

ORDINANCE NO. 2007-28

An ordinance providing for the extension of certain boundary limits of the City of Victoria, Texas and the annexation of certain territory consisting of approximately 26.973 acres of land, at the request of DGMP, Inc., adopting a service plan for the territory to be annexed, repealing all conflicting ordinances, providing for severability, providing for publication, and providing an effective date.

On April 19, 2007 and October 18, 2007, DGMP, Inc., submitted written petitions requesting voluntary annexation of approximately 26.973 acres of land, consisting of a 3.715-acre tract and a 23.258-acre tract, respectively, in accordance with Tex. Local Gov't Code § 43.028. The 3.715-acre tract is a part of Lake Forest Subdivision, Section I, Phase III, and the 23.258-acre tract is a part of the proposed Lake Forest Subdivision, Section II, Phase I, located on the east side of Nursery Drive and is proposed to be developed as Lake Forest Subdivision Section II, Phase I. The City Council granted these petitions for voluntary annexation on May 15, 2007 and November 20, 2007, and the City Council re-affirms the original findings of the resolutions granting annexation, which are attached hereto as **Exhibit "A"**.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS:

1.

The City Council finds all legal prerequisites to these annexations have been made, re-affirms all findings described above, and affirms and grants the aforementioned petitions for annexation, which are attached hereto as **Exhibit "A"** and incorporated herein.

2.

The territory depicted and/or described as 3.715 acres in **Exhibit "A"** attached hereto and made a part hereof, consisting of approximately 3.715 acres, is hereby added and annexed to the City of Victoria, Texas, and said territory shall hereinafter be included within the boundary limits of such city, and the various boundary points contiguous to such territory are altered and amended so as to include such territory within the corporate limits of the City of Victoria, Texas. The City of Victoria believes that the aforementioned approximately 3.715-acre tract is adjacent to the City limit; however, if any part of said tract is not adjacent to the territorial boundaries of the City of Victoria, then the area between such tract and the territorial boundary of the City of Victoria that is owned by DGMP, Inc., shall be considered annexed into the territorial boundary of the City of Victoria.

3.

The territory depicted and/or described as 23.258 acres in **Exhibit "A"** attached hereto and made a part hereof, consisting of approximately 23.258 acres, is hereby added and annexed to the City of Victoria, Texas, and said territory shall hereinafter be included within the boundary limits of such city, and the various boundary points contiguous to such territory are altered and amended so as to include such territory within the corporate limits of the City of Victoria, Texas. The City of Victoria believes that the aforementioned approximately 23.258-acre tract is adjacent to the City limit; however, if any part of said tract is not adjacent to the territorial boundaries of the City of Victoria, then the area between such tract and the territorial boundary of the City of Victoria that is owned by DGMP, Inc., shall be considered annexed into the territorial boundary of the City of Victoria.

4.

The territory so annexed shall be a part of the City of Victoria, Texas, the property so added hereby shall bear its prorata part of the taxes levied by the City of Victoria, Texas, and the inhabitants thereof shall be entitled to all of the rights and privileges of all citizens and be bound by the acts, ordinances, resolutions and regulations of the City of Victoria, Texas.

5.

The service plan described in **Exhibit "B"** attached hereto and made a part hereof, is hereby adopted as the plan for the provision of municipal services to the newly annexed territory.

6.

All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

7.

If any provision of this ordinance, or the application thereof to any person or circumstances, shall be held invalid or unconstitutional by a Court of competent jurisdiction, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

8.

The City Secretary shall publish the caption or a descriptive title of this Ordinance one time within 10 days after final passage of the Ordinance in a newspaper of general circulation in the City of Victoria in accordance with Article II, §10 of the City Charter.

9.

The provisions of this ordinance shall become effective immediately upon final passage and approval by the City Council of the City of Victoria, Texas.

PASSED FIRST READING, this the 4TH day of DECEMBER, 2007.

AYES: 6
NAYS: 0
ABSTENTIONS: 0

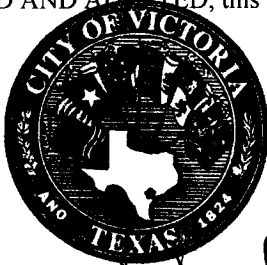
PASSED SECOND READING, this the 18TH day of DECEMBER, 2007.

