



City of Livingston, Texas

A Texas Main Street City Since 2005

200 West Church Street, Livingston, Texas 77351-3281
Telephone: (936) 327-4311 Fax: (936) 327-7608
www.cityoflivingston-tx.com

May 24, 2023

Hon. Sydney Murphy
County of Polk
410 East Church Street, Suite E
Livingston, Texas 77351

Re: Notice to County of Proposed Annexation

Dear Judge Murphy,

Section 43.9051 of the Texas Local Government Code requires the City to provide written notice of a proposed annexation to each political subdivision located in or providing services to the area proposed for annexation. A petition for annexation of a 34.04 acre tract in the M. L. Choate Survey, A-15 and the Bridger Hobbs Survey, A-327, has been filed by Eternal Holdings, LLC, Petitioner. As required by Section 43.9051 of the Texas Local Government Code, please be advised:

Area Proposed for Annexation

The area has been defined as 34.04 acre tract in the M. L. Choate Survey, A-15 and the Bridger Hobbs Survey, A-327 and bearing an address of 617 FM 350 South, Livingston, Texas 77351, and as further described by field notes contained within the attached Petition for Annexation and shown on attached Map.

Financial Impact to County Resulting from Annexation.

There are no residents in the proposed location; it is vacant property. As the area appears to be currently located within the County of Polk, we know of no direct financial impact to the County resulting from the annexation.

Pending Proposals for Abatement, Reduction or Limitation of Financial Impact.

The City has no current proposal to abate, reduce or limit any financial impact on the County of Polk.

Please note the enclosed Notice of Public Hearing scheduled for June 13, 2023.

Sincerely,

James W. Wright
City Attorney
cityattorney@livingston.net

RECEIVED
MAY 30 2023
POLK COUNTY JUDGE

encl: Petition; Map; Notice of June 13, 2023 Public Hearing

Judy B. Cochran, Mayor

Billy S. Wiggins, City Manager

Ellie Monteaux, City Secretary

Council Members: Raymond Luna, Elgin Davis, Alan Cook, Marion A. 'Bid' Smith, Clarke Evans

ANNEXATION PETITION

TO THE MAYOR AND CITY COUNCIL OF THE CITY OF LIVINGSTON, TEXAS:

The undersigned **ETERNAL HOLDINGS, LLC** ("Petitioner"), a Texas limited liability company, acting herein by and through its duly authorized Manager, is the sole owner of the hereinafter described tract of land, and hereby petition your Honorable Body to extend the present city limits of the City of Livingston, Texas so as to include the following described territory, situated at 617 FM 350 South, Livingston, Texas (the "Property"), to-wit:

FIELD NOTE DESCRIPTION

34.04 ACRES

**IN THE M. L. CHOATE SURVEY, ABSTRACT NUMBER 15,
AND THE BRIDGER HOBBS SURVEY, ABSTRACT NUMBER 327
POLK COUNTY, TEXAS**

BEING A 34.04 ACRE TRACT OF LAND SITUATED IN THE M. L. CHOATE SURVEY, ABSTRACT NUMBER 15, AND THE BRIDGER HOBBS SURVEY, ABSTRACT NUMBER 327, POLK COUNTY, TEXAS, BEING THE REMAINDER OF THAT CERTAIN CALLED 36.549 ACRE TRACT DESCRIBED IN INSTRUMENT TO AP LIVINGSTON LIMITED PARTNERSHIP, RECORDED UNDER VOLUME 1520 PAGE. 993, OF THE OFFICIAL PUBLIC RECORDS OF POLK COUNTY, TEXAS (O.P.R.P.C.T.); BEARINGS, DISTANCES, AND AREA DESCRIBED HEREIN ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM OF 1983 (2011 ADJUSTMENT), CENTRAL ZONE, U.S. SURVEY FEET; SAID 34.04 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod with cap found in the easterly right-of-way of F.M. Highway No. 350 (FM 350), for the common westerly corner of said remainder of 36.549 acre tract and that certain called 1.782 acre tract described in instrument to Livingston Volunteer Fire Department, Inc., recorded under Volume 1978, Page 932, O.P.R.P.C.T., being the southwesterly corner and **POINT OF BEGINNING** of the herein described 34.04 acre tract, having a Texas State Plane Coordinate value of N:10,263,476.030, E:3,982,075.232, from which a 5/8 inch iron rod found for reference bears, South 10°16'39" West, 110.37 feet;

THENCE North 10°19'32" East, with the easterly right-of-way of said FM 350, at 253.10 feet pass a 1/2 inch iron rod found for an angle corner, continuing for a total distance of 784.49 feet to a 1/2 inch iron rod with cap stamped "TPS 100834-00" set for the common westerly corner of said remainder of 36.549 acre tract and that certain called 20.941 acre tract described in instrument to AP Livingston Limited Partnership, recorded in Volume 1530, Page 164, O.P.R.P.C.T., being the westerly northwest corner of the herein described 34.04 acre tract, from which a found 1/2 inch iron rod bears North 10°16'25" East, 575.45 feet;

