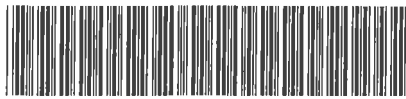


Hidalgo County
Arturo Guajardo Jr.
County Clerk
Edinburg, TX 78540



70 2013 02449791

Instrument Number: 2013-2449791

As

Recorded On: September 20, 2013

Recording

Parties:

To

Billable Pages: 5

Number of Pages: 6

Comment: ORDINANCE

**** Examined and Charged as Follows: ****

Recording	42.00
Total Recording:	42.00

***** 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:

Record and Return To:

Document Number: 2013-2449791
Receipt Number: 1388439
Recorded Date/Time: September 20, 2013 11:56A

OSCAR CUELLAR, CITY OF PENITAS
ORIGINAL RETURNED TO CUSTOMER
PENITAS TX 78576

User / Station: E Castillo - Cash Station 17



STATE OF TEXAS
COUNTY OF HIDALGO

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 Hidalgo County, Texas

Arturo Guajardo Jr.
County Clerk
Hidalgo County, TX

CITY OF PENITAS §

HIDALGO COUNTY, TEXAS §

2449791

ORDINANCE 2013 -06

(ANNEXING TERRITORY)

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF PENITAS, HIDALGO COUNTY, TEXAS AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITH SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITATNS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY, AND ADOPTING A SERVICE PLAN.

WHEREAS, §43.052(h)(1) of the Texas Local Government Code authorizes the annexation of territory, subject to the laws of this state.

WHEREAS, the procedures prescribed by §43.052(h)(1) of the Texas Local Government Code have been duly followed with respect to the following described territory, to-wit:

PROPERTY DESCRIPTION: See attached Exhibit "A," which is attached and incorporated by reference.

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

1. That the heretofore described property is hereby annexed to the City of Penitas, Hidalgo County, Texas, and that the boundary limits of the City of Penitas be and the same are hereby extended to include the above-described territory within the city limits of the City of Penitas, and the same shall hereafter be included within the territorial limits of said city, and the inhabitants thereof shall hereafter be entitled to all the rights and privileges of other citizens of the City of Penitas and they shall be bound by the acts, ordinances, resolutions, and regulations of said city.
2. A service plan for the area is adopted and attached as Exhibit "B."
3. 4529.8 acres is the present city territory within the City boundaries.
4. The city has at the time of passage of this Ordinance a total of 935.9 acres annexation capacity (10% of current acreage 452.9 and 483 acres carry over from prior years)
821 acres is the territory to be annexed leaving a total of 114.9 acres capacity for additional annexations this year or to be carried forward to next year.
5350.8 acres is the total territory now within the city boundaries as a result of this annexation.

The City Secretary is hereby directed to file with the County Clerk of Hidalgo, Texas, a certified copy of this Ordinance.

PASSED on First reading by an affirmative vote of all members of the City Council, this the 5th day of June, 2013 at a Regular Called Meeting, which proper notice was given as provided by Texas Open Meetings Act.


APPROVED:



Hon. Marcos Ochoa, Mayor



ATTEST:



Ana Valdez, City Secretary

PASSED on Second reading by an affirmative vote of all members of the City Council, this the 3rd day of July, 2013 at a Specially Called Meeting, which proper notice was given as provided by Texas Open Meetings Act.

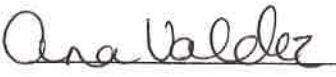
APPROVED:



Hon. Marcos Ochoa, Mayor



ATTEST:



Ana Valdez, City Secretary

PASSED on Third reading by an affirmative vote of all members of the City Council, this the 7th day of August, 2013 at a Specially Called Meeting, which proper notice was given as provided by Texas Open Meetings Act.


