

**ORDINANCE NO. 24-34**

**AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF HARLINGEN BY ANNEXING, FOR FULL PURPOSE A 7.9 ACRE TRACT OF LAND OUT OF LOT 16, CUNNINGHAM'S SUBDIVISION, LOCATED ALONG THE SOUTH SIDE OF PRIMERA ROAD APPROXIMATELY 1,100 FEET WEST OF I-69E (U.S. EXPRESSWAY 77); BINDING THE LAND TO ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF THE CITY; APPROVING AN ANNEXATION SERVICES AGREEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Harlingen, Texas (the "City") desires to annex approximately 7.9 acres of land situated on the south side of Primera Road approximately 1,100 feet west of I-69E (U.S. Expressway 77), more particularly described and depicted in Exhibit "A", with the exhibit being attached hereto and incorporated herein by reference (collectively, the "Property"); and

**WHEREAS**, pursuant to Chapter 43, Section 43.003, of the Texas Local Government Code, a home-rule municipality may extend the boundaries of the municipality and annex area adjacent to the municipality which are contained in the municipality's extra-territorial jurisdiction (ETJ); and

**WHEREAS**, Chapter 43, Subchapter C-3 of the Texas Local Government Code authorizes municipalities to annex an area on the request of all property owners in an area, whereby the City has received a petition for annexation by the property owner for the tract of land described as depicted in Exhibit "B"; and

**WHEREAS**, in accordance with Texas Local Government Code, Chapter 43, Subchapter C-3, Section 43.0672, the City has negotiated and entered into a written agreement dated April 4, 2024, with the owner of the Property regarding the provision of services to the Property upon annexation, of which the applicable annexation services agreement and schedule is attached hereto and incorporated herein as Exhibit "C," and

**WHEREAS**, the City Commission provided public notice and held public hearings on June 26, July 3 and July 17, 2024, for all interested persons to attend and be heard in accordance with Texas Local Government Code, Chapter 43, Subchapter C-3, § 43.0673; and

**WHEREAS**, at such hearings all interested persons were heard concerning the advisability of annexing such tracts of land; and

**WHEREAS**, the City Commission of the City of Harlingen, finds that the inclusion of such additional area will be of benefit to the City of Harlingen; now therefore

**BE IT ORDAINED BY THE CITY OF HARLINGEN:**

- Section 1.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Commission and made a part hereof for all purposes as findings of fact.
- Section 2.** The Property, lying outside of, but adjacent to and adjoining the City and located within the City's ETJ, is hereby annexed into the City, and the boundaries of the City are extended to include the Property within the corporate limits of the City. From and after the date of this ordinance, the Property shall be entitled to all the rights and privileges of the City and shall be bound by all the acts, ordinances, resolutions, and regulations of the City.
- Section 3.** The City finds annexation of the Property to be in the public interest due the Property promoting economic growth of the City.
- Section 4.** The annexation services agreement attached as Exhibit "C" is approved, and municipal services shall be provided to the Property in accordance therewith.
- Section 5.** The City Manager is hereby authorized and directed to take appropriate action to have the official map of the City revised to reflect the addition to the City's Corporate Limits and the City Secretary is directed to file a certified copy of this Ordinance in the office of the County Clerk of Cameron County, Texas, and in the official records of the City.
- Section 7.** If for any reason any section, paragraph, subdivision, clause, phrase, word, or other provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance, for it is the definite intent of this Commission that every section, paragraph, subdivision, clause phrase, word, or provision hereof shall be given full force and effect for its purpose.
- Section 8.** This Ordinance will take effect upon its adoption by the City Commission in accordance with the provisions of Article V, Section 5 of the City Charter.

