



ORDINANCE NO. 4-1805A

AN ORDINANCE ANNEXING ADJACENT AND CONTIGUOUS TERRITORY TO THE CITY OF HUTTO, TEXAS, TO-WIT: A 60.91 ACRE TRACT OF LAND, MORE OR LESS, OUT OF THE JOHN DYCHES SURVEY, ABSTRACT NO. 186, THE NATHANIEL EDWARDS SURVEY, ABSTRACT NO. 225, AND THE J. SHELTON SURVEY, ABSTRACT NO. 560, AND A PART OF BLOCKS 3 AND 4 OF A SUBDIVISION OF A PART OF SAID SURVEYS, BEING A PART OF THAT CERTAIN TRACT OF LAND SAID TO CONTAIN 111.99 ACRES AS DESCRIBED IN THE DEED TO CORRINE KOGER OWEN, RECORDED IN VOLUME 476, PAGE 35 OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID 60.91 ACRES BEING FOR ANNEXATION, TOGETHER WITH ALL ADJACENT ROADWAYS; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING THAT SUCH AREA SHALL BECOME A PART OF THE CITY AND THAT THE OWNERS AND INHABITANTS THEREOF SHALL BE ENTITLED TO THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BE BOUND BY THE ACTS AND ORDINANCES NOW IN EFFECT AND TO BE HEREINAFTER ADOPTED; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

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

WHEREAS, pursuant to Section 43.028 of the Texas Local Government Code, the owners of the real property described hereafter have petitioned the City Council in writing to annex said property: a tract of land containing 60.91 acres, more or less, out of the John Dyches Survey, Abstract No. 186, the Nathaniel Edwards Survey, Abstract No. 225, and the J. Shelton Survey, Abstract No. 560, and a part of Blocks 3 and 4 of a subdivision of a part of said surveys, being a part of that certain tract of land said to contain 111.99 acres as described in the Deed to

Corrine Koger Owen, recorded in Volume 476, Page 35 of the Deed Records of Williamson County, Texas, ("the Property"), and said tract for annexation being more fully described in Exhibit "A" attached hereto and made a part hereof for all purposes; and

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

WHEREAS, the petition was filed more than five (5) days and less than thirty (30) days before the City Council heard the petition and the arguments for and against the annexation; 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 and the arguments for and against the annexation; Now Therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HUTTO, TEXAS:

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 their entirety.

II.

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

III.

That the property described in the attached Exhibit "A", together with all adjacent roadways, be and is hereby annexed and brought within the corporate limits of the City of Hutto, Williamson County, Texas, and same is hereby made an integral part hereof.

IV.

That the owners and present and future inhabitants of the area herein annexed be entitled
Annexation ordinance Hutto Square Sections 5 6 60 91 ac (00084734)

to all of 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 maps and boundaries of the City, heretofore adopted and amended, be and are hereby amended so as to include the aforementioned territory as part of the City of Hutto, Texas.

VI.

That the Service Plan providing for extension of municipal services to the areas proposed to be annexed, attached hereto and incorporated herein as Exhibit "B", is hereby approved.

VII.

That the appropriate city official of the City of Hutto 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 the territory hereby annexed, as required by law.

VIII.

That this Ordinance shall be come effective after its passage.

IX.

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 Williamson County, Texas.

X.

If any section, subsection, sentence, phrase, or word of this Ordinance be found to be illegal, invalid or unconstitutional or if 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, sentence, phrase, word, paragraph or provision of this Ordinance or the application of any other section, 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.

XI.

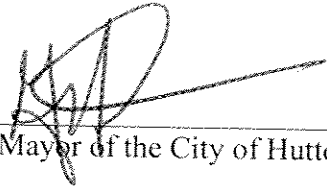
A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

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

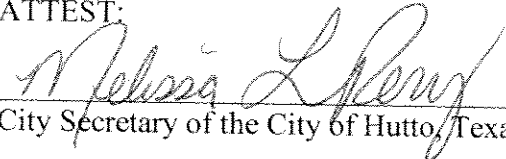
C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter thereof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

READ and APPROVED on first reading on this the 4 day of the month of April, 2005, at a regular meeting of the City Council of the City of Hutto, Texas, there being a quorum present, by a vote of 7 Ayes and 0 Nays.

