

ORDINANCE NO. 43

A CITY OF UHLAND CITY, TEXAS ORDINANCE RELEASING
EXTRATERRITORIAL JURISDICTION ("ETJ") TO THE CITY OF KYLE;
AND PROVIDING FOR CERTAIN RELATED MATTERS.

Whereas, the owners of certain land have requested the City of Umland ("Umland") to release from Umland's ETJ to the ETJ of Kyle approximately twenty (20) acres of land and geographic area located in the vicinity of Kyle's wastewater treatment plant;

Whereas, the twenty (20) acres of land that is within Umland's ETJ and the subject of this Ordinance is a part of the 187.984 acre tract of land, more or less, described in Exhibit "A" attached hereto and incorporated herein for all purposes;

Whereas, the owners of the land and geographic areas described and shown in Exhibit "A" have petitioned Kyle to annex the 187.984 areas, more or less, described in Exhibit "A";

Whereas, the 187.984 acres, more or less, described in Exhibit "A", including the approximately twenty (20) acres that is within the ETJ of Umland, is being developed as the Waterleaf Falls Subdivision; and

Whereas, the City Council has found that the release to Kyle of the land and geographic areas described and shown in Exhibit "A" is in the public interest;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UHLAND, TEXAS, THAT:

Section 1. Findings of Fact. The City Council hereby finds the foregoing recitals to be true and correct and incorporates such recitals into this ordinance as findings of fact.

Section 2. Release of ETJ. Umland hereby releases from Umland's ETJ to Kyle all the Umland ETJ that is within the boundaries of the land and geographic area described in Exhibit "A". This ordinance shall never be interpreted as releasing any ETJ of Umland that is not within the boundaries of the property described in Exhibit "A"

Section 3. Effective Date. This Ordinance shall be in force and effect from and after its passage on the date shown below.

Section 4. Open Meetings. It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, Chapter 551, Texas Government Code.

PASSED AND ADOPTED this 6th day of February, 2002.

Attest:

Andrew E. Roberts
City Secretary



City of Umland, Texas

Dan Sorrells
Dan Sorrells, Mayor

187.984 ac.
Robert Carson Sur. A-135
M. B. Atkinson Sur. A-21
William Hemphill Sur. A-221
Hays County, Texas

Project No. 01-728
FB 325 Sept 11

**A DESCRIPTION OF A CERTAIN 187.984 ACRE TRACT OF LAND
SITUATED IN HAYS COUNTY, TEXAS, DETERMINED BY RESURVEY
TO CONSIST OF:**

- 88.62 acres, more or less, out of the Robert Carson Survey, Abstract 135,
- 31.98 acres, more or less, out of the M. B. Atkinson Survey No. 10, Abstract 21, (in conflict with the William Hemphill Survey No. 4) and
- the remainder of said 187.984 acres being out of that part of the William Hemphill Survey No. 4, Abstract 221, not in conflict with the M.B. Atkinson Survey;

**SAID 187.984 ACRE TRACT OF LAND HERE DESCRIBED BEING THE
AGGREGATE OF THE FOLLOWING TWO TRACTS OF LAND, TO WIT:**

- a) that certain tract of land recited as containing 151.00 acres conveyed by Emil Schmeltekopf et al. (their 8/9 interest) to Arthur L. Schmeltekopf, devisee of Mrs. Martha Schmeltekopf, by Warranty Deed dated June 13, 1955 recorded in Volume 166 at Page 36 of the Hays County Deed Records (said tract being found by this resurvey to actually contain 147.173 acres of land within its boundaries as recognized and agreed), and
- b) that certain tract of land recited as containing 40.90 acres conveyed by George Heidenreich to Arthur Schmeltekopf by Warranty Deed dated May 14, 1962 recorded in Volume 191 at Page 239 of the Hays County Deed Records (said tract having been found by this resurvey to actually contain 40.811 acres of land within its boundaries as recognized and agreed);

and said 187.984 acre tract of land here described being more particularly described according to a resurvey performed upon the ground in September of 2001 under the direction of Kent Neal McMillan, Registered Professional Land Surveyor, as follows:

Bearings of Lines in the following description refer to Grid North of the Texas Coordinate System (South Central Zone, NAD83) as computed from GPS vectors. At the POINT OF BEGINNING described below, True Azimuth = Grid Azimuth + 0°33'58".

