



RESOLUTION 2023-008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PATTISON, TEXAS, RELEASING SPECIFIC LAND FROM THE CITY'S EXTRATERRITORIAL JURISDICTION.

* * * * *

WHEREAS, The City Council of the City of Pattison, Texas, ("City"), received a petition from Terra Prima, LTD., to release approximately 172.736 acres of land from the City's extraterritorial jurisdiction (ETJ); and

WHEREAS, SB 2038 (Texas Local Government Code, Chapter 42) allows a property owner to submit a petition to the City for the release of land in the City's ETJ; and

WHEREAS, Terra Prima, LTD. submitted a petition to the City on November 17, 2023; and

WHEREAS, the City has a certain timeframe to act on such petition or such petition will be granted by law if the City fails to act timely; and

WHEREAS, by passing this Resolution on December 14, 2023, the City has acted timely;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PATTISON, TEXAS:

Section 1. The facts and recitations contained in the preamble of this Resolution are true and correct and incorporated herein for all purposes.

Section 2. The property on Exhibit "A" which is attached hereto and incorporated herein for all purposes is released from the City of Pattison's extraterritorial jurisdiction effective immediately.


Section 3. The City directs the City Engineer to draft a new City ETJ map for City Council approval reflecting the removal of the 172.736 acres as described and depicted on Exhibit "A."

Section 4. *Severability.* In the event any clause, phrase, provision, sentence or part of this Resolution or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Resolution as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the city council of the City of Pattison, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 5. *Repeal.* All resolutions or parts of resolutions in conflict herewith shall be and are hereby repealed only to the extent of such conflict.

Section 6. *Effective Date.* This Resolution shall become effective immediately upon passage.

PASSED and APPROVED this, the 14th day of December, 2023.



Joe Garcia, Mayor

ATTEST:



Lorene Hartfiel, City Secretary

**PETITION FOR RELEASE FROM
THE CITY OF PATTISON'S EXTRATERRITORIAL JURISDICTION**

THE STATE OF TEXAS §

COUNTY OF WALLER §

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF PATTISON,
TEXAS:

COMES NOW the undersigned (the "Petitioners"), acting pursuant to Chapter 42 of the Texas Local Government Code, as amended (the "Act"), respectfully petitions the City of Pattison, Texas ("City") to release the portion of the property described in the attached Exhibit "A" which is located within the City's extraterritorial jurisdiction (the "Property"). In support of same, Petitioners would show the following:

I.

The Property is located within the extraterritorial jurisdiction of the City in Waller County, Texas, and is not within the corporate limits or extraterritorial jurisdiction of any other municipality. Petitioners request release from the extraterritorial jurisdiction of the City.

II.

The Property does not lie in an area:

- (i) within five (5) miles of the boundary of a military base, at which an active training program is conducted, as defined by Section 43.0117 of the Texas Local Government Code, as amended;
- (ii) that was voluntarily annexed into the extraterritorial jurisdiction that is located in a county in which the population grew by more than fifty percent (50%) from the previous federal census in the federal census conducted in the year 2020 and has a population of greater than 240,000;
- (iii) within the portion of the extraterritorial jurisdiction of a municipality with a population of more than 1.4 million and that is within fifteen (15) miles of the boundary of a military base, at which an active training program is conducted, and in a county with a population of more than (two) 2 million;
- (iv) designated as an industrial district under Section 42.044 of the Texas Local Government Code, as amended; or
- (v) subject to a strategic partnership agreement entered into under Section 43.0751 of the Texas Local Government Code, as amended.

III.

The persons or entities (through authorized representatives) signing this Petition constitute a majority in value of the holders of title to the Property, as shown by the tax rolls and conveyances of record since the date of preparation of said county tax rolls.

IV.

In compliance with the Act, we request the City immediately release the Property from the City's extraterritorial jurisdiction, or otherwise deemed released by operation of law.

V.

This Petition will be filed with the City Secretary, City of Pattison, Texas.

VI.

WHEREFORE, the Petitioners respectfully pray that this petition be granted in all respects and that the City Council of the City of Pattison, Texas adopts an ordinance or resolution releasing of the Property from the City's extraterritorial jurisdiction.

