

Ord. Number 21-10

ORDINANCE ANNEXING TERRITORY
(Cope Homes, LLC. Lexington subdivision)

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

WHEREAS, Section 43.0671 of the Texas Local Government Code authorizes the annexation of territory, subject to the laws of this state by the City of Nevada, Texas, an incorporated city,

WHEREAS, an offer of a development agreement pursuant to §43.035 of the Texas Local Government Code has been made and was waived.

WHEREAS, the procedures prescribed by the (Texas Local Government Code and/or Charter) of the City of Nevada, Texas, and the laws of this state have been duly followed with respect to the following described territory, to wit:

See the legal description of the property attached hereto as Exhibit A.

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

1. That the heretofore described property is hereby annexed to the City of Nevada, Collin County, Texas, and that the boundary limits of the City of Nevada be and the same are hereby extended to include the above described territory within the city limits of the City of Nevada, 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 Nevada and they shall be bound by the acts, ordinances, resolutions, and regulations of said city.
2. A service plan for the area is hereby adopted and attached as exhibit B.

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

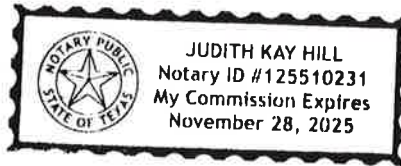
PASSED by an affirmative vote of the members of the City Council, this the 17th
day of December, 2021.

APPROVED:

[Signature]
Mayor

ATTEST:

[Signature]
City Secretary



Approved as to Form:

[Signature]
James E. Shepherd
City Attorney

NOTICE OF PUBLIC HEARING
Cope Homes LLC--Lexington

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS, THAT:

The City of Nevada, Texas proposes to institute annexation proceedings to enlarge and extend the boundary limits of said city to include the following described territory, owned by Cope Homes, LLC, to-wit:

TRACT 1--

Being a tract of land situated in the James Osgood Survey, Abstract No. 673, Collin County, Texas and being the same called 59.899 acre tract of land conveyed to G. Glen Cox and Bobby R. Varner, Jr. by deed recorded in Volume 4868, Page 2693, Deed Records, Collin County, and containing 2,609,267 square feet or 59.900 acres of land.

Tract 2—

Being a tract of land situated in the James Osgood Survey, Abstract No. 673, Collin County, Texas and being the same called 19.988-acre tract of land conveyed to Robert R. Varner, Jr. and Michael T. Braden and wife, Susan Braden by deed recorded in Volume 5271, Page 5337, Deed Records, Collin County, Texas and being more particularly described as follows: and containing 871,074 square feet or 19.997 acres of land.

A complete description by metes and bounds of each tract is available at City Hall.

A public hearing will be held by and before the City Council of the City of Nevada, Texas on the 7th day of December, 2021 at 7:15 o'clock PM in the City Council Chamber of the City Hall of the City of Nevada, Texas, for all persons interested in the above proposed annexation. At said time and place all such persons shall have the right to appear and be heard. Of all said matters and things, all persons interested in the things and matters herein mentioned, will take notice.

By order of the City Council of the City of Nevada, Texas this the 16th day of November, 2021.



Mayor

ATTEST:



City Secretary

RESOLUTION NO. 2021-03

RESOLUTION SETTING A PUBLIC HEARING ON A PROPOSED ANNEXATION-
COPE HOMES, LLC--LEXINGTON
CITY OF NEVADA

A RESOLUTION SETTING A DATE, TIME, AND PLACE FOR A PUBLIC HEARING ON THE PROPOSED ANNEXATION OF CERTAIN PROPERTY BY THE CITY OF NEVADA, TEXAS, AND AUTHORIZING AND DIRECTING THE MAYOR TO PUBLISH NOTICE OF SUCH PUBLIC HEARING.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEVADA, TEXAS:

SECTION 1. On the 7th day of December, 2021, at 7:15 pm o'clock in the City Council Chamber of the City Hall of the City of NEVADA, Texas, the City Council will hold a public hearing giving all interested persons the right to appear and be heard on the proposed annexation by the City of NEVADA, Texas of the following described property, to-wit:

TRACT 1--

Being a tract of land situated in the James Osgood Survey, Abstract No. 673, Collin County, Texas and being the same called 59.899 acre tract of land conveyed to G. Glen Cox and Bobby R. Varner, Jr. by deed recorded in Volume 4868, Page 2693, Deed Records, Collin County, and containing 2,609,267 square feet or 59.900 acres of land.

