

ORDINANCE NO. 56-2001

ORDINANCE OF THE CITY OF ORCHARD, TEXAS, EXTENDING AND EXPANDING THE CITY'S EXTRATERRITORIAL JURISDICTION UPON THE REQUEST OF OWNERS 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 the tracts of land comprising the territory depicted and outlined in pink on Exhibit "A", a map dated June 1, 2001, have petitioned the City of Orchard, Texas ("the City") to extend and expand its extraterritorial jurisdiction to include all of that territory. All of those petitions are included in Exhibit "B", and Exhibit "C" is a list of those owners with the address and legal description of their respective tracts of land. Exhibits "A", "B", and "C" are attached to this ordinance and are incorporated herein by reference for all purposes; and

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

WHEREAS, the City has determined that it will be in the best interests of the City and the territory described in Exhibit "A" attached hereto if the City extends and expands its extraterritorial 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.

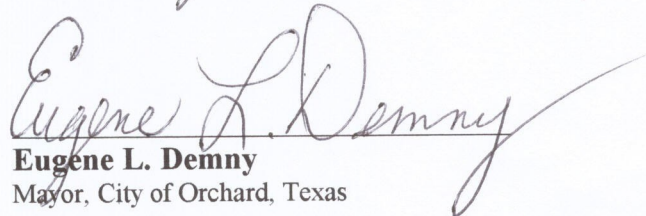
Section 2. The City of Orchard, Texas, hereby extends and expands its extraterritorial jurisdiction to include all of the territory described in Exhibit "A", and further described in Exhibits "B" and "C", which exhibits, as already recited in the preamble to this ordinance, are attached to and incorporated in this ordinance by reference for all purposes.

Section 3. The city secretary shall note the date of passage of this Ordinance in the minutes of the meeting. This Ordinance shall become effective immediately upon the date of its passage and adoption.

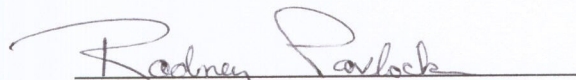
If any section of this Ordinance be held unconstitutional, illegal, or invalid, or the application thereof ineffective or inapplicable as to any territory, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair, or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions,

the same shall be and remain in full force and effect: and should this Ordinance for any reason be ineffective as to any part of the territory hereby included within the extraterritorial jurisdiction of the City of Orchard, such ineffectiveness of this Ordinance, as to any such part or parts of any such territory, and the City Council hereby declares it to be its purpose to include within the extraterritorial jurisdiction of the City every part of the territory described in this Ordinance, regardless of whether any other part of such described territory is hereby effectively included within the extraterritorial jurisdiction of the City. Provided, further, if there is included in the general description of territory set out in this Ordinance to be hereby included within the extraterritorial jurisdiction of the City of Orchard, any territory which is already a part of and included within the extraterritorial jurisdiction or general limits of the City, or which is presently part of and included within the limits or extraterritorial jurisdiction of any other city, town, or village, the same is hereby excluded and excepted from the territory to be included within the City's extraterritorial jurisdiction hereby, as fully as if such excluded and excepted territory were especially and specifically described herein.

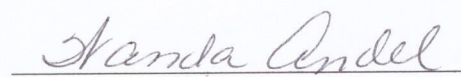
PASSED and APPROVED this 1st day of June, 2001.


