


◇ CITY OF UHLAND ◇

Certificate

I, Diana Woods, hereby certify:

1. I am the City Administrator/City Secretary of the City of Uhlend, Texas and as such am the custodian of the records of the City.
2. Ordinance No. 74, an ordinance authorizing the release of a portion of the city's extraterritorial jurisdiction (ETJ) of the City of Uhlend, Texas over and within the boundary of those certain tracts of land described in Exhibit "A" was adopted on July 11, 2007 by the Board of Aldermen of the City of Uhlend, Texas, at a regularly scheduled meeting, held after due and legal notice.
3. Said Ordinance is filed in the City records, has not been amended, and is recorded in the minute books of the City.
4. The attached document is the original, including attachments, of the said Ordinance.



Diana T. Woods

City Administrator/City Secretary

15 N. OLD SPANISH TRAIL • UHLAND, TEXAS • 78640
PHONE: 512 398-7399 • FAX: 512 398-7359

ORDINANCE NO. 74

AN ORDINANCE AUTHORIZING THE RELEASE OF A PORTION OF THE CITY'S EXTRATERRITORIAL JURISDICTION ("ETJ"); PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PROPER NOTICE AND MEETING.

WHEREAS, the owners, Hays 200 County LP have requested that the City of Uhland to release from Uhland ETJ approximately 100 acres more or less of those certain tracts out of the Robert Carson Survey, Abstract No. 135 located in Hays County Texas.

WHEREAS, the City Council of the City of Uhland desires to release that portion of its extraterritorial jurisdiction described by metes and bounds in the attached Exhibit A;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Uhland:

I. 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.

II. RELEASE AND INCLUSION OF AREA IN ETJ; FILING & DISPLAY

1. THAT the City Council of the City Uhland hereby approves the release of that portion of its ETJ described by metes and bounds in the attached Exhibit A.
2. THAT any portion of Uhland's ETJ that becomes non-contiguous to the corporate boundaries or ETJ of the City of Uhland as a result of the release of ETJ pursuant to this Ordinance or the Agreement shall be deemed to have been hereby released by the City of Uhland.
3. THAT the official map and boundaries of the City are hereby amended and revised so as to exclude the area in Exhibit A.
4. THAT the City Secretary is hereby instructed to include this Ordinance in the records of the City.
5. THAT the Mayor is hereby instructed to file a certified copy of this Ordinance and attachments with the Hays County Clerk and other appropriate entities.
6. THAT the City Engineer is hereby instructed to have maps depicting the new municipal boundaries prepared.

III. EFFECTIVE DATE

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

IV. 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 Uhlend shall not be construed in any way to affect any other ETJ expansion by the City.

V. 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 11th day of July, 2007, by a vote of 4 ayes, 0 nays, and 0 abstentions of the City Council.

THE CITY OF UHLAND, TEXAS

Daniel R. Henderson
Mayor

ATTEST:

Diana T. Woods
City Secretary

SUBJECT/TO APPROVAL BY LEGAL COUNSEL:

Carly Grey
City Attorney

Exhibit "A"

Property Description

Attached hereto is a description of the tract(s) of land to be released and excluded from the City of Umland's extraterritorial jurisdiction.

Land R Us Realty Investments

P.O. Box 2710
Kyle, TX 78840

Bk Vol Pg
70022071 OPR 3217 461

July 6, 2007

City of Umland
15 N. Old Spanish Trl.
Umland, TX 78840

Dear Diana Woods:

We are requesting the following properties be release from the City of Umland's Extra Territorial Jurisdiction. The properties are identified by the Hays County Tax Assessor's office as R13689 and any portions of R13687 or R13688 that may be within Umland's ETJ. These properties are also known as the Heberer tracts.

Please respond to our request at your earliest convenience.

Sincerely,



Jerry Kokoszka
Managing Partner of Hays 200 L.P.

