

STATE OF TEXAS }
COUNTY OF ORANGE }
CITY OF ORANGE }

TO: The Honorable Mayor and City Council, the City Attorney and City Manager of said City.

NOTICE IS HEREBY GIVEN that a Special Call Meeting of the City Council will be held on Tuesday, December 4, 2007 at 5:00 P.M. in the Orange Public Library Auditorium for the following purpose, to-wit:

AGENDA

1. **CALL TO ORDER** Mayor

2. **PUBLIC HEARING**
 - a) Conduct a public hearing on the proposed annexation of a 1.28 acre tract, more or less, located in the UEL Richey Survey, Abstract No. 22, having 246.59 feet of frontage on Texas State Highway 62 immediately north of and adjacent to the Flying J Travel Plaza, as requested by A. J. Patel, on behalf of Davilyn Hospitality, Inc. Mayor/Council

3. **ADJOURNMENT**

/s/ Kerry Kittrell, City Secretary

DATE OCT 11TH 2007

ATTN, CITY MANAGER | *SPAWN*

REF, REQUEST ANNEXATION FOR SITE ON HWY 62

HI, THIS IS AJ PATEL FROM STUDIO 6 ON HWY 62. I AM REQUESTING ANNEXATION FOR MY PROPERTY. AND I AM SENDING YOU MY PROPERTY DESCRIPTION. MY CORPORATION NAME IS DAVILYN HOSPITALITY INC.

FROM THE DESK OF
AJ Patel
AJ PATEL.



METES AND BOUNDS
Davilyn Hospitality, Inc. Property
Located un UEL Richey Survey, Abstract No. 22

Tract 1: All that certain tract or parcel of land lying and being situated in Orange County, Texas, a part of the UEL RICHEY SURVEY, ABSTRACT NO. 22, a part of that certain tract of land herein referred to as the "Wayne and Glen Peveto" instrument from Ben W. Briggs, as Trustee to Wayne Peveto and Glen Peveto dated June 24, 1985 and recorded in Volume 590, Page 117 of the Deed Records of Orange County, Texas, and the said tract herein described being more particularly described as follows:

COMMENCING at an iron pin found for the northeast corner of that certain tract of land herein referred to as the "Glen Peveto" tract, which said Glen Peveto tract is described in that certain instrument from Marion Peveto, et al, to Glen Peveto recorded in Volume 416, Page 851 of the Deed Records of Orange County, Texas

THENCE South 0 deg. 43 min. 36 sec. East along and with the easterly line of the said Glen Peveto tract and along and with the easterly line of that certain tract of land herein referred to as the "James Glen Peveto" tract, which said James Glen Peveto tract is described in that certain instrument from Sam Houston Peveto, et al, to James Glen Peveto dated September 26, 1973 and recorded in Volume 630, Page 882 of the Official Public Records of Real Property of Orange County, Texas, a total distance of 413.65 feet to an iron pin found for the southeast corner of the said James Glen Peveto tract;

THENCE South 89 deg. 14 min. 08 sec. West along and with the southerly line of the said James Glen Peveto tract a distance of 145.02 feet to an iron pin found for the northeast corner and POINT OF BEGINNING of the said tract herein described, said corner being the northeast corner of the hereinbefore said Wayne and Glen Peveto tract;

THENCE South 35 deg. 22 min. 29 sec. West along and with the easterly line of the said Wayne and Glen Peveto tract a distance of 273.06 feet to an iron pin set for the southeast corner of the said tract herein described, said corner being North 35 deg. 22 min. 29 sec. East along and with the southerly extension of the said easterly line of the Wayne and Glen Peveto tract a distance of 69.90 feet from an iron pin found for corner in the Northerly line of that certain tract of land herein referred to as the "School" tract, which said School tract is described in that certain instrument from Horace M. Peveto and wife, Lola Peveto to Orangefield Consolidated Independent School District, et al, dated March 18, 1958 and recorded in Volume 310, Page 575 of the Deed Records of Orange County, Texas;