Eugene L. Demny
Mayor, City of Orchard, Texas

David Kolafa
Commissioner, City of Orchard, Texas

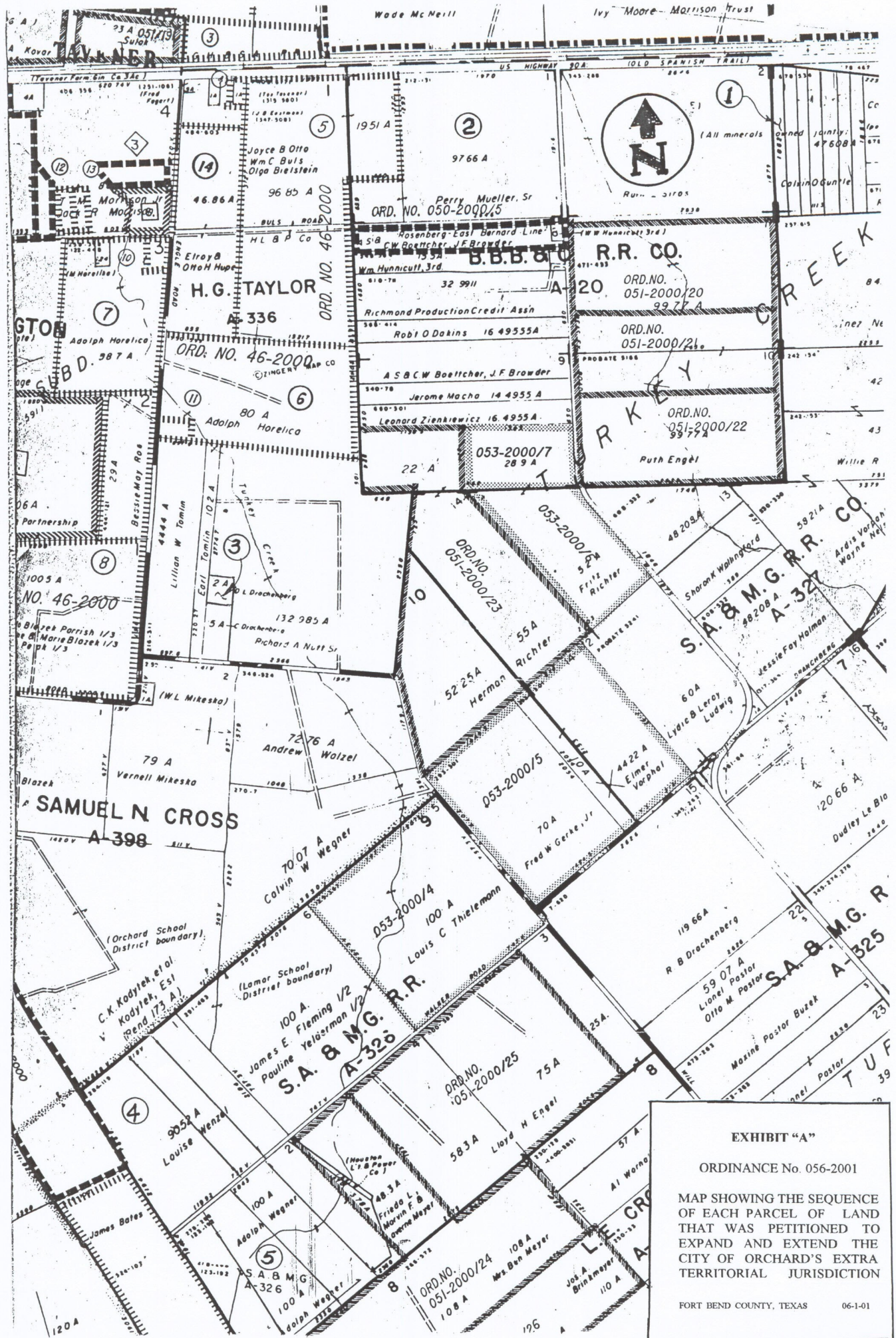

Rodney Pavlock
Commissioner, City of Orchard, Texas

ATTEST:


Wanda Andel
City Secretary, City of Orchard, Texas

June 1, 2001 ETJ

OWNER ADDRESS DEED	PROPERTY ADDRESS	LEGAL DESCRIPTION
1. Perry Mueller, Jr. 203 Thatway Lake Jackson, TX 77566	Hwy 90 A	BBB & C RR Abs. 97.66 Acres
2. Rosie Wenzel	Walker Rd.	SA & MG RR Abs. 326
3. Sunni Guntle Morris 1255 Armstrong Encinado, CA 92027	Hwy 90A	SA & MG RR Co. Abstract 327 6.8 Acres
4. Dayton Drachenberg 5201 Meadow Forest Richmond, Texas 77469	Engle Rd.	H G Taylor Abs. 336 2 Acres
5. Helen Payne 835 S Santa Ana Dr. Tucson, Arizona 85710	Walker Rd.	SA & MG RR Abs 326 24.9996 Acres



PETITION REQUESTING EXPANSION AND EXTENSION OF EXTRATERRITORIAL JURISDICTION

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

The undersigned owner (herein the "Petitioner"), owner of all of 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.

Petitioner is the owner 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 of 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.

Petitioner believes that none of the Territory is located within any other city's existing extraterritorial jurisdiction or city limits; however, if Petitioner is incorrect, Petitioner requests 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.

