

**ORDINANCE NO. 1140-10-17**

**AN ORDINANCE AMENDING CHAPTER 1, ARTICLE 1.13 ENTITLED "CEMETERIES", DIVISION 1. SECTION 1.13.001 - DEFINITION IN THE CITY CODE OF ORDINANCES TO DESIGNATE AN 8.0 ACRE CITY-OWNED TRACT LOCATED NEAR INTERSECTION OF 6<sup>TH</sup> STREET AND AVENUE D AS A CITY CEMETERY TO BE NAMED "OAKWOOD CEMETERY ANNEX"; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING PENALTIES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City currently owns and operates municipal cemeteries referred to as Oakwood Cemetery (consisting of Woodmen of the World, and St. John's Catholic and Guadalupe Sections) and Ingleside Section and Ingleside North Section Cemeteries, collectively known as Hondo Cemetery; and

**WHEREAS**, the city owns an 8-acre tract of land located adjacent to Oakwood Cemetery and now wishes to designate this property as a city cemetery.

**NOW, THEREFORE BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF HONDO, THAT:**

**SECTION 1. AMENDMENT.** Chapter 1, "General Provisions", Article 1.13 "Cemeteries" of the Municipal Code of Ordinances of the City of Hondo is amended so that Section 1.13.001, shall read as follows:

**Sec. 1.13.001 Definition**

(a) As used in this article, the word "cemetery" shall mean and include the cemeteries belonging to owned and/or operated by the city, including Oakwood Cemetery (consisting of Woodmen of the World, St. John's Catholic Section and Guadalupe Section) and Ingleside Section and Ingleside North Section, collectively (Oakwood, Woodmen of the World, Ingleside), Guadalupe and Catholic Cemeteries, and known as Hondo Cemetery and depicted in the sketch included in EXHIBIT "A," and the provisions of this article shall apply to such cemetery. (1995 Code, sec. 1.2401)

(b) "Cemetery" shall also include the city-owned 8-acre tract located near the intersection of 6<sup>th</sup> Street and Avenue D, Hondo Texas and described as follows:

8.000 acres of land situated within the Corporate Limits of the City of Hondo, in Medina County, Texas, out of Survey No. 193, Abstract No. 74, A. Brieden, original Grantee, being a portion of that 123.592 acre tract of land described in Deed to Fred L. Graff, et ux and C-5 Properties, Ltd. from Y. Frank Jungman, et al, dated June 30, 2003, as recorded in Volume 499, Page 595, Official Public Records of Medina County, Texas, and further described in the General Warranty Deed, dated January 13, 2005, and of record at Volume 565, Page 595, Official Public Records, Medina County, Texas; said 8.00 acre tract being described by survey field notes included in EXHIBIT "B".

The 8-acre tract will be named "Oakwood Cemetery Annex".

**SECTION 2.** The remainder of Chapter 1, "General Provisions", Article 1.13 "Cemeteries" shall remain unchanged by this Amendment.


**SECTION 3. INCORPORATION OF RECITALS.** The City Council finds the recitals in the preamble of this Ordinance are true and correct and incorporates them as findings of fact.

**SECTION 4. REPEALER.** All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

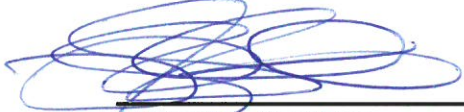
**SECTION 5. SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void; and that in lieu of each clause or provision of this Ordinance that is invalid, illegal, or unenforceable there be added by the Mayor as necessary with the approval of the City Attorney as to form, and as a part of the Ordinance a clause or provision as similar in terms to such invalid, illegal or unenforceable clause or provision as may be possible, legal, valid and enforceable.

**SECTION 6. EFFECTIVE DATE.** This ordinance shall become effective upon the adoption of this ordinance.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HONDO, TEXAS,  
THIS 13<sup>th</sup> DAY OF November 2017.**

