

ORDINANCE

NO. OR02-2022-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS APPROVING A PETITION FOR VOLUNTARY ANNEXATION OF APPROXIMATELY 107.33 ACRES OF LAND LOCATED WITHIN A PORTION OF THE JACKSON COUNTY SCHOOL LAND SURVEY ABSTRACT NO. 435 AND THE J. M. GOLSTON SURVEY, ABSTRACT NO. 301, AND GENERALLY LOCATED ON THE NORTH SIDE OF US HIGHWAY 67, ON THE EAST SIDE OF COUNTY ROAD 1123 AND APPROXIMATELY 2,100 FEET SOUTH OF WOODARD AVENUE; AS REQUESTED BY HMI CLEBURNE RV, LLC; EXTENDING THE BOUNDARY LIMITS OF THE CITY TO INCLUDE THE DESCRIBED PROPERTY IN THE 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 THE CITY; PROVIDING FOR AMENDMENT TO THE OFFICIAL MAP; DIRECTING THE CITY SECRETARY TO FILE COPY WITH COUNTY CLERK AND APPRAISAL DISTRICT; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AREAS EXCEPTED FROM ANNEXATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Cleburne, Texas, is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the Texas Local Government Code, the City Charter of the City of Cleburne and the laws of the State authorize the annexation of territory by the City, subject to the requirements therein and the laws of this State; and

WHEREAS, the property owner, HMI Cleburne RV, LLC, has submitted a petition for voluntary annexation of approximately 107.33 acres of land in accordance with Section 43.0671 of the Texas Local Government Code; and

WHEREAS, after proper notice was provided in accordance with Chapter 43 of the Texas Local Government Code, a public hearing on the proposed annexation was held before the Cleburne City Council at their regular meeting on February 22, 2022; and

WHEREAS, a public meeting in relation thereto at which parties in interest and citizens had an opportunity to be heard was held by the City Council at their regular meeting on February 22, 2022, after due notice in the manner provided by law; and

WHEREAS, the property described below and depicted in the map attached to this Ordinance as **Exhibit “A”** (the “Territory”) is within the exclusive extraterritorial jurisdiction of the City of Cleburne and is contiguous to the City; and

WHEREAS, a Service Agreement has been negotiated and approved and is attached to this Ordinance as **Exhibit “B”**; and

WHEREAS, all requirements of law have been met for annexation of the territory in compliance with Chapter 43 of the Texas Local Government Code;

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

SECTION ONE. Findings of Fact. All the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION TWO. Annexation. All portions of approximately 107.33 acres located within a portion of the Jackson County School Land Survey, Abstract No. 435 and the J.M. Golston Survey, Abstract No. 301, and generally located on the north side of US Highway 67, on the east side of County Road 1123 and approximately 2,100 feet south of Woodard Avenue; as described by metes and bounds and as depicted on the map attached as **Exhibit “A”**, which is incorporated into this ordinance for all purposes located in Johnson County, Texas, are hereby annexed to the City of Cleburne as a part of the city for all municipal purposes, and the city limits are extended to include the Territory. The owners and inhabitants of the Territory are entitled to all the rights and privileges of all other citizens and property owners of the City of Cleburne, and are bound by all acts, ordinances, and all other legal action now in full force and effect and all those which may be subsequently adopted.

SECTION THREE. Official Map. The official map and boundaries of the City, previously adopted, are amended to include the Territory as a part of the City of Cleburne, Texas. The City Secretary is directed and authorized to perform or cause to be performed all acts necessary to correct the official map of the city to add the territory annexed as required by law.

SECTION FOUR. Duty to Record. The City Secretary is directed to file or cause to be filed a certified copy of this ordinance in the offices of the County Clerk of Johnson County, Texas and with the Johnson County Appraisal District. The City Secretary is authorized to file all other notices of this ordinance as required under any law of the State.

SECTION FIVE. Service Plan. The Service Plan for the Territory, attached as **Exhibit “B”** and incorporated in this Ordinance, has been approved and is hereby made a part of this ordinance for all purposes.