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

WHEREFORE, Petitioner prays that his 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.

Legal

Description: 0120 BBB and CRY 149.7 A Tract Sect 3 11k
(98.33)

Dako 1020 BBB and CRY Ave 98.33 Lot 1 (PT) Turkey Creek S/D

Date: 5/24/2001

[Signature]
Property Owner, Signature

Perry Mueller Jr.
Print Name

203 That way
Address

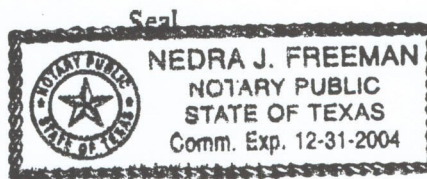
Lake Jackson Tx 77566
City, State, Zip Code

Sworn to and subscribed before me this the 24 day of May, 2001.

Nedra J. Freeman
Notary Public

NEDRA J. FREEMAN
Printed Name

BRAZORIA
Fort Bend County
State of Texas



May-22-01 08:04A Wanda Andel

409-478-2723

P. 04

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Silma McAndrew (daughter of Rosie Pempel)
Betty McCreary (daughter of Rosie Wenzel)

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

Legal

Description: SEE ATTACHED DEED OF GIFT

SAT MG RR

Abstract # 327

6.8 acres

Date: 21 MAY 2001

[Signature]
Property Owner, Signature

SUNNI MORRIS

Print Name

1255 ARMSTRONG CRENS

Address

ESCONDIDO CA 92027

City, State, Zip Code

Sworn to and subscribed before me this the 21st day of MAY, 2001.

Barbara J Simon

Notary Public

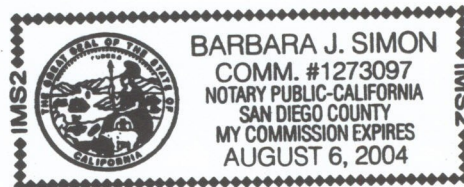
BARBARA J SIMON

Printed Name

~~Fort Bend County~~
State of Texas

SAN DIEGO COUNTY
STATE OF CALIFORNIA

Seal



COMPARED DEED VOL. 689 PAGE 682

293831

THE STATE OF TEXAS
COUNTY OF FORT BEND

KNOW ALL MEN BY THESE PRESENTS:

DEED OF GIFT

THAT I, Calvin A. Guntle, of the County of Fort Bend, and State of Texas, for and in consideration of the love and affection which I have and bear unto my daughter, Vicki Gale (Guntle) Morris, of Fort Bend County, Texas, and for the additional consideration of Vicki Gale (Guntle) Morris, assuming all of the responsibilities and burdens of ownership and management of the herein conveyed real property, have GRANTED, GIVEN AND CONFIRMED, and by these presents do GRANT, GIVE AND CONFIRM unto the said Vicki Gale (Guntle) Morris, all of my interest in and to the following described real property, to-wit:

A certain 6.80 acre tract of land, more or less, in the William Goodman Survey, Abstract No. 145, and S.A. & T.C. Survey, Abstract No. 127, Fort Bend County, Texas, and being a part of and out of that certain 47.603 acre tract of land set aside to Calvin A. Guntle by Partition Decree dated the 27th day of March, 1976, and recorded in Vol. 677, Page 682, Deed Records of Fort Bend County, Texas.

BEGIN at the Northeast corner of said 47.603 acre tract and proceed along the North boundary line of said tract, said line also being the South right-of-way line for State Highway 90A, South 83° 30' West, a distance of 118 feet to a point in said boundary line marking the Northeast corner of the herein conveyed 6.80 acre tract, and also being the point of beginning herein;

THENCE continue along said common boundary line a distance of 159 feet to a point in said common boundary line marking the Northwest corner of the herein conveyed 6.80 acre tract;

THENCE proceed South 04° 12' East, a distance of 1861.23 feet along a line parallel to the West and East boundary lines of said 47.603 acre tract, to a point in the South boundary line of said 47.603 acre tract, said point being the Southwest corner of the herein conveyed tract;

THENCE proceed North 31° 36' East, a distance of 129 feet along the South boundary line of said 47.602 acre tract, to a point in said South boundary line marking the Southeast corner of the herein conveyed tract;

THENCE proceed North 34° 12' West, a distance of 1863.51 feet along a line parallel to the West and East boundary lines of said 47.602 acre tract to the place of beginning.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantee, her heirs and assigns forever; and I do hereby bind myself, my heirs, executors and administrators to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee, her heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Grantor hereby reserves unto himself all oil, gas, sulphur and other minerals, as well as rentals, bonuses and royalties therefrom and executory rights therefor.