187.984 Schmeltekopf tract

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Distances in the following description (unless otherwise noted) are **Horizontal Surface Distances** in units of US Survey Feet computed using an average project Combined Grid Factor of 0.999896 (Grid Distance = Surface Distance x 0.999896);

Coordinates noted in the following description are in **US Survey Feet** and refer to the **Texas Coordinate System** (South Central Zone, NAD83) as determined by survey from NGS Horizontal Control Point "Austin RRP CORS L1 Phase Center", taking the same to have a position of 30°18'42.08789"N, 97°45'22.71327"W, NAD83 (CORS, epoch 1996.0) as published by the National Geodetic Survey;

In the following description, "**Standard Rod and Cap**" denotes a Punchmark on a 2 in. Aluminum Cap stamped "KENT MCMILLAN, SURVEYOR, RPLS 4341" (and numbered as noted) on a 5/8 in. Iron Rod;

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BEGINNING at a Standard Rod and Cap (No. 225, Y=13898587.961, X=2334315.368) set to replace the stub of a broken 5 in. Cedar Fence Corner Post found on the Northeast line of the 80 ft. wide Right-of-Way of F.M. Highway 150 to mark the original South corner of the tract of land conveyed by Emil Schmeltekopf et al. (their 8/9 interest) to Arthur L. Schmeltekopf, devisee of Mrs. Martha Schmeltekopf, by Warranty Deed dated June 13, 1955 recorded in Volume 166 at Page 36 of the Hays County Deed Records (HCDR), the original West corner of that certain tract of land conveyed by George Heidenreich to Arthur Schmeltekopf by Warranty Deed dated May 14, 1962 recorded in Volume 191 at Page 239 HCDR, and the West corner of that certain 3.65 acre strip of land subject to the Easement and Right-of-way granted to the City of Kyle, Texas by Rose Marie Schmeltekopf Toepfer et al. as described in Warranty Deed dated October 24, 1984 recorded in Volume 477 at Page 870 of the Hays County Real Property Records (HCRPR), noting that from said Rod and Cap set:

- a Standard Rod and Cap (No. 97, Y=13900250.848, X=2335904.200) set in the remains of an old Stone Mound found (10 in. Down; in line with the remains of an old Wire Fence, approximately 4.1 ft. N44°E from an old 3-1/2 in. Cedar Post with scarf cut for cross-brace on its Northeast face) bears N43°41'43"E, 2300.15 ft., said Rod and Cap in old Stone Mound marking the South corner of that certain 220 acre tract of land conveyed by R.J. Sledge to C.C. Mitchell by Warranty Deed dated March 17, 1881 recorded in Volume "O" at Page 171 HCDR and marking the West corner of the Albert Pace Survey No. 55, A-367 and the South corner of the Robert Carson Survey A-135 on the Northeast line of the William Hemphill Survey No. 4, A-221,
- a Standard Rod and Cap (No. 87, Y=13902090.061, X=2337642.131) set in the broken stub of an old Cedar Fence Corner Post bears N43°41'43"E, 2300.15 ft. and N43°22'41"E, 2530.70 ft. (= 911.052 vrs), said Rod and Cap at old Cedar Fence

Corner Post marking the East corner of the former 220 acre C.C. Mitchell tract described Vol "O" Pg. 171 HCDR and a Point upon the recognized common line of the Albert Pace and Robert Carson Surveys;

- the approximate position of the original North corner of the William Hemphill Survey No. 4 (presently an Unmarked Point in a cultivated field, on the South side of a hill, no remnant of original bearing tree) as described in the above-mentioned Deed to C.C. Mitchell (and as reported found in place, with original bearing tree, by former Hays County Surveyor B.C. Hardin in his certificate dated September 16, 1872 on file in the General Land Office in patent file Trav D-646 for the John Jones Survey, A-263) bears N43°41'43"E, 2300.15 ft. and N46°37'19"W, 2461.10 ft.
- 1) THENCE along the Northeast line of the 80 ft. wide Right-of-way of F.M. Highway 150, same being the Northeast line of that certain strip of land conveyed by Mrs. Martha Schmeltekopf to the State of Texas by Right-of-way Deed dated February 18, 1947 recorded in Vol. 137 at Pg. 302 HCDR, N45°47'53"W,
- at approximately 354.4 ft. crossing the Southeast line of the M.B. Adkinson Survey No. 10 as reported by County Surveyor B.C. Hardin in 1872

