

**ORDINANCE NO. 314**

**AN ORDINANCE OF THE CITY OF UHLAND, TEXAS, ANNEXING, FOR FULL PURPOSES, TRACTS OF LAND TOTALING APPROXIMATELY 97.23 ACRES OF LAND GENERALLY LOCATED ON THE SOUTHERN CORNER OF THE INTERSECTION OF COTTON GIN ROAD AND DAIRY ROAD; EXTENDING THE BOUNDARIES OF THE CITY TO INCLUDE THE LAND; BINDING THE LAND TO ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF THE CITY; APPROVING A SERVICE AGREEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Umland, Texas (the “City”) desires to annex approximately 97.23 acres of land located south of the intersection of Cotton Gin Road and Dairy Road, known as Hays County Appraisal District Property ID numbers R122319 and R11442, and as more particularly described and depicted in **Exhibit “A”**, with the exhibit being attached hereto and incorporated herein by reference (collectively, the “Property”); and

**WHEREAS**, Chapter 43, Subchapter C-3 of the Texas Local Government Code authorizes municipalities to annex an area on the request of all property owners in an area, and the City has received a petition for annexation by the property owner for the 97.23 acre tract of land not already within the city limits further described in **Exhibit “A”**; and

**WHEREAS**, in accordance with Texas Local Government Code, Chapter 43, Subchapter C-3, Section 43.0672, the City has negotiated and entered into a written agreement with the owner of the Property regarding the provision of services to the Property upon annexation, of which the applicable service plan is attached hereto and incorporated herein as **Exhibit “B,”** and

**WHEREAS**, the City Council has considered the annexation petition attached hereto and incorporated herein as **Exhibit “C;”** and

**WHEREAS**, the City Council provided public notice of a public hearing held on May 8, 2024, for all interested persons to attend and be heard in accordance with Texas Local Government Code, Chapter 43, Subchapter C-3, Section 43.0673; and

**WHEREAS**, the City has complied with all conditions precedent established under the Texas Local Government Code necessary to take this action annexing the Property.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UHLAND, TEXAS:**

**Section 1.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2.** The Property, lying outside of, but adjacent to and adjoining the City, is hereby annexed into the City, and the boundaries of the City are extended to include the Property within the corporate limits of the City. From and after the date of this ordinance, the Property shall be entitled to all the rights and privileges of the City and shall be bound by all the acts, ordinances, resolutions, and regulations of the City except as otherwise provided for in the attached **Exhibit “B”**.

**Section 3.** The service plan attached as **Exhibit “B”** is approved, and municipal services shall be provided to the Property in accordance therewith.

**Section 4.** The City Administrator is hereby authorized and directed to take appropriate action to have the official map of the City revised to reflect the addition to the City’s Corporate Limits.

**Section 5.** The City Secretary is directed to file a certified copy of this Ordinance in the office of the County Clerk of Hays County, Texas, and in the official records of the City and to send notice within 30 days to the Texas Comptroller of Public Accounts, Hays County Appraisal District, any service providers with franchise agreements with the City, and all other parties as required by law.

**Section 6.** The terms and provisions of this Ordinance shall be deemed to be severable in that, if any portion of this Ordinance shall be declared to be invalid, the same shall not affect the validity of the other provisions of this Ordinance.

**Section 7.** The City Council hereby finds and declares that the meetings at which this ordinance was introduced and finally passed were open to the public as required by law and that public notice of the time, place and purpose of said meetings was given as require by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**Section 8.** This Ordinance does not take effect until the following condition is met:

1. The Property is conveyed within sixty (60) days of the approval of this Ordinance to the City of Umland Economic Development Corporation.

If the condition is not met then this Ordinance will be null and void.

PASSED AND APPROVED this 20<sup>th</sup> day of June 2024.

