

## **ORDINANCE NO. 57-2001**

### **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 4, 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.

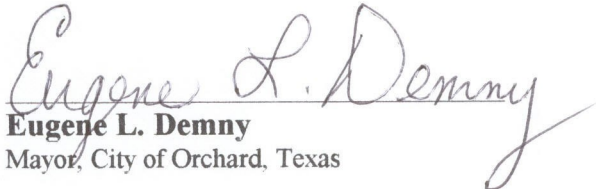
Section 2. The City of Orchard, Texas, hereby extends and expands its extraterritorial jurisdiction to include all of the territory described in Exhibit "A", and further described in Exhibits "B" and "C", which exhibits, as already recited in the preamble to this ordinance, are attached to and incorporated 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 4<sup>th</sup> 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 4, 2001 ETJ**

<b>OWNER ADDRESS DEED</b>	<b>PROPERTY ADDRESS</b>	<b>LEGAL DESCRIPTION</b>
<b>1. Billie Nutt 87 Crestwood Circle Sugar Land, Texas 77478</b>	<b>Will Hopman Rd.</b>	<b>H C Taylor Survey Abstract 336 132.985 Acres</b>







# **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: HC Taylor Survey  
Abstract 336  
132.985 acres

Date: 6/1/01

Billie Joe Nutt  
Property Owner, Signature

BILLIE JOE NUTT  
Print Name

87 Crestwood Circle  
Address

Sugar Land Tx 77478  
City, State, Zip Code

Sworn to and subscribed before me this the 1 day of June, 2001.

Wanda Andel  
Notary Public

WANDA ANDEL  
Printed Name

Fort Bend County  
State of Texas

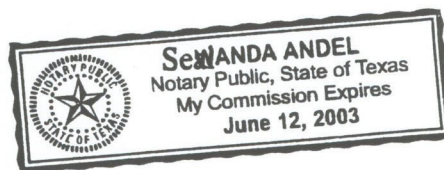




EXHIBIT "A"

Begin at an iron pipe set for the Northeast corner of the Earl Tomlin 10.21 acre tract (Volume 220, Page 27, Deed Records) and marking the Northwest corner of and place of beginning for this Tract; said iron pipe being Easterly 858.16 feet from the East line of Engle Road (50 feet wide);

THENCE, North  $89^{\circ} 18'$  East, along a fence line, 1649.67 feet to an iron pipe set for the most Northeasterly corner of this Tract;

THENCE South  $6^{\circ} 18' 50''$  East, 503.6 feet to an iron pipe set for a re-entrant corner for this Tract;

THENCE North  $83^{\circ} 11' 10''$  East, 648 feet to an iron pipe set for the most Easterly Northeast corner of this Tract;

THENCE, South  $0^{\circ} 12' 40''$  East, along the centerline of a ditch between turn row, 2299.8 feet to an iron pipe set in the North right-of-way line of Will Hopman Road being the Southeast corner of this Tract;

THENCE South  $89^{\circ} 35'$  West, along the North line of said Will Hopman Road, 2054.89 feet to an iron pipe set for the Southwest corner of this Tract; said iron pipe also marking the Southeast corner of a 5.0 Acre Tract;

THENCE North, at 726 feet pass an iron pipe set for the Northeast corner of said 5.0 acre tract, in all 1016.4 feet to an iron pipe set for a re-entrant corner of this tract; said iron pipe also marking the Northeast corner of a 2.0 Acre Tract;

THENCE South  $89^{\circ} 35'$  West, 300.0 feet to an iron pipe set for corner, said iron pipe also marking the Northwest corner of said 2.0 acre tract;

THENCE North, along a fence line marking the East line of said Earl Tomlin 10.21 Acre Tract, 1704.04 feet to the place of beginning and containing 132.985 acres of land.