

**CITY OF ARCHER CITY, TEXAS**  
**ORDINANCE NO. 374**

**AN ORDINANCE PROVIDING FOR THE ANNEXATION INTO THE CITY OF ARCHER CITY OF PROPERTY GENERALLY DESCRIBED BELOW AND FULLY DESCRIBED AND DEPICTED IN EXHIBIT A, LOCATED WITHIN THE CURRENT EXTRATERRITORIAL OF THE CITY OF ARCHER CITY, TEXAS, FOR ALL MUNICIPAL PURPOSES; APPROVING AN AGREEMENT REGARDING SERVICES FOR SUCH TERRITORY; PROVIDING FOR FILING NOTICE OF THIS ANNEXATION IN DEED RECORDS OF ARCHER COUNTY AND WITH THE ARCHER COUNTY APPRAISAL DISTRICT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Archer City, Texas, is a Type A general-law municipality located in Archer County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the property owner is the City of Archer City, and council approval of this ordinance is thus considered a proper petition requesting the annexation of the area described below; 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 City Council of the City of Archer City; and

**WHEREAS**, all procedural requirements in Chapter 43 of the Texas Local Government Code have been accomplished; and

**WHEREAS**, all of the property described in this Ordinance is adjacent to and within the exclusive extraterritorial jurisdiction of the City of Archer City; and

**WHEREAS**, an Agreement Regarding Services After Annexation has been negotiated with the property owner and is attached to and adopted with this Ordinance; and

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

**SECTION 1.**  
**ANNEXATION**

That all portions of the following parcel (the Territory) located in Archer County, Texas, are hereby annexed to the City of Archer City as a part of the city for all municipal purposes, and the city limits are extended to include such Territory: an area of approximately 44.8-acres in the J.W. Armstrong Survey, Abstract 762 and 0.369-acres in the Burkett Addition, commonly known as the Archer City Golf Course (the Country Club property). A description of the Country Club property is attached as Exhibit A and a depiction of that property is attached as Exhibit B. Both exhibits are incorporated into this Ordinance for all purposes. In the event of a discrepancy between the description and depiction, the depiction shall control.

**SECTION 2.  
RIGHTS AND DUTIES OF OWNERS AND  
INHABITANTS IN NEWLY ANNEXED AREA**

The owners and inhabitants of the Territory are entitled to all of the rights and privileges of all other citizens and property owners of the City of Archer City, 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 3.  
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 Archer City, 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 town to add the territory annexed as required by law. A copy of the revised map shall be filed with the Archer County Central Appraisal District.

**SECTION 4.  
FILING CERTIFIED COPY**

The City Secretary is directed to file or cause to be filed a certified copy of this ordinance in the office of the county clerk of Archer County, Texas and with the Archer County Appraisal District.

**SECTION 5.  
SERVICE AGREEMENT**

The Agreement for Services After Annexation, which is attached as Exhibit C and incorporated into this Ordinance, is approved in all things and made a part of this Ordinance for all purposes.

**SECTION 6.  
CUMULATIVE CLAUSE**

This ordinance shall be cumulative of all provisions of ordinances of the City of Archer City, 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 7.  
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 8.  
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 Archer City, 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 Archer City every part of the area described in Section 1 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 of this ordinance to be hereby annexed to the City of Archer City 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 Archer City 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 herein, if permission has not been granted.

**SECTION 9.  
ENGROSS AND ENROLL**

The City Secretary of the City of Archer City is directed to engross and enroll this ordinance by copying the caption, publication clause and effective date clause in the minutes of the City Council and by filing the ordinance in the ordinance records of the City.

**SECTION 10.  
EFFECTIVE CLAUSE**

This ordinance shall be in full force and effect from and after its passage, and it is so ordained.

**PASSED AND APPROVED** this 20th day of June, 2023.

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Jake Truette, Mayor

ATTEST:

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Kim Whitsitt, City Secretary

**EXHIBIT A  
DESCRIPTION OF COUNTRY CLUB  
PROPERTY**

# Country Club

## EXHIBIT "A"

FIRST TRACT: Being the surface rights only in a 15.959 acre tract of land out of the J.M. Armstrong Survey, Abstract 762, Archer County, Texas, and being more particularly described as follows: COMMENCING at the Southwest corner of J.M. Armstrong Survey, Abstract 762; THENCE North 3646.8 feet to the BEGINNING of this tract, set a 1/2 inch square reinforcing rod in the center of abandoned Archer City-Olney Road, said BEGINNING of this tract also 1693.0 feet North of Southwest corner of 100.99 acre tract; THENCE North along center of said abandoned road 800.0 feet to a 1/2 inch reinforcing rod in place; THENCE North 89° 12' E 868.5 feet set a 1/2 inch square reinforcing rod in fence line; THENCE South 00° 08' East 800.0 feet set a 1/2 inch square reinforcing rod; THENCE South 89° 12' West 869.5 feet to the place of BEGINNING, and containing 15.959 acres of land, more or less.

