

ORDINANCE NO. 678

AN ORDINANCE GRANTING THE PETITION FOR ANNEXATION FILED BY DONALD AND BONNIE BOGY, FOR A PARCEL OF LAND CONSISTING OF APPROXIMATELY 5.496 ACRES OF LAND, BEING OUT OF A CALLED 18.51 ACRE TRACT IN THE J. H. BELL 1-1/2 LEAGUE GRANT, ABSTRACT 40, BRAZORIA COUNTY, TEXAS; PROVIDING FOR SEVERABILITY; AND MAKING FINDINGS AND PROVISIONS RELATIVE TO THE SUBJECT.

**WHEREAS**, on March 31, 2020, Donald and Bonnie Bogy (hereinafter called the “Petitioners”), the owners of the tract of land described herein, filed a Petition for Voluntary Annexation of said tract of land consisting of approximately 5.496 acres of land, being out of a called 18.51 acre tract in the J. H. Bell 1-1/2 League Grant, Abstract 40, Brazoria County, Texas, as further described by metes and bounds description attached hereto as Exhibit “A” and made a part of this Ordinance hereof (the “Property”), requesting the annexation of the Property located within the extraterritorial jurisdiction of the City of West Columbia; said Property being one-half mile or less in width, is contiguous to the City of West Columbia, and is vacant and without residents or on which fewer than three (3) qualified voters reside; and

**WHEREAS**, the Texas Local Government Code, Section 43.028, allows the annexation of a sparsely occupied area on petition of the area landowner; and

**WHEREAS**, public hearings at two separate City Council meetings, where all interested persons were provided an opportunity to be heard on the proposed Petition for Annexation of the Property, were held on May 11, 2020 and June 8, 2020, at the West Columbia City Hall, located at 512 E. Brazos Avenue, West Columbia, Texas;

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

**Section 1.** That all of the recitals and preambles hereinabove stated are found to be true and correct and are incorporated herein and made a part of this Ordinance.

**Section 2.** That the Property, as described by metes and bounds description attached hereto as Exhibit “A” and made a part of this Ordinance hereof, lying adjacent to and adjoining the City of West Columbia, Texas, is hereby added and annexed to the City of West Columbia, Texas, and said territory hereinafter described shall hereafter be included within the boundary limits of the City of West Columbia, Texas, and the present boundary limits of such City, at the various points contiguous to the area hereinafter described, are altered and amended so as to include said area within the corporate limits of the City of West Columbia, Texas.

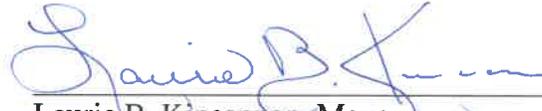
**Section 3.** That the above described Property and the area so annexed shall be a part of the City of West Columbia, Texas and the Property so added hereby shall bear its pro rata part of the taxes levied by the City of West Columbia, Texas, and the inhabitants thereof shall be entitled to all of the rights and privileges of all the citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the City of West Columbia, Texas.

**Section 4.** Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application thereof ineffective or inapplicable as to any land, property, or territory, such unconstitutionality, illegality, invalidity, or ineffectiveness of such sections or part shall in no wise affect, impair, or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect.

**Section 5.** Should this Ordinance for any reason be ineffective as to any part of the area hereby annexed to the City of West Columbia, such ineffectiveness of this Ordinance as to any such part or parts of any such area shall not affect the effectiveness of this Ordinance as to all of the remainder of the area. If there is included within the territory described in Section 2 of this Ordinance to be annexed to the City of West Columbia any lands or area which are presently part of and included within the limits of any other city or within the extraterritorial jurisdiction of any other city, or which are not within the City of West Columbia’s jurisdiction to annex, the same is hereby excluded and excepted from the territory to be annexed as fully as if such excluded and excepted area were expressly described herein.

PASSED AND APPROVED in West Columbia, Texas this 8th day of June,  
2020.

CITY OF WEST COLUMBIA, TEXAS

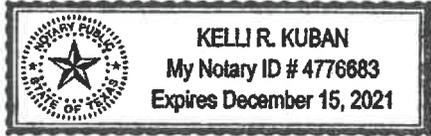
  
\_\_\_\_\_  
Laurie B. Kincannon, Mayor

ATTEST:

  
\_\_\_\_\_  
Kelli R. Kuban, City Secretary

STATE OF TEXAS  
COUNTY OF BRAZORIA

This instrument was acknowledged before me on the 8th day of June, 2020, by Laurie B. Kincannon, the Mayor of the City of West Columbia, Texas.



Kelli R. Kuban  
Notary Public, State of Texas

Kelli R. Kuban  
Notary's Printed Name

Commission Expires: 12/15/21

Please Return Copy to:  
Kelli R. Kuban, City Secretary  
City of West Columbia  
512 E. Brazos Avenue  
West Columbia, Texas 77486

EXHIBIT "A"

Metes and Bounds Description of the Property



***Doyle & Wachtstetter, Inc***

Surveying and Mapping • GPS/GIS

**5.496 ACRE TRACT  
J. H. BELL 1-1/2 LEAGUE GRANT, ABSTRACT 40  
BRAZORIA COUNTY, TEXAS**

ALL THAT CERTAIN 5.496 ACRES of land being out of a called 18.51 acre tract conveyed to Donald and Bonnie Bogy in County Clerk's File 06-062363 of the Brazoria County Official Records and situated in the J. H. Bell 1-1/2 League Grant, Abstract 40, Brazoria County, Texas and more particularly described by metes and bounds using survey terminology which refers to the Texas State Plane Coordinates System, South Central Zone, NAD 83 in which the directions are Lambert grid bearings and the distances are horizontal surface level lengths as follows:

**BEGINNING** at a found 1/2" iron pipe in the east right-of-way line of 14<sup>th</sup> Street and marking the southwest corner of Lot 1, Block 1 of the Wildwood Subdivision recorded in Volume 16, Pages 69-70 of the Brazoria County Plat Records, same being the most westerly northwest corner of the aforementioned 18.51 acre tract;

**THENCE** North 77°26'29" East, coincident with the south line of said Wildwood Subdivision, same being the most westerly north line of said 18.51 acre tract, a distance of 551.09 feet to a found 1/2" iron pipe marking the southeast corner of Lot 7, Block 1 of said Wildwood Subdivision, same being the southwest corner of Lot 8, Block 1 of said Wildwood Subdivision;

**THENCE** South 12°33'31" East, a distance of 451.08 feet to a set 5/8" iron rod for corner in the north line of a called 911.69 acre tract conveyed to the United States of America in County Clerk's File 12-037354 of the Brazoria County Official Records, same being the south line of said 18.51 acre tract;

**THENCE** South 78°36'33" West, coincident with the north line of said United States of America 911.69 acre tract, same being the south line of said 18.51 acre tract, a distance of 523.44 feet to a found 1/2" iron pipe for corner in the east right-of-way line of 14<sup>th</sup> Street;

**THENCE** North 16°09'55" West, coincident with the east right-of-way line of 14<sup>th</sup> Street, same being the most westerly west line of said 18.51 acre tract, a distance of 441.28 feet to the **POINT OF BEGINNING** containing 5.496 acres of land, more or less.



**Charles D. Wachtstetter**  
Registered Professional Land Surveyor  
Texas Registration Number 4547  
March 5, 2020