in all for 884.70 ft. to a Standard Rod and Cap (No. 215) set to mark the Angle Point on the Northeast line of F.M. 150 opposite Engineer's Centerline Station 121+86.4 (this and other centerline stations recited below being taken from the District Engineer's Right-of-way Map for F.M. Highway 150 dated April, 1946 prepared by the Texas Highway Department), noting that from said Rod and Cap set:

- a Cross scribed on the Top Center of a Concrete Right-of-way Marker found (plumb and undisturbed) marking an Angle Point on the Southwest line of F.M. 150 opposite Engineer's Centerline Station 121+86.4 bears S43°57'46"W, 80.00 ft
 - a Cross scribed on the Top Center of a Concrete Right-of-way Marker found (plumb and undisturbed) on the Southwest line of F.M. Highway 150 opposite Engineer's Centerline Station 111+44.9 bears N46°16'35"W, 1042.46 ft. and S43°43'25"W, 80.00 ft., and
 - the Top Center of a Concrete Right-of-way Marker found (leaning approximately 1.3 ft. toward the centerline of F.M. 150, on the bank of a drainageway) bears approximately S81°48'W, 1.63 ft.;
- 2) THENCE continuing along the Northeast line of F.M. 150, N46°16'35"W 44.05 ft. to a Standard Rod and Cap (No. 216; Y=13899235.145, X=2333649.374) set to mark the West corner of that certain tract conveyed to Arthur L. Schmeltekopf by Warranty Deed dated June 13, 1955 recorded in Volume 166 at Page 36 of the Hays County

Deed Records (HCDR) and the South corner of that certain tract described as containing 4.39 acres of land conveyed by Emil Schmeltekopf et al. to Henry Schmeltekopf by Warranty Deed dated May 21, 1955 recorded in Volume 165 at Page 27 HCDR, noting that from said Rod and Cap set:

- a 1/2 in. Iron Rod found bears $S31^{\circ}23'12''W$, 0.38 ft.,
- 3) **THENCE $N31^{\circ}23'12''E$** , along the Northwest line of the Arthur L. Schmeltekopf tract and the Southeast line of the Henry 314.36 ft. to a 1/2 in. Iron Rod (Y=13899503.474, X=2333813.077) found on the East side of the base of an old 7 in. Cedar Post at the "T" intersection of Wire Fences, said Rod marking a Point on the Northwest line of the Arthur L. Schmeltekopf tract and on the Southeast line of the Walter Schmeltekopf tract as established by Boundary Agreement dated October 15, 2001 between Katherine Finch Schmeltekopf et al. and Minnie Joe Bagley Schmeltekopf et al. and recorded in Volume 1896 at Page 664 of the Hays County Official Public Records, noting that from said 1/2 in. Iron Rod found:
- a Standard Rod and Cap (No. 112) set on the North side of the base of an old 8 in. Wood Fence Corner Post to mark the North corner of the Henry Schmeltekopf tract as fenced and used upon the ground and a re-entrant corner of the Walter Schmeltekopf tract, also as fenced and used upon the ground, bears $N46^{\circ}17'37''W$, 607.33 ft.
 - a 1/2 in. Iron Rod found on the Northeast side of the Corner Post of a Wire Fence bears $N46^{\circ}28'12''W$, 275.46 ft., said Rod marking the North corner of that certain 0 10 acre strip of land quitclaimed by Walter Schmeltekopf and wife, Minnie Jo Schmeltekopf, to Clyde Jackson and wife, Mary Ellen Jackson, as described in Quitclaim Deed dated June 24, 1987 recorded in Volume 687 at Page 834 of the Hays County Real Property Records (HCRPR),
 - an Unmarked Point in the position of the East corner of said 0 10 acre strip of land quitclaimed as described in Volume 687 at Page 834 HCRPR bears $N46^{\circ}28'12''W$, 2.39 ft.
- 4) **THENCE** along the common division line of the Walter Schmeltekopf tract and of the Arthur L. Schmeltekopf tract as established by the above mentioned Boundary Agreement, $N35^{\circ}48'42''E$,
- at approximately 1627.1 ft. crossing a Northeast line of the M.B. Adkinson Survey No. 10 (as reported by County Surveyor B.C. Hardin in 1872, in a position 132 varas Southwest of the Northeast line of the William Hemphill Survey No. 4), and from which point of intersection: the position (presently an Unmarked Point in a cultivated field) of the Southeast Ell Corner of the Adkinson Survey bears approximately $S46^{\circ}37'19''E$, 853.86 ft. and the position of the original North

corner of the William Hemphill Survey No. 4 as described above bears N46°37'19"W, 1240.14 ft. and N43°22'41"E, 366.67 ft.

in all for a total distance of 1912.74 ft. to a Standard Rod and Cap (No. 84, Y=13901054.438, X=2334932.150) set 0.5 ft. Northeast of an old 5 in. Cedar Post at an Angle in Wire Fence, same being at the Northwestern termination of the so-called "new fence" built in about 1968 or 1969 across the 151.00 acre Arthur L. Schmeltekopf tract as described in conveyances made by Arthur L. Schmeltekopf et ux recorded in Vol. 234 Pg. 310 HCDR, Vol. 234 Pg. 311 HCDR, and Vol. 234 Pg. 312 HCDR;

- 5) **THENCE N 3°28'31"W** along the agreed Northwest line of the Arthur L. Schmeltekopf 151.00 acre tract (and approximately along a field fence),
- at 122.16 ft. intersecting the Northeast line of the William Hemphill Survey No. 4 and the Southwest line of the Robert Carson Survey
 - at 465.28 ft. passing a Standard Rod and Cap (No. 248) set on line for Witness,
- in all for a total distance of 475.25 ft. to a 3/8 in. Steel Spike (Y=13901528.767, X=2334903.345) set in the approximate center of the base of a leaning 10 in. Pole Post at an Angle Point in said field fence;
- 6) **THENCE N43°59'23"E**, continuing along said agreed boundary
- at 9.98 ft. passing a Standard Rod and Cap (No. 247) set on line for Witness,
- in all for a total distance of 914.64 ft. to a Standard Rod and Cap (No. 249; Y=13902186.747, X=2335538.523) set (approximately 5.5 ft. Northeast of a Fence Post on the Northwest side of an old Gap in field fence);
- 7) **THENCE N43°59'23"E**, crossing Plum Creek, 1195.48 ft. to a Standard Rod and Cap (No. 200; Y=13903046.758, X=2336368.732) set on along the line of a former Fence (as evidenced by scattered remnants of said Fence) on the Northeast line of that certain 286 acre tract of land conveyed by D.C. Mitchell and C.C. Mitchell to Henry Schmeltekopf by Warranty Deed dated December 27, 1904 recorded in Volume 47 at Page 409 HCDR to mark the agreed East corner of the Walter Schmeltekopf tract and North corner of the Arthur Schmeltekopf tract, and noting that from said Rod and Cap set:
- a Standard Rod and Cap (No. 90) set on the Southwest side of the base of an old 8 in. Cedar Fence Corner Post bears N53°07'35"W, 563.37 ft., said Rod and Cap marking a point on the recognized Northeast line of the former 286 acre Henry Schmeltekopf tract, and

