

ORDINANCE NO. 143

AN ORDINANCE AUTHORIZING THE EXPANSION OF THE CITY'S EXTRATERRITORIAL JURISDICTION ("ETJ") TO INCLUDE APPROXIMATELY 255.546 ACRES IN THE CITY'S ETJ; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR PROPER NOTICE AND MEETING.

WHEREAS, the City Council of Uhland, Texas ("Uhland") desires to expand its ETJ; and

WHEREAS, the owners of land described in the Petition for Voluntary ETJ Expansion attached as Exhibit "A" filed such petition to the City for inclusion of the land into the City's ETJ;

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

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 Uhland, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

II. INCLUSION OF LAND IN ETJ

1. The petition attached as Exhibit "A" is hereby approved and granted.
2. Contingent upon the City of San Marcos releasing the land area described in Exhibit "B" from its extraterritorial jurisdiction ("San Marcos Release Area"), Uhland hereby expands its ETJ to include the land described in Exhibit "B" ("Land Area").
3. The official map and ETJ boundaries of the City of Uhland shall be amended and revised so as to include the Land Area.
4. The owners and inhabitants of the Land Area are hereafter entitled to all of the rights and privileges of other citizens of the City of Uhland'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.
5. The City Administrator is hereby instructed to include this Ordinance in the records of the City.
6. The City Administrator is hereby instructed to have maps depicting the new municipal boundaries prepared.
7. The Mayor or the Mayor Pro Tem is hereby instructed to file a certified copy of this Ordinance and attachments with the Caldwell County Clerk and other proper entities.
8. The Mayor or the Mayor Pro Tem of the City of Uhland is hereby authorized to execute any documents necessary or appropriate for the approval and implementation of this Ordinance.

III. EFFECTIVE DATE

This Ordinance shall become effective upon San Marcos' release of the San Marcos Release Area.

The expansion of the Uhland ETJ achieved herein shall be final and complete upon the 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.

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 7 day of January, 2014, by the City Council of the City of Umland, Texas.

THE CITY OF UHLAND, TEXAS

Glean Smith
Printed Name: Glean Smith
Title: Mayor

ATTEST:
Karen Gallaher
Karen Gallaher, City Administrator

EXHIBIT "A"

EXHIBIT "B"

EXHIBIT " B "

LEGAL DESCRIPTION

1714.4 ACRES
CITY OF SAN MARCOS
ETJ RELEASE

FN. NO. 13-526(MJJ)
DECEMBER 6, 2013
BPI JOB NO. RO103932-10029

DESCRIPTION

OF 1714.4 ACRES OF LAND OUT OF AND A PART OF THE A. REUSS SURVEY ABSTRACT NO. 398, THE THOMAS YATES SURVEY, ABSTRACT NO. 313 AND THE ELBERT HINES SURVEY, ABSTRACT NO. 123, SITUATED IN CALDWELL COUNTY, TEXAS; BEING ALL OF OR A PORTION OF THE FOLLOWING CALDWELL COUNTY PARCELS OF LAND AS IDENTIFIED BY TAX ID NUMBERS AS FOLLOWS:

16431, 37926, 16395, 16396, 16397, 16412, 16435, 16438, 16437,
16407, 16385, 15074, 16433, 15088, 16392, 15087, 15069, 38993,
38994, 38992, 38995, 38991, 38996, 38990, 38997, 38989, 38998,
38999, 38987, 39000, 38986, 39001, 38985, 39002, 36990, 38984,
39003, 38983, 32340, 39004, 32948, 39005, 38982, 39006, 60982,
38981, 39007, 33670, 34411, 39008, 38980, 38979, 16419, 37927,
15086, 55438, 16410, 35242, 16421, 32518, 42783 AND 16409;

SAID 1714.4 ACRES OF LAND ALSO INCLUDES A PORTION OF THE FOLLOWING EXISTING PUBLIC RIGHTS-OF-WAY: STATE HIGHWAY 21 (AIRPORT HIGHWAY, CAMINO REAL, CAMINO ROAD), AND COUNTY ROAD 228 (FARMERS ROAD) AS USED ON-THE-GROUND WHICH ARE CONTAINED WITHIN THE FOLLOWING METES AND BOUNDS DESCRIPTION; SAID 1714.4 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point in the northerly line of State Highway 21 and the intersection of the prolongation of the easterly line of Misty Lane, being the most northwesterly corner hereof;

THENCE, along the northerly line of State Highway 21, for the northerly line hereof, the following two (2) courses and distances:

- 1) N56°41'13"E, a distance of 3528.52 feet to an angle point;
- 2) N61°24'02"E, a distance of 2352.44 to a point of curvature of a non-tangent curve to the left, for the northeasterly corner hereof;

THENCE, leaving the northerly line of State Highway 21, over and across State Highway 21 and also over and across said Thomas Yates Survey, for a portion of the irregular easterly line hereof, the following four (4) courses and distances:

- 1) Along a non-tangent curve to the left, having a radius of 2681.00 feet, a central angle of 58°47'15", an arc length of 2750.80 feet, and a chord which bears, S56°17'37"E, a distance of 2631.72 feet to the end of said curve, for the end of said curve;

- 2) S38°50'28"E, a distance of 921.61 feet to an angle point;
- 3) S41°35'49"E, a distance of 1600.60 feet to the point of curvature of a non-tangent curve to the right;
- 4) Along said curve having a radius of 18465.00 feet, a central angle of 39°16'59", an arc length of 12659.99 feet, and a chord which bears, S21°34'40"E, a distance of 12413.48 feet to a point in the easterly line of Misty Lane, for the most southerly corner hereof;


THENCE, N41°30'45"W, along the easterly line of Misty Lane, for a portion of the westerly line hereof, crossing Farmers Road, a distance of 8716.77 feet to a point in the northerly line of Farmers Road, for an angle point hereof;

THENCE, S48°02'13"W, along the northerly line of Farmers Road, for a portion of the westerly line hereof, a distance of 2206.02 feet to a point at the intersection of the easterly line of Misty Lane with the northerly line of Farmers Road, for an angle point hereof;

THENCE, N41°22'22"W, leaving the northerly line of Farmers Road, along the easterly line of Misty Lane, for a portion of the westerly line hereof, a distance of 9065.04 feet to the **POINT OF BEGINNING**, containing an area of 1714.4 acres of land, more or less, within these metes and bounds.

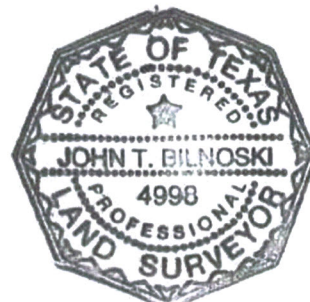
THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

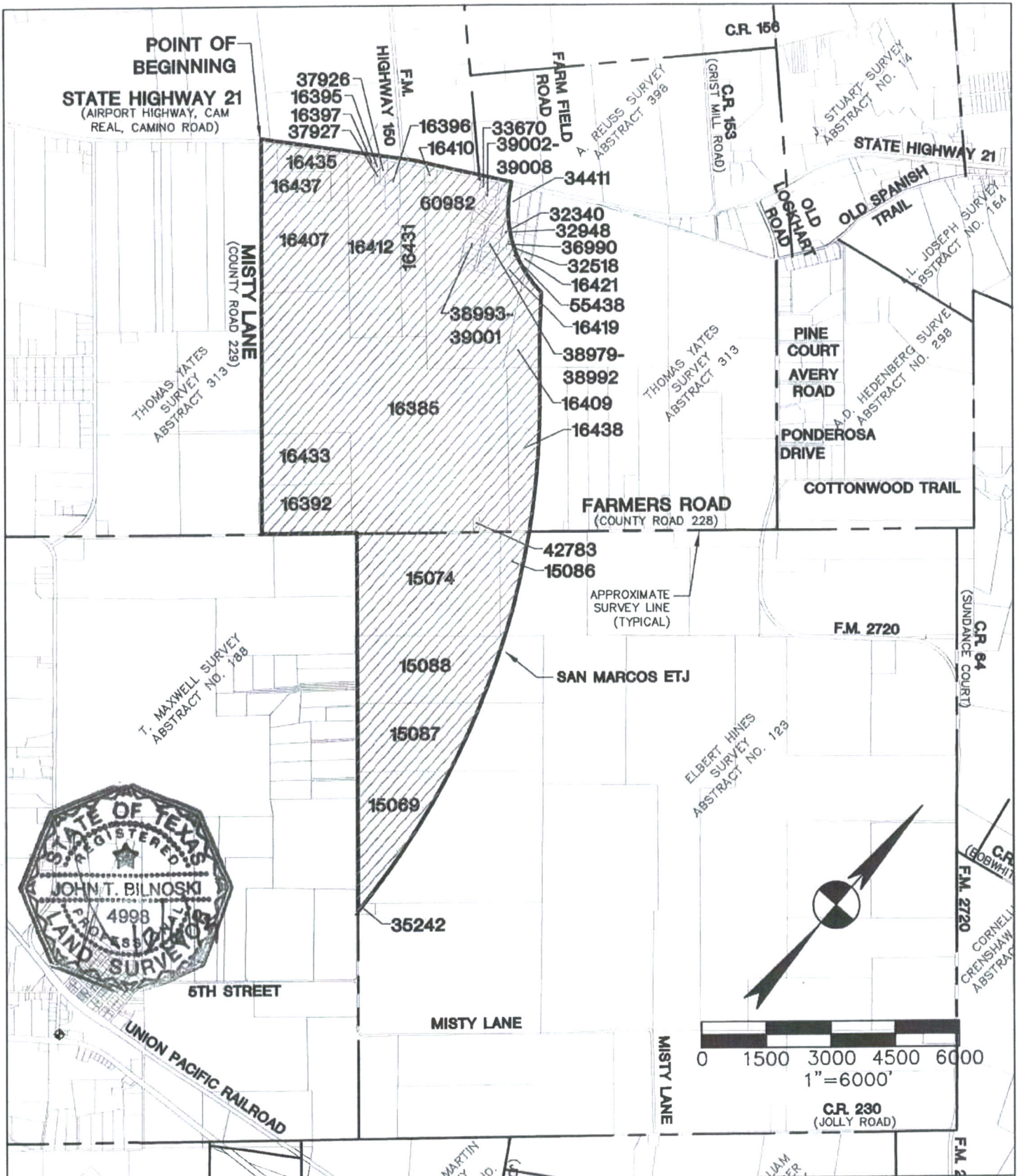
BURY-AUS, INC.
221 W. SIXTH STREET, SUITE 600
AUSTIN, TEXAS 78701



JOHN T. BILNOSKI,
R.P.L.S. NO. 4998
STATE OF TEXAS

12/6/13
DATE





BURY

221 West Sixth Street, Suite 600
 Austin, Texas 78701
 Tel. (512) 328-0011 Fax (512) 328-0325
 TBPE # F-1048 TBPLS # F-10107500
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EXHIBIT B

SKETCH TO ACCOMPANY DESCRIPTION
 OF A 1714.4 ACRE TRACT OF LAND, SITUATED IN THE CITY OF
 SAN MARCOS, CALDWELL COUNTY, TEXAS.

CITY OF SAN MARCOS ETJ RELEASE

FEB 10 2014

15 N. Old Spanish Trail
Umland, TX 78640

ORDINANCE NO. 2013 - 76

AN ORDINANCE AUTHORIZING THE PARTIAL RELEASE OF AREA FROM THE SAN MARCOS EXTRATERRITORIAL JURISDICTION (“ETJ”) TO THE CITY OF UHLAND IN EXCHANGE FOR THE CITY OF UHLAND’S PARTIAL RELEASE OF AREA FROM UHLAND’S ETJ TO THE CITY OF SAN MARCOS; ESTABLISHING AGREED ETJ BOUNDARIES WITH THE CITY OF UHLAND, TEXAS; AUTHORIZING THE EXPANSION OF SAN MARCOS’ ETJ, AND ESTABLISHMENT OF AN AGREED SAN MARCOS-UHLAND ETJ BOUNDARY; ESTABLISHING A REVISED ETJ BOUNDARY LINE FOR SAN MARCOS; AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS FOR APPROVAL AND IMPLEMENTATION OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR SEVERABILITY.

RECITALS:

1. In 2007 the City Council of the City of San Marcos declared its population in excess of 50,000 in Resolution 2007-132. TEXAS LOCAL GOVERNMENT CODE SECTION 42.021(A)(3) provides that cities with a population of 50,000 to 99,999 have an Extraterritorial Jurisdiction (“ETJ”) of three and one-half (3 ½) miles and
2. The City of Umland desires to release from its ETJ approximately 201.18 acres south of Misty Road and east of Hwy 21 described in Exhibit “A” attached hereto and incorporated herein for all purposes that may be included in San Marcos’ ETJ; and
3. The City of San Marcos desires to release from its ETJ approximately 1,714.4 acres on the east side of State Hwy 21 adjacent to the intersection of Misty Road more particularly described in Exhibit “B”, attached hereto and incorporated herein for all purposes that may be included in Umland’s ETJ.
4. The City Council of the City of San Marcos desires to release a portion of its ETJ to the City of Umland in exchange for the City of Umland’s release of a portion of its ETJ to San Marcos and to establish an “Agreed ETJ Boundary” with the City of Umland, Texas; and
5. Agreements regarding areas adjacent to the cities’ respective extraterritorial jurisdiction will assist and enhance the planning for development and capital improvement programs and services.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of San Marcos, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. Release and Inclusion of Area in ETJ; Filing and Display.

1. That the City Council of the City of San Marcos hereby approves the release of a portion of its ETJ (hereafter “San Marcos Release Area”) as described in Exhibit “B” attached hereto and incorporated herein; and

2. Upon Uhland's release of the appropriate area from Uhland's ETJ, (hereafter, the "Uhland Release Areas") such area shall be included and for all purposes brought within the boundaries of the City of San Marcos' ETJ, and made an integral part, thereof, subject to the terms and conditions of the Agreement; and
3. That San Marcos' ETJ is hereby expanded to include the Uhland Release Areas described in Exhibit "A" attached hereto (hereafter, the "Uhland Release Areas"). Upon Uhland's release of the appropriate areas from Uhland's ETJ, the Uhland Release Areas are hereby included and for all purposes brought within the boundaries of the City of San Marcos' ETJ, and are made an integral part, thereof, subject to the terms and conditions of this Agreement.
4. That this Ordinance does not apply to any portion of the San Marcos Release 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 Areas 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 San Marcos. Any portion of San Marcos's ETJ that becomes non-contiguous to the corporate boundaries or ETJ of the City of San Marcos 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 San Marcos.
5. That the official map and boundaries of the City of San Marcos are hereby amended and revised so as to include the Uhland Release Areas and to exclude the San Marcos Release Areas.
6. That the owners and inhabitants of the areas are entitled to all of the rights and privileges of other citizens of the City of San Marcos'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.
7. That the City Clerk is hereby instructed to include this Ordinance in the records of the City.
8. That the Mayor is hereby instructed to file a certified copy of this Ordinance and attachments with the Caldwell County Clerk and other appropriate entities.
9. That the City Planning Director is hereby instructed to have maps depicting the new municipal boundaries prepared.
10. That the Mayor is hereby authorized to execute any documents necessary for the approval and implementation of this Ordinance between the City of Uhland and the City of San Marcos, and the expansion of San Marcos's ETJ.

SECTION 3. Effective Date. This Ordinance is effective and the expansion of the ETJ achieved herein shall be final and complete after the date of final adoption of this Ordinance and release of the appropriate areas from Uhland's ETJ.

SECTION 4. 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 San Marcos shall not be construed in any way to affect any other ETJ expansion by the City.

SECTION 5. 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 a 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 the 17th day of December, 2013.

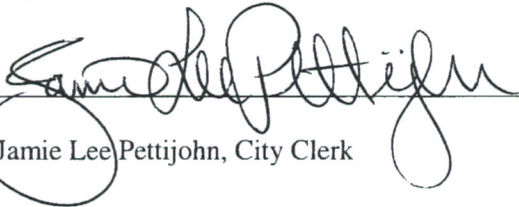
PASSED AND FINALLY APPROVED on this the 7th day of January, 2014.

CITY OF SAN MARCOS, TEXAS




Daniel Guerrero, Mayor

ATTEST:



Jamie Lee Pettijohn, City Clerk

APPROVED:



Michael J. Cosentino
City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION

209.9 ACRES
CITY OF UHLAND
ETJ RELEASE

FN. NO. 13-527(MJJ)
DECEMBER 6, 2013
EPI JOB NO. RO103932-10029

DESCRIPTION

OF 209.9 ACRES OF LAND OUT OF AND A PART OF THE A. REUSS SURVEY, ABSTRACT NO. 398 AND THE THOMAS YATES SURVEY, ABSTRACT NO. 313, SITUATED IN CALDWELL COUNTY, TEXAS; BEING ALL OF THE FOLLOWING CALDWELL COUNTY PARCELS OF LAND AS IDENTIFIED BY TAX ID NUMBERS AS FOLLOWS:

- 1) 16428
- 2) 16399
- 3) 16429
- 4) 16398

SAID 209.9 ACRES OF LAND ALSO INCLUDING A PORTION OF STATE HIGHWAY 21 (AIRPORT ROAD) AND MISTY LANE (COUNTY ROAD 228) EXISTING PUBLIC RIGHTS-OF-WAY AS USED ON-THE-GROUND WHICH ARE CONTAINED WITHIN THE FOLLOWING METES AND BOUNDS DESCRIPTION; SAID 209.9 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point in the northerly line of State Highway 21 and the intersection of the prolongation of the easterly line of Misty Lane, being the northeasterly corner of said 209.9 acres, for the northeasterly corner hereof;

THENCE, S41°22'22"E, over and across State Highway 21, along the easterly line of Misty Lane, over and across the Thomas Yates Survey, Abstract No. 313 a distance of 4388.84 feet to the southeasterly corner hereof;

THENCE, S48°23'11"W, leaving the easterly line of Misty Lane, over and across Misty Lane and along the southerly line of said Tax Parcels 16429, 16399 and 16428, continuing over and across the Thomas Yates Survey, Abstract No. 313, for the southerly line hereof, a distance of 2053.78 feet to the southwesterly corner of Tax Parcel No. 16428, being the southwesterly corner of said 209.9 acres, for the southwesterly corner hereof;

THENCE, N41°54'59"W, continuing over and across the Thomas Yates Survey, Abstract No. 313, in part along the westerly line of Tax Parcel 16428 and in part over and across said State Highway 21, for the westerly line hereof, a distance of 4425.83 feet to a point in the northerly line of State Highway 21, being the northwesterly corner of said 209.9 acres, for the northwesterly corner hereof;

FN NO. 13-527(MJJ)
DECEMBER 6, 2013
PAGE 2 OF 2

THENCE, N49°23'50"E, along the northerly line of State Highway 21, being the northerly line hereof, a distance of 2095.95 feet to the **POINT OF BEGINNING**, containing an area of 209.9 acres of land, more or less, within these metes and bounds.

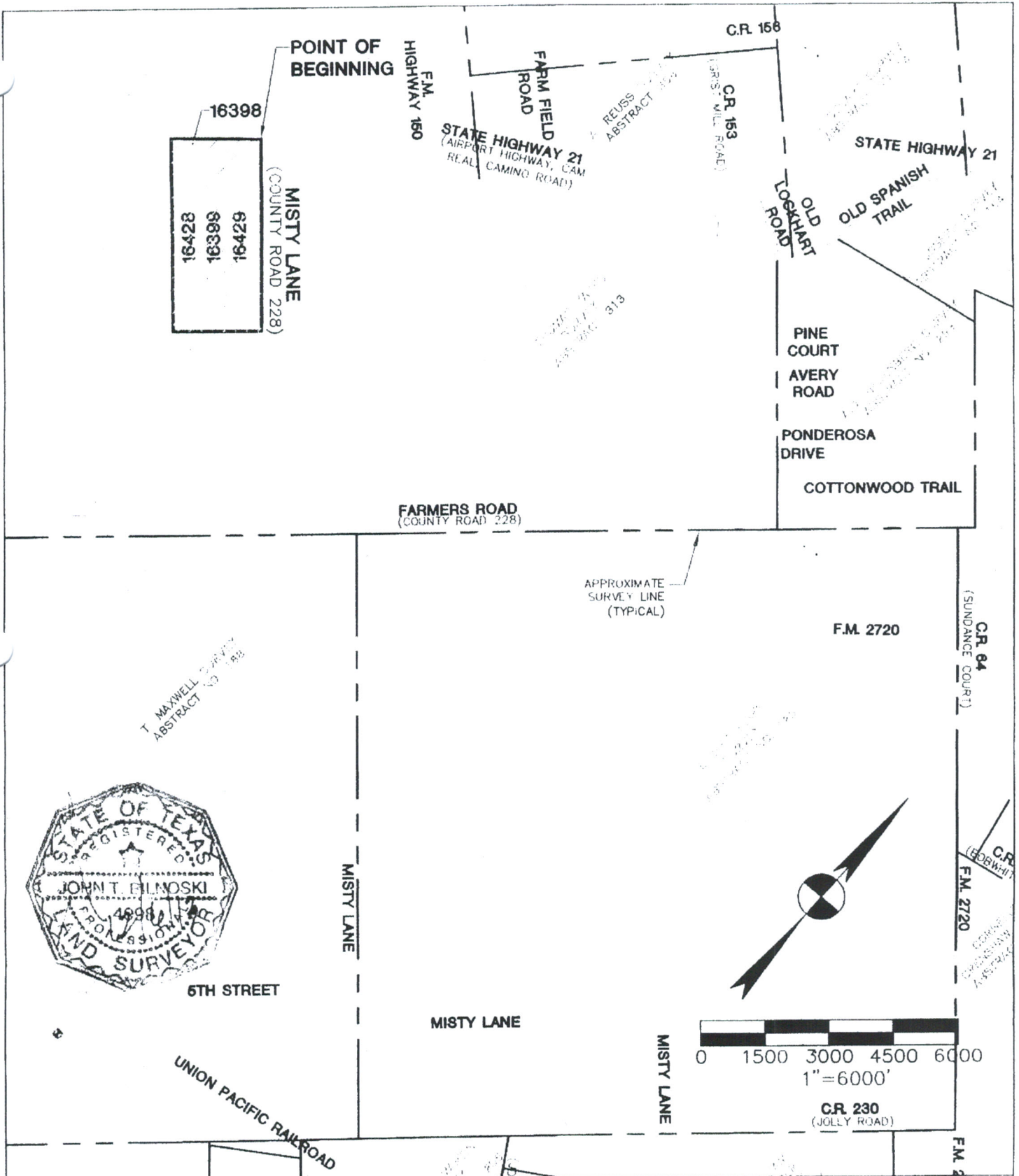
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BURY-AUS, INC.
221 W. SIXTH STREET, SUITE 600
AUSTIN, TEXAS 78701

JOHN T. BILNOSKI,
R.P.E.S. NO. 4998
STATE OF TEXAS

12/6/13
DATE





BURY

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 Austin, Texas 78701
 Tel (512) 328-0011 Fax (512) 328-0325
 TBP# # F-1048 TBP# S # F-10107500
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EXHIBIT A

SKETCH TO ACCOMPANY DESCRIPTION
 OF A 209.9 ACRE TRACT OF LAND, SITUATED IN THE CITY OF
 SAN MARCOS, CALDWELL COUNTY, TEXAS.

**CITY OF UHLAND
 ETJ RELEASE**

EXHIBIT " B "

LEGAL DESCRIPTION

1714.4 ACRES
CITY OF SAN MARCOS
ETJ RELEASE

FN. NO. 13-526(MJJ)
DECEMBER 6, 2013
BPI JOB NO. R0103932-10029

DESCRIPTION

OF 1714.4 ACRES OF LAND OUT OF AND A PART OF THE A. REUSS SURVEY ABSTRACT NO. 398, THE THOMAS YATES SURVEY, ABSTRACT NO. 313 AND THE ELBERT HINES SURVEY, ABSTRACT NO. 123, SITUATED IN CALDWELL COUNTY, TEXAS; BEING ALL OF OR A PORTION OF THE FOLLOWING CALDWELL COUNTY PARCELS OF LAND AS IDENTIFIED BY TAX ID NUMBERS AS FOLLOWS:

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15086, 55438, 16410, 35242, 16421, 32518, 42783 AND 16409;

SAID 1714.4 ACRES OF LAND ALSO INCLUDES A PORTION OF THE FOLLOWING EXISTING PUBLIC RIGHTS-OF-WAY: STATE HIGHWAY 21 (AIRPORT HIGHWAY, CAMINO REAL, CAMINO ROAD), AND COUNTY ROAD 228 (FARMERS ROAD) AS USED ON-THE-GROUND WHICH ARE CONTAINED WITHIN THE FOLLOWING METES AND BOUNDS DESCRIPTION; SAID 1714.4 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point in the northerly line of State Highway 21 and the intersection of the prolongation of the easterly line of Misty Lane, being the most northwesterly corner hereof;

THENCE, along the northerly line of State Highway 21, for the northerly line hereof, the following two (2) courses and distances:

- 1) N56°41'13"E, a distance of 3528.52 feet to an angle point;
- 2) N61°24'02"E, a distance of 2352.44 to a point of curvature of a non-tangent curve to the left, for the northeasterly corner hereof;

THENCE, leaving the northerly line of State Highway 21, over and across State Highway 21 and also over and across said Thomas Yates Survey, for a portion of the irregular easterly line hereof, the following four (4) courses and distances:

- 1) Along a non-tangent curve to the left, having a radius of 2681.00 feet, a central angle of 58°47'15", an arc length of 2750.80 feet, and a chord which bears, S56°17'37"E, a distance of 2631.72 feet to the end of said curve, for the end of said curve;

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- 4) Along said curve having a radius of 18465.00 feet, a central angle of 39°16'59", an arc length of 12659.99 feet, and a chord which bears, S21°34'40"E, a distance of 12413.48 feet to a point in the easterly line of Misty Lane, for the most southerly corner hereof;

THENCE, N41°30'45"W, along the easterly line of Misty Lane, for a portion of the westerly line hereof, crossing Farmers Road, a distance of 8716.77 feet to a point in the northerly line of Farmers Road, for an angle point hereof;

THENCE, S48°02'13"W, along the northerly line of Farmers Road, for a portion of the westerly line hereof, a distance of 2206.02 feet to a point at the intersection of the easterly line of Misty Lane with the northerly line of Farmers Road, for an angle point hereof;

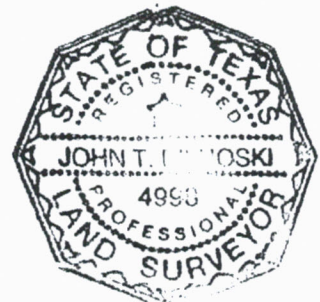
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THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.

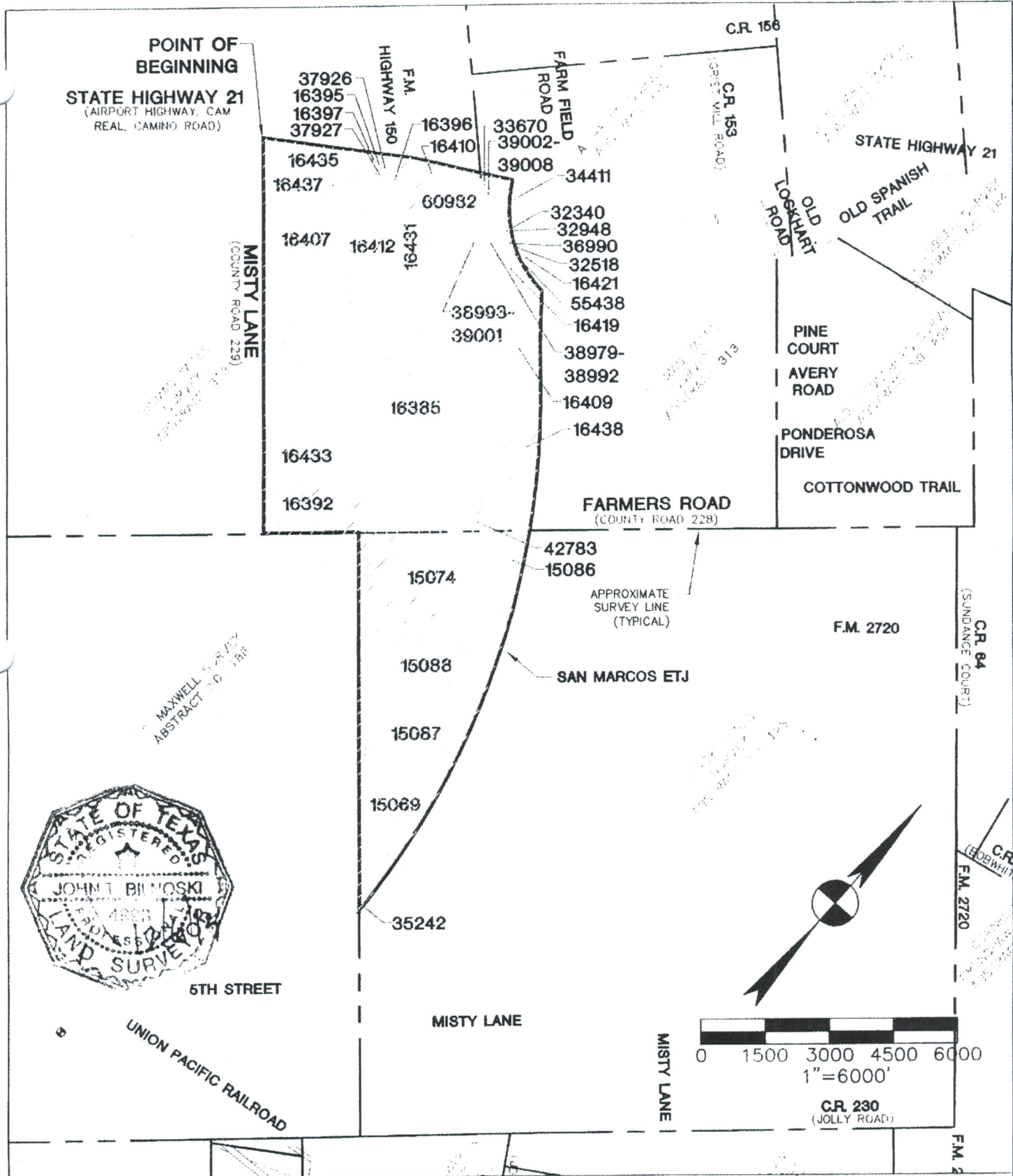
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JOHN T. BILNOSKI,
R.P.L.S. NO. 4998
STATE OF TEXAS

12/6/13
DATE



POINT OF BEGINNING
STATE HIGHWAY 21
 (AIRPORT HIGHWAY, CAM
 REAL, CAMINO ROAD)



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 Austin, Texas 78701
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EXHIBIT B
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 OF A 1714.4 ACRE TRACT OF LAND, SITUATED IN THE CITY OF
 SAN MARCOS, CALDWELL COUNTY, TEXAS.

CITY OF
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