AYES: 6
NAYS: 0
ABSTENTIONS: 0

PASSED THIRD READING, this the 18TH day of DECEMBER, 2007.

AYES: 6
NAYS: 0
ABSTENTIONS: 0

APPROVED AND ADOPTED, this the 18TH day of DECEMBER, 2007.



ATTEST:

Scarlet Swoboda
SCARLET SWOBODA, City Secretary

Distribution: Legal
Planning Department

Will Armstrong

WILL ARMSTRONG, Mayor of the
City of Victoria, Texas

APPROVED AS TO LEGAL FORM:

David Atmar Smith

DAVID ATMAR SMITH, City Attorney

Sent: DECEMBER 19, 2007

**D. G. M. P., INC.
7988 Nursery Drive
VICTORIA, TEXAS 77904**

April 19, 2007

City of Victoria and City Council
% Mr. Charles Windwehen
PO Box 1758
Victoria, Texas 77902-1758

RE: Annexation Petition
Lake Forest Subdivision Section 1, Phase III

Dear Mr. Windwehen and Council Members

In accordance with Section 43.028 of the Texas Local Government Code, D. G. M. P., Inc., the owner of a 3.715-acre tract of land, as described by metes and bounds in attached Exhibit A, hereby request formal annexation to the City of Victoria.

Said 18.893 acre tract meets all criteria established by Section 43.028:

- (A)(1) The property is less than one-half mile in width.
- (A)(2) The property is contiguous to the annexing municipality, i.e., the City of Victoria.
- (A)(3) The property is vacant and without residents.

Sincerely yours,



B. J. Davis, President
D. G. M. P., Inc.

Attachments

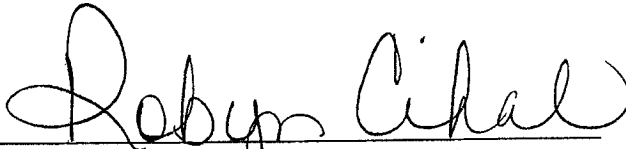
Exhibit "A"
3.715-acre tract

Exhibit "A"
3.715-acre tract
ACKNOWLEDGEMENT

THE STATE OF TEXAS

COUNTY OF VICTORIA

This instrument was acknowledged before me on the 20th day of April 2007,
by B. J. Davis, President of D. G. M. P., Inc., a Texas Corporation, on behalf of said corporation.



Notary Public in and for the State of Texas

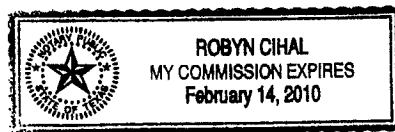


Exhibit "A"
3.715-acre tract

Exhibit "A"
3.715-acre tract

**A FIELDNOTE DESCRIPTION FOR
3.715-ACRE TRACT OF LAND**

THE STATE OF TEXAS §

COUNTY OF VICTORIA §

BEING 3.715 acres of land situated in the Jose Luis Carbajal League, Abstract 12 in Victoria County, Texas, same being a portion of that certain 82.661 acre tract of land conveyed to Victoria Developers Partnership by Victoria Developers, Inc. by deed dated April 25, 1986 and recorded in Volume 1407, Page 195 of the Deed Records of Victoria County, Texas, same being a portion of that 5.235 acre tract of land conveyed to D G M P, Inc. by Victoria Developers by Warranty Deed dated July 13, 2005 and recorded as Instrument No. 200510075 in the Official Records of Victoria County, Texas, said 3.715 acres of land being more fully described by metes and bounds as follows:

BEGINNING at a point in Northeast line of Lot 27R, Block 3 of Lake Forest Subdivision, Section 1, Phase I, Resubdivision No. 1 as recorded in Volume 8, Page 129C of the Map and Plat Records of Victoria County, Texas, said point bears N. 43° 42' 55" W., a distance of 70.70 feet from an existing iron rod in the Northwest right-of-way line of Watermark Street marking the most Eastern corner of the said Lot 27R, said POINT OF BEGINNING being the most Southern corner of the herein described tract;