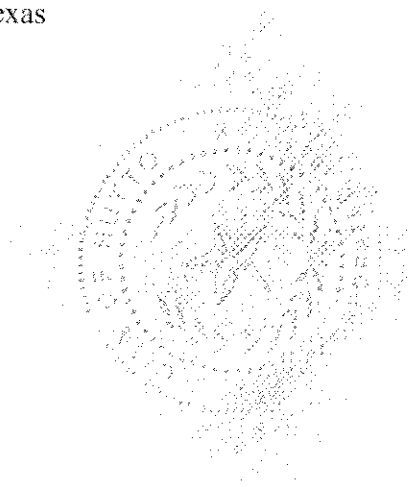
READ, APPROVED and ADOPTED on second and final reading on this the 18 day of the month of April, 2005, at a regular meeting of the City Council of the City of Hutto, Texas, there being a quorum present, by a vote of 6 Ayes and 0 Nays, and approved by the Mayor on the date set out below.



Mayor of the City of Hutto, Texas

ATTEST:


City Secretary of the City of Hutto, Texas



60.91 ACRES

Exhibit "A"

A PARCEL OF LAND IN WILLIAMSON COUNTY, TEXAS, BEING A PART OF THE JOHN DYCHES SURVEY, ABSTRACT NO. 186, THE NATHANIEL EDWARDS SURVEY, ABSTRACT NO. 225, AND THE J. SHELTON SURVEY, ABSTRACT 560, AND A PART OF BLOCKS 3 AND 4 OF A SUBDIVISION OF A PART OF SAID SURVEYS, BEING A PART OF THAT CERTAIN TRACT OF LAND SAID TO CONTAIN 111.99 ACRES AS DESCRIBED IN THE DEED TO CORRINE KOGER OWEN, RECORDED IN VOLUME 476, PAGE 35 OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCE AT A 1/2" IRON ROD SET FOR THE SOUTHEAST CORNER OF THE SAID 111.99 ACRE TRACT AND FOR THE SOUTHEAST CORNER OF BLOCK 3, SAID POINT LYING IN THE WEST LINE OF THAT 164.266 ACRE TRACT OF LAND CONVEYED TO HUTTO DEVELOPMENT, LTD., BY DEED RECORDED IN DOCUMENT NUMBER 2001071798 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS;

THENCE N.81°58'56"W., ALONG THE SOUTH LINE OF THE SAID 111.99 ACRE TRACT AND ALONG THE NORTH LINE OF THAT ROADWAY EASEMENT DESCRIBED IN VOLUME 162, PAGE 557 OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, A DISTANCE OF 942.83 FEET TO A 1/2" IRON ROD SET FOR THE SOUTHWEST CORNER OF THE SAID 111.99 ACRE TRACT, SAID POINT LYING IN THE EAST LINE OF THAT 115.663 ACRE TRACT OF LAND CONVEYED TO HUTTO DEVELOPMENT, LTD., BY DEED RECORDED IN DOCUMENT NUMBER 2001071787 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS FROM WHICH POINT A 1/2" CABLE SET IN CONCRETE FOR THE NORTHWEST CORNER OF THAT 70.053 ACRE TRACT OF LAND CONVEYED TO HUTTO DEVELOPMENT, LTD., BY DEED RECORDED IN DOCUMENT NUMBER 2001071793 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS BEARS S.09°11'23"W., A DISTANCE OF 16.00 FEET;

THENCE N.09°01'45"E., ALONG THE WEST LINE OF THE SAID 111.99 ACRE TRACT AND ALONG THE EAST LINE OF THE SAID 115.663 ACRE HUTTO DEVELOPMENT, LTD., TRACT, A DISTANCE OF 2109.21 FEET TO A 1/2" IRON ROD SET AND THE POINT OF BEGINNING;

THENCE CONTINUE N.09°01'45"E., ALONG THE WEST LINE OF THE SAID 111.99 ACRE TRACT AND ALONG THE EAST LINE OF THE SAID 115.663 ACRE HUTTO DEVELOPMENT, LTD., TRACT, A DISTANCE OF 687.25 FEET TO A 1 1/2" BOLT FOUND FOR THE NORTHEAST CORNER OF THE SAID 115.63 ACRE TRACT AND FOR AN ANGLE POINT IN THE WEST LINE OF THE SAID 111.99 ACRE TRACT;

