# ORDINANCE NO. 158

AN ORDINANCE FOR VOLUNTARY ANNEXATION OF LAND ADJACENT AND CONTIGUOUS TO THE CITY OF UHLAND, TEXAS FOR ALL PURPOSES. BEING A 1.9235 ACRE TRACT OF LNAD OUT OF THE THOMAS B WESTBROOK SURVEY, A-468, SAME BEING A PORTION OF THAT CERTAIN CALLED (5.100) ACRE TRACT AS CONVEYED TO B B & C PROPERTIES, A TEXAS GENERAL PARTNERSHIP, BY DEED RECORDED UNDER COUNTY CLERK'S FILE NO.9929085 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY MEETS AND BOUNDS AS FOLLOWS AS "EXHIBIT A"

**WHEREAS**, a petition has been presented to the Board of Aldermen of the City of Uhland, Texas, asking for annexation of a tract of land adjacent and contiguous to the City Limits of the City of Uhland, Texas' and;

WHEREAS, no voters reside on said land; no person reside on said land and

WHEREAS, the petition was signed by all persons owning an interest in said land;

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

**Section 1.** That the tract of land described in said petition which is attached as "Exhibit A", and which is hereby incorporated by reference, shall be and it is hereby, annexed to the City of Uhland, Texas, for all purposes.

**Section 2.** That the City Council finds that all prerequisites have been satisfied, and that no legal impediment exists to prevent said annexation.

**Section 3.** That the legal description of all annexed property shall be filed with this Ordinance, as a part hereof, and that the map of the City limits shall be amended to show the property annexed as a part of the City

PASSED AND APPROVED THIS 4 DAY OF March, 2015

Ayes <u>Ayes</u> Nays <u>Abstain</u> <u>Abstain</u> ter 1010

Vicki Hunter, Mayor Pro-Tem

ATTEST:

Karen Gallaher, City Administrator





February 23, 2015

City of Uhland 15 N. Old Spanish Trail Uhland, TX 78640

Re: Voluntary Annexation of 1.9235 acres in Hays County

Dear Uhland City Council,

As a representative for the property owner, Blair Warren, we would like to formally request the annexation of approximately 1.9235 acres located east of the city limits of Uhland, TX. More specifically the property is at the northeast intersection of High Road (CR 127) and State Highway 21.

The requested property is part of a larger tract, described as 5.100 acre tract of land out of the Thomas B. Westbrook survey A-68, that is partly within the city limits of Uhland. The Hays County Tax Appraisal District number for the portion in Hays County is R94359.

The property requested to be annexed into the City of Uhland is currently a vacant rural pasture that is proposed to be used for the development of a Stripes Convenience store.

Enclosed within is the annexation application and supporting documents. Please contact me if there are any questions.

Sincerely,

Jenifer Paz Project Manager II Harrison French & Associates 713-702-0987 Jenifer Paz@hfa-ae.com

Bk Vol Pa 15006365 OPR 5153 462 City of Uhiand 512-398-7399

FEB 2 4 2015

15 N. Old Spanish Trail Uhland, TX 78640



# **CITY OF UHLAND**

15 North Old Spanish Trail Uhland, TX 78640 (512) 398-7399 city@uhlandtx.us

#### APPLICATION&CHECKLIST-VOLUNTARYANNEXATIONAPPLICATION

# Project Name/Address: High Zoad SH ZI

The following items are required to be submitted to the Planning Department in order for the application to be accepted for review.

- 1. Letterrequestingannexation, signed and dated by all property owners and detailing the following information:
  - a. Thenameofthepropertyowner(s)
  - b. Thestreetaddressoftheproperty
  - c. TaxappraisaldistrictpropertyIDnumber(s)
  - d. Acknowledgementthatthepropertyiscontiguoustothecurrentcitylimits.
  - e. Identifythenumberofresidentslivingontheproperty.
  - f. Currentuseoftheproperty.
  - g. Proposeduseoftheproperty

2. Mapofthesubjectproperty

- 3. Alegaldescriptionoftheproperty (includingasurvey, fieldnotesorlegaldescriptionsubdivision, lot, and block)-labelas Exhibit A.
- 4. OwnershipDocuments.Cleancopyofrecordedwarrantydeedorotherdocument(s)con veyingownershipofallthepropertytobeannexed.lf the propertyownedbyapartnership,corporation,trust,orotherentity,documentsdemonstr atingsignatory'sauthoritytosignPetitiononbehalfofentitymustbeincluded.
- 5. ApplicationFee:\$850.+\$200.(NewspaperNotificationFee)