THENCE, N. 43° 42' 55" W., a distance of 24.30 feet along the Northeast line of the said Lot 27R to an existing iron rod marking the most Western corner of the herein described tract;

THENCE, N. 43° 51' 40" E., a distance of 178.00 feet to an existing iron rod for corner of the herein described tract;

THENCE, N. 43° 42' 55" W., a distance of 23.95 feet to an existing iron rod for corner of the herein described tract;

THENCE, N. 43° 51' 40" E., a distance of 345.50 feet to an existing iron rod for corner of the herein described tract;

THENCE in a Northwesterly direction along a curve to the right having a radius of 3,500.00 feet, an arc distance of 59.50 feet (chord bearing and distance: N. 40° 02' 10" W., 59.50 feet) to an existing iron rod for corner of the herein described tract;

THENCE, N. 43° 51' 40" E., a distance of 290.96 feet to an existing iron rod for corner of the herein described tract;

THENCE, N. 39° 13' 27" W., a distance of 75.55 feet to an existing iron rod for corner of the herein described tract;

THENCE, N. 43° 51' 40" E., a distance of 620.76 feet to a point in the center of Spring Creek, same being the most Northern corner of the herein described tract;

THENCE, S. 28° 01' 20" E., a distance of 191.88 feet along the centerline of Spring Creek to a point for the most Eastern corner of the herein described tract;

THENCE, S. 43° 51' 40" W., a distance of 1393.02 feet to the PLACE OF BEGINNING, containing within these metes and bounds 3.715 acres of land.

Exhibit "A"
23.258-acre tract
D. G. M. P., INC.
7988 Nursery Drive
VICTORIA, TEXAS 77904

October 18, 2007

City of Victoria and City Council
% Mr. Charles Windwehen
PO Box 1758
Victoria, Texas 77902-1758

RE: Annexation Petition
Lake Forest Subdivision Section 2, Phase I

Dear Mr. Windwehen and Council Members

In accordance with Section 43.028 of the Texas Local Government Code, D. G. M. P., Inc., the owner of an 23.258-acre tract of land, as described by metes and bounds in attached Exhibit A, hereby request formal annexation to the City of Victoria.

Said 23.258-acre tract meets all criteria established by Section 43.028:

- (A)(1) The property is less than one-half mile in width.
- (A)(2) The property is contiguous to the annexing municipality, i.e., the City of Victoria.
- (A)(3) The property is vacant and without residents.

Sincerely yours,



B. J. Davis, President
D. G. M. P., Inc.

Attachments

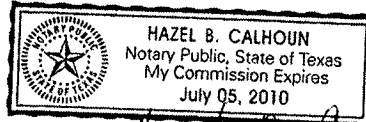


Exhibit "A"
23.258-acre tract

ACKNOWLEDGEMENT

THE STATE OF TEXAS
COUNTY OF VICTORIA

This instrument was acknowledged before me on the 18 day of OCTOBER 2007,
by B. J. Davis, President of D. G. M. P., Inc., a Texas Corporation, on behalf of said corporation.



Hazel B. Calhoun

Notary Public in and for the State of Texas

Exhibit "A"
23.258-acre tract

**A FIELDNOTE DESCRIPTION FOR
23.258 ACRES OF LAND**

THE STATE OF TEXAS §

COUNTY OF VICTORIA §

BEING 23.258 acres of land situated in the J. L. Carbajal League, Abstract 12 in Victoria County, Texas, same being all that certain 3.293 acre tract of land and a portion of that certain 33.313 acre tract of land and a portion of that certain 40.522 acre tract of land conveyed to D. G. M. P., Inc. by Victoria Developers by Warranty Deed with Vendor's Lien dated November 6, 2006 and recorded as Instrument Number 200614913, 11 pages in the Official Records of Victoria County, Texas, all that certain 2.454 acre tract of land conveyed to D. G. M. P., Inc. by Victoria Developers by Warranty Deed dated November 10, 2006 and recorded as Instrument Number 200614915 in the Official Records of Victoria County, Texas, being a portion of that certain 2.3104 acre tract of land conveyed to VBRD Development, Inc. by Warranty Deed dated May 1, 2000 and recorded as Instrument Number 200005742, 3 pages in the Official Records of Victoria County, Texas, and a portion of that certain 30.847 acre tract of land conveyed to VBRD Development, Inc. by Assumption Deed dated June 27, 2000 and recorded as Instrument Number 200007901, 5 pages in the Official Records of Victoria County, Texas, also being said 3.447 acre tract of land conveyed to D. G. M. P., Inc. by Victoria Developers by Warranty Deed dated and recorded in Instrument No. of the Official Records of Victoria County, Texas said 23.528 acres of land being more fully described by metes and bounds as follows:

