



## **ORDINANCE NO. 704-2020-05**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VENUS, TEXAS, ANNEXING THE HEREINAFTER DESCRIBED TERRITORY OF AN APPROXIMATE 0.91 ACRE PORTION OF CR 109 GENERALLY LOCATED SOUTH OF HWY 67, EAST OF WHEAT VALLEY BOULEVARD AND WEST OF VV JONES ROAD INTO THE CITY OF VENUS, JOHNSON AND ELLIS COUNTIES, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE THE DESCRIBED PROPERTY WITHIN THE CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF THE PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING THE INHABITANTS BY ALL OF THE ORDINANCES, RESOLUTIONS, ACTS AND REGULATIONS OF THE CITY; ADOPTING A SERVICE PLAN; FINDING AND DETERMINING THAT ALL REQUIREMENTS FOR ANNEXATION INCLUDING PUBLIC HEARINGS, NOTICES AND OPEN MEETINGS HAVE BEEN MET ACCORDING TO LAW; PROVIDING INSTRUCTIONS FOR FILING THIS ORDINANCE AND FOR CORRECTING THE OFFICIAL MAP AND BOUNDARIES OF SAID CITY; PROVIDING SEVERABILITY AND CUMULATIVE CLAUSES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Venus, Texas ("City") is authorized, pursuant to Chapter 43 of the Texas Local Government Code to annex territory and extend the corporate limits of the City, subject to state law; and

**WHEREAS**, the City of Venus, Texas ("City") desires to annex certain territory described herein (the "Property"); and

**WHEREAS**, all of the Property described herein is contiguous to and within the exclusive extraterritorial jurisdiction of the City; and

**WHEREAS**, all required notices, all public hearings, and all requirements for such annexation have been provided, held, and met in accordance with applicable law; and

**WHEREAS**, in accordance with Chapter 43 of the Texas Local Government Code, a Service Plan for the area to be annexed was prepared and made available to the public and is attached hereto and incorporated herein; and

**WHEREAS**, the City Council of the City of Venus finds and determines that annexation of the property hereinafter described is in the best interests of the citizens of the City of Venus and the owners and residents of the area.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENUS, TEXAS:**

**SECTION 1. Findings.** It is hereby officially determined that the findings and recitations contained above in the preamble of this ordinance are true and correct and are incorporated herein by reference.

**SECTION 2. Annexation.** That the following described territory, to wit:

**Being an approximate 0.91 acre portion of CR 109 generally located south of Hwy 67, east of Wheat Valley Boulevard and west of VV Jones Road situated in Johnson County, Texas, and being more particularly described and depicted in Exhibit A attached hereto and made a part hereof.**

be and the same is hereby annexed into the City of Venus, Johnson and Ellis Counties, Texas, and that the boundary limits of the City of Venus, Texas, be and the same are hereby extended to include the above-described territory within the city limits of the City of Venus, and that same shall hereafter be included within the territorial limits of said City and said land and the inhabitants thereof shall be hereafter entitled to all rights and privileges of all other citizens of the City of Venus, Texas, and shall be bound by the ordinances, resolutions, acts and regulations of the City.

**SECTION 3. Service Plan.** A Service Plan prepared in accordance with applicable provision of state law pertaining to annexation is attached hereto as Exhibit B and is hereby incorporated herein by reference and adopted as part of this ordinance and the same shall govern the delivery of municipal services to the annexed territory.

**SECTION 4. Official Map.** The official map and boundaries of the City, previously adopted, are amended to include the Property as part of the City of Venus. The City Secretary is directed and authorized to perform or cause to be performed all acts necessary to correct the official map of the City to add the annexed Property as required by applicable law.

**SECTION 5. Severability Clause.** It is hereby declared by the City Council of the City of Venus that if any of the sections, paragraphs, sentences, clauses, phrases, words, or provisions of this ordinance should be declared unconstitutional or otherwise invalid for any reason, such event shall not affect any remaining sections, paragraphs, sentences, clauses, phrases, words, or provisions of this ordinance.

**SECTION 6. Cumulative Clause.** This ordinance shall be cumulative of all provisions of ordinances of the City of Venus except where the provisions of this ordinance are in direct

conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 7. Public Meeting. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

SECTION 8. Filing Instructions. The City Secretary is hereby directed to file a certified copy of this ordinance with the County Clerk of Johnson County, Texas, and with other appropriate officials and agencies as required by state and federal law.

SECTION 9. Effective Date. This ordinance shall be in full force and effect immediately upon its passage and approval by the City Council of the City of Venus, Texas.

