

ORDINANCE NO. 037-97

ORDINANCE OF THE TOWN OF ORCHARD, TEXAS, EXTENDING
AND EXPANDING THE TOWN'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 owners of all the territory described in Exhibit "A" hereto, which owners are listed in Exhibits "A-1" and "A-2" hereto, said owners being hereinafter referred to as "Petitioners", have presented to the Town of Orchard, Texas (the "Town") a petition requesting that the Town extend and expand its extraterritorial jurisdiction to include all of the territory described in Exhibit "A" attached hereto and incorporated herein for all purposes; and

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

WHEREAS, the Town has determined that it will be in the best interests of the Town and the territory described in Exhibit "A" attached hereto if the Town extends and expands its extraterritorial jurisdiction to include such territory;

NOW, THEREFORE,

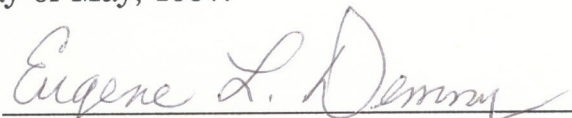
BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ORCHARD,
TEXAS:

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 Town 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 20th day of May, 1997.

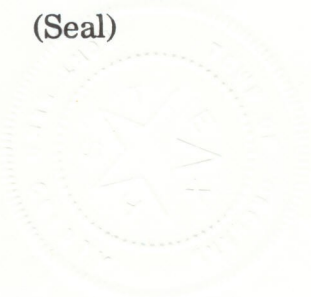

EUGENE DEMNY, Mayor, Town of
Orchard, Texas

ATTEST:

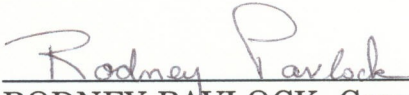
Nanda Andel
Town Secretary

Town of Orchard, Texas

(Seal)



TOWN OF ORCHARD, TEXAS,
COUNCILMEN:



RODNEY PAVLOCK, Councilman



DAVID KOLAFA, Councilman

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 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.

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. Exhibit "A-1" attached hereto contains a list of the Petitioners and corresponding legend information from the plat concerning tract ownership by the 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.

MORRISON HEIRS, JOINT VENTURE
(composed of Ivy Moore Morrison Heirs,
Ltd., a Texas Limited Partnership, and
Edwin Dyer Moore)

IVY MOORE MORRISON HEIRS, LTD.
BY MORRISON HEIRS LAND
MANAGEMENT, L.L.C., GENERAL
PARTNER

Date: MAY 18, 1997

By: Hilmar G. Moore
HILMAR G. MOORE, President

Attest:

Jack H. Moore
Jack H. Moore, Secretary

Date: _____

EDWIN DYER MOORE

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.

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

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(composed of Ivy Moore Morrison Heirs,
Ltd., a Texas Limited Partnership, and
Edwin Dyer Moore)

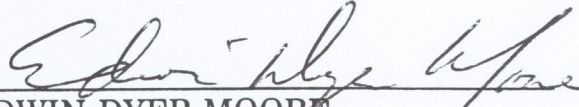
IVY MOORE MORRISON HEIRS, LTD.
BY MORRISON HEIRS LAND
MANAGEMENT, L.L.C., GENERAL
PARTNER

Date: _____

By: _____
HILMAR G. MOORE, President
Attest:

Jack H. Moore, Secretary

Date: MAY 16, 1997


EDWIN DYER MOORE

J.F.D. MOORE HEIRS, JOINT
VENTURE (composed of J.F.D. Moore
Estate Heirs Partnership Ltd., a Texas
Limited Partnership and Edwin Dyer
Moore)

J.F.D. MOORE ESTATE HEIRS
PARTNERSHIP, LTD.

BY J.F.D. MOORE HEIRS LAND
MANAGEMENT, L.L.C., GENERAL
PARTNER

Date: MAY 18, 1997

By: Thelma M. Moore
HILMAR G. MOORE, President

Attest:

Jack H. Moore
Jack H. Moore, Secretary

Date: _____

EDWIN DYER MOORE

ESTATE OF WADE McNEILL,
DECEASED

Date: 5/19/97

By: Lida Davis McNeill
LIDA DAVIS McNEILL,
Independent Co-Executrix

TEXAS COMMERCE BANK, National
Association, Independent Co-Executor

Date: 5-20-97

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

J.F.D. MOORE HEIRS, JOINT
VENTURE (composed of J.F.D. Moore
Estate Heirs Partnership Ltd., a Texas
Limited Partnership and Edwin Dyer
Moore)

J.F.D. MOORE ESTATE HEIRS
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BY J.F.D. MOORE HEIRS LAND
MANAGEMENT, L.L.C., GENERAL
PARTNER

