

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

BEING a tract of land situated in the A. Slayback Survey, Abstract Number 1005 of the City of Waxahachie, Ellis County, Texas, and being a portion of that same tract 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.], subject tract hereafter 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 heretofore described tract, same being the west corner of Northeast Meadows, an addition to Ellis County, Texas, according to the plat recorded under Cabinet E, Slide 283, Records, Ellis County, Texas, [P.R.E.C.T.], said point also being in the southeast line a tract of land described by deed to Trielen Land, LLC as recorded under Document Number 2121222, [O.P.R.E.C.T.], and being in the northeast line of a Butcher-Robinson tract;

THENCE South 31 degrees 09 minutes 30 seconds East, with the southwest line said Northeast Meadows and with the northeast line of said Butcher-Robnett tract a distance of 577.99 feet to a 1/2 inch rebar with pink cap stamped, "BARI CHAPA" set (hereinafter called "capped rebar set") for the north corner of a tract land described by deed to Oycal Land Holdings, LLC as recorded under Docum Number 2121220, (O.P.R.E.C.T.), from which a 1/2 inch rebar found for the northernmost west corner of said Dycal 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 said Dycal tract, a distance of 1,138.98 feet to a capped rebar set for the west corner thereof, same being in the southwest line of said Butcher-Robinett tract;

THENCE North 31 degrees 40 minutes 51 seconds West, with the southwest line of said Butcher-Robinett tract, a distance of 591.08 feet to a capped rebar set for the southernmost corner of said Trelen tract;

THENCE North 58 degrees 59 minutes 33 seconds East, with the southeast line of said Trelen tract, a distance of 2,144.33 feet, returning to the **POINT OF BEGINNING** and enclosing 15,320 acres (667,321 square feet) of land, more or less.

This survey was prepared with the benefit of a commitment for title insurance provided by First American Title Insurance Company, G.F. Number 5132886-F-TX-CPL, 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

Item 10(f): 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

Item 10(g): Easement as recorded under Volume 677, Page 515, Official Public Records, Ellis County, Texas. (easements do not cross or abut the subject property, not shown)

Item 10(h): Easement as recorded under Volume 677, Page 618, Official Public Records, Ellis County, Texas. (easements do not cross or abut the subject property not shown)

Item 10(i): Easement as recorded under Volume 874, Page 964, Official Public Records, Ellis County, Texas. (easement is blanket in nature, furthermore, easement defines a 10' area (5' on either side of the utility line as constructed) which grants has the right to prevent excavation and/or construction. See document for particulars. 10' area shown hereon is per overhead utility line as surveyed. Location is of approximate and for reference only)

Item 10(i): Easement as recorded under Volume 2261, Page 2034, Official Public Records, Ellis County, Texas. (Easement is called to be 20' 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 potholing and locating said pipeline. easement not shown)

Item 10(k): Easement as recorded under Volume 2261, Page 2037, Official Public Records, Ellis County, Texas. (Easement is called to be 20' 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 notholine and locating said pipeline. easement not shown)

Item 10(1): Easement as recorded under Document Number 223551, Official Public Records, Ellis County, Texas. (easement crosses the subject property, shown hereon)

This is to certify that I, John H. Barton III, 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 III
John H. Barton III, RPLS# 6737