LEGAL DESCRIPTION

200.668 ACRES OF LAND OUT OF THE ROBERT CARSON SURVEY, ABSTRACT NO. 135 IN HAYS COUNTY, TEXAS, COMPRISED OF THAT TRACT CONVEYED AS 99.97 ACRES TO ALFRED J. HABERER, JR. BY DEED RECORDED IN VOLUME 680, PAGE 588, REAL PROPERTY RECORDS OF HAYS COUNTY AND THAT TRACT CONVEYED AS 94.63 ACRES TO GILBERT HABERER BY DEED RECORDED IN VOLUME 680, PAGE 590 OF SAID REAL PROPERTY RECORDS 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 SEPTEMBER, 2006:

BEGINNING at an iron rod found for the north corner hereof and of said 99.97 acres, the east corner of that tract conveyed as 98.109 acres to Ausst Kyle, Ltd. by deed recorded in Volume 2926, Page 41, Official Public Records of Hays County and a point and a point on the southwest line of Bunton Lane (County Road No. 151);

THENCE S 45°08'47" E, 1870.81 feet to a nail set at a fence post and S 20°55'03" E, 256.95 feet along the southwest line of said Bunton Lane to an iron rod set at a fence corner post for the east corner hereof and of said 94.63 acres and the north corner of that tract conveyed as 120.31 acres to Barry C. Wokasch by deed recorded in Volume 1276, Page 182 of said Official Public Records;

THENCE S 44°33'16" W, 1409.21 feet to a nail set in a fence corner post, S 39°46'05" E, 62.42 feet to a nail found in a fence corner post and S 44°29'15" W, 2038.72 feet along the common line of said 94.63 acres and said 120.41 acres to an iron rod set for the south corner hereof, the common south or west corner of said 94.63 acres and said 120.41 acres and a point on the northeast line of that tract conveyed as 87.36 acres to the City of Kyle by deed recorded in Volume 477, Page 874 of said Real Property Records;

THENCE the following four (4) courses along the southwest line of said 94.63 acres and said 99.97 acres and the northeast line of said 87.36 acres and Lot 70, Block J, 90.050 acres Greenbelt and Public Park and Drainage Easement of Waterleaf Subdivision Phase A, Section 1, a Subdivision recorded in Volume 11, Page 1, Plat Records of Hays County;

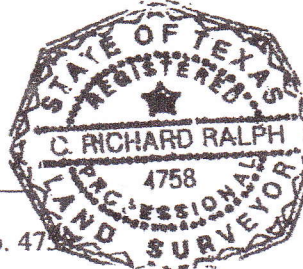
- 1) N 46°14'34" W, 196.28 feet to and iron rod found;
- 2) S 77°49'12" W, 587.97 feet to an iron rod set for the intersection of the northeast line of said 87.36 acres and said Lot 70;
- 3) N 51°47'39" W, 1131.62 feet to an iron rod set;
- 4) N 51°26'36" W, 563.44 feet to an iron rod found for the west corner hereof and of said 99.97 acres, a point on the west line of said Lot 70 and the south corner of said 98.109 acres;

THENCE N 45°01'24" E, 4249.35 feet along the common line of said 99.97 acres and said 98.109 acres to the POINT OF BEGINNING, containing 200.668 acres of land, more or less and shown on the survey map prepared herewith.

Surveyed by:



