

**MINUTES  
OF  
CITY OF WHARTON  
SPECIAL CITY COUNCIL MEETING  
JUNE 3, 2019**

Mayor Tim Barker declared a Regular Meeting duly open for the transaction of business at 7:00 P.M at City Hall 120 E. Caney Street Wharton, TX. Councilmember Don Mueller led the opening devotion and Mayor Barker led the pledge of allegiance.

Councilmember's present were: Mayor Tim Barker and Councilmembers Terry Freese, Clifford Jackson, Alice Heard-Roberts, Don Mueller and Russell Machann.

Councilmember absent was: Steve Schneider.

Staff members present were: City Manager Andres Garza, Jr., Finance Director Joan Anandel, Assistant City Attorney Amy Rod, City Secretary Paula Favors, TRMC, CPM, Community Development Director Gwyneth Teves, Sgt. Rashied Byrd and Assistant to the City Manager Brandi Jimenez.

Visitors present were: Barbara Hearne, Ronnie Lee Hearne, S. Williams, A. Williams, L. Williams, Jessica Williams, Rachel Rust, Obie Williams, Jr., Steven L. Roberts, Clarence Manciaz, Albert Villegas with the Wharton Journal Spectator.

The second item on the agenda was Roll Call and Excused Absences. After some discussion, Councilmember Russell Machann moved to excuse Councilmember Steve Schneider. Councilmember Don Mueller seconded the motion. All voted in favor.

The third item on the agenda was Public Comments. No comments were given.

The fourth item on the agenda was the Wharton Moment. No comments were given.

The first item on the agenda was Public Hearing:

Proposed annexation to enlarge and extend the boundary limits of said city for areas in the City of Wharton's Extra-Territorial Jurisdiction (ETJ) for Annexation:

**A. Annexation Tract No. 1 189.86 Acres  
James Tumlinson Survey, Abstract 63  
Randall Jones ~ League, Abstract 36**

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**Thence** North 60 degrees 12 minutes 24 seconds East continuing along said line, 329.61 feet to a reentry corner to the herein described tract;

**Thence** North 29 degrees 34 minutes 20 seconds West continuing along said line, 643.03 feet to a point for corner;

**Thence** North 59 degrees 40 minutes 11 seconds East continuing along said line, 953.98 feet to a reentry corner to the herein described tract;

**Thence** North 30 degrees 50 minutes 11 seconds West continuing along said line, 3.98 feet to a point for a west corner of the herein described tract, said point being the east corner of the aforementioned adjoining residue of a called 102.253 acre tract, same being the south corner of a called 52.774 acre tract recorded in Volume 758, page 402, Official Records, Wharton County, Texas, and being in the northwest line of the aforementioned Reserve "A";

**Thence** North 60 degrees 06 minutes 00 seconds East along the northwest line of said Reserve the aforementioned Lot 4;

**Thence** North 60 degrees 18 minutes 55 seconds East along the northwest line of said Lot 4, same being the southeast line of said adjoining called 52.774 acre tract, 172.62 feet to a point for a north corner of the herein described tract, said point being the north corner of said Lot 4, same being the west corner of the adjoining Lot 3;

**Thence** South 30 degrees 07 minutes 43 seconds East along the common line of said Lot 4 and said adjoining Lot 3, 510.40 feet to a reentry corner to the herein described tract, said point being the common corner of said Lot 4, said adjoining Lot 3, the aforementioned Lot 3D, and the aforementioned Lot 29, as located in Dyann Drive (80-foot wide);

**Thence** along the centerline of Dyann Drive with the following courses and distances; North 59 degrees 52 minutes 18 seconds East, 426.86 feet to the beginning of a curve to the right;

**Thence** along said curve to the right having a central angle of 30 degrees 00 minutes 00 seconds, a radius of 373.20 feet, an arc length of 195.41 feet, and a chord bearing North 74 degrees 52 minutes 18 seconds East, 193.18 feet to the beginning of a reverse curve to the left;

**Thence** along said reverse curve to the left having a central angle of 60 degrees 00 minutes 00 seconds, a radius of 173.20 feet, an arc length of 181.37 feet, and a chord bearing North 59 degrees 52 minutes 18 seconds East, 173.20 feet to the end of said curve; North 29 degrees 52 minutes 18 seconds East, 99.90 feet to a point for the most easterly north corner of the herein described tract, said point being the common corner of the aforementioned Lot 35, the adjoining Lot 1, and the adjoining Lot 15 and Lot 16 of Plantation Acres Section Number 1, according to map or plat thereof recorded Under Slide Number 107-A, Plat Cabinet Records, Wharton County, Texas;

**Thence** South 81 degrees 25 minutes 42 seconds East along the common line of said Lot 35 and said adjoining Lot 16, 362.26 feet to an angle point;

**Thence** South 57 degrees 11 minutes 42 seconds East continuing along said common line, 109.66 feet to an angle point;



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**Thence** South 62 degrees 07 minutes 42 seconds East continuing along said common line, 217.58 feet to a point for the upper east corner of the herein described tract, being the east corner of said Lot 35, same being a south corner of the adjoining Lot 17, and being in the northwest line of an adjoining called 29.3729 acre tract (Item H-7) recorded in Volume 606,

**Thence** South 61 degrees 02 minutes 10 seconds West along the common line of the herein described tract and said adjoining called 29.3729 acre tract, 70.14 feet to a reentry corner to the herein described tract, said point being the most easterly north corner of the first-mentioned Reserve "A";

**Thence** South 30 degrees 40 minutes 38 seconds East continuing along said common line, 534.02 feet to a point for an east corner of the herein described tract, said point being the east corner of said Reserve "A", same being the south corner of said adjoining called 29.3729 acre tract, and being in the northwest line of an adjoining called 25.19 acre tract recorded in Volume 841, Page 720, Official Records, Wharton County, Texas;

**Thence** South 59 degrees 25 minutes 14 seconds West along the southeast line of said Reserve "A", 2,650.94 feet to an angle point, said point being in the northwest line of an adjoining called 130.409 acre tract (Parcel 1) recorded in Volume 715, Page 332, Official

**Thence** South 60 degrees 00 minutes 29 seconds West continuing along the southeast line of said Reserve "A", 208.22 feet to a point on said line, being 1,000 feet distant from the northeast right-of-way line of State Highway 60;

**Thence** South 29 degrees 20 minutes 09 seconds East along a line being 1,000 feet perpendicular from and parallel to the northeast right-of-way line of State Highway 60, crossing said called 130.409 acre tract, 385.02 feet to a point for the lower east corner of the herein described tract;

**Thence** South 60 degrees 39 minutes 51 seconds West crossing said called 130.409 acre tract and the aforementioned called 4.23 acre tract, at 1,000.00 feet pass the northeast right-of-way line of State Highway 60, and continuing for a total distance of 1,100.00 feet to a point for corner in the southwest right-of-way line of State Highway 60;

**Thence** North 29 degrees 20 minutes 09 seconds West along the southwest right-of-way line of State Highway 60, 130.08 feet to a point for a reentry corner to the herein described tract, said point being the east corner of the aforementioned called 2.005 acre tract, same being the north corner of an adjoining called 10.00 acre tract recorded in Volume 721, Page 545, Official Records, Wharton County, Texas;

**Thence** South 60 degrees 07 minutes 57 seconds West along the common line of said called 2.005 acre tract and the aforementioned called 11.104 acre tract, and said adjoining called 10.00 acre tract, 899.82 feet to a point for the south corner of the herein described tract, said point being 1,000 feet distant from the northeast right-of-way line of State Highway 60;

**Thence** along the southwest line of the herein described tract, being 1,000 feet perpendicular from and parallel to the northeast right-of-way line of State Highway 60, crossing said called 11.104 acre tract, the aforementioned called 10.00 acre tract, the aforementioned Knolle