THENCE North 74 deg. 39 min. 55 sec. West along and with a line which is parallel with and 65.67 feet northeasterly from (measured perpendicularly to) the said northerly line of the School tract, for the southerly line of the said Wayne and Glen Peveto tract a distance of 152.37 feet to an iron pin set for the southwest corner of the said tract herein described, said corner being in the easterly right-of-way line of Texas State Highway 62, and the said iron pin being North 0 deg. 45 min. 20 sec. West along and with the said easterly right-of-way line of Highway 62 a distance of 3.84 feet from a concrete monument found for the northwest corner of the said School tract, northeast corner of that certain tract of land described in that certain instrument recorded in Volume 281, Page 323 of the Deed Records of Orange County, Texas and southeast corner of that certain tract of land described in that certain instrument from Lola Peveto, et al, to the State of Texas dated July 21, 1983 and recorded in Volume 565, Page 308 of the Deed Records of Orange County, Texas;

THENCE North 0 deg. 45 min. 20 sec. West along and with the said easterly right-of-way line of Highway 62 a distance of 178.27 feet to an iron pin set for the northwest corner of the said tract herein described, said corner being in the hereinbefore said southerly line of the James Glen Peveto tract, and the said iron pin being South 0 deg. 45 min. 20 sec. East along and with the said easterly right-of-way line of Highway 62 a total distance of 318.33 feet from a concrete monument found for Station 470+00;

THENCE North 89 deg. 41 min. 08 sec. East along and with the said southerly line of the James Glen Peveto tract and northerly line of the said Wayne and Glen Peveto tract a distance of 307.40 feet to the POINT OF BEGINNING and containing 1.078 acres of land, more or less.

Tract II: All that certain tract or parcel of land lying and being situated in Orange County, Texas, a part of the UEL RICHEY SURVEY, ABSTRACT NO. 22, and being a part of that certain tract of land described in that certain instrument from E. H. Rhodes and wife, Reita Pattillo Rhodes to Horace M. Peveto and wife, Eva Lola Peveto dated August 2, 1945 and recorded in Volume 84, Page 473 of the Deed Records of Orange County, Texas, and the said tract herein described being more particularly described as follows:

COMMENCING at an iron pin found for the most westerly corner of that certain tract of land herein referred to as the "Oak Leaf Drive" tract, which said Oak Leaf Drive tract is described in that certain instrument from J. R. Stoffer, a single man, and his sister, Mabel Creighton, a feme sole to the County of Orange, Texas dated June 1966 and recorded in Volume 357, Page 540 of the Deed Records of Orange County, Texas, said corner being in the northerly right-of-way line of Interstate Highway 10;

THENCE North 56 deg. 05 min. 00 sec. East along and with the northwesterly line of the said Oak Leaf Drive tract a distance of 881.80 feet to a 1 1/4-inch pipe found for the most southerly corner of that certain tract of land herein referred to as the "Marion Peveto-1981" tract, which said Marion Peveto-1981 tract is described in that certain instrument from Sam Houston Peveto, et al to Marion Peveto dated February 5, 1981 and recorded in Volume 536, Page 197 of the Deed Records of Orange County, Texas;

THENCE North 0 deg. 08 min. 01 sec. West along and with the westerly line of the said Marion Peveto-1981 tract a distance of 12.03 feet to an iron pin set for a corner, said corner being in a line which is parallel with, and 10 feet northwesterly from (measured perpendicularly to) the hereinbefore said northwesterly line of the Oak Leaf Drive tract for the northwesterly line of that certain tract of land herein referred to as "TRACT NO. 1," which said TRACT NO. 1 is so designated and is described in those certain two instruments from Horace Peveto and wife, Lola Peveto to Mabel Creighton, a feme sole and to J. R. Stoffer both dated August 29, 1945 and recorded in Volume 85, Page 267 and in Volume 85, Page 268, respectively, of the Deed Records of Orange County, Texas;

THENCE South 56 deg. 05 min. 00 sec. West along and with the said line for the northwesterly line of TRACT NO. 1 a distance of 289.09 feet to an iron pin set for a corner;

THENCE North 33 deg. 55 min. 00 sec. West along and with a line which is perpendicular to the said line for the northwesterly line of TRACT NO. 1 a distance of 882.23 feet to an iron pin set for a corner in an easterly extension of the southerly line of that certain tract of land herein referred to as the "James Glen Peveto" tract, which said James Glen Peveto tract is described in that certain instrument from Sam Houston Peveto, et al, to James Glen Peveto dated September 26, 1973 and recorded in Volume 630, Page 882 of the Official Public Records of Real Property of Orange County, Texas;

THENCE South 89 deg. 14 min. 08 sec. West along and with the said extension a distance of 264.10 feet to an iron pin found for the southeast corner of the said James Glen Peveto tract;

THENCE (continuing) South 89 deg. 14 min. 08 sec. West along and with the said southerly line of the James Glen Peveto tract a distance of 145.02 feet to an iron pin found for the northeast corner of that certain tract of land herein referred to as the "Wayne and Glen Peveto" tract, which said Wayne and Glen Peveto tract is described in that certain instrument for Ben W. Briggs, as Trustee to Wayne Peveto and Glen Peveto which said School tract is described in that certain instrument from Horace M. Peveto and wife, Lola Peveto to Orangefield Consolidated Independent School District, et al, dated March 18, 1958 and recorded in Volume 310, Page 575 of the Deed Records of Orange County, Texas;

THENCE North 74 deg. 39 min 55 sec. West along and with the said northerly line of the School tract a distance of 108.57 feet to an iron pin found for the southwest corner and POINT OF BEGINNING of the said tract herein described, said corner being the northwest corner of the said School tract, northeast corner of that certain tract of land described in that certain instrument recorded in Volume 281, Page 323 of the Deed Records of Orange County, Texas and southeast corner of that certain tract of land herein referred to as the "Highway 62-PARCEL NO. 34 (Part 2)" tract, which said Highway 62-PARCEL NO. 34 (Part 2) tract is so designated and is described in that certain instrument from Lola Peveto, et al, to the State of Texas dated July 21, 1983 and recorded in Volume 565, Page 308 of the Deed Records of Orange County, Texas, and in the easterly right-of-way line of Texas State Highway 62;

THENCE North 1 deg. 31 min. 38 sec. West along and with the easterly line of the said Highway 62-PARCEL NO. 34 (Part 2) tract and along and with the said easterly right-of-way line of Highway 62 a distance of 64.76 feet to a concrete monument found for Station 475+00;

THENCE North 0 deg. 45 min. 20 sec. West continuing along and with the said easterly line of the Highway 62-PARCEL NO. 34 (Part 2) tract and along and with the said easterly right-of-way line of Highway 62 a distance of 3.84 feet to an iron pin set for the northwest corner of the said tract herein described, said corner being in the southerly line of the hereinbefore said Wayne and Glen Peveto tract, and the said iron pin being South 0 deg. 45 min. 20 sec. East along and with the said easterly right-of-way line of Highway 62 a total distance of 496.60 feet from a concrete monument found for Station 470+00;

THENCE South 74 deg. 39 min. 55 sec. East along and with the said southerly line of the Wayne and Glen Peveto tract a distance of 152.37 feet to an iron pin set for the northeast corner of the said tract herein described, said corner being the southeast corner of the said Wayne and Glen Peveto tract;

THENCE South 35 deg. 22 min. 29 sec. West along and with the hereinbefore said southerly extension of the easterly line of the said Wayne and Glen Peveto tract a distance of 69.90 feet to the hereinbefore said iron pin found in the hereinbefore said northerly line of the School tract for the southeast corner of the said tract herein described;

THENCE (again) North 74 deg. 39 min. 55 sec. West along and with the said northerly line of the School tract a distance of 108.57 feet to the POINT OF BEGINNING and containing 0.197 acre of land, more or less.