SECTION SIX. Cumulative Clause. This ordinance shall be cumulative of all provisions of ordinances of the City of Cleburne, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

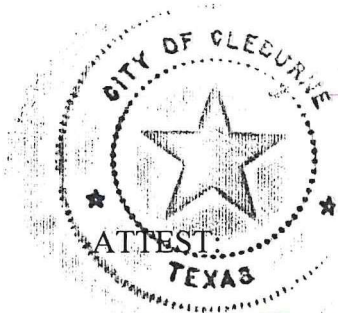
SECTION SEVEN. Severability Clause. Should any section or part of this ordinance be held unconstitutional, illegal or invalid, or the application thereof, the unconstitutionality,


illegality, invalidity or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof, but as to such remaining portions, the same shall be and remain in full force and effect.

SECTION EIGHT. Areas Excepted from Annexation. Should this ordinance for any reason be ineffective as to any part of the area hereby annexed to the City of Cleburne, 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 the remainder of such area. The City Council hereby declares it to be its purpose to annex to the City of Cleburne every part of the area described in Section 1 and **Exhibit "A"** of this ordinance, regardless of whether any part of such described area is hereby not effectively annexed to the City. Provided, further, that if there is included within the general description of territory set out in Section 1 and **Exhibit "A"** of this ordinance to be hereby annexed to the City of Cleburne any lands or area which are presently part of and included within the limits of any other city, town or village, for which permission is not granted for Cleburne to annex, the same is hereby excluded and excepted from the territory to be annexed hereby as fully as if such excluded and excepted area were expressly described in this ordinance, if permission has not been granted.

SECTION NINE. Effective Date. This Ordinance shall become effective immediately upon its passage, and it is so ordained.

PASSED AND APPROVED this the 22nd day of February, 2022, at a Regular Meeting of the City Council of the City of Cleburne, Texas.




Ivy Peterson, City Secretary

CITY OF CLEBURNE

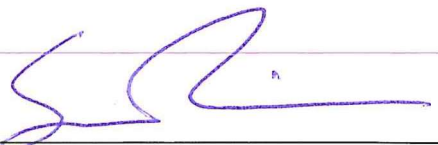
BY: 
Scott Cain, Mayor

EXHIBIT "A"

WALKER, WARREN, & JORDAN SURVEYING & MAPPING - 10819 HWY 69 N. TYLER, TX 75706 - TBELS No: 10025300



SURVEYED 95.619 ACRES
JACKSON COUNTY SCHOOL LAND SURVEY, A-435
J.M. GOLSTON SURVEY, A-301
JOHNSON COUNTY, TEXAS
J21-0422

April 7th, 2021

Field Note description for a 95.619 acre tract being located in the JACKSON COUNTY SCHOOL LAND SURVEY, Abstract No. 435 and the J.M. GOLSTON SURVEY, Abstract No. 301, Johnson County, Texas, and being all of a called 96.615 acre tract conveyed to Tony Lynn Cecil and Barbara Ann Jones Cecil, Co-Trustees as described and recorded in Document No. 2014-19064 of the Deed Records, Johnson County, Texas, said 95.619 acre tract to be more particularly described as follows.

Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, N.A.D. 1983.

BEGINNING at Concrete Monument (Type II) for the Southeast corner of herein described tract, same being the P.C. of a curve to the left and being on the Northerly line of State Highway No. 67;

THENCE in a Southwesterly direction with said Northerly line of State Highway No. 67 and with a curve turning to the left an arc distance of 233.07 feet to a 4" Pipe fence corner for the Southwest corner of herein described tract, same being the Southeast corner of a tract conveyed to Albert Bernice Talley and Deborah Jean Talley as described and recorded in Document No. 2017-24521, said curve having the following functions: Delta = 00 deg. 31 min. 42 sec., Radius = 25,271.33 feet, Chord = South 60 deg. 59 min. 29 sec. West, - 233.07 feet;

THENCE generally with a fence line the following courses and distances as follows:

North 72 deg. 13 min. 26 sec. West a distance of 635.49 feet to a 1/2" Iron Rod found;

North 57 deg. 24 min. 33 sec. West a distance of 50.07 feet to a 1/2" Iron Rod found for an interior corner of herein described tract, same being the Northeast corner of said Talley tract;

South 49 deg. 54 min. 05 sec. West a distance of 196.79 feet to a 1/2" Iron Rod found for corner of herein described tract, same being the Northwest corner of said Talley tract and being on the East line of a called 70.562 acre tract conveyed to Morris Texas Properties, LLC as described and recorded in Volume 4267, Page 58;

THENCE North 31 deg. 21 min. 30 sec. West with the East line of said 70.562 acre tract a distance of 2,940.90 feet to a 1/2" Iron Rod found for a Northwest corner of herein described tract, same being the Northeast corner of said 70.562 acre tract, same being a South line of a called 162.5 acre tract conveyed to BST Partners, Ltd. as described and recorded in Volume 4451, Page 385;

THENCE North 59 deg. 32 min. 58 sec. East a distance of 782.78 feet to a 1/2" Iron Rod set for an interior corner of herein described tract, same being a corner of said 162.5 acre tract;

THENCE North 30 deg. 44 min. 41 sec. West a distance of 326.22 feet to a 1/2" Iron Rod set for the Northerly Northwest corner of herein described tract, same being an interior corner of said 162.5 acre tract;

THENCE North 60 deg. 15 min. 49 sec. East with the Northerly South line of said 162.5 acre tract a distance of 753.36 feet to a 5/8" Iron Rod found for the Northeast corner of herein described tract;

THENCE in a Southerly direction generally along a fence the following courses and distances as follows:

South 22 deg. 16 min. 04 sec. East a distance of 1,367.98 feet to a 5/8" Iron Rod found;

EXHIBIT "A"

SURVEYED 95.619 ACRES
JACKSON COUNTY SCHOOL LAND SURVEY, A-435
J.M. GOLSTON SURVEY, A-301
JOHNSON COUNTY, TEXAS
J21-0422

South 19 deg. 08 min. 02 sec. East a distance of 850.56 feet to a 5/8" Iron Rod found;
South 27 deg. 38 min. 03 sec. East a distance of 997.15 feet to a 5/8" Iron Rod found;
South 10 deg. 34 min. 39 sec. East a distance of 600.55 feet TO THE POINT OF BEGINNING
AND CONTAINING **95.619 ACRES** OF LAND.

I, Casey Jordan, do hereby state that these Field Notes represent an on the ground survey made under my supervision in April, 2021, and is being submitted along with a Plat of said tract herein described.


Casey Jordan
Registered Professional Land Surveyor
State of Texas No. 6789



EXHIBIT "A"

SURVEYED: 95.619 ACRES - HENDERSON ST. - CLEBURNE, TEXAS

Johnson County,
Texas

JACKSON COUNTY SCHOOL LAND SURVEY, A-435

J.M. GOLSTON SURVEY, A-301
CITY OF CLEBURNE



BST PARTNERS, LTD.
CALLED 162.5 ACRES
VOLUME 4451, PAGE 385

MORRIS TEXAS PROPERTIES LLC
CALLED 70.562 ACRES
VOLUME 4267, PAGE 58

**SURVEYED:
95.619 ACRES**
TONY LYNN CECIL AND
BARBARA ANN JONES CECIL, CO-TRUSTEES
CALLED 96.615 ACRES
DOC. NO. 2014-19084

TITLE COMMITMENT:

FIDELITY NATIONAL TITLE INSURANCE COMPANY
OF NO. 2101276-WJA
EFFECTIVE DATE: MARCH 10, 2021, 8:00 AM
ISSUED DATE: MARCH 18, 2021, 8:00 AM

SCHEDULE "B" ITEMS:

1. 10(e) DOES NOT EFFECT.
2. 10(f) AS SHOWN.
3. 10(g) DOES EFFECT, THE EXACT LOCATION CANNOT BE DETERMINED FROM THE RECORD DOCUMENT.
4. 10(h) DOES EFFECT.
5. 10(i) DOES EFFECT, THE EXACT LOCATION CANNOT BE DETERMINED FROM THE RECORD DOCUMENT.