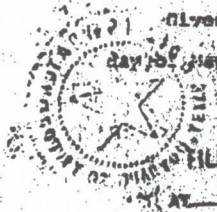
EXECUTED this the 3rd day of March, 1976.

Calvin A. Guntle
CALVIN A. GUNTLE

THE STATE OF TEXAS ;
COUNTY OF *Hunter* ;

BEFORE ME, the undersigned authority, on this day personally appeared Calvin A. Guntle, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 10th day of March, 1976.



[Signature]
NOTARY PUBLIC IN AND FOR
STATE OF TEXAS

FILED FOR RECORD

At *Boomer & W.*

JUL 18 1976

Pearl Elliott
County Clerk, Fort Bend Co., Tex.

Duly recorded this the 19 day of July A.D. 1976 at 4:30 o'clock P.M.
By *Calvin A. Guntle* Deputy Pearl Elliott, County Clerk
Fort Bend County, Texas

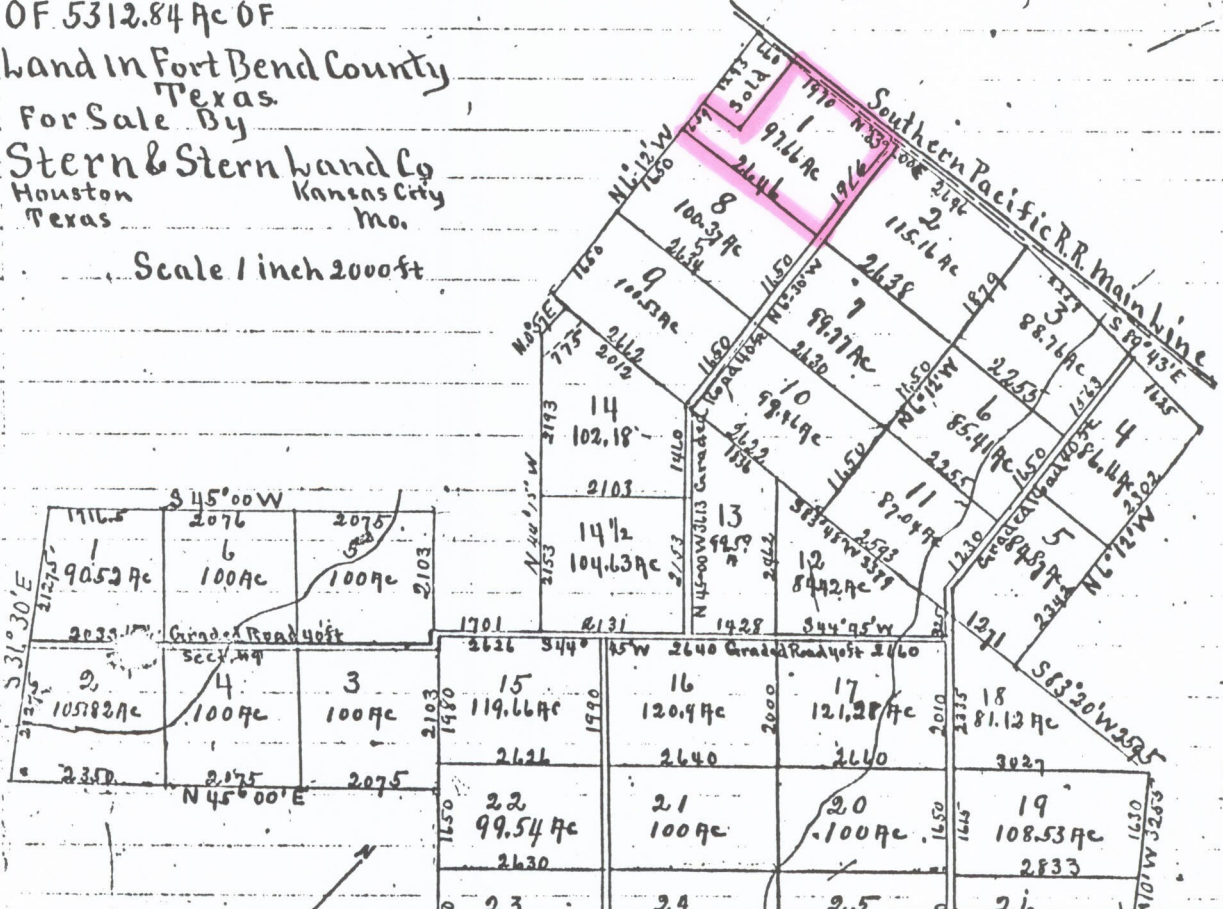
Turkey Creek Subdivision. Plat

COMPTON.
C. D. MYERS.
C. C. F. H. C.

MAP

OF 5312.84 AC OF
Land in Fort Bend County
Texas
For Sale By
Stern & Stern Land Co
Houston Texas
Kansas City Mo.

Scale 1 inch 2000 ft



COMPARED. DEED VOL. 689 PAGE 682

293831

THE STATE OF TEXAS
COUNTY OF FORT BEND

KNOW ALL MEN BY THESE PRESENTS:

DEED OF GIFT

THAT I, Calvin A. Guntle, of the County of Fort Bend, and State of Texas, for and in consideration of the love and affection which I have and bear unto my daughter, Vicki Gale (Guntle) Morris, of Fort Bend County, Texas, and for the additional consideration of Vicki Gale (Guntle) Morris, assuming all of the responsibilities and burdens of ownership and management of the herein conveyed real property, have GRANTED, GIVEN AND CONFIRMED, and by these presents do GRANT, GIVE AND CONFIRM unto the said Vicki Gale (Guntle) Morris, all of my interest in and to the following described real property, to-wit:

A certain 6.80 acre tract of land, more or less, in the William Goodman Survey, Abstract No. 185, and S.A. & M.G. RR Co. Survey, Abstract No. 327, Fort Bend County, Texas, and being a part of and out of that certain 47.603 acre tract of land set aside to Calvin A. Guntle by Partition Deed dated the 27th day of March, 1976, and recorded in Vol. 618, Page 522, Deed Records of Fort Bend County, Texas.