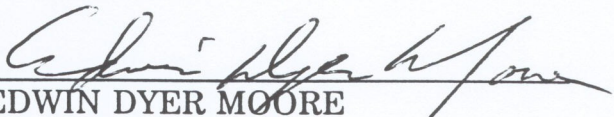
Date: _____

By: _____
HILMAR G. MOORE, President

Attest:

Jack H. Moore, Secretary

Date: MAY 16, 1997


EDWIN DYER MOORE

ESTATE OF WADE McNEILL,
DECEASED

Date: _____

By: _____
LIDA DAVIS McNEILL,
Independent Co-Executrix

TEXAS COMMERCE BANK, National
Association, Independent Co-Executor

Date: _____

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

EXHIBIT "A" - THE TERRITORY

11,596.0 acres of land, more or less, being parts of the Ivy Moore Morrison Heirs Tracts, the J. F. D. Moore Heirs Tracts, and the Wade McNeill Tracts, and being more particularly described on the following pages 2, 3, 4, 5, and 6, of this Exhibit "A".

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

May 19, 1997

A Field Note Description of 11596.0 Acres of Land, more or less, for Proposed Extra-Territorial Jurisdiction (E.T.J.) Annexation to the City of Orchard, Fort Bend County, Texas, being parts of the Ivy Moore Morrison Heirs Tracts, the J.F.D. Moore Heirs Tract, and the Wade McNeill Tracts and being more particularly all or part of the following surveys:

Sarah Kennedy League, Ab. 45;
Heirs of L. Burknapp Survey, Ab. 109;
B.B.B. & C. Railroad Company Survey, Ab. 119;
B.B.B. & C. Railroad Company Survey No. 23, 137;
B.B.B. & C. Railroad Company Survey No. 19, Ab. 135;
B.B.B. & C. Railroad Company Survey No. 21, Ab. 136;
James Frazier Survey, Ab. 173;
German Emigration Company Survey No. 6, Ab. 176;
German Emigration Company Survey No. 8, Ab. 177;
German Emigration Company Survey, Ab. 180;
German Emigration Company Survey ; Ab. 181;
Wm. Goodman Survey, Ab. 185;
William T. Lightfoot Survey, Ab. 282;
William T. Lightfoot Survey, Ab. 283;
Mark Smith Survey, Ab. 314;
David Scott Heirs Survey, Ab. 316;
Yandell Ferris Survey, Ab. 372;
Yandell Ferris Survey No. 22, Ab. 373;
Yandell Ferris Survey No. 20, Ab. 376;
R.P. Neal Survey, Ab. 459;
and P.H. Stein Survey, Ab. 659; all in Fort Bend County, Texas.

HENRY STEINKAMP, JR. INC.
Land Boundary & Topographic Surveying
909 Fifth Street
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281/342-2241

Franklin R. Schodek
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Sarah Kennedy League, Ab. 45;
Heirs of L. Burknapp Survey, Ab. 109;
B.B.B. & C. Railroad Company Survey, Ab. 119;
B.B.B. & C. Railroad Company Survey No. 23, 137;
B.B.B. & C. Railroad Company Survey No. 19, Ab. 135;
B.B.B. & C. Railroad Company Survey No. 21, Ab. 136;
James Frazier Survey, Ab. 173;
German Emigration Company Survey No. 6, Ab. 176;
German Emigration Company Survey No. 8, Ab. 177;
German Emigration Company Survey, Ab. 180;
German Emigration Company Survey ; Ab. 181;
Wm. Goodman Survey, Ab. 185;
William T. Lightfoot Survey, Ab. 282;
William T. Lightfoot Survey, Ab. 283;
Mark Smith Survey, Ab. 314;
David Scott Heirs Survey, Ab. 316;
Yandell Ferris Survey, Ab. 372;
Yandell Ferris Survey No. 22, Ab. 373;
Yandell Ferris Survey No. 20, Ab. 376;
R.P. Neal Survey, Ab. 459;
and P.H. Stein Survey, Ab. 659; all in Fort Bend County, Texas.

Page 3.

11596 Acre, more or less,
Proposed E.T.J. Annexation to
the City of Orchard, Texas.

THENCE, Easterly, 1157.7 feet, more or less, along Roper Road to the Northerly Northeast corner of said Heirs of L. Burknapp Survey, Ab. 109 and Northwest corner of the W.T. Lightfoot Survey, Ab. 282 for corner;

THENCE, Southerly, 1253.0 feet, more or less, to the Northwest corner of the J.F.D. Moore Estate 144 Acre Tract;

THENCE, South 89deg.28'50" East, 3665.90 feet, more or less, to the Northeast corner of said J.F.D. Moore Estate 144 Acre Tract;

THENCE, Northerly, 1284.0 feet, more or less to the Northeast corner of said W.T. Lightfoot Survey, Ab. 282 and Northwest corner of the German Emigration Company Survey, Ab. 181 for corner;