SECOND TRACT: 23.15 acres of land out of 100.99 acre tract of J.M. Armstrong Survey, Abstract 762, Archer County, Texas, more particularly described by metes and bounds as follows: BEGINNING at a point 498 feet West of the Northeast corner of a tract of 100.99 acres formerly conveyed by C.L. Abercrombie and Sam Cowan to Z.T. Burkett on July 8, 1925, recorded in Volume 104, Page 204 of the Archer County Deed Records; THENCE South 89° 27' West with an old fence along the North line of said 100.99 acre tract 1017.7 feet to the West line of J.M. Armstrong Survey, a point in the center of Archer City-Olney Road, now abandoned; THENCE South with an old fence along the West line of said Armstrong Survey 1001.0 feet to a point; THENCE North 89° 12' East with an old fence 1017.7 feet to a point; THENCE North 00° 08' West 1000.9 feet with an old fence to the place of BEGINNING and containing 23.15 acres of land, more or less. (Being the same land conveyed by Z.T. Burkett, et ux, to W.H. Taylor by Deed dated September 3, 1926, recorded in Volume 113, Page 489 et seq. Deed Records of Archer County, Texas)

THIRD TRACT: 3.33 acres of land, more or less, out of the J.M. Armstrong Survey, Abstract 762, described as follows: BEGINNING at a point in the North line of Second Tract, above described, 310.5 feet West of the Northeast corner of said Second Tract, an iron pipe set in fence corner, being the occupation corner of a 3.33 acre tract described in Deed to C.L. Abercrombie and W.H. Taylor, dated March 23, 1929, recorded in Volume 133, Page 74, Deed Records of Archer County, Texas; THENCE North 00° 54' East along a fence 189.5 feet to an iron pipe set in fence corner; THENCE North 89° 13' West along the occupation fence of said 3.33 acre tract 706 feet to the Northwest corner of said 3.33 acre tract being in the center of the Archer City-Olney Road and in the West line of said Armstrong Survey, an iron pipe; THENCE South on West line of Armstrong Survey 209.5 feet; the Northwest corner of Second Tract, above described; THENCE East along the North line of Second Tract, 706 feet to BEGINNING. (Being the same land described in the above mentioned Deed to Abercrombie and Taylor dated March 23, 1929)

FOURTH TRACT: Lots One (1) through Ten (10), Block Two (2), Burkett's First Addition to Archer City, Texas, according to the Plat thereof recorded in volume 2, Page 41, Plat Records of Archer County, Texas,

SAVE AND EXCEPT a 0.80 acre tract of land out of Lots 2, 3, 4, 7, 8, and 9, Block 2 of Burkett Addition to town of Archer City, Archer County, Texas, described by metes and bounds as follows: BEGINNING at an iron rod in the West line of South Ash Street and in the East line of Lot 4, Block 2, Burkett's Addition which bears North 00° 55' East a distance of 1.6 feet from its Southeast corner; THENCE North 89° 05' West parallel to and 1.6 feet North of the South line of Lot 4 a distance of 218.7 feet to an iron rod for the Southwest corner of this tract, which bears West 4.7 feet and North 1.6 feet from the Southeast corner of Lot 7, Block 2; THENCE North 00° 55' East a distance of 156.0 feet to an iron rod for the Northwest corner of this tract; THENCE North 88° 45' East a distance of 218.9 feet to an iron rod in the West line of South Ash Street and the East line of Lot 2, Block 2, which bears North 00° 55' East a distance of 15.9 feet from its Southeast corner; THENCE South 00° 55' West with the West line of South Ash Street a distance of 164.3 feet to the place of BEGINNING and containing 0.80 acre of land, AND