CITY OF UHLAND, TEXAS

By:



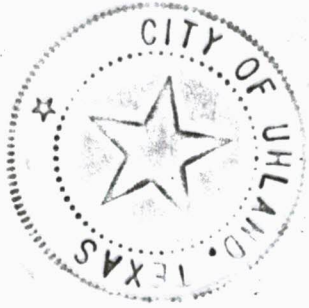
Lacey Duke, Mayor

ATTEST:

Kimberly Weatherford  
Kimberly Weatherford, City Secretary

APPROVED AS TO FORM:

[Signature]  
City Attorney  
Denton, Navarro, Rodriguez, Bernal,  
Santee & Zech, PC





**METES AND BOUNDS**

**BEING ALL OF THAT CERTAIN 97.23 ACRE TRACT OF LAND, SITUATED IN THE JOHN STEWART SURVEY, ABSTRACT NUMBER 14, HAYS COUNTY, TEXAS, BEING A PORTION OF A CALLED 101 ACRE TRACT OF LAND CONVEYED TO ALBERT F. AND HELENA F. BUSSE BY DEED RECORDED IN VOLUME 214, PAGE 285, DEED RECORDS HAYS COUNTY, TEXAS, SAID 97.23 ACRE TRACT OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:**

**BEGINNING**, at a capped 1/2 inch iron rod found stamped "BDG 10120600" on the southeast line of said 101 acre tract of land, being at the south corner of a called 0.169 acre (Part 2) right-of-way dedication to Hays County, Texas by deed recorded in Document Number 22049463, Official Public Records, Hays County, Texas, same being on the northwest line of a called 1.00 acre tract of land conveyed to Hays County, Texas by deed recorded in Volume P, Page 386, Deed Records, Hays County, Texas, also being on the southwest line of County Road 129, also known as Cotton Gin Road (R.O.W. varies), for the east corner and the **POINT OF BEGINNING** of the herein described tract of land,

**THENCE**, S46°17'49"W, with the common line of said 101 acre tract, said 1.00 acre tract, and a called 166.88 acre tract of land conveyed to Sun Creek Crossing, LLC by deed recorded in Document Number 19042425, Official Public Records, Hays County, Texas, a distance of 2,452.83 feet to a 5/8 inch iron rod found at the south corner of said 101 acre tract of land, being at the west corner of said 166.88 acre tract of land, same being on the northeast line of a called 78.85 acre tract of land conveyed to Sam O. Kimberlin, Jr. by deed recorded in Volume 1759, Page 672, Official Public Records, Hays County, Texas, and described in Volume 146, Page 378, Deed Records, Hays County, Texas, for the south corner of the herein described tract of land,

**THENCE**, N49°07'09"W, with the common line of said 101 acre tract and said 78.85 acre tract of land, a distance of 824.74 feet to a capped 1/2 inch iron rod set stamped "CBD SETSTONE" for corner, from which a 1/2 inch iron rod found at the south corner of a called 2.00 acre tract of land conveyed to Dana F. Izard by deed recorded in Volume 1632, Page 110, Official Public Records, Hays County, Texas, being on the northeast line of said 78.85 acre tract of land, bears N49°07'09"W, a distance of 509.89 feet,

**THENCE**, over and across said 101 acre tract of land, the following two (2) courses and distances, numbered 1 and 2,

- 1) N40°52'51"E, a distance of 250.00 feet to a capped 1/2 inch iron rod set stamped "CBD SETSTONE" for corner, and
- 2) N49°07'09"W, a distance of 992.89 feet to a capped 1/2 inch iron rod set stamped "CBD SETSTONE" on the fenced and apparent south right-of-way line of County Road 151, also known as Dairy Road (R.O.W. varies), for the west corner of the herein described tract of land, from which a 1/2 inch iron rod found at the north corner of said 2.00 acre tract of land, being on the south line of said County Road 151, bears S70°10'01"W, a distance of 113.75 feet,

**THENCE**, over and across said 101 acre tract of land, and with the monumented apparent south line of said County Road 151, , the following three (3) courses and distances, numbered 1 through 3,

- 1) N70°10'01"E, a distance of 171.60 feet to a 5/8 inch iron rod found for corner,
- 2) N51°24'12"E, a distance of 116.91 feet to a 3/4 inch iron rod found for corner, and

