

ORDINANCE NO. 041-97

ORDINANCE OF THE CITY OF ORCHARD, TEXAS, EXTENDING  
AND EXPANDING THE CITY'S EXTRATERRITORIAL  
JURISDICTION UPON THE REQUEST OF OWNER OF TERRITORY

WHEREAS, pursuant to the provisions of the Texas Local Government Code, Section 42.022(b), (formerly Subsection C of Section 3 of the Municipal Annexation Act, Article 970 a, Vernons Texas Civil Statutes, as amended), the owner of all the territory described in Exhibit "A" hereto, said owner being hereinafter referred to as "Petitioner," has presented to the City of Orchard, Texas (the "City") a petition requesting that the City extend and expand its extraterritorial jurisdiction to include all of the territory described on Exhibit "A" attached hereto and incorporated herein for all purposes; and

WHEREAS, the City has reviewed said petition and has determined that the facts therein stated are true and correct, that Petitioner is the owner of the territory described in Exhibit "A" hereto; and that said territory is wholly contiguous to the existing extraterritorial jurisdiction of the City; and

WHEREAS, the City has determined that it will be in the best interest of the City and extraterritorial jurisdiction to include such territory;

NOW, THEREFORE,

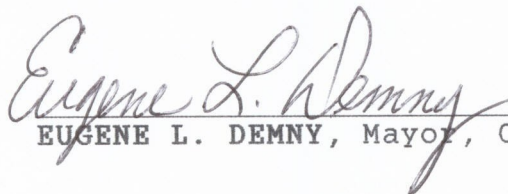
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORCHARD, TEXAS:

Section 1. The facts and recitals set forth in the preamble of this ordinance are hereby found and determined to be true and correct.

Section 2. The City of Orchard, Texas, hereby extends and expands its extraterritorial jurisdiction to include all of the territory described in Exhibit "A" hereto, which exhibit is incorporated herein and made a part hereof for all purposes.

Section 3. This ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED this 15 day of October, 1997.



EUGENE L. DEMNY, Mayor, City of Orchard, Texas

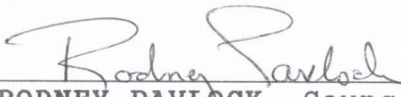
ATTEST:

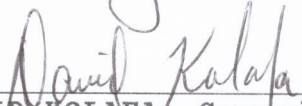
Wanda Andel  
Wanda Andel, City Secretary  
City of Orchard, Texas

(Seal)



CITY OF ORCHARD, TEXAS, COUNCILMEN:

  
\_\_\_\_\_  
RODNEY PAVLOCK, Councilman

  
\_\_\_\_\_  
DAVID KOLAFKA, Councilman

#### EXHIBIT "A" - THE TERRITORY

406.1 Acre Tract of Land, more or less, described in Deed dated December 28, 1976 and recorded in Volume 708, Page 878 of the Deed Records of Fort Bend County, Texas and being in the Sarah Kennedy League, Abstract No. 45, Fort Bend County, Texas, and being more particularly described in the following Field Note Description.



**HENRY STEINKAMP, JR. INC.**  
Land Boundary & Topographic Surveying  
909 Fifth Street  
P.O. Box 192  
Rosenberg, Texas 77471  
281/342-2241

Franklin R. Schodek  
Registered Professional Land Surveyor

James L. Syptak, Sr.  
Registered Professional Land Surveyor

September 17, 1997

A Field Note Description of a 406.1 Acre Tract of Land, more or less, for Proposed Extra-Territorial Jurisdiction (E.T.J.) Annexation to the City of Orchard, Fort Bend County, Texas, being the Mary Fraley Cooley Walker, et al call 190.3 Acre Tract 1., call 96.81 Acre Tract 2., Call 40 Acre Tract 3., call 15 Acre Tract 4. and call 64 Acre Tract 5. described in deed dated December 28, 1976 and recorded in Volume 708, Page 878 of the Deed Records of Fort Bend County, Texas and being in the Sarah Kennedy League, Abstract No. 45, Fort Bend County, Texas.

Begin at a point on the South Bank of the Brazos River marking the Northerly Northwest corner of the 11,596 Acre, more or less, E.T.J. Annexation to the City of Orchard, Texas, by Ordinance No. 037-97, dated May 20, 1997; said corner being the Northeast corner of said 406.1 Acre, more or less, Tract and being the Northeast corner of said call 190.3 Acre Tract 1.;

THENCE, South 03deg. West, along the East line of the 190.3 Acre Tract 1., the 64 Acre Tract 5., the 15 Acre Tract 4. the 40 Acre Tract 3. and the 96.81 Acre Tract 2., and a West line of the City of Orchard, Texas's Extra-Territorial Jurisdiction, 3153.6 feet, more or less, to the Southeast corner of said call 96.81 Acre Tract and of said 406.1 Acre Tract, more or less; said corner being the Southeast corner of this tract;

THENCE, South 89deg.23' West, along the South line of said 406.1 Acre Tract, more or less, 4153.46 feet, more or less, to a point marking the Southwest corner of this tract;

THENCE, Northerly, along the center of Aylor Road and projection thereof, and the Westerly line of said 406.1 Acre Tract, more or less, and the Westerly line of said 96.81 Acre Tract 2., 40 Acre, Tract 3., 15 Acre Tract 4., 64 Acre Tract 5. and 190.3 Acre Tract 1., 5243.3 feet, more or less, to a point on the South Bank of the Brazos River marking the Northwest corner of this tract;

THENCE, Southeasterly, along the meanders of the South Bank of the Brazos River with the following courses and distances:

South 49deg.24'40" East, 584.0 feet, more or less, to a point;  
South 44deg.15'50" East, 520.4 feet, more or less, to a point;  
South 61deg.35'10" East, 476.6 feet, more or less, to a point;;

Page 2.

406.1 Acres, more or less

Sarah Kennedy League, Abstract No. 45

Fort Bend County, Texas.

North 81deg.36'20" East, 478.7 feet, more or less, to a point;  
South 71deg.52' East, 410.4 feet, more or less, to a point;  
South 80deg.57'10" East, 253.5 feet, more or less, to a point;  
South 74deg.26'10" East, 391.0 feet, more or less, to a point;  
South 65deg.33'30" East, 272.5 feet, more or less, to a point;  
South 64deg.18'40" East, 202.1 feet, more or less, to a point;  
South 75deg.46'40" East, 317.2 feet, more or less, to a point;  
South 71deg.14'20" East, 352.7 feet, more or less, to a point;  
South 81deg.31' East, 273.3 feet, more or less, to a point;  
South 80deg.22'30" East, 215.5 feet to the place of beginning and containing  
406.1 Acres of Land, more or less.

Signed: And H. Scholz  
Registered Professional Land Surveyor No. 1535

NOTE: Not a field survey this date, prepared from available information.



PETITION REQUESTING EXPANSION AND EXTENSION  
OF EXTRATERRITORIAL JURISDICTION

TO THE HONORABLE MAYOR AND THE TOWN COUNCIL OF THE TOWN OF ORCHARD,  
TEXAS:

The undersigned owners (herein the "Petitioners"), owners of all the territory described in Exhibit "A" attached hereto and incorporated herein for all purposes (the "Territory"), hereby petition and request the Town of Orchard, Texas, (the "Town"), to expand and extend the Town's extraterritorial jurisdiction to include all the Territory, and would show the following:

I.

Petitioners are the owners of title to all of the land within the Territory, which land is shown on a map or plat submitted with this Petition. The map or plat shows the various component tracts of land within the Territory and contains a depiction and corresponding legend of which component tracts of land within the Territory are owned by which Petitioners.

II.

The Territory is wholly contiguous to the existing extraterritorial jurisdiction of the Town.

III.

Petitioners believe that none of the Territory is located within any other city's existing extraterritorial jurisdiction or city limits; however, if Petitioners are incorrect, Petitioners request that the boundaries of the Territory be revised and reformed so that none of the Territory to be included within the Town's extraterritorial jurisdiction shall be located within any other city's existing extraterritorial jurisdiction or city limits.

IV.

If any portion of this Petition is invalid or unenforceable for any reason, including but not limited to because parts of the Territory are ineligible for inclusion in the extraterritorial jurisdiction of the Town, and this Petition shall be construed as if such invalid or unenforceable provision had never been contained herein.

V.

This Petition and request is made pursuant to the provisions of the Texas Local Government Code, §42.022(b).

VI.

Petitioners believe that it will be in the best interests of Petitioners, the Territory, and the Town if the Town extends and expands its extraterritorial jurisdiction to include all of the Territory.

VII.

This Petition is executed by Petitioners in multiple counterparts, all of which constitute one and the same document, and the composite of said counterparts shall be considered one petition.

WHEREFORE, Petitioners pray that this petition be heard and that the Town of Orchard, Texas duly pass and adopt an ordinance extending and expanding the Town's extraterritorial jurisdiction to include all of the Territory described in Exhibit "A" hereto.

RESPECTFULLY EXECUTED on the respective dates appearing hereinafter opposite the name and signature of each Petitioner.

Texas Commerce Bank National Association, as  
Trustee for the MARY FRALEY COOLEY  
WALKER Trust No. 1, in the proportion of an  
undivided 1/8 interest.

Texas Commerce Bank National Association, as  
Trustee for the MARY FRALEY COOLEY  
WALKER Trust No. 2, in the proportion of an  
undivided 1/8 interest.

By: Alan P. Swenson  
Alan P. Swenson, ~~Assistant~~ Vice-President  
~~and Trust Officer~~

Date: 10/1/97

Texas Commerce Bank National Association, as  
Trustee for the SUSAN MATHIAS COOLEY  
Trust No. 1, in the proportion of an undivided 1/8  
interest.

Texas Commerce Bank National Association, as  
Trustee for the SUSAN MATHIAS COOLEY  
TRUST No. 2, in the proportion of an undivided  
1/8 interest.



By: Alan P. Swenson  
Alan P. Swenson, ~~Assistant~~ Vice-President  
~~and Trust Officer~~

Date: 10/1/97

Texas Commerce Bank National Association, as  
Trustee for the LOUISE GOLDSBOROUGH  
COOLEY Trust No. 1, in the proportion of an  
undivided 1/8 interest.

Texas Commerce Bank National Association, as  
Trustee for the LOUISE GOLDSBOROUGH  
COOLEY TRUST No. 2, in the proportion of an  
undivided 1/8 interest.

By: Alan P. Swenson  
Alan P. Swenson, ~~Assistant~~ Vice-President  
~~and Trust Officer~~

Date: 10/1/97

Texas Commerce Bank National Association, as  
Trustee for the HELEN THOMAS COOLEY  
Trust No. 1, in the proportion of an undivided 1/8  
interest.

Texas Commerce Bank National Association, as  
Trustee for the HELEN THOMAS COOLEY  
TRUST No. 2, in the proportion of an undivided  
1/8 interest.

By: Alan P. Swenson  
Alan P. Swenson, ~~Assistant~~ Vice-President  
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Date: 10/1/97

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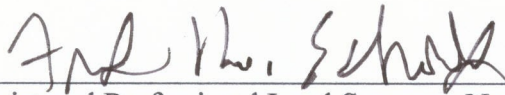
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Registered Professional Land Surveyor No. 1535

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