**PASSED AND APPROVED** by the City Council of the City of Venus, Texas, this 11<sup>th</sup> day of May, 2020.



*James Burgess*  
James Burgess, Mayor

**ATTEST:**

*Callie Green*  
Patsy Patten, TRMC, Interim City Secretary  
*Callie Green*

**APPROVED AS TO FORM:**

Timothy A. Dunn, City Attorney



# EXHIBIT A

Annexation of 0.911 acres,  
Johnson County

2/3/2020  
Page 1 of 2

**EXHIBIT "A"**  
**FIELD NOTE DESCRIPTION**  
**FOR**  
**ANNEXATION OF 0.911 ACRES SITUATED IN THE**  
**WILLIAM HILL SURVEY, ABSTRACT NO. 379,**  
**JOHNSON COUNTY, TEXAS**  
**INTO**  
**THE CITY LIMITS OF VENUS, TEXAS**

Being a 0.911 acre tract of land for annexation into the City Limits of the City of Venus, Texas, said 0.911 acre tract being in the William Hill Survey, Abstract No. 379, Johnson County, Texas,

Said 0.911 acre tract of land for annexation being more particularly described as follows:

BEGINNING at a point for corner, said point being on the southeast property corner of a called 17.35 acre tract of land conveyed to Rabwa Investment LLC, by deed recorded in Instrument Number 20829, Deed Records of Johnson County, Texas (D.R.J.C.T.), said point also being on the north right-of-way line of County Road (C.R.) 109 (60-foot R.O.W.), said point also being on the current Venus City Limit boundary;

THENCE S 29°42'56" E, departing the north right-of-way line of said C.R. 109, and the southeast property corner of said 17.35 acre Rabwa Investment LLC tract, a distance of 60.02 feet to a point for corner, said point being on the south right-of-way line of said C.R. 109, and the north property line of a called 75.457 acre tract of land conveyed to Seven S Ranch Inc, by deed recorded in Volume 3444, Page 97, D.R.J.C.T.;

THENCE S 58°51'47" W, along the south right-of-way line of said C.R. 109, and also being along the north property line of said 75.457 acre Seven S Ranch tract, a distance of 660.84 feet to a point for corner;

THENCE N 31°25'33" W, departing the south right-of-way line of said C.R. 109, and the north property line of said 75.457 acre Seven S Ranch tract, a distance of 60.00 feet to a point for corner, said point being on the southwest property corner of said 17.35 acre Rabwa Investment tract, and also being on the southeast property corner of Lot 1, Meadow Ridge Addition No. 3, a 5.67 acre addition dedicated to the City of Venus by plat recorded in Volume 11, Page 129, D.R.J.C.T., said point also being on the said Venus City Limit boundary;

THENCE N 58°51'47" E, along the north right-of-way line of said C.R. 109, and also being along said Venus City Limit boundary, a distance of 662.63 feet to the POINT OF BEGINNING, and containing 0.911 acres of land, more or less.

## NOTES:

1. This document was prepared under 22 TAC § 663.21, and does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.
2. Basis of Bearings & Distances: Johnson County Central Appraisal District G.I.S. Parcel Map.
3. A plat of even date accompanies this field note description.

Derek B. Chaney, P.E., R.P.L.S.  
Texas Registration No. 6523  
Birkhoff, Hendricks & Carter, L.L.P.  
TBPLS Firm No. 100318-00  
11910 Greenville Ave., Suite 600  
Dallas, Texas 75243  
Phone: 214-361-7900