- 3) N44°25'13"E, a distance of 2,024.96 feet to a capped 1/2 inch iron rod found stamped "BDG 10120600" at the west corner of a called 0.280 acre (Part 1) right-of-way dedication to Hays County, Texas by deed recorded in Document Number 22049463, Official Public Records, of Hays County, Texas, being on the southwest line of said County Road 129, for the north corner of the herein described tract of land, from which a capped 1/2 inch iron rod found stamped "BDG 10120600" on the southwest line of said County Road 129, being at the south corner of a called 0.3587 acre right-of-way dedication to Hays County, Texas by deed recorded in Document Number 22051304, Official Public Records, Hays County, Texas, bears N36°49'54"W, a distance of 123.14 feet,

**THENCE**, over and across said 101 acre tract of land, with the southwest line of said 0.280 acre tract of land, the southwest line of a called 0.0396 acre right-of-way dedication to Hays County, Texas by deed recorded in Document Number 22049464, Official Public Records, Hays County, Texas, and the southwest line of said 0.169 acre tract of land, the following four (4) courses and distances, numbered 1 through 4,

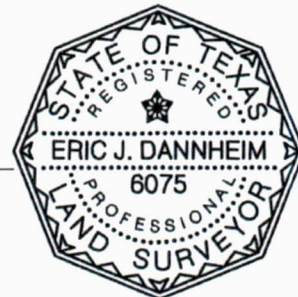
- 1) S45°29'58"E, a distance of 53.63 feet to a "BDG 10120600" for corner,
- 2) N44°30'02"E, a distance of 16.81 feet to a "BDG 10120600" for corner,
- 3) S45°30'19"E, a distance of 1,047.87 feet to a "BDG 10120600" for corner,
- 4) S45°50'22"E, a distance of 719.65 feet to the **POINT OF BEGINNING** and containing 97.23 acres of land.

Surveyed by: \_\_\_\_\_



6/13/24

Eric J. Dannheim, R.P.L.S. NO. 6075  
**Carlson, Brigrance and Doering, Inc.**  
5501 West William Cannon  
Austin, TX 78749  
Ph: 512-280-5160  
Edannheim@cbdeng.com



BEARING BASIS: TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD83  
DATE OF SURVEY: JUNE 11, 2024



## SERVICE AGREEMENT CITY OF UHLAND, TEXAS

### SERVICE AGREEMENT FOR THE ANNEXATION OF THE BUSSE PROPERTY

Upon annexation of the area identified in the attached Exhibit A, the City of Umland will provide City services utilizing methods by which it extends services to any other equivalent area of the City.

#### SERVICES TO BE PROVIDED ON THE EFFECTIVE DATE OF ANNEXATION

1. **Police Protection**

The City of Umland, Texas and its Police Department will provide police protection to newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed areas. The Police Department will have the responsibility to respond to all dispatched calls for service or assistance within the newly annexed areas.

2. **Solid Waste Collection**

Solid waste collection services will be provided to the annexed areas through the City's existing facilities or through franchise agreements with private services at the same or similar level of service now being provided to other areas of the City with like topography, land use and density as those found within the newly annexed areas. Customers in the annexed area may elect to continue using a private solid waste management service provider for a period of two years after the effective date of annexation.

3. **Maintenance of Roads and Streets**

The City will provide for maintenance of public streets and alleys that have been dedicated or will be dedicated and accepted by the City in the future. Any private roads will remain under the ownership of the property owner.

4. **Other Services**

The City of Umland, Texas finds and determines that other municipal services will be made available after the effective date of annexation at the same or similar level of service now being provided to other areas of the City with similar topography, land use and density as those found within the newly annexed areas.

#### LEVEL OF SERVICE

Nothing in this agreement shall require the City to provide a uniform level of full municipal services to each area of the City, including the annexed area, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.


Agreed to on this the 14 day of June, 2024 by the following parties subject to acceptance by the City Council of the City of Umland.