BEGINNING at an existing iron rod in the Northeast right-of-way line of Nursery Drive/Old Cuero Highway (60' wide) at the intersection of Nursery Drive and Lake Forest Drive, said iron rod also being the most Western corner of Lake Forest Section 1, Phase I, as recorded in Volume 8, Pages 76B & 76C of the Map & Plat Records of Victoria County, Texas, said iron rod also being the PLACE OF BEGINNING, and the most Southern corner of the herein described tract;

THENCE, N. 44° 59' 10" W., a distance of 586.60 feet along the Northeast right-of-way line of said Nursery Drive to an existing iron rod at the most Southern corner of the Morris Ryan 2.00 acre tract of land described in a deed recorded in Volume 1001, Page 331 of the Deed Records of Victoria County, Texas, said iron rod also being a corner of the herein described tract;

THENCE, N. 43° 34' 48" E., a distance of 472.96 feet along the Southeast line of the Morris Ryan 2.00 acre tract to an existing iron rod marking the most Eastern corner of the said Morris Ryan 2.00 acre tract of land, said iron rod also being a corner of the herein described tract;

THENCE, N. 44° 58' 13" W., a distance of 184.76 feet along the Northeast line of the said Morris Ryan 2.00 acre tract of land to an existing iron rod marking the most Northern corner of the said Morris Ryan 2.00 acre tract, said iron rod also being a corner of the herein described tract;

THENCE, S. 43° 34' 48" W., a distance of 472.96 feet along the Northwest line of the said Morris Ryan 2.00 acre tract to an existing iron rod in the Northeast right-of-way line of Nursery Drive, said iron rod being the most Western corner of the said Morris Ryan 2.00 acre tract, said iron rod also being a corner of the herein described tract;

THENCE, N. 44° 58' 13" W., a distance of 832.59 feet along the Northeast right-of-way line of Nursery Drive to a 5/8-inch iron rod set, said iron rod being a corner of that acre tract of land (proposed Ball Airport Road) conveyed to the City of Victoria by deed dated and recorded in Instrument Number of the Official Records, said iron rod also being the most Western corner of the herein described tract;

THENCE, N. 43° 37' 40" E., a distance of 352.24 feet along the South line of the said City of Victoria acre tract of land to a 5/8 inch iron rod set for the Point of Curvature of a curve to the left of the same being a corner of the herein described tract;

Exhibit "A"
23.258-acre tract

A FIELDNOTE DESCRIPTION FOR
23.258 ACRES OF LAND
PAGE 2

THENCE, with said curve to the left having a radius of 1351.49 feet a chord bearing and distance of (N. 39° 15' 03" E, a distance of 206.29 feet) an arc distance of 206.49 feet to a 5/8 inch rod for the point of Tangency, said iron rod being a corner of the herein described tract;

THENCE, S. 34° 52' 26" E., a distance of 94.27 feet to a 5/8 inch iron rod set for a corner of the herein described tract;

THENCE, S. 46° 08' 20" E., a distance of 817.21 feet to a 5/8 inch iron rod set for a corner of the herein described tract;

THENCE, S. 45° 53' 52" E., a distance of 60.00 feet to a 5/8 inch iron rod set for a corner of the herein described tract;

THENCE, S. 44° 58' 13" E., a distance of 352.66 feet to a 5/8 inch iron rod set for a corner of the herein described tract;

THENCE, N. 43° 51' 40" E., a distance of 165.00 feet to a 5/8 inch iron rod set for a corner of the herein described tract;

THENCE, S. 44° 58' 13" E., a distance of 130.00 feet to a 5/8 inch iron rod set for a corner of the herein described tract;