**Property Information** 

Owner: Blair Warren				
Address: 1405 United Dr. San Marco	os, TX 78666			
Phone: <u>512-392-6484</u>	_Email:			
Acreage: 1.9235	Property:			
Legal Description:	ook Survey, A-4	68		
Number of Lots: Proposed use:	Convenience S	Store/fuel station		
Agent: _ Jenifer Paz - Harrison Frenc	ch & Associates			
ThesignatureofownerauthorizesCityofUhlandstafftovisitandinspectthepropertyforwhichthis applicationisbeingsubmitted.The signaturealsoindicatesthattheapplicantorhisagenthasreviewedtherequirementsofthischecklistandall itemsonthischecklisthavebeenaddressedandcomplied with.Note:Theagentistheofficial contactpersonforthisprojectthesinglepointofcontact.Allcorrespondenceandcommunicationwillbeconducte dwiththeagent. If no agentislisted,theownerwillbeconsideredtheagent.				
(Check one:)				
$\label{eq:limit} I will represent my application before city staff and the City Council.$				
Iherebyauthorizetheperson named belo Staff. Blair Warren		boccessing this application before the City 3926484		
Owner Name(printed)		Phone		
1405 United DR. Sc.	in Marios	- TX 78666		
OwnerAddressCity	n an	State Zip		
Blan Warn	2/19/15			
OwnerSignature	Date	EmailAddress		

**General Process** 

- OwnermeetswithStaffforpre-petitionmeetingandsubmittalmeeting.
- City AttorneywillreviewrequestforcompliancewithLocalGovernmentCode.
- Staff reviews the request and prepares public hearing calendar and analysis for City Council
- City Council Public Hearing

#### REQUESTFORANNEXATION OFSPARSELYPOPULATEDAREASBYTHEOWNER(S)OFAREA

TOTHEHONORABLEMAYORA NDCITYCOUNCIL OFTHECITYOFUHLAND,TEXA S:

Theundersignedownersofthehereinafterdescribedtractofland, pursuanttoTexasLocalGovernm entCodeSection43.028, herebypetitiontheCityof UhlandtoextendthepresentCityLimitssoastoincludeasapartoftheCitythatcertaintractof landdescribedin Exhibit"A"attachedheretoandmadeaparthereof.

Theundersignedownersherebycertifythat:

- (1) ThetractoflanddescribedinExhibit"A"islocatedcontiguousandadjacentt otheexistingcorporatelimitsoftheCityofUhland,Texas;and
- (2) ThetractoflanddescribedinExhibit"A" isone-half(1/2) mileorless inwidth; and
- (3) ThetractoflanddescribedinExhibit"A"isvacantandwithoutresidents,oron whichlessthanthree(3)qualifiedvotersreside;and
- (4) Thispetitionissignedanddulyacknowledgedbycachandeveryindividualo rcorporationhavingaproprietaryinterestinsaidland.

BlairWorren

19/2015 2

NAME(PRINT)

DATE

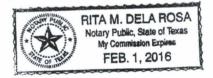
SIGNATURE:

(ACKNOWLEDGEMENT)

STATE OFTEX

OFTEX AS COUNTYOF <u>Hayp</u> Thisinstrumentwasacknowledgedbeforemeonthe <u>19</u> dayof <u>Hbrumy</u>20<u>15</u>

By Blair Warren



NotaryPublic, State Texas

List all qualified voting age persons living on each tract of land. Per State law, in order for an area to be eligible for annexation by petition of the land owners, the area must be vacant or inhabited by fewer than three (3) qualified voters

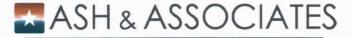
TRACK #

NAME:

MAILING ADDRESS:

Not Applicable

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SURVEYING • ENGINEERING • ARCHITECTURE "Serving the Community of Texas" 132 Jackson Lane San Marcos, Texas 78666 Phone: 512-392-1719 ashandassociates.net

STATE OF TEXAS COUNTY OF HAYS THOS. B. WESTBROOK SURVEY, A-468 5.0998 ACRES

BEING A CALLED (5.100) ACRE TRACT OF LAND OUT OF THE THOMAS B. WESTBROOK SURVEY, A-468, AS CONVEYED TO B B & C PROPERTIES, A TEXAS GENERAL PARTNERSHIP, BY DEED RECORDED UNDER COUNTY CLERK'S FILE NO. 9929085 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a 1/2" iron rod found in concrete at a corner clip at the intersection of the northwest line of Texas State Highway No. 21 (100 foot public right-of-way), with the northeast line of Hays County Road No. 127 – High Road (variable width right-of-way), for the southeasterly corner of said BB&C called 5.100 acre tract herein described;

**THENCE South 85°08'10" West** (S 85°59'00" W Record), along said corner clip and the northeast line of said Hays County Road No. 127, a distance of **112.94 feet** (113.25' Record) to a 1/2" iron rod found for corner;

**THENCE North 46°36'54" West** (N 44°38'11" W Record), continuing along the northeast line of said Hays County Road No. 127, a distance of **392.29 feet** (392.28' Record) to a 1/2" iron rod found with cap for the most westerly corner of the herein described tract of land, same being at a common corner of that certain called 82.236 acre tract conveyed to ASAAWP, LP, a Texas limited partnership by deed recorded in Volume 4618, Page 769 of the Official Public Records of Hays County, Texas;

**THENCE North 34°27'09" East** (N 36°29'00" E Record), along a common line of said ASAAWP, LP called 82.236 acre tract, a distance of **473.95 feet** (474.02' Record) to a 5/8" iron rod with cap found for an interior corner of said ASAAWP, LP tract and the common north corner of the herein described tract of land;

**THENCE South 46°35'46" East** (S 44°38'11" E Record), continuing along a common line of said ASAAWP, LP called 82.236 acre tract, a distance of **483.13 feet** (483.01' Record) to a 5/8" iron rod found with cap at a south corner of said ASAAWP, LP tract, for the east corner of the herein described tract of land, same being in the northwest line of aforesaid Texas State Highway No. 21 (100 foot public right-of-way);

**THENCE** with the northwest line of Texas State Highway No. 21, the following courses and distances numbered (1) and (2):

**1)** South 34°23'24" West (S 36°29'00" W Record), a distance of **226.57 feet** (226.70' Record) to an 80d nail found at a R.O.W. marker post, for a corner of the herein described tract of land, same being at the beginning of an arc of a curve to the right;

2) Southwesterly 161.58 feet (161.30' Record) along the arc of said curve to the right, having a radius of 5674.02 feet (Record), a delta angle of 01°37'54", and a chord which bears South 35°22'00" West (S 37°17'058" W Record), a chord distance of 161.58 feet (161.30' Record) to the POINT OF BEGINNING and CONTAINING 5.0998 ACRES or 222,147 SQUARE FEET OF LAND.

BEARING BASIS HEREIN DERIVED BY GPS MEASUREMENTS ADJUSTED BY HARN (HIGH ACCURACY REFERENCE NETWORK) & PROJECTED TO TEXAS STATE PLANE COORDINATES (TEXAS SOUTH CENTRAL ZONE) & NAD83.

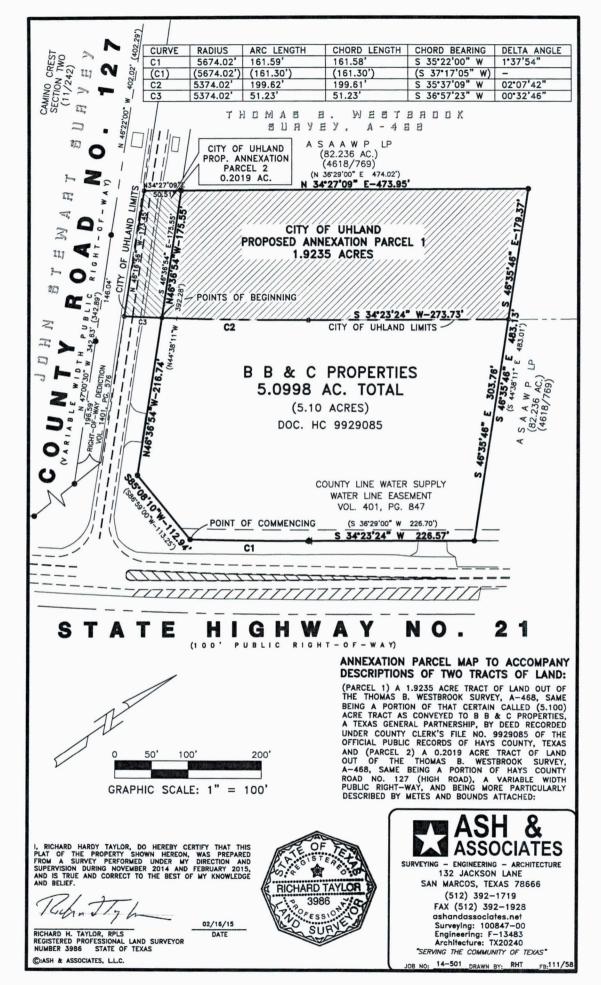
I, Richard H. Taylor, do certify that this description and associated exhibit were prepared this tapp from a boundary survey performed under my direction during November 2014, and is true and correct to the best of my knowledge and belief. Amended February 16, 2015 to correct bearing in second THENCE call from North 46°34'54" West to North 46°36'54" West.

up Typ

Richard H. Taylor Registered Professional Land Surveyor No. 3986 State of Texas

Attachment: Survey Drawing of 5.10 acres Job: 14-5401 02/16/15 Date





#### CONSENT OF GENERAL PARTNER of CB&B REALTY, LTD., a Texas Limited Partnership

The undersigned being the sole general partner of CB&B Realty, Ltd., a Texas limited partnership (the "Company"), does hereby consent to the adoption of the following resolutions:

**RESOLVED**, that the Company seek to have the following property annexed into the City of Uhland, Texas:

Being a 5.1 acre tract of land out of the T.B. Westbrook Survey, Abstract No. 468, Hays County, Texas, commonly known as <u>High Roud</u> SH Z1.

RESOLVED, that Blair Warren, President of Warren Fuel Co., Inc., the duly appointed general partner of the Company, be and hereby is authorized and empowered to execute and deliver on behalf of the Company, certificates, documents or any other agreements or writings, that he determines, in his sole discretion, necessary to accomplish the foregoing. Further, he may change, alter, modify, amend, supplement, extend, condition, waive or do any acts subsequent with respect to any certificates, documents or any other agreements or writings signed and delivered pursuant to this resolution.

Dated as of the February 19, 2015.

corporation

WARREN FUEL CO., INC., a Texas

Sole General Partner

By: Blair Warnen, President

99100078

#### CASH WARRANTY DEED

Date:

Grantor:

: JOHN ANDERSON, SHARON ELAINE WRIGHT, CAROL ANNE JOERSZ acting herein by and through JOHN ANDERSON, her Agent and Attorney-in-Fact, and JOHN ALAN ANDERSON, not joined by their spouses herein because the property conveyed hereby constitutes no part of Grantors' homestead

Grantor's Mailing Address (including county):

December 13, 1999

Grantee: B B & C PROPERTIES, a Texas general partnership

Grantee's Mailing Address (including county):

Consideration: TEN AND NO/100 DOLLARS and other good and valuable consideration.

Property (including any improvements):

Being a 5.100 acre tract of land out of the T.B. WESTBROOK SURVEY, Abstract No. 468, Hays County, Texas, and being more particularly described in Exhibit "A" attached hereto

Reservations From and Exceptions to Conveyance and Warranty:

1. Subject to 1/16th (½ of the usual 1/8th) non-participating royalty interest, reserved in Deed from S. W. Sites and wife, Hilda D. Sites, to D. W. Meeks and wife, Gladys Lucille Meeks in warranty deed dated October 8, 1966, recorded in Volume 214, page 110, Hays County Deed Records.

2. Right of way easement granted to County Line Water Supply by John Anderson, dated June 12, 1983, recorded in Volume 401, page 847, Hays County Real Property Records.

Grantor, for the consideration, receipt of which is acknowledged, and subject to the reservations from and exceptions to conveyance and warranty, grants, sells and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

When the context requires, singular nouns and pronouns include the plural.

JOHN ANDERSON, Individually and as Agent and Attorney-in-Fact for CAROL ANNE JOERSZ

RSON

#### ACKNOWLEDGMENTS

conconcon

STATE OF TEXAS

COUNTY OF Hays

This instrument was acknowledged before me on December 13, 1999, by SHARON ELAINE WRIGHT.

Notary Public, State of Texas



COUNTY OF HAY S

This instrument was acknowledged before me on December 13 , 1999, by JOHN ANDERSON, individually and as Agent and Attorney-in-Fact on behalf of CAROL ANNE JOERSZ.

conconco:

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SANDY THIES Notary Public

State of Texas Comm. Example 21 2641

State of Texas

Conno. Les 168 24 266 h

CONCREMENTS LITERS &

NII PUS

Notary Public, State of Texas SAHLEY HILLS Hotary Public

STATE OF TEXAS

COUNTY OF -ays

This instrument was acknowledged before me on December 13, 1999, by JOHN ALAN ANDERSON.

conconcon

Notary Public, State of Texas

-2-



#### Affidavit

19 , 2015 Date:

Affiant on oath swears that the following statements are true and are within the personal knowledge of Affiant:

1. My name is Blair Warren, and I reside at <u>9099 Kingshary Rd Kingsbury</u> T& and I have personal knowledge of the facts stated in this affidavit.

2. On or about December 13, 1999, BB&C Properties, a Texas general partnership, received by deed that certain 5.1 acre tract described on Exhibit "A".

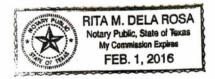
3. Although the Grantee was listed as "BB&C Properties", the intended Grantee was "BB&C Partnership".

4. On or about April 1, 2000, BB&C Partnership was converted pursuant to the laws of the State of Texas into "CB&B Realty, Ltd., a Texas limited partnership" and all of the assets of BB&C Partnership became the assets of CB&B Realty, Ltd., by operation of law.

an Warn

Blair Warren

9, 2015 by Blair Warren. SUBSCRIBED AND SWORN TO before me on



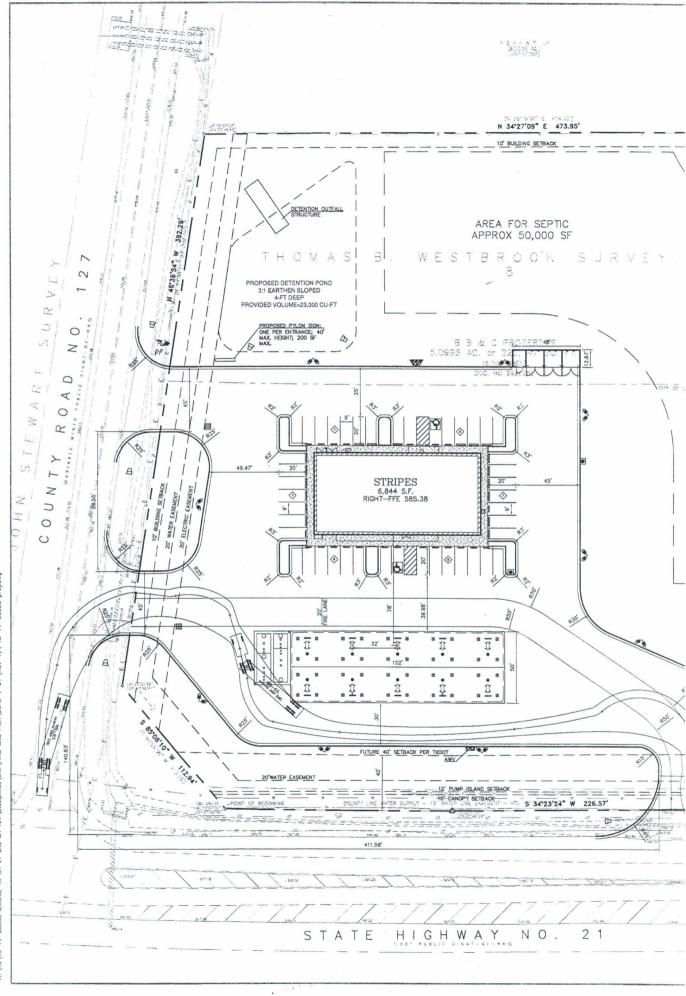
Notary Public, State of Texas

# Exhibit "A"

Legal Description for the property is as follows: A0468 Thomas Westbrook, Acres 1.38 and A0468 Thomas B Westbrook Survey, Acres 3.72







15006365 OPR 5153 476

# ASH & ASSOCIATES

SURVEYING · ENGINEERING · ARCHITECTURE

"Serving the Community of Texas" 132 Jackson Lane San Marcos, Texas 78666 Phone: 512-392-1719 ashandassociates.net

## STATE OF TEXAS COUNTY OF HAYS

## THOS. B. WESTBROOK SURVEY, A-468 ANNEXATION PARCEL 1 - 1.9235 ACRES

BEING A 1.9235 ACRE TRACT OF LAND OUT OF THE THOMAS B. WESTBROOK SURVEY, A-468, SAME BEING A PORTION OF THAT CERTAIN CALLED (5.100) ACRE TRACT AS CONVEYED TO B B & C PROPERTIES, A TEXAS GENERAL PARTNERSHIP, BY DEED RECORDED UNDER COUNTY CLERK'S FILE NO. 9929085 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING** at a 1/2" iron rod found in concrete at a corner clip at the intersection of the northwest line of Texas State Highway No. 21 (100 foot public right-of-way), with the northeast line of Hays County Road No. 127 – High Road (variable width right-of-way), for the southeasterly corner of said BB&C called 5.100 acre tract;

**THENCE South 85°08'10" West** (S 85°59'00" W Record), along said corner clip and the northeast line of said Hays County Road No. 127, a distance of **112.94 feet** (113.25' Record) to a 1/2" iron rod found;

**THENCE North 46°36'54" West** (N 44°38'11" W Record), continuing along the northeast line of said Hays County Road No. 127, a distance of **216.74 feet** to the intersection of the northeast line of said Hays County Road No. 127, with a northwest City Limit line of the City of Uhland, according to the Map & Description of Tract A as adopted by the City of Uhland Board of Aldermen May 3, 2006, same being 300 feet northwest of the northwest line of the afore-mentioned Texas State Highway No. 21, and being in the arc of a curve, for the **POINT OF BEGINNING** and the south corner of the herein described tract of land;

**THENCE North 46°36'54" West** (N 44°38'11" W Record), and continuing along the northeast line of said Hays County Road No. 127, a distance of **175.55 feet** to a 1/2" iron rod found with cap at the west corner of said BB&C called 5.100 acre tract, for the most westerly corner of the herein described tract of land, same being at a common corner of that certain called 82.236 acre tract conveyed to ASAAWP, LP, a Texas limited partnership by deed recorded in Volume 4618, Page 769 of the Official Public Records of Hays County, Texas;

**THENCE North 34°27'09" East** (N 36°29'00" E Record), along a common line of said ASAAWP, LP called 82.236 acre tract, a distance of **473.95 feet** (474.02' Record) to a 5/8" iron rod with cap found for an interior corner of said ASAAWP, LP tract and the common north corner of said BB&C called 5.100 acre tract, for the north corner of the herein described tract of land;

**THENCE South 46°35'46" East** (S 44°38'11" E Record), continuing along a common line of said ASAAWP, LP called 82.236 acre tract and said BB&C called 5.100 acre tract, a distance of **179.37 feet** to the intersection of the aforesaid City Limit line, for the east corner of the herein described tract of land, and from which a 5/8" iron rod found with cap at a south corner of said ASAAWP, LP tract and the common east corner of said BB&C called 5.100 acre tract, bears South 46°35'46" East, a distance of 303.76 feet;

**THENCE** through and severing said BB&C called 5.100 acre tract, along and with the said City Limit line the following courses and distances numbered (1) and (2):

1) South 34°23'24" West, a distance of 273.73 feet to the beginning of the arc of the aforesaid curve;

2) Southwesterly, **199.62 feet** along the arc of said curve, to the right, having a radius of **5374.02 feet**, a delta angle of **02°07'42**" and a chord which bears **South 35°37'09**" West, a distance of **199.61 feet** to the **POINT OF BEGINNING** and **CONTAINING 1.9235 ACRES OF LAND**.

BEARING BASIS HEREIN DERIVED BY GPS MEASUREMENTS ADJUSTED BY HARN (HIGH ACCURACY REFERENCE NETWORK) & PROJECTED TO TEXAS STATE PLANE COORDINATES (TEXAS SOUTH CENTRAL ZONE) & NAD83.