Properties, LLC tracts, the aforementioned Wharton County Junior College tract, and the aforementioned called 65.666 acre tract, with the following courses and distances: North 29 degrees 23 minutes 07 seconds West, 251.56 feet; North 29 degrees 21 minutes 05 seconds West, 626.04 feet; North 29 degrees 23 minutes 46 seconds West, 954.09 feet; North 29 degrees 24 minutes 00 seconds West, crossing County Road 142, 1,750.43 feet to a point in said called 65.666 acre tract for the upper west corner of the herein described tract;

**Thence** North 60 degrees 36 minutes 00 seconds East along the upper north line of the herein described tract, at 900.00 feet pass the southwest right-of-way line of State Highway 60, and continuing for a total distance of 1,000.00 feet to a point for the most westerly north corner of the herein described tract, said point being in the southwest line of an adjoining called 1.299 acre tract recorded in Volume 527, Page 868, Official Records, Wharton County, Texas, same being the northeast right-of-way line of State Highway 60, and being in the southwest line of the existing City of Wharton City Limits;

**Thence** South 29 degrees 24 minutes 00 seconds East along the northeast right-of-way line of State Highway 60, same being the southwest line of said adjoining called 1.299 acre tract, and the southwest line of the aforementioned adjoining called 2.120 acre tract, being the existing City of Wharton City Limits, 1,000.00 feet to the **Place of Beginning** and containing 189.86 acres of land, more or less.

**B. Annexation Tract No.2**

**86.20 Acres**

**Alexander Jackson Survey, Abstract 34**

**William Kincheloe Survey, Abstract 38**

A **METES & BOUNDS** description of an 86.20 acre tract of land in the Alexander Jackson Survey, Abstract 34, and the William Kincheloe Survey, Abstract 38, Wharton County, Texas, being comprised of that certain called 0.0604 acre tract recorded in Volume 684, Page 158, Official Records, Wharton County, Texas, that certain called 38.72 acre tract and called 1.93 acre tract recorded in Volume 1125, Page 393, Official Records, Wharton County, Texas, that certain called 4.9971 acre tract recorded in Volume 1083, Page 352, Official Records, Wharton County, Texas, that certain called 5.2604 acre tract and called 2.70 acre tract recorded in Volume 1012, Page 695, Official Records, Wharton County, Texas, and Lot 1 and Lot 2 of Peach Creek Subdivision, according to map or plat thereof recorded under Slide Number 2061, Plat Cabinet Records, Wharton County, Texas, with all bearings based upon the southwest line of said called 38.72 acre tract as being North 73 degrees 13 minutes 03 seconds West (called North 73 degrees 13 minutes 03 seconds West).

**Beginning** at the south corner of said Lot 2 of Peach Creek Subdivision, being at the intersection of the northeast right-of-way line of County Road 222 and the northwest right-of-way line of the adjoining Southern Pacific Railroad right-of-way, for the south corner and **Place of Beginning** of the herein described tract;

**Thence** North 73 degrees 13 minutes 03 seconds West along the southwest line of said Lot 2, the lower southwest line of said Lot 1, and the lower southwest line of said called 38.72 acre tract, same being the northeast right-of-way line of County Road 222, 1,687.64 feet to a point at the beginning of a curve to the right;



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**Thence** along said curve to the right, being the southwest line of said called 38.72 acre tract and said called 0.0604 acre tract, same being the northeasterly right-of-way line of County Road 222 and County Road 231, having a radius of 77.30 feet, a central angle of 92 degrees 22 minutes 39 seconds, an arc length of 124.63 feet, and a chord bearing North 27 degrees 21 minutes 54 seconds West, 111.56 feet to the end of said curve;

**Thence** North 15 degrees 57 minutes 13 seconds East along the westerly line of said called 38.72 acre tract, same being the easterly right-of-way line of County Road 231, 143.00 feet to the beginning of a curve to the left;

