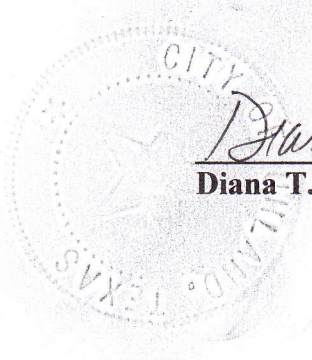


072851

Certificate

I, Diana T. Woods hereby certify:

1. I am the City Secretary of the City of Uhland, Texas and as such am the custodian of the records of the City.
2. Ordinance No. 58, Expanding the City's Extraterritorial Jurisdiction (ETJ) was adopted on June 6<sup>th</sup>, 2007 by the Board of Aldermen of the City of Uhland, 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. 58  
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.

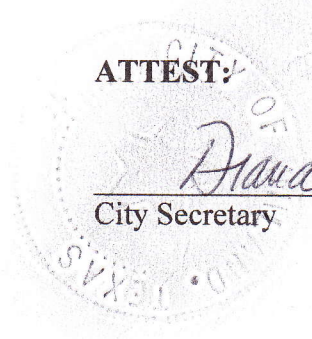
**PASSED AND APPROVED** on this the 6th day of June, 2007, by a vote of 6 ayes, 0 nays, and 0 abstentions of the City Council.

**THE CITY OF UHLAND, TEXAS**

*Daniel R. Heideleman*  
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.

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.

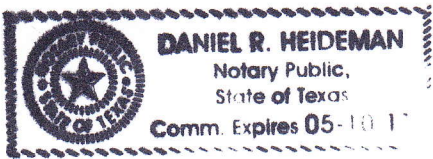
Atanasio S. Garcia  
Name

May 29, 2007  
Date

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

This instrument was sworn to, signed and acknowledged before me by Atanasio S Garcia on this, the 29 day of May, 2007.



Daniel R. Heideman  
Notary Public, State of Texas  
My commission expires: 5-10-11

**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

BEGINNING at a concrete monument found in the SE line of State Highway #21 for the North corner of this tract, the same being the North corner of the above mentioned 111.75 acre tract.

THENCE S 39° 26' E with the NE line of the said 111.75 acre tract 1057.2' to a concrete monument found.

THENCE S 50° 34' W at 56.0' pass a concrete monument and continuing for a total of 360.0' to an iron pin set for the most Southerly corner this tract.

THENCE N 39° 26' W 526.8' to an iron pin set.

THENCE S 59° 23' W 227.95' to an iron pin set.

THENCE N 39° 26' W 586.49' to an iron pin set in the SE line of State Highway #21.

THENCE N 59° 23' E with the SE line of the said Highway 592.26' to the place of beginning, containing 12.00 acres of land,

1.0 acre of said 12.00 acre tract having heretofore been conveyed by grantors herein to Felix P. Garcia by deed dated the 23rd day of September, 1961, and of record in Volume 289, page 44, Caldwell County Deed Records, said 1.0 acre tract being included in the above-set out field notes. Said field notes are taken from a survey made on the ground by Claude F. Hinkle, Registered Public Surveyor No. 1612, on September 21, 1971.

To have and to hold the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Felix P. Garcia and Lucy C. Garcia, their heirs and assigns forever; and we do hereby bind ourselves, our heirs, executors and administrators, to warrant and forever defend, all and singular the said premises unto the said Felix P. Garcia and Lucy C. Garcia, their heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Witness our hands, on this the 4<sup>th</sup> day of October, 1971.

Alton C. Hill  
Alton C. Hill

Billie C. Hill  
Billie C. Hill



by grantors herein to Felix P. Garcia by deed dated the 23rd day of September, 1961, and of record in Volume 289, page 44, Caldwell County Deed Records, said 1.0 acre tract being included in the above-set out field notes. Said field notes are taken from a survey made on the ground by Claude F. Hinkle, Registered Public Surveyor No. 1612, on September 21, 1971.

