

41/5

ORDINANCE NO. 3580

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 8.909 ACRE TRACT OF LAND, LOCATED AT 3934 SOUTH U.S. HIGHWAY 287, KNOWN AS PROPERTY ID 224103, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

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

WHEREAS, as authorized by Subchapter D of Chapter 42 of the Texas Local Government Code, the landowners of the herein described property have requested and petitioned in writing that the City of Waxahachie ("**City**") exclude the property herein described from the City's Extraterritorial Jurisdiction ("**ETJ**"); and

WHEREAS, City staff has determined that the submitted petition, case number ETJ-PTN-209-2024, complies with the requirements of Subchapter D of Chapter 42 of the Texas Local Government Code and that such law requires the release of the herein described property from the City's ETJ.

NOW, THEREFORE, the following described tracts of land are hereby released and removed from the City's ETJ, effective as of the date of the passage of this Ordinance:

All those certain lots, tracts or parcels of land situated in Ellis County, Texas, and being more particularly described by metes and bounds in Exhibit A and shown on the location map in Exhibit B, which are made a part hereof and attached hereto for all purposes.

The City's ETJ boundary is hereby amended in accordance with said change. City staff is hereby directed to make all required changes to the City map showing the boundaries of the City's ETJ, as required by Section 41.002 of the Texas Local Government Code, and to promptly notify Ellis County of such changes.

PASSED, APPROVED AND ADOPTED on this 16th day of December, 2024.



Billie Wallace
MAYOR

ATTEST:

Amber Villarreal
City Secretary

FILED FOR RECORD - ELLIS COUNTY, TEXAS
INST NO. 2440442 FILING DATE/TIME: Dec 20, 2024 at 01:20:00 PM

EXHIBIT A - METES & BOUNDS

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

ASSUMPTION WARRANTY DEED

Date: February 23, 2017

Grantor: XIT Paving and Construction, Inc., a Texas corporation

Grantor's Mailing Address:
3934 South Highway 287
Waxahachie, Texas 75165
Ellis County

Grantee: McSpadden Properties, LLC, a Texas limited liability company

Grantee's Mailing Address:
1950 CR 134
Kaufman, Texas 75142
Kaufman County

Consideration:

Ten and No/100 Dollars (\$10.00) and Grantee's assumption of and agreement to pay, according to the note's terms, the unpaid principal and earned interest on the note in the original principal sum of \$341,611.70 dated February 23, 2010, executed by XIT Paving and Construction, Inc. and payable to the order of Ennis State Bank. The note is secured by a deed of trust dated February 23, 2010 recorded in Volume 2496, Page 650 of the Official Records of Ellis County, Texas. As further consideration Grantee promises to keep and perform all the covenants and obligations of the grantor named in that deed of trust and to indemnify, defend, and hold Grantor harmless from any loss, attorney's fees, expenses, or claims attributable to a breach or default of any provision of this assumption by Grantee.

Property (Including any improvements):

All that certain lot, tract or parcel of land situated in the GEORGE CARPENTER SURVEY, ABSTRACT NO. 190, in Ellis County, Texas, and being a part of a called 17.25 acre tract of land described in Volume 444, Page 367, Deed Records, Ellis County, Texas, (DRECT), and being more particularly described as follows:

BEGINNING at a 1/2" steel rod found in the northeast line of Old U.S. Highway 287, (a public road), for the west corner of this tract and same for the said 17.25 acre tract and also being the south corner of a called 1.0 acre tract of land described in Volume 681, Page 28, DRECT;

THENCE along the northwest line of this tract and same for the said 17.25 acre tract as follows: N 39 degrees 25 minutes 18 seconds E, 320.48 feet (Deed - N 39 degrees E) along the southeast line of the called 1.0 acre tract to a 3/4" steel pipe found for the east corner of the said 1.0 acre tract and being the easterly south corner of a called 4.06 acre tract of land described in Volume 840, Page 329, DRECT; and N 38 degrees 37 minutes 56 seconds E, 464.20 feet along the easterly southeast line of the said 4.06 acre tract to a 5/8" steel rod found in the southwest line of the current U.S. Highway 287, (a public road), for the north corner of this tract and the east corner of the said 4.06 acre tract;

THENCE S 57 degrees 47 minutes 59 seconds E, 472.22 feet through the original 17.25 acre tract and along the northeast line of this tract and along the southwest line of U.S. Highway 287 to a 1/2" steel rod set in the original southeast line of the said 17.25 acre tract for the east corner of this tract and being the north corner of Lot 8 of Arrowhead Addition, an Addition to Ellis County as recorded in Cabinet A, Slide 699, Plat Records, Ellis County, Texas (PRECT); THENCE S 39 degrees 06 minutes 23 seconds, W, 879.09 feet along the southeast line of

Assumption Warranty Deed
McSpadden Properties, LLC
9136.2017

A CERTIFIED COPY
ATTEST: SEP 17 2024
KRYSTAL VALDEZ, COUNTY CLERK
ELLIS COUNTY, TEXAS
BY Amanda Lorna DEPUTY

FILED FOR RECORD - ELLIS COUNTY, TEXAS
INST NO. 1706632 FILING DATE/TIME: Mar 13, 2017 at 09:26:00 AM

this tract and same for the said 17.25 acre tract and along the northwest line of Arrowhead Addition to a 1/2" steel rod set in the northeast line of Old U.S. Highway 287 for the south corner of this tract and same for the said 17.25 acre tract and being the west corner of Lot 1 of said Arrowhead Addition;

THENCE N 46 degrees 17 minutes 20 seconds W, 468.22 feet along the southwest line of this tract and same for the said 17.25 acre tract and along the northeast line of Old U.S. Highway 287 to the POINT OF BEGINNING and containing approximately 8.909 acres of land.

Reservations from Conveyance:

None

Exceptions to Conveyance and Warranty:

Liens described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property; and taxes for 2016, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

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 to hold it to Grantee and 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, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

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

THIS INSTRUMENT WAS PREPARED BASED ON INFORMATION PROVIDED BY THE PARTIES HERETO. NO INDEPENDENT TITLE SEARCH WAS CONDUCTED PRIOR TO ITS EXECUTION.

XIT Paving and Construction, Inc.,
a Texas corporation

[Handwritten Signature]
By: Larry McSpadden, President

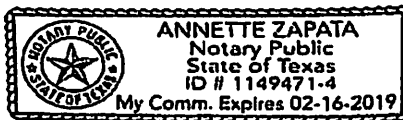
STATE OF TEXAS §
COUNTY OF ELLIS §

This instrument was acknowledged before me on March 7, 2017 by Larry McSpadden as President of XIT Paving and Construction, Inc., on behalf of said entity.

[Handwritten Signature]
Notary Public, State of Texas

AFTER RECORDING, RETURN TO:
Ennis State Bank
P.O. Box 370
Ennis, Texas 75120

Assumption Warranty filed
McSpadden Properties, LLC
0186.2017



A CERTIFIED COPY 17 2017
ATTEST: VALDEZ COUNTY CLERK
KRISTAL VALDEZ, DEPUTY
ELLIS COUNTY CLERK
BY

FILED FOR RECORD - ELLIS COUNTY, TX
INST NO. 1706632
on Mar 13, 2017 at 09:26:00 AM

Any provision herein which purports the sale, rental, or
use of this described real property because of color or
race is invalid and unenforceable under federal law
STATE OF TEXAS COUNTY OF ELLIS
I hereby certify this instrument was filed on the date and
time stamped herein and was duly recorded in the volume
and page of the OFFICIAL PUBLIC RECORDS of Ellis
County Texas and stamped hereon



Cindy Palley
COUNTY CLERK ELLIS COUNTY, TEXAS

A CERTIFIED COPY
ATTEST: VALDEZ COUNTY CLERK
KRISTAL VALENZUELA
ELLIS COUNTY, TEXAS
BY: Janni Deputy
SEP 17 2024

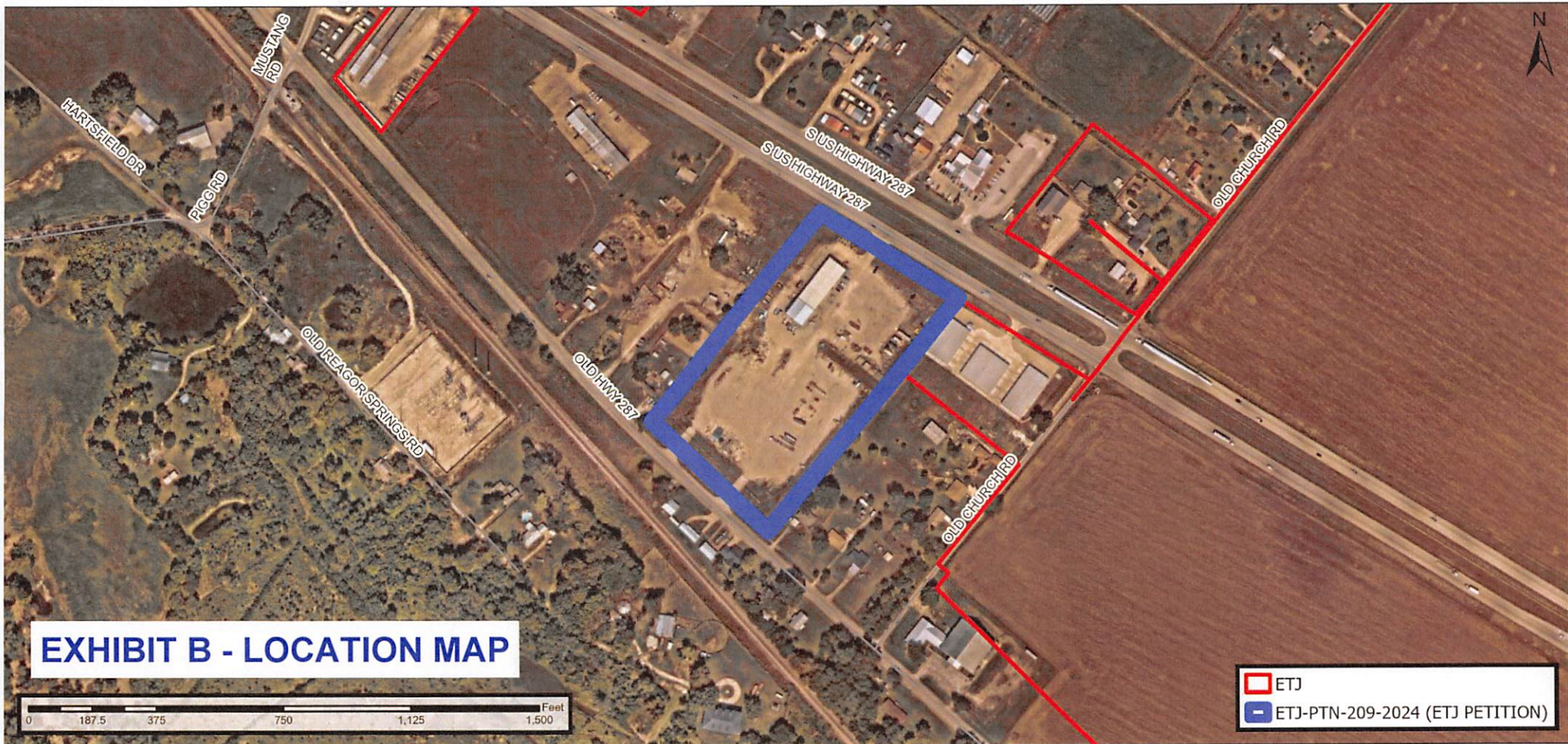
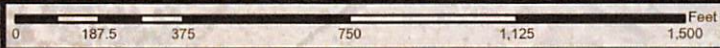




EXHIBIT B - LOCATION MAP



 ETJ
 ETJ-PTN-209-2024 (ETJ PETITION)

FILED FOR RECORD - ELLIS COUNTY, TX
INST NO. 2440442
on Dec 20, 2024 at 01:20:00 PM

STATE OF TEXAS COUNTY OF ELLIS
I hereby certify this instrument was filed on the date
and time stamped hereon and was duly recorded in
the records of Ellis County, Texas as stamped hereon.



Hugo Velazquez

COUNTY CLERK, ELLIS COUNTY, TEXAS