**Thence** along said curve to the left, being the westerly line of said called 38.72 acre tract, same being the easterly right-of-way line of County Road 231, having a radius of 80.80 feet, a central angle of 89 degrees 04 minutes 57 seconds, an arc length of 125.63 feet, and a chord bearing North 27 degrees 55 minutes 26 seconds West, 113.35 feet to the end of said curve;

**Thence** North 72 degrees 39 minutes 03 seconds West along the upper southwest line of said called 38.72 acre tract, same being the northeast right-of-way line of County Road 231, 688.20 feet to a point for corner;

**Thence** North 10 degrees 19 minutes 03 seconds West continuing along said line, 49.00 feet to a point for corner, said point being in the southeasterly right-of-way line of U. S. Highway 59, and being in the southeasterly line of the existing City of Wharton City Limits (Ordinance 1992-21);

**Thence** along the northwest line of said called 38.72 acre tract, the northwest line of said called 4.9971 acre tract, the northwest line of said called 1.93 acre tract, the northwest line of said called 5.2604 acre tract, and the northwest line of said called 2.70 acre tract, same being the southeasterly right-of-way line of U. S. Highway 59, being generally along and within the existing City of Wharton City Limits with the following courses and distances:  
North 50 degrees 28 minutes 57 seconds East, 726.35 feet to the beginning of a curve to the right; Thence along said curve to the right having a radius of 1,390.40 feet, a central angle of 10 degrees 31 minutes 21 seconds, an arc length of 255.35 feet, and a chord bearing North 55 degrees 14 minutes 17 seconds East, 254.99 feet to the end of said curve; North 60 degrees 29 minutes 57 seconds East, 357.66 feet to the beginning of a curve to the left; Thence along said curve to the left having a radius of 1,432.40 feet, a central angle of 10 degrees 06 minutes 21 seconds, an arc length of 252.65 feet, and a chord bearing North 55 degrees 53 minutes 01 second East, 252.32 feet to the end of said curve; North 50 degrees 02 minutes 22 seconds East, 478.14 feet to a point for the north corner of the herein described tract and said called 2.70 acre tract, same being the west corner of an adjoining called 9.542 acre tract recorded in Volume 126, Page 526, Official Records, Wharton County, Texas, and being in the centerline of Peach Creek;

**Thence** along the centerline of Peach Creek with the following meanders: South 81 degrees 21 minutes 50 seconds East, 240.52 feet; South 80 degrees 07 minutes 12 seconds East, 196.96 feet; South 79 degrees 11 minutes 43 seconds East, 400.75 feet; North 83 degrees 27 minutes 36 seconds East, 49.80 feet; North 77 degrees 36 minutes 13 seconds East, 60.50 feet; South 88 degrees 34 minutes 03 seconds East, 16.80 feet; South 73 degrees 38 minutes 44 seconds East, 80.80 feet; South 63 degrees 20 minutes 16 seconds East, 42.30 feet; South 72 degrees 25

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minutes 32 seconds East, 21.72 feet to a point for the east corner of the herein described tract, said point being the east corner of the aforementioned Lot 1, same being the south corner of an adjoining called 1.90 acre tract recorded in Volume 15, Page 450, Deed Records, Wharton County, Texas, and being in the northwest right-of-way line of the aforementioned adjoining Southern Pacific Railroad right-of-way;

**Thence** South 10 degrees 31 minutes 57 seconds West along the southeast line of the herein described tract, the southeast line of said Lot 1, and the southeast line of the aforementioned Lot 2, same being the northwest right-of-way line of said adjoining Southern Pacific Railroad right-of-way, 2,171.24 feet to the **Place of Beginning** and containing 86.20 acres of land, more or less.

**C. Annexation Tract NO.3**

**141.47 Acres**

**Alexander Jackson Survey, Abstract 34**

**William Kincheloe Survey, Abstract 38**

A **METES & BOUNDS** description of a 141.47 acre tract of land in the Alexander Jackson Survey, Abstract 34, and the William Kincheloe Survey, Abstract 38, Wharton County, Texas, and being an approximate 1000-foot wide strip of land along U. S. Highway 59 extending northerly from the northern existing City Limits of the City of Wharton, with all bearings based upon the westerly right-of-way line of U. S. Highway 59 as being North 50 degrees 20 minutes 13 seconds East (called North 50 degrees 20 minutes 13 seconds East).

**Beginning** at the intersection of the centerline of U. S. Highway 59 and the northerly line of the existing City Limits of the City of Wharton (Ordinance Number 1992-21);

**Thence** North 39 degrees 39 minutes 47 seconds West, 500.00 feet to a point for the west corner of the herein described tract, said point being the north corner of said existing City Limits of the City of Wharton;

**Thence** North 50 degrees 20 minutes 13 seconds East along a line being 500-feet perpendicular from and parallel to the centerline of U. S. Highway 59, crossing the Southern Pacific Railroad right-of-way and State Highway 60, 1,313.00 feet to a point for corner, said point being in the easterly right-of-way line of State Highway 60, same being the west line of a called 1.00 acre tract of land recorded in Volume 139, Page 254, Official Records, Wharton County, Texas;

**Thence** North 10 degrees 40 minutes 49 seconds East along the east right-of-way line of State Highway 60, same being the west line of said called 1.00 acre tract, 182.05 feet to the north corner of said called 1.00 acre tract;

**Thence** South 59 degrees 30 minutes 50 seconds East along the northeast line of said called 1.00 acre tract, 293.89 feet to the east corner of said called 1.00 acre tract, said point being in the westerly right-of-way line of U. S. Highway 59;

**Thence** along the westerly right-of-way line of U. S. Highway 59 with the following courses and distances: North 50 degrees 20 minutes 13 seconds East, 864.61 feet to the beginning of a curve to the left; Thence along said curve to the left having a radius of 1,382.40 feet, a central



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angle of 32 degrees 14 minutes 59 seconds, an arc length of 778.10 feet, and a chord bearing North 34 degrees 12 minutes 25 seconds East, 767.87 feet to the end of said curve; North 18 degrees 04 minutes 55 seconds East, 428.00 feet to a curve to the right;

**Thence** along said curve to the right having a radius of 1,482.39 feet, a central angle of 09 degrees 03 minutes 41 seconds, an arc length of 234.44 feet, and a chord bearing North 22 degrees 36 minutes 46 seconds East, 234.20 feet to the end of said curve; North 27 degrees 08 minutes 37 seconds East, 299.97 feet to the beginning of a curve to the left; Thence along said curve to the left having a radius of 1,382.40 feet, a central angle of 09 degrees 03 minutes 41 seconds, an arc length of 218.63 feet, and chord bearing North 22 degrees 36 minutes 46 seconds East, 218.40 feet to the end of said curve; North 18 degrees 04 minutes 55 seconds East, 706.54 feet to a point for the north corner of the herein described tract;

**Thence** South 71 degrees 55 minutes 05 seconds East along the northeast line of the herein described tract, crossing U. S. Highway 59, 1,000.00 feet to a point for the east corner of the herein described tract;

**Thence** South 18 degrees 04 minutes 55 seconds West establishing the southeast line of the herein described tract, 2,439.31 feet to an angle point;

**Thence** South 50 degrees 20 minutes 13 seconds West establishing the southeast line of the herein described tract, 2,581.21 feet to a point for corner, being in the northeast line of a called 4.245 acre tract recorded in Volume 1028, Page 937, Official Records, Wharton County, Texas;

**Thence** South 39 degrees 33 minutes 46 seconds East along the northeast line of said called 4.245 acre tract, 180.68 feet to the east corner of said called 4.245 acre tract, same being the north corner of a called 0.529 acre tract recorded in Volume 1028, Page 940, Official Records, Wharton County, Texas;