APPROVED:



Hon. Marcos Ochoa, Mayor

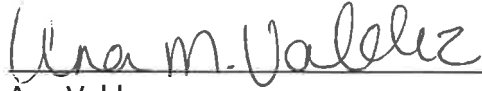


ATTEST:



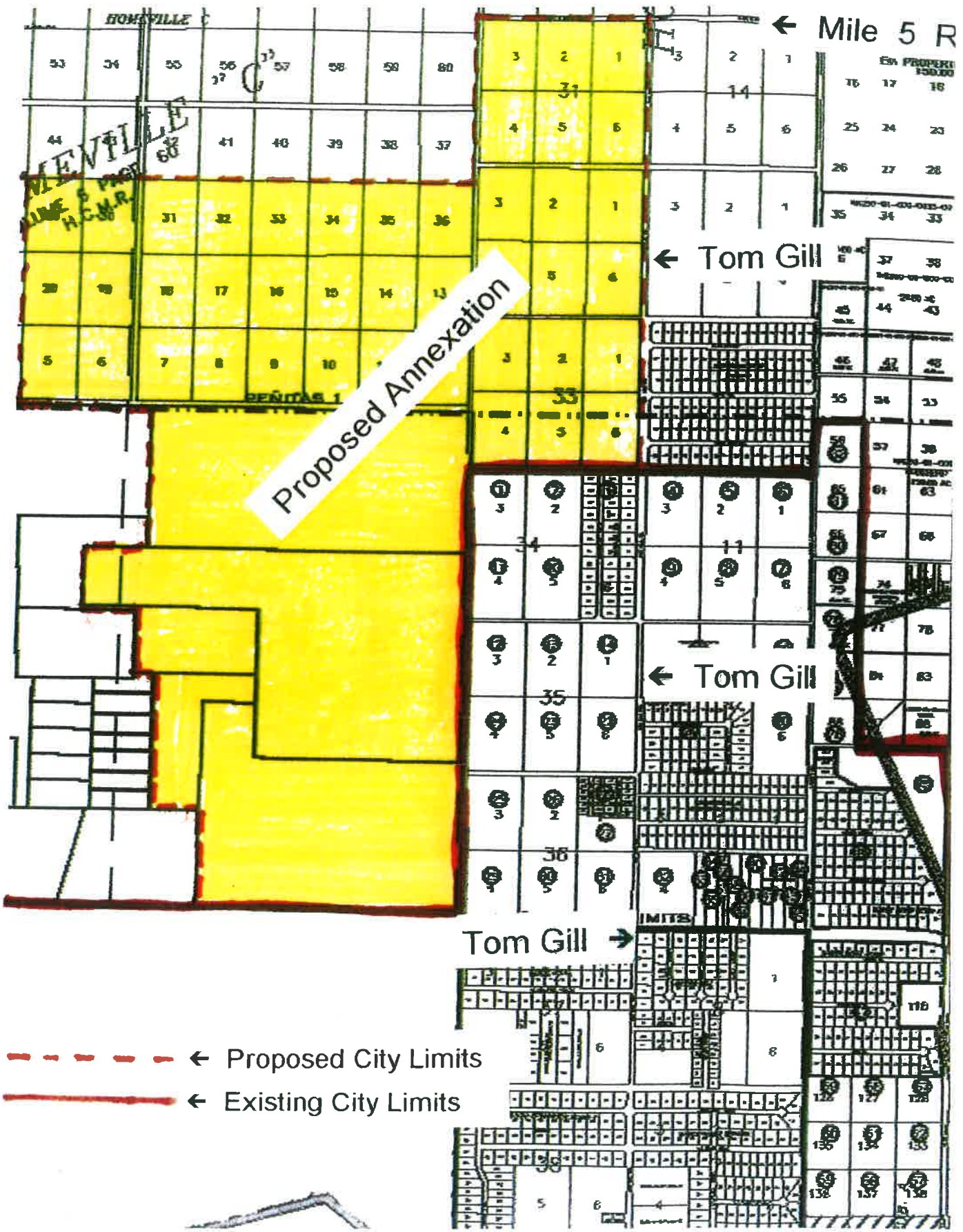
Ana Valdez, City Secretary

I, Ana Valdez, City Secretary for the City of Peñitas, do hereby certify that this is a true and correct copy of Ordinance No. 2013-06 which was read, considered, and approved at the Regular Called Meeting held on August 7, 2013 at which a quorum was present.