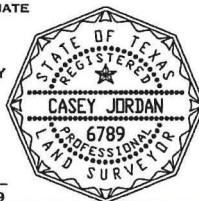
LINE	BEARING	DISTANCE
L1	N 57°24'33" W	150.07'
L2	S 45°54'05" W	1196.79'
L3	N 30°44'41" W	326.22'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	1233.07'	25271.33'	0°31'42.29"	S 60°59'29" W	1233.07'


NOTE: BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE 4202, N.A.D. 1983.

I, CASEY JORDAN, DO HEREBY STATE THAT THIS PLAT REPRESENTS AN ON THE GROUND SURVEY MADE UNDER MY DIRECT SUPERVISION ON APRIL 1ST, 2021.


REGISTERED PROFESSIONAL LAND SURVEYOR No. 6789



- = COTTON SPINDLE FOUND/SET
- = 1/2" IRON ROD FOUND/SET
- FENCE
- OVERHEAD ELECTRIC LINE
- = WATER METER
- = POWER POLE
- = PIPELINE MARKER
- = GAS METER
- = PIPELINE MARKER
- = TELE. PEDESTAL
- = IRRIGATION VALVE
- = WATER VALVE
- = CABLE BOX/PEDESTAL
- = SEPTIC LID/EQUIPMENT
- = PROPANE TANK
- = AIR CONDITIONER

WALKER, WARREN, & JORDAN
SURVEYING & MAPPING
 10819 US HWY 69 N
TYLER, TX 75706
903-534-9000
TBPELS FIRM NO. 10025300

PROJECT MANAGER: BLOCKER
ADDRESS: 2490 W HENDERSON ST.
CITY/COUNTY: CLEBURNE, JOHNSON CO.
SURVEY/ABSTRACT NO.: A-301
SUBDIVISION: N/A
LOT/BLOCK NO.: N/A
CLIENT: CHAD DANNEHEIM

PREPARED BY: S.W.T. ON APRIL 1ST, 2021

JOB No. 21-0422


400 0 400

SCALE: 1" = 400'

EXHIBIT "A"

WALKER, WARREN, & JORDAN SURVEYING & MAPPING - 10819 HWY 69 N. TYLER, TX 75706 - TBELS No: 10025300



SURVEYED 11.710 ACRES
JACKSON COUNTY SCHOOL LAND SURVEY, A-435
JOHNSON COUNTY, TEXAS
J21-0422

April 7th, 2021

Field Note description for a 11.710 acre tract being located in the JACKSON COUNTY SCHOOL LAND SURVEY, Abstract No. 435, Johnson County, Texas, being part of a called 70.562 acre tract (Tract 1) and being part of a called 70.562 acre tract (Tract 2), both of which were conveyed to Morris Texas Properties, LLC as described and recorded in Volume 4267, Page 58 of the Deed Records, Johnson County, Texas, said 11.710 acre tract to be more particularly described as follows.

Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, N.A.D. 1983.

BEGINNING at 1/2" Iron Rod found for the Northeast corner of herein described tract, same being the Northeast corner of said Tract 2, same being the Southerly Northwest corner of a called 95.615 acre tract conveyed to Tony Lynn Cecil and Barbara Ann Jones Cecil as described and recorded in Document No. 2014-19064 and being on a South line of a called 162.5 acre tract conveyed to BST Partners, Ltd. as described and recorded in Volume 4451, Page 385;

THENCE South 31 deg. 21 min. 30 sec. East generally along a fence and with the West line of said 95.615 acre tract a distance of 275.02 feet to a 1/2" Iron Rod set for the Southeast corner of herein described tract;