City of Umland:

Property Owner:



**SERVICE AGREEMENT FOR THE ANNEXATION OF THE BUSSE PROPERTY**



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Karen Gallaher, City Administrator



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Dana Izard  
Albert Jr. Busse Estate  
2400 Cotton Gin Road, Kyle, TX

Attest:



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Kimberley Weatherford, City Secretary

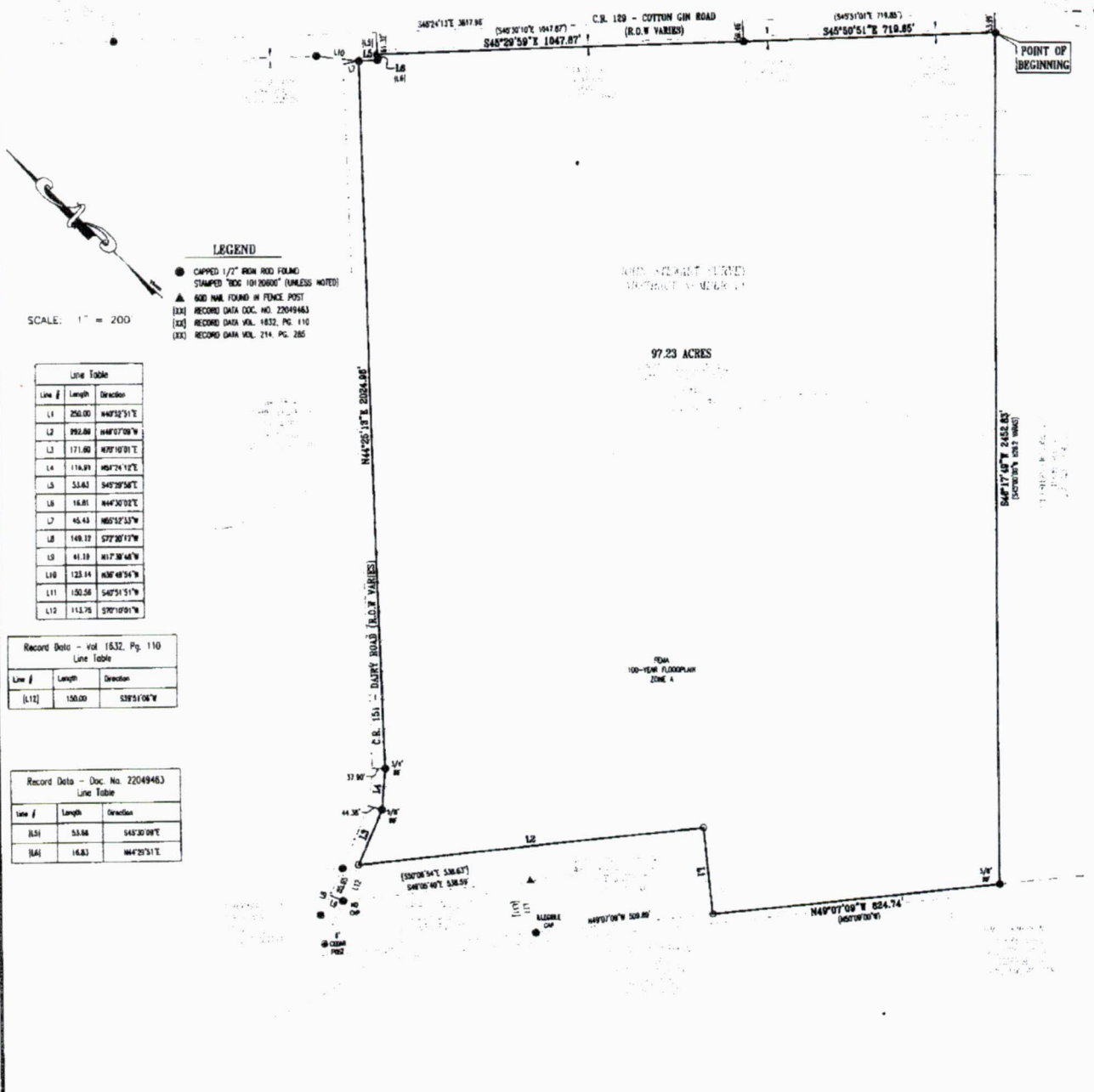
**SERVICE AGREEMENT FOR THE ANNEXATION OF THE BUSSE PROPERTY**

EXHIBIT "A"  
Survey of Property 



*Handwritten initials/signature*

BOUNDARY SURVEY OF 97.23 ACRES OF LAND, SITUATED IN THE JOHN STEWART SURVEY, ABSTRACT NUMBER 14, HAYS COUNTY, TEXAS, BEING A PORTION OF A CALLED 101 ACRE TRACT OF LAND CONVEYED TO ALBERT F. AND HELENA F. BUSSE BY DEED RECORDED IN VOLUME 214, PAGE 285, DEED RECORDS HAYS COUNTY, TEXAS.



**LEGEND**

- CAPPED 1/2" IRON ROD FOUND; STAMPED "DGS 101 20600" (UNLESS NOTED)
- ▲ 600 INCH FOUND IN FENCE POST
- (X) RECORD DATA VOL. NO. 22049463
- (X) RECORD DATA VOL. 1832, PG. 110
- (X) RECORD DATA VOL. 214, PG. 285

SCALE: 1" = 200'

Line #	Length	Direction
L1	250.00	N44°52'31"E
L2	892.68	N44°07'09"W
L3	171.60	N07°10'01"E
L4	114.89	N04°24'12"E
L5	53.63	S45°29'56"E
L6	16.81	N44°30'02"E
L7	45.43	N65°52'33"W
L8	148.12	S77°20'13"W
L9	41.38	N17°30'46"W
L10	123.14	N06°48'34"W
L11	150.58	S45°51'51"W
L12	112.76	S70°10'01"W

Record Data - Vol. 1832, Pg. 110

Line #	Length	Direction
(L11)	150.00	S38°51'04"W

Record Data - Doc. No. 22049463

Line #	Length	Direction
(L3)	53.64	S45°20'09"E
(L4)	16.81	N44°29'51"E

STATE OF TEXAS,  
COUNTY OF HAYS.