THENCE N.81°49'29"W., ALONG WESTERLY LINE OF THE SAID 111.99 ACRE TRACT AND ALONG THE NORTH LINE OF THE SAID 115.663 ACRE HUTTO DEVELOPMENT, LTD., TRACT, A DISTANCE OF 741.53 FEET TO A TO A 1/2" IRON ROD FOUND FOR AN ANGLE POINT IN THE WEST LINE OF THE SAID 111.99 ACRE TRACT;

THENCE N.08°48'48"E., ALONG THE WEST LINE OF THE SAID 115.99 ACRE TRACT, A DISTANCE OF 2,309.82 FEET TO A 1/2" IRON ROD FOUND FOR THE NORTHWEST CORNER OF THE SAID 111.99 ACRE TRACT AND FOR THE SOUTHWEST CORNER OF

60.91 ACRES

THAT 93.786 ACRE TRACT OF LAND CONVEYED TO HUTTO DEVELOPMENT, LTD., BY DEED RECORDED IN DOCUMENT NUMBER 2001071798 OF THE OFFICIAL RECORDS OF WILLIAMSON COUNTY, TEXAS;

THENCE ALONG THE NORTHEASTERLY LINE OF THE SAID 111.99 ACRE TRACT, THE SAME BEING THE SOUTHWESTERLY LINE OF THE SAID 93.786 ACRE HUTTO DEVELOPMENT, LTD., TRACT AND ALONG A WIRE FENCE THE FOLLOWING EIGHT (8) COURSES:

1. S.87°41'35"E., A DISTANCE OF 189.15 FEET TO A 1/2" IRON ROD FOUND;
2. S.08°32'59"W., A DISTANCE OF 554.19 FEET TO A 1/2" IRON ROD FOUND;
3. S.66°59'20"E., A DISTANCE OF 190.93 FEET TO A 1/2" IRON ROD FOUND;
4. S.25°45'50"E., A DISTANCE OF 482.71 FEET TO A 1/2" IRON ROD SET;
5. S.33°10'17"E., A DISTANCE OF 280.34 FEET TO A 1/2" IRON ROD FOUND;
6. S.60°57'56"E., A DISTANCE OF 523.17 FEET TO A 1/2" IRON ROD FOUND;
7. S.24°33'36"E., A DISTANCE OF 275.76 FEET TO A 1/2" IRON ROD FOUND;
8. S.73°40'22"E., A DISTANCE OF 231.46 FEET TO A 1/2" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF THE SAID 93.786 ACRE TRACT AND FOR THE SOUTHERLY NORTH EAST CORNER OF THE SAID 111.99 ACRE TRACT, THE SAME LYING IN THE WEST LINE OF THE SAID 164.266 ACRE HUTTO DEVELOPMENT, LTD., TRACT;

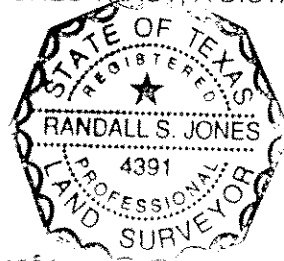
THENCE S.08°51'24"W., ALONG THE EAST LINE OF THE SAID 111.99 ACRE TRACT AND ALONG THE WEST LINE OF THE SAID 164.266 ACRE TRACT, A DISTANCE OF 927.91 FEET TO A 1/2" IRON ROD SET;

THENCE S.74°41'35"W., CROSSING THE SAID 111.99 ACRES TRACT, A DISTANCE OF 1062.29 FEET TO THE POINT OF BEGINNING.

CONTAINING 60.91 ACRES, MORE OR LESS.