  
\_\_\_\_\_  
**JAMES W. DANNER, SR., MAYOR**

**ATTEST:**

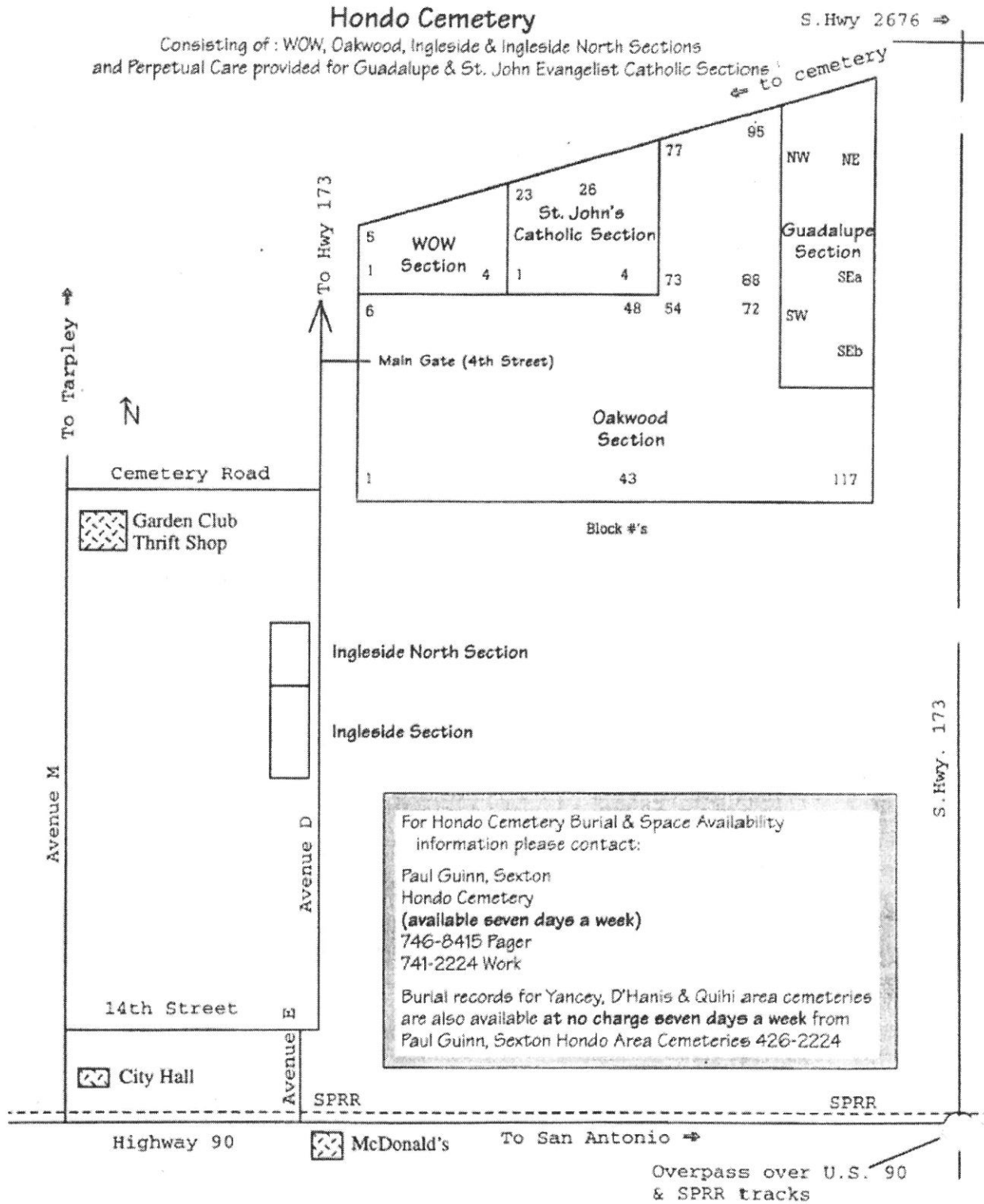


\_\_\_\_\_  
**MIGUEL CANTU  
CITY SECRETARY**



# EXHIBIT "A"

## SKETCH OF HONDO CEMETERY



## EXHIBIT "B"

### DESCRIPTION OF 8-ACRE TRACT

THE STATE OF TEXAS      PREPARED FOR: The City of Hondo  
COUNTY OF MEDINA

#### FIELD NOTES TO DESCRIBE

A survey of 8.000 acres of land situated within the Corporate Limits of the City of Hondo, in Medina County, Texas, out of Survey No. 193, Abstract No. 74, A. Brieden, original Grantee, being a portion of that certain 123.592 acre tract of land described in a Deed to Fred L. Graff, et ux and C-5 Properties, Ltd. from Y. Frank Jungman, et al, dated June 30, 2003, as recorded in Volume 499 on Page 595 of the Official Public Records of Medina County, Texas, and being more particularly described by metes and bounds as follows:

**BEGINNING:** At a 5/8" iron pin set in fence on the recognized North line of said Survey No. 193, the recognized South line of Survey No. 192, Abstract No. 104, Nicolas Brauch, original Grantee, the North line of said 123.592 acre tract of land, and the South line of that certain 32.51822 acre tract being the Hondo Cemetery property described as Area 6 in Annexing Ordinance No. 241, dated February 11, 1975, as recorded in Volume 264 on Page 357 of the Deed Records of Medina County, Texas, for the Northwest corner of this survey from which a 5/8" iron pin found by an 8" diameter cedar corner post on the East line of Avenue "D" for the Northwest corner of said 123.592 acre tract of land bears S 89-56-12 W 368.36 feet;

**THENCE:** Along fence, the recognized North line of said Survey No. 193, the recognized South line of said Survey No. 192, the North line of said 123.592 acre tract of land, and the South line of said 32.51822 acre tract, N 89-56-12 E 445.18 feet to a 5/8" iron pin found for an angle point and S 89-57-26 E 578.14 feet to an 8" diameter cedar corner post for the Southeast corner of said 32.51822 acre tract, the Southwest corner of that certain 20.001 acre tract of land described in a Contract of Sale and Purchase to Owen Lee Samford from the Veterans Land Board of Texas, dated March 5, 1969, as recorded in Volume 225 on Page 592 of the aforementioned Deed Records, an angle point in the North line of said 123.592 acre tract of land, and the Northeast corner of this survey;

**THENCE:** S 00-05-51 E 341.18 feet to a 5/8" iron pin set for the Southeast corner of this survey;

**THENCE:** N 89-56-29 W 1021.41 feet to a 5/8" iron pin set for the Southwest corner of this survey;

**THENCE:** N 00-25-14 W 340.08 feet to the POINT OF BEGINNING.

The bearings are relative to Geodetic North as taken from GPS observations.

I certify that the foregoing field note description was prepared from an actual survey made under my supervision on the ground and that same is true and correct. Witness my hand and seal this the 28<sup>th</sup> day of December, 2004.