



**AGENDA ITEM REQUEST FORM
CITY OF JOHNSON CITY, TEXAS
CITY COUNCIL**

ITEM NO. 15

MEETING DATE: April 6, 2021

AGENDA PLACEMENT:

- Ceremonial
- Consent
- Individual
- Closed Session

CAPTION:

Discussion of and action on the certification of a petition received from City Staff for annexation of Lake Johnson City, it being a portion of the Pedernales River, and 1709 U.S. 290 W. and 201 Patten Dr., commonly referred to as the PEC Solar Farm and the Hohenberger Home, all currently owned by the City of Johnson City, and directing City Staff to commence annexation proceedings of the subject parcels. (Staff)

EXECUTIVE SUMMARY:

To City Staff's knowledge, the City of Johnson City has not annexed Lake Johnson City, the PEC Solar Farm, nor the Hohenberger Home. The attached petition must be certified by the Mayor, and City Staff must be directed to commence annexation proceedings on said parcels.

There are several options for annexation of properties the City currently owns:

Sec. 43.014. AUTHORITY TO ANNEX LIMITED TO EXTRATERRITORIAL JURISDICTION.

A municipality may annex area only in its extraterritorial jurisdiction unless the municipality owns the area.

OPTION 1: Annexation of City-Owned Property via Subchapter C-1.

The City can annex the tract as an "Area Owned by [a] Type-A Municipality." With this type of annexation, the annexation procedures contained in Chapter 43, Subchapter C-1 of the TLGC apply.

Sec. 43.012. AUTHORITY OF TYPE A GENERAL-LAW MUNICIPALITY TO ANNEX AREA IT OWNS.

The governing body of a Type A general-law municipality by ordinance may annex area that the municipality owns under the procedures prescribed by Subchapter C-1. The ordinance must describe the area by metes and bounds and must be entered in the minutes of the governing body.

OPTION 2: Annexation on Request of Owners via Subchapter C-3.

The City could petition for annexation as “owner of the tract”.

Sec. 43.0671. AUTHORITY TO ANNEX AREA ON REQUEST OF OWNERS. Notwithstanding Subchapter C-4 or C-5, a municipality may annex an area if each owner of land in the area requests the annexation. This annexation would be conducted under Subchapter C-3.

Annexation of the aforementioned properties does not expand the City’s Extraterritorial Jurisdiction (ETJ).

FINANCIAL: N/a

ATTACHMENTS:

- Annexation packet / petition
- Lake Johnson City metes and bounds description
- 1709 U.S. 290 W. (PEC Solar Farm) metes and bounds description
- 201 Patten Dr. (Hohenberger Home) metes and bounds description

SUGGESTED ACTION:

Motion to approve certification of a petition received from City Staff for annexation of Lake Johnson City, it being a portion of the Pedernales River, and 1709 U.S. 290 W. and 201 Patten Dr., commonly referred to as the PEC Solar Farm and the Hohenberger Home, all currently owned by the City of Johnson City, and directing City Staff to commence annexation proceedings of the subject parcels.

PREPARED BY: CAO/City Secretary Rick Schroder

DATE SUBMITTED: 3/29/21



Development Services
P.O. Box 369 (Mailing)
303 E. Pecan St. (Physical)
Johnson City, Texas 78636
(830) 868-7111, Ext. 4
(830) 868-7718 (Fax)

APPLICATION DATE: 4/6/21

ANNEXATION PACKET (LESS THAN 3 LANDOWNERS)

The City of Johnson City, Texas is pleased that you are considering voluntary annexation into our City. This packet explains the annexation process in a Type A General Law Municipality, and it provides the required Annexation Petition Form for presentment to the Johnson City City Council.

Questions to consider before beginning the voluntary annexation process:

- 1) Is the territory located within the City of Johnson City's Extraterritorial Jurisdiction (ETJ)?
- 2) Is the territory contiguous to the City limits?
- 3) How many homes are in the territory?

The City of Johnson City is a Type A General Law Municipality and can only annex territory at the request of area landowners or voters. The territory must be contiguous to the City limits, and it must meet other criteria, explained herein, before the annexation process can begin. The Petition for Annexation must be signed by a majority of the landowners or voters living in the territory to be annexed.

The request for annexation will be considered solely by the City Council, which holds sole discretion in granting or denying a Petition for Annexation. Annexations may be granted within ninety (90) days after the petition is certified by the Mayor.