THENCE South 59 deg. 15 min. 12 sec. West across said Tract 2 and Tract 1 a distance of 1,852.17 feet to a 1/2" Iron Rod set for the Southwest corner of herein described tract, same being on the Easterly right of way of County Road No. 1123;

THENCE North 32 deg. 25 min. 41 sec. West with said right of way a distance of 275.16 feet to a 1/2" Iron Rod set for the Northwest corner of herein described tract, same being the Northwest corner of said Tract 1;

THENCE North 59 deg. 15 min. 17 sec. East generally along a fence and with the North line of said Tract 2 and Tract 1 a distance of 1,857.31 feet to the **POINT OF BEGINNING AND CONTAINING 11.710 ACRES OF LAND.**

I, Casey Jordan, do hereby state that these Field Notes represent an on the ground survey made under my supervision in April, 2021, and is being submitted along with a Plat of said tract herein described.


Casey Jordan
Registered Professional Land Surveyor
State of Texas No. 6789



Johnson EXHIBIT "A"
County, Texas

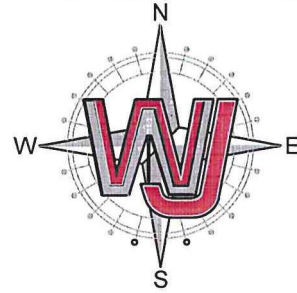
JACKSON COUNTY SCHOOL LAND SURVEY, A-435

TITLE COMMITMENT:

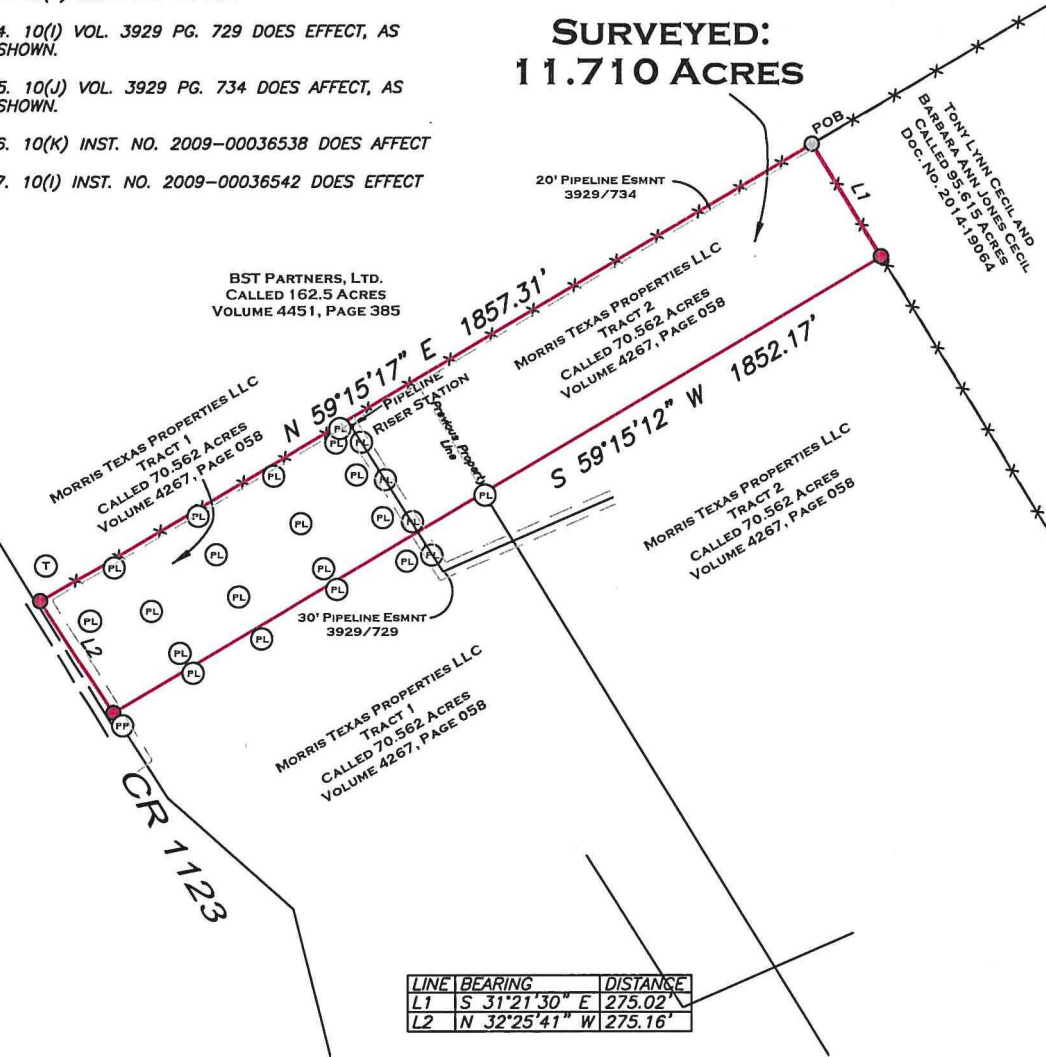
FIDELITY NATIONAL TITLE INSURANCE COMPANY
 GF NO. 2101471-WJA
 EFFECTIVE DATE: MAY 7, 2021, 8:00 AM
 ISSUED DATE: MAY 18, 2021, 8:00 AM

