

ORDINANCE NO. 463

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF WEST ORANGE, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY; AND ADOPTING A SERVICE PLAN

WHEREAS, the City of West Orange, Texas (the "City") deems it in the best interest of the citizens of West Orange to annex to the City tracts herein identified as Tract I, Tract II, Tract III, Tract IV and Tract V, an area of land on and near Foreman Road and south of Burnett Street as further identified as follows on the in the records of the Orange County Appraisal District and as further described on Exhibit "A", attached hereto and incorporated by reference as if fully set forth herein:

TRACT I:

16 ABST. 16 STEPHEN JETT, TRACT 106C, ACRES 26.939
Orange County Appraisal District ID: R13799
Record Owner: Eagle Railcar Services-Orange, Texas, LLC

TRACT II:

ABST. 16 S. JETT SEE 62000-809251 TR 106A
809255, 809256-IMP.
Orange County Appraisal District ID: R14418
Record Owner: Eagle Railcar Services-Orange, Texas, LLC

TRACT III:

ABST. 16 S. JETT SEE 62000-809251 TR 108
809255, 809256-IMP
Orange County Appraisal District ID: R13802
Record Owner: Eagle Railcar Services-Orange, Texas, LLC

TRACT IV:

ABST. 16 S. JETT SEE 62000-809251 TR 106B
809255, 809256-IMP
Orange County Appraisal District No. R13796
Record Owner: Eagle Railcar Services-Orange, Texas, LLC

TRACT V:

ABST. 16 S. JETT SEE 62000-809251 TR 107
809255, 809256-IMP
Orange County Appraisal District No. R14419
Record Owner: Eagle Railcar Services-Orange, Texas, LLC

(the "Property")

WHEREAS, the Property is located in an Industrial District as established under City Ordinance 120; and

WHEREAS, Chapter 43 of the Texas Local Government Code, including Section 43.0116, authorizes that City to annex all or part of the area located in an industrial district designated by the City, subject to the laws of this state; and

WHEREAS, in accordance with Section 43.0116, the Property was subject to a prior industrial district agreement, but the City proposed to annex the Property on or after the date the contract expired; and

WHEREAS, on November 1, 2021, after proper notice, a public hearing was held by the City Council in the Council Chambers, at City Hall, in the City of West Orange; and

on November 8, 2021, after proper notice, a second public hearing was held by the City Council in the Council Chambers; and

WHEREAS, before each hearing, the City published in a newspaper of general circulation in the City of West Orange, posted notice on the City's bulletin board in front of City Hall and posted on the City's internet website, a notice of each hearing; and each hearing was held for the consideration of annexation proceedings for the defined lands and territory defined herein as the Property; and during each hearing all persons interested in the annexations were allowed to appear and be heard; and

WHEREAS, a service plan attached hereto as Exhibit "B" and incorporated by reference herein, for the Property proposed to be annexed was prepared by City staff and was available for public inspection at the public hearings; and

WHEREAS, City Council affirmatively finds that the territory now proposed to be annexed, defined herein as the Property, lies wholly within the extraterritorial jurisdiction of the City; and

WHEREAS, City Council affirmatively finds that the territory now proposed to be annexed, defined herein as the Property, abuts and is contiguous and adjacent to the City of West Orange; and

WHEREAS, City Council affirmatively finds that the territory now proposed to be annexed, defined herein as the Property, constitutes lands and territories subject to annexation as provided by the City Charter of the City of West Orange and the laws of the State of Texas; and

WHEREAS, the procedures prescribed by the Texas Local Government Code and the laws of this state have been duly followed with respect to the territory now proposed to be annexed, defined herein as the Property; and

WHEREAS, the City Council affirmatively finds that it will be advantageous to the City and to its citizens and in the public interest to annex the lands and territory defined herein as the Property.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST ORANGE, TEXAS:

SECTION 1: That the lands and territory defined as the Property is hereby annexed to the City of West Orange, Texas, and the boundary limits of the City of West Orange, Texas be and the same are hereby extended to include the above-described territory within the city limits of the City of West Orange, Texas.

SECTION 2. That there is approved, as part of this annexation ordinance, a service plan as set forth on Exhibit "B". The service plan is incorporated into and made a part of this ordinance. The service plan provides for the same number of services and levels of service for the annexed area and to the same extent that the services are in existence in the area annexed immediately preceding the date of annexation or that are otherwise available in other parts of the city with topography, land uses and population densities similar to those reasonably contemplated or projected in the area annexed.