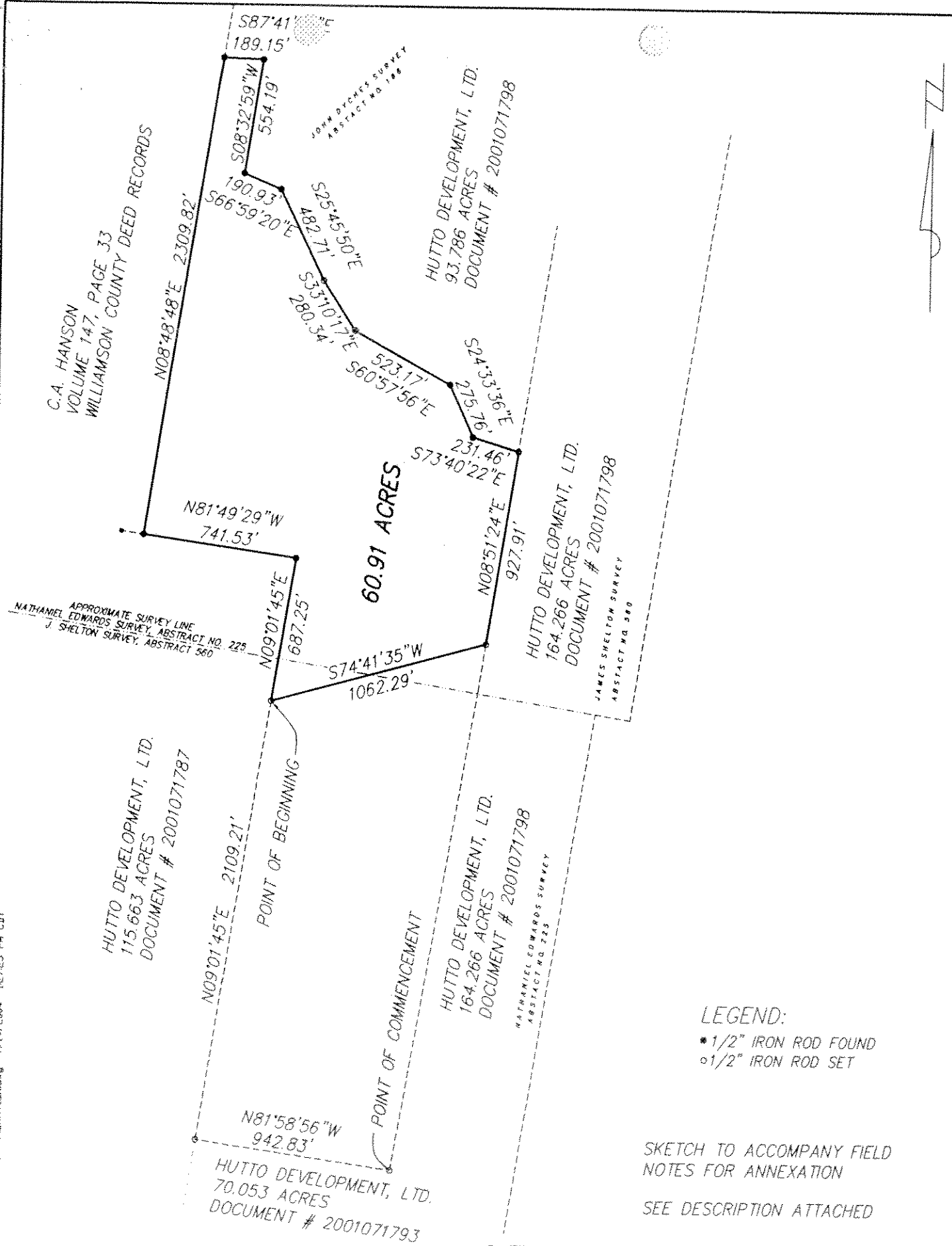
Randall S Jones 2/6/03

RANDALL S. JONES DATE
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4391
STATE OF TEXAS



RJ SURVEYING, INC.
1212 EAST BRAKER LANE
AUSTIN, TEXAS 78753

S:\LAMB1001-1050\1011\DWG\1011-ANNEXATION.dwg 7/14/2004 1:27:25 PM CBT



DATE: JULY 14, 2004 SCALE: 1"=600'

RJ SURVEYING, INC.
 1212 E. BRAKER LANE AUSTIN, TEXAS 78753 (512) 836-4793

0.203098A

2003021353 5 PGS

SPECIAL WARRANTY DEED

Date: March 6, 2003

Grantor: BOARD OF TRUSTEES OF TAYLOR INDEPENDENT SCHOOL DISTRICT

Grantor's Mailing Address:

602 W. 12th Street
Taylor, Williamson County, Texas 76574

Grantee: HUTTO DEVELOPMENT, LTD.