**APPROVED ON FIRST READING** on this 3rd day of July, 2024

**APPROVED, PASSED, AND ADOPTED ON SECOND AND FINAL READING** on this 17th day of July, 2024

**CITY OF HARLINGEN**



Norma Sepulveda, Mayor

**ATTEST:**


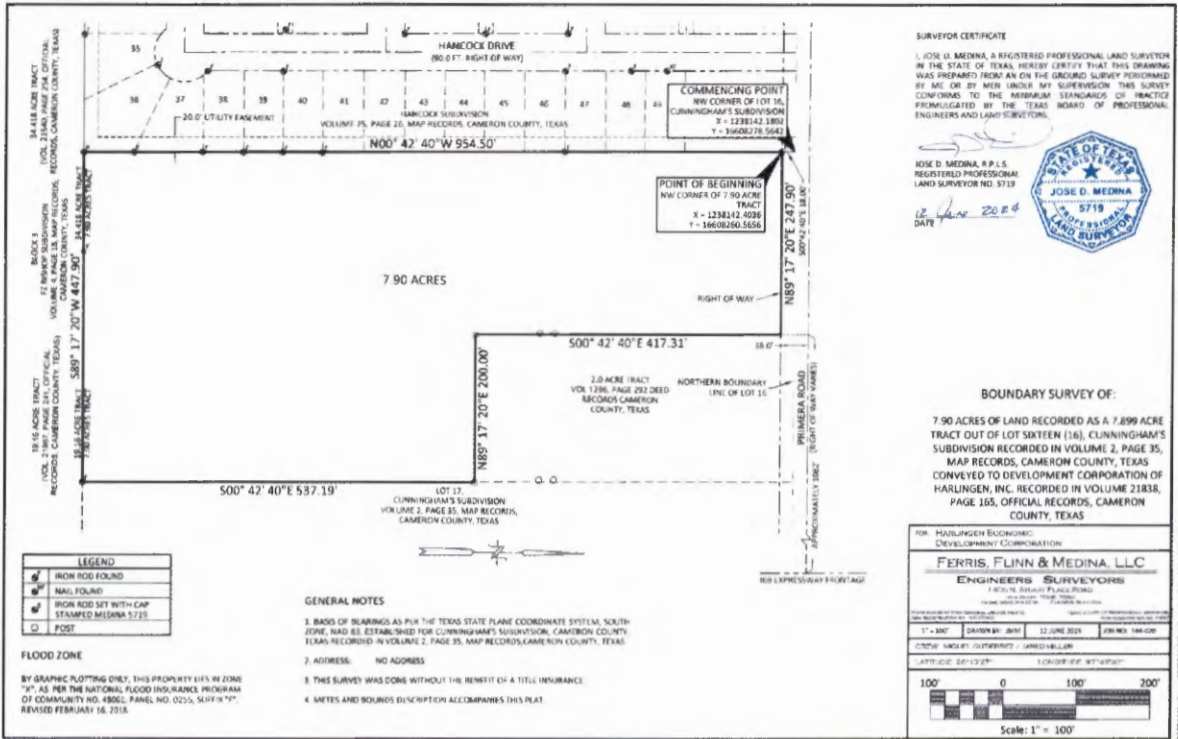
  
FOR: Amanda Elizondo, City Secretary

EXHIBIT "A"



FERRIS, FLINN & MEDINA, LLC  
ENGINEERS SURVEYORS

METES AND BOUNDS  
7.90 ACRES OF LAND

30 May 2024

Being 7.90 Acres of Land recorded as a 7.899 Acre Tract out of Lot Sixteen (16), Cunningham's Subdivision recorded in Volume 2, Page 35, Map Records, Cameron County, Texas conveyed to Development Corporation of Harlingen, Inc. recorded in Volume 21638, Page 165, Official Records, Cameron County, Texas, said 7.90 Acres of land being more particularly described by metes and bounds as follows:

COMMENCING at the Northwest corner of Lot 16, Cunningham's Subdivision and being the Northeast corner of Lot Fifteen (15), Cunningham's Subdivision (Having coordinate values X = 1238142.1802 Y = 16608278.5642 based on the Texas State Plane Coordinate System, South Zone, NAD83);

THENCE leaving the common corner of Lots 15 and 16, Cunningham's Subdivision, South 00 Deg. 42 Min. 40 Sec. East, a distance of 18.00 Feet to a point on the South Right of Way of Primera Road (Having a varying Right of Way width) from which a 1/2 inch iron rod bears South 14 Deg. 13 Min. 35 Sec. West, a distance of 0.20 Feet, for the Northwest corner and POINT OF BEGINNING of the tract herein described; (Having coordinate values of X = 1238142.4036 Y = 16608260.5656 based on the Texas State Plane Coordinate System, South Zone, NAD83);

