

City of Umland
512-398-7399

APR 25 2019

15 N. Old Spanish Trail
Umland, TX 78640

2019-001874
04/23/2019 09:13:29 AM
Teresa Rodriguez
County Clerk - Caldwell County, TX
ORD Fee: 50.00
Total Pages: 8

ORDINANCE NO. 226

ETJ EXPANSION ORDINANCE

AN ORDINANCE OF THE CITY OF UHLAND TEXAS, EXPANDING THE CITY'S EXTRATERRITORIAL JURISDICTION (ETJ) AND AMENDING/CORRECTING ORDINANCE NO. 215. SO AS TO INCLUDE ADJACENT AND CONTIGUOUS TERRITORY UPON THE VOLUNTARY ANNEXATION PETITION OF THE PROPERTY OWNER, INCLUDING THE FOLLOWING: BEING 13.57 ACRES OF LAND, MORE OR LESS, OUT OF THE LEWIS L. JOSEPH SURVEY, ABSRTRACT NO. 164, SITUATED IN CALDWELL COUNTY, TEXAS, BEING A PORTION OF THAT 148.88 ACRE TRACT OF LAND CONVEYED TO DOUGLAS A. BENDER, TRUSTEE OF THE TIFFANY COLEMAN TRUST UNDER TRUST AGREEMENT DATED OCTOBER 11, 2016 BY DOCUMENT NO 06033332, RECORDED IN VOLUME 3043, PAGE 609, OFFICIAL PUBLIC RECORDS, CALDWELL COUNTY, TEXAS (O.P.R.C.C.TX.), SAID 13.57 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

WHEREAS, Chapter 42 of the Texas Local Government Code authorizes municipalities to expand their ETJs upon request of the property owner if that territory is adjacent and contiguous to the present ETJs; and

WHEREAS, the property owner requested that the City of Umland include within the City's ETJ, the territory that is more particularly described by **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 with the City's ETJ and that granting the petition is in the public interest of the citizens of the area and Umland.

NOW THEREFORE, BE IN 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 Umland and are hereby approved and incorporated into the body of this as if copied in their entirety.

2. INCLUSION OF AREA IN ETJ

- A. The petition attached hereto as Exhibit "A" is hereby approved and granted.
- B. The ETJ of Uhland is hereby expanded so as to include the Territory. The Territory 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 Territory that is currently within the ETJ of another municipality and for which consent has not been granted by the releasing municipality. Any portion of the Territory that is within 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 Territory.
- E. The owners and inhabitants of the Territory 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 County Clerk of Caldwell County, Texas, and other appropriate entities.
- C. The City Engineer is hereby instructed to have maps depicting the new municipal boundaries of the City prepared

4. EFFECTIVE DATE

This Ordinance is effective and the expansion of the ETJ achieved herein shall be final and complete upon the adoption of the 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 the City of Uhland shall not be construed in any way to affect any other ETJ expansion by the City.

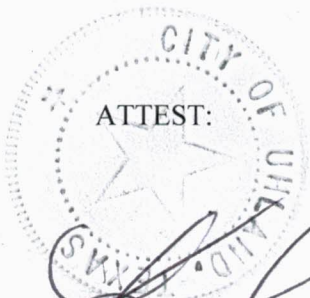
6. PROPER NOTICE AND MEETING

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 17th day of April 2019, by a vote of
4 Ayes, 0 Nays and 0 Abstentions of the City Council.



Vicki Hunter, Mayor Pro-Tem



ATTEST:



Karen Gallaher, City Administrator

Exhibit "A"
The Territory



SPOT ON SURVEYING, INC.