The procedure for an annexation is as follows:

- 1) Landowners or voters submit a petition requesting annexation by the City of Johnson City.
- 2) The petition is reviewed by the City Staff to determine if the area meets the required criteria.
- 3) At a City Council meeting, the Mayor certifies the petition and directs City Staff to commence annexation proceedings. Public hearing dates are set at this time.
- 4) The Municipal Service Plan is prepared by City Staff and written notice is mailed to property owners.
- 5) The City Council holds two (2) public hearings.
- 6) The City Council approves, denies, or approves with modifications an annexation ordinance with an effective date.
- 7) Zoning classifications will be assigned within 180 days after annexation.

This information is intended to provide general information regarding voluntary annexation. Please contact the Chief Administrative Officer / City Secretary at rschroder@johnsoncitytx.org or 830.868.7111, Ext. 8, for more information.

**Petition Requesting Annexation
by Area Landowners**

TO THE MAYOR OF THE GOVERNING BODY OF THE CITY OF JOHNSON CITY, TEXAS:

The undersigned owners of the hereinafter described tract of land, which is vacant and without residents or on which fewer than three qualified voters reside, hereby petition your honorable Body to extend the present City limits so as to include as part of the City of Johnson City, Texas the following described territory, to wit:

(Please describe the territory covered by the Petition by metes and bounds or attach a copy of your deed.) Please see attachment.

We certify that the above described tract of land is contiguous and adjacent to the City of Johnson City, Texas, is not more than one-half mile in width, and that this Petition is signed and duly acknowledged by each and every person or corporation having an interest in said land.

Signed: _____

Rick A. Schroder, Chief Administrative Officer / City Secretary

Signed: _____

City of Johnson City, Texas

Signed: _____

**STATE OF TEXAS§
COUNTY OF BLANCO§**

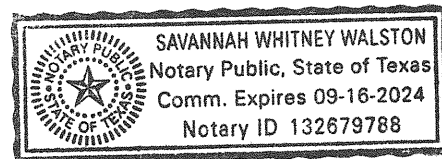
Before me, the undersigned authority, on this day personally appeared Rick A. Schroder, and Rick A. Schroder, known to me to be the person(s) whose name(s) is/are subscribed to the forgoing instrument and acknowledged to me that she/he executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office, the 6th day of April, 2021.

Notary Public:

S. Whitney Walston

Printed Name: S. Whitney Walston



THE STATE OF TEXAS ()
COUNTY OF BLANCO ()

KNOW ALL MEN BY THESE PRESENTS:

That we, JAMES ROSS LEONARD and wife, YVONNE G. LEONARD, hereinafter called "the undersigned," for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS and other valuable consideration deemed fully adequate, paid to the undersigned by the City of Johnson City, a municipal corporation of Blanco County, State of Texas, receipt whereof is hereby acknowledged, have GRANTED, SOLD and CONVEYED and by these presents do GRANT, SELL and CONVEY unto the said City of Johnson City, Texas, hereinafter called "City," all of the following land in Blanco County, Texas,

viz:

Said land is situated on the Pedernales River in Blanco County, Texas, and comprises 9.82 acres of land, part of Survey No. 41, patented to Jack Shackelford, by Patent No. 416, Volume 5, dated September 20, 1849, recorded in the Deed Records of Blanco County, Texas, in Volume 55, Page 175, and .58 acre, part of Survey No. 40, W. D. Talley.

Said tract of 10.4 acres of land is described by metes and bounds as follows, to-wit:

BEGINNING at a point in the center of the Pedernales River for the North corner of that 93.8 acre tract of land that was conveyed by Mrs. Emma Prehn to James Ross Leonard by deed dated October 7, 1947, recorded in Volume 59, Page 408;

THENCE down the Pedernales River in its center S. 43° 30' E. 770.5 feet; S. 44° 45' E. 745 feet to the East line of the Johnson City Lake project;

THENCE with East line of the Johnson City Lake project S. 46° 30' W. 327.46 feet to a stake in a branch for the South corner of the Johnson City Lake project and the South corner of this tract of land;

THENCE with the South side of the said project, N. 43° 02' W. 633.94 feet an iron stake; N. 52° 16' W 284.38 feet an iron stake; S. 78° 08' W. 190.36 feet an iron stake; N. 47° 23' E. 173.13 feet an iron stake; N. 44° 55' W. 164.77 feet an iron stake in West line of the said James Ross Leonard property and the East line of the J. Lloyd Lester property;

THENCE North 497.65 feet to the place of BEGINNING.