SURVEY PLAT OF A
 0.1273 acre tract or parcel of land out of
 the UEL RICHLEY SURVEY, ABSTRACT No. 22,
 Orange County, Texas, also being out of and a
 part of that certain 1.078 acre tract or parcel
 of land conveyed to Megachips, Inc., by deed
 recorded in Volume 827 Page 423, of the
 Official Public Records, of Real Property, Orange
 County, Texas, also that certain 0.197 acre
 tract or parcel of land conveyed to Megachips,
 Inc., by deed recorded in Volume 827 Page
 423, of the Official Public Records, of Real
 Property, Orange County, Texas

HIGHWAY 62
 ORANGE TEXAS, 77832

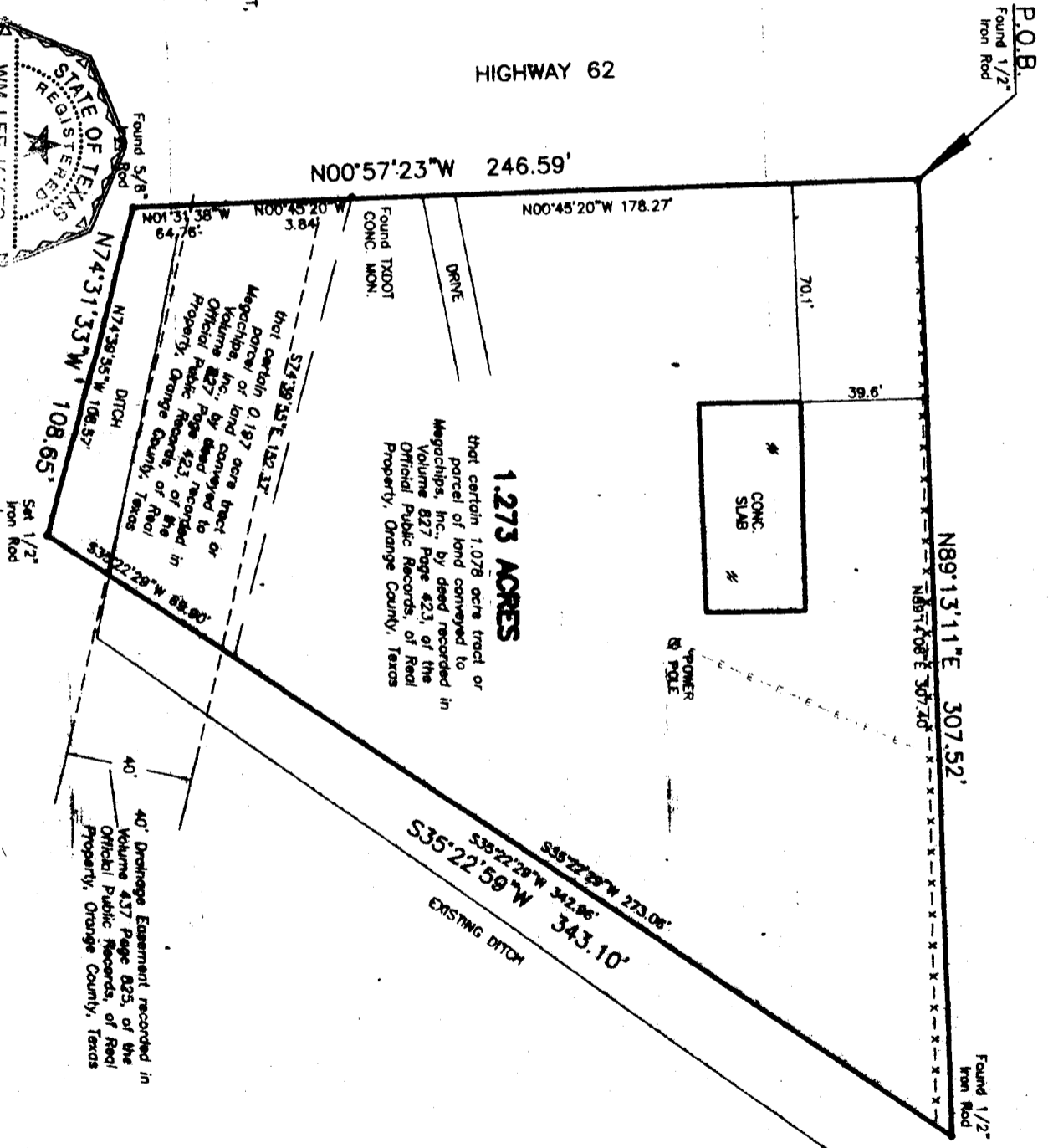
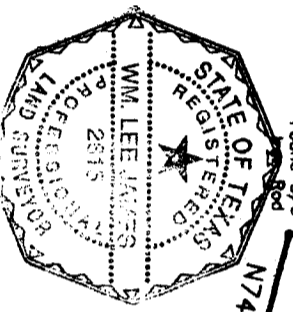
COMMUNITY - 480510 THIS PROPERTY IS IN FLOOD ZONE "C"
 AND DOES NOT LIE WITHIN THE
 100 YEAR FLOOD PLANE.
 DATE: 1-8-83