THENCE with the common line between said remainder of 36.549 acre tract and said 20.941 acre tract, the following two (2) courses and distances:

1. North 86°51'45" East, 1134.44 feet to a 1/2 inch iron rod found for an interior corner, from which a found 1 inch iron pipe bears South 09°58'27" East, 1.78 feet;

2. North 02°59'53" West, 114.65 feet to a ½ inch iron rod with cap found for the common westerly corner of said remainder of 36.549 acre tract and that certain called 5 acre tract described as "Tract Two" in instrument to James G. Bergman and Jullie B. Bergman, recorded in Volume 1358, Page 633, O.P.R.P.C.T., being the northerly northwest corner of the herein described 34.04 acre tract;

THENCE North 86°56'54" East, 715.13 feet, with the common line between said remainder of 36.549 acre tract and said 5 acre tract to a 5/8 inch iron rod found for the common corner of said remainder of 36.549 acre tract, said 5 acre tract, that certain called 0.18 acre tract described as "Tract Four", and that certain called 0.69 acre tract described as Tract One, both in said instrument to James G. Bergman and Jullie B. Bergman, being the northeasterly corner of the herein described 34.04 acre tract, from which a found 1 inch iron pipe bears North 87°26'34" East, 26.22 feet;

THENCE South 02°57'34" West, 38.37 feet, with the common line between said remainder of 36.549 acre tract and said 0.69 acre tract to a 5/8 inch iron rod found for the common corner of the same and that certain called 124.675 acre tract described in instrument to James G. Bergman and Jullie B. Bergman, recorded in Volume 770, Page 137, O.P.R.P.C.T., being an angle point in the easterly line of the herein described 34.04 acre tract;

THENCE with the common line between said remainder of 36.549 acre tract, and said 124.675 acre tract, the following four (4) courses and distances:

1. South 22°33'17" West, 764.46 feet to a ½ inch iron rod with cap found for corner;
2. South 47°57'45" West, 272.95 feet to a ½ inch iron rod with cap found for corner;
3. South 84°35'42" West, 666.80 feet to a ½ inch iron rod with cap found for corner;
4. South 68°13'58" West, 476.14 feet to a ½ inch iron rod with cap found for the common corner of said remainder of 36.549 acre tract, said 124.675 acre tract and said 1.782 acre tract, being the southerly corner of the herein described 34.04 acre tract, from which a found 5/8 inch iron rod bears South 68°12'12" West, 325.82 feet;

THENCE with the common line between said remainder of 36.549 acre tract and said 1.782 acre tract, the following two (2) courses and distances:

1. North 10°20'49" East, 77.37 feet to a ½ inch iron rod with cap found for corner;
2. North 75°07'58" West, 404.98 feet to the **POINT OF BEGINNING** and containing a computed area of 34.04 acres of land within this Field Note Description.

This Field Note Description was prepared from a survey performed on the ground on August 08, 2022 by Texas Professional Surveying, LLC., Registered Professional Land Surveyors and is referenced to Survey Drawing Project Number 26578.

This Field Note Description was prepared from a survey performed on the ground on August 22, 2022, by Texas Professional Surveying, LLC., Registered Professional Land Surveyors and is referenced to Survey Drawing Project Number 26578.

Texas Professional Surveying, LLC, 3032 N. Frazier, Conroe, TX 77303, Phone: 936.756.7448, TBPELS Firm License No. 10083400, Michael D. McGuinness, Registered Professional Land Surveyor, State of Texas License No. 1965.

Petitioner certifies that the Property sought to be annexed is:

- a. within the extraterritorial jurisdiction of the City of Livingston, Texas;
- b. contiguous and adjacent to the present city limits of the City of Livingston, Texas,
- c. is not more than one-half mile in width.

Annexation is sought by Petitioner as the sole owner of the Property to be annexed. The Property is commercial property and is without residents. No other person, corporation or entity has an ownership interest in the Property.

Petitioners further certifies that the Property sought to be annexed is not currently appraised for ad valorem taxation purposes as agricultural, wildlife management or timber management.

DATED AND SIGNED this 14 day of April, 2023.

ETERNAL HOLDINGS, LLC

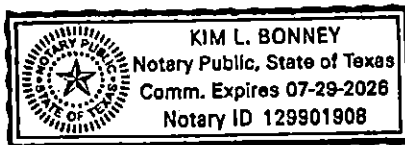
By: 


RIYAZ MOMIN, Manager

THE STATE OF TEXAS §

COUNTY OF Fort Bend §

This instrument was acknowledged before me on the 14 day of April, 2023 by RIYAZ MOMIN as Manager of ETERNAL HOLDINGS, LLC, a Texas limited liability company, on behalf of said company.




