

073743

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. 55, 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. 55
City of Umland
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 Umland 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 Umland 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 Umland; and

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

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 Umland, 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 Umland 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 H. Edelman
Mayor

ATTEST:

Diana Woods
City Secretary

STATE OF TEXAS
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 subject to ownership.

I/We certify and swear that:

1. I/We will be 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.


 Caldwell 151 L.P. Managing Partner
 Gerald Kokoszka

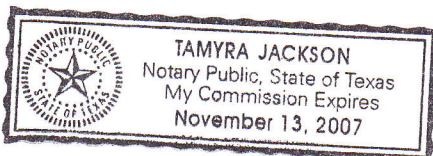
5/21/07
 Date

 Name

 Date

This instrument was sworn to, signed and acknowledged before me by
Gerald Kokoszka on this, the 21st day of May, 2007.


 Notary Public, State of Texas



LEGAL DESCRIPTION

151.614 ACRES OF LAND OUT OF THE THOMAS YATES SURVEY, ABSTRACT NO. 313 IN CALDWELL COUNTY, TEXAS, COMPRISED OF A PORTION OF THAT TRACT CONVEYED AS 153.74 ACRES TOTAL COMPRISED OF FIRST TRACT, 106.065 ACRES AND SECOND TRACT, 47.671 ACRES TO JIM MATTOX, TRUSTEE BY DEED RECORDED IN VOLUME 197, PAGE 926 DEED RECORDS OF CALDWELL COUNTY AND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SURVEYED UNDER THE SUPERVISION OF C. RICHARD RALPH, R.P.L.S. NO. 4758 DURING MARCH, 2007:

BEGINNING at an iron rod found for the northeast corner hereof, the common north corner of said Second Tract and that tract conveyed as 1.38 acres to Elaine Miranda by deed recorded in Volume 320, Page 95 of said Deed Records, and a point along the south right-of-way line of State Highway No. 21 (100' R.O.W.), from which point, for reference, a concrete right-of-way monument found bears N 63°30'26" E, 383.91 feet along the south line of said Highway;

THENCE the following six (6) courses, generally as fenced, along the easterly line of said 153.74 acres:

- 1) S 24°02'05" E, 793.26 feet along the common line of said Second Tract and said 1.38 acres and the west line of The Estates, a Subdivision of record in Cabinet A, Page 13, Plat Records of Caldwell County to a nail found in a fence post;
- 2) S 24°11'42" E, pass at 137.22 feet an iron rod found for the southwest corner of Lot 24 and the north corner at the west termination of Blake Road (60' R.O.W.) of said Subdivision, pass at 197.08 feet an iron rod found for the south corner at the west termination of said Blake Road and the northwest corner of Lot 23 of said Subdivision, pass at 319.41 feet an iron rod found for the common west corner of Lots 23 and 22 of said Subdivision, pass at 560.83 feet an iron rod found for the common west corner of Lots 21 and 20 of said Subdivision, continue for a total of 761.27 feet to an iron rod found along the west line of Lot 19 of said Subdivision;
- 3) S 23°55'05" E, 522.26 feet to an iron rod found for the common east corner of said Second and First Tracts and the southwest corner of Lot 15 of said Subdivision;
- 4) N 65°59'58" E, pass at 363.87 feet an iron rod found for the common south corner of Lots 15 and 14 of said Subdivision, pass at 778.67 feet an iron rod found for the common south corner of said Lot 14 and that tract conveyed as 12.02 acres to Jack Turner by deed recorded in Volume 448, Page 310 of said Deed Records, continue for a total of 1473.32 feet to an iron rod set;
- 5) S 87°24'15" E, 37.45 feet to an iron rod found for the common east corner of said First Tract and said 12.02 acres and a point on the west line of that tract conveyed as 405.39 acres to Caldwell 405 L. P. by deed recorded in Volume 478, Page 742 of said Deed Records;
- 6) S 26°13'31" E, 1954.16 feet to an iron rod found for the southeast corner hereof, the common south corner of said First Tract and said 405.39 acres and a point on the north line of that tract conveyed as 496.41 acres to Wilburn Burkland by deed recorded in Volume 340, Page 209 of said Deed Records;