THENCE, Easterly, 400.0 feet, more or less, along the South line of the Sarah Kennedy League, Ab. 45 and North line of the German Emigration Company Survey, Ab. 181 to the Southwest corner of the J.F.D. Moore Estate 24.3 Acre Tract;

THENCE, Approximately, North 14deg. East, 1540.0 feet, more or less to the Northwest corner of said 24.3 Acre Tract for corner;

THENCE, Easterly, 771.0 feet, more or less to the Northeast corner of said 24.3 Acre Tract;

THENCE, Approximately, North 14deg. East, 5816.95 feet, more or less, along the West line of the J.F.D. Moore Heirs call 2155 Acre Tract to angle point;

THENCE, Approximately, North 03deg. East, 4700.0 feet, more or less along the West line of said J.F.D. Moore Heirs call 2155 Acre Tract to a point on the South Bank of the Brazos River for corner;

THENCE, Northerly and Easterly along the Southerly Bank of the Brazos River, along its meanders, approximately 11640 feet, more or less to the Northeast corner of the Sarah Kennedy League, Ab. 45; said corner being the Northwest corner of the Nancy Spencer League, Ab. 88 and Northeast corner of this tract;;

THENCE, Southerly, 23644.0 feet, more or less, along the East line of said Sarah Kennedy League, Ab. 45 and of the J.F.D. Moore Estate 2155 Acre Tract and the West line of said Nancy Spencer League, Ab. 88 and of the R.E. Smith call 3719.8 Acre Tract to a point one-mile from the Northwest corner of the City of Rosenberg, Texas, 186.69 Acre Ordinance #97-12 for corner;

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Page 4.

11596 Acre, more or less,
Proposed E.T.J. Annexation to
the City of Orchard, Texas.

THENCE, Along a curve to the left with Radius=one-mile, approximate Delta=29deg.15'36" and Length=2696.41 feet, more or less, to point in the Southwest right-of-way line of State Highway No. 36 for corner;

THENCE, Approximately North 70deg.55' West, 5552.12 feet, more or less, along the Southwest right-of-way line of State Highway No. 36 to the Northwest corner of the Sidney D. Talley Tract for corner;

THENCE, Southerly, 3870.07 feet, more or less to the Southwest corner of said Sidney D. Talley original call 85 Acre Tract; said corner being the Southwest corner of the Yandell Ferris Survey No. 20, Ab. 376 and the Northwest corner of the B.B.B. & C. Railroad Company Survey No. 21, Ab. 136 and in the East line of the Heirs of L. Burknapp Survey, Ab. 109;

THENCE, Approximately, North 89deg.26' East, 3339.0 feet, more or less, along the South line of said Yandell Ferris Survey, Ab. 376 and North line of said B.B.B. & C. Railroad Company Survey No. 21, Ab. 136 to the Southeast corner of the R.G. Chachere call 85 Acre Tract and the Southwest corner of the Wade McNeill call 85 Acre Tract;

THENCE, Northerly, 2692.5 feet, more or less, along the East line of said R.G. Chachere Tract to a point for corner;

THENCE, Approximately, South 70deg.55' East, 1572.21 feet, more or less, feet along the Southwest right-of-way line of State Highway No. 36 and previously described line to the Northeast corner of said Wade McNeill Tract;

THENCE, Southerly, 2163.9 feet, more or less, along the West line of the Jean Loesch Ness call 80.326 Acre Tract to a point for corner;

THENCE, Approximately, North 89deg.26' East, 209.36 feet, more or less, along the South line of said Yandell Ferris Survey, Ab. 376 and North line of the B.B.B. & C. Railroad Company Survey No. 21, Ab. 136 to a point 1 mile from the City of Rosenberg, Texas, 186.69 Acre Annexation in Ordinance #97-12 for corner;

THENCE, Southeasterly along a curve to the left with a Radius= one-mile, Delta=72deg.56'13" and Length=6721.38 feet, more or less, along a line one-mile distant from the Southwest corner of said City of Rosenberg, Texas, 186.69 Acre Annexation in Ordinance #97-12 to a point for corner;

Page 5.

11596 Acre, more or less,
Proposed E.T.J. Annexation to
the City of Orchard, Texas.

THENCE, Approximately, South 06deg. East, 1032.7 feet, more or less, along a line one-mile distant from and parallel to the City of Rosenberg, Texas, 186.69 Acre Ordinance #97-12 to the point of curve to the left;

THENCE, Along a curve to the left with Radius=Radial approximately South 14deg.10' 25" East, one-mile, approximate Delta=79deg.39'20" and Length=7340.54 feet, more or less, to point marking the Southeast corner of this tract; said corner being one-mile distant from the Northwest corner of the City of Rosenberg, Texas, 209.0 Acre Annexation in Ordinance #97-12

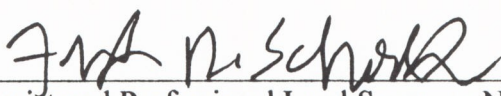
THENCE, Approximately, South 84deg. West, 18400.0 feet, more or less, along the North right-of-way line of the G.H. & S.A. Railroad to the Southwest corner of the Wade McNeill 320.0 Acre Tract; said corner being the Southerly Southwest corner of this tract;

THENCE, Approximately, North 06deg. West, 4850.0 feet, more or less, along the East line of the M. Perry Survey, Ab. 302 and West line of the B.B.B. & C. Railroad Company Survey, Ab. 119 to the Northeast corner of said M. Perry Survey, Ab. 302;

THENCE, Approximately, Westerly, 2500.0 feet, more or less, along the North line of said M. Perry Survey, Ab. 302 and South line of the Mark Smith Survey, Ab. 314 to a point in the East right-of-way line of State Farm Market Road No. 1952 and marking the Westerly Southwest corner of this tract;

THENCE, Northerly, Easterly, then Northerly, then Northeasterly along the East right-of-way line of State Farm Market Road No. 1952, 17109.0 feet, more or less, to a point in the North line of the German Emigration Company Survey No. 6, Ab. 176 and South line of the Gail Borden League, Ab. 12 and marking the Northwest corner of this tract;

THENCE, Easterly, 700.0 feet, more or less, along the the North line of the German Emigration Company Survey No. 6, Ab. 176 and South line of the Gail Borden League, Ab. 12 to the place of beginning and containing 11596.0 Acres of Land, more or less.

Signed: 
Registered Professional Land Surveyor No. 1535

NOTE: Not a field survey, based on information.

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EXHIBIT "A-1" - TRACT OWNERSHIP BY PETITIONERS

Page 1 of 3 pages

Ivy Moore Morrison Heirs Tracts

Owned by Morrison Heirs, Joint Venture (composed of Ivy Moore Morrison Heirs, Ltd., a Texas Limited Partnership, 96.7%; and Edwin Dyer Moore - 4.3%)

All property described in Exhibit "A" which is located in the following surveys, Fort Bend County, Texas:

B.B.B. & C. Railroad Company Survey No. 23, Abstract 137;
James Frazier Survey, Abstract 173;
German Emigration Company Survey No. 6, Abstract 176;
German Emigration Company Survey No. 8, Abstract 177;
German Emigration Company Survey, Abstract 180;
William Goodman Survey, Abstract 185;
William T. Lightfoot Survey, Abstract 283;
David Scott Heirs Survey, Abstract 316;
Yandell Ferris Survey No. 22, Abstract 373;
R. P. Neal Survey, Abstract 459; and
P. H. Stein Survey, Abstract 659.

Also, the east one-half of B.B.B. & C. Railroad Company Survey, Abstract 119; and those portions of Heirs of L. Burknapp Survey, Abstract 109, the German Emigration Company Survey, Abstract 181, and William T. Lightfoot Survey, Abstract 282, which are described in Exhibit "A" and situated South of State Highway 36 between Rosenberg and Orchard.

EXHIBIT "A-1" - TRACT OWNERSHIP BY PETITIONERS

Page 2 of 3 pages

J. F. D. Moore Heirs Tracts

Owned by J. F. D. Moore Heirs, Joint Venture (composed of J. F. D. Moore Estate Heirs Partnership, Ltd., a Texas Limited Partnership, 92.2%; and Edwin Dyer Moore, 7.8%)

All property described in Exhibit "A" which is located in the following surveys, Fort Bend County, Texas:

Sarah Kennedy League, Abstract 45;
B.B.B. & C. Railroad Company Survey No. 19, Abstract 135;
B.B.B. & C. Railroad Company Survey No. 21, Abstract 136; and
Mark Smith Survey, Abstract 314

Also, that portion of Heirs of L. Burknapp Survey, Abstract 109, situated North of highway 36;
that portion of German Emigration Company Survey, Abstract 181, situated North of Highway 36;
that portion of William T. Lightfoot Survey, Abstract 282, situated North of Highway 36; and
that portion of Yandell Ferris Survey No. 20, Abstract 376, situated North of Highway 36.

EXHIBIT "A-1" - TRACT OWNERSHIP BY PETITIONERS

Page 3 of 3 pages

Estate of Wade McNeill Tracts

Owned by Estate of Wade McNeill, Deceased; Lida Davis McNeill and Texas Commerce Bank, National Association, Independent Co-Executors

All property described in Exhibit "A" which is located in the following surveys, Fort Bend County, Texas:

Yandell Ferris Survey, Abstract 372; and
the West one-half of the B.B.B. & C. Railroad Company Survey,
Abstract 119;

Also, that portion of the Yandell Ferris Survey No. 20, Abstract 376,
which is situated South of Highway 36.