THENCE, N. 43° 51' 40" E., a distance of 6.08 feet to a 5/8 inch iron rod set for a corner of the herein described tract;

THENCE, S. 46° 08' 20" E., a distance of 195.00 feet to a 5/8 inch iron rod set in the Northwest line of the said 2.3104 acre tract of land, said iron rod also being a corner of the herein described tract;

THENCE, S. 43° 51' 40" W., (Reference Bearing) a distance of 544.99 feet along the Northwest line of the said Lake Forest Subdivision Section 1, Phase I to a 5/8 inch iron rod marking a corner of said Lake Forest Subdivision Section 1, Phase I, said iron rod also being a corner of the herein described tract;

THENCE, S. 45° 02' 06" E., a distance of 120.87 feet along a line of the said Lake Forest Subdivision Section 1, Phase I to an existing iron rod in the Northwest right-of-way line of Lake Forest Drive (right-of-way varies), said iron rod also being a corner of the herein described tract;

THENCE, S. 51° 40' 43" W., a distance of 115.77 feet along the Northwest right-of-way line of said Lake Forest Drive to an existing iron rod, said iron rod also being a corner of the herein described tract;

THENCE, S. 44° 57' 54" W., a distance of 162.93 feet along the Northwest right-of-way line of said Lake Forest Drive to an existing iron rod, said iron rod also being a corner of the herein described tract;

THENCE, S. 89° 59' 22" W., a distance of 28.27 feet along the Northwest right-of-way line of said Lake Forest Drive to the PLACE OF BEGINNING, containing within these metes and bounds 23.258 acres of land.

