

# **CITY OF THORNDALE**

## **ORDINANCE No. 2022-08**

**AN ORDINANCE AMENDING AND RE-SUBDIVIDING THE PREVIOUS SUBDIVISION OF THE PROPERTIES AT EAST MICHALK STREET, BLOCK 4 LOTS 4 & 5 OF NEWTON AND JOHNSON ADDITION; REPEALING ANY CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND MEETING.**

**WHEREAS**, the City of Thorndale ("City Council") seeks to promote safe, orderly and consistent use and development of real property; and

**WHEREAS**, pursuant to Texas Local Government Code Chapter 51 the City Council has the general authority to adopt and publish an ordinance or police regulation that is for the good government, peace or order of the municipality and is necessary or proper for the carrying out a power granted by law to the municipality; and

**WHEREAS**, pursuant to Chapter 212 of the Texas Local Government Code, the City Council is authorized to promulgate and enforce rules governing plats and subdivisions of land within the City's incorporated municipal boundaries ("City Limits") and the City's extraterritorial jurisdiction ("ETJ") to promote the health, safety, morals, or general welfare of the City and the safe, orderly, and healthful development of the City; and

**WHEREAS**, the City Council finds adopting the following amendments and re-subdivision of the properties at East Michalk Street, block 4, lots 4 & 5 of Newton and Johnson addition will promote the health, safety, morals, or general welfare of the City and the safe, orderly, and healthful development of the City.

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

### **SECTION 1.01 FINDING OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

### **SECTION 1.02 ENACTMENT**

The City Council hereby approves the re-subdivision of the properties located at East Michalk Street.

### **SECTION 1.03 REPEALER**

All Ordinances or parts of ordinances in force, and sections of Ordinances which are inconsistent or in conflict with the terms and provisions contained with this Ordinance are hereby repealed to the extent of such conflict.

#### **SECTION 1.04 SEVERABILITY**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences paragraphs and sections of this Ordinance be severable, and if any phrases, clauses, sentences paragraphs and sections of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such shall not affect any of the remaining phrases, clauses, sentences paragraphs and sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

#### **SECTION 1.05 EFFECTIVE DATE**

This ordinance shall take effect and be in force from and after its approval and publication, as may be required by law.

#### **SECTION 1.06 PROPER NOTICE AND MEETING**

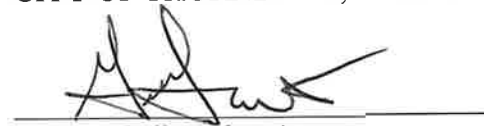
It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and the public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

**PASSED AND APPROVED** this, 29<sup>th</sup> day of September, 2022, by a vote of 5 (*ayes*) to \_\_\_\_\_ (*nays*) to \_\_\_\_\_ (*abstentions*) of the City Council of Thorndale, Texas.

ATTEST:

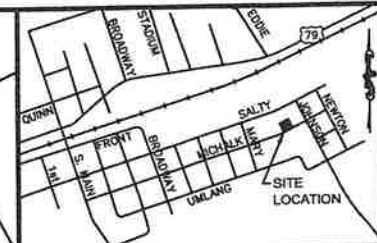
  
Stacy Irwin, City Secretary

CITY OF THORNDALE, TEXAS

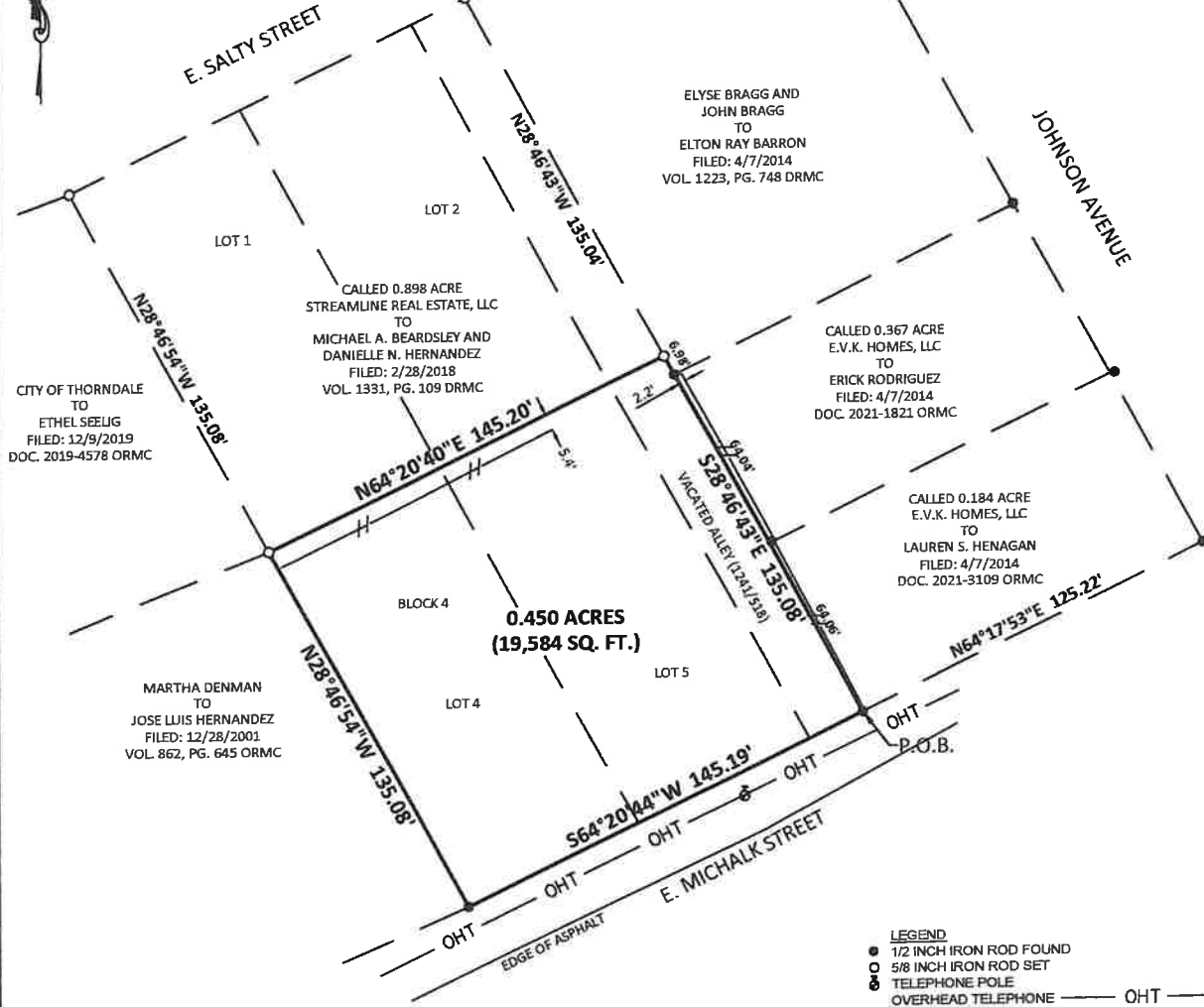
  
George Galbreath, Mayor



BEING A 0.450 ACRE (19,584 SQ. FT.) TRACT OF LAND IN BLOCK 4, OF NEWTON AND JOHNSON ADDITION TO THE TOWN OF THORNDALE, IN MILAM COUNTY, TEXAS, ACCORDING TO THE ESTABLISHED MAP OR PLAT RECORDED IN CABINET A, SLIDE 53-A OF THE PLAT RECORDS OF MILAM COUNTY, TEXAS AND BEING PART OF A CALLED 0.898 ACRE TRACT CONVEYED FROM STREAMLINE REAL ESTATE, LLC TO MICHAEL A. BEARDSLEY AND DANIELLE N. HERNANDEZ, FILED FEBRUARY 28, 2018 AND RECORDED IN VOLUME 1331, PAGE 109 OF THE DEED RECORDS OF MILAM COUNTY, TEXAS.



LOCATION MAP (NOT TO SCALE)



**LEGEND**  
 ● 1/2 INCH IRON ROD FOUND  
 ○ 5/8 INCH IRON ROD SET  
 ● TELEPHONE POLE  
 — OHT — OVERHEAD TELEPHONE

**ABBREVIATIONS**  
 DRMC = DEED RECORDS OF MILAM COUNTY, TEXAS  
 ORMC = OFFICIAL RECORDS OF MILAM COUNTY, TEXAS

Current Exhibit 1

TO: MICHAEL & DANIELLE BEARDSLEY

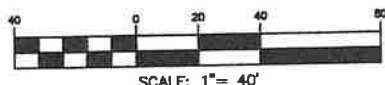
THE UNDERSIGNED HEREBY CERTIFIES:  
 THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION ON JULY 5, 2022, AND IS A TRUE, CORRECT AND ACCURATE REPRESENTATION OF THE PROPERTY AS DETERMINED BY SURVEY, THE LINES AND DIMENSIONS OF SAID PROPERTY BEING AS INDICATED BY THE PLAT; THE SIZE, LOCATION AND TYPE OF BUILDINGS ARE AS SHOWN, ALL IMPROVEMENTS BEING WITHIN THE BOUNDARIES OF THE PROPERTY, AND SET BACK FROM THE PROPERTY LINES THE DISTANCES INDICATED. THERE ARE NO ENCROACHMENTS, CONFLICTS OR PROTRUSIONS, EXCEPT AS SHOWN HEREON, AND SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY.

NO FLOOD HAZARD INFORMATION AVAILABLE FOR RURAL MILAM COUNTY, TEXAS.

*Corey Joseph Hall*  
 COREY JOSEPH HALL, RPLS  
 TEXAS REGISTRATION NO. 6362



- NOTES:**
1. NO TITLE COMMITMENT WAS SUPPLIED OR REVIEWED FOR THIS PROJECT. PARTIES TO THIS TRANSACTION ARE RESPONSIBLE FOR VERIFICATION OF ALL EASEMENTS, COVENANTS AND CONDITIONS WHICH MAY AFFECT THIS TRACT BUT ARE NOT SHOWN HEREON.
  2. THIS TRACT IS SUBJECT TO EASEMENTS, COVENANTS, CONDITIONS, RESTRICTIONS AND RIGHT TO CREATE ADDITIONAL PUBLIC UTILITY EASEMENTS, IF ANY, ACROSS SUBJECT PROPERTY AS SHOWN IN CABINET A, SLIDE 53-A OF THE PLAT RECORDS, MILAM COUNTY, TEXAS.
  3. BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS COORDINATE SYSTEM, CENTRAL ZONE (4203) NAD 83.