**Thence** South 39 degrees 33 minutes 46 seconds East along the northeast line of said called 0.529 acre tract, 150.00 feet to the east corner of said called 0.529 acre tract;

**Thence** South 50 degrees 18 minutes 03 seconds West along the southeast line of said called 0.529 acre tract, 153.54 feet to the south corner of said called 0.529 acre tract;

**Thence** North 39 degrees 33 minutes 46 seconds West along the southwest line of said called 0.529 acre tract, 150.00 feet to the west corner of said called 0.529 acre tract, being in the southeast line of the aforementioned called 4.245 acre tract;

**Thence** South 50 degrees 18 minutes 03 seconds West along the southeast line of said called 4.245 acre tract, 352.10 feet to an angle point;

**Thence** North 79 degrees 16 minutes 09 seconds West along the southerly line of said called 4.245 acre tract, 56.70 feet to the east corner of a called 3.17 acre tract recorded in Volume 1028, Page 940, Official Records, Wharton County, Texas;

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**Thence** along the southeasterly and southwesterly lines of said called 3.17 acre tract with the following courses and distances: South 10 degrees 42 minutes 48 seconds West, 353.63 feet; North 79 degrees 16 minutes 47 seconds West, 15.18 feet; South 10 degrees 42 minutes 48 seconds West, 18.75 feet; South 79 degrees 17 minutes 12 seconds East, 15.18 feet; South 10 degrees 42 minutes 48 seconds West, 200.37 feet; North 79 degrees 23 minutes 23 seconds West, 118.28 feet; North 50 degrees 31 minutes 18 seconds West, 94.42 feet; North 50 degrees 30 minutes 48 seconds West, 55.92 feet to the west corner of said called 3.17 acre tract, said point being in the east right-of-way line of State Highway 60;

**Thence** North 79 degrees 16 minutes 39 seconds West establishing a southerly line of the herein described tract, crossing said State Highway 60 and the aforementioned Southern Pacific Railroad right-of-way, 240.00 feet to a point in the west right-of-way line of said Southern Pacific Railroad right-of-way for corner;

**Thence** North 10 degrees 43 minutes 21 seconds East along the west right-of-way line of said Southern Pacific Railroad right-of-way, 375.35 feet to a point on said line at its intersection with the existing City Limits of the City of Wharton (Ordinance Number 1992-21);

**Thence** North 50 degrees 20 minutes 13 seconds East along the existing City Limits of the City of Wharton, 270.42 feet to a point for a reentry corner to the herein described tract, same being the upper east corner of said existing City Limits of the City of Wharton;

**Thence** North 39 degrees 39 minutes 47 seconds West continuing along said line, 500.00 feet to the **Place of Beginning** and containing 141.47 acres of land, more or less.

Mayor Tim Barker opened the Public Hearing at 7:08 p.m.

City Manager Andres Garza, Jr. stated that service plans for the proposed annexation areas were created and discussed the fact that the annexation would be 1,000 foot wide at its narrowest points. Assistant City Attorney Amy Rod discussed the Chapter 43 Texas Local Government Code Development Agreement option for those land owners who currently had an agriculture, wildlife management, and/or timber land exemptions.

Mr. Obie Williams discussed the possibility of a future RV Storage Company to be placed on his property and requested information on how that would affect him once he was annexed into the City Limits. There being no further discussion, Mayor Tim Barker closed the Public Hearing at 7:21 p.m.

**Adjournment.**

There being no further discussion, Councilmember Don Mueller moved to adjourn. Councilmember Alice Heard-Roberts seconded the motion. All voted in favor.

The meeting adjourned at 7:21 p.m.

**CITY OF WHARTON, TEXAS**



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By: Don Mueller

**DON MUELLER**  
Mayor Pro-Tem

ATTEST:

Paula Favors

**PAULA FAVORS**  
City Secretary

