


072850

Certificate

I, Diana T. Woods hereby certify:

1. I am the City Secretary of the City of Umland, Texas and as such am the custodian of the records of the City.
2. Ordinance No. 54, Expanding the City's Extraterritorial Jurisdiction (ETJ) was adopted on June 6th, 2007 by the Board of Aldermen of the City of Umland, Texas at a regularly scheduled meeting, held after due and legal notice.
3. Said Ordinance is filed in the City Records and has not been amended.
4. The attached document is the original, including attachments of the said Ordinance.


Diana T. Woods

Diana T. Woods, City Secretary

**Ordinance No. 54
City of Uhland
County of Hays
State of Texas
June 6, 2007**

ETJ EXPANSION ORDINANCE

AN ORDINANCE OF THE CITY OF UHLAND, TEXAS, EXPANDING THE CITY'S EXTRATERRITORIAL JURISDICTION (ETJ) SO TO INCLUDE ADJACENT AND CONTIGUOUS TERRITORY UPON PETITION OF THE PROPERTY OWNER, INCLUDING THE FOLLOWING: FINDINGS OF FACT; INCLUSION OF AREA IN ETJ; FILING & DISPLAY; EFFECTIVE DATE; SEVERABILITY; AND PROPER NOTICE AND MEETING

WHEREAS, Chapter 42 of the Texas Local Government Code authorizes municipalities to expand their extraterritorial jurisdictions (ETJs) upon request of the property owner if that territory is adjacent and contiguous to the present ETJ; and

WHEREAS, the property owner requested that the City of Uhland include within the City's ETJ the territory that is more particularly described in Exhibit "A" (hereafter referred to as the "territory"); and

WHEREAS, the territory is contiguous to the City's ETJ; and

WHEREAS, at the conclusion of the hearing the Uhland City Council determined that the territory and the petitioner satisfy all requirements for inclusion within the ETJ, and that granting the petition is in the public interest of the citizens of the area and Uhland; and

NOW THEREFORE, be it ordained by the City Council of the City of Uhland:

1. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Uhland, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

2. INCLUSION OF AREA IN ETJ

A. The petition attached as Exhibit "A" is hereby approved and granted.

B. The ETJ of Uhland is hereby expanded so to include the area described in Exhibit "A"

(hereafter, the "Area"), which is attached hereto and incorporated herein for all purposes. The Area is hereby included and for all purposes brought within the boundaries of the City of Uhland's ETJ, and is made an integral part, thereof.

- C. This Ordinance does not apply to any portion of the Area that is currently within the ETJ of another municipality and for which consent has not been or will not be granted by the releasing municipality. Any portion of the Area that is within another municipality's ETJ and that is not released from another municipality's ETJ is expressly excluded from this Ordinance. This Ordinance shall not be construed to in any way alter, modify or revise the ETJ of any municipality other than the City of Uhland.
- D. The official map and boundaries of the City are hereby amended and revised so as to include the Area.
- E. The owners and inhabitants of the Area are entitled to all of the rights and privileges of other citizens of the City's ETJ, and are hereby bound by all acts, ordinances and other legal actions now in full force and effect, and those that may be hereafter adopted or enacted, regarding the ETJ.

3. FILING & DISPLAY

- A. The City Secretary is hereby instructed to include this Ordinance in the records of the City.
- B. The Mayor is hereby instructed to file a certified copy of this Ordinance and attachments with the Caldwell County Clerk and other appropriate entities.
- C. The City Engineer is hereby instructed to have maps depicting the new municipal boundaries prepared.

4. EFFECTIVE DATE

This Ordinance is effective and the expansion of the ETJ achieved herein shall be final and complete upon adoption of this Ordinance.

5. 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. If any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or *ultra vires* by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written. The voiding by a court of any ETJ expansion previously approved by the City of Uhland shall not be construed in any way to affect any other ETJ expansion by the City.

6. 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 that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED on this the 6th day of June, 2007, by a vote of 6 ayes, 0 nays, and 0 abstentions of the City Council.

THE CITY OF UHLAND, TEXAS

Daniel R. Heideman
Mayor

CITY
ATTEST:

Diana Woods
City Secretary

STATE OF TEXAS

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§

COUNTY OF HAYS

PETITION FOR VOLUNTARY ETJ EXPANSION

To the Mayor and City Council of the City of Uhland:

The undersigned owner(s) of the tract of land described below (the "tract") hereby petition the City of Uhland to extend the present extraterritorial jurisdiction ("ETJ") so as to include the property described on Exhibit "A" (hereafter, the "tract"), which is attached and incorporated herein for all purposes.

I/We certify and swear that:

1. I/We are the sole owners of the tract;
2. The tract is contiguous (i.e., adjacent) to the City's ETJ as it exists upon the date of the execution of this petition;
3. The tract is not located within the ETJ of any other municipality; and
4. This request for inclusion in Uhland's ETJ is made voluntarily.

I/We certify and swear that this petition is signed and acknowledged by each and every person and legal entity owning said tract, or having an interest in any part thereof.

Jerry Burkland
 Name
5-31-07
 Date

 Name

 Date

This instrument was sworn to, signed and acknowledged before me by Jerry Burkland on this, the 31st day of May, 2007.