Land Surveying & Mapping

EXHIBIT "A"

13.57 ACRES - METES AND BOUNDS DESCRIPTION

BEING 13.57 ACRES OF LAND, MORE OR LESS, OUT OF THE LEWIS L. JOSEPH SURVEY, ABSTRACT NO. 164, SITUATED IN CALDWELL COUNTY, TEXAS, BEING A PORTION OF THAT 148.88 ACRE TRACT OF LAND CONVEYED TO DOUGLAS A. BENDER, TRUSTEE OF THE TIFFANY COLEMAN TRUST UNDER TRUST AGREEMENT DATED OCTOBER 11, 2006 BY DOCUMENT NO. 06033332, RECORDED IN VOLUME 3043, PAGE 609, OFFICIAL PUBLIC RECORDS, CALDWELL COUNTY, TEXAS (O.P.R.C.C.TX.), SAID 13.57 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

COMMENCING at a set iron rod with cap stamped "SPOT ON SURVEYING", being set as a point in the Southeasterly Right of Way line of State Highway 21, (A.K.A. Camino Real) 100 foot wide, and for the most Northerly corner of said 148.88 acre tract of land;

THENCE S 10° 44' 34" E, 3324.57 feet leaving said Right of Way with the Easterly limits of said 148.88 acre tract to a point of intersection with a curve, said curve being concave Northwesterly having a radius of 2640 feet, and being the existing City of Umland ETJ limits, for the TRUE POINT OF BEGINNING hereof, said City ETJ limits being established 1/2 mile or (2640 feet) from the existing City limits of Umland, said City limits being established at the intersection of the center of Brushy Creek and said Southeasterly Right of Way line of S.H. 21;

THENCE with the Easterly, Southeasterly and Southerly limits of said 148.88 acre tract the following four (4) courses;

1. S 10° 44' 34" E, 1265.33 feet to a found 1/2 iron rod;
2. S 48° 35' 06" W, 439.02 feet to a found 60d nail in a fence post;
3. N 86° 56' 04" W, 223.78 feet to a found fence post
4. N 88° 05' 05" W, 439.42 feet to a point of intersection with said curved City of Umland ETJ limits;

THENCE leaving said Southerly limits through the interior of said 148.88 acre tract Northeasterly with said City of Umland ETJ limits along said curve to the left through a central angle of 37° 14' 30", an arc length of 1715.98 feet to the Point of Beginning hereof, having a chord bearing and distance of N 26° 38' 34" E, 1685.93 feet to said point, containing a calculated area of 591,093.63 sq. ft., 13.57 acres, said field notes being described in accordance with a survey made on the ground by me or under my direction and Exhibit "B" Survey Sketch attached hereto and made a part hereof. All bearings shown are based on NAD 83 Texas State Plane Coordinate System, South Central Zone. All distances shown are surface or ground distances.

Scott A. Hahn, RPLS 6375
Spot On Surveying, Inc.
614 Jerrys Lane
Buda, TX. 78610
(512)523-8092
TBPLS Firm# 10193894
SOS J/N: 0016-18-013

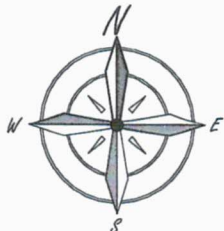


JANUARY 05, 2019

Date

EXHIBIT "B"

SURVEY SKETCH



SCALE 1" = 500'

POC

3289.80'
877.89'

4589.90'

1626.07'

3324.57'

1698.50'

STATE HIGHWAY 21
(100' WIDE RIGHT OF WAY)
2411.91'

CENTERLINE
BRUSHY CREEK
AT S.H. 21 R.O.W.
USED FOR CITY LIMITS

N34° 31' 55"E

N38° 15' 43"W

2640.00'
UHLAND CITY ETJ

TPOB

MCELHINEY, STROTHER K
L.L. JOSEPH SURVEY,
A-164 - 16.6 ACRES
VOL. 284 PG. 489 (D.P.R.C.C.TX.)

N55° 05' 01"W
104.82'

N55° 13' 14"W

UHLAND CITY
ETJ LIMITS

LIMON, VIRGIL & DIANA
SAMUEL B. CARSON SURVEY, A-86
103.04 ACRES
VOL. 182 PG. 415 (D.P.R.C.C.TX.)

SCHNAUTZ, JUDY LOEP
L.L. JOSEPH SURVEY, A-164
77.41 ACRES
VOL. 369 PG. 533 (D.P.R.C.C.TX.)

930.45'

N45° 43' 33"W
579.24'

C4

S10° 44' 34"E

627.94'
N38° 53' 38"E

1265.33'

412.20'

N88° 05' 05"W
851.62'

L4

RIEDEL PROPERTY GROUP, LLC
SAMUEL B. CARSON SURVEY, A-86
96.96 ACRES
DOC. NO. 122994 (D.P.R.C.C.TX.)

