

072843

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. 56, 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. 56
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.

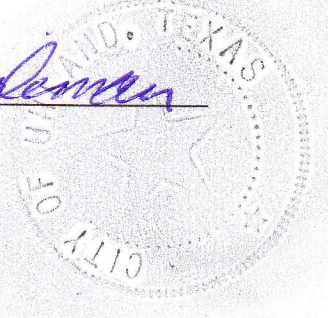
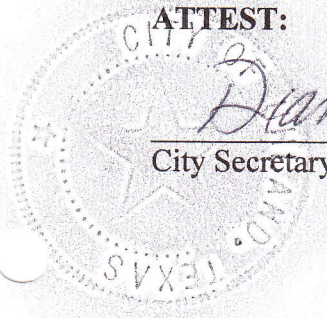
PASSED AND APPROVED on this the 6th day of June, 2007, by a vote of 5 ayes, 0 nays, and 0 abstentions of the City Council.

THE CITY OF UHLAND, TEXAS

Daniel A. Heidemann
Mayor

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.


 Caldwell 55 L.P. Managing Partner
 Gerald Kokoszka

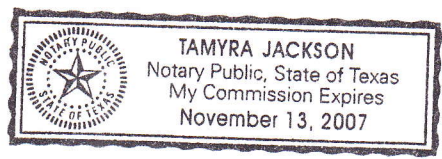


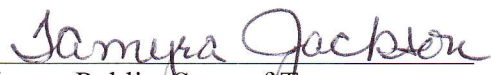
 Date

 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

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

52

FIELD NOTES

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BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE THOMAS YATES SURVEY, ABSTRACT 313, SITUATED IN CALDWELL COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING ALL OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A DEED TO IRENE S. MENN AND RAYMOND SCHULLE, RECORDED IN VOLUME 208, PAGE 576 OF THE DEED RECORDS OF CALDWELL COUNTY, TEXAS, SAID TRACT BEING 52.014 ACRES OF LAND, MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at an iron rod found in the south right-of-way line of State Highway No. 21, at the northeast corner of said Menn/Schulle tract, being also the northwest corner of that certain tract of land described in a deed to Jim Mattox, Trustee, recorded in Volume 197, Page 926 of the Deed Records of Caldwell County, Texas, for the **POINT OF BEGINNING** of the herein described 52.014 acre tract of land,

THENCE, with the east line of said Menn/Schulle tract, being also the west line of said Mattox tract, the following two (2) courses and distances, numbered 1 and 2,

- 1. S41°33'16"E, a distance of 103.27 feet to an iron pipe found, and
- 2. S39°57'04"E, a distance of 3767.48 feet to an iron rod set, for the southeast corner of the herein described tract,

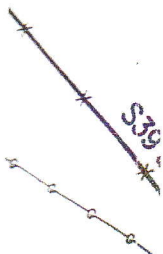
THENCE, with the south line of said Menn/Schulle tract, S50°24'12"W, a distance of 565.79 feet to an iron rod found in 8-inch concrete square,

THENCE, with the west line of said Menn/Schulle tract, the following five (5) courses and distances, numbered 1 through 5,

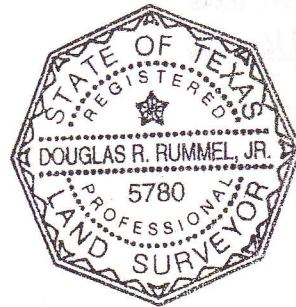
- 1. N40°05'17"W, a distance of 2554.40 feet to an iron rod found in 8-inch concrete square,
- 2. S50°14'43"W, a distance of 57.06 feet to an iron rod found in 8-inch concrete square,
- 3. N39°59'35"W, a distance of 380.43 feet to an iron rod found in 8-inch concrete square,
- 4. N49°30'16"E, a distance of 56.95 feet to an iron rod found in 8-inch concrete square, and
- 5. N40°12'00"W, a distance of 1055.81 feet to an iron rod set in the south right-of-way line of said State Highway No. 21,

THENCE, with the south right-of-way line of said State Highway No. 21, being also the north line of this tract, the following two (2) courses and distances, numbered 1 and 2,

- 1. with a curve to the right having a radius of 5679.58 feet, an arc length of 289.53 feet and whose chord bears, N61°29'37"E, a distance of 289.50 feet to a concrete monument found, and
- 2. N62°59'28"E, a distance of 297.78 feet to the **POINT OF BEGINNING** and containing 52.014 acres of land.



Surveyed By: D R R 3/14/06
 Douglas R. Rummel, Jr. ~ R.P.L.S. No. 5780
CARLSON, BRIGANCE & DOERING, INC.
 3401 Slaughter Lane West
 Austin, Texas 78748
 (512) 280-5160 Fax: (512) 280-5165



earth is from the recorded deed of Menn/Schulle tract
 lename: G:\DOCS\4177-009\fn-title.doc

IRENE

[Faint, illegible text from the reverse side of the page is visible through the paper.]

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 2007
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