PROPERTY SURVEYED WITHOUT BENEFIT OF CURRENT TITLE COMMITMENT,
 EASEMENT, IF ANY, NOT RESEARCHED OR SHOWN.
 THERE WERE NO VISIBLE ENCROACHMENTS ON THE PROPERTY AT THE
 TIME OF THE SURVEY AS NOTED ON THE FOREGOING PLAT.
 EXCEPT AS SHOWN.

SURVEY PREPARED FOR: HARBAR INC.

I, WM. LEE JAMES, REGISTERED PROFESSIONAL LAND SURVEYOR,
 NO. 2815, IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS
 IS AN ACCURATE PLAT OF A SURVEY MADE BY ME ON THE GROUND
 ACCORDING TO THE LAW THAT LIMITS THE BOUNDARIES WITH ALL
 MARKS NATURAL AND ARTIFICIAL TRULY SHOWN ON THE FOREGOING
 PLAT AND THAT THIS IS TRUE TO THE BEST OF MY KNOWLEDGE
 AND BELIEF.
 WITNESS MY HAND AND SEAL, THIS 23rd DAY OF AUGUST, 2007.

Wm. Lee James
 WM. LEE JAMES, R.P.L.S. 2815
 469-07-0433



HIGHWAY 62

N00°57'23"W 246.59'

N00°45'20"W 178.27'

P.O.B.
 Found 1/2" from Rod

N89°13'11"E 307.52'

Found 1/2" from Rod

1.273 ACRES

that certain 1.078 acre tract or parcel of land conveyed to Megachips, Inc., by deed recorded in Volume 827 Page 423, of the Official Public Records, of Real Property, Orange County, Texas

that certain 0.197 acre tract or parcel of land conveyed to Megachips, Inc., by deed recorded in Volume 827 Page 423, of the Official Public Records, of Real Property, Orange County, Texas

40' Drainage Easement recorded in Volume 437 Page 825, of the Official Public Records, of Real Property, Orange County, Texas

SCALE 1"=40'

Anderson
 Surveying and Mapping
 P.O. Box 882
 Bridge City, Texas 77611

PROPOSED
SERVICE PLAN - DAVILYN HOSPITALITY, INC. PROPERTY

I. INTRODUCTION

This service plan (plan) is made by the City of Orange, Texas (City) pursuant to Chapter 43 of the Local Government Code.

II. SERVICE PROGRAM

A. In General

This plan includes two service programs: (1) Early Action Program and (2) Capital Improvement Program.

B. Scope and Quality of Services

Services under this plan shall equal or exceed the number of services or level of services in existence in the tract prior to annexation. However, it is not the intent of this plan to require that a uniform level of services be provided to all areas of the City (including the tract) where differing characteristics of topography, land utilization and population density are considered as a sufficient basis for providing different levels of service.

C. Definitions

1. As used in this plan, providing services includes having services provided by any method or means by which the City extends municipal service to any other area of the City. This may include causing or allowing private utilities, governmental entities, other public service organizations to provide such services, in whole or in part.
2. As used in this plan, the phrase “standard policies and procedures” means those policies and procedures of the City applicable to a particular service which are in effect either at a time that a service is requested or at a time that the service is made available or provided. The policies or procedures may require that a specific type of request be made, such as an application or a petition. They may require that fees or charges be paid and may include eligibility requirements and similar provisions.

D. Early Action Programs

1. Statutory Services. The statutory services will be provided immediately after the effective date of this plan, except as otherwise indicated.
 - a. Police Protection. The City will provide or cause to be provided protection and law enforcement in the tract. These activities will

include normal patrols and responses and the handling of complaints and incident reports.