BEGIN at the Northeast corner of said 47.603 acre tract and proceed along the North boundary line of said tract, said line also being the South right-of-way line for State Highway 90A, South 83° 30' West, a distance of 318 feet to a point in said boundary line marking the Northeast corner of the herein conveyed 6.80 acre tract, and also being the point of beginning herein;

THENCE continue along said common boundary line a distance of 159 feet to a point in said common boundary line marking the Northwest corner of the herein conveyed 6.80 acre tract;

THENCE proceed South 06° 12' East, a distance of 1863.23 feet along a line parallel to the West and East boundary lines of said 47.603 acre tract, to a point in the South boundary line of said 47.603 acres tract, said point being the Southwest corner of the herein conveyed tract;

Sunni Guntle Morris

THENCE proceed North 83° 36' East, a distance of 159 feet along the South boundary line of said 47.603 acre tract, to a point in said South boundary line marking the Southeast corner of the herein conveyed tract;

THENCE proceed North 06° 12' West, a distance of 1863.51 feet along a line parallel to the West and East boundary lines of said 47.603 acre tract to the place of beginning.

TO HAVE AND TO HOLD the above described promises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Grantee, her heirs and assigns forever; and I do hereby bind myself, my heirs, executors and administrators to WARRANT AND FOREVER DEFEND all and singular the said premises unto the said Grantee, her heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Grantor hereby reserves unto himself all oil, gas, sulphur and other minerals, as well as rentals, bonuses and royalties therefrom and executory rights therefor.

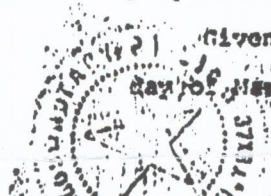
EXECUTED this the 3rd day of March, 1976.

Calvin A. Guntle
CALVIN A. GUNTLE

THE STATE OF TEXAS :
COUNTY OF Wharton :

BEFORE ME, the undersigned authority, on this day personally appeared Calvin A. Guntle, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this the 3rd day of March, 1976.



[Signature]
NOTARY PUBLIC IN AND FOR
Wharton COUNTY, TEXAS