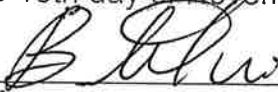
Tract 2—

Being a tract of land situated in the James Osgood Survey, Abstract No. 673, Collin County, Texas and being the same called 19.988-acre tract of land conveyed to Robert R. Varner, Jr. and Michael T. Braden and wife, Susan Braden by deed recorded in Volume 5271, Page 5337, Deed Records, Collin County, Texas and being more particularly described as follows: and containing 871,074 square feet or 19.997 acres of land.

A complete description by metes and bounds of each tract is available at City Hall.

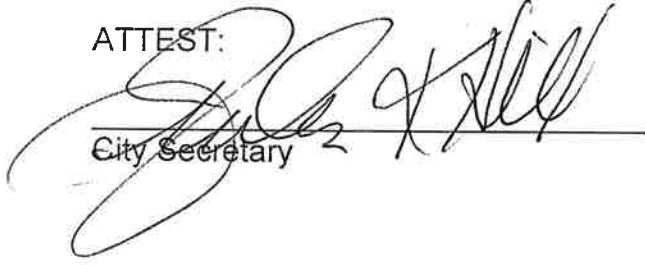
SECTION 2. The Mayor of the City of NEVADA, is hereby authorized and directed to cause notice of such public hearing to be published once in a newspaper having general circulation in the city and in the above described territory not more than twenty days nor less than ten days prior to the date of such public hearing, in accordance with the Municipal Annexation Act.

PASSED AND APPROVED this the 16th day of November, 2021.

