

ORDINANCE NO. 3405

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 15.32 ACRE TRACT OF LAND, LOCATED DIRECTLY WEST OF 104 BERKSHIRE LANE, KNOWN AS PROPERTY ID 191155, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS:

WHEREAS, as authorized by Subchapter D of the Texas Local Government Code, the landowners of the herein described property have requested and petitioned in writing that the City of Waxahachie ("City") exclude the property herein described from the City's Extraterritorial Jurisdiction ("**ETJ**"); and

WHEREAS, City staff has determined that the submitted petition complies with the requirements of Subchapter D of the Texas Local Government Code and that such law requires the release of the herein described property from the City's ETJ.

NOW, THEREFORE, the following described tracts of land are hereby released and removed from the City's ETJ, effective as of the date of the passage of this Ordinance:

All those certain lots, tracts or parcels of land situated in Ellis County, Texas, and being more particularly described by metes and bounds in Exhibit A and shown on the location map in Exhibit B, which are made a part hereof and attached hereto for all purposes.

The City's ETJ boundary is hereby amended in accordance with said change. City staff is hereby directed to make all required changes to the City map showing the boundaries of the City's ETJ, as required by Section 41.002 of the Texas Local Government Code, and to promptly notify Ellis County of such changes.

PASSED, APPROVED AND ADOPTED on this 16th day of October, 2023.




MAYOR

ATTEST:


City Secretary

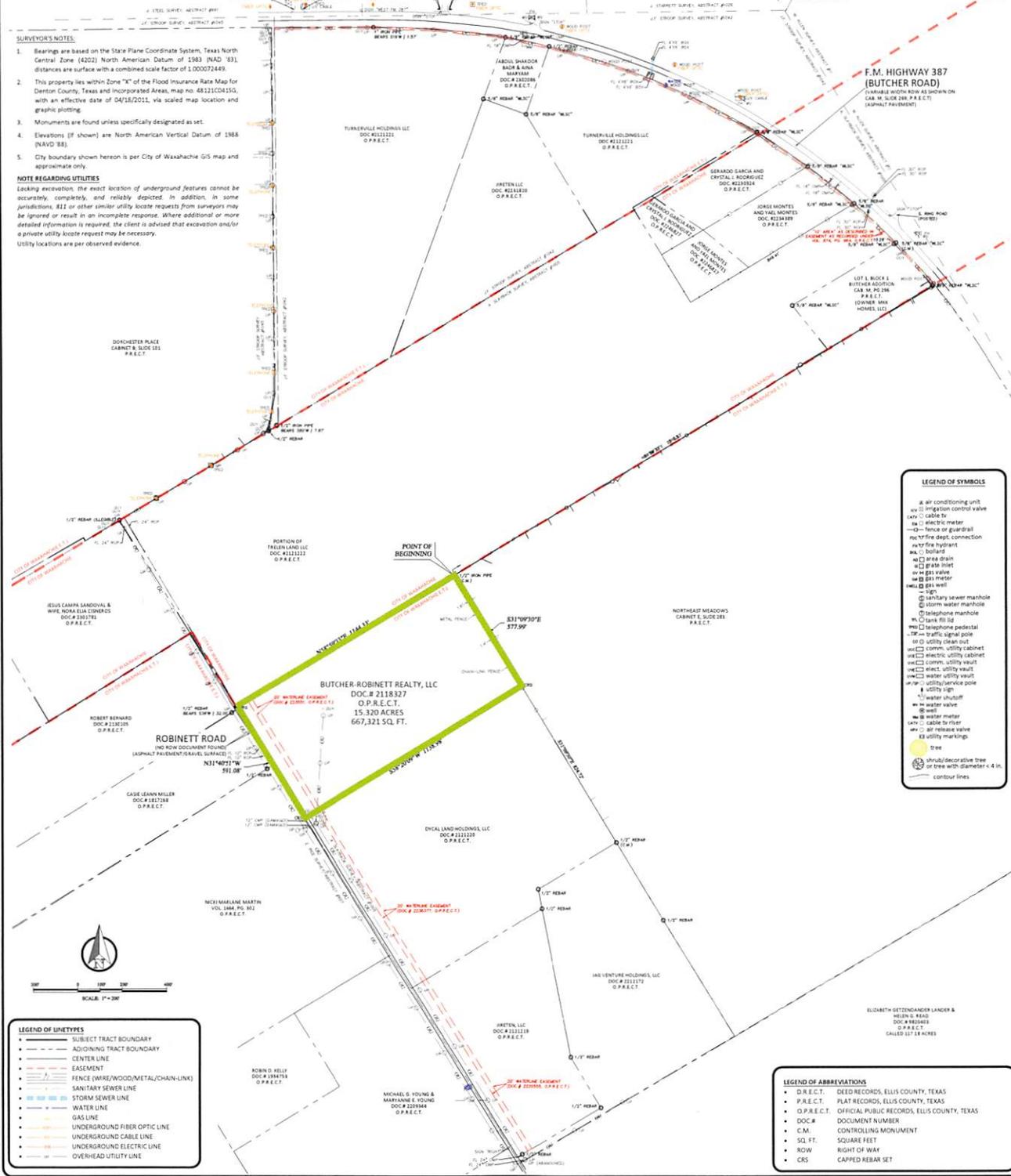
PROPERTY DESCRIPTION
 BEING a tract of land situated in the A. Slayback Survey, Abstract Number 1005, in the City of Waxahachie, Ellis County, Texas, and being a portion of that same tract of land described by deed to Butcher-Robnett Realty, LLC as recorded under Document Number 2118327, Official Public Records, Ellis County, Texas, (O.P.R.E.C.T.), the subject tract being more particularly described by metes and bounds as follows (bearings are based on State Plane Coordinate System, Texas North Central Zone (4202) North American Datum of 1983 (NAD 83)):
BEGINNING at a 1/2 inch iron pipe found for the north corner of the herein described tract, same being the west corner of Northeast Meadows, an addition in Ellis County, Texas, according to the plat recorded under Cablot E, Side 283, Plat Records, Ellis County, Texas, (P.R.E.C.T.), said point also being in the southeast line of a tract of land described by deed to Trelen Land, LLC as recorded under Document Number 2121222, (O.P.R.E.C.T.), and being in the northeast line of said Butcher-Robnett tract;
THENCE South 31 degrees 09 minutes 30 seconds East, with the southwest line of said Northeast Meadows and with the northeast line of said Butcher-Robnett tract, a distance of 572.99 feet to a 1/2 inch iron pipe with pink cap stamped, "BARTON CHAPMAN" (set hereinafter called "capped rebar set") for the north corner of a tract of land described by deed to Doyal Land Holdings, LLC, as recorded under Document Number 2121222, (O.P.R.E.C.T.), from which a 1/2 inch rebar found for the northernmost west corner of said Doyal tract bears South 31 degrees 09 minutes 30 seconds East, a distance of 824.72 feet;
THENCE South 58 degrees 20 minutes 09 seconds West, with the northwest line of said Doyal tract, a distance of 1,138.58 feet to a capped rebar set for the west corner thereof, same being in the southwest line of said Butcher-Robnett tract;

TITLE COMMITMENT NOTES
 This survey was prepared with the benefits of a commitment for title insurance provided by First American Title Insurance Company, G.F. Number 5132886-F-TR-CP-GL, Effective Date March 28, 2023. This commitment was relied upon for encumbrance research, and the surveyor has performed no independent title search. Therefore, easements, agreements, or other documents, either recorded, or unrecorded, may exist that affect the subject property that are not shown on this survey. The following exceptions from Schedule "B" were addressed as follows:
 Item 10(9): Easement as recorded under Volume 642, Page 143, Official Public Records, Ellis County, Texas. (Easement is called to be 15' in width, centered on a water pipeline as installed. Surveyor unable to determine the exact location of the easement due to said pipeline being below the surface of the ground. Exact location to be determined by pot-holing and locating said pipeline. easement not shown)
 Item 10(10): Easement as recorded under Volume 677, Page 615, Official Public Records, Ellis County, Texas. (Easements do not cross or abut the subject property, not shown)
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SURVEYOR'S CERTIFICATE
 This is to certify that I, John H. Barton II, a Registered Professional Land Surveyor of the State of Texas, have prepared this map from an actual survey on the ground, and that this map correctly represents that survey made by me or under my direction and supervision. This survey meets the minimum requirements for a Category 1A, Condition II Land Title Survey. Fieldwork was completed on February 27, 2023.
 Date of Plat/Map: June 6, 2023

John H. Barton II, RPLS 6737
 JOHN H. BARTON II, RPLS 6737
 TERMS OF ACCEPTANCE OF SURVEY
 This survey is issued pursuant to a real estate transaction and is appurtenant to the title commitment referenced in the "Title Commitment Notes." This survey is issued for use in such transaction. Notwithstanding any of the above statements, the surveyor has a contractual relationship with one client or entity. Review/Requested revisions by other parties must be received by or through such entity. Client is responsible for reviewing survey including, but not limited to, relations; existence or lack of existing grammar/geographical errors; certified parties; date; instruments within thirty (30) days of the date of plat or map. After such time has passed, client's review survey as issued, and further recourse are not embraced by the above certification. Additional or altered commitments for title insurance will require an new or revised survey. Please feel free to request pricing for this at www.jhsurvey.com or call (817) 884-1007.

SURVEYOR'S NOTES
 1. Bearings are based on the State Plane Coordinate System, Texas North Central Zone (4202) North American Datum of 1983 (NAD 83), distances are surface with a combined scale factor of 1.000072449.
 2. This property lies within Zone "X" of the Flood Insurance Rate Map for Denton County, Texas and Incorporated Areas, map #81211001515, with an effective date of 04/18/2011, via scaled map location and graphic plotting.
 3. Monuments are found unless specifically designated as set.
 4. Elevations (if shown) are North American Vertical Datum of 1988 (NAVD 88).
 5. City boundary shown herein is per City of Waxahachie GIS map and approximately only.
NOTE REGARDING UTILITIES
 Locating excavation, the exact location of underground features cannot be accurately, completely, and reliably depicted. In addition, in some jurisdictions, 811 or other similar utility locate requests from surveyors may be ignored or result in an incomplete response. Where additional or more detailed information is required, the client is advised that excavation and/or a private utility locate request may be necessary. Utility locations are per observed evidence.



- LEGEND OF LINES/TYPES**
- SUBJECT TRACT BOUNDARY
 - ACQUIRING TRACT BOUNDARY
 - CENTER LINE
 - EASEMENT
 - FENCE (WIRE/WOOD/METAL/CHAIN-LINK)
 - SANITARY SEWER LINE
 - STORM SEWER LINE
 - WATER LINE
 - GAS LINE
 - UNDERGROUND FIBER OPTIC LINE
 - UNDERGROUND CABLE LINE
 - UNDERGROUND ELECTRIC LINE
 - OVERHEAD UTILITY LINE

- LEGEND OF SYMBOLS**
- air conditioning unit
 - irrigation control valve
 - cable tv
 - electric meter
 - fence or guardrail
 - fire dept. connection
 - fire hydrant
 - mailbox
 - area drain
 - grass inlet
 - manhole
 - gas meter
 - gas well
 - well
 - sewer manhole
 - storm water manhole
 - telephone manhole
 - trash pit lid
 - drainage pedestal
 - traffic signal pole
 - utility clean out
 - corner utility cabinet
 - electric utility cabinet
 - corner utility vault
 - elect. utility vault
 - water utility vault
 - utility/service pole
 - utility sign
 - water shutoff
 - water valve
 - water meter
 - cable tv meter
 - air release valve
 - utility marking
 - tree
 - shrub/decorative tree or tree with diameter < 4 in.
 - contour lines

- LEGEND OF ABBREVIATIONS**
- D.R.E.C.T. DEED RECORDS, ELLIS COUNTY, TEXAS
 - P.R.E.C.T. PLAT RECORDS, ELLIS COUNTY, TEXAS
 - O.P.R.E.C.T. OFFICIAL PUBLIC RECORDS, ELLIS COUNTY, TEXAS
 - DOC.# DOCUMENT NUMBER
 - C.M. CONTROLLING MONUMENT
 - SQ. FT. SQUARE FEET
 - R.O.W. RIGHT OF WAY
 - C.R.S. CAPPED REBAR SET

CATEGORY 1A, CONDITION II LAND TITLE SURVEY
 A TRACT SITUATED IN THE A. SLAYBACK SURVEY, ABSTRACT #1005 CITY OF WAXAHACHIE ELLIS COUNTY, TEXAS

WAXAHACHIE 179 (TRELEN RESIDUE)
 WAXAHACHIE, TEXAS

JOB NO. 2023.001.298
 DRAWN: BCS
 CHECKED: JHB
 TABLE OF REVISIONS
 DATE SUMMARY

EXHIBIT A

VO1
 CATEGORY 1A, CONDITION II LAND TITLE SURVEY

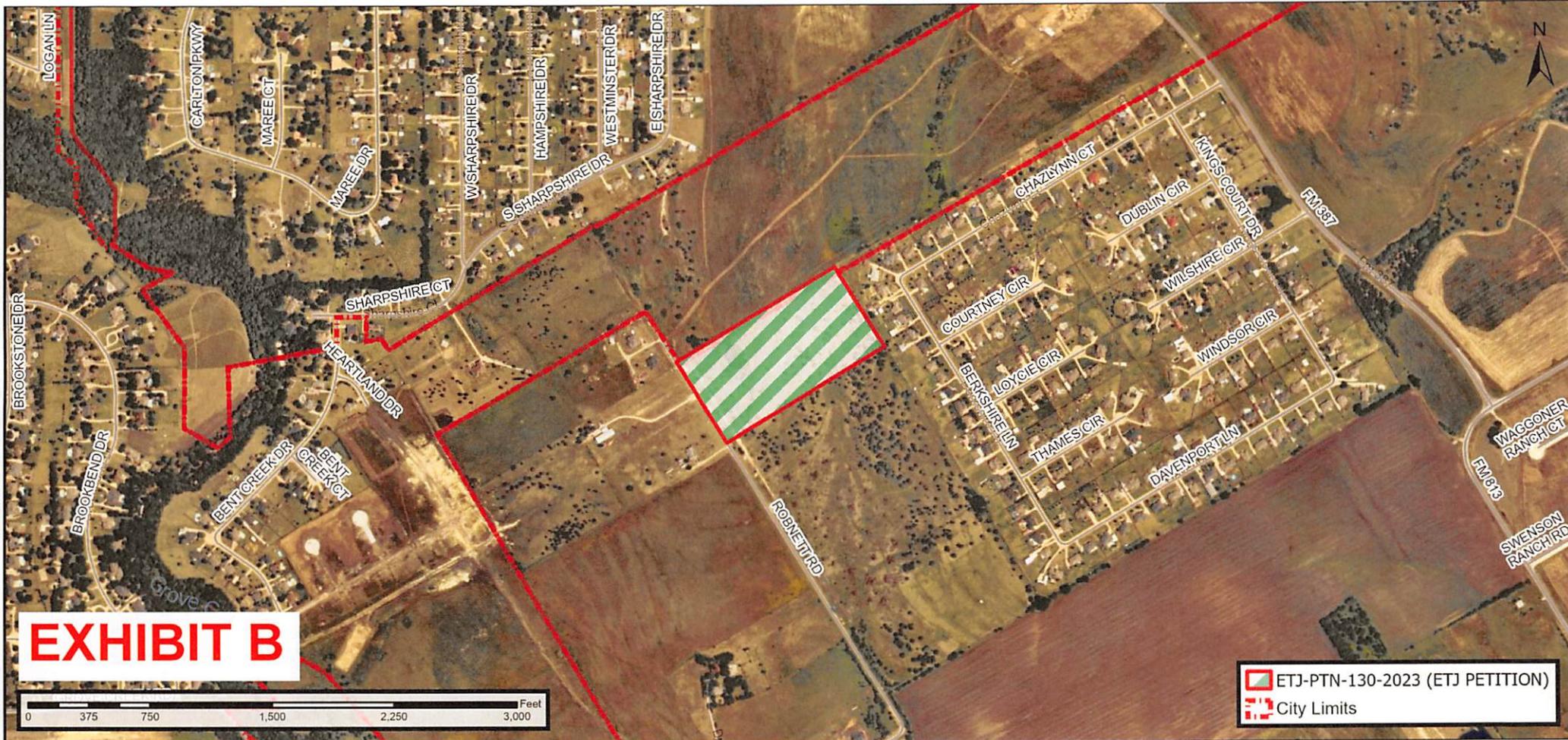


EXHIBIT B

 ETJ-PTN-130-2023 (ETJ PETITION)
 City Limits