Grantee's Mailing Address:

4111 Lakeplace Lane
Austin, Travis County, Texas 78746

Consideration: Cash and other valuable consideration

Property:

All that certain 60.91 acre tract of land out of the John Dyches Survey, Abstract No. 186, The Nathaniel Edward Survey, Abstract No. 225, and the J. Shelton Survey, Abstract No. 560, in Williamson County, Texas, being more particularly described by metes and bounds in Exhibit "A" attached hereto.

Reservations from and Exceptions to Conveyance and Warranty:

Easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded instruments, other than liens and conveyances, that affect the property, taxes for 2003, payment of which Grantee assumes.

Grantor hereby reserve the oil, gas and other minerals in, on, under and that may be produced from the above described tract of land. Additionally, Grantor hereby waives the right of ingress and egress for development of said oil, gas and other minerals.

As further covenant, consideration and condition the following restrictions shall in all things be observed, followed and complied with:

- a) The above described realty, or any part thereof, shall not be used in the operation of, or in conjunction with, any school or other institution of learning, study or instruction which discriminates against any person because of his race,

RETURN TO
Langhorne Title Co., Inc.

color or national origin, regardless of whether such discrimination be effected by design or otherwise.

- b) The above described realty, or any part thereof, shall not be used in the operation of, or in conjunction with, any school or other institution of learning, study or instruction which creates, maintains, reinforces, renews, or encourages, or which tends to create, maintain, reinforce, renew or encourage, a dual school system.

These restrictions and conditions shall be binding upon Grantee and its successors and assigns, for a period of fifty (50) years from the date hereof; and in case of a violation of either or both of the above restrictions, the estate herein granted shall, without entry or suit, immediately revert to and vest in the Grantor herein and its successors, the instrument shall be null and void, and Grantor and its successors shall be entitled to immediate possession of such premises and the improvements thereon; and no act or omission upon the part of Grantor herein and its successors shall be a waiver of the operation or endorsement of such condition.

The restriction set out in (a) above shall be construed to be for the benefit of any person prejudiced by its violation. The restriction specified in (b) above shall be construed to be for the benefit of any public school district or any person prejudiced by its violation.

Grantor, for the Consideration and subject to the Reservations From Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and hold it to Grantee, Grantee's heirs, successors and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through or under Grantor but not otherwise, except as to the Reservations from and Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

BOARD OF TRUSTEES OF TAYLOR
INDEPENDENT SCHOOL DISTRICT




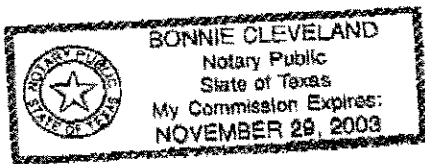
By: JAMES F. STILES
President of the Board of Trustees

STATE OF TEXAS *

COUNTY OF WILLIAMSON *

This instrument was acknowledged before me on the 6 day of March, 2003, by JAMES F. STILES, President of the Board of Trustees, TAYLOR INDEPENDENT SCHOOL DISTRICT, in the capacity herein stated.


Notary Public, State of Texas





RECORDERS MEMORANDUM

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**CITY OF HUTTO
MUNICIPAL SERVICE PLAN
FOR PROPOSED ANNEXATION
OF HUTTO SQUARE SECTION 5 & 6 (60.91ACRES)**

The City of Hutto, Texas will provide for the extension of full municipal services into the area proposed to be annexed in accordance with Texas Local Government Code §43.056. This area is undeveloped and there are no residential structures and no one residing on the property.

FIRE

Existing Services: Williamson County Emergency Service District

Services to be Provided: Williamson County Emergency Service District
Fire suppression is currently available to the area. Primary fire response will be provided from the Fire Station, located at the following address: 205 West Street, Hutto, Texas. Adequate fire suppression activities can be afforded to the annexed area within current budget appropriations. Fire prevention activities will be provided by the Williamson County Emergency Service District as needed.