Ana Valdez
City Secretary
City of Penitas





Proposed Annexation

- - - - - ← Proposed City Limits
- ← Existing City Limits

CHAPA, MARCELA V LOT G TR5
CHAPA, MARCELA V TR 8
CHAPA MARCELA V LT 2 TR 7 AKA TR 1
CHAPA MARCELA V LT 1 TR 7
CHAPA MARCELA V LOT 3 TR 7
CHAPA MARCELA V LOT 2 TRACT 7 AKA TR 1
CHAPA MARCELA V LOT 4 TR 7
CHAPA MARCELA V LOT 5 TR 7
HOMEVILLE C LOT 20 EXC S100'
HOMEVILLE C LOT 18 S100'
HOMEVILLE C LOT 11, 12 &13
HOMEVILLE C LOT 8
HOMEVILLE C LOT 7
HOMEVILLE C LOT 6
HOMEVILLE C LOT 5
HOMEVILLE D LOT 5 BLK 31
HOMEVILLE D LOT 4& LOT 5 BLK 31
HOMEVILLE D S ½ LOT 1 BLK 31
HOMEVILLE D LT 6 BLK 32
HOMEVILLE D LT 4&5 BLK 32
HOMEVILLE D LT 3 BLK 32
HOMEVILLE D 2/3 INT- LTS 1-3 & 6 BLK 30
LTS 2-3 BK 31 LT 2 BK 32
HOMEVILLE D LOT 1 BLK 32

HOMEVILLE D LOT 1 BLK 32 N ½
HOMEVILLE D LOT 6 BLK 33
HOMEVILLE C 1/3 INT-LTS 9-10,14-16, LOTS
14-16, 31-35, 38-40, 42-48, 60 & 78-80
HOMEVILLE D LT 5 BLK 33
HOMEVILLE D LT 3 BLK 33
HOMEVILLE D LT 4 BLK 33
HOMEVILLE D LT 2 BLK 33
HOMEVILLE D LT 1 BLK 33
HOMEVILLE C LOT 36
PUEBLO DE PALMAS AT MILE 4 PH 1 LOT 53
PUEBLO DE PALMAS AT MILE 4 PH 1 LOT 50
PUEBLO DE PALMAS AT MILE 4 PH 1 LOT 48
PUEBLO DE PALMAS AT MILE 4 PH 1 LOT 49
PUEBLO DE PALMAS AT MILE 4 PH 1 LOT 51
PUEBLO DE PALMAS AT MILE 4 PH 1 LOT 47
PUEBLO DE PALMAS AT MILE 4 PH 1 LOT 52
HOMEVILLE D LT 6 BLK 31
HOMEVILLE C LOT 19
HOMEVILLE C LOT 17
HOMEVILLE C LOT 18
HOMEVILLE C LOT 19
HOMEVILLE C LOT 20
CHAPA MARCELA V LOT C TR 5



CITY OF PEÑITAS

ANNEXATION SERVICE PLAN

July 2013

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CITY OF PEÑITAS

CITY OFFICIALS

MARCOS OCHOA, MAYOR

ANTONIO FLORES, MAYOR PRO-TEM.