STATE OF TEXAS
REGISTERED
JOHN HOMER BARTON III
6737
EXPRESSIONS
AND SURVEYOR

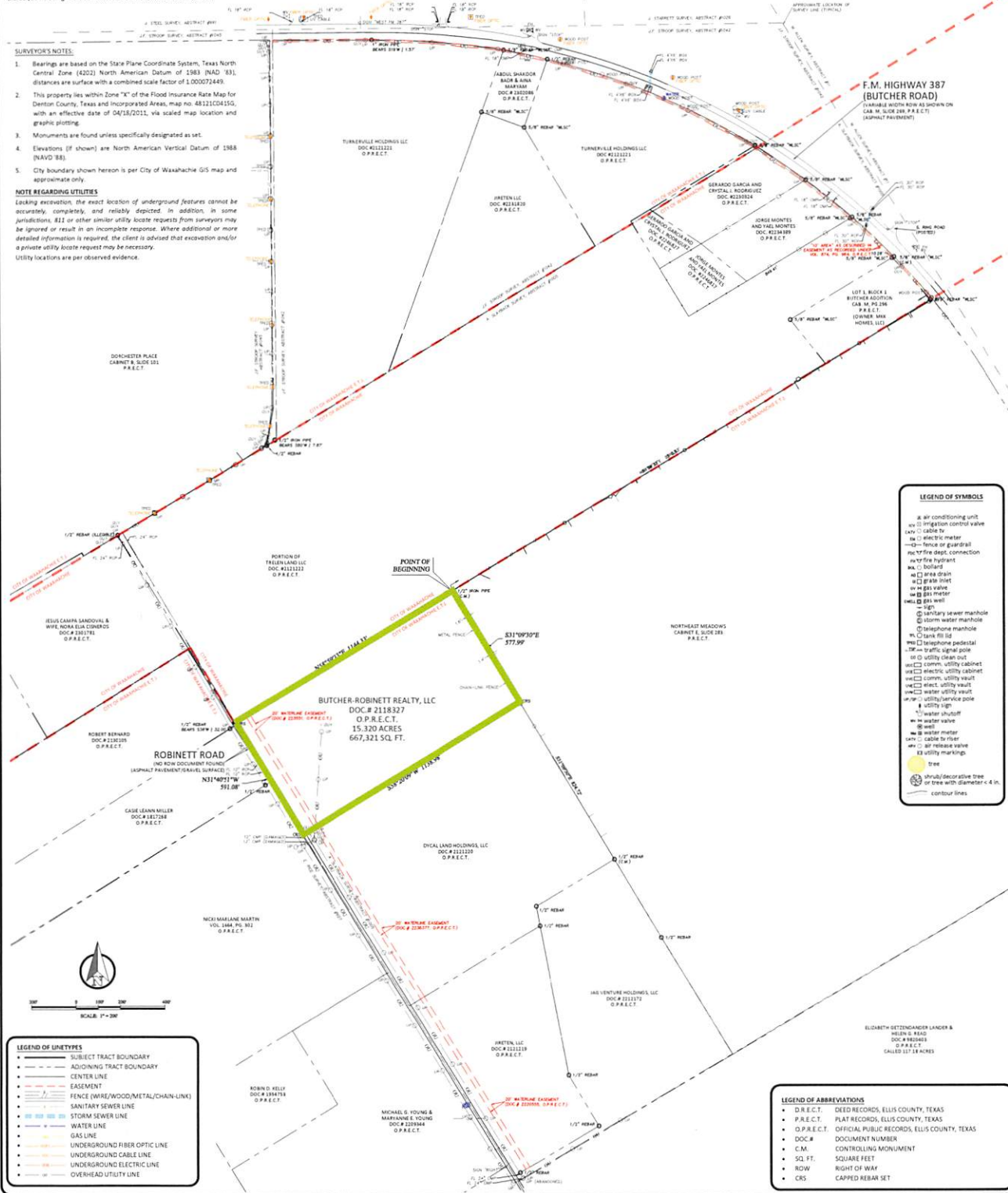
TERMS OF ACCEPTANCE OF SURVEY

This survey is issued pursuant to a real estate transaction and is important to the title commitment referenced in the "Title Commitment Note." 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. Reviewer/s requested/requires by other parties must be received by or through such entity. Client is responsible for reviewing survey (including, but not limited to, notations; existence or lack of spelling/grammatical/geographical error, certified parties, data instruments) within thirty (30) days of the date of plat or map. After such time has passed, client's review of survey or any other party's revisions are embraced by the surveyor's certification. Additional or alternate commitments for title insurance will require an new or revised survey. Please feel free to request pricing for this at info@bdcva.com, or call (317) 864-1957.

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 1.00007249.
2. This property lies within Zone "X" of the Flood Insurance Rate Map for Denton County, Texas and Incorporated Areas, map no. 48121C041G, 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 hereon is per City of Waukegan GIS map and approximate only.

Lacking excavation, the exact location of underground features cannot be accurately, completely, and reliably depicted. In addition, in some jurisdictions, §11 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.



A TRACT SITUATED IN THE
A. SLAYBACK SURVEY, ABSTRACT #1005
CITY OF WAXAHACHIE
ELLIS COUNTY, TEXAS



5200 State Highway 121
Colleyville, TX 76034
Phone: 817-488-4960

WAXAHACHIE,
TEXAS

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

EXHIBIT A

SHEET:
VO1
CATEGORY 1A,
CONDITION II
LAND TITLE
SURVEY

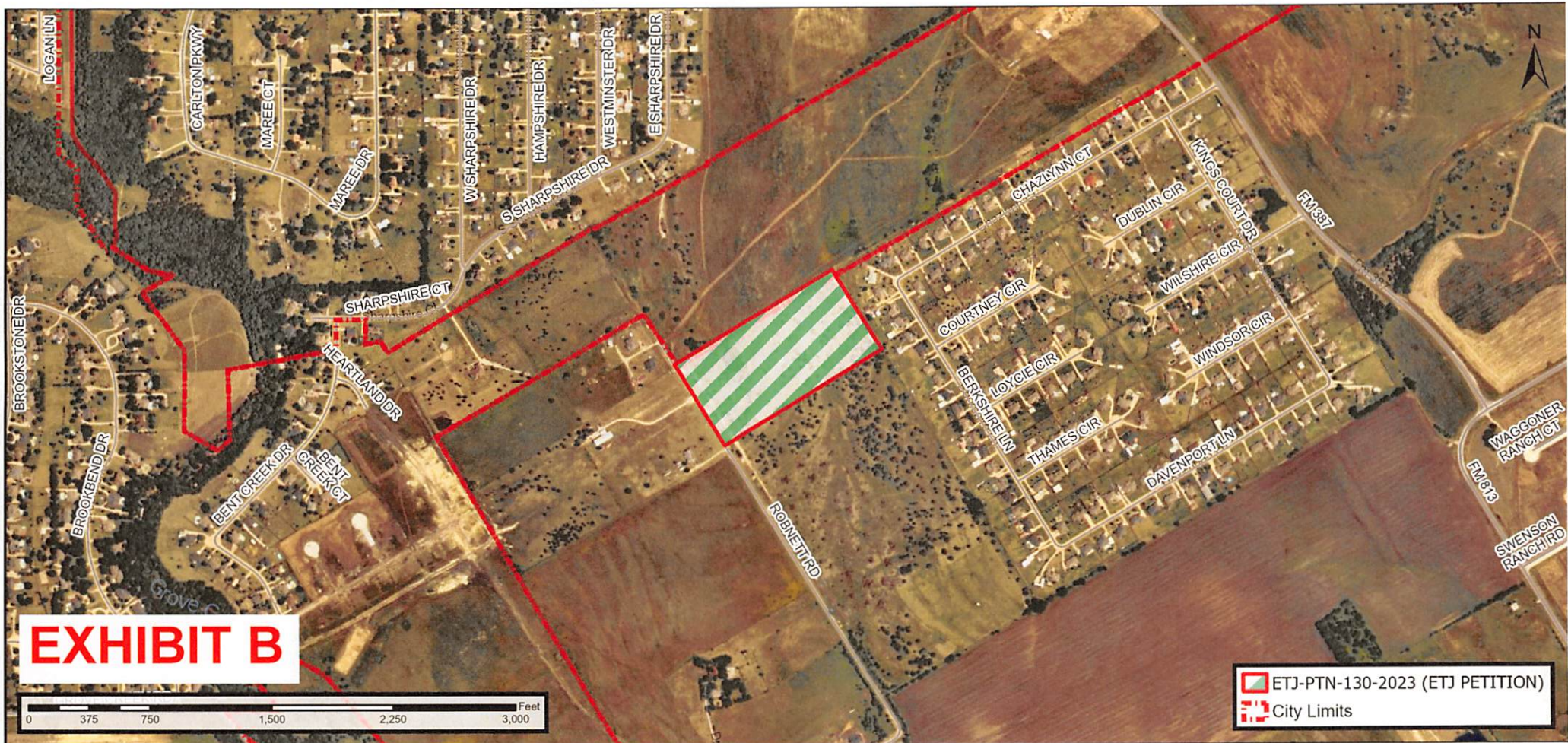


EXHIBIT B

0 375 750 1,500 2,250 3,000 Feet

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