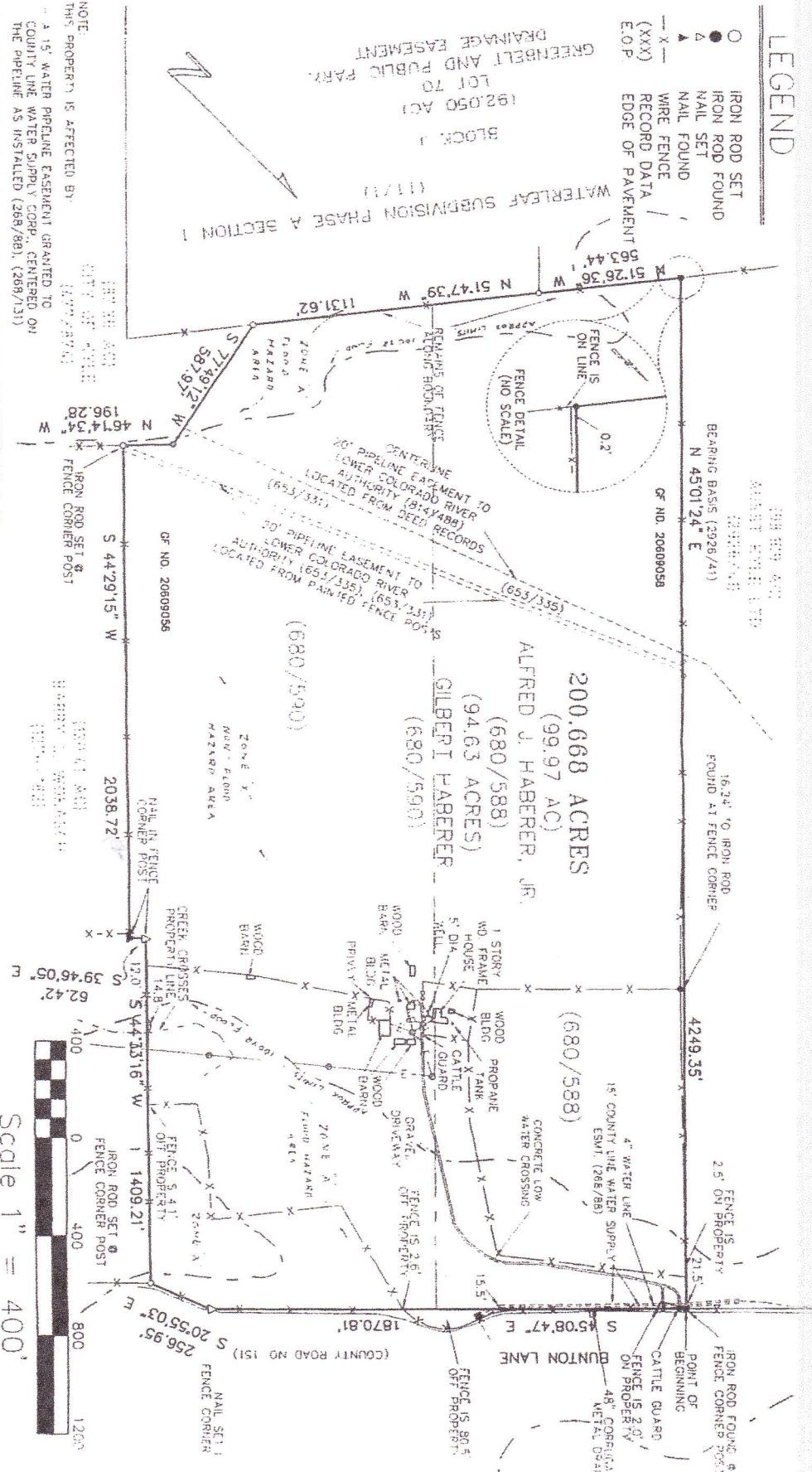
C. Richard Ralph
Registered Professional Land Surveyor No. 4758
Project No. 0611189 - 72/13;84/40;91/1



September 25, 2006

LEGEND

- IRON ROD SET
- IRON ROD FOUND
- ▲ NAIL SET
- △ NAIL FOUND
- (XXX) WIRE FENCE
- RECORD DATA
- - - EDGE OF PAVEMENT
- E.O.P.

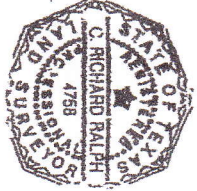


Scale 1" = 400'

NOTE: THIS PROPERTY IS AFFECTED BY A 15' WATER PIPELINE EASEMENT GRANTED TO COUNTY LINE WATER SUPPLY CORP., CENTERED ON THE PIPELINE AS INSTALLED (288/88), (288/131). THE FLOOD HAZARD DATA SHOWN HEREON IS SCALD FROM THE REFERENCED FIRM. THE SURVEYOR MAKES NO WARRANTY AND ACCEPTS NO LIABILITY FOR THE ACCURACY OF SAID MAP. NOTE: WATERLINE SHOWN HEREON PER MARKERS PLACED BY COUNTY LINE WATER SUPPLY CORP.

HAYS COUNTY LAND & ABSTRACT CO.

REGISTERED PROFESSIONAL LAND SURVEYOR
DATE 9-25-06



PROFESSIONAL LAND SURVEYOR:
1515 CHESTNUT STREET
BASTROP, TEXAS 78602
PH: (512) 303-0935
FAX: (512) 332-0966
PROFLANDSUR@OLC.OV

REFERENCE	PROJECT NO.
SURVEY OF 200.668 ACRES OF LAND OUT OF THE ROBERT CARSON SURVEY, ABSTRACT NO. 135, HAYS COUNTY, TEXAS	0811189
SEE ATTACHED LEGAL DESCRIPTION	FIELD BOOK: 72/1384/0-97
DATE: 9/25/06	REVISION
CRR	CRR

Request for Services
Exp. 6.17 A for 100 acres

Bk Vol Pg
70022071 DPR 3217 464

Filed for Record in:
Hays County
On: Jul 27, 2007 at 01:57P
Document Number: 70022071
Amount: 40.00
Receipt Number - 175886
By:
Christina Sanchez, Deputy
Linda C. Fritsche, County Clerk
Hays County