TOMAS CEDILLO, COMMISSIONER

ALEJANDRO GUAJARDO, COMMISSIONER

JOSE ROEL FLORES, COMMISSIONER

OSCAR CUELLAR JR, CITY MANAGER

ANA VALDEZ, CITY SECRETARY

Narrative

The City of Peñitas is a Home Rule city located in Western Hidalgo County centered around the intersection of U. S. Expressway 83 and State FM 1427. The present boundaries of the city are irregular and do not always follow natural boundaries. The south boundary is along the IBWC Floodway Levee. The west boundary abuts the City of La Joya around the expressway area but there are some areas on the south and north that do not. The north boundary is up to but not including the Las Godornices Subdivision. The east boundary extends to Martin Valley Ranch and follows an irregular line along private properties annexed at the owners request.

Presently the City of Peñitas has approximately 4,530 acres within its boundaries and there has only been two annexations within the last three years. The City annexed 16.5 acres owned by the city on Chihuahua Road where the city has constructed a Sanitary Sewer Plant and several tracts on the city's northern boundary and the Tierra Blanca Area. The previous annexations were less than the acreage available for annexation based on the state statute limitations. Therefore the amount of acreage that the city may annex involuntarily at present is 936 acres.

The proposed annexation consists of fifty five tracts as follows:

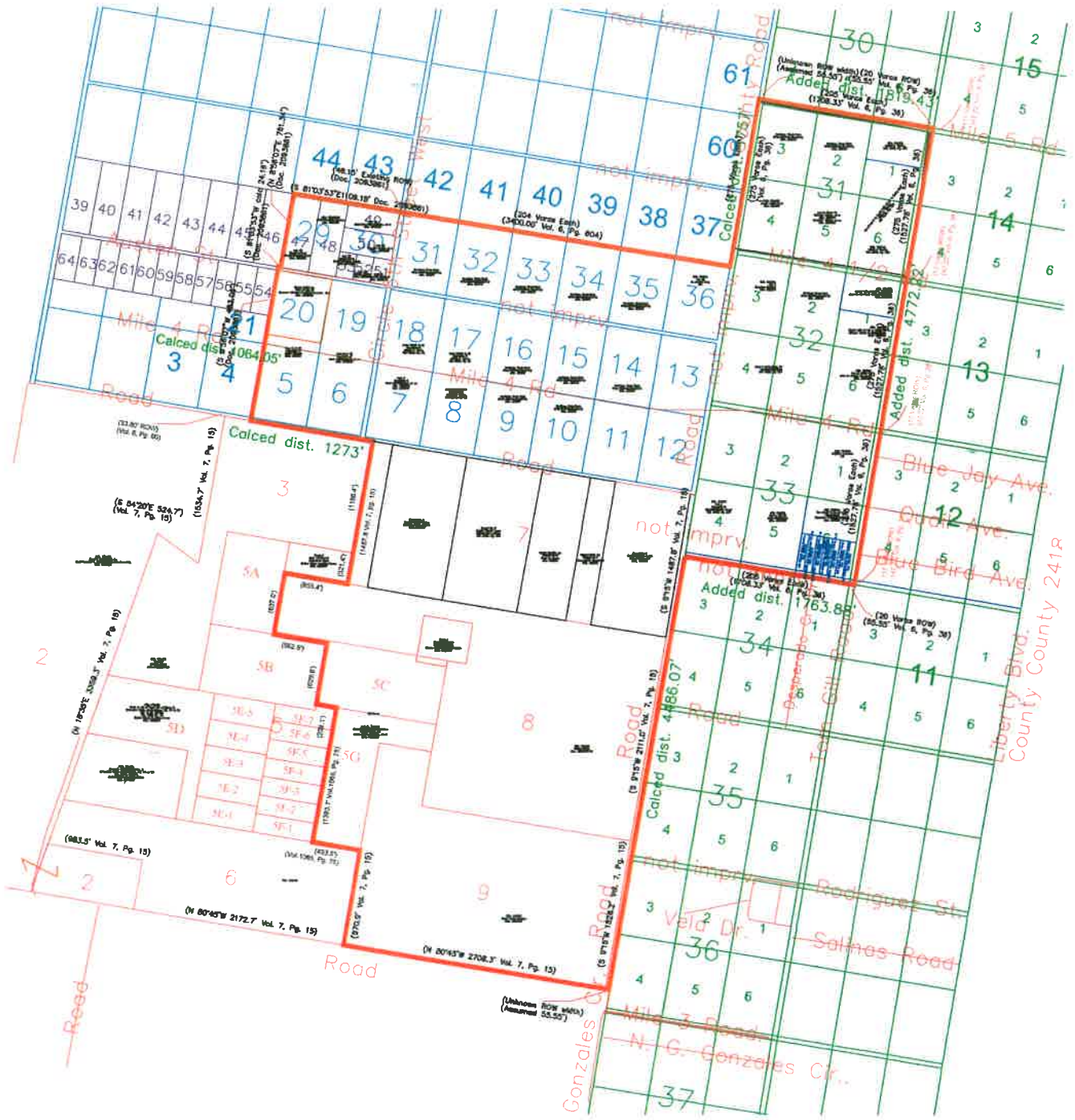
MARCELA V CHAPA SUBDIVISION TRACT 7 LOT 1, LOT 2, LOT 3, LOT 4, LOT 5, LOT G Tract 5, TRACT 8, LOT C TRACT 5. HOMEVILLE C LOT 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 31, 32, 33, 34, 35, 36, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48, 60, 78, 79, 80. HOMEVILLE D BLOCK 33 LOTS 1, 2,