[SIGNATURE PAGE TO FOLLOW]

RESPECTFULLY SUBMITTED, on this the 13th day of November, 2023.

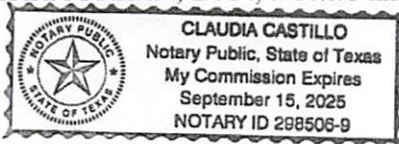
PETITIONERS:
TERRA PRIMA, LTD.
a Texas limited partnership

BY: RPDC, Inc., a Texas corporation,
its General Partner

By: 
John Santasiero, President

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 13th day of November, 2023, by John Santasiero, President of RPDC, Inc., a Texas corporation, as general partner of TERRA PRIMA, LTD., a Texas limited partnership, on behalf of said limited partnership.



(NOTARY SEAL)

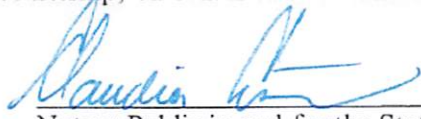

Notary Public in and for the State of Texas

EXHIBIT "A"
Legal Description and Map

TRACT 1:

Being a tract of land containing 172.736 acres (7,524,393 square feet) located in the W. W. Snyder Survey, Abstract Number (No.) 338, Waller County, Texas; said 172.736 acre tract being all of a called 172.7372 acre tract (Third Tract) recorded in the name of Arnold L. England Irrevocable Trust U/T/A in Waller County Clerk's File (W.C.C.F.) No. 201900184, said 172.736 acre tract being more particularly described by metes and bounds as follows (all bearings are based on the Texas Coordinate System of 1983 (NAD83), South Central Zone, as per GPS observations):

BEGINNING at a 1/2-inch iron rod with a cap stamped "Kalkomey" found on the northeasterly Right-of-Way (R.O.W.) line of Farm to Market (F.M.) 359 (100-foot wide per TxDOT map, CSJ: 0543-01-009), marking the southeast corner of a called 3.886 acre tract, recorded in the name of Royal Independent School District, under Volume (Vol.) 1155, Page (Pg.) 292, Waller County Deed Records (W.C.D.R.), marking the southwest corner of said 172.7372 acre tract and the herein described tract;

Thence, with the line common to said 3.886 acre tract and said 172.7372 acre tract, North 31 degrees 56 minutes 47 seconds East, a distance of 1,722.29 feet to a 1/2-inch iron rod with a cap stamped "Kalkomey" found along the southerly line of a called 40.000 acre tract, recorded in the name of Royal Independent School District in Vol. 803, Pg. 739, W.C.D.R., being the northeast corner of said 3.886 acre tract and marking a northwesterly corner of said 172.7372 acre tract, and the herein described tract;

Thence, with the line common to said 40.000 acre tract and said 172.7372 acre tract, the following two (2) courses:

1. South 78 degrees 54 minutes 39 seconds East, a distance of 915.98 feet to a 1/2-inch iron rod with a cap stamped "Kalkomey" found at an angle point;
2. South 78 degrees 02 minutes 22 seconds East, a distance of 286.58 feet to a 1/2-inch iron rod with a cap stamped "Kalkomey" found at the southeast corner of said 40.000 acre tract and marking an interior corner of said 172.7372 acre tract and the herein described tract;

Thence, with the line common to said 40.00 acre tract, a called 9.3173 acre tract, recorded in the name of Royal Independent School District in Vol. 803, Pg. 748. W.C.D.R. and said 172.7372 acre tract, North 27 degrees 29 minutes 16 seconds East, a distance of 1,654.42 feet to a 60-D nail on top of a fence post found on the southerly R.O.W. line of Royal Road (100-foot wide per occupation, no record document found), marking the most northerly corner of said 172.7372 acre tract and the herein described tract;

Thence, with the line common to the southerly R.O.W. line of said Royal Road and said 172.7372 acre tract, the following three (3) courses:

1. South 62 degrees 34 minutes 40 seconds East, a distance of 537.61 feet to a 1/2-inch iron pipe found at the beginning of a curve to the left;
2. 270.14 feet along the arc of said curve to the left, having a radius of 526.97 feet, a central angle of 29 degrees 22 minutes 18 seconds, and a chord that bears South 77 degrees 15 minutes 49 seconds East, a distance of 267.19 feet to a 1/2-inch iron pipe found at a northerly angle point of said 172.7372 acre tract and the herein described tract;
3. North 88 degrees 03 minutes 02 seconds East, a distance of 113.23 feet to a 5/8-inch iron rod with a cap stamped "Miller Survey Group" (MSG) set at the intersection of the westerly R.O.W. line of F.M. 362 (100-foot wide per occupation and TxDOT map, CSJ: 0523-02-049, Sheets 54-63) and the southerly R.O.W. line of said Royal Road, marking the northeast corner of said 172.7372 acre tract and the herein described tract, from which a 3/4-inch iron pipe found bears North 65 degrees 18 minutes East, a distance of 0.5 feet;

Thence, with the line common to said F.M. 362 and the east line of said 172.7372 acre tract, South 02 degrees 02 minutes 04 seconds East, passing at a distance of 1,414.06 feet to a found TxDOT disk, continuing for a total distance of 2,489.94 feet to a 5/8-inch iron rod with a cap stamped "MSG" set at the northeast corner of a called 5.0179 acre tract, recorded in the name of Rodney L. Singleton in W.C.C.F. No. 1808555, marking a southeasterly corner of said 172.7372 acre tract and the herein described tract;

Thence, with the line common to said 172.7372 acre tract and said 5.0179 acre tract, a called 10.70 acre tract, recorded in the name of RS Concrete, LLC in Vol. 952, Pg. 722, W.C.D.R., a called 10.4987 acre tract, recorded in the name of JCT Landscape, Maintenance, and Irrigation Corporation in Vol. 894, Pg. 185, a called 10.6922 acre tract, recorded in the name of William Matthews and Paula Matthews in W.C.C.F. No. 1903503 and a called 5.2 acre tract, recorded in the name of Shaper Family Partnership, No. 1, Ltd., under Vol. 748, Pg. 331, W.C.D.R., the following three (3) courses:

1. South 87 degrees 27 minutes 54 seconds West, a distance of 1,954.59 feet to a 3/4-inch iron pipe found at a northerly angle point of said 10.6922 acre tract and a southerly angle point of the herein described tract;
2. South 85 degrees 24 minutes 50 seconds West, a distance of 43.93 feet to a 5/8-inch iron rod found marking the northeast corner of said 5.2 acre tract and a southerly angle point of said 172.7372 acre tract and the herein described tract;
3. South 84 degrees 18 minutes 22 seconds West, a distance of 211.69 feet to a 5/8-inch iron rod found marking the northwest corner of said 5.2 acre tract, marking an interior corner of said 172.7372 acre tract and the herein described tract;

Thence, with the line common to said 5.2 acre tract and said 172.7372 acre tract, South 02 degrees 06 minutes 53 seconds East, a distance of 1,055.76 feet to a 1/2-inch iron pipe found on the northerly R.O.W. line of Garvie Road (50-feet wide per Vol. 14, Pg. 380, W.C.D.R.), being the southwest corner of a said 5.2 acre tract, marking a southerly corner of said 172.7372 acre tract and the herein described tract;

Thence, with the line common to the northerly R.O.W. line of said Garvie Road and said 172.7372 acre tract, South 87 degrees 59 minutes 26 seconds West, a distance of 345.66 feet to a 3/4-inch iron pipe found at the intersection of the northerly R.O.W. line of said Garvie Road and the northeasterly R.O.W. line of said F.M. 359, marking a southerly southwest corner of said 172.7372 acre tract and the herein described tract;

Thence, with the line common to said F.M. 359 and said 172.7372 acre tract, North 45 degrees 05 minutes 49 seconds West, a distance of 1,807.05 feet to the **POINT OF BEGINNING** and containing 172.736 acres (7,524,393 square feet) of land.