- a 1/2 in. Iron Rod found by the corner of an old Wire Fence bears N53°07'35"W, 563.37 ft. and N53°23'09"W, 1165.36 ft., said Rod marking the North corner of the Walter Schmeltkopf 200.52 acre tract described in Volume 166 at Page 31 HCDR as established by Boundary Agreement dated November 18, 1996 recorded in Vol. 1366 at Pg. 613 of the Hays County Official Public Records.
- 8) **THENCE** along the recognized Northeast line of the former 286 acre Henry Schmeltkopf tract, S53°07'35"E, 1094.29 ft. to a Standard Rod and Cap (No. 94; Y=13902390.195, X=2337244.028) set at the broken stub of an old Cedar Post at Angle in old Wire Fence said Rod and Cap marking the West corner of that certain 3-2/5 acre parcel of land conveyed by John Haberer et ux to J.A. Heidenreich as described in Warranty Deed dated January 5, 1916 recorded in Vol. 69 at Pg. 256 HCDR and marking also a Salient Northerly corner of that certain 87.36 acre tract of land conveyed by Rose Marie Schmeltkopf Toepfer et al to the City of Kyle, Texas by Warranty Deed dated October 8, 1984 recorded in Vol. 477 at Pg. 870 HCRPR, noting that from said Rod and Cap set:
- a Standard Rod and Cap (No. 96) set at the base of an old, leaning 5 in. Cedar Post at an Angle in said old Wire Fence bears N76°20'47"E, 555.59 ft., said Rod and Cap marking the North corner of the above mentioned 3-2/5 acre tract conveyed by Haberers to Heidenreich and a Northerly corner of the above mentioned 87.36 acre tract conveyed to the City of Kyle
- 9) **THENCE** S52°59'13"E (leaving the old Wire Fence and crossing Plum Creek), 498.62 ft. (= 179.503 vrs) (Record Call from Vol. 69 Pg. 256 HCDR: 180-1/5 vrs) (Record Call from Vol. 477 Pg. 870 HCRPR: 498.16 ft.) to a Standard Rod and Cap (No. 87; Y=13902090.061, X=2337642.131) set at the broken stub of an old Cedar Corner Post of an old Wire Fence said Rod and Cap marking the East corner of that certain 220 acre tract of land conveyed by R.J. Sledge to C.C. Mitchell by Warranty Deed dated March 17, 1881 recorded in Volume "O" at Page 171 HCDR, same being a Point on the recognized common line of the Albert Pace Survey No. 55 and the Robert Carson Survey, being the East corner of said 286 acre Henry Schmeltkopf tract described in Volume 47 at Page 409 HCDR, being the East corner of the Arthur L. Schmeltkopf 151.00 acre tract and also the re-entrant corner of the 87.36 acre City of Kyle tract described Vol. 477 Pg. 870 HCRPR (the undersigned surveyor considering the discrepancy in measurements recited in the last deed for this and the following course to be the result of a minor mistake in the survey tie to the old Cedar Corner Post reflected in the field note description made a part of that deed);
- 10) **THENCE** along the Northwest line of the City of Kyle 87.36 acre tract for the recognized Southwest line of the 151.00 acre Arthur L. Schmeltkopf tract, S43°46'22"W, 370.38 ft. (Record Call from Vol. 477 Pg. 870 HCRPR: 369.87 ft.) to a Standard Rod and Cap (No. 241; Y=13901822.642, X=2337385.929) set to mark an

Angle Point (in the position reportedly occupied by an 18 in. Elm in 1984, later removed by utility construction);

11) **THENCE** continuing along the Northwest line of the City of Kyle tract, **S43°16'56"W**,

- at 1187.29 ft. passing on line a Standard Rod and Cap (No. 277) set,

in all for a total distance of 1897.79 ft. to a Standard Rod and Cap (No. 240; Y=13900441.224, X=2336084.957) set to mark an Angle Point in a position in which the undersigned found an old, broken 7 in. Cedar Fence Post (laid well over, nearly horizontal), noting that from said Rod and Cap:

- a 3/8 in. Steel Spike set in the broken stub of the Base of said old Cedar Post bears N24°17'E, 1.32 ft.

said Rod and Cap being at the Southeastern termination of the so-called "new fence" built in about 1968 or 1969 across the 151.00 acre Arthur L. Schmeltekopf tract as described in conveyances made by Arthur L. Schmeltekopf et ux recorded in Vol. 234 Pg. 310 HCDR, Vol. 234 Pg. 311 HCDR, and Vol. 234 Pg. 312 HCDR (and noting that from Rod and Cap No. 240 the meanders of the "new fence" run: N86°07'39"W, 297.16 ft.; N63°34'16"W, 523.20 ft.; and N47°06'40"W, 529.46 ft. to Standard Rod and Cap No. 84 at its Northwestern termination previously described);