Notary Public, State of Texas



City of Livingston, Texas

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NOTICE OF PUBLIC HEARING

To Consider A Petition By Eternal Holdings, LLC to Annex into the City of Livingston, Texas a 34.04 acre tract of land located on FM 350 S and situated in the M. L. Choate Survey, A-15 and the Bridger Hobbs Survey, A-327, in Polk County, Texas

Notice is hereby given to all interested persons that a Public Hearing will be held by and before the City Council of the City of Livingston in the City Council Chambers at City Hall, 200 West Church Street, Livingston, Texas on June 13, 2023, at 5:00 P.M. to receive citizen comments concerning a petition presented to the City Council by Eternal Holdings, LLC to annex into the City of Livingston, Texas a 34.04 acre tract of land located on FM 350 S and situated in the M. L. Choate Survey, A-15 and the Bridger Hobbs Survey, A-327, in Polk County, Texas, described as follows:

Being 34.04 acres of land situated in the M. L. Choate Survey, A-15 and the Bridger Hobbs Survey, A-327 in Polk County, Texas, as is more particularly described in deed dated October 4, 2022 from AP Livingston Limited Partnership to Eternal Holdings, LLC, and recorded in Volume 2444, Pages 713 et seq of the Official Public Records of Polk County, Texas.

A more particular description of said property and survey plat of same is on file in the Office of the City Secretary of the City of Livingston, Texas.

At said Public Hearing all persons shall have the right to appear and be heard.

By Order of the City Council of the City of Livingston, Texas this the 16th day of May, 2023.





JUDY B. COCHRAN, Mayor
City of Livingston, Texas

Property Identification #: 23025

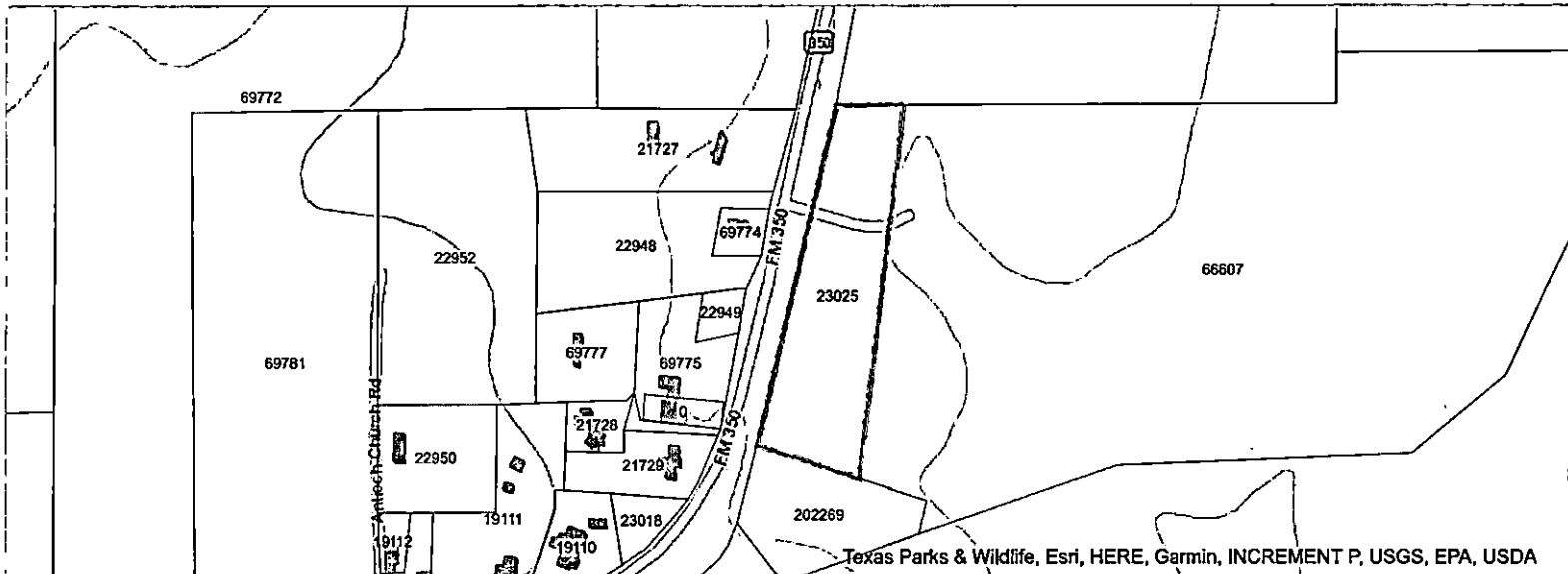
Property Information: 2023

Owner Identification #: 170536

Geo ID: 10327004200
Site Address: 817 S FM 350 LIVINGSTON, TX 77351
Property Type: Real
State Code: E4

Legal Description: ABST 327 BRIDGER HOBBS SURVEY TRACT 63
Abstract: 10327
Neighborhood: LIVINGSTON
Appraised Value: \$74,737.00
Jurisdictions: CAD, ILV, GP

Name: ETERNAL HOLDINGS LLC
Exemptions:
DBA: Null



Polk CAD Map Search

This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The Polk County Appraisal District expressly disclaims any and all liability in connection herewith.