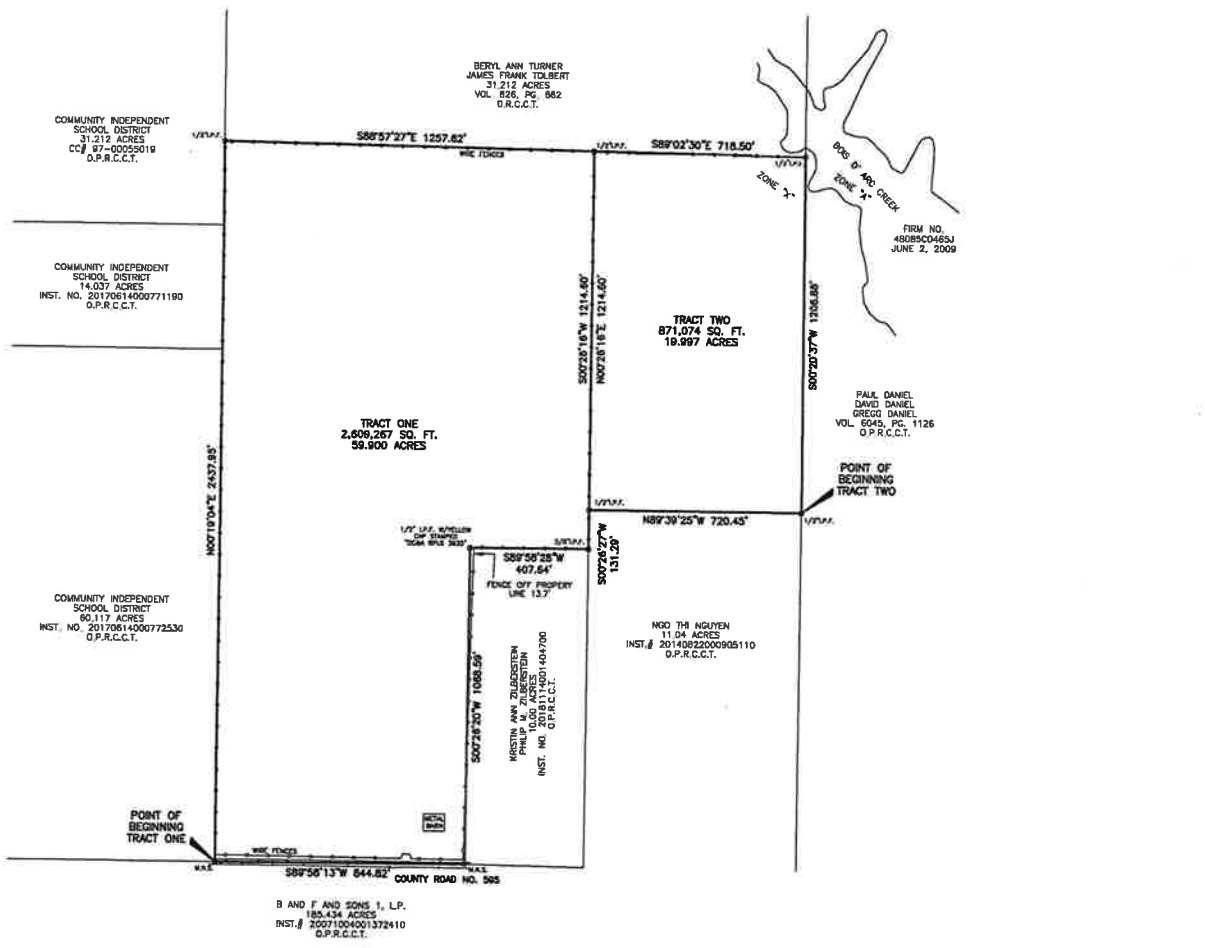
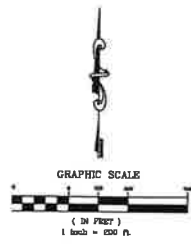


Mayor

ATTEST:



City Secretary



LEGAL DESCRIPTION
TRACT ONE

STATE OF TEXAS
COUNTY OF COLLIN

Being a tract of land situated in the James Osgood Survey, Abstract No. 673, Collin County, Texas and being the same called 59.899 acre tract of land conveyed to C. Dan Cox and Bobby R. Varner, Jr. by deed recorded in Volume 4868, Page 2693, Deed Records, Collin County, Texas and being more particularly described as follows:

Beginning at a mag nail set in the center of County Road No. 595 for the southeast corner of said 59.899 acre tract, the southeast corner of a 60.117 acre tract of land conveyed to Community Independent School District by deed recorded in instrument No. 20170614000772530, Official Public Records, Collin County, Texas, and being on the north line of a 185.434 acre tract of land conveyed to B and F and Sons L.P. by deed recorded in instrument No. 20071004001372410, Official Public Records, Collin County, Texas;

Thence, North 00°18'04" East, along the west line of said 59.899 acre tract, the east line of said 60.117 acre tract, the east line of a 14.037 acre tract of land conveyed to Community Independent School District by deed recorded in instrument No. 20170614000771190, Official Public Records, Collin County, Texas and the east line of a 31.212 acre tract of land conveyed to Community Independent School District by deed recorded in County Clerk's File No. 97-00055019, Official Public Records, Collin County, Texas, a distance of 2437.95 feet to a 1/2" iron pin found for the northeast corner of said 59.899 acre tract and being the southwest corner of a 31.212 acre tract of land conveyed to Beryl Ann Turner and James Frank Tobart by deed recorded in Volume 828, Page 652, Deed Records, Collin County, Texas;

Thence, South 59°57'27" East, along the north line of said 59.899 acre tract and the south line of said 31.212 acre tract, a distance of 1257.62 feet to a 1/2" iron pin found for the northeast corner of said 59.899 acre tract and the northeast corner of a 19.988 acre tract of land conveyed to Robert R. Varner, Jr. and Michael T. Broden and wife, Susan Broden by deed recorded in Volume 5271, Page 5337, Deed Records, Collin County, Texas;