SCHEDULE "B" ITEMS:

1. 10(f) DOES NOT EFFECT.
2. 10(g) THE EXACT LOCATION CANNOT BE DETERMINED FROM THE RECORDED DOCUMENT.
3. 10(h) DOES NOT EFFECT.
4. 10(i) VOL. 3929 PG. 729 DOES EFFECT, AS SHOWN.
5. 10(j) VOL. 3929 PG. 734 DOES AFFECT, AS SHOWN.
6. 10(k) INST. NO. 2009-00036538 DOES AFFECT
7. 10(l) INST. NO. 2009-00036542 DOES EFFECT



**SURVEYED:
11.710 ACRES**



LINE	BEARING	DISTANCE
L1	S 31°21'30" E	275.02'
L2	N 32°25'41" W	275.16'

NOTE: BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE 4202, N.A.D. 1983.

I, CASEY JORDAN, DO HEREBY STATE THAT THIS PLAT REPRESENTS AN ON THE GROUND SURVEY MADE UNDER MY DIRECT SUPERVISION ON APRIL, 2021.

[Signature]
 REGISTERED PROFESSIONAL LAND SURVEYOR No. 6789



- = COTTON SPINDLE FOUND/SET
- = 1/2" IRON ROD FOUND/SET
- FENCE — X — X — X — X — X — X — X — X
- OVERHEAD ELECTRIC LINE — E — E — E — E — E — E — E — E
- WM = WATER METER
- PP = POWER POLE
- PL = PIPELINE MARKER
- GM = GAS METER
- EM = ELECTRIC METER
- T = TELE. PEDESTAL
- = IRRIGATION VALVE
- = WATER VALVE
- = CABLE BOX/PEDESTAL
- = SEPTIC LID/EQUIPMENT
- = PROPANE TANK
- = AIR CONDITIONER

<p>WALKER, WARREN, & JORDAN SURVEYING & MAPPING</p> <p>10819 US HWY 69 N TYLER, TX 75706 903-534-9000 TBPELS FIRM NO. 10025300</p>	<p>PROJECT MANAGER: BLOCKER ADDRESS: 2490 W HENDERSON ST. CITY/COUNTY: CLEBURNE, JOHNSON CO. SURVEY/ABSTRACT NO.: A-435 SUBDIVISION: N/A LOT/BLOCK NO.: N/A CLIENT: CHAD DANNEHEIM</p>	<p>PREPARED BY: S.W.T. ON APRIL 1ST, 2021 JOB No. 21-0422</p>
	<p>300 0 300</p> <p>SCALE: 1" = 300'</p>	

EXHIBIT "B"

AGREEMENT FOR CITY OF CLEBURNE ANNEXATION SERVICE PLAN FOR

An approximately 107.33 acre tract of land, being a portion of the Jackson County School Land Survey, Abstract 435 and the J.M. Golston Survey, Abstract No. 301, City of Cleburne, Johnson County Texas, generally located on the north side of US Highway 67, on the east side of County Road 1123 and approximately 2,100 feet south of Woodard Avenue. See Attached Map.