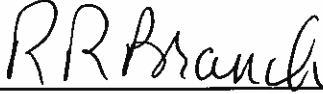
SECTION 3. That the owners and inhabitants of the tracts or parcels of land annexed by this ordinance are entitled to all the rights, privileges, and burdens of other citizens and property owners of the City of West Orange, Texas, and are subject to and bound by the City Charter of the City of West Orange, Texas, and the ordinances, resolutions, motions, laws, rules and regulations of the City of West Orange, Texas and to all intents and purposes as the present owners and inhabitants of the City of West Orange, Texas are subject.

SECTION 4. That the official map and boundaries of the City and its extraterritorial jurisdiction, previously adopted and amended, are amended to include the territories described in this ordinance as part of the City of West Orange, Texas

SECTION 5. That the Mayor or his designee is directed and authorized to perform or cause to be performed all acts necessary to correct the official map of the City and its extra territorial jurisdiction to add the territory annexed as required by law.


SECTION 6. This ordinance shall go into effect at 12:01 A. M., December 8, 2021.

PASSED, APPROVED AND AUTHENTICATED on this the 7th day of December 2021.

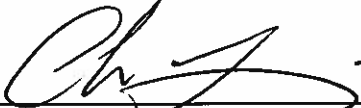


Randy Branch, Mayor
City of West Orange, Texas

ATTEST:



Theresa Van Meter, City Secretary
City of West Orange, Texas

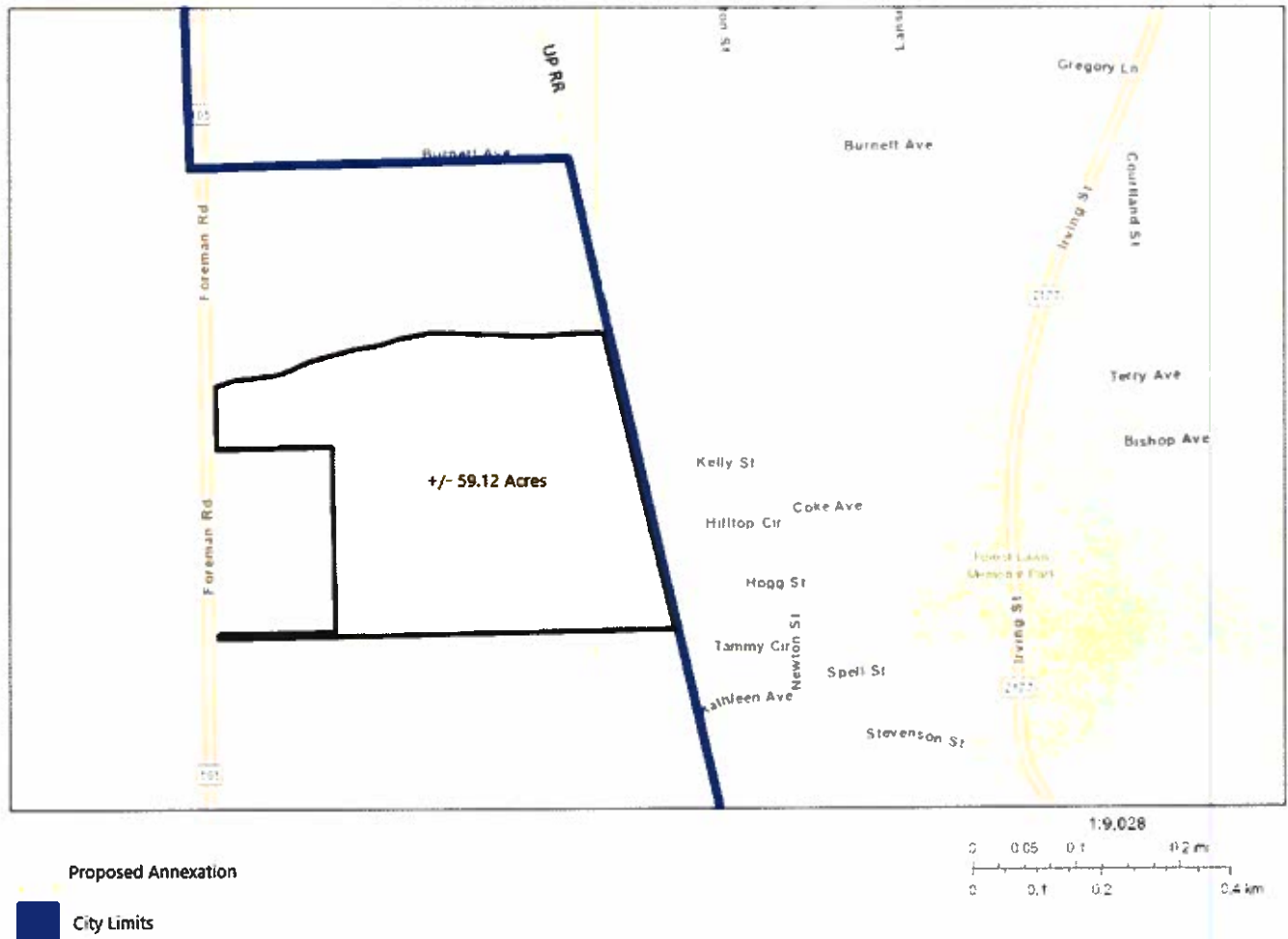


Christopher Leavins, City Attorney
City of West Orange, Texas



EXHIBIT "A"

EAGLE RAILCAR SERVICES-ORANGE, TEXAS LLC



Field Note Description for approximately 61.57 acres for annexation to incorporation of the City of West Orange.