POLICE

Existing Services: Williamson County Sheriff's Department

Services to be Provided:
Upon annexation, the City of Hutto Police Department will extend regular and routine patrols to the area. It is anticipated that the implementation of police patrol activities can be effectively accommodated within the current budget and staff appropriations.

BUILDING INSPECTION

Existing Services: NONE

Services to be Provided:
The Building Inspection Department will provide Code Enforcement Services upon annexation. This includes issuing building, electrical and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes that regulate building construction within the City of Hutto.

PLANNING AND ZONING

Existing Services: Review of subdivision development plans under City's Subdivision Ordinance. No municipal zoning or land use controls except for those imposed by State Law.

Services to be Provided:

The Hutto Department of Community Development has responsibility for regulating development and land use through the administration of the City of Hutto's Zoning Ordinance, and this will extend to the area on the effective date of the annexation. The property will also continue to be regulated under the requirements of the City of Hutto's Subdivision Ordinance. These services can be provided within the departments' current budgets.

LIBRARY

Existing Services: NONE

Services to be Provided:

There is no City Library at this time but once there is a Library those privileges will be available to residents in this area. There is a Library Board and a Charter established budget item for the establishment of a Library in the future.

HEALTH DEPARTMENT - HEALTH CODE ENFORCEMENT SERVICE

Existing Services: Williamson County Health District

Services to be Provided:

Williamson County Health District will continue to implement enforcement of the health districts regulations on the effective date of annexation. Animal control services will also be provided to the area as needed.

STREET MAINTENANCE

Existing Services: NONE

Services to be Provided:

Maintenance for any existing street facilities will be provided by the City of Hutto Public Works Department upon the effective date of annexation, and can be provided within the current budget appropriations.

STORM WATER MANAGEMENT

Existing Services: Williamson County

Services to be Provided

Developers will provide storm water drainage facilities as required of their development at their own expense and such will be inspected by the City's engineers at time of completion. The City of Hutto will then maintain the drainage upon approval of the construction. All construction within the flood plain will be through the appropriate Hutto department(s) and will meet FEMA Flood Plain regulations

STREET LIGHTING

Existing Services: NONE

Services to be Provided:

There are no existing streets within this area. The City of Hutto will coordinate any request for street lighting with the local electric provider in accordance with standard policy. Developer will be responsible for initial installation and maintenance of street lighting until such time as the streets have been accepted by the City Council.

TRAFFIC ENGINEERING

Existing Services: Williamson County

Services to be Provided:

The City of Hutto, through its appropriate departments, will be able oversee any necessary additional traffic control devices after the effective date of annexation. The developer will be responsible for initial installation of all street signs and stop signs for new streets.

WATER SERVICE

Existing Services: Jonah SUD

Services to be Provided: Jonah SUD

Water service to the area will be provided by Jonah SUD in accordance with the applicable codes and departmental policy. When other property develops in the adjacent areas, water service shall be provided in accordance with extension policies of Jonah SUD and applicable City ordinances. Extension of service shall comply with Jonah SUD requirements and City of Hutto codes and ordinances.

SANITARY SEWER SERVICE

Existing Services: NONE

Services to be Provided: City of Hutto

Sanitary sewer service to the area of proposed annexation will be provided in accordance with applicable codes and departmental policy. When property develops in the adjacent areas, sanitary sewer service shall be provided in accordance with the current extension ordinances. Extension of service shall comply with applicable codes and ordinances.

SOLID WASTE SERVICES

Existing Services: NONE

Services to be Provided: City of Hutto (contracted service)

Solid waste collection shall be provided to the area of annexation in accordance with current ordinances. Service shall comply with existing City of Hutto policies, beginning with occupancy of structures.

PARKS AND TRAILS

Existing Service: NONE

Services to be Provided:

All City operated parks and trail systems will be available to the residents of this area upon annexation.

MISCELLANEOUS

Existing Services: No other services have been identified at this time

Services to be Provided:

All other applicable municipal services will be provided to the area in accordance with the City of Hutto's established policies governing extension of municipal services to newly-annexed areas.

NOTE:

Capital improvements sufficient for providing municipal services for the annexed area are in place such that the costs associated with the extension of service lines to proposed building sites within the area will be borne by owners and/or developers.