It is understood and agreed that said City proposes to construct a dam in the Pedernales River down stream from the above land to a crest spillway elevation of approximately 1110 feet above mean sea level as established by U. S. G. S. Bench Marks, and the above land is acquired for use therewith. The undersigned hereby waives (jointly and severally if more than one) any and all damages that the undersigned, or the heirs, successors or assigns of the undersigned, has or have sustained or at anytime hereafter may sustain, as to any of the remainder of any lands or premises adjoining the above tract now owned by the undersigned, by the construction or maintenance of said dam, and do release any and all riparian rights owned or held by the undersigned in and to any waters impounded by said dam.

It is understood neither party is obligated to fence said land to separate it from adjoining land, but either party may do so. Use by the undersigned, or any heirs, successors or assigns of the undersigned, shall not be deemed adverse to the City or commence the running of any statutes of limitation.

Undersigned hereby reserves and retains the oil and gas under such land, provided, they, nor their heirs or assigns, shall not have a right to disturb the City's surface works or improvements in order to prospect for or produce the same.

The undersigned for themselves, their heirs and assigns, reserve an easement for travel or passage of persons or vehicles across the above land from the remaining adjacent land now owned by them to reach the water impounded above said dam, and if said land is fenced, an appropriate gated opening or openings in said fence can be made for this purpose.

The undersigned also reserves for themselves or their tenants the right to take water (at their own cost and expense), from the land to be impounded for use upon their adjoining lands for domestic purposes and

livestock use, but not for re-sale or distribution to others.

TO HAVE AND TO HOLD the above described lands and rights unto said City, its successors and assigns, FOREVER. The undersigned hereby binds the undersigned and any legal representatives thereof, to WARRANT and FOREVER DEFEND all and singular said lands and rights to said City, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

DATED this 27 day of MARCH, A. D. 1967.



James Ross Leonard
James Ross Leonard

Yvonne G. Leonard
Yvonne G. Leonard

THE STATE OF TEXAS X

COUNTY OF BLANCO X



BEFORE ME, the undersigned authority, on this day personally appeared JAMES ROSS LEONARD, 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 considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 27 day of MARCH, A. D. 1967.

Barbara Milligan
Notary Public, Blanco County,
TEXAS.

THE STATE OF TEXAS X

COUNTY OF BLANCO X

BEFORE ME, the undersigned authority, on this day personally appeared YVONNE G. LEONARD, wife of JAMES ROSS LEONARD, known to me to be the person whose name is subscribed to the foregoing instrument, and having been examined by me, privily and apart from her husband, and having the same fully explained to her, she, the said YVONNE G. LEONARD, acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 27 day of MARCH, A. D. 1967.

Barbara Milligan
Notary Public, Blanco County,
TEXAS

WARRANTY DEED (LONG FORM)

THE STATE OF TEXAS
COUNTY OF BLANCO

} KNOW ALL MEN BY THESE PRESENTS:

That I, J. C. WEST, a single man,

of the County of Blanco and State of Texas for and in
consideration of the sum of TEN AND NO/100-----
-----(\$10.00)-----DOLLARS

and other valuable consideration to the undersigned paid by the grantee herein named, the receipt of which
is hereby acknowledged, and for which no lien is retained, either express or
implied,

have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto

THE CITY OF JOHNSON CITY, TEXAS

of the County of Blanco and State of Texas, all of

the following described real property in

Blanco County, Texas, to-wit:

4.0 acres of land situated in Blanco County, Texas, being part of
Survey No. 167, originally granted and patented to Zeno J. Hemphill
by Patent No. 256, Vol. 1, dated May 28, 1841, Abstract No. 262, and
being a portion of that 8.0 acre tract of land, more or less, that
was conveyed by The Blanco National Bank to W. T. Wood, et ux, by deed
dated January 28, 1957, recorded in Vol. 66, page 296, of the Deed
Records of Blanco County, Texas, and being more fully described by
metes and bounds as follows, to wit:

BEGINNING at a steel bar found set near fence post, being a point in the South right-of-way line of U. S. Highway No. 290 and being a point 122.0 feet S. 88° 06' W. and 102.8 feet S. 88° 32' W. from the N. E. corner of the aforesaid mentioned 8.0 acre tract of land, more or less, that was conveyed to W. T. Wood, et ux, for the N. E. corner of this tract of land;

THENCE with the South right-of-way line of U. S. Highway No. 290 S. 88° 32' W. 451.9 feet to a steel bar set for the N. W. corner of this tract of land;

THENCE S. 0° 10' E. 385.7 feet to a steel bar set in fence line for the S. W. corner of this tract of land;

THENCE with fence, N. 88° 38' E. 451.9 feet to a steel bar found set at fence post for the S. E. corner of this tract of land;


THENCE with fence, N. 0° 10' W. 386.5 feet to the place of beginning.