Thence, South 02°26'18" West, along the east line of said 59.899 acre tract and the west line of said 19.988 acre tract, a distance of 1214.60 feet to a 1/2" iron pin found for the southeast corner of said 59.899 acre tract and the northeast corner of an 11.04 acre tract of land conveyed to Ngo Thi Nguyen by deed recorded in instrument No. 20140822000905110, Official Public Records, Collin County, Texas;

Thence, South 02°26'27" West, along the east line of said 59.899 acre tract and the west line of said 11.04 acre tract, a distance of 131.28 feet to a 5/8" iron pin found for the most easterly southeast corner of said 59.899 acre tract and the northeast corner of a 10.00 acre tract of land conveyed to Kristian Ann Zibershtain and Philip M. Zibershtain by deed recorded in instrument No. 20181114001404700, Official Public Records, Collin County, Texas;

Thence, South 89°58'28" West, along a south line of said 59.899 acre tract and the north line of said 10.00 acre tract, a distance of 407.84 feet to a 1/2" iron pin found with yellow cap stamped "DCBA RPLS 3933" for the re-entrant corner of said 59.899 acre tract and the northeast corner of said 10.00 acre tract;

Thence, South 02°26'20" West, along the east line of said 59.899 acre tract and the west line of said 10.00 acre tract, a distance of 1008.59 feet to a mag nail set in the center of County Road No. 595 for the southeast corner of said 59.899 acre tract, the southwest corner of said 10 acre tract and on the north line of said 185.434 acre tract;

Thence, South 89°58'13" West, along the center of County Road 595, the south line of said 59.899 acre tract and the north line of said 185.434 acre tract, a distance of 844.82 feet to the Point of Beginning and containing 2,609,267 square feet or 59.900 acres of land.

TRACT TWO

STATE OF TEXAS
COUNTY OF COLLIN

Being a tract of land situated in the James Osgood Survey, Abstract No. 673, Collin County, Texas and being the same called 19.988 acre tract of land conveyed to Robert R. Varner, Jr. and Michael T. Broden and wife, Susan Broden by deed recorded in Volume 5271, Page 5337, Deed Records, Collin County, Texas and being more particularly described as follows:

Beginning at a 1/2" iron pin found on the west line of a tract of land conveyed to Paul Daniel, David Daniel and Gregg Daniel by deed recorded in Volume 6045, Page 1126, Official Public Records, Collin County, Texas and for the southeast corner of said 19.988 acre tract and the northeast corner of an 11.04 acre tract of land conveyed to Ngo Thi Nguyen by deed recorded in instrument No. 20140822000905110, Official Public Records, Collin County, Texas;

Thence, North 89°39'25" West, along the south line of said 19.988 acre tract and the north line of said 11.04 acre tract, a distance of 720.45 feet to a 1/2" iron pin found on the east line of a 59.899 acre tract of land conveyed to C. Dan Cox and Bobby R. Varner, Jr. by deed recorded in Volume 4868, Page 2693, Deed Records, Collin County, Texas and for the southwest corner of said 19.988 acre tract and the northeast corner of said 11.04 acre tract;

Thence, North 02°26'16" East, along the west line of said 19.988 acre tract and the east line of said 59.899 acre tract, a distance of 1214.60 feet to a 1/2" iron pin found on the south line of a 31.212 acre tract of land conveyed to Beryl Ann Turner and James Frank Tobart by deed recorded in Volume 828, Page 652, Deed Records, Collin County, Texas and for the northeast corner of said 19.988 acre tract and the northeast corner of said 59.899 acre tract;

Thence, South 89°58'30" East, along the north line of said 19.988 acre tract and the south line of said 31.212 acre tract, a distance of 718.50 feet to a 1/2" iron pin found for the northeast corner of said 19.988 acre tract, the southeast corner of said 31.212 acre tract and on the west line of said Daniel tract;

Thence, South 02°26'27" West, along the east line of said 19.988 acre tract and the west line of said Daniel tract, a distance of 1206.88 feet to the Point of Beginning and containing 871,074 square feet or 19.997 acres of land.