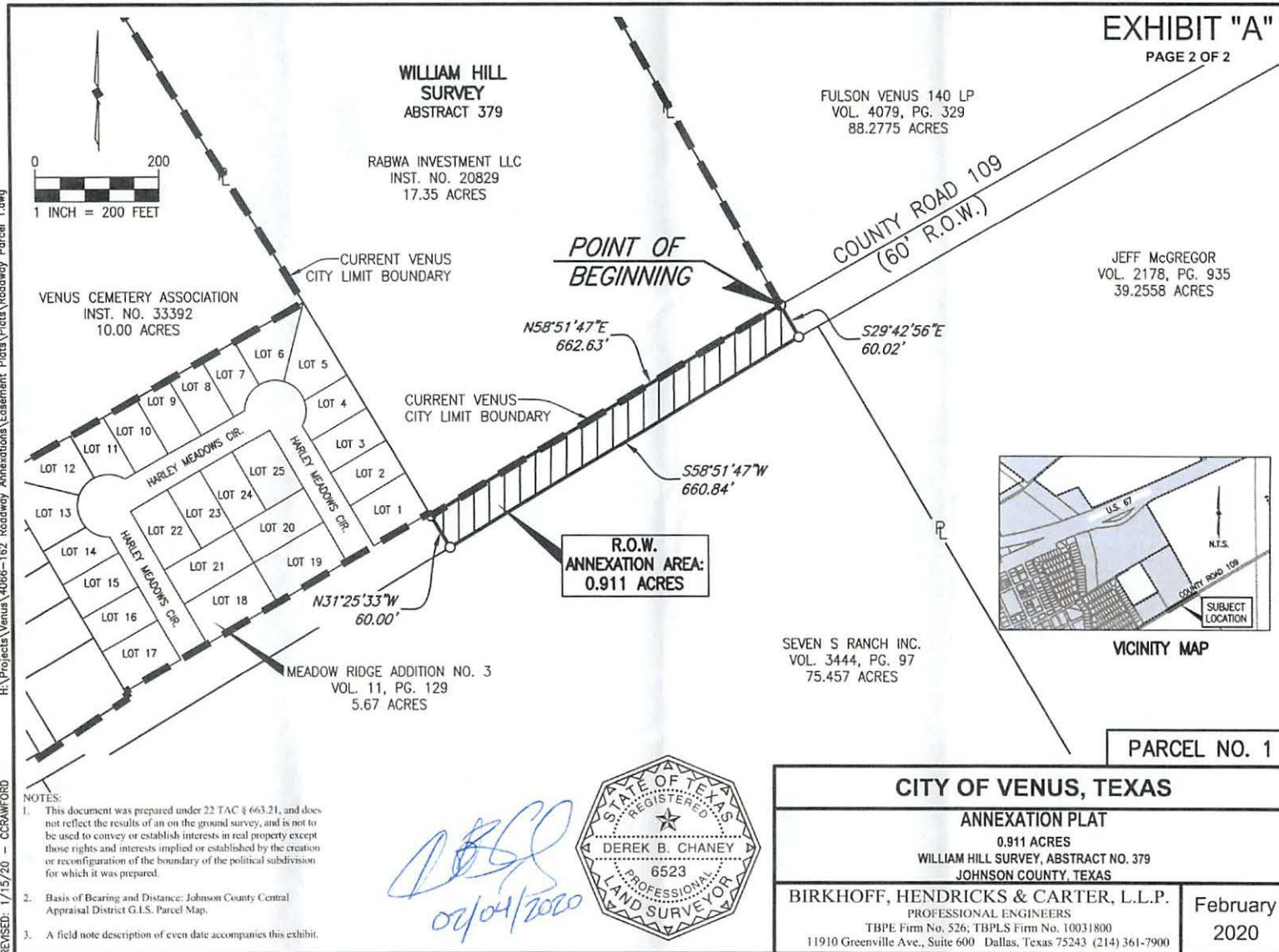


*[Handwritten signature]*  
02/04/2020

h:\projects\venus\4066-162 roadway annexations\seamless\plats\descriptions\parcel 1.doc

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REVISED: 1/15/20 - CCRANFORD





## EXHIBIT B



# CITY OF VENUS SERVICE PLAN FOR THE 0.91 ACRE PORTION OF CR 109 ANNEXATION INTO THE CITY EFFECTIVE MONDAY, MAY 11, 2020

## Section 1 – Annexation Area

The annexation area is an approximate 0.91 acre portion of CR 109 (“Property”) generally located south of Hwy 67, east of Wheat Valley Boulevard and west of VV Jones Road, in the City of Venus (“City”) extraterritorial jurisdiction (“ETJ”).

## Section 2 – Summary

This service plan has been prepared by City staff in accordance with TEXAS LOCAL GOVERNMENT CODE Sections 43.065 and 43.056. The City will provide the following services to the territory or property so annexed within two and one-half years unless certain services cannot be reasonably provided within that time and the City proposes a schedule to provide services within four and one-half years.

## Section 3 – Services Provided

1. **Police protection.** The Venus Police Department will provide police services, including routine patrol, traffic enforcement and dispatch response to emergency and non-emergency service calls.
2. **Emergency medical services and fire protection.** The Venus Volunteer Fire Department, not a city department, but an independent agency, already provides services for emergency medical services and fire protection to the Property and will continue to for the foreseeable future. Beyond first response, American Medical Response (“AMR”), also not a city department, but an independent agency contracted through Johnson County, provides ambulance transport services to the Property already and will continue to for the foreseeable future. And if ever AMR no longer is contracted through Johnson County, another provider, in their place, will provide service to the Property.