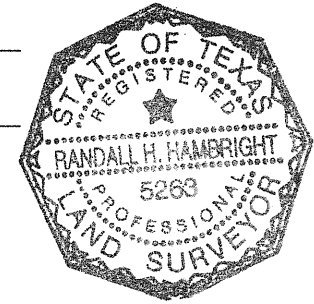
This conveyance is made and accepted SUBJECT TO the following:

1. An easement from W. T. Wood and wife, Ruth Wood to Southwestern Bell Telephone Company, dated December 14, 1963, recorded in Volume 71, Page 489, Deed Records of Blanco County, Texas, as it affects the property.

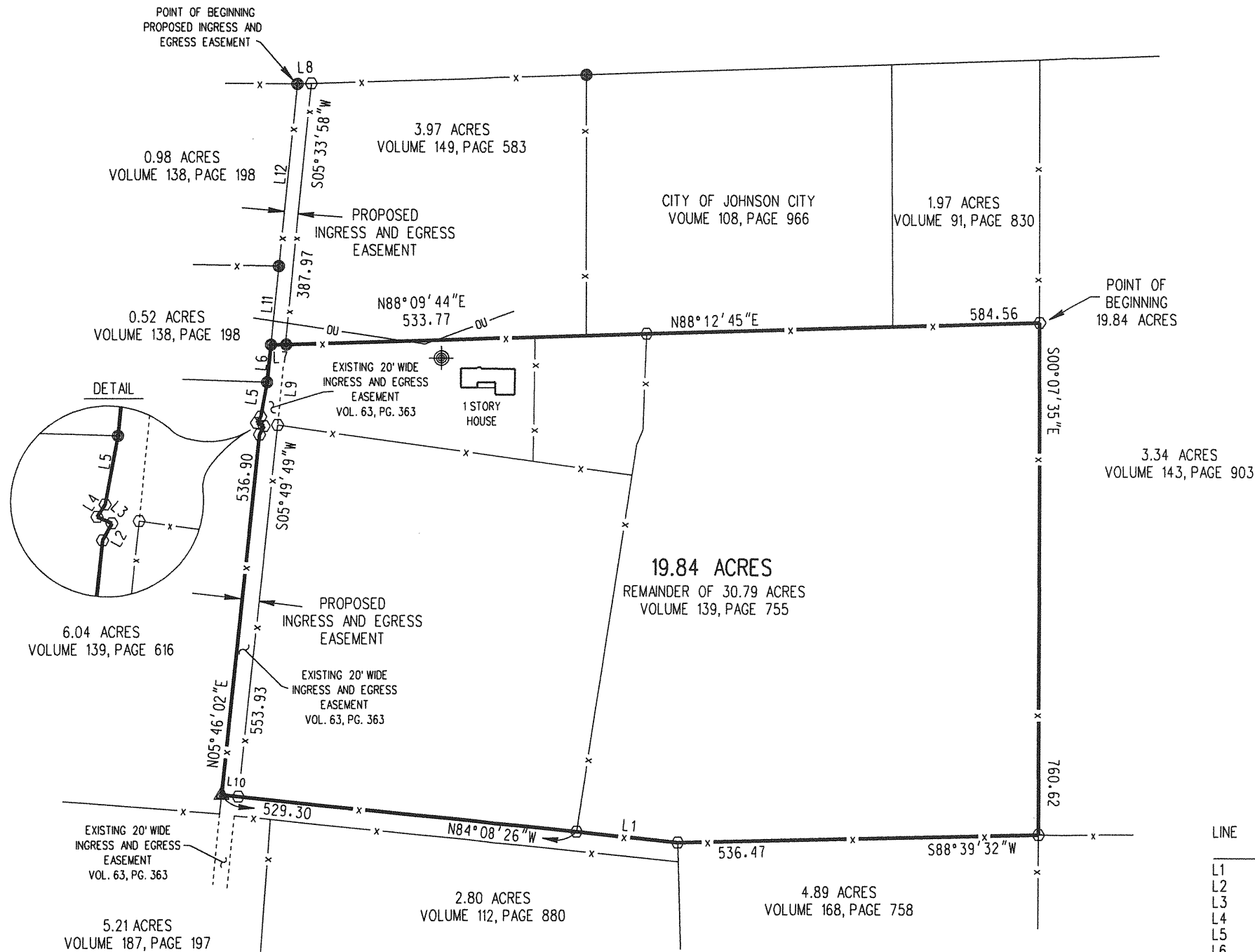
EASEMENTS, AS LISTED IN SCHEDULE B OF FIRST AMERICAN TITLE INSURANCE COMPANY'S COMMITMENT FOR TITLE INSURANCE GF NO. 06-307 EFFECTIVE NOVEMBER 27, 2006 AFFECTING THE SUBJECT PROPERTY ARE SHOWN HEREON.