12) **THENCE S45°10'55"W, 34.78 ft.** to a 1/2 in. Iron Rod (Y=13900416.709, X=2336060.286) found with 1-1/2 in. Aluminum Cap stamped "PRO-TECH ENG", with Punchmark, said Rod and Cap marking the West corner of the 87.36 acre tract conveyed to the City of Kyle and the established North corner of the 40.9 acre tract conveyed by George Heidenreich to Arthur Schmeltekopf by Warranty Deed dated May 14, 1962 recorded in Volume 191 at Page 239 HCDR, said Rod and Cap marking also the North corner of that certain 3.65 acre strip of land subject to the Right-of-way and Easement conveyed to the City of Kyle as described in Vol. 477 at Pg. 870 HCRPR;

13) **THENCE S46°34'22"E**, along the Southwest line of the City of Kyle 87.36 acre tract

- at 60.00 ft. passing a Standard Rod and Cap (No. 229) set to mark the East corner of the 3.65 acre Right-of-way and Easement strip (noting that from said Rod and Cap set: a 1/2 in. Iron Rod with 1-1/2 in. Aluminum Cap stamped "PRO-TECH ENG", with Punchmark, found marking an Angle Point on the Southeast line of said strip bears S43°20'00"W, 1799.83 ft.),

in all for a distance of 702.53 ft. to an old 3/8 in. Iron Rod (Y=13899933.820, X=2336570.442) found on the North side of a 5 in. Cedar Fence Corner Post, marking an Angle Point on the Southwest line of said City of Kyle tract and marking the recognized North corner of that certain 86.64 acre tract of land conveyed by George Heidenreich to Wyatt O. Stone, Jr. by Warranty Deed dated May 14, 1962 recorded in Vol. 191 at Pg.237 HCDR, the North corner of that certain 14.028 acre tract conveyed by William Ross King et ux to John Cisneros by Warranty Deed recorded in Volume 1047 at Page 652 HCOPR, and the recognized East corner of that certain 40.90 acre tract of land conveyed by George Heidenreich to Arthur Schmeltekopf by Warranty Deed dated May 14, 1962 recorded in Vol. 191 at Pg. 239 HCDR;

14) **THENCE S43°43'32"W**, along the common line of the Arthur Schmeltekopf 40.90 acres and the Wyatt O. Stone, Jr. 86.64 acres,

- at 24.97 ft. passing an old 3/8 in. Iron Rod found on line marking the Northwest corner of the above mentioned 14.028 acre John Cisneros tract, same being the North corner of that certain 15.145 acre tract conveyed by William Ross King et ux to Tom C. Cisneros et ux by Warranty Deed recorded in Volume 1047 at Page 657 HCOPR
- at approximately 227.18 ft. passing the Northeast line of the William Hemphill Survey No. 4 and Southwest line of the Albert Pace Survey No. 55,
- at 1215.71 ft. passing a 1/2 in. Iron Rod found 0.53 ft. left of line, a witness stake on the Southwest line of the above mentioned Tom C. Cisneros 15.145 acre tract
- at 1218.59 ft. passing a 1/2 in. Iron Rod found 1.35 ft. left of line (on the line of a Wire Fence), and taken for the same "iron pin" recited as marking the North corner of that certain 4.960 acre tract of land conveyed by William Ross King to Roberto M. Gaitan as described in Warranty Deed dated June 1, 1987 recorded in Vol.682 at Pg. 867 HCRPR.
- at 1391.12 ft. passing a 1/2 in. Iron Rod found 0.87 ft. left of line, (on the line of a Wire Fence), and taken for the same "iron pin" recited as marking the West corner of said 4.960 acre Roberto M. Gaitan tract as described in the last mentioned deed and marking also the North corner of that certain 4.960 acre tract of land conveyed by William Ross King to Jose E. Molina as described in Warranty Deed dated June 1, 1987 recorded in Vol. 679 at Pg. 567 HCRPR,
- at 1651.50 ft. passing a 1/2 in. Iron Rod found 1.25 ft. left of line (on the line of a Wire Fence) and taken for the same "iron stake" recited as marking the West corner of the 4.960 acre Roberto M. Gaitan tract as described in the last mentioned deed and marking also the North corner of that certain 10.095 acre

tract of land conveyed by William Ross King et ux to Lamar LaCaze et ux as described in Warranty Deed dated January 31, 1990 recorded in Vol. 815 at Pg. 441 HCDR,

- at 2566.63 ft. passing a 1/2 in. Iron Rod found on line, and taken for the same "iron stake" recited as marking the West corner of the 10.095 acre tract of land conveyed to Lamar LaCaze et ux as described in the last mentioned deed,

in all for a total distance of 2567.07 ft. to a Standard Rod and Cap (No. 224; Y=13898078.897, X=2334796.254) set on the Northeast line of the 80 ft. wide Right-of-way of F.M. Highway 150 to mark the true South corner of the Schmeltekopf 40.90 acre tract and East corner of the 86.64 ac. Stone tract, noting that from said Rod and Cap:

- a Cross found chiselled on the Top Center of a Concrete Right-of-way Marker (Y=13897390.959, X=2335424.266) on the Northeast line of F.M. 150 opposite Engineer's Centerline Station 147+01.9 bears S42°23'33"E, 931.58 ft. (Record Call from Vol. 191 Pg. 237 HCDR: 931.70 ft.)

15) THENCE along the Northeast line of F.M. 150, same being the Northeast line of that certain 2.26 acre strip of land conveyed by George Heidenreich to the State of Texas by Right-of-way Deed dated February 18, 1947 recorded in Vol. 137 at Pg. 284 HCDR, N42°23'33"W, 327.51 ft. (Record Call from Vol. 191 Pg. 239 HCDR: 327.60 ft.) to a Standard Rod and Cap (No. 211; Y=13898320.754, X=2334575.466) set in a hole drilled in the center of the stub of a broken Concrete Right-of-way Marker to mark the beginning of a 5769.58 ft. radius curve to the right, opposite Engineer's Centerline Station 134+42.6, noting that from said Rod and Cap:

- a Cross scribed on the Top Center of a Concrete Right-of-way Marker found bears S47°36'27"W, 79.90 ft. and
- the center of said curve bears S47°36'46"W, 5769.58 ft.

16) THENCE along the Northeast line of F.M. 150, along said 5769.58 ft. radius curve to the left,

- at an arc distance of 313.01 ft. passing a Standard Rod and Cap (No. 230; Y=13898546.083, X=2334358.314) set to mark the true South corner of that certain 3.65 acre strip of land subject to the Right-of-way and Easement granted to the City of Kyle by Warranty Deed recorded in Volume 477 at Page 870 HCDR, the chord of said arc bearing N43°56'29"W, 312.97 ft., (and noting that from said Rod and Cap set, a 1/2 in. Iron Rod found with 1-1/2 in. Aluminum Cap stamped "PRO-TECH ENG", with Punchmark, bears N44°27'15E, 0.20 ft.),

in all along said curve for a total arc distance of 343.99 ft. to a 3/8 in. Steel Spike (Y=13898567.741, X=2334336.159) with 2 in. Brass Washer stamped "KENT MCMILLAN, SURVEYOR, 223, RPLS 4341" set in a Hole drilled in the top of the broken Stub of a Concrete Right-of-way Marker, the chord of said arc bearing N44°05'43"W, 343.94 ft., said Spike marking the end of said curve on the Northeast line of F.M. 150 opposite Engineer's Centerline Station 131+00.9, and noting that from said Spike:

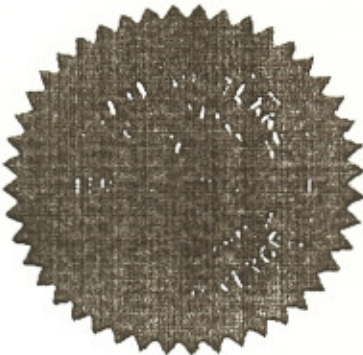
- a Cross scribed on the top center of a Concrete Right-of-way Marker found on the Southwest side of F.M. 150 bears S44°08'14"W, 80.65 ft.

17) THENCE N45°47'53"W along the Northeast line of F.M. 150, 29.00 ft. to the POINT OF BEGINNING of this description;

CONTAINING in all 187.984 acres of land within the above described metes as determined by this survey

I, Kent Neal McMillan, a Registered Professional Land Surveyor, hereby certify that the above is a true and correct description of the results of an actual survey performed upon the ground in September of 2001

Witness my hand and seal of registration November 1, 2001.



