



ORDINANCE 587-2017-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VENUS, JOHNSON AND ELLIS COUNTIES, TEXAS, ACCEPTING THE INCLUSION OF THE HEREIN DESCRIBED PROPERTY INTO THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF VENUS, AND EXTENDING THE BOUNDARY LIMITS OF SAID EXTRATERRITORIAL JURISDICTION TO INCLUDE SAID HEREIN DESCRIBED PROPERTY, AND GRANTING TO ALL INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OFFERED BY LAW AND BINDING SAID INHABITANTS BY ALL THE ACTS, ORDINANCES, RESOLUTIONS, LAWS AND REGULATIONS OF THE CITY OF VENUS AND THE STATE THAT MAY BE APPLIED OR ENFORCED WITHIN THE EXTRATERRITORIAL JURISDICTION.

WHEREAS, the City of Venus ("City") is a political subdivision of the State of Texas, organized as a Type A General Law municipality;

WHEREAS, TEXAS LOCAL GOVERNMENT CODE Section 42.022(b), provides that owners of land contiguous to the existing extraterritorial jurisdiction ("ETJ") of a municipality, may petition to be included in the municipality's ETJ;

WHEREAS, the authority granted by TEXAS LOCAL GOVERNMENT CODE Section 42.022(b) requires consent of the governing body ("Council") of the municipality before inclusion into the ETJ;

WHEREAS, the City received a notarized petition titled "Petition Requesting Inclusion in the Extraterritorial Jurisdiction of the City of Venus, Texas" (Exhibit "1") from Jimmy Berryhill seeking inclusion into the City's ETJ;

WHEREAS, the property subject to the petition and request ("Property") has been identified by its Central Appraisal District of Ellis County ("Appraisal District") Geo ID 99.0594.000.007.00.115, approximately and as described in the petition as 12.952 acres of land;

WHEREAS, a small portion of the Property is already included in the ETJ of Mansfield by operation of law. This petition and request for inclusion into the City's ETJ is only for the portion of the Property not already included in the City of Mansfield's ETJ;

WHEREAS, the Council held a meeting on Monday, October 9, 2017 at 7:00 p.m. and considered an agenda item that read, "Discuss and possible action on the adoption of Ordinance 587-2017-10 to accept landowner Jimmy Berryhill's request for a tract of land to become a part of Venus's extraterritorial jurisdiction, namely; a tract identified by Ellis County CAD number 99.0594.000.007.00.115", all in strict compliance with the TEXAS OPEN MEETINGS ACT, TEXAS GOVERNMENT CODE, Chapter 551; and

WHEREAS, at that meeting, the Council voted, by majority, to accept the petition and to include the Property into the ETJ of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENUS, JOHNSON AND ELLIS COUNTIES, TEXAS THAT:

- SECTION 1: The above recitals are hereby found to be true and correct and are incorporated herein for all purposes. The recitals and language of the petition for inclusion into City's ETJ, shall be incorporated herein for all purposes.
- SECTION 2: Exhibit "1" is a petition for inclusion into the City's ETJ and accurately identifies a tract of land ("Property") owned by Jimmy Berryhill.
- SECTION 3: The Property is hereby accepted into the City's ETJ, as described in Exhibit "1", to include all of the Property Jimmy Berryhill has legal title to, including the fee to the center of any roadway (right-of-way) abutting the tract of land, for which Jimmy Berryhill has legal title to by grant, reservation or common law.
- SECTION 4: The Council finds the Property, subject to this petition for inclusion into the City's ETJ, is contiguous to the City's existing ETJ at the time of the acceptance, in full compliance with law.
- SECTION 5: The City Secretary shall maintain a file of the original petition and any relevant supporting documents for the Property included in Exhibit "1".
- SECTION 6: For purposes of determining the date by which the Property was included into the City's ETJ, the effective date of this Ordinance shall govern.
- SECTION 7: If the petition subject to this Ordinance shall be deemed unlawful, unconstitutional, or otherwise invalid, the validity or legality of any other ETJ inclusion requests received before or after shall remain unaffected and shall be in full force and effect.
- SECTION 8: This Ordinance shall become effective immediately upon its passage.