COMMENCING at the most Eastern Corner of the Stark Tract which was conveyed to H.J.L. Stark on September 29, 1953 and recorded in Deed Records, Orange County, Texas in volume 159, page 331;

THENCE following the Northern boundary line of said Stark Tract (as described and referred to above) in a North and Westerly direction to the East R.O.W. Line of the Union Pacific Railroad (known as O. & N.W. R.R. in 1956);

THENCE in a Northerly direction with the East R.O.W. Line of the Union Pacific Railroad to a point being perpendicular to the Southeast corner of the Rescar, Inc. 15 acre Tract which was conveyed to Rescar, Inc. on December 1, 1985 and recorded in Deed Records, Orange County, Texas in volume 606, page 924, same being in the West R.O.W. line of the Union Pacific Railroad and being the **PLACE OF BEGINING**;

THENCE in a Westerly direction over and across the Union Pacific Railroad R.O.W. to a point in the West line of the Union Pacific Railroad R.O.W., same being the Southeast corner of the Rescar, Inc. 15 acre Tract;

THENCE in a Westerly direction along the South boundary line of said Rescar, Inc. 15 acre Tract to the Southwest corner of said tract and being the Southeast corner of the Rescar, Inc. 3.836 acre Tract which was conveyed to Rescar, Inc. on August 20, 1986 and recorded in Deed Records, Orange County, Texas in volume 629, page 929;

THENCE in a Westerly direction along the South boundary line of said Rescar, Inc. 3.386 acre Tract to the Southwest corner of said tract and being the Southeast corner

of the Rescar, Inc. 13.50 acre Tract (Tract 1) which was conveyed to Rescar, Inc. on May 31, 1989 and recorded in Deed Records, Orange County, Texas in volume 722, page 154;

THENCE in a Westerly direction along the South boundary line of said Rescar, Inc. 13.50 acre Tract (Tract 1) to an exterior Ell of said tract;

THENCE in a Northerly direction along the most Westerly West boundary line of said Rescar, Inc. 13.50 acre Tract (Tract 1) to an exterior Ell of said tract;

THENCE in an Easterly direction along the most Southerly North boundary line of said Rescar, Inc. 13.50 acre Tract (Tract 1) to an interior Ell of said tract;

THENCE in a Northerly direction along the West boundary line of said Rescar, Inc. 13.50 acre Tract (Tract 1) to the most Northerly Northwest corner of said tract, same being the South boundary line of the Rescar, Inc. 1.689 acre Tract (Tract 3) which was conveyed to Rescar, Inc. on May 31, 1989 and recorded in Deed Records, Orange County, Texas in volume 722, page 154;

THENCE in a Westerly direction along the South boundary line of the Rescar, Inc. 1.689 acre Tract (Tract 3) to the Southwest corner of said tract;

THENCE in a Northerly direction along the West boundary line of the Rescar, Inc. 1.689 acre Tract (Tract 3) to the Northwest corner of said tract, same being the Southwest corner of the Rescar, Inc. 11.75 acre Tract (Tract 2) which was conveyed to Rescar, Inc. on May 31, 1989 and recorded in Deed Records, Orange County, Texas in volume 722, page 154;

THENCE in a Northerly direction with the West boundary line of the Rescar, Inc. 11.75 acre Tract (Tract 2) to the Northwest corner of said tract;

THENCE in an Easterly direction with the North boundary line of the Rescar, Inc. 11.75 acre Tract (Tract 2) to the Northeast corner of said tract, same being the Northwest corner of the Rescar, Inc. 1.86 acre Tract (Tract 1) which was conveyed to Rescar, Inc. on February 29, 1988 and recorded in Deed Records, Orange County, Texas in volume 680, page 138;

THENCE in an Easterly direction with the North boundary of the the Rescar, Inc. 1.86 acre Tract (Tract 1) to the Northeast corner of said tract, same being the Northwest corner of the Rescar, Inc. 10.03 acre Tract which was conveyed to Rescar, Inc. on March 8, 1988 and recorded in Deed Records, Orange County, Texas in volume 680, page 142;

THENCE in an Easterly direction with the North boundary line of the Rescar, Inc. 10.03 acre Tract to the Northeast corner of said tract, same being in the West R.O.W. line of the Union Pacific Railroad;

THENCE in an Easterly direction over and across the Union Pacific Railroad R.O.W. to a point in the East line of the Union Pacific Railroad R.O.W.;

THENCE in a Southerly direction with the East R.O.W. line of the Union Pacific Railroad to the **PLACE OF BEGINNING** and containing 61.57 acres of land more or less.