TRACT 2:

Being a tract of land containing 5.222 acres (227,450 square feet) located in the W. W. Snyder Survey, Abstract Number (No.) 338, Waller County, Texas; said 5.222 acre tract being a portion of Outlot 75 of Brookshire Townsites, Section 46, Block 1, a subdivision of record in Volume (Vol.) 14, Page (Pg.) 380, Waller County Deed Records (W.C.D.R.) and being all of a called 5.2 acre tract, recorded in the name of Shaper Family Partnership, No. 1, Ltd., in Vol. 748, Pg. 331, W.C.D.R., said 5.222 acre tract being more particularly described by metes and bounds as follows (all bearings are based on the Texas Coordinate System of 1983 (NAD83), South Central Zone, as per GPS observations):

BEGINNING at a 1/2-inch iron pipe found on the northerly Right-of-Way (R.O.W.) line of Garvie Road (50-feet wide per Vol. 14, Pg. 380, W.C.D.R.), being a southwesterly corner of a called 172.736 acre tract (Tract 1) recorded in the name of Terra Prima, Ltd. in Waller County Clerk's File (W.C.C.F.) No. 2114584, marking the southwest corner of said 5.2 acre tract and the herein described tract;

Thence, with the lines common to said 5.2 acre tract and said 172.736 acre tract, the following two (2) courses:

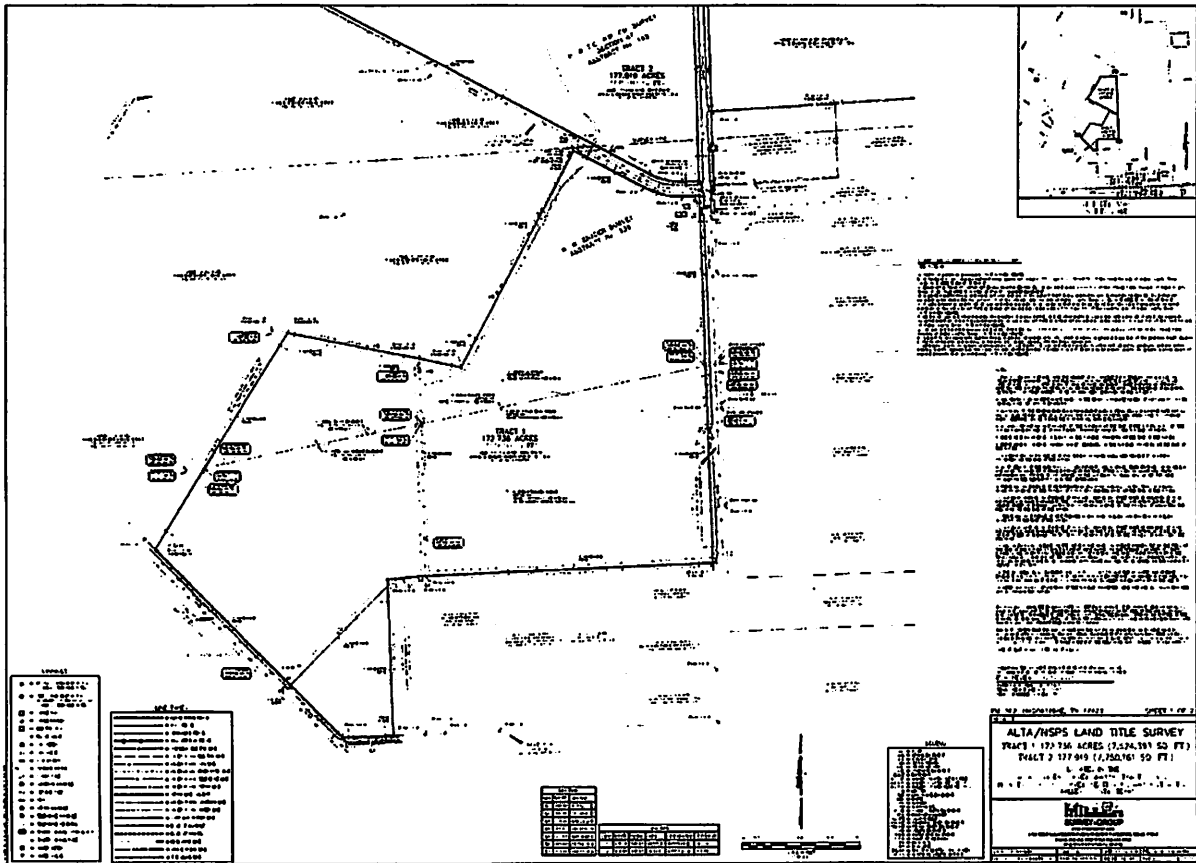
1. North 02 degrees 