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON AND IS CORRECT, AND THAT THERE ARE NO DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, OR BOUNDARY LINE CONFLICTS, EXCEPT AS SHOWN HEREON AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY EXCEPT AS SHOWN HEREON. THE LEGALLY DESCRIBED PROPERTY IS WITHIN A SPECIAL FLOOD HAZARD AREA AS DESIGNATED BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD BOUNDARY MAP NUMBER 48209C410F, HAYS COUNTY, TEXAS, DATED SEPTEMBER 2, 2005.

DATED, THIS THE 13TH DAY OF JUNE, 2024

*Signature*  
8/13/24  
ERIC J. DANNEHEIM, RPLS # 8075  
CARLSON, BRONGNE & DOERING, INC.  
3501 WEST WILLIAM CANNON  
AUSTIN, TEXAS 78749  
(512) 280-5180 (S12)  
EDANNEHEIM@CBDOENG.COM



BEARING BASIS: TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD83

**Carlson, Brongne & Doering, Inc.**  
 FIRM ID: 07172      REG. # 04429600  
 Civil Engineering      Surveying  
 1501 West William Cannon      Austin, Texas 78749  
 Phone No.: 512-280-5180      Fax No.: 512-280-5165

**METES AND BOUNDS**

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Surveyed by:

 6/13/24

Eric J. Dannheim, R.P.L.S. NO. 6075  
**Carlson, Brigance and Doering, Inc.**  
5501 West William Cannon  
Austin, TX 78749  
Ph: 512-280-5160  
[Edannheim@cbdeng.com](mailto:Edannheim@cbdeng.com)



BEARING BASIS: TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD83  
DATE OF SURVEY: JUNE 11, 2024



PETITION REQUESTING VOLUNTARY ANNEXATION

TO THE MAYOR AND THE CITY COUNCIL OF UHLAND, TEXAS:

I, the undersigned owner of the hereinafter described tract of land, hereby petition the honorable City Council to extend the present city limits so as to include as part of the City of Umland, the following described territory, to wit:

Being approximately 95 acres of land generally located on the southern corner of the intersection of Cotton Gin Road and Dairy Road, known as Hays County Appraisal District property ID numbers R97773, R122319, and R11442, and described in the attached **Exhibit "A"**.