- 1) THENCE along the South Right of Way of Primera Road, North 89 Deg. 17 Min. 20 Sec. East, a distance of 247.90 Feet to a point, for the Northeast corner of the tract herein described;
- 2) THENCE leaving the South Right of Way of Primera Road, South 00 Deg. 42 Min. 40 Sec. East, a distance of 417.31 Feet to a point, for a corner of the tract herein described;
- 3) THENCE North 89 Deg. 17 Min. 20 Sec. East, at a distance of 200.00 Feet to a point, for a corner of the tract herein described;
- 4) THENCE, South 00 Deg. 42 Min. 40 Sec. East a distance of 537.19 Feet to a 1/2 inch iron rod found, for the Southeast corner of the tract herein described;
- 5) THENCE, South 89 Deg. 17 Min. 20 Sec. West a distance of 447.90 Feet to a point, for the Southwest corner of the tract herein described;
- 6) THENCE North 00 Deg. 42 Min. 40 Sec. West a distance of 954.50 Feet to the POINT OF BEGINNING; Containing 7.90 Acres of Land within these metes and bounds.

Basis of bearing as per the Texas State Plane Coordinate System, South Zone, NAD 83. All Dimensions are in feet and decimal thereof.

Jose D. Medina, R.P.L.S.  
Registered Professional  
Land Surveyor No. 5719  
30 May 2024  
Date



EXHIBIT "B"



April 4, 2024

Mr. Xavier Cervantes  
Director, Planning & Zoning  
City of Harlingen  
502 E. Tyler  
Harlingen, Texas 78550

**RE: Annexation Request for the Industrial Park at Roosevelt**

Dear Mr. Cervantes,

The Development Corporation of Harlingen, Inc. (also known as the Harlingen Economic Development Corporation or HEDC) owns several property parcels comprising the Industrial Park at Roosevelt. One of the parcels of land, however, lies outside of the city limits of Harlingen. Through this letter we are formally requesting that this parcel owned by the HEDC known as 7.9 acres out of Lot 16 of Cunningham's Subdivision (Cameron County Appraisal District Property ID 202962) be annexed into the City of Harlingen.

The total acreage of this parcel is 7.9 gross acres. The annexation of this parcel will ensure that all the properties comprising the Industrial Park at Roosevelt lie within the city limits of Harlingen and are eligible for city services.

Please let me know if you need any additional information or if you have any questions. Thank you in advance for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Orlando Campos', is written over a white rectangular area.

Orlando Campos  
CEO

## EXHIBIT "C"

### ANNEXATION SERVICE AGREEMENT

SECTION 1. Pursuant to the provisions of V.T.C.A., Local Government Code Section 43.0672, in connection to the voluntary annexation of a 7.9 acre tract of land out of Lot 16, Cunningham's Subdivision, Cameron County, Texas, the developer(s) owners(s) of the land in the area and the City of Harlingen ("City"), collectively referred to herein as the "Parties", hereby enter into this written Annexation Service Agreement as follows:

- A. Services to be provided on the effective date of annexation unless otherwise specified.
1. Police Protection  
Patrolling, radio response to calls and other routine police services using present personnel and equipment will be provided on the effective date of annexation. Patrol positions will be added when population warrants.
  2. Fire Protection  
Fire protection by the present personnel and equipment of the fire fighting force within the limitations of available water will be provided on the effective date of annexation.
  3. Emergency Medical Services  
Emergency medical services will be provided through contract services on the effective date of annexation.
  4. Environmental Health and Code Compliance  
Health protection including the elimination of weedy lots, illegal dumping, unsanitary septic systems, sources of standing water and other public nuisances will be provided on the effective date of annexation.  
  
Regulation of animal and fowl density will be provided on the effective date of annexation.
  5. Solid Waste Collection  
Pick up will begin on the effective date of annexation at the same level of service and cost provided to other similar areas presently found within the City of Harlingen.  
  
Brush collection will be on a periodic basis as established by the City Sanitation Department with an active utility account.

6. Operation and maintenance of public roads and streets  
Routine maintenance of public roads and streets will begin on the effective date of annexation on the same basis as presently occurs in the city.


Maintenance of public streets including the repair of hazardous potholes and measures necessary for traffic flow will begin on the effective date of annexation.

SIGNED this 4<sup>th</sup> day of April, 2024.

CITY OF HARLINGEN

By:   
Gabriel Gonzalez, CPM, City Manager

DEVELOPER AND PROPERTY OWNER OF THE PROPERTY DESCRIBED ABOVE

By:   
Orlando Campos, CEO  
Harlingen Economic Development Corporation