THENCE S 50°49'56" W, 1246.02 feet to an iron rod set and S 50°55'58" W, 517.90 feet, generally as fenced along the common line of said First Tract and said 496.41 feet to a nail found in a fence post for the southwest corner hereof and of said First Tract;

THENCE the following four (4) courses:

- 1) N 39°36'35" W, 744.07 feet, generally as fenced, to an iron rod found for the common east corner of said 496.41 acres and said 52.014 acres;

PROFESSIONAL
LAND SURVEYORS :

1515 Chestnut Street (512) 303-0952
Bastrop, Texas 78821 Fax: (512) 332-0901

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151.614 Acres
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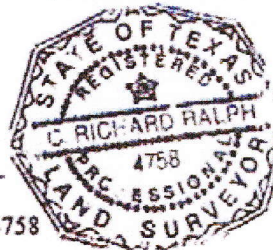
- 2) N 39°26'00" W, (bearing basis for this survey per said Volume 197, Page 926) 3539.09 feet, generally as fenced along the common line of said First and Second Tracts and said 52.014 acres to an iron rod set for the southwest corner of a 2.000 acre remainder portion of said Second Tract;
- 3) N 57°02'13" E, 260.67 feet over and across said Second Tract to an iron rod set for the southeast corner of said 2.000 acres;
- 4) N 32°57'47" W, 296.12 feet continuing over and across said Second Tract to an iron rod set for the northwest corner hereof, the northeast corner of said 2.000 acres and a point along the south line of said Highway, which bears, for reference, N 63°30'26" E, 300.00 feet along the south line of said Highway from an iron rod found for the common north corner of said Second Tract and said 52.014 acres;

THENCE N 63°30'26" E, 1049.36 feet along the south line of said Highway to the POINT OF BEGINNING, containing 151.614 acres of land, more or less and shown on the survey map prepared herewith.

Surveyed by:



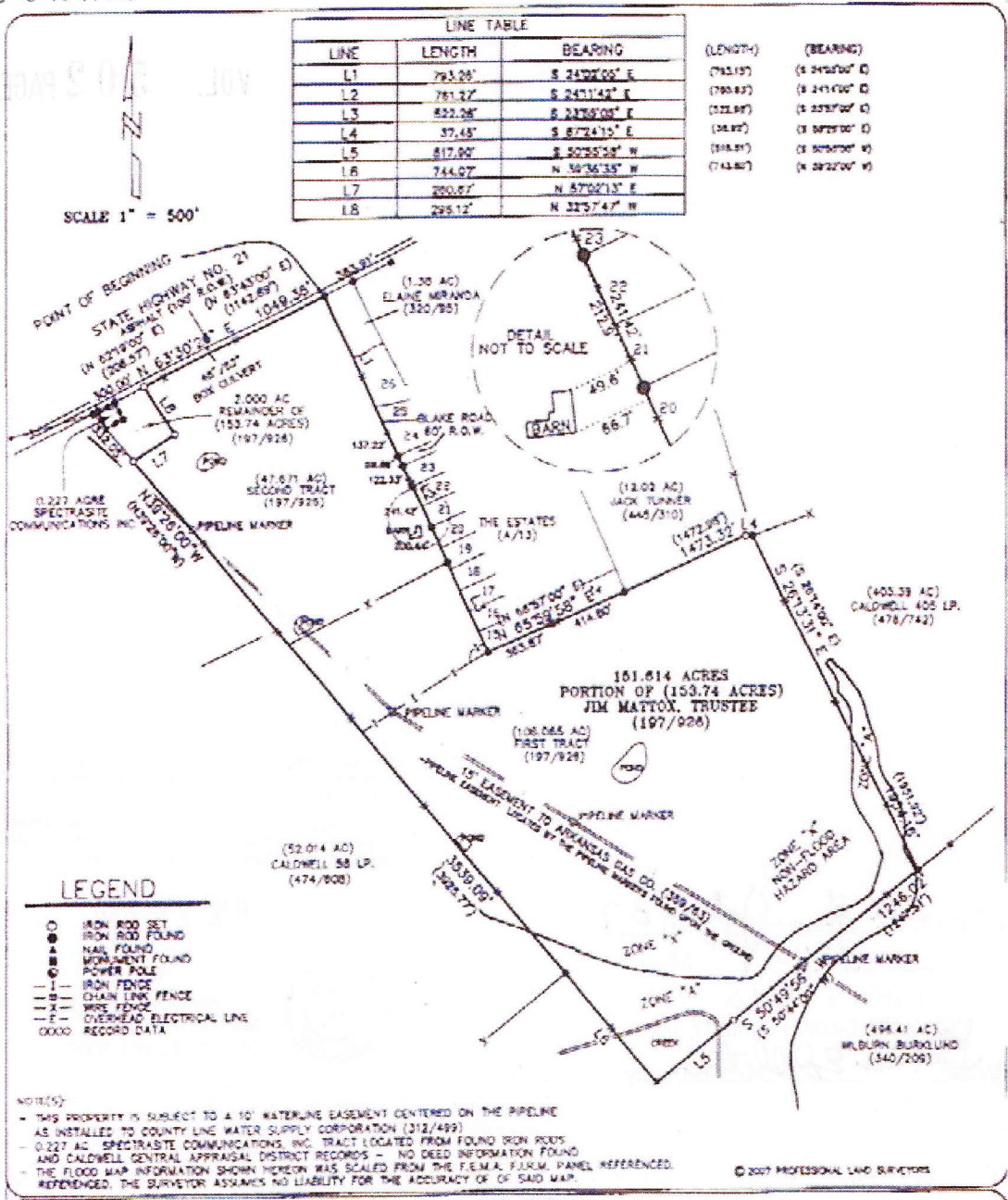
C. Richard Ralph
Registered Professional Land Surveyor No. 4758