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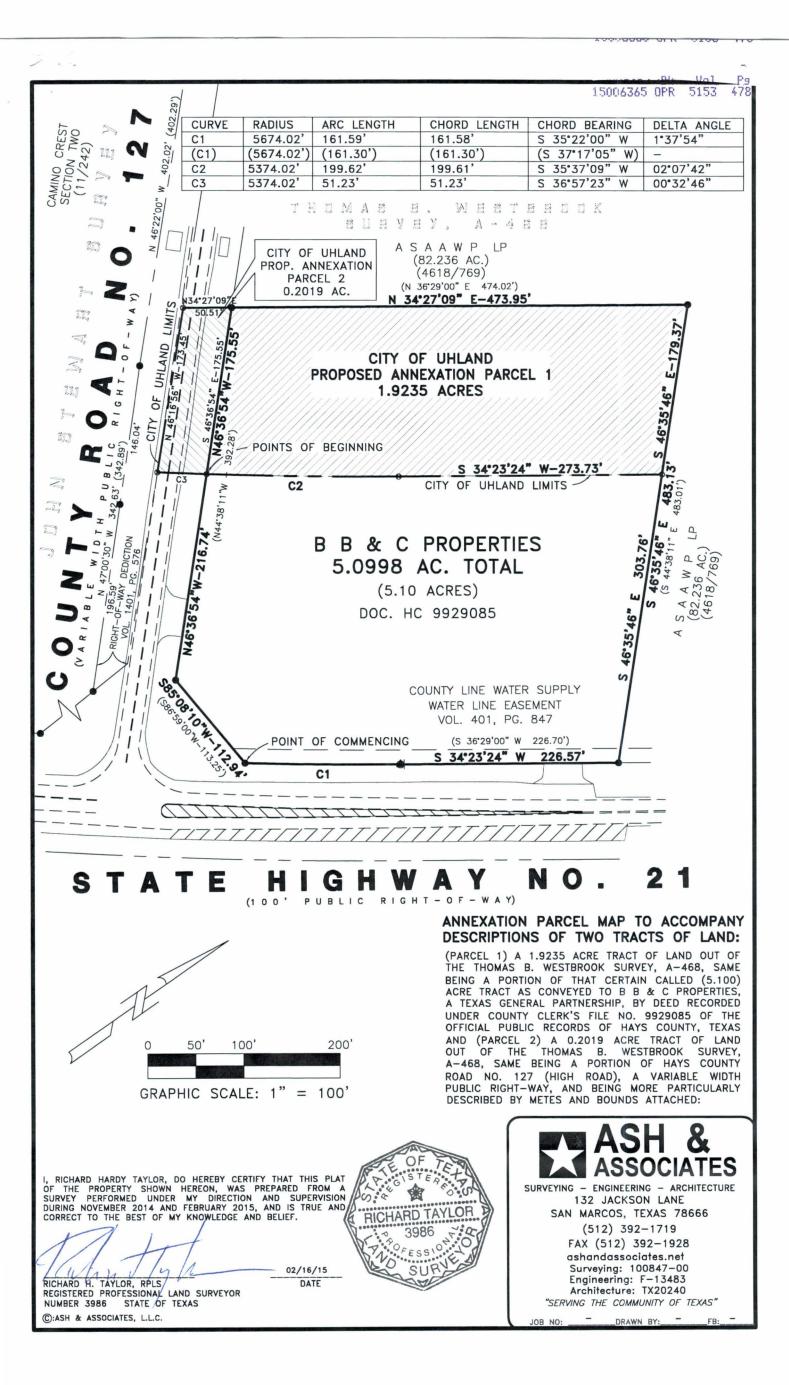
I, Richard H. Taylor, do certify that this description and associated exhibit were prepared this date from a boundary survey performed under my direction during November 2014 and February 2015, and is true and correct to the best of my knowledge and belief.

Richard H. Taylor Registered Professional Land Surveyor No. 3986 State of Texas

Attachment: Survey Drawing of Annexation Parcels Job: 14-5401B

02/16/15 Date





70 2015 15006365		Liz Q. Gonzalez County Clerk San Marcos, Texas 78666	
		Instrument Number: 2015-15006365	
Recorded On: March 09, 201	5	As OPR RECORDINGS	
Parties: HUNTER VICH	(I		Billable Pages: 20
То			Number of Pages: 21
Comment:			
		( Parties listed above are for Clerks reference only )	
		** THIS IS NOT A BILL **	
OPR RECORDINGS	102.00		
Total Recording:	102.00		

Havs County

#### 

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

#### File Information:

Document Number: 2015-15006365 Receipt Number: 390946 Recorded Date/Time: March 09, 2015 12:14:21P Book-Vol/Pg: BK-OPR VL-5153 PG-458 User / Station: K Greaser - Cashiering #3 Record and Return To: CITY OF UHLAND ORIGINAL TO KATHY SAN MARCOS TX 78666



State of Texas | County of Hays

I hereby certify that this instrument was filed for record in my office on the date and time stamped hereon and was recorded on the volume and page of the named records of Hays County, Texas

Ling & Dougely

Liz Q.Gonzalez, County CLerk