- b. Fire Protection. The City will provide or cause to be provided fire protection in the tract.
- c. Solid Waste Collection. Residential, non-residential service and future residential service will be governed by standard policies and procedures.
- d. Maintenance of Water and Wastewater Facilities. The City will provide or cause to be provided adequate water and waste water services in the tract to all residential and non-residential sites.
- e. Maintenance of Roads and Streets (including lighting). The City will provide maintenance of roads and streets over which the City will have jurisdiction.
- f. Maintenance of Parks, Playgrounds, and Swimming Pools. As indicated by the Capital Improvements Program, it is not necessary to acquire or construct such facilities in this tract, so there are none to be maintained. Should any such facilities be constructed by the City within the tract, the Parks and Recreation Department will provide maintenance services for them.
- g. Maintenance of any other Publicly-Owned Facility, Building or Service. As indicated by the Capital Improvement Program, it is not necessary to acquire or construct such buildings or facilities within the tract, so there are none to be maintained, and there are no other Publicly-Owned services to which such maintenance would apply. Should any such facilities, building or services be constructed or located by the City within the tract, an appropriate City department will provide maintenance services for them.

- 2. Additional Services. Certain services, in addition to statutory services, will be provided within the tract to the same extent they are provided to similar territories elsewhere in the City, including:
 - a. Library services from existing and future facilities in accordance with standard policies and procedures.
 - b. Other city services, to the extent applicable to persons or properties within the tract, in accordance with standard policies and procedures.

E. Capital Improvement Program

The City will initiate the construction or acquisition of capital improvements necessary for providing municipal services for the tract. Those improvements which are necessary are indicated below and any necessary construction or acquisition shall begin immediately and be complete within 2 ½ years of the effective date of this plan, except as otherwise indicated.

- 1. Police Protection. Police protection for the tract can be provided by using existing capital improvements. However, the tract will be included with

other territory in connection with planning for new, revised or expanded fire fighting facilities.

2. Fire Protection. Fire protection for the tract can be provided by using existing capital improvements. However, the tract will be included with other territory in connection with planning for new, revised or expanded fire fighting facilities.
3. Solid Waste Collection. No capital improvements are necessary at this time to provide solid waste collection services within the tract as described in the early action program. However, the tract will be included with other territory in connection with planning for new, revised or expanded solid waste facilities.
4. Water and Wastewater Facilities. No capital improvements are necessary at this time, as water and wastewater services are in place.
5. Roads and Streets (including lighting). In general, the City will acquire dominion, control and jurisdiction in, over and under public streets and roads within the tract subject to the jurisdiction of other government entities. Additional streets and roads or related facilities are not necessary to serve the tract. Future extensions of roads or streets and future installation of related facilities such as traffic control devices or street lights will be governed by standard policies and procedures. The tract will be included with other territory in connection with planning for new, revised and widened or enlarged roads, streets or related facilities.
6. Parks, Playgrounds and Swimming Pools. These services can be provided by using existing capital improvements. The closest existing facilities are at Lions Park and the Natatorium. Additional capital improvements are not necessary at this time to provide such services to the tract. However, the tract will be included with other territory in connection with planning for new, revised or expanded parks, playgrounds and swimming pools.
7. Other Publicly-Owned Facilities, Buildings or Services: Additional Services. In general, other city functions and services, and the additional services described above, can be provided to the tract by using existing capital improvements. Additional capital improvements are not necessary to provide them. However, the tract will be included with other territory in connection with planning for new, revised or expanded facilities.

III. AMENDMENT: GOVERNING LAW

This plan may not be amended or repealed except as provided by the act or other controlling law. Neither changes in the methods or means of implementing any part of the service program nor changes in the responsibilities of the various departments of the City shall

constitute amendments to this plan and the city reserves the right to make such changes. This plan is subject to, and shall be interpreted in accordance with, the act, the Constitution and laws of the Federal Government of the United States of America and the State of Texas, and the orders, rules and regulations of the Governmental bodies and officers having jurisdiction.