SOS J/N: 0016-18-013

EXHIBIT "B"

BEING 148.96 ACRES OF LAND, OUT OF THE LEWIS L. JOSEPH SURVEY, ABSTRACT NO. 164, SITUATED IN CALDWELL COUNTY, TEXAS BEING THE SAME 148.88 ACRE TRACT OF LAND CONVEYED TO DOUGLAS A. BENDER, TRUSTEE OF THE TIFFANY COLEMAN TRUST UNDER TRUST AGREEMENT DATED OCTOBER 11, 2006 BY DOCUMENT NO. 06033332, RECORDED IN VOLUME 3043, PAGE 609, OFFICIAL PUBLIC RECORDS, CALDWELL COUNTY, TEXAS (O.P.R.C.C.TX.)

AREA LEGEND:

 = 13.57 ACRES OF LAND TO BE ANNEXED TO THE CITY OF UHLAND ETJ

CURVE TABLE					
C #	DELTA	RADIUS	ARC	CHD BRG	CHORD
C4	37°14'30"	2640.00'	1715.98'	N26°38'34"E	1685.93'

LINE TABLE		
L #	BEARING	LENGTH
L3	S48°35'06"W	439.02'
L4	N86°56'04"W	223.78'

LEGEND:

OPRCCTX = OFFICIAL PUBLIC RECORDS, CALDWELL COUNTY, TEXAS
 POB = POINT OF BEGINNING
 POC = POINT OF COMMENCEMENT
 POR = POINT OF REFERENCE
 TPOB = TRUE POINT OF BEGINNING

MONUMENT LEGEND:

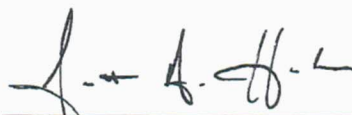
- FOUND MONUMENT AS DESCRIBED.
- FOUND CONCRETE ROAD DEPARTMENT MONUMENT.
- ⊕ SITE BENCHMARK, FOUND 3" ALUMINUM DISK STAMPED "LCRA CS-26".
- SET 5/8" IRON ROD WITH CAP STAMPED "SPOT ON SURVEYING".
- A** FOUND IRON ROD WITH CAP STAMPED "RDS RPLS 4094".
- B** FOUND IRON ROD WITH CAP ILLEGIBLE.
- C** FOUND CONCRETE TxDOT MONUMENT.
- D** FOUND IRON ROD WITH CAP STAMPED "4160".
- E** FOUND 1/2" IRON ROD.
- F** FOUND 60D NAIL IN FENCE POST.
- G** FOUND IRON ROD WITH CAP STAMPED "PRO-TECH ENG".
- H** FOUND FENCE POST.

BASIS OF BEARINGS:

THE BASIS OF BEARINGS OF THIS SURVEY SHOWN HEREON, IS THE TEXAS COORDINATE SYSTEM NAD83, TEXAS SOUTH CENTRAL ZONE, UTILIZING STATIC OBSERVATIONS AND CORRECTIONS PERFORMED BY THE NGS-OPUS WEBSITE.

SURVEYOR'S CERTIFICATION:

I, SCOTT A. HAHN, AM REGISTERED IN THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF LAND SURVEYING, AND DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION AND THAT THE MONUMENTS WERE PROPERLY LOCATED UNDER MY SUPERVISION.
 FIELDWORK COMPLETED DECEMBER 2018



JAN 06, 2019
 DATE

SCOTT A. HAHN
 TEXAS REGISTRATION NO. 6375
 SPOT ON SURVEYING, INC.
 614 JERRYS LN., BUDA, TX. 78610
 TBPLS FIRM NO.: 10193894


 WWW.SPOTONSURVEYING.COM



FILED AND RECORDED

Instrument Number: 2019-001874 ORDINANCE

Filing and Recording Date: 04/23/2019 09:13:29 AM Pages: 8 Recording Fee: \$50.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Caldwell County, Texas.



Teresa Rodriguez

Teresa Rodriguez, County Clerk
Caldwell County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

DO NOT REMOVE. THIS PAGE IS PART OF THE OFFICIAL PUBLIC RECORD.