SECTION 9: The City Secretary is directed to record/file a certified copy of this Ordinance and its supporting exhibits and paperwork with the Ellis County Clerk's land records and deeds.

SECTION 10: The City Administrator is directed to update the city's boundary and ETJ map available to the public to include the new tract of land into the city's ETJ and to make said map available to any government or coalition of governments that maintains such city boundary maps.

PASSED AND APPROVED by the City Council of the City of Venus, Texas, on this the 9th day of October, 2017.


JAMES BURGESS – MAYOR


10-9-17
DATE

ATTEST: 

RANA GAMEL – CITY SECRETARY

10-9-17
DATE

APPROVED AS TO FORM:


CASS CALLAWAY – CITY ATTORNEY

10-9-2017
DATE



EXHIBIT "1"
PETITION REQUESTING INCLUSION IN THE EXTRATERRITORIAL
JURISDICTION OF THE CITY OF VENUS, TEXAS

TO THE MAYOR AND GOVERNING BODY OF THE CITY OF VENUS, TEXAS:

I(We), the undersigned, am(are) the owner(s) of a tract of land ("Tract"). The Tract is identified by deed, legal description, map, survey, address, and/or appraisal district geo code/account number as attached here as "Exhibit A" and included herein as if fully described. I(We) petition for the Tract be included in the City of Venus ("City") extraterritorial jurisdiction ("ETJ") as authorized by TEXAS LOCAL GOVERNMENT CODE SECTION 42.022(b). I(We) understand that for the Tract to be considered for acceptance into the City's ETJ, it must be contiguous to the city's existing ETJ or corporate boundaries. I(We) also understand that this may depend on the successful acceptance of other ETJ inclusion requests before our request may be considered and accepted.

The Tract Petitioner(s) seek to be included, is not believed to be located within any other municipality's existing ETJ or corporate boundaries; however if incorrect, Petitioner(s) request(s) the boundaries of the Tract be revised and reformed so that none of the Tract to be included within the City's ETJ shall be located within any other municipality's existing ETJ. If any portion of this Petition is invalid or unenforceable for any reason, including but not limited to parts of the Tract being ineligible for inclusion in the City's ETJ, such invalidity or unenforceability shall not affect any other provision hereof or any part of the Tract which is eligible for inclusion in the City's ETJ, and this Petition shall be construed as if such invalid or unenforceable provision had never been contained herein.

And Petitioner(s) request(s) any prior request(s) for inclusion into the City for the Tract or portion thereof by Petitioner(s) or prior landowners be construed to be reaffirmed by this request and not invalidated. Petitioner(s) sole intent in that circumstance is to show continued intent for the Tract to be included in the ETJ of the City and not that of another municipality. Petitioner(s) also expressly grant(s) this covenant or agreement to run with the land. Petitioner(s) also agree(s) that if this petition should be accepted and approved by the City Council that the Tract will remain, as a matter of law, included in the City's ETJ unless the City Council agrees to release the ETJ.

Signed and executed this the 5 day of October, 2017.

Jimmy Berryhill
Property Owner Signature

Property Owner Signature

Jimmy Berryhill
Printed Name

Printed Name

The State of Texas,

County of Johnson

Before me, the undersigned authority, on this day personally appeared Jimmy Berryhill

and _____ known to me to be the person(s) whose name(s) is(are) subscribed to the foregoing instrument and each acknowledged to me that he(she) executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this the
5 day of October, 2017.

Natanael A. Drambareanu
Notary Public

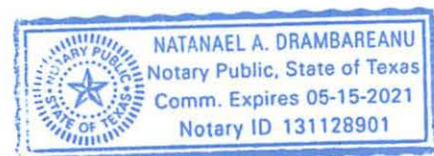


Exhibit A

(As described in our filed "Petition Requesting Inclusion in the Extraterritorial Jurisdiction of the City of Venus, Texas" the following description accurately reflects the "Tract" of land we seek to have included into the City's ETJ.)