3, 4, 5, 6. HOMVEVILLE D BLOCK 32 LOTS 1, 2, 3, 4, 5, 6. HOMEVILLE D BLOCK 31 LOTS 1, 2, 3, 4, 5, 6. PUEBLO DE PALMAS AT MILE 4 PHASE I LOTS 47, 48, 49, 50, 51, 52, 53.

Of the 836 acres being annexed 0 acres are being annexed voluntarily thus not counting against the available acreage to be annexed. The City is proposing 836 acres for involuntarily annexation leaving a balance of 99 additional acres available for annexation. The city will conduct two public hearings and then introduce an annexation ordinance to be read and voted on three separate meetings with the anticipated annexation effective date of August 7, 2013. Map of area being annexed on next page.

MAP OF AREAS BEING ANNEXED

(Areas being annexed outlined in bold red color line)



METES AND BOUNDS DESCRIPTION OF AREAS BEING ANNEXED

836 ACRE AREA OF LAND BEING ANNEXED TO THE CITY OF PEÑITAS

The following is a description of approximately 836 acres of land being annexed to the City of Penitas existing city limits, situated in Hidalgo County Texas, and being more particularly described as follows:

BEGINNING at the projection of the South line of Schunior's Subdivision, recorded in Volume 7, Page 15 of the Map Records of Hidalgo County, Texas, and in the East margin of a road right of way (unnamed at this location), said point bears Northwesterly approximately 239 feet from the Southwest corner of Tract 3 (Called 473.5 Ac.) previously annexed to the City of Penitas;

THENCE in a Northwesterly direction across said unnamed street at approximately 55.55 feet passing the West margin of said road and the Southeast corner of Lot 9 of said subdivision, and continuing with the South line Tract 9, an approximate distance of 2708.3 feet to a point for a Southwest corner of said Tract 9, and the Southeast corner of Tract 6 of said subdivision for a corner;

THENCE in a Northeasterly direction along the West line of Tract 9 and the East line of Tract 6, approximately 970.9 feet to a point for the Northeast corner of Tract 6, the Southwest corner of Tract 5G, called 19.20 acres in a deed to Maria Elena Martinez, et al recorded in Doc. 1285033 and described in a deed partitioning Tract 5, recorded in Volume 1065, Page 75, Hidalgo County Deed Records, said point also being in the West line of Tract 9;

