RECORDS, KAUFMAN COUNTY, TEXAS, SAID POINT BEING THE SOUTH CORNER OF HEREIN DESCRIBED TRACT AND THE APPARENT EAST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO ROBERT H. AND ANNIE R. ALLEN, RECORDED IN VOLUME 1010, PAGE 300, DEED RECORDS, KAUFMAN COUNTY, TEXAS;

THENCE NORTH 44 DEGREES 01 MINUTES 54 SECONDS WEST, OVER AND UPON SAID ALLEN "FIFTH TRACT", A DISTANCE OF 1673.47 FEET TO A 1/2 INCH IRON ROD SET WITH YELLOW CAP STAMPED BG&A RPLS 5569 FOR CORNER IN THE RECOGNIZED NORTHWEST LINE OF SAID ALLEN "FIFTH TRACT" AND THE APPARENT SOUTHEAST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO GOLDEN PROPERTY INVESTMENTS, LTD., RECORDED IN VOLUME 3033, PAGE 621, OFFICIAL PUBLIC RECORDS, KAUFMAN COUNTY, TEXAS;

THENCE NORTH 44 DEGREES 19 MINUTES 31 SECONDS EAST, ALONG THE RECOGNIZED NORTHWEST LINE OF SAID ALLEN "FIFTH TRACT" AND THE APPARENT SOUTHEAST LINE OF SAID WOOD TRACT, A DISTANCE OF 1474.37 FEET TO A 1/2 INCH IRON ROD FOUND FOR

CORNER IN THE RECOGNIZED SOUTHWEST LINE OF SAID ALLEN "FIRST TRACT", SAID POINT BEING THE RECOGNIZED NORTH CORNER OF SAID ALLEN "SECOND TRACT" AND THE APPARENT EAST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO BRANDON CASAS, RECORDED IN VOLUME 3682, PAGE 230, OFFICIAL PUBLIC RECORDS, KAUFMAN COUNTY, TEXAS;

THENCE NORTH 45 DEGREES 47 MINUTES 37 SECONDS WEST, ALONG THE RECOGNIZED SOUTHWEST LINE OF SAID ALLEN "FIRST TRACT" AND THE APPARENT NORTHEAST LINE OF SAID CASAS TRACT (VOL. 3682, PG. 230), A DISTANCE OF 282.07 FEET TO A 1/2 INCH IRON ROD FOUND FOR ANGLE POINT, SAID POINT BEING THE APPARENT NORTH CORNER OF SAID CASA TRACT AND THE APPARENT EAST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO ARTHUR M. MORGAN JR., RECORDED IN VOLUME 4352, PAGE 278, OFFICIAL PUBLIC RECORDS, KAUFMAN COUNTY, TEXAS;

THENCE NORTH 45 DEGREES 17 MINUTES 16 SECONDS WEST, ALONG THE RECOGNIZED SOUTHWEST LINE OF SAID ALLEN "FIRST TRACT" AND THE APPARENT NORTHEAST LINE OF SAID MORGAN TRACT, A DISTANCE OF 406.83 FEET TO A 1/2 INCH IRON ROD SET WITH YELLOW CAP STAMPED BG&A RPLS 5569 FOR CORNER IN THE APPARENT NORTHEAST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO BRANDON R. CASAS, RECORDED IN VOLUME 5266, PAGE 33, OFFICIAL PUBLIC RECORDS, KAUFMAN COUNTY, TEXAS, SAID POINT BEING THE RECOGNIZED WEST CORNER OF SAID ALLEN "FIRST TRACT" AND THE APPARENT SOUTH CORNER OF SAID "TRACT 1" HUNT OIL TRACT;

THENCE NORTH 44 DEGREES 43 MINUTES 21 SECONDS EAST, ALONG THE RECOGNIZED NORTHWEST LINE OF SAID ALLEN "FIRST TRACT" AND THE APPARENT SOUTHEAST LINE OF SAID "TRACT 1" HUNT OIL TRACT, A DISTANCE OF 2185.47 FEET TO THE PLACE OF BEGINNING AND CONTAINING 7,709,478.72 SQ. FT. OR 176.99 ACRES OF LAND.

Exhibit B

Exhibit C

ANNEXATION SERVICE AGREEMENT BETWEEN THE CITY OF OAK RIDGE AND LACKLAND LAND DEVELOPER, LTD.

As required by Section 43.0672 of the Texas Local Government Code, this Annexation Service Agreement (this "Agreement") shall serve as a written agreement between the City of Oak Ridge, Texas (the "City") and Lackland Land Developer, Ltd., a Texas limited partnership, sole owners of the Annexed Area (collectively, the "Parties") concerning the provision of services to the territory shown in the attached and incorporated Exhibit A and described by metes and bounds in the attached and incorporated Exhibit B (the "Annexed Area").