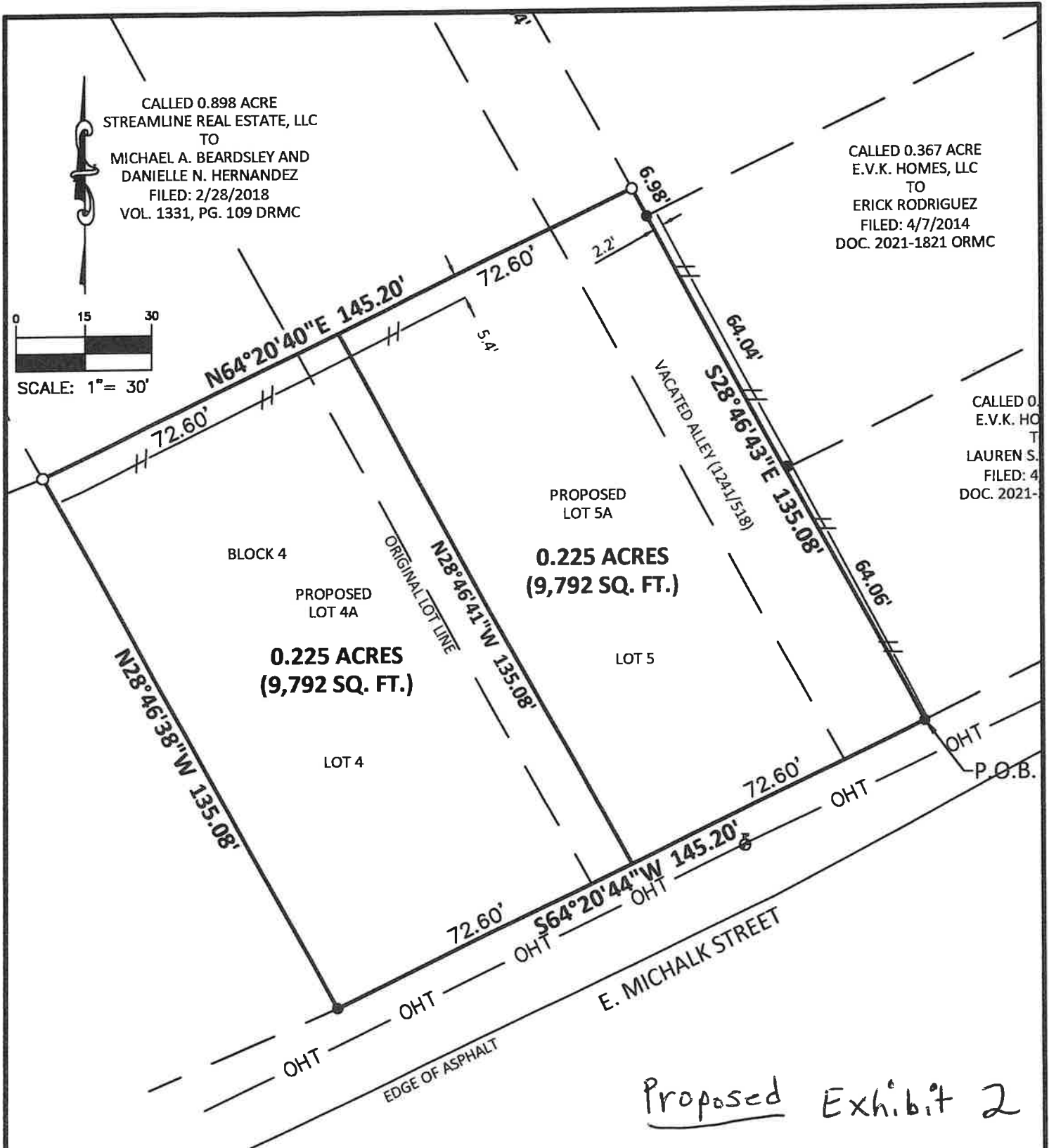


 26 WOODLAND LANE, ROUND ROCK, TEXAS 78664 TEL: (512) 360-0012 TBPPLS REGISTRATION #10194591	<b>STANDARD LAND SURVEY</b> E. MICHALK STREET THORNDALE, TEXAS	DRAWN BY: BRC JOB NO.: 4205.001.00	DATE: 7/5/2022 SCALE: 1" = 40' SHEET 1 OF 1
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CALLED 0.898 ACRE  
 STREAMLINE REAL ESTATE, LLC  
 TO  
 MICHAEL A. BEARDSLEY AND  
 DANIELLE N. HERNANDEZ  
 FILED: 2/28/2018  
 VOL. 1331, PG. 109 DRMC

CALLED 0.367 ACRE  
 E.V.K. HOMES, LLC  
 TO  
 ERICK RODRIGUEZ  
 FILED: 4/7/2014  
 DOC. 2021-1821 ORM

CALLED 0.367 ACRE  
 E.V.K. HOMES, LLC  
 TO  
 LAUREN S. RODRIGUEZ  
 FILED: 4/7/2014  
 DOC. 2021-1821 ORM



"PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE"

BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS  
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### EAST MICHALK STREET

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 ACCORDING TO THE ESTABLISHED MAP OR PLAT  
 RECORDED IN CABINET A, SLIDE 53-A OF THE PLAT  
 RECORDS OF MILAM COUNTY, TEXAS

### EXHIBIT



**KONTUR**  
**TECHNICAL, LLC**

26 WOODLAND LANE, ROUND ROCK, TEXAS 78664  
 TEL: (512) 360-0012 TBPELS REGISTRATION #10194591