SAVE AND EXCEPT a tract of land in Archer County, Texas, including all of Lot 5, parts of Lots 4, 6, and 7; and part of a 20 foot wide alley closed by that instrument filed in Volume 326, Page 444, Archer County Deed Records, all located in Block 2, Burkett Addition, an Addition to the City of Archer City, Texas, as recorded in Volume 21, Page 41, Archer County Plat Records, said tract being more specifically described by metes and bounds as follows: BEGINNING at a 1/2 inch iron rod located in the West right-of-way line of South Ash Street, said iron rod being the Southeast corner of that certain 0.80 acres tract conveyed to Larry McMurtry by the Archer City Country Club in that Warranty Deed recorded in Volume 488, Page 22, Archer County Deed Records, and also being the Northeast corner of this description; THENCE along the West right-of-way line of South Ash Street, South 00° 55' West 78.6 feet to a point for the Southeast corner of said Lot 5, Block 2, and the intersection of the West right-of-way line of South Ash Street and the North right-of-way of Third Avenue, and also being the Southeast corner of this description; THENCE along the North right-of-way line of Third Avenue, North 89° 05' West 218.7 feet to a point in the South line of said Lot 6, Block 2, for the Southwest corner of this description; THENCE leaving the North right-of-way line of Third Avenue and the South line of said Lot 6, Block 2, North 00° 55' East 78.6 feet to a 1/2 inch iron rod being the Southwest corner of said 0.80 acre McMurtry tract, and also being the Northwest corner of this description; THENCE along the South line of said 0.80 acre McMurtry tract, South 89° 05' East 218.7 feet to the place of BEGINNING, and containing 0.39 acres, more or less.



EXHIBIT "B"

A tract of land in Archer County, Texas, including all of Lot 5; parts of Lots 4, 6 and 7; and part of a 20 foot wide alley closed by that instrument filed in Volume 326, Page 444, Archer County Deed Records, all located in Block 2, Burketts Addition, an addition to the City of Archer City, Texas, as recorded in Volume 21, Page 41, Archer County Plat Records, said tract being more specifically described by metes and bounds as follows:

Beginning at a 1/2 inch iron rod located in the west right-of-way line of South Ash Street, said iron rod being the southeast corner of that certain 0.80 acre tract conveyed to Larry McMurtry by the Archer City Country Club in that warranty deed recorded in Volume 488, Page 22, Archer County Deed Records, and also being the northeast corner of this description;

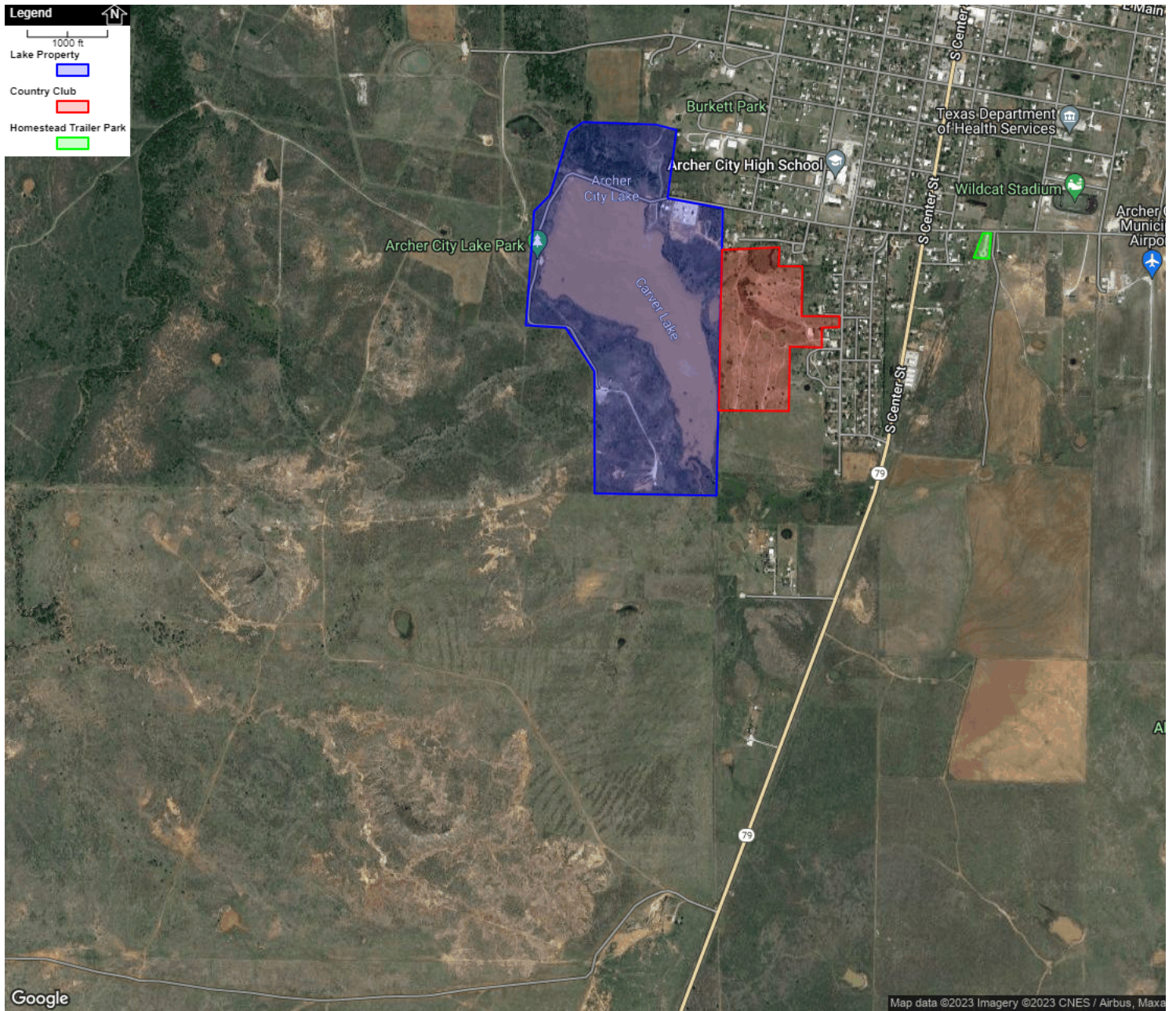
Thence along the west right-of-way line of South Ash Street, South 00° 55' West 78.6 feet to a point for the southeast corner of said Lot 5, Block 2, and the intersection of the west right-of-way line of South Ash Street and the north right-of-way line of Third Avenue, and also being the southeast corner of this description;