A. The Parties agree as follows concerning the services that are to be provided within the Annexed Area on the effective date of the annexation:

1. POLICE PROTECTION

The City currently provides limited police protection within the City by contract with the Kaufman County Sheriff's Department. In addition to the City's contract for limited provision of police protection, police protection may be available through the Kaufman County Sheriff's Department.

2. FIRE PROTECTION AND AMBULANCE SERVICE

The City does not currently provide fire protection or emergency medical services. Fire protection and emergency medical services may be available through Kaufman County.

3. SOLID WASTE COLLECTION

At the present time the City is using a designated, specified contractor for collection of solid waste and refuse within the city limits of the City. Upon payment of any required deposits and the agreement to pay lawful service fees and charges, solid waste collection will be provided to citizens in the Annexed Area to the extent that the City's contractor has access to the area to be serviced.

The City may not prohibit the collection of solid waste in the Annexed Area by a privately owned solid waste management service provider or offer solid waste management services in the Annexed Area for two years after the date of annexation of the Annexed Area, unless a privately owned solid waste management service provider is unavailable. The City is not required to provide solid waste collection services to a person who continues to use the services of a privately owned solid waste management service provider that continues in operation in the Annexed Area.

4. OPERATION AND MAINTENANCE OF WATER AND WASTEWATER FACILITIES

The City does not own, operate or maintain any water or wastewater facilities in the Annexed Area. Consequently, the City has no duty to operate or maintain water and wastewater facilities within the Annexed Area as of the annexation date.

5. OPERATION AND MAINTENANCE OF ROADS AND STREETS

Any and all public roads, streets or alleyways in the Annexed Area which have been dedicated to the City or which are owned by the City shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas with similar topography, land use, and population density. Any and all lighting of roads, streets and alleyways which may be positioned in a right-of-way, roadway or utility company easement shall be maintained by the applicable utility company servicing the City pursuant to the rules, regulations and fees of such utility.

6. OPERATION AND MAINTENANCE OF PARKS, PLAYGROUNDS AND SWIMMING POOLS

There are currently no parks, playgrounds or swimming pools in the Annexed Area. Consequently, the City has no duty to operate or maintain parks, playgrounds and swimming pools within the Annexed Area as of the annexation date.

7. MAINTENANCE OF MUNICIPALLY OWNED FACILITIES, BUILDINGS OR MUNICIPAL SERVICES

There are currently no municipally owned facilities, buildings or other municipal services in the Annexed Area. Consequently, the City has no duty to operate or maintain parks, playgrounds and swimming pools within the Annexed Area as of the annexation date.

- B. The Parties agree on the following schedule for the City to provide services that are not provided within the Annexed Area on the effective date of the annexation:
 - 1. If the City commences providing police protection, fire protection, ambulance service or other public safety services within the City, the City shall provide such services within the Annexed Area on the same schedule and the same terms as such services are provided in other areas of the City.
 - 2. If the City commences providing any other services that are generally available within the City limits, the City will provide such services within the Annexed Area on the same schedule and the same terms as such services are provided in other areas of the City.

It is the Parties' intent that the City will provide all services within the Annexed Area for which the City assesses and collects taxes within the Annexed Area.

3. The City will operate and maintain any municipally owned facility or building constructed within the Annexed Area.

The Parties agree that the terms of this Agreement will not provide any fewer services, and it will not provide a lower level of service in the Annexed Area than were in existence in such area at the time immediately preceding the annexation process.

The Parties agree that the City is not required to provide a service in the Annexed Area that is not included in this Agreement.

EXECUTED ON THIS 14 DAY OF Member, 2022.

City of Oak Ridge, Texas

Al Rudin, Mayor

ATTEST:

Donna Sprague, City Secretary

Lackland Land Developer, Ltd.,

a Texas limited partnership

By: 1900 Loop 820, Inc.,
Its General Partner

Don Allen, Secretary

Exhibit A
Map of the Property

Exhibit B Legal Description of the Property

STATE OF TEXAS: COUNTY OF KAUFMAN:

1901459-1B

BEING ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE S.A. & M.G.R.R. CO. SURVEY, ABSTRACT NO. 525, THE H. HOLT SURVEY, ABSTRACT NO. 232, THE P. WALKER SURVEY, ABSTRACT NO. 569, KAUPMAN COUNTY, TEXAS, BEING KNOWN AS THOSE TRACTS OF LAND DESCRIBED IN DEED AS "FIRST TRACT, SECOND TRACT, A PORTION OF FIFTH TRACT AND SIXTH TRACT", TO JERRY R. ALLEN, DEANNA ADAMS AND JOANNA EASTON, RECORDED IN VOLUME 5124, PAGE 259, OFFICIAL PUBLIC RECORDS, KAUPMAN COUNTY, TEXAS AND BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

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