TITLE RESOURCES GUARANTY COMPANY
OF NO. R202198CD
ISSUED: SEPTEMBER 10, 2020

PROPERTY IS NOT SUBJECT TO THE FOLLOWING:

- B - Texas Power & Light Company easmt - Vol. 310, Pg. 165, D.R.C.C.T.
- C - Texas Power & Light Company easmt - Vol. 310, Pg. 167, D.R.C.C.T.
- D - Texas Power & Light Company easmt - Vol. 609, Pg. 240, D.R.C.C.T.
- E - Hopewell Water Supply Corporation easmt - Vol. 753, Pg. 540, D.R.C.C.T.
- F - Hopewell Water Supply Corporation easmt - Vol. 753, Pg. 538, D.R.C.C.T.
- G - Hopewell Water Supply Corporation easmt - Vol. 758, Pg. 286, D.R.C.C.T.
- H - Access easmt. - Vol. 581, Pg. 25, D.R.C.C.T.
- I - Molokai Pipeline Company easmt - Vol. 3321, Pg. 877, D.R.C.C.T.
- J - Texas Utilities Electric Company easmt - Vol. 4191, Pg. 54, D.R.C.C.T.
- K - Boundary Line Agreement - Vol. 4732, Pg. 2331, D.R.C.C.T.

Bearings based on the Texas State Plane Coordinate System NAD 83, North Central Zone (4202), North American Datum of 1983.

FLOOD NOTE

ACCORDING TO MY INTERPRETATIONS OF COMMUNITY PANEL NO. A86050485L, DATED JUNE 2, 2009, OF THE NATIONAL FLOOD INSURANCE RATE MAPS FOR COLLIN COUNTY, TEXAS, THE SUBJECT PROPERTY LIES WITHIN ZONE "X" AND IS NOT SHOWN TO BE WITHIN A SPECIAL FLOOD HAZARD AREA. THIS STATEMENT DOES NOT MEAN THAT THE PROPERTY AND/OR STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE, ON RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.

I, James Barton Carroll, do hereby certify to Cape Equities, LLC, Title Resources and Ronger Title, that this survey was made on the ground and shows the boundary lines with dimensions of the land indicated hereon, shows the location of all structures and other noticeable improvements and visible items on the subject property, shows the location of all utility, streets, easements, and other matters of record of which I have been advised affecting subject property.

James Barton Carroll
JAMES BARTON CARROLL
R.P.L.S. NO. 3129



JOB # 2722-20
SEPTEMBER 22, 2020

LEGEND	
	ASPHALT SURFACE
	IRON PIN FOUND
	MAG NAIL SET

BOUNDARY SURVEY

TRACT ONE - 59.900 ACRES
TRACT TWO - 19.997 ACRES
JAMES OSGOOD SURVEY, A-673
COLLIN COUNTY, TEXAS

CARROLL CONSULTING GROUP, INC.

P.O. BOX 11 LAVON, TEXAS 75156 PHONE (972) 742-4411

COMPANY # CARROLL CONSULTING GROUP TEXAS FIRM REGISTRATION NO.: 10007200

PETITION REQUESTING ANNEXATION BY AREA LANDOWNER

TO THE MAYOR OF THE GOVERNING BODY OF NEVADA, TEXAS:

The undersigned owner(s) of the hereinafter described tract of land, which is property of the Cope Homes, LLC. and is without residents, hereby waive any requirement to be offered a development agreement pursuant to Section 43.035, and petition your honorable Body to extend the present Town limits so as to include as part of the City of Nevada, Texas, the following described territory, to wit:

Attached as Exhibit A is the territory covered by the petition by a metes and bounds description and an approved plat.