Jimmy Berryhill
Property Owner Signature

Property Owner Signature

Jimmy Berryhill
Printed Name

Printed Name

Property Description: (Please be as specific as possible, particularly if the property is a part of a larger area of land. And, please include attachments/maps/surveys to precisely identify the property.)

ELLIS COUNTY CENTRAL APPRAISAL DISTRICT GEO ID 99.0594.000.007.00.115 (12.952 ACRES) 5432 MURR RD VENUS, TEXAS 76084, EXCEPT FOR THAT PORTION OF PROPERTY CURRENTLY WITHIN THE CITY OF MIDLOTHIAN EXTRATERRITORIAL JURISDICTION PUSUANT TO TEXAS LOCAL GOVERNMENT CODE 42.021(a). ATTACHED MAP AND PROPERTY INFORMATION INCLUDED.

Property ID: 261572 For Year 2017

Property Values

Improvement Homesite Value:	\$140,310
Improvement Non-Homesite Value:	\$0
Land Homesite Value:	\$4,700
Land Non-Homesite Value:	\$56,170
Agricultural Market Valuation:	\$0
Market Value:	\$201,180
Ag Use Value:	\$0
Appraised Value:	\$201,180
Cap Loss:	\$0
Assessed Value:	\$201,180

DISCLAIMER Information provided for research purposes only. Legal descriptions and acreage amounts are for appraisal district use only and should be verified prior to using for legal purpose and or documents. Please contact the Appraisal District to verify all information for accuracy.

Property Taxing Jurisdiction

Entity	Description	Tax Rate	Market Value	Taxable Value	Estimated Tax	Freeze Ceiling
070	ELLIS COUNTY	0.380091	\$201,180	\$201,180	\$764.67	
215	MAYPEARL ISD	1.317000	\$201,180	\$201,180	\$2,649.54	
501	EC ESD #1 (MAYPEARL)	0.089000	\$201,180	\$201,180	\$179.05	
R70	ELLIS COUNTY LATERAL ROAD	0.033508	\$201,180	\$201,180	\$67.41	

Total Tax Rate: 1.819599 Estimated Taxes With Exemptions: \$3,660.67 Estimated Taxes Without Exemptions: \$3,660.67

Property Improvement - Building

Type: Residential State Code: E1 Living Area: 1,860.00sqft Value: \$140,310

Type	Description	Class CD	Exterior Wall	Year Built	SQFT
CP	COVERED PORCH	*		2014	96.00
CP	COVERED PORCH	*		2014	870.00
AGF2	ATTACHED 2 CAR GARAGE	*		2014	750.00
MA	MAIN AREA	RFAV	26	2014	1,860.00

Property Land

Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
ACRE	PER ACRE	1	43,560.00	0.00	0.00	\$4,700	\$0
ACRE	PER ACRE	11.952	520,629.12	0.00	0.00	\$56,170	\$0

Property Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	Cap Loss	Assessed
2018	N/A	N/A	N/A	N/A	N/A	N/A
2017	\$140,310	\$60,870	\$0	\$201,180	\$0	\$201,180
2016	\$139,910	\$60,870	\$0	\$200,780	\$0	\$200,780
2015	\$58,930	\$57,840	\$0	\$116,770	\$0	\$116,770

Property Deed History

Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Number
6/20/2014	35	DEED	LEE MARGARET K	BERRYHILL JIMMY & LAURIE A	2773	1106	SS
6/20/2014	01	AFFIV HEIRSHIP/WILL/DEATH CERT			2773	1098	SS
9/3/2001	37	DO NOT USE	LEE JOE	LEE MARGARET K			
	OT	DO NOT USE			00000	00000	0
	OT	DO NOT USE			00000	00000	0

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