EXHIBIT "B"

**CITY OF WEST ORANGE, TEXAS
MUNICIPAL SERVICE PLAN**

SECTION 1

POLICE

Existing services: The area is in the current service area and under the jurisdiction of the Orange County Sheriff's Department.

Services to be provided: Police services to the area to be annexed will be provided by the West Orange Police Department effective on the date of annexation.

FIRE

Existing services: The area is currently not officially being serviced.

Services to be provided: Fire service to the area to be annexed will be provided by the West Orange Volunteer Fire Department effective on the date of annexation.

EMERGENCY MEDICAL SERVICES

Existing services: The area is currently serviced under a contract for rural services through Acadian Ambulance Service.

Services to be provided: Ambulance service to the area to be annexed will be provided through a City contract with Acadian Ambulance Service effective on the date of annexation.

SOLID WASTE SERVICES

Existing services: The area is currently provided under a private commercial contract.

Services to be provided: The area will be provided residential and light commercial services under city contract, currently with Piney Woods Sanitation, effective on the date of annexation.

STREET

Existing services: The area is currently not officially being serviced.

Services to be provided: Public street maintenance will be provided through the City of West Orange Public Works Department.

BUILDING INSPECTION

Existing services: The area is currently not officially being serviced.

Services to be provided: The City of West Orange will provide Code Enforcement and Building Inspection Services upon annexation. This includes issuing building, electrical, plumbing and mechanical permits for any new construction and remodeling, and enforcing all other applicable codes which regulate building construction and flood plain management within the City of West Orange.

PARKS AND RECREATION FACILITIES

Existing services: None.

Services to be provided: Upon the effective date of annexation, residents within the annexed area may utilize all park and recreation facilities of the City of West Orange.

PUBLIC OWNED FACILITIES

Existing services: None.

Services to be provided: Upon the effective date of annexation, any public owned property, facility, building or service located within the annexed area, and not otherwise owned or maintained by another governmental entity, may be maintained by the City of West Orange.

MISCELLANEOUS

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

SECTION 2

Nothing in this plan shall require the City of West Orange to provide a uniform level of full municipal services to each area of the City, including annexed area, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

SECTION 3

This service plan shall be valid for a term of ten (10) years. Renewal of the service plan shall be at the discretion of the City Council.

SECTION 4

This service plan may be amended if the City Council determines at a public hearing that changed conditions or subsequent occurrences make this service plan unworkable or obsolete. The City Council may amend the service plan to conform to the changed conditions or subsequent occurrences pursuant to Texas Local Government Code, Section 43.056.

SECTION 5

If any annexed tract(s) of land are subdivided and/or further developed, then the developer(s) of such tracts shall be required to comply with the City's ordinances in effect. The City will require that the developer(s) construct, at its (their) sole expense, all required valves, fire hydrants, lines and capital improvements, etc., necessary to provide adequate water service, including adequate water pressure for fire service, within the new area.

SECTION 6

Any improvements which may be placed, constructed or installed on any portion of a development shall conform to the minimum specifications as called for in the building code, fire code, applicable engineering standards, and other City regulation, as to size, quality of materials, height, and strength of improvements. For the purpose of the foregoing, the following shall be considered improvements (including, but not limited to): water lines, fire hydrants, and sanitary sewer systems, lift stations, or any similar improvement designated to ensure the health and safety of the public, residents, employees, or customers. In the event private drives or streets are constructed for the development of the property, they shall conform to all codes adopted by the City, and applicable engineering standards for their construction, to assure that Fire apparatus may safely use them. Developers and/or land owners shall not permit occupancy and the City shall not issue occupancy permits for any buildings or portions thereof until such private improvements are fully completed to serve the developed area, including compliance with City regulations.

SECTION 7

Extension and provision of City services to the annexed area, and the construction, inspection and maintenance of all improvements necessary to provide such services shall be in accordance with standards contained in the City's adopted ordinances and codes, as may be amended, except as expressly provided herein to the contrary.

SECTION 8

In accordance with state law and the City's land development and subdivision ordinances and regulations, any developed division of the annexed area into two or more tracts or parcels for the purposes of sale will require the filing of a subdivision plat. Developers and landowners shall complete those portions of the public improvements which the City may require in order to ensure continuity and proper service for the public improvements to the portion of the annexed property for which plat approval may be sought.