I, RANDALL H. HAMBRIGHT, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY TO THE CITY OF JOHNSON CITY, FIRST AMERICAN TITLE INSURANCE CORPORATION, COUNTYWIDE TITLE COMPANY AND LENDER, THAT I HAVE MADE A SURVEY ON THE GROUND OF THE PROPERTY SHOWN HEREON AND THAT THERE ARE NO DISCREPANCIES, CONFLICTS, ENCROACHMENTS, VISIBLE UTILITY LINES OR EASEMENTS KNOWN TO ME EXCEPT AS SHOWN HEREON AND THAT SAID PROPERTY HAS ACCESS TO AND FROM AN INGRESS AND EGRESS EASEMENT.

10-09-06
 DATE

 RANDALL H. HAMBRIGHT, R.P.L.S. NO. 5263

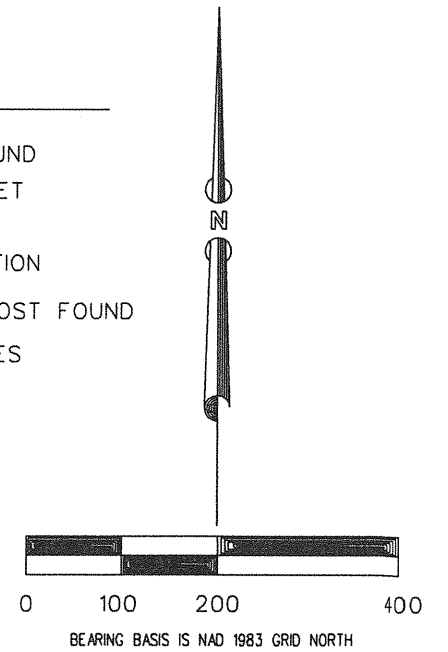


U.S. HIGHWAY NO. 290



LEGEND

- 1/2" IRON ROD FOUND
- ▲ CONCRETE NAIL SET
- x-x- WIRE FENCE
- () RECORD INFORMATION
- FENCE CORNER POST FOUND
- OU OVERHEAD UTILITIES
- ⊕ WATER WELL



LINE	DIRECTION	DISTANCE
L1	N83° 57' 40" W	151.09
L2	N28° 18' 49" E	14.36
L3	N66° 21' 39" W	11.91
L4	N32° 33' 55" E	10.95
L5	N10° 30' 12" E	51.91
L6	N05° 45' 23" E	55.95
L7	N89° 08' 40" E	22.84
L8	N87° 56' 26" E	20.21
L9	S05° 24' 55" W	119.84
L10	N84° 08' 26" W	24.76
L11	N05° 45' 01" E	116.94
L12	N05° 44' 48" E	270.71