This request for voluntary annexation is being made pursuant to Texas Local Government Code Chapter 43, Subchapter C-3 *Annexation of Area on Request of Owners*. I certify that the above-described tract of land is contiguous and adjacent to the City of Umland, Texas city limits, and that this petition is signed and duly acknowledged by myself as having the only interest in said land.

Signed: 

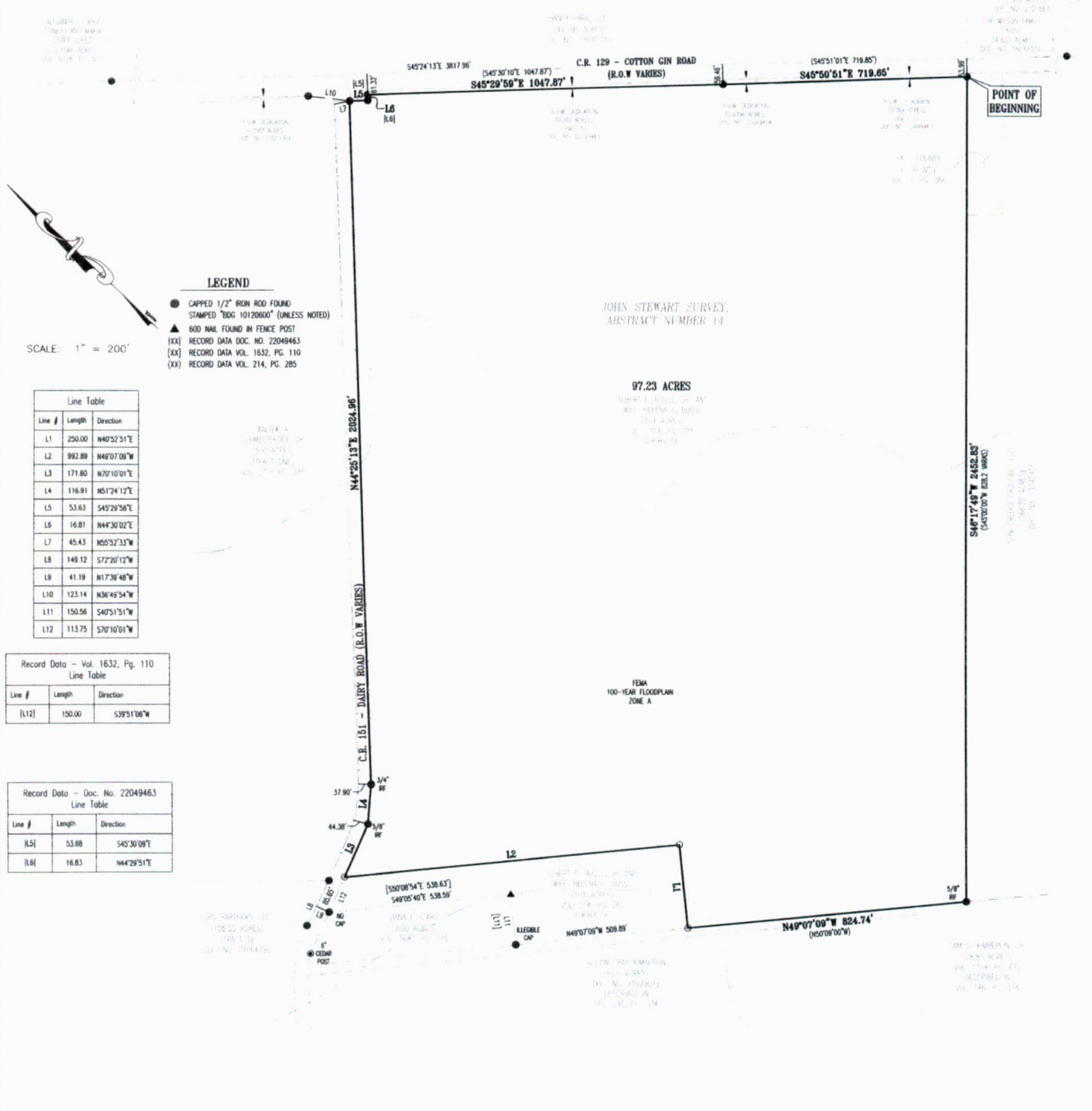
Printed Name: Dana Izard

Date: 3/26/24



**BOUNDARY SURVEY OF 97.23 ACRES OF LAND, SITUATED IN THE JOHN STEWART SURVEY, ABSTRACT NUMBER 14, HAYS COUNTY, TEXAS, BEING A PORTION OF A CALLED 101 ACRE TRACT OF LAND CONVEYED TO ALBERT F. AND HELENA F. BUSSE BY DEED RECORDED IN VOLUME 214, PAGE 285, DEED RECORDS HAYS COUNTY, TEXAS.**

Exhibit C  
Page 2 of 2



**LEGEND**

- CAPPED 1/2" IRON ROD FOUND STAMPED "BGG 10120600" (UNLESS NOTED)
- ▲ 600 NAIL FOUND IN FENCE POST
- [XX] RECORD DATA DOC. NO. 22049463
- [XX] RECORD DATA VOL. 1632, PG. 110
- [XX] RECORD DATA VOL. 214, PG. 285

SCALE: 1" = 200'

Line #	Length	Direction
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L5	53.63	S45°29'56"E
L6	16.81	N44°30'02"E
L7	45.43	N50°52'33"W
L8	148.12	S72°20'12"W
L9	41.19	N17°39'48"W
L10	123.14	N36°49'54"W
L11	150.56	S40°51'51"W
L12	113.75	S70°10'01"W

Record Data - Vol. 1632, Pg. 110  
Line Table

Line #	Length	Direction
[L12]	150.00	S39°51'06"W

Record Data - Doc. No. 22049463  
Line Table

Line #	Length	Direction
[L5]	53.68	S45°30'09"E
[L6]	16.83	N44°29'51"E