THENCE continuing with common line between Tracts 6 and 5G, in a Northwesterly direction at a distance of approximately 493.5 feet to a point for a Southwest corner said Tract 5G, the Southeast corner of Tract 5F, Parcel 1 of said partition deed and being in the North line of Tract 6;

THENCE in a Northeasterly direction with the common East line of Tract 5F, Parcels 1 through 7 and the West line of Tract 5G an approximate distance of 1393.7 feet to a point for the Northwest corner of Tract 5G and the Northeast corner of Tract 5F, Parcel 7, and being in the South line of Tract 5C;

THENCE in a Northwesterly direction with the South line of Tract 5C and the North line of Tract 5F, Parcel 7 approximately 209.1 feet to a point at the Southwest corner of Tract 5C, a Northwest corner of Tract 5f, Parcel 7 and being in the East line of Tract 5B of said partition deed;

THENCE in a Northeasterly direction with the East line of Tract 5B and the West line of Tract 5C approximately 629.6 feet to a point at the Northeast corner of Tract 5B and an interior corner of Tract 5C;

THENCE in a Northwesterly direction with the North line of Tract 5B and the Westernmost South line of Tract 5C approximately 552.9 feet to a point in the North line of Tract 5B, at the Westernmost South corner of Tract 5C and the Southeast corner of Tract 5A;

THENCE in a Northeasterly direction with the East line of Tract 5A and the West line of Tract 5C and the West line of Tract 8, Schunior's subdivision approximately 637.0 feet to a point at the Northwest corner of Tract 8 and an inner corner of Tract 5A;

THENCE continuing with the common line of Tract 5A and Tract 8 in a Southeasterly direction approximately 655.4 feet to the Southeast corner of Tract 5A, the Southwest corner of Tract 7, Schunior's subdivision and being in the North line of Tract 8;

THENCE in a Northeasterly direction with the Easternmost East line of Tract 5A, and the West line of Tract 7 at approximately 321.4 feet passing the the Easternmost Northeast corner of Tract 5A and the Southeast corner of Tract 3, Schunior's Subdivision, and continuing in all approximately 1487.8 feet to the Northwest corner of Tract 7 and the Northeast corner of Tract 3 being in the South margin of an existing road lying between Schunior's Subdivision and Homeville Association Subdivision C, which is recorded in Volume 6 at Page 60A of the Map Records of Hidalgo County, Texas;

THENCE in a Northwesterly direction with the South margin of said road and the North line of Tract 3 approximately 1273 feet to point in the North line of Tract 3;

THENCE crossing said road and at approximately 33.80 feet passing the North margin of said road, the Southeast corner of Lot 4, Homeville Association Subdivision C and the Southwest corner of Lot 5 of said subdivision, continuing into said subdivision in a Northeasterly direction with the East lines of Lots 4 and 21 and the West lines of Lots 5 and 20, at approximately 803.24 feet crossing Mile 4 road, at approximately 873.26 feet passing the Southwest corner of a 8.708 acre tract of land conveyed to Buckner Children & Family Services, Inc., recorded in Doc. 2266765, at approximately 1097.8 feet passing the Southeast corner of Lot 54 of Pueblo De Palmas at Mile 4, Phase 1 Subdivision, recorded in Doc. 2093861, at approximately 1572.68 feet passing the Northeast corner of Lot 54, and the Northwest corner of Lot 20 at the South margin of Austen Street, and continuing in all approximately 1606.48 feet to a point in the North margin of Austin Street and in the South line of Lot 46 of Pueblo De Palmas at Mile 4, Phase 1 Subdivision;

THENCE in a Southeasterly direction with the North margin of said Austen Street and the South line of said Lot 46 approximately 24.16 feet to a point for the Southeast corner of Lot 46 and the Southwest corner of Lot 47 of said subdivision;

THENCE continuing through said subdivision in a Northeasterly direction with the common lines of Lots 46 and 47 approximately 761.34 feet to a point for the Northeast corner of Lot 46 and the Northwest corner of Lot 47, Pueblo De Palmas at Mile 4, Phase 1 Subdivision, being in the South line of Lot 44, Homeville Association Subdivision C;