March 29, 2007

Project No. 0711045 - 95/27

284 0M500 JOV



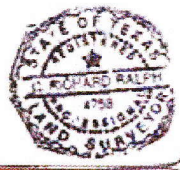
INDEPENDENCE TITLE


TO THE OWNERS, LESSEES AND

THE UNDERSIGNED HEREBY CERTIFY THAT ALL ON THE ORIGINAL SURVEY WAS THIS DAY MADE OF THE PROPERTY AS DESCRIBED HEREON AND IS CORRECT. WITH DISCREPANCIES, DEFICIENCIES BY LEGAL, BOUNDARY LINE CONFLICTS, DISCREPANCIES, ENCROACHMENTS, IMPROVEMENTS, VISIBLE UTILITY LINES OF ROADS IN PLACE, AS SHOWN HEREON. THIS SURVEY WAS PERFORMED IN COMPLIANCE WITH AND CONFORMS TO THE ARTIST OF THE EASEMENTS SHOWN ON SOVEREIGN # 2 OF THIS COUNTY OF TEXAS. 000840-000

THE SURVEY PROPERTY IS LOCATED IN ZONE 4, AND IS WITHIN THE 100 YEAR FLOOD HAZARD AREA AS SHOWN ON FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAP (FIRM) PANEL NO. 48059A 0001 E. DATED 04-11-1988. INSURANCE PURPOSER ONLY AND DOES NOT INDICATE WHETHER OR NOT THE SURVEY PROPERTY DUES OR DOES NOT FLOOD.

Jerry Koko 3-29-07
 JERRY KOKO
 PROFESSIONAL LAND SURVEYOR STATE



 <p>PROFESSIONAL LAND SURVEYORS 1515 CHESTNUT STREET BASTROP, TEXAS 78602 PH. (512) 303-0952 FAX. (512) 332-0981 PROSURY@AOL.COM</p>	<p>REFERENCE</p> <p>JERRY KOKO</p> <p>SURVEY OF: 151.814 ACRES OUT OF THE THOMAS YATES SURVEY, ABSTRACT NO. 313, CALDWELL COUNTY, TEXAS - SEE ACCOMPANYING LEGAL DESCRIPTION</p>							
	<table border="1"> <tr> <td>DATE:</td> <td>3/29/2007</td> <td>PROJECT NO.:</td> <td>0711045</td> </tr> <tr> <td>DATE:</td> <td></td> <td>FILE NO.:</td> <td>65/27</td> </tr> </table>	DATE:	3/29/2007	PROJECT NO.:	0711045	DATE:		FILE NO.:
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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 26th day of July 2007
3:00 P M

NINA S. SELLS
COUNTY CLERK CALDWELL COUNTY, TEXAS
By Doria Edleton Deputy

JUL 26 2007



Nina S. Sells
COUNTY CLERK
CALDWELL COUNTY, TEXAS