

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 owner of all the territory described in Exhibit "A" hereto, said owner being hereinafter referred to as "Petitioner," has 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; 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 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 to include such territory;

NOW, THEREFORE,

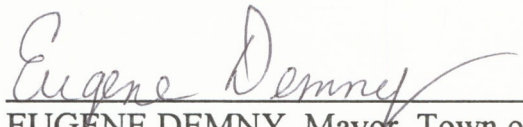
BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ORCHARD, TEXAS:

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

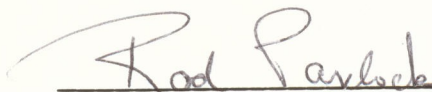
Section 2. The Town of Orchard, Texas, hereby extends and expands its extraterritorial jurisdiction to include all of the territory described in Exhibit "A" hereto, which exhibit is incorporated herein and made a part hereof for all purposes.

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

PASSED AND ADOPTED this 10th day of SEPTEMBER, 1997.


EUGENE DEMNY, Mayor, Town of
Orchard, Texas

CITY OF ORCHARD COUNCILMEN

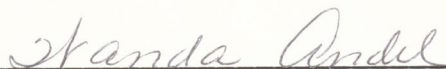


ROD PAVLOCK, COUNCILMAN



DAVID KOLAFA, COUNCILMAN

ATTEST:



WANDA ANDEL, CITY SECRETARY
CITY OF ORCHARD

SEAL



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

July 28, 1997

A Field Note Description of 232.0 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 the James M. Easterling, Jr. Trustee call 223.47 Acre Tract described in Volume 604, Page 748 of the Deed Records of Fort Bend County, Texas, and adjoining U.S. Highway No. 90A and G.H. & S.A. Railroad right-of-ways in the S.A. & M.G. Railroad Company Survey Section No. 13, Abstract 328 and L.E. Cross Survey Number 24, Abstract 407, Fort Bend County, Texas.

For Connection Begin at a point in the North right-of-way line of the G.H. & S.A. Railroad marking the Southeast corner of the City of Orchard, Texas's 11596.0 Acre, more or less, E.T. J. Annexation by Ordinance No. 038-97, dated May 20, 1997; 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, South 84deg. West, 800.0 feet, more or less, along the North right-of-way line of the G.H. & S.A. Railroad to the Northwesterly Projection of the East line of said James M. Easterling, Jr., Trustee call 223.47 Acre Tract for the Northeast corner of and PLACE OF BEGINNING for this tract;

THENCE, South 06deg.36' East, crossing the G.H. & S.A. Railroad and U.S. Highway No. 90A, at 200.0 feet pass the Northeast corner of said James M. Easterling, Jr. Trustee call 223.47 Acre Tract, in all 5348.58 feet, more or less, along the East line of said 223.47 Acre Tract to the Southeast corner of this tract; said corner being the Southeast corner of said James M. Easterling, Jr. Trustee call 223.47 Acre Tract;

THENCE, South 83deg.38'30" West, 1893.59 feet, more or less, along the North right-of-way line of Randon School Road to a point marking the Southwest corner of this tract and of said James M. Easterling, Jr. Trustee call 223.47 Acre Tract;

THENCE, North 06deg.34' West, along the West line of said James M. Easterling, Jr. Trustee call 223.47 Acre Tract, at 5141.1 feet pass the Northwest corner of said James M. Easterling, Jr. Trustee call 223.47 Acre Tract, in all 5341.1 feet, more or less, to a point in the South line of the existing City of Orchard, Texas's E.T.J. for the Northwest corner of this tract;

Page 2.

232 Acres, more or less
Proposed E.T.J. Annexation
Orchard, Texas.

THENCE, North 84deg. East, 1890.65 feet, more or less, along existing South line of the City of Orchard, Texas's E.T.J. line and the North right-of-way line of the G.H. & S.A. Railroad to the place of beginning and containing 232 Acres of Land, more or less.

Signed; Franklin R. Schodek
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 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.

Date: August 11, 1997

James M. Easterling, Jr., Trustee
James M. Easterling, Jr., Trustee