This Agreement is entered into between the City of Cleburne and HMI - Cleburne PV LLC (Owner) pursuant to Section 43.0672 of the Texas Local Government Code. The parties agree to the provision of services set forth below.

SERVICES CURRENTLY PROVIDED:

1. PLATTING

SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION:

1. POLICE PROTECTION

The City of Cleburne (the City) will provide police protection to the newly annexed tract at the same or similar level of service now being provided to other areas of the City with similar topography, land use, and population within the newly annexed area.

2. FIRE PROTECTION AND AMBULANCE SERVICE

The City will provide fire protection and ambulance service to the newly annexed tract at the same or similar level of service now being provided to other areas of the City with similar topography, land use, and population within the City.

3. SOLID WASTE COLLECTION

Upon payment of any required deposits and the agreement to pay lawful service fees and charges, solid waste collection will be provided to citizens in the newly annexed area.

4. MAINTENANCE OF WATER AND WASTEWATER FACILITIES

Any and all water or wastewater facilities owned or maintained by the City at the time of the proposed annexation shall continue to be maintained by the City. Any and all water or wastewater facilities which may be acquired subsequent to the annexation of the proposed area shall be maintained by the City to the extent of its ownership.

EXHIBIT "B"

5. MAINTENANCE OF ROADS AND STREETS

Any and all public roads, streets, or alleyways which have been dedicated to the City, or which are owned by the City shall be maintained to the same degree and extent that other roads, streets and alleyways are maintained in areas with similar topography, land use, and population density. Any and all lighting of roads, streets, and alleyways which may be positioned in a right-of-way, roadway, or utility company easement shall be maintained by the applicable utility company servicing the City pursuant to the rules, regulations and fees of such utility.

6. MAINTENANCE OF PARKS, PLAYGROUNDS AND SWIMMING POOLS

The City Council of the City of Cleburne, Texas, is not aware of the existence of any public parks, playgrounds or swimming pools now located in the area proposed for annexation. In the event any such parks, playgrounds or swimming pools do exist and are public facilities, the City will maintain such areas to the same extent and degree that it maintains parks, playgrounds, and swimming pools and other similar areas of the City now incorporated in the City.

7. MAINTENANCE OF MUNICIPALLY OWNED FACILITY, BUILDING OR MUNICIPAL SERVICE

The City Council of the City of Cleburne, Texas, is not aware of the existence of any municipally owned facility, building or other municipal service now located in the area proposed for annexation. In the event any such municipally owned facility, building or municipal service does exist and are public facilities, the City will maintain such areas to the same extent and degree that it maintains publicly owned facilities, buildings or municipal services of the City now incorporated in the City.

CAPITAL IMPROVEMENTS

1. GENERAL

a. The City policy for extending water and wastewater service is to extend service on an as required basis when development applications or subdivision plats are submitted to the City in accordance with the City's subdivision, development ordinances, and utility connection policies.

b. Landowners may be required to fund capital improvements necessary to provide service in a manner consistent with law. Nothing in this plan shall be interpreted to require a landowner within the newly annexed area to fund capital improvements necessary to provide municipal services in a manner inconsistent with Chapter 395 of the Texas Local Government Code, unless otherwise agreed to by the landowner.

2. POLICE PROTECTION, FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

The City Council of the City of Cleburne, Texas finds and determines it to be unnecessary to acquire or construct any capital improvement for the purposes of providing police protection,

EXHIBIT "B"

fire protection, or emergency medical services. The City Council finds and determines that it has at the present time adequate facilities to provide the same type, kind and level of protection and service which is presently being administered to other areas already incorporated in the City of Cleburne, Texas, with the same or similar topography, land use, and population density, without reducing by more than a negligible amount the level of fire, police and emergency services provided within the corporate limits of the City.