3. **Solid waste collection.** The City will provide fee-based waste collection services to the Property, contracting with a provider. Notification to the provider to expand the service area will be made upon council approval of the annexation.
4. **Building permitting and inspections.** Upon the effective date of annexation, the City will provide building permits and inspection services to the Property. This service will be made available to the Property on the same basis and at the same level of service as similar facilities throughout the City.
5. **Animal control.** The Venus Police Department will provide animal control services upon the effective date of the annexation. Animal control services include response to and the investigation of reported animal bites, response to reports of at large animals and response to and the investigation of animal cruelty and neglect reports.
6. **Code enforcement.** Code enforcement services will be available on the effective date of annexation. Code enforcement services include the response, investigation and potential abatement of property maintenance issues, nuisance issues, sanitation issues, illegal signs, abandoned or inoperable vehicles and other zoning violations.
7. **Roads and streets.** Maintenance of roads and streets, including street lighting, if any, will be maintained in the same manner as provided to other similarly situated areas within the corporate limits of the City.
8. **Water.** Water service to the area will be provided by the CCN holder in the same manner that such service is provided to the other similarly situated areas within the corporate limits of the City.
9. **Sanitary sewer.** Sanitary sewer service to the area will be provided in the same manner that such service is provided to the other similarly situated areas within the corporate limits of the City and in accordance with applicable codes and departmental policy. As property develops in the area, sanitary sewer service shall be provided in accordance with the standard extension ordinances, regulations and rules, subject to and consistent with the City's participation policies.
10. **Parks and recreational facilities.** The City is not aware of any public parks or recreation facilities associated with the Property for purposes of operation and maintenance.

11. **Publicly owned facilities, buildings, or services.** The City is not aware of any publicly owned facilities, buildings or services associated with the Property for purposes of operation and maintenance.

12. **Other Municipal Services.** All other applicable municipal services, including but not limited to the Enforcement of all zoning ordinances, building codes, and miscellaneous penal ordinances including but not limited to regulation of animals, roads and streets, fireworks, alcoholic beverages, firearms, littering and dumping, will be provided to the area in accordance with the City of Venus' established policies governing extension of municipal services to newly annexed areas.

#### **Section 4 – Level of Services Provided**

It is the intent of the City to provide the level of services required by state law. The Council finds and determines that the services, infrastructure and infrastructure maintenance proposed by this plan are comparable to that provided to other parts of the city.

#### **Section 5 – Term**

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 Council.

#### **Section 6 – Amendments**

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 Council may amend this service plan to conform to the changed conditions or subsequent occurrences pursuant to state law.

#### **Section 7 – Standards**

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 subdivision regulations or engineering standards, or other standard specifications, as may be amended, except as expressly provided herein to the contrary.

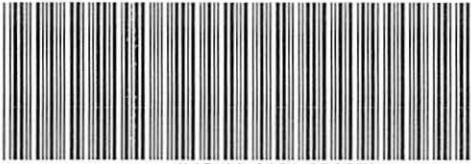


## **Section 8 – City Codes and Regulations**

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, the Fire Code, applicable engineering standards, and other City regulations, as to size, quality of materials, height, and strength of improvements. For the purpose of the foregoing, the following shall be considered improvements: water lines, fire hydrants, and sanitary sewer systems, or any similar improvement designed 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 the Fire Code, and applicable engineering standards for their construction, to assure that Fire Department vehicles may safely use them. Developers or landowners 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 developer area, including compliance with City regulations.

## **Section 9 – Platting**

In accordance with state law and the City's land development and subdivision ordinances and regulations, any 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 contiguity and proper service for the public improvements to the portion of the annexed property for which plat approval may be sought.



\*VG-93-2020-29827\*

Johnson County  
Becky Ivey  
Johnson County Clerk

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Instrument Number: 29827

Real Property Recordings

Recorded On: September 22, 2020 09:24 AM

Number of Pages: 10

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" Examined and Charged as Follows: "

Total Recording: \$58.00

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\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

**File Information:**

Document Number: 29827  
Receipt Number: 20200922000059  
Recorded Date/Time: September 22, 2020 09:24 AM  
User: Heidi P  
Station: ccl15

**Record and Return To:**  
CITY OF VENUS  
ATTN: CALLIE GREEN  
700 W HWY 67  
VENUS TX 76084



**STATE OF TEXAS  
Johnson County**

**I hereby certify that this Instrument was filed in the File Number sequence on the date/time printed hereon, and was duly recorded in the Official Records of Johnson County, Texas**

Becky Ivey  
Johnson County Clerk  
Johnson County, TX

*Becky Ivey*