THENCE following the North line Lots 47, 48 and 49 of Pueblo De Palmas at Mile 4, Phase 1 Subdivision and the South line of Lots 44 and 43 of the Homeville Association Subdivision C in a Southeasterly direction at approximately 1109.18 feet passing a point in the West margin of Circle 6th Street West, for the Northeast corner Lot 49 and the Northeast corner of the subdivision of Pueblo De Palmas at Mile 4, Phase 1 and the Southwest corner of Lot 43, Homeville Association Subdivision C, at approximately 1157.33 feet passing the East margin of Circle 6th Street West, the Northwest corner of Lot 31 and the Southwest corner of Lot 42 of Homeville Association Subdivision C, and continuing with the South line of Lots 37-42 and the North line of Lots 31-36, Homeville Association Subdivision C, in all 4557.33 feet to a point in the West margin of County Road 1560 (unimproved at this point), at the Northeast corner of Lot 36 and the Southeast corner of Lot 37;

THENCE in a Northeasterly direction with the East line of Lot 37 and the West margin of said County Road 1560, at approximately 769.44 feet passing the Northeast corner of Lot 37 and crossing a road right of way, at approximately 803.24 feet passing the Southeast corner of Lot 60, at approximately 1572.68 feet passing the Northeast corner of Lot 60 and the Southeast corner of Lot 61, and continuing in all approximately 1755.38 feet to a point in the East line of Lot 61 and the West margin of County Road 1560 (improved at this point);

THENCE crossing County Road 1560, in a Southeasterly direction and passing the Northeast corner of it's intersection with Mile 5 Road at approximately 55.55 feet, continuing with the North margin of Mile 5 Road and the South line of Lots 4, 5 and 6, Block 30 of the Homeville Association Subdivision D, recorded in Volume 6, Page 36, Hidalgo County Map Records passing the South corner of Block 30, in the West margin of Tom Gill Road at approximately 1763.88 feet , and continuing across Tom Gill road in all 1819.43 feet to a point in the East margin of Tom Gill Road at the Southwest corner of Lot 4, Block 15, Homeville Association Subdivision D;

THENCE following the East margin of Tom Gill Road and the Western boundary of Tract 3 (473.5 ac) annexation in a Southwesterly direction, at approximately 47.22 feet passing the South margin of Mile 5 Road (unimproved at this point), at approximately 1570.00 feet passing the Southwest corner of Lot 4, Block 14, Homeville Association Subdivision D and an unimproved road, at approximately 3150 feet passing the Southwest corner of Lot 4, Block 13 and Mile 4 Road (unimproved at this point), at approximately 3197.22 feet passing the Northwest corner Lot 3, Block 12, approximately 27 feet West of Los Codornices Subdivision, recorded in Volume 36, Page 159, at approximately 4725.00 feet passing the Southwest corner of Lot 4 Block 12, and the North margin of a road right of way, continuing in all approximately 4722.22 feet to the Northwest corner of Lot 3, Block 11, Homeville Association Subdivision D, said point also being in the North line of Tract 3 (473.5 Ac.) annexed to the City of Penitas;

THENCE with said annexed Tract 3, in a Northwesterly direction crossing Tom Gill Road at approximately 55.55 feet passing the Northeast corner of Lot 1, Block 34 at the Southwest intersection of Tom Gill Road and Desperado Circle Drive, continuing with the South margin of Desperado Circle and the North line of Lots 1,2 and 3, Block 34 in all approximately

1763.88 feet to a point at the Northwest corner of Lot 3, Block 34 and the Southeast intersection of two unnamed road right of ways;

THENCE in a Southwesterly direction with the East margin of a road right of way and said annexed Tract 3, at approximately 1527.78 feet passing the Southwest corner of Lot 4, Block 34 and a road right of way, at approximately 3102.78 feet passing the Southwest corner of Lot 4, Block 35 and a road right of way, at approximately 3913.89 feet passing the Southwest corner of Lot 3, Block 36, and continuing in all approximately 4486.07 feet to the East margin of a road right of way and in the West line of Lot 4, Block 36, Homeville Association Subdivision D at the POINT OF BEGINNING and containing approximately 836 acres of land.

"This document was prepared under 22 TAC §663.21, 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."

POLICE PROTECTION:

The City of Peñitas will provide the areas being annexed with Police protection services equal to the level of services being provided to the rest of the City. The Police protection services will begin immediately upon the annexation going into effect. The City will provide the services with the existing fleet which includes two new Police Patrol Tahoes just recently purchased in anticipation of additional service areas due to the annexation. The City has budgeted for two additional Police officers and two dispatchers to handle the additional service area.

FIRE PROTECTION:

The city of Peñitas currently provides Fire Protection services through inter-local agreements with the La Joya and Palmview Fire Departments. The areas being annexed are already serviced by La Joya and Palmview Fire Departments under the County's Fire Protection Services Agreement and are considered Rural Fire calls under the Hidalgo County Fire Marshall's jurisdiction. This is also the same service provided to the City of Peñitas and will include the areas being annexed. The level of service to the annexed areas will be equal to the level of service currently provided to the City of Peñitas. The fire protection service to the new areas will go into effect immediately upon the annexation going into effect. The City of Peñitas is planning on securing funding to start a Peñitas Fire Department to service the and the surrounding rural areas as designated our jurisdiction by the Hidalgo County Fire Marshall. The level of service for the entire area will be the same and will be supplemented with inter-local agreements with the Valley's Fire Departments through a Regional Mutual Aid Agreement.

WATER SERVICE:

The City of Peñitas is not currently authorized by a Certificate of Convenience and Necessity to provide potable water service. The City of Peñitas and its surrounding ETJ are presently Certified to and provided potable water by AGUA SUD. The AGUA SUD is managed by a Board of Directors elected from geographic Districts within their entire jurisdiction. The City of Peñitas has a designated Board Position to represent the city's customers. The level of service in the city and its surrounding ETJ will not be changed or diminished as a result of the proposed annexation. If the City of Peñitas is successful in getting a CCN to provide potable water services, the city would aggressively pursue funds to provide an improved level of service to all of the city's customers including those in the proposed annexation areas.

SANITARY SEWER SERVICE:

The City of Peñitas is currently served by OSSS Systems (On Site Sanitary Sewer Systems). The OSSS (Septic Tanks) are in the process of being replaced by a Grant/Loan secured by the City to Construct a Mechanical Sanitary Sewer Treatment Facility and a Collection System. The City's CCN for Sewer extends beyond the City limits and the system being constructed will service the customers in the city and the areas being annexed. Construction is already in progress and some of the areas being annexed will be serviced within 60 to 90 days and the rest of the areas will be serviced as construction is completed within the next 12 to 18 months. The level of service and fees to the newly annexed areas will be at the same level as the service and fees to the City.

SOLID WASTE SERVICE (GARBAGE):

The City of Peñitas does not presently have mandatory garbage service or an exclusive service agreement with any private sector service provider. At this time residents are free to contract with a private solid waste service provider of their choice. Residents may on their own transport their solid waste to the Hidalgo County Precinct 3 landfill located on west Military Highway in Peñitas. When the City of Peñitas initiates a solid waste collection service the level of service provided and fees charged will be equal throughout the service area including the areas being annexed.

DRAINAGE:

The City of Peñitas participates with Hidalgo County on plans to implement a drainage plan throughout the city's service area including the areas being annexed. The City is using Urban County (CDBG) funds, General Land Office Funds and County Drainage District Funding to address the drainage improvements on a regional basis.