Exhibit "A"
Location Map

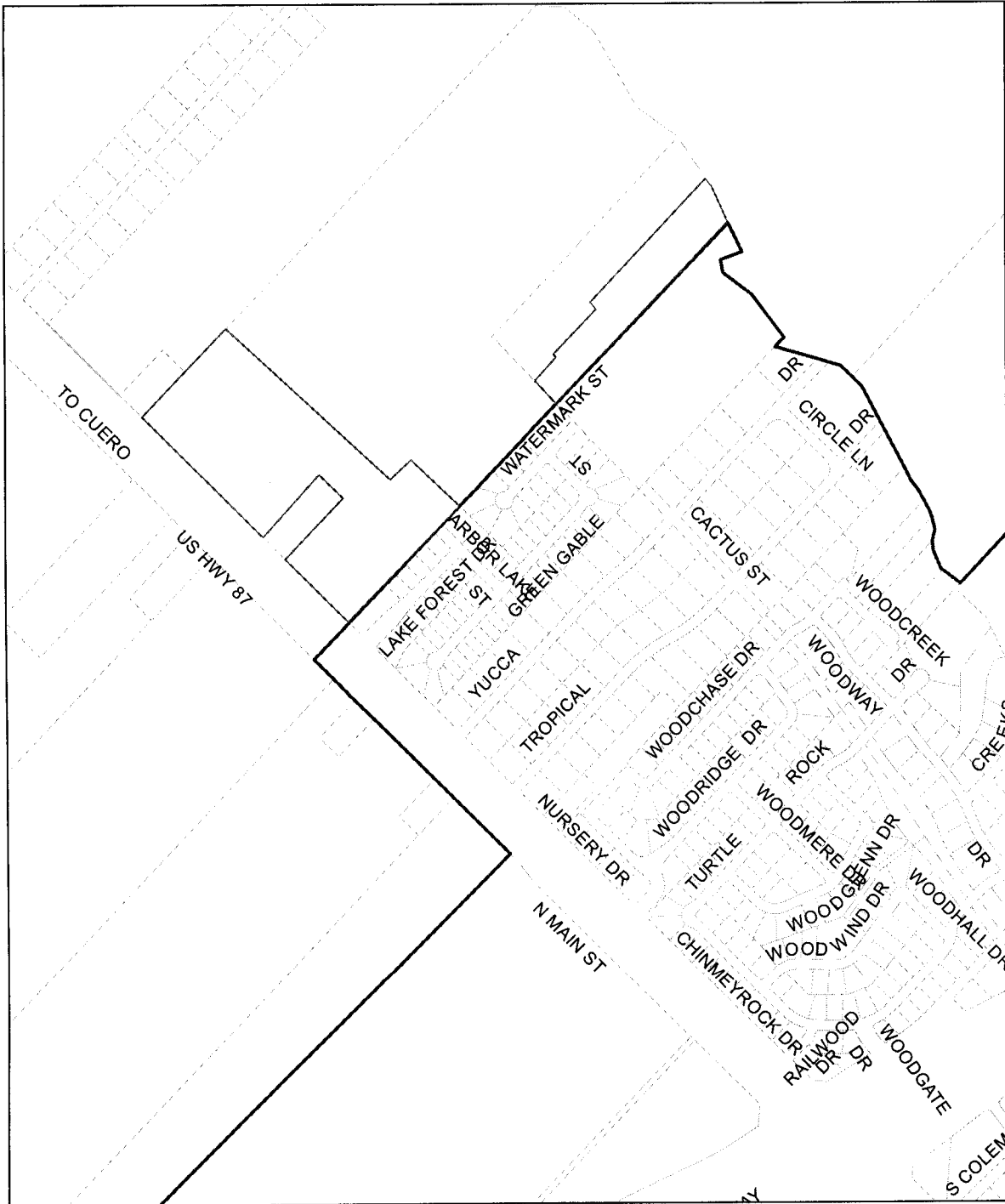


Exhibit "B"
LAKE FOREST ANNEXATION SERVICE PLAN

Introduction

This Service Plan ("plan") is made by the City of Victoria, Texas ("City") pursuant to Section 43.056 of the Texas Local Government Code. The plan addresses how the City will furnish municipal services to the area being annexed. Services under this plan shall equal the number of services and the level of services that are available in other areas of the City. This plan will not provide any fewer services nor a lower level of services in the area to be annexed than were in existence in this area immediately prior to annexation. However, it is not the intent of this plan to require that uniform level of services be provided to all areas of the City where differing characteristics of topography, land utilization and population density are considered as a sufficient basis for providing differing service levels.

Statutory Services

The City is obligated by state statute to provide the following services to the annexed areas within sixty (60) days immediately after the effective date of annexation:

Police Protection

Police protection will be provided by the City of Victoria Police Department within 60 days of the annexation in accordance with standard policies and procedures.

Fire Protection

Fire protection will continue to be provided by the City of Victoria Fire Department. Staffing and equipment will be deployed based on the nature of the incident in accordance with standard policies and procedures.

Solid Waste Collection

Residential solid waste collections will be provided by the City of Victoria Solid Waste Department within 60 days of the annexation in accordance with applicable policies and ordinances. The City does not provide commercial solid waste service.

Maintenance of Water and Wastewater Facilities

Areas outside the existing city limits which already receive water and/or sanitary sewer services from the City of Victoria will continue to receive such services. All water and sanitary sewer service facilities will be operated, maintained, monitored and inspected in accordance with standard policies and procedures.

Maintenance of Roads and Streets

Within 60 days of the annexation, the City of Victoria Street Department will begin maintaining existing public roads and streets and related lighting and drainage infrastructure over which the City will have jurisdiction in accordance with standard City maintenance procedures. Emergency road repairs will begin on the effective date of annexation.

Maintenance of Park Facilities

There are no existing public park facilities within the annexation area.

Other Publicly Owned Facilities, Buildings or Services

There are no existing public buildings or facilities within the annexation area.

Capital Improvements

Since this area is being annexed by petition of the property owner, state statutes requiring the City to acquire or substantially complete construction of any additional capital improvements within two and one half (2½) years after the effective date of annexation are not applicable. The developer will provide the additional required levels of service in the annexed area as it is developed. The following general needs have been identified and will be further refined by the developer and the City through the subdivision development process.

Police Protection

No capital improvements related to Police Department facilities are needed for the City to provide police protection services to the

annexation area.

Fire Protection

The City can provide fire protection services in the annexation area without any immediate capital improvements related to Fire Department facilities.

Solid Waste Collection

No capital improvements are necessary for the City to provide residential solid waste collection services in the annexation area. The City does not provide commercial solid waste services.

Water and Wastewater Facilities

The developer or property owner will provide water and sanitary sewer service to the annexed area in accordance with applicable city codes and ordinances.