The above described tract of land will be contiguous and adjacent to the City of Nevada, Texas prior to the passage of an Annexation Ordinance by the City of Nevada; is not more than one-half mile in width [only limited by Local Government Code Section 43.028], and that this petition is signed and duly acknowledged by an authorized official of the Owner.

Owner:

Cope Homes, LLC

By: _____

Name: _____

Title: _____

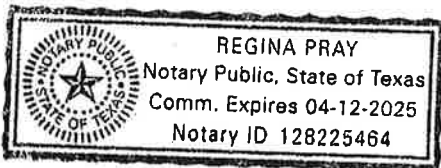
[Handwritten signature]
STEPHEN C. COPE
CEO / CHAIRMAN

THE STATE OF TEXAS

COUNTY OF COLLIN

BEFORE ME, the undersigned authority, on this day personally appeared Stephen Cope, an authorized official of Cope Homes, LLC known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this 15th day of November, 2021.



[Handwritten signature]

Notary Public in and for

Collin County, Texas.

NEVADA
MUNICIPAL SERVICE PLAN¹

FIRE

Existing Services: None

Services to be Provided: Fire suppression will be available to the area upon annexation. Primary fire response will be provided by the Nevada Volunteer Fire Department located on HW 6 in Nevada TX, with additional mutual aid services as available. Adequate fire suppression activities can be afforded to the annexed area within current budget appropriation. Fire prevention activities will be provided by the Fire Marshall's office as needed.

POLICE

Existing Services: Collin County Sheriff's Office

Services to be Provided: Currently, the area is under the jurisdiction of the Collin County Sheriff's Office and will continue to be upon annexation. It is anticipated that the implementation of police patrol activities can be effectively accommodated within the current budget and staff appropriation.

BUILDING INSPECTION

Existing Services: None

Services to be Provided: The Building Inspection services contacted by the City will provide Code Enforcement Services upon annexation. This includes issuing building, electrical and plumbing permits for any new construction and remodeling and enforcing all other applicable codes which regulated building construction within the City of Nevada.

PLANNING AND ZONING

Existing Services: None

Services to be Provided: The City Council's responsibility for regulating development and land use through the administration of the City of Nevada's Zoning Ordinance will extend to this area on the effective date of the annexation. The property will also continue to be regulated under the requirements of the City of Nevada's Subdivision Ordinance. These services can be provided within the department's current budget. A capital improvements plan and comprehensive zoning plan are being reviewed and revised by the City Council.

HEALTH DEPARTMENT- HEALTH CODE ENFORCEMENT SERVICE

Existing Services: None

Services to be Provided: The Collin County Health Department may at their option implement the enforcement of the City of Nevada's health ordinances and regulations on the effective date of the annexation.

STREET

Existing Services: County Street Maintenance of County roadways

Services to be Provided: Maintenance to the street facilities will be provided by the City upon the effective date of the annexation.

STORM WATER MANAGEMENT

Existing Services: None

Services to be Provided: Developers will provide storm water drainage at their own expense and will be inspected by the City Engineers at time of completions. The City will then maintain the drainage in public drainage easements upon approval.

STREET LIGHTING

Existing Services: None

Services to be Provided: None

TRAFFIC ENGINEERING

Existing Services: None

Services to be Provided: The Traffic Engineering Department will be able to provide, after the effective date of annexation, any additional traffic control devices required by state law for the City to provide.

WATER SERVICE

Existing Services: None

Services to be Provided: Water service to the area will be provided by Nevada SUD in compliance with their regulations. The City of Nevada does not provide water or sanitary sewer services.

SANITARY SEWER SERVICE

Existing Services: None

Services to be Provided: Sanitary sewer service is not provided by the City of Nevada.

SOLID WASTE SERVICES

Existing Services: None

Services to be Provided: Solid Waste Collection shall be provided to the area of annexation in accordance with the present ordinance. Service shall comply with existing City policies, beginning with occupancy of structures.

MISCELLANEOUS

All other applicable existing municipal services will be provided to the area in accordance with the City of Nevada's policies governing extension of municipal services to newly annexed areas.