Kent Neal McMillan

Kent Neal McMillan
Registered Professional Land Surveyor
No. 4341
2104 Paramount Avenue, Austin TX 78704
Telephone (512) 445-5441

**Barney Knight
& Associates**

Attorneys at Law

Executive Office Terrace
223 West Anderson Lane, Suite A-105
Austin, Texas 78752

Tel: (512) 323-5778
FAX: (512) 323-5773
BarneyKn@aol.com

Attorneys
Barney L. Knight
Sheila I. Jalufka
Gregory D. Humbach

December 26, 2001

Dan Sorrells, Mayor
City of Uhland
17 Cotton Gin Road
Uhland, Texas 78640

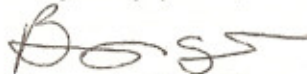
Re: Waterleaf Falls Subdivision

Dear Mayor Sorrells:

This letter is written in my capacity as the City Attorney for Kyle, and follows-up on contacts made with you by John Washam and/or Richard Mathias, regarding the above referenced subdivision, and my telephone call to you last week. As you know, approximately 20 acres of this 187 acre proposed subdivision falls within the ETJ of Uhland. Kyle has consented to Mr. Washam contacting Uhland for the purpose of determining Uhland's disposition toward releasing from its ETJ that portion of the proposed subdivision that is in Uhland's ETJ. If Uhland advises Mr. Washam that it is willing to affirmatively consider releasing such land from its ETJ to that of Kyle, I will prepare the necessary ordinance and agreements for your consideration.

Kyle consents to the request being made to Uhland by the developers of the 187 acres, and if such request is approved will cooperate fully to give effect to the release. In the interim, if I can provide any information or assistance on behalf of Kyle, please give me a call.

Very truly yours,



Barney L. Knight

cc: Minerva Falcon, Acting City Manager

MATHIAS C O M P A N Y

LAND DEVELOPMENT
CONSULTANTS

1007 ROBERT E. LEE ROAD
AUSTIN, TEXAS 78704-2026

(512) 326-9989
FAX (512) 326-9985

December 19, 2001

Honorable Dan T. Sorrells, Mayor
CITY OF UHLAND
17 Cotton Gin Road
Uhland, Texas 78640

SENT VIA FACSIMILE

**RE: Proposed Waterleaf Falls Subdivision
Release of Uhland's ETJ**

Honorable Mayor Sorrells:

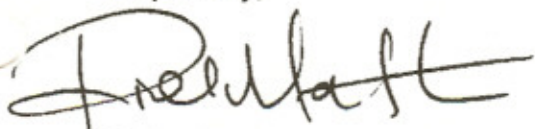
We appreciate the time you spent with us today discussing the proposed development of the 188-acre Morris Schmeletkopf tract located along the north side of FM 150, approximately 2 miles east of IH-35. As we discussed, a small portion of this site (approximately 20 acres located at the northeast corner of the property) is located within Uhland's extra-territorial jurisdiction. A request for annexation of the entire property into Kyle's city limits has been made and Kyle has approved a Conceptual Plan for development as a single-family subdivision.

In order to effectively plan and develop this property it needs to be governed by a single entity. Given the fact that 90% of the property is currently within Kyle's jurisdiction and will be served by Kyle wastewater service, it seems appropriate that the City of Uhland release this small portion of the property from their ETJ to allow it to be developed in a cohesive manner. We are in the Preliminary Plat process with the City of Kyle and must have this jurisdictional issue resolved before we can secure approval. We have certain contractual obligations with our homebuilder to secure approval of a Preliminary Plat so time is of the essence.

We respectfully request the City of Uhland consider this issue at your next City Council hearing on January 2, 2002. Kyle's attorney, Barney Knight, will be contacting you to assist in the preparation of any documents that may be necessary for the City Council to take action on this item, and our hope is that it can be finalized at your January 2002 meeting.

Again, thank you for your assistance and consideration of this matter. Please feel free to contact me if you have any questions or if you need any additional information.

Respectfully,



Richard Mathias

Cc: Jon Washam