3. WATER FACILITIES

The City Council of the City of Cleburne, Texas, has determined that the area to be annexed is dually certified and is within both the City of Cleburne Certificate of Convenience and Necessity (CCN) and the Johnson County Special Utility District Certificate of Convenience and Necessity (CCN). Water service is available and may be provided by either entity in accordance with state law and the policies of both entities. If further development occurs that warrants extension or expansion of City water mains, such extension or expansion will be in accordance with the City's utility policies. Upon connection to existing mains, water will be provided at rates established by the Utility Provider.

4. WASTEWATER FACILITIES

The City Council of the City of Cleburne, Texas, has determined that the area to be annexed is within the Cleburne Certificate of Convenience and Necessity (CCN) and service may be provided by that entity. If development occurs that warrants extension or expansion of the existing wastewater facilities, such extension or expansion will be in accordance with the City's utility policies. Upon connection to existing mains, sewer will be provided at rates established by the City.

5. ROADS AND STREETS

The City Council of the City of Cleburne, Texas, finds and determines it to be unnecessary to acquire or construct road or street lighting in the area to be annexed to provide the same degree of road and street lighting as is provided in areas of similar topography, land use and population density within the present corporate limits of the City. Maintenance of properly dedicated roads and streets will be consistent with the maintenance provided by the City to other roads and streets in areas of similar topography, land use and subdevelopment of the annexed property. Developers will be required pursuant to the ordinances of the City of Cleburne, Texas, to provide internal and peripheral streets and to construct those streets in accordance with the specifications required by the City of Cleburne, Texas, for the properly dedicated street. City participation in capital expenditures will be in accordance with city policies.

SPECIFIC FINDINGS

The City Council of the City of Cleburne, Texas finds and determines that this proposed Service Plan will not provide any fewer services, and it will not provide a lower level of service in the area proposed to be annexed than were in existence in the proposed area at the time

EXHIBIT "B"

immediately preceding the annexation process.

Because of the differing characteristics of topography, land utilization, and population density, the service levels which may ultimately be provided in the newly annexed area may differ somewhat from services provided other areas of the City of Cleburne, Texas. These differences are specifically dictated because of differing characteristics of the property and the City of Cleburne, Texas will undertake to perform consistent with this contract to provide the newly annexed area with the same type, kind and quality of service presently enjoyed by the citizens of the City of Cleburne, Texas who reside in areas of similar topography, land utilization and population.

APPROVED ON THIS 22nd DAY OF February, 2022.



City of Cleburne, Texas
[Signature]
Scott Cain, Mayor

ATTEST:
[Signature]
Ivy Peterson, City Secretary

AGREED:
By: [Signature]
Print Name: Chad Dannheim
Title: Manager

STATE OF TEXAS §
COUNTY OF Tarrant §

Before me on this day personally appeared Chad Dannheim known to me (or proved to me on the oath of Manager or through TX DL (description of identity card or other document) to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he/she is authorized by HMI-Cleburne PV LLC to execute the foregoing for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 22nd day of February, 2022.

[Notary Seal]

[Signature]
Notary Public, State of Texas

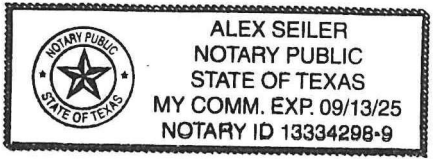


EXHIBIT "B"

By: [Signature]
Print Name: Justin McWilliams
Title: Manager

STATE OF TEXAS §
COUNTY OF Tarrant §

Before me on this day personally appeared Justin McWilliams known to me (or proved to me on the oath of Manager or through TX DL (description of identity card or other document) to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he/she is authorized by HMI-Cleburne P.V, LLC to execute the foregoing for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 22nd day of February, 2022.

[Notary Seal]

[Signature]
Notary Public, State of Texas