To have and to hold the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Felix P. Garcia and Lucy C. Garcia, their heirs and assigns forever; and we do hereby bind ourselves, our heirs, executors and administrators, to warrant and forever defend, all and singular the said premises unto the said Felix P. Garcia and Lucy C. Garcia, their heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Witness our hands, on this the 4<sup>th</sup> day of October, 1971.

Alton C Hill  
Alton C. Hill  
Billie C. Hill  
Billie C. Hill

FILED this 7<sup>th</sup> day of June 20 07  
4:00 P M

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

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

JUN 07 2007



Nina S. Sells  
COUNTY CLERK  
CALDWELL COUNTY, TEXAS



**CLAUDE HINKLE SURVEYORS**  
REGISTERED PUBLIC SURVEYORS  
LOCKHART, TEXAS 78644

P. O. BOX 1027  
TELEPHONE 398-2000

All of a certain tract or parcel of land situated in Caldwell County, Texas and being a part of the Thomas Yates Survey and being also a part of a 12.00 acre tract of land conveyed to Felix P. Garcia by deed recorded in Volume 345, Page 242 of the Deed Records of Caldwell County, Texas and being more particularly described as follows:

BEGINNING at an iron pin found in the SE line of State Highway #21 for the West corner this tract also being the North corner of a 0.57 acre tract of land conveyed to Rose G. Dodson by deed recorded in Volume 350, Page 698 of the said Deed Records and from which iron pin the West corner of the said 12.00 acre tract of land bears S 59 degrees 23 minutes W 100 feet.

THENCE N 59 degrees 23 minutes E with the SE line of the said highway 176.82 feet to an iron pin set for the North corner this tract.

THENCE S 39 degrees 26 minutes E 265.5 feet to an iron pin set for a reentrant corner.

THENCE S 50 degrees 34 minutes W 48.29 feet to an iron pin set for an ell corner.

THENCE S 39 degrees 26 minutes E 313.50 feet to an iron pin found in an ell corner of the above mentioned 12.00 acre tract for the East corner this tract.

THENCE S 59 degrees 23 minutes W 127.95 feet to an iron pin set for the South corner this tract.

THENCE N 39 degrees 26 minutes E 586.49 feet to the place of beginning containing 2.000 acres of land.

I hereby certify that the foregoing field notes are a true and correct description of a survey made on the ground by me on September 8, 1988.



Claude F. Hinkle, R.P.S. #1612



THE STATE OF TEXAS  
COUNTY OF CALDWELL

Before me, the undersigned authority on this day personally appeared Fred F. Buchholtz, Mayor of the City of Luling, a municipal corporation, known to me to be the person and officer whose name is signed to the foregoing instrument and acknowledged to me that he executed the same as the Act and Deed of the said City of Luling, for the purpose and consideration therein stated, and in the capacity therein expressed.

Given under my hand and seal of office on this the 14th day of December A.D., 1970.



Janet Nicholas  
NOTARY PUBLIC in and for  
CALDWELL COUNTY, TEXAS

Filed for record at 8:45 A. M. October 6, 1971  
Recorded at 9:00 A. M. October 12, 1971

By: Kathleen Royal Deputy  
Willie B. [unclear], Clerk County Court  
Caldwell County, Texas

STATE OF TEXAS X  
COUNTY OF HAYS X

2086

Know all men by these presents that we, Alton C. Hill and Billie C. Hill, husband and wife, of the County of Caldwell and State of Texas, for and in consideration of the sum of Ten Dollars (\$10.00) cash and other good and valuable considerations to us in hand paid by Felix P. Garcia and Lucy C. Garcia, husband and wife, the receipt whereof is hereby acknowledged and confessed and for which no lien, express or implied, is retained, have granted, sold and conveyed, and by these presents do grant, sell and convey, unto the said Felix P. Garcia and Lucy C. Garcia, of the County of Caldwell and State of Texas, all of a certain tract or parcel of land situated in Caldwell County, State of Texas and being a part of the Thomas Yates Survey and being also a part of a 111.75 acre tract of land conveyed to Alton and Billie C. Hill by Charles H. Hill by deed dated February 16, 1960 and recorded in Volume 289, Page 49 of the Deed Records of Caldwell County, Texas and being more particularly described as follows: