

ORDINANCE NO. 1007

AN ORDINANCE OF THE CITY OF KYLE, CONFIRMING THE INCLUSION OF CERTAIN LAND IN THE CITY OF KYLE'S EXTRATERRITORIAL JURISDICTION THAT WAS RELEASED BY THE CITY OF NIEDERWALD TO THE CITY OF KYLE; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Kyle, Texas (herein the "City") is a home rule-law municipality authorized by the *Tex. Loc Gov't. Code* and the City Charter, to extend its extraterritorial jurisdiction ("ETJ") and include certain land within the City's ETJ at the landowner's request;

WHEREAS, by petition dated 8/23/2018 (the "Petition"), The Trails, LLC, requested Kyle include the portion of the subject property described in the Petition (the "Property") within Kyle's extraterritorial jurisdiction ("ETJ");

WHEREAS, the Ordinance Number 20171016 the City of Niederwald released the Property to the City of Kyle;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, THAT:

Section 1. All of the above premises and findings of fact are found to be true and correct and are incorporated into the body of this ordinance as if copied herein in their entirety.

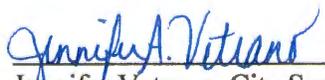
Section 2. The inclusion and incorporation of the Property into the extraterritorial jurisdiction of the City of Kyle is hereby ratified, confirmed, and approved.

Section 3. The official map and boundaries of the City's extraterritorial boundaries, as heretofore adopted and amended, be and is hereby amended so as to include the Property as part of the extraterritorial jurisdiction of the City of Kyle.

Section 4. This ordinance shall take effect immediately from and after its passage.

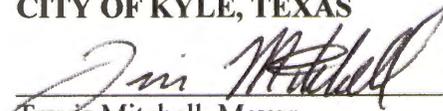
PASSED AND APPROVED on this 21st day of August, 2018.

ATTEST:



Jennifer Vetrano, City Secretary

CITY OF KYLE, TEXAS



Travis Mitchell, Mayor

EXHIBIT "A"
The Property

STATE OF TEXAS §
 §
COUNTY OF HAYS §

FIELDNOTE DESCRIPTION of a 22.606 acre tract out of the Z. Hinton Survey No. 4, Abstract No. 219 in Hays County, Texas, being a portion of that 161.170 acre tract, described as Exhibit A, as conveyed to D. E. and Nova Crumley Family Limited Partnership by deed recorded in Volume 1508, Page 697 of the Official Public Records of Hays County, Texas; the said 22.606 acre tract is more particularly described by metes and bounds as follows:

BEGINNING, at a ½" iron rod, with plastic cap marked "Capital Surveying Company, Inc.", found for the easterly corner of the said 161.170 acre tract, being the southwest line of that 190.258 acre tract, described as Tract 3, conveyed to Studio Estates, LLC, by deed recorded in Volume 5063, Page 491 of the said Official Public Records and the most northerly corner of Meadow Vista, Section 2, a subdivision recorded in Book 11, Page 85 of the said Plat Records;

THENCE, S43°37'40"W, leaving the southwest line of the said 190.258 acre tract, with the common southeast line of the 161.170 acre tract and northwest line of Meadow Vista, Section 2, subdivision, 1160.59 feet to a ½" iron rod, with plastic cap marked "Carson and Bush", found for the most easterly corner of Foster Place, Section Two, a subdivision recorded in Book 12, Page 176 of the said Plat Records, from which a ½" iron rod, with plastic cap marked "Carson and Bush", found for the most westerly corner of aforesaid Meadow Vista, Section 2, subdivision, being the most northerly corner of Meadow Vista, Section 1, a subdivision recorded in Book 9, Page 40 of the said Plat Records and a point on the southeast line of said Foster Place, Section Two, subdivision, bears S43°01'20"W, 18.77 feet;

THENCE, leaving the northwest line of said Meadow Vista, Section 2, subdivision, across the said 161.170 acre tract, with the northerly line of said Foster Place, Section Two, subdivision, for the following two (2) courses:

- 1) N46°25'05"W, 231.26 feet to a ½" iron rod, with plastic cap marked "Carson and Bush", found for corner;
- 2) S43°46'50"W, 123.48 feet to a ½" iron rod, with plastic cap marked "Capital Surveying Company, Inc.", found for corner, from which a ½" iron rod, with plastic cap marked "Carson and Bush, found for an angle point on the aforesaid Foster Place, Section Two, subdivision, bears S43°46'50"W, 47.25 feet;

THENCE, leaving the northwest line of Foster Place, Section Two, subdivision and continuing across the said 161.170 acre tract, for the following four (4) courses:

- 1) N46°13'10"W, 143.00 feet to a ½" iron rod, with plastic cap marked "Capital Surveying Company, Inc.", found for corner;

Attachment A

- 2) S43°46'50"W, 215.28 feet to a calculated point of non-curvature of a curve to the right, on the westerly Niederwald City Extraterritorial Jurisdiction (ETJ) line, from which a 1/2" iron rod, with plastic cap marked "Capital Surveying Company, Inc.", found on the southwest line of the aforesaid 161.170 acre tract, same being the northeast right-of-way line of existing Mathias Lane, bears S43°46'50"W, 128.91 feet;
- 3) With said curve to the right, having a central angle of 00°38'27", a radius of 2640.00 feet, a chord distance of 29.53 feet (chord bears N08°11'42"E), for an arc distance of 29.53 feet, to a calculated point of non-curvature of a curve to the left, at the intersection of the westerly line of the Niederwald City ETJ and the easterly line of the Kyle City ETJ;
- 4) With said curve to the left, having a central angle of 08°05'23", a radius of 11604.00 feet, a chord distance of 1637.03 feet (chord bears N17°04'46"E), for an arc distance of 1638.39 feet, to a calculated point on the common northeasterly line of the aforesaid 161.170 acre tract and the southwesterly line of said 190.258 acre tract, from which a 1/2" iron rod, without cap, found on the said northeasterly line of the 161.170 acre tract, for the southerly corner of Lot 4, Block 3, Rolling Hills Estates, Section 2, recorded in Book 1, Page 215, of the said Plat Records, bears N46°54'58"W, 1453.54 feet;

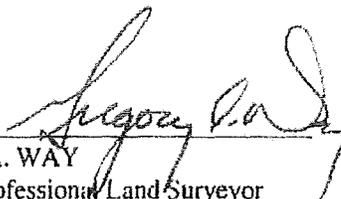
THENCE, S46°54'58"E, leaving the westerly line of said Kyle City ETJ, with the northeast line of the said 161.170 acre tract, being the southwest line of the 190.258 acre tract, for a distance of 1124.01 feet to the POINT OF BEGINNING, CONTAINING within these metes and bounds 22.606 acres of land area.

Basis of Bearing is the Texas State Plane Coordinate System, South Central Zone, NAD83 (Grid).

I, Gregory A. Way, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this the 26th day of October, 2017.



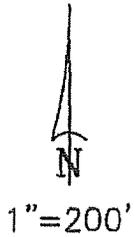

GREGORY A. WAY
Registered Professional Land Surveyor
No. 4567 State of Texas

**SKETCH TO ACCOMPANY A DESCRIPTION
OF A 22.606 ACRE TRACT
OUT OF THE Z. HINTON SURVEY No. 4,
ABSTRACT No. 219
HAYS COUNTY, TEXAS**

BLOCK 4
ROLLING HILLS ESTATES
SECTION 2
Bk. 1, Pg. 215
H.C.P.R.

190.258 AC.
TRACT 3
STUDIO ESTATES LLC
Vol. 5063, Pg. 491
O.P.R.H.C.

SEE NOTE 2 →
 $\Delta=08^{\circ}05'23''$
 $R=11604.00'$
 $A=1638.39'$
 $C=1637.03'$
 $Cb=N17^{\circ}04'46''E$
(*SEE NOTE 2)



Z. HINTON SURVEY NO. 4
ABSTRACT NO. 219

POINT OF BEGINNING

22.606 AC.

$\Delta=00^{\circ}38'27''$
 $R=2640.00'$
 $A=29.53'$
 $C=29.53'$
 $Cb=N08^{\circ}11'42''E$
(*SEE NOTE 3)

(161.170 ACRES)
EXHIBIT A - (TRACT 5)
D.E. AND NOVA CRUMLEY
FAMILY LIMITED PARTNERSHIP
Vol. 1508, Pg. 697
O.P.R.H.C.

SEE DETAIL
SHEET 4

SEE NOTE 3

FOSTER PLACE
SECTION TWO
Bk. 12, Pg. 176
H.C.P.R.

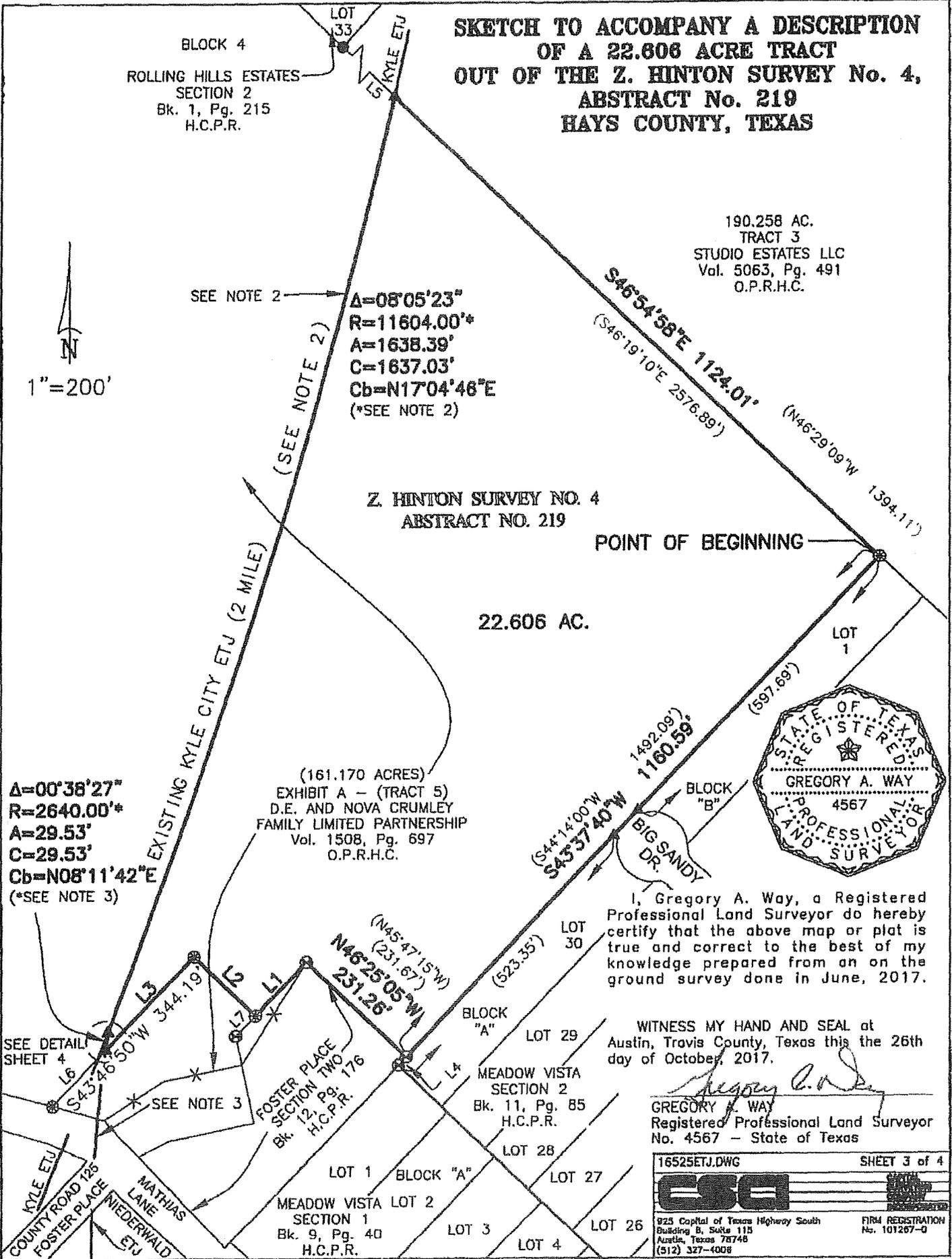
MEADOW VISTA
SECTION 2
Bk. 11, Pg. 85
H.C.P.R.

I, Gregory A. Way, a Registered Professional Land Surveyor do hereby certify that the above map or plat is true and correct to the best of my knowledge prepared from an on the ground survey done in June, 2017.

WITNESS MY HAND AND SEAL at
Austin, Travis County, Texas this the 26th
day of October, 2017.

Gregory A. Way
GREGORY A. WAY
Registered Professional Land Surveyor
No. 4567 - State of Texas

| | |
|--|-----------------------------------|
| 16525ETJ.DWG | SHEET 3 of 4 |
| GSA | |
| 925 Capital of Texas Highway South Building B, Suite 115 Austin, Texas 78748 (512) 327-4006 | FIRM REGISTRATION No. 101267-0 |



**SKETCH TO ACCOMPANY A DESCRIPTION
OF A 22.606 ACRE TRACT
OUT OF THE Z. HINTON SURVEY No. 4,
ABSTRACT No. 219
HAYS COUNTY, TEXAS**

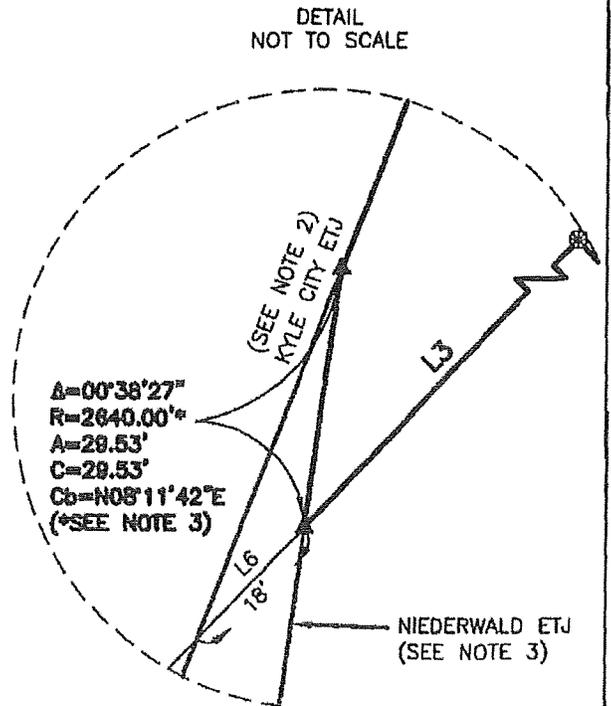
LEGEND

- O.P.R.H.C. OFFICIAL PUBLIC RECORDS HAYS COUNTY
- H.C.P.R. HAYS COUNTY PLAT RECORD
- H.C.D.R. HAYS COUNTY DEED RECORD
- P.R.H.C. HAYS COUNTY PLAT RECORDS
- R.O.W. RIGHT OF WAY
- () RECORD TEXT
- ▲ CALCULATED POINT
- 1/2" IRON ROD FOUND WITHOUT CAP
- 1/2" IRON ROD SET WITH PLASTIC CAP
MARKED "CAPITAL SURVEYING CO. INC."
- ⊗ 1/2" IRON ROD FOUND WITH PLASTIC CAP
MARKED "CAPITAL SURVEYING CO. INC."
- ⊙ 1/2" IRON ROD FOUND WITH CAP
MARKED "CARSON AND BUSH"
- X— WIRE FENCE
- Z— BREAK LINE

| LINE TABLE | | |
|------------|-------------|----------|
| LINE | BEARING | LENGTH |
| L1 | S43°46'50"W | 123.48' |
| L2 | N46°13'10"W | 143.00' |
| L3 | S43°46'50"W | 215.28' |
| L4 | S43°01'20"W | 18.77' |
| L5 | N46°54'58"W | 1453.54' |
| L6 | S43°46'50"W | 128.91' |
| L7 | S43°46'50"W | 47.25' |

Note:

1. Basis of Bearing: The Bearings shown hereon are based on the Texas State Plane Coordinate System, South Central Zone (NAD83/Grid) as derived from GPS observation.
2. The Kyle City ETJ (2 mile) is based on the easterly line of the existing Kyle City Limit line which is 1104 feet (derived from CAD drawing of existing city limits as provided) from the found southeasterly fence corner of Lot 4, Guinea Hills Estates, Section 2, (grid coordinates shown below), recorded in Bk. 3, Pg. 151, P.R.H.C. (northwest corner of the intersection of Dacy Lane and Kelly Smith Lane).
N 13927849.833
E 2339222.697
3. The Niederwald City ETJ (0.5 mile) is based on the found fence corner at the southwesterly corner of that certain 275.85 acre tract (grid coordinates shown below) conveyed to Studio Estates, LLC, by deed recorded in Document No. 04036494 of the O.P.R.H.C. (northeast corner of the intersection of Goforth Road and Rohde Road).
N 13923276.803
E 2352658.241



STATE OF TEXAS §
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COUNTY OF HAYS §

PETITION FOR VOLUNTARY ETJ EXPANSION

To the Honorable Mayor and City Council of the City of Kyle:

The undersigned represent the owner(s) of a tract of land more fully described in Exhibit A, which is attached and incorporated herein for all purposes (the "tract"). The undersigned petitions the City of Kyle to extend the present extraterritorial jurisdiction ("ETJ") so as to include the tract in its entirety.

The undersigned certifies and swears that:

1. The undersigned is Attorney In Fact for the sole owners of the tract;
2. The tract is contiguous and adjacent to the City of Kyle's ETJ, as it exists upon the date of the execution of this petition;
3. The tract is not located within the ETJ of any other municipality; and
4. This request for inclusion in the City of Kyle's ETJ is voluntary.

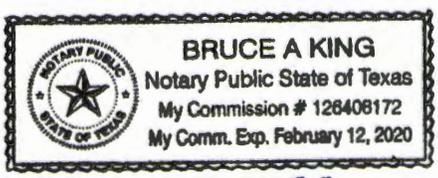
D.E. and Nova Crumley
By: Kevin Crumley, Attorney in Fact

[Signature]
Name

SON of the OWNER

Title

STATE OF Texas §
 §
COUNTY OF Hays §



This instrument was acknowledged before me on the 23 day of Aug 2018

[Signature]
Notary Public, State of TEXAS