

ORDINANCE NO. 251

AN ORDINANCE FOR VOLUNTARY ANNEXATION OF LAND ADJACENT AND CONTIGUOUS TO THE CITY OF UHLAND, TEXAS, BEING ALL OF THAT CERTAIN 24.90 ACRE TRACT OF LAND, MORE OR LESS, OUT OF THE LEWIS L. JOSEPH SURVEY, ABSTRACT NO. 164, CALDWELL COUNTY, TEXAS, BEING OUT OF THAT CERTAIN 24.90 ACRE TRACT OF LAND CONVEYED TO MICHAEL L. BRANDON BY WARRANTY DEED RECORDED IN VOLUME 261, PAGE 902, OFFICIAL PUBLIC RECORDS, CALDWELL COUNTY, TEXAS, BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS IN "EXHIBIT A"

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

WHEREAS, no voters, and no person reside on said land. All persons within 200 feet of said property were notified by letter; and

WHEREAS, two public hearing were held at 6:00 p.m. on August 19, 2020 and September 2, 2020; and

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

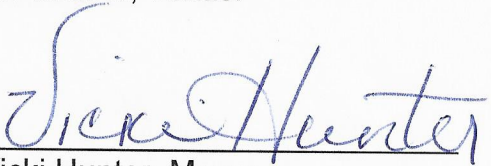
NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UHLAND, TEXAS:

Section 1. That the tracts 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, voluntary annexed to the City of Umland, 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 voluntary annexation.

Section 3. That the legal description of all voluntary 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 voluntary annexed as a part of the City.

PASSED, APPROVED AND ADOPTED this 4th day of November, 2020, by a vote of 5 ayes, 0 nays and 0 abstentions of the City Council of Umland, Texas.


Vicki Hunter, Mayor

ATTEST:

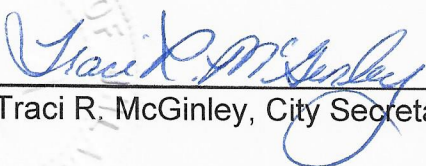

Traci R. McGinley, City Secretary

Exhibit "A"

APPLICATION & CHECKLIST - VOLUNTARY ANNEXATION APPLICATION

15 North Old Spanish Trail • Umland, Texas 78640 • (512) 398-7399 • Email city@uhlandtx.us

Project Name/Address: ROCKY ROAD RANGH SUBDIVISION/2553 ROCKY ROAD, KYLE, TX 78640

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

1. Letter requesting annexation, signed and dated by all property owners and detailing the following information:
 - a. The name of the property owner(s)
 - b. The street address of the property
 - c. Tax appraisal district property ID number(s)
 - d. Acknowledgement that the property is contiguous to the current city limits.
 - e. Identify the number of residents living on the property.
 - f. Current use of the property.
 - g. Proposed use of the property.
2. Map of the subject property
3. A legal description of the property (including a survey, field notes or legal description – subdivision, lot, and block) - label as Exhibit A.
4. Ownership Documents. Clean copy of recorded warranty deed or other document(s) conveying ownership of all the property to be annexed. If the property owned by a partnership, corporation, trust, or other entity, documents demonstrating signatory's authority to sign Petition on behalf of entity must be included.
5. Application Fee: See Ordinance #168 for fees.
Property Information

Owner: Patrick J. Tighe

Address: 6900 Vail Ridge, Austin, TX 78744

Phone: 512-709-8754 Email: pat@patricktighelaw.com

Acreage: 24.90 Property: 2553 Rocky Road, Kyle, TX 78640

Legal Description: 24.901 acre tract out of the Lewis L. Joseph Survey, Abstract No. 164, Caldwell County, Texas

Number of Lots: 22 Proposed use: See PDD

Agent: Hugo Eilzondo, Jr., P.E./Cuatro Consultants, Ltd.

The signature of owner authorizes City of Umland staff to visit and inspect the property for which this application is being submitted. The signature also indicates that the applicant or his agent has reviewed the requirements of this checklist and all items on this checklist have been addressed and complied with. Note: The agent is the official contact person for this project the single point of contact. All correspondence and communication will be conducted with the agent. If no agent is listed, the owner will be considered the agent.

(Check one)

I will represent my application before city staff and the City Council.

I hereby authorize the person named below to act as my agent in processing this application before the City Staff.

Patrick Joseph Tighe

512-709-8754

Owner Name (printed)

Phone

6900 Vail Ridge

Austin

TX

78744

Owner Address

City

State

Zip

Owner Signature

Date

pat@patricktighelaw.com

Email Address

General Process

- Owner meets with Staff for pre-petition meeting and submittal meeting.
- City Attorney will review request for compliance with Local Government Code.

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

REQUEST FOR ANNEXATION OF SPARSELY POPULATED AREAS BY THE OWNER(S) OF AREA

TO THE HONORABLE MAYOR
AND CITY COUNCIL OF THE
CITY OF UHLAND, TEXAS:

The undersigned owners of the hereinafter described tract of land, pursuant to Texas Local Government Code Section 43.028, hereby petition the City of Uhlend to extend the present City Limits so as to include as a part of the City that certain tract of land described in Exhibit "A" attached hereto and made a part hereof.

The undersigned owners hereby certify that:

- (1) The tract of land described in Exhibit "A" is located contiguous and adjacent to the existing corporate limits of the City of Uhlend, Texas; and
- (2) The tract of land described in Exhibit "A" is one-half (1/2) mile or less in width; and
- (3) The tract of land described in Exhibit "A" is vacant and without residents, or on which less than three (3) qualified voters reside; and
- (4) This petition is signed and duly acknowledged by each and every individual or corporation having a proprietary interest in said land.

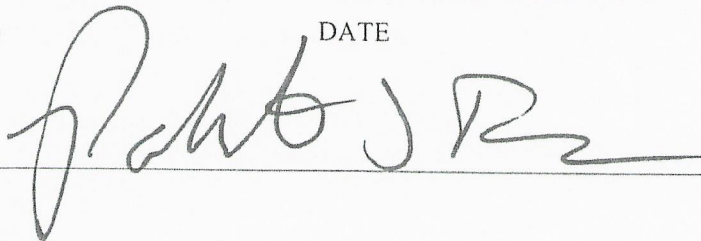
Patrick Joseph Tighe

5.28.20

NAME (PRINT)

DATE

SIGNATURE:



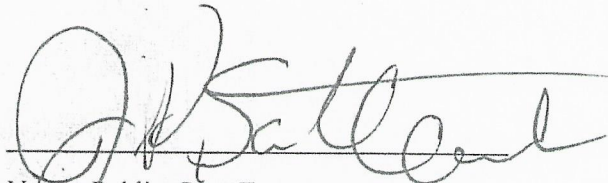
(ACKNOWLEDGEMENT)

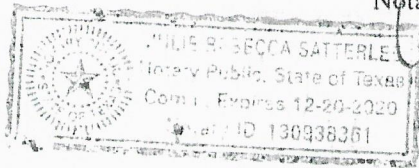
STATE
OF
TEXAS

COUNTY OF Travis

This instrument was acknowledged before me on the 28 day of May, 2020

By Patrick Tighe


Notary Public, 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: |
|---------|------------------|-----------------------------------|
| N/A | Patrick J. Tighe | 6900 Vail Ridge, Austin, TX 78744 |
| | | |
| | | |

May 29, 2020

Karen Gallaher, City Administrator
City of Umland
15 North Old Spanish Trail
Umland, Texas 78640

**RE: ROCKY ROAD RANCH SUBDIVISION – 2553 ROCKY ROAD
 CITY OF UHLAND
 CALDWELL COUNTY, TEXAS
 CCL 20-221**

Subject: Annexation Letter of Intent

Dear Ms. Gallaher:

I, Patrick Joseph Tighe, Landowner, hereby submit this Letter of Intent to be voluntarily annexed by the City of Umland. Please find the following information, per the Application and Checklist – Voluntary Annexation Application requirements:

| | |
|--|--|
| Name of Property Owner: | Patrick Joseph Tighe |
| Street Address of Property Owner: | 6900 Vail Ridge, Austin, Texas 78744 |
| Street Address of Property: | 2553 Rocky Road, Kyle, Texas 78640 |
| Tax Appraisal District Property ID: | Caldwell County Property ID No. 28927 |
| Acknowledgement that property is contiguous to the current city limits: | We acknowledge the subject 24.90 acre tract that is currently vacant and is contiguous to the current City Limits. |
| Identify the number of residents living on the property: | No residents are on the property at this time. |
| Current use of the property: | Current property use is agriculture. |
| Proposed use of the property: | Proposed use, see PDD. |

The applicant reserves the right to pull this annexation application from consideration at any time during the proceedings. With this signed petition for voluntary annexation, the landowner understands that construction of any capital improvements necessary for development on the property will not be the responsibility of the City of Umland if approved for annexation.

Please advise if you have questions on this matter.

Sincerely,

Patrick Joseph Tighe



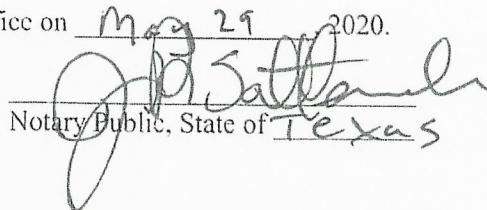
STATE OF TEXAS

COUNTY OF Travis

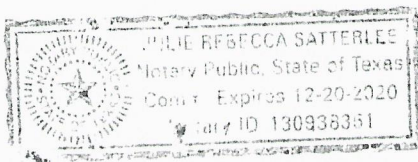
§
§
§

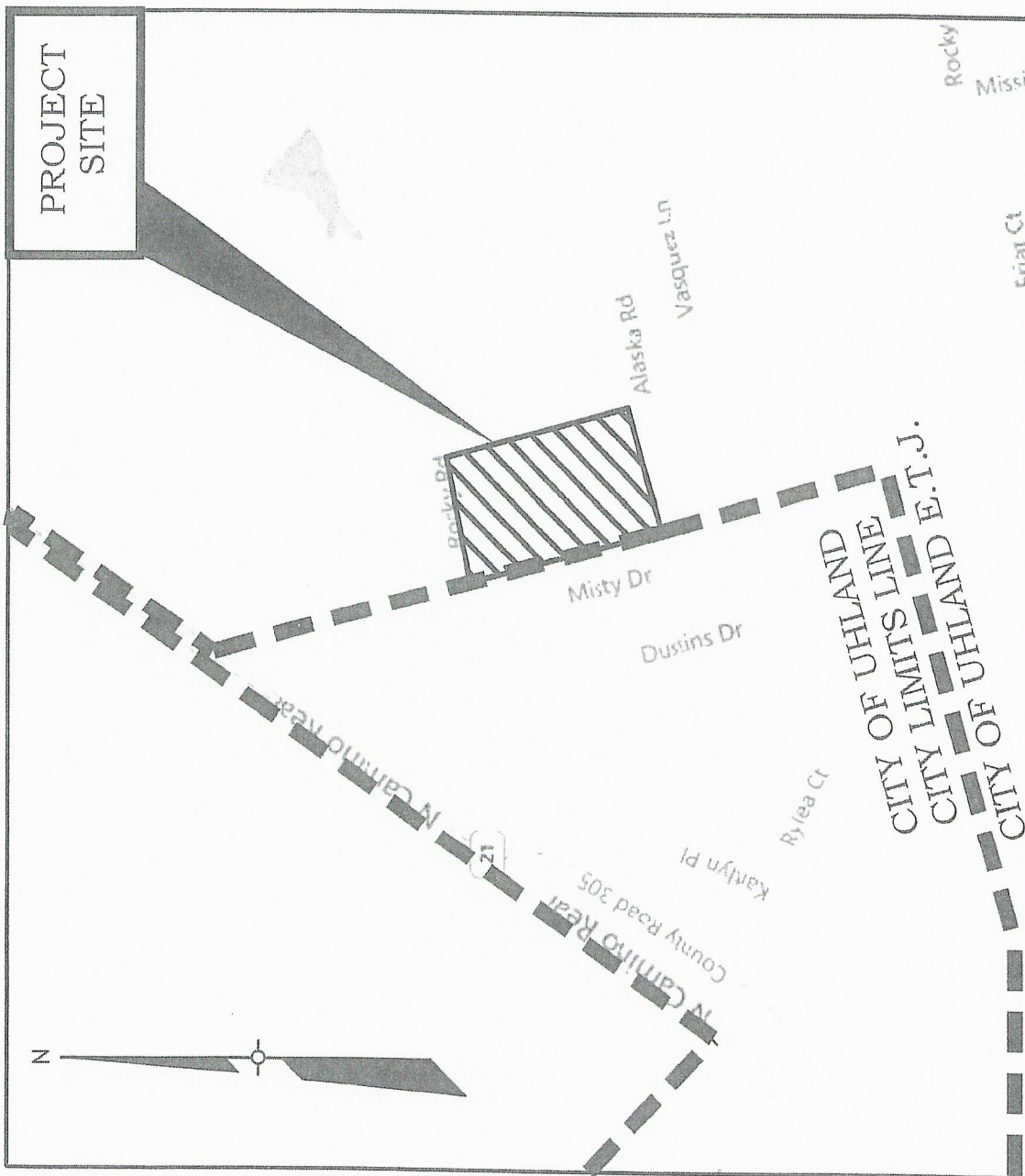
Before me, Patrick Tighe Notary Public, on this day personally appeared Patrick Joseph Tighe, Owner, known to me through valid identification to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on May 29 2020.



Notary Public, State of Texas



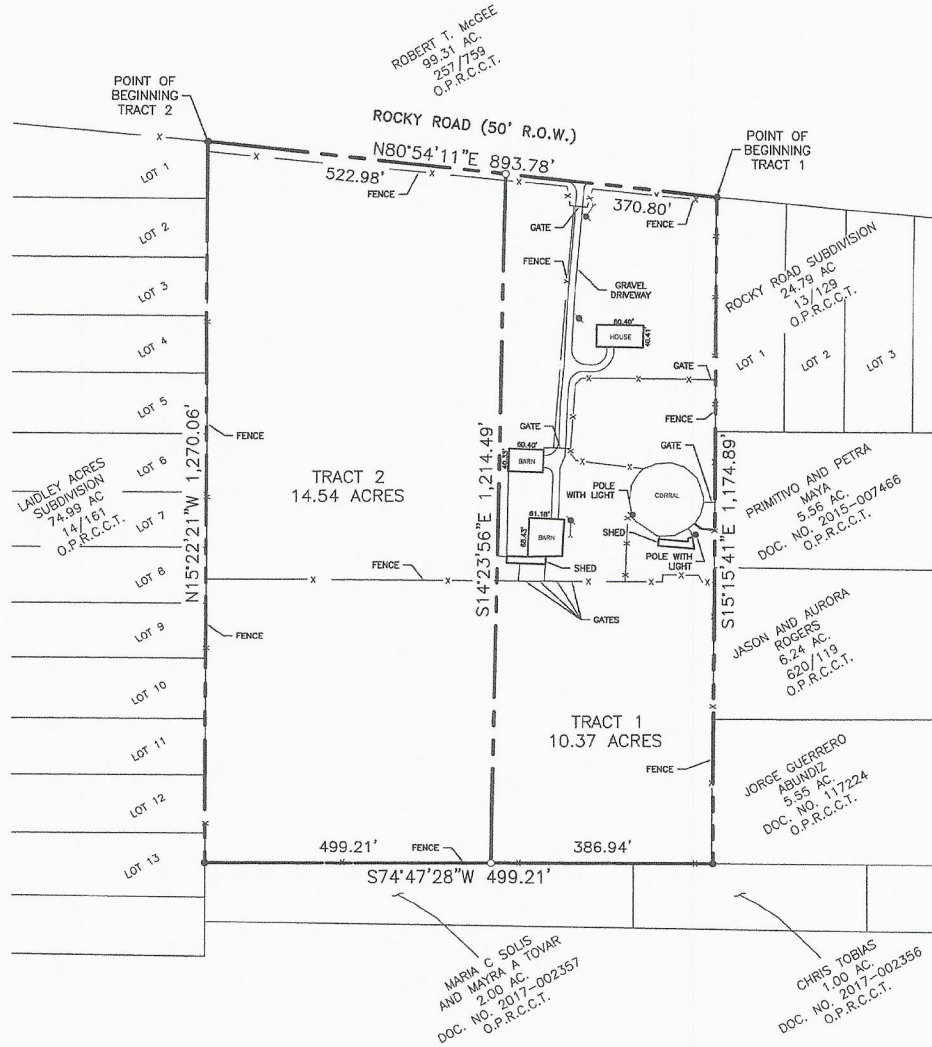
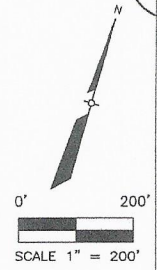


LOCATION MAP

ANNEXATION EXHIBIT

LEGEND

- IRON ROD FOUND
- IRON ROD SET
- BOUNDARY LINE
- - - EXISTING R.O.W. LINE
- - - EXISTING LOT LINE
- - - EXISTING OVERHEAD ELECTRIC
- - - EASEMENT
- ⊕ FIRE HYDRANT
- ⊙ POWER POLE
- M WATER METER
- CHAIN LINK FENCE
- WOOD PRIVACY FENCE
- IRON ROD FENCE
- X-X- BARBED WIRE FENCE



LEGAL DESCRIPTION

TRACT 1: BEING A 10.37 ACRE TRACT OF LAND, MORE OR LESS, OUT OF THE LEWIS L. JOSEPH SURVEY, ABSTRACT NO. 164, CALDWELL COUNTY, TEXAS, BEING OUT OF THAT CERTAIN TRACT OF LAND CONVEYED TO MICHAEL L. BRANDON DESCRIBED IN WARRANTY DEED RECORDED IN VOLUME 251, PAGE 902, OFFICIAL PUBLIC RECORDS, CALDWELL COUNTY, TEXAS.

TRACT 2: BEING A 14.54 ACRE TRACT OF LAND, MORE OR LESS, OUT OF THE LEWIS L. JOSEPH SURVEY, ABSTRACT NO. 164, CALDWELL COUNTY, TEXAS, BEING OUT OF THAT CERTAIN TRACT OF LAND CONVEYED TO MICHAEL L. BRANDON DESCRIBED IN WARRANTY DEED RECORDED IN VOLUME 261, PAGE 902, OFFICIAL PUBLIC RECORDS, CALDWELL COUNTY, TEXAS.

FLOOD INFORMATION: THIS SITE LIES WITHIN ZONE "X" FLOODPLAIN AREA. NO PORTION OF THIS PROPERTY LIES WITHIN A 100-YEAR FLOODPLAIN BOUNDARY ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD INSURANCE RATE MAP FOR CALDWELL COUNTY, TEXAS.

4 CUATRO
Consultants, LTD.

Registration No. F-5524
3601 Kyle Crossing, Suite A Phone: (512) 312-9040 Fax: (512) 312-5999
Kyle, Texas 78690 e-mail: cuatro@cuatroconsultants.com

2020-001800 WD Fee: 42.00
04/13/2020 11:14:17 AM Total Pages: 6
Teresa Rodriguez, County Clerk - Caldwell County, TX



NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

General Warranty Deed with Vendor's Lien

LO Company NMLS ID 403250
LO NMLS ID 475387
Loan # 710183

AFTER RECORDING RETURN TO:

Patrick Joseph Tighe
6900 VAIL RIDGE
Austin, TX 78744

Date: Executed on the date set forth in the acknowledgement herein, but to be effective the Eighth day of April, 2020.

Grantor: Michael L. Brandon Vicki L. Brandon, n/k/a Vicki Lynn Anderson

Grantor's Mailing Address: PO BOX 754
Round Rock, TX 78680

Grantee: Patrick Joseph Tighe

Grantee's Mailing Address: 6900 VAIL RIDGE
Austin, TX 78744

Consideration:

Ten Dollars (\$10.00) and other good and valuable consideration paid to Grantor by Grantee and a note of even date in the principal amount of Six Hundred Thousand and 00/100 Dollars – (\$600,000.00) made by Grantee payable to the order of The First National Bank of Bastrop, "Lender" herein, as consideration for the amount paid to Grantor. The note is secured by a vendor's lien retained in favor of Lender in this deed and by a deed of trust of even date from Grantee to Michael H. Patterson, Trustee.

General Warranty Deed with Vendor's Lien

1

Recorded By: T-126236/JSD
Texas National Title

©PeirsonPatterson, LLP. 2020
201007080457 [Doc Id 3479 M07092019]

Property (including any improvements):

Being 24.901 acres of land, more or less, out of the LEWIS L. JOSEPH SURVEY, ABSTRACT NO. 164, Caldwell County, Texas, being the same tract of land conveyed to Michael L. Brandon and described in Warranty Deed recorded in Volume 261, Page 902, Official Public Records, Caldwell County, Texas, being more particularly described by metes and bounds in EXHIBIT "A" attached hereto and made a part hereof for all purposes.

The above described property also includes any and all of Grantor's right, title, and/or interest in any and all system memberships and/or ownership certificates in any non-municipal water and/or sewer systems now or in the future serving said property.

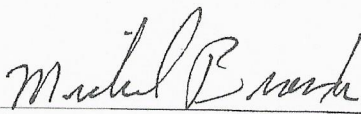
Reservations from and Exceptions to Conveyance and Warranty:

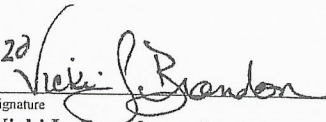
This conveyance is given and accepted subject to any and all restrictions, reservations, covenants, conditions, rights of way, easements, municipal or other governmental zoning laws, regulations and ordinances, if any, affecting the herein described property.

Grantee herein assumes the taxes for the current year.

Grantor, for the consideration 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. The vendor's lien (to the extent of the consideration paid by Grantee to Grantor) against and superior title to the property are retained until each note described is fully paid according to its terms, at which time this deed shall become absolute. The vendor's lien and superior title retained in this deed are transferred to Lender, without recourse on Grantor. When the context requires, singular nouns and pronouns include the plural. When executed by a corporation the words "heirs and assigns" shall be construed to mean "Successors and assigns".

WITNESS THE HAND(S) AND SEAL(S) OF THE UNDERSIGNED.

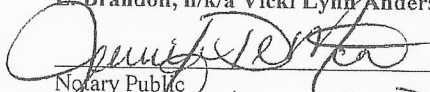

Signature _____ Date 4-8-2020
Michael L. Brandon

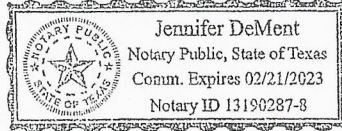

Signature _____ Date 4/8/2020
Vicki L. Brandon, n/k/a Vicki Lynn Anderson

General Warranty Deed with Vendor's Lien

STATE OF TEXAS
COUNTY OF Hays

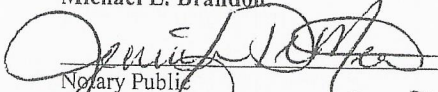
The foregoing instrument was acknowledged before me this 8th day of April, 2020 by Vicki
L. Brandon, n/k/a Vicki Lynn Anderson.

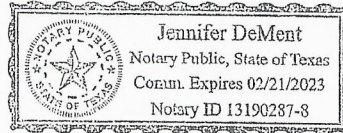

Notary Public
Printed Name: Jennifer DeMent
My commission expires: 02/21/2023



STATE OF TEXAS
COUNTY OF Hays

The foregoing instrument was acknowledged before me this 8th day of April, 2020 by
Michael L. Brandon.


Notary Public
Printed Name: Jennifer DeMent
My commission expires: 02/21/2023



General Warranty Deed with Vendor's Lien

Exhibit A

WAY SURVEYING COMPANY
RT. 1 BOX 9A2
BASTROP, TX 78602
PH. 303-1773 FAX (512) 303-3469

FIELD NOTES

BEING 24.901 ACRES OF LAND, MORE OR LESS, OUT OF THE LEWIS L. JOSEPH SURVEY, ABSTRACT # 164, IN CALDWELL COUNTY, TEXAS, SAID 24.901 ACRE TRACT OF LAND BEING ALL OF THAT CERTAIN 4.370 ACRE TRACT OF LAND DESCRIBED BY DEED TO ROY W. STRAHAN AS RECORDED IN VOLUME 474, PAGE 71, OF THE DEED RECORDS OF CALDWELL COUNTY, TEXAS, AND ALL OF THAT CERTAIN 20.63 ACRE TRACT OF DESCRIBED BY DEED TO ROY W. STRAHAN, AS RECORDED IN VOLUME 399, PAGE 151, OF THE DEED RECORDS OF CALDWELL COUNTY, TEXAS, AND BEING SHOWN ON THE ATTACHED SKETCH MARKED "EXHIBIT "B"" AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found for the north-west corner of said 20.63 acre tract of land, same being the north-east corner of that certain 20.00 acre tract of land as described by deed to Edward Freeman as recorded in Volume 50, Page 362, of the Official Records of Caldwell County, Texas, same being a point on the south right-of-way line of Rocky Road (also known as County Road 227), same being the north-west corner of this 24.901 acre tract of land;

THENCE North 82°35'00" East, along the common dividing line of said 24.901 acre tract of land and the south right-of-way line of said Rocky Road, passing at a distance of 639.23 feet the north-east corner of said 20.63 acre tract of land, same being the north-west corner of said 4.370 acre tract of land, in all, a distance of 893.92 feet to a 1/2" iron rod found for the north-east corner of said 4.370 tract of land, same being the north-west corner of that certain 25.00 acre tract of land described to Abraham A. Martinez and shown on the attached plat;

THENCE South 13°34'12" East, along the common dividing line of said 25.00 acre tract of land, passing the south-east corner of said 4.370 acre tract of land at a distance of 678.35 feet, same being the north-east corner of said 20.63 acre tract of land, in all a distance of 1175.01 feet to a 1/2" iron rod with an orange cap set for the south-east corner of this 24.901 acre tract of land, same being the south-east corner of said 20.63 acre tract of land, same being the south-west corner of said 25.00 acre tract of land, same being a point on the north-west line of that certain 5.0 acre tract of land described by deed to Tobias Macario, as recorded in Volume 465, Page 639, of the Deed Records of Caldwell County, Texas;

THENCE South 76°30'00" West, along the common dividing line of said 20.63 acre tract of land and said 5.0 acre tract of land, a distance of 886.04 feet to a 1/2" iron rod found for the south-west corner of this 24.901 acre tract of land, same being the south-west corner of said 20.63 acre tract of land, same being the north-west corner of said 5.0 acre tract of land, same being a point on the most easterly line of said 20.00 acre tract of land;

page one of two

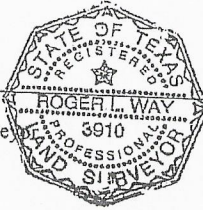
(BEING 24.901 ACRES OUT OF THE LEWIS L. JOSEPH SURVEY, ABSTRACT # 164, IN CALDWELL COUNTY, TEXAS)

THENCE North 13°41'36" West, along the common dividing line of said 20.63 acre tracts of land and said 20.00 acre tract of land, a distance of 1269.74 feet to the POINT OF BEGINNING and containing 24.901 acres of land, more or less.

Basis of bearings for this survey is the north line of said 24.901 acre tract of land along the right-of-way of Rocky Road (also known as Caldwell County Road 227) as being North 82°35'00" East, as per Volume 399, Page 155, of the Deed Records of Caldwell County, Texas.

I, Roger L. Way, a Registered Professional Land Surveyor, do hereby certify that this survey was made upon the ground, under my direct supervision, on Monday August 30, 1999.

Roger L. Way
Roger L. Way
Registered Professional Land Surveyor
State of Texas - No. 3910



8/30/99
(date)

page two of two

FILED AND RECORDED

Instrument Number: 2020-001800 WARRANTY DEED

Filing and Recording Date: 04/13/2020 11:14:17 AM Pages: 6 Recording Fee: \$42.00

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.