STATE OF TEXAS,  
COUNTY OF HAYS:

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON AND IS CORRECT, AND THAT THERE ARE NO DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, OR BOUNDARY LINE CONFLICTS, EXCEPT AS SHOWN HEREON AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED HIGHWAY EXCEPT AS SHOWN HEREON. THE LEGALLY DESCRIBED PROPERTY IS WITHIN A SPECIAL FLOOD HAZARD AREA AS DESIGNATED BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD BOUNDARY MAP NUMBER 48209C0405F AND 48209C0410F, HAYS COUNTY, TEXAS, DATED SEPTEMBER 2, 2005.

DATED, THIS THE 13<sup>TH</sup> DAY OF JUNE, 2024.

*Eric J. Dannheim*  
6/13/24  
ERIC J. DANNHEIM, RPLS# 6075  
CARLSON, BRIGANCE AND DOERING, INC.  
5501 WEST WILLIAM CANNON  
AUSTIN, TEXAS 78749  
(512) 280-5160 (512)  
EDANNHEIM@CBDENG.COM



BEARING BASIS: TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD83

**Carlson, Brigrance & Doering, Inc.**

FIRM ID: 015791      REG. #: 19629900

Civil Engineering      Surveying  
5501 West William Cannon      Austin, Texas 78749  
Phone No. (512) 280-5160      Fax No. (512) 280-5165

J:\AC3D\5651\Survey\BOUNDARY SURVEY - 97.23 ACRES

THE STATE OF TEXAS

COUNTY OF HAYS

I hereby certify that this instrument was FILED on the  
date and the time stamped hereon by me and was duly  
RECORDED in the Records of Hays County, Texas.

24024623 ORDINANCE

06/28/2024 08:41:06 AM Total Fees: \$73.00

 Elaine H. Cardenas

Elaine H. Cardenas, MBA, PhD, County Clerk  
Hays County, Texas