RK 12-15-06
 KA 12-15-06
 JH 12-15-06

JOB NO: 006-358
 DATE: 12-09-06

HAMBRIGHT LAND SURVEYING

P.O. BOX 1226
 JOHNSON CITY, TEXAS 78636
 PHONE (830) 868-2574
 FAX (830) 868-2576
 EMAIL: HAMBRIGHT@MOMENT.NET

MAP TO ACCOMPANY FIELD NOTE NO. 006-358

SURVEY OF 19.84 ACRES SITUATED IN THE ZENO J. HEMPHILL SURVEY NO. 167, ABSTRACT NO. 262, BLANCO COUNTY, TEXAS

HAMBRIGHT LAND SURVEYING

P.O. BOX 1226
JOHNSON CITY, TEXAS 78636

PHONE: (830) 868-2574
FAX: (830) 868-2576

DECEMBER 09, 2006, JOB NO. 006-358, FIELD NOTE NO. 006-358,
PROJECT: 19.84 ACRE SURVEY

FIELD NOTES

A DESCRIPTION OF A 19.84 ACRE TRACT OF LAND BEING THE REMAINING PORTION OF THAT CERTAIN 30.79 ACRE TRACT OF LAND DESCRIBED IN VOLUME 139, PAGE 755 OF THE DEED RECORDS OF BLANCO COUNTY, TEXAS, SITUATED IN THE ZENO J. HEMPHILL SURVEY NO. 167, ABSTRACT NO. 262 IN SAID COUNTY, SAID 19.84 ACRES AS SHOWN ON THE ACCOMPANYING MAP BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a 4 inch metal fence post found for the northeast corner of said 19.84 acres, being the northeast corner of said 30.79 acres, being the southeast corner of that certain 1.97 acre tract of land described in Volume 91, Page 830 of the Deed Records of said County and being in the west line of said certain 3.34 acre tract of land described in Volume 143, Page 903 of the Deed Records of said County;

THENCE along the east line of said 19.84 acres, being the east line of said 30.79 acres and being the west line of said 3.34 acres, S00°07'35"E, 760.62 feet to a 4 inch metal fence post found for the southeast corner of said 19.84 acres, being the northeast corner of that certain 4.89 acre tract of land described in Volume 168, Page 758 of the Official Public Records of said County;

THENCE along the south line of said 19.84 acres, being the north line of said 4.89 acres, crossing said 30.79 acres, S88°39'32"W, 536.47 feet to a 4 inch metal fence post found for the northwest corner of said 4.89 acres, being the northeast corner of that certain 2.80 acre tract of land described in Volume 112, Page 880 of the Deed Records of said County and being a southerly interior corner of said 30.79 acres;

THENCE continuing along the south line of said 19.84 acres, being the north line of said 2.80 acres and , N84°08'26"W, 529.30 feet to a concrete nail set for the southwest corner of said 19.84 acres, being a southerly ell corner of said 30.79 acres, being a north corner of that certain 5.21 acre tract of land described in Volume 187, Page 197 of the Official Public Records of said County and being in the east line of that certain 6.04 acre tract of land described in Volume 139, Page 616 of the Deed Records of said County;

HAMBRIGHT LAND SURVEYING

P.O. BOX 1226
JOHNSON CITY, TEXAS 78636

PHONE: (830) 868-2574
FAX: (830) 868-2576

THENCE along the west line of said 19.84 acres, being the east line of said 6.04 acres, crossing said 30.79 acres, the following five (5) courses;

1. N05°46'02"E, 536.90 feet to a 4 inch metal fence post
2. N28°18'49"E, 14.36 feet to a 4 inch metal fence post,
3. N66°21'39"W, 11.91 feet to a 4 inch metal fence post,
4. N32°33'55"E, 10.95 feet to a 4 inch metal fence post,
5. N10°30'12"E, 51.91 feet to a ½ inch iron rod found for the northeast corner of said 6.04 acres, being the southeast corner of that certain 0.52 acre tract of land described in Volume 138, Page 198 of the Deed Records of said County and being in the west line of said 30.79 acres;

THENCE continuing along the west line of said 19.84 acres, being the west line of said 30.79 acres and being the east line of said 0.52 acre, N05°45'23"E, 55.95 feet to a ½ inch iron rod found for the northwest corner of said 19.84 acres, being the northwest corner of said 30.79 acres and being the southwest corner of that certain 3.97 acre tract of land described in Volume 149, Page 583 of the Official Public Records of said County;

THENCE along the north line of said 19.84 acres, being the north line of said 30.79 acres, being the south line of said 3.97 acres, the south line of that certain tract of land described in Volume 108, Page 966 and the south line of said 1.97 acres, N89°08'40"E, 22.84 feet to a ½ inch iron rod found, N88°09'44"E, 533.77 feet to a 2 inch metal fence post found and N88°12'45"E, 584.56 feet to the POINT OF BEGINNING containing 19.84 acres of land, more or less.



12-09-06

Page 2 of 2

Any provisions herein which restricts the sale, rental or use of the described property because of color or race is invalid and unenforceable under Federal law STATE OF TEXAS COUNTY OF BLANCO I hereby certify that this instrument was FILED in File Number Sequence on the date and the time stamped heron by me and was duly RECORDED in Official Public records of Real Property of Blanco County, Texas on

DEC 22 2006



Karen Neuman
COUNTY CLERK
BLANCO COUNTY, TEXAS