Chris Loraine Burkland
 Notary Public, State of Texas
 My commission expires: 10/08/08

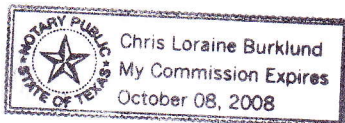


Exhibit "A"

Property Description

Attached is a metes and bounds description of the tract of land to be included in the City's ETJ and a map or drawing, and when possible a survey, plat number, and street address

496.5 1/2 acres

FIRST TRACT: Being in Caldwell County, Texas, and a part of the Thomas Yates Survey, and BEGINNING at the South corner of what is called the Pitts tract, it being the East corner of this tract; THENCE N. 40 W. 1349.4 varas to the Southeast line of a tract of land owned by Schawon; THENCE S. 49 degrees 55 minutes West 666.3 varas to the South corner of said tract; THENCE S. 40 degrees 12 minutes E. 33.1 varas to a stake; THENCE S. 50 W. 641.82 varas to a stake on the N. E. line of a 112 acre tract formerly owned by H. B. Jones 477.9 varas from said Jones East corner; THENCE S. 40 degrees 03 minutes E. 1315.7 varas to a cedar post on the N. W. line of a public lane; THENCE N. 50 degrees E. 1300.0 varas to the Place of Beginning, containing 309.6 acres of land, and being the same tract of land conveyed to C. B. Pfeiffer by S. E. Allison and Irma May Carlton Allison by deed dated December 11th, 1909, and recorded in Volume 42, Pages 424 and 425 of the Deed Records of Caldwell County, Texas, to which recorded instrument reference is hereby made for further description.

SECOND TRACT: Also being in Caldwell County, Texas, a part of the Thomas Yates Survey and being on the S. W. end of a 200 acre tract bought from H. Hartman and wife on the 27th day of June, 1911, and described as follows, to-wit: BEGINNING at an iron pin the most south corner of said 200 acres of land on the N. E. line of a 112 acre tract known as H. B. Jones tract; THENCE N. 40 W. 300.3 varas to an iron pin on corner of Chas Pfeiffer 103 acre tract; THENCE N. 50 E. 641.82 varas set a stake and pile of stone on Schawon's S. W. line; THENCE S. 40 E. 302 varas to an iron pin corner of Chas. Pfeiffer's home tract; THENCE S. 50 W. 641.82 varas to the place of beginning, containing 34.23 acres of land conveyed to C. B. Pfeiffer by H. Schulle, Sen. and Lydia Schulle, his wife by deed dated December 14th, 1921, recorded in Volume 75, Page 335 of the Deed Records of Caldwell County, Texas, here referred to for all purposes.

THIRD TRACT: Also being in Caldwell County, Texas, and a part of the Thomas Yates Survey, and BEGINNING at an iron stake on the N. E. line of the H. B. Jones 112 acre tract which is the west corner of the C. B. Pfeiffer 309.06 acre tract; THENCE N. 40-03 W. 277.1 var to an iron stake for the east corner of a 3.17 acre tract surveyed for H. B. Jones; THENCE S. 49-55 W. 750.4 var to an iron stake for the south corner of said 3.17 acre tract; THENCE S. 40-23 E. 755 var to a set stone for the S. corner of the H. B. Jones 112 acre tract; THENCE with fence N. 49-54 E. 744.1 var to a wood stake on the S. W. line of the C. B. Pfeiffer 309.6 acre tract; THENCE N. 40-03 W. 477.9 var to the place of beginning and containing 100 acres of land.

Initial for IP

✓ H. B.

✓ G. B.

EXHIBIT A

FOURTH TRACT: Being a part of the Thomas Yates Survey and BEGINNING at an iron stake on the N. E. line of a tract of 112 acres, more or less, conveyed by Mrs. Kate Doyle and Mollie Doyle to H. B. Jones and from which the North corner of said 112 acre tract bears N. 40-03 W. 65.2 vrs and the West corner of a tract of 309.6 acres conveyed by S. E. Allison to C. B. Pfeiffer bears S. 40-03 E. 301.1 vrs;

THENCE S. 40-03 E. 23.9 vrs to an iron stake for the North corner of a 100 acre tract conveyed by H. B. Jones to C. B. Pfeiffer on January 21, 1916;

THENCE S. 49-55 W. 750.4 vrs to an iron stake under fence on the N. E. side of said land;

THENCE with said fence N. 40-23 W. 23.9 vrs to an iron stake set for S. corner of a 0.75 acre tract now owned by Katie and Tony Doyle;

THENCE N. 49-55 E. 750.5 vrs to the place of beginning and containing 3.17 acres.

FIFTH TRACT: A part of the Thomas Yates Survey and BEGINNING at a fence post on the N. E. line of Maxwell Road for the West corner of this tract;

THENCE with fence for the N. E. line of said road S. 40-33 E. 1053.2 feet to an iron stake for S. corner of this tract;

THENCE N. 49-15 E. 2084.9 feet to an iron stake;

THENCE N. 40-33 W. 1053.2 feet to an iron stake for the N. corner of this tract;

THENCE S. 49-15 W. 2084.9 feet to the place of beginning and containing 50-41/100 acres of land.

Initial for ID VHB

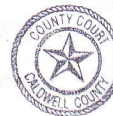
V.B.

Any provisions herein which restricts the sale, rental or use of the described property because of color or race is invalid and unenforceable under Federal Law.
 STATE OF TEXAS
 COUNTY OF CALDWELL
 I hereby certify that this instrument was FILED in File Number Sequence on the date and time stamped hereon by me and was duly RECORDED in Official Public records of Real Property of Caldwell County Texas on

FILED this 7th day of June 07
4:00 P M

NINA S. SELLS
 COUNTY CLERK CALDWELL COUNTY, TEXAS
 By Teresa Rodriguez Deputy

JUN 07 2007



Nina S. Sells
 COUNTY CLERK
 CALDWELL COUNTY, TEXAS