Roads and Streets

All proposed local streets necessary to serve the development will be constructed at the developer's expense in accordance with applicable city codes and ordinances.

Maintenance of Park Facilities

There are no proposed public park facilities within the annexation area.

Other Publicly Owned Facilities, Buildings or Services

There are no proposed public buildings or facilities within the annexation area.

Election Precincts and Districts

The addition of annexed area to the appropriate City Councilmember Districts and Election Precinct(s) will be coordinated with the Elections Administrator.

Effective Term

This plan shall be in effect for the term of 10 years commencing on the effective date of the annexation ordinance. Renewal of the service plan is at the discretion of the City.

2007-28



CITY OF VICTORIA

Established 1824, Founded By Congress, Republic of Texas, 1839

OFFICE OF CITY SECRETARY

City Hall Square, Main at Juan Linn

FAX TRANSMITTAL FOR: Martina Resendez - Legal Notices

COMPANY: Victoria Advocate

FAX NUMBER: (361) 574-1274

FROM: Scarlet Swoboda - City Secretary

FAX NUMBER: (361) 485-3045

DATE: 12/19/2007

NUMBER OF PAGES TO FOLLOW: 2

2007-28



CITY OF VICTORIA

Established 1824, Founded By Congress, Republic of Texas, 1839

OFFICE OF CITY SECRETARY
City Hall Square, Main at Juan Linn

TO: Victoria Advocate
311 E. Constitution
Victoria, Texas 77901

REQUEST FOR PUBLICATION

Date: 12/19/2007

Please publish the attached: 2007-28

One (1) time only on the following date: 12/21/2007

Two (2) times in the following editions of your publication:

Date: _____

Date: _____

Three (3) times in the following editions of your publication:

Date: _____

Date: _____

Date: _____

See specific instructions attached.

Unless specific instructions are furnished with this request, the attached should be published as a Classified Ad under the "Legals" heading, one column wide, and charged per word. Please furnish an **Affidavit of Publication** and a **Tear Sheet** with the billing statement.

If there are any questions regarding the request for publications, please contact me at 485-3040.


Scarlet Swoboda, City Secretary

ORDINANCE 2007-28

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF VICTORIA, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF APPROXIMATELY 26.973 ACRES OF LAND, AT THE REQUEST OF THE DGMP, INC., ADOPTING A SERVICE PLAN FOR THE TERRITORY TO BE ANNEXED, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, PROVIDING FOR PUBLICATION, AND PROVIDING AN EFFECTIVE DATE.

TRANSMISSION VERIFICATION REPORT

TIME : 12/19/2007 16:23

DATE, TIME	12/19 16:22
FAX NO./NAME	95741274
DURATION	00:00:44
PAGE(S)	03
RESULT	OK
MODE	STANDARD ECM

2007-28



CITY OF VICTORIA

Established 1824, Founded By Congress, Republic of Texas, 1839

OFFICE OF CITY SECRETARY

City Hall Square, Main at Juan Linn

FAX TRANSMITTAL FOR: Martina Resendez - Legal Notices

COMPANY: Victoria Advocate

FAX NUMBER: (361) 574-1274

FROM: Scarlet Swoboda - City Secretary

FAX NUMBER: (361) 485-3045

DATE: 12/05/2007

NUMBER OF PAGES TO FOLLOW: 2

2007-28



CITY OF VICTORIA

Established 1824, Founded By Congress, Republic of Texas, 1839

OFFICE OF CITY SECRETARY
City Hall Square, Main at Juan Linn

TO: Victoria Advocate
311 E. Constitution
Victoria, Texas 77901

REQUEST FOR PUBLICATION

Date:

Please publish the attached: Ordinance 2007-28

One (1) time only on the following date: 12/06/2007

Two (2) times in the following editions of your publication:

Date: _____

Date: _____

Three (3) times in the following editions of your publication:

Date: _____

Date: _____

Date: _____

See specific instructions attached.

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If there are any questions regarding the request for publications, please contact me at 485-3040.


Scarlet Swoboda, City Secretary

TRANSMISSION VERIFICATION REPORT

TIME : 12/05/2007 10:03

DATE, TIME	12/05 10:02
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DURATION	00:01:18
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