Thence along the north right-of-way line of Third Avenue, North 89° 05' West 218.7 feet to a point in the south line of said Lot 6, Block 2, for the southwest corner of this description;

Thence leaving the north right-of-way line of Third Avenue and the south line of said Lot 6, Block 2, North 00° 55' East 78.6 feet to a 1/2 inch iron rod being the southwest corner of said 0.80 acre McMurtry tract and also being the northwest corner of this description;

Thence along the south line of said 0.80 acre McMurtry tract, South 89° 05' East 218.7 feet to the Place of Beginning and containing 0.39 acres, more or less.

**EXHIBIT B**  
**DEPICTION OF COUNTRY CLUB**  
**PROPERTY**





**EXHIBIT C**  
**AGREEMENT REGARDING SERVICES AFTER ANNEXATION**

Pursuant to Section 43.0672, Texas Local Government Code, this Agreement Regarding Service After Annexation (Agreement) shall serve as a written agreement between the City of Archer City, Texas (City) and the property owner of the tract of land to be annexed, which is known as the Country Club Property (the Annexed Area), which is fully described in the foregoing Ordinance and exhibits.

**NOW, THEREFORE**, in consideration of the mutual benefits and promises contained herein, and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City agrees to provide the following services to the Annexed Area after annexation:

**SERVICES TO BE PROVIDED**

1. **POLICE PROTECTION.** The City of Archer City, Texas will provide police protection to the Annexed Area at the same or similar level of service now being provided to other areas of the City of Archer City, Texas, with similar topography, land use and population within the Annexed Area. Services will be provided by the Archer City Police Department.
2. **FIRE PROTECTION.** Fire service will be provided to the Annexed Area by the Archer City Fire Department at the same or similar level of service now being provided to other areas of the City of Archer City, Texas, with similar topography, land use and population with the City.
3. **SOLID WASTE COLLECTION.** At the present time the City of Archer City, Texas, is using a designated, specified contractor for collection of solid waste and refuse within the city limits of the City of Archer City, Texas. Upon payment of any required deposits and the agreement to pay lawful service fees and charges, solid waste collection will be provided to the Annexed Area to the extent that the City's contractor has access to the area to be serviced.
4. **MAINTENANCE OF WATER AND WASTE WATER FACILITIES.** Any and all water or waste water facilities owned or maintained by the City of Archer City, Texas, within the Annexed Area at the time of the proposed annexation shall continue to be maintained by the City of Archer City, Texas. Any and all water or waste water facilities which may be acquired subsequent to the annexation of the Annexed Area shall be maintained by the City of Archer City, Texas, to the extent of its ownership.

The annexed property is presently owned by the City of Archer City. Any services to be provided to the annexed property will be in the sole discretion of the City Council of the City of Archer City.

APPROVED this 20th day of June, 2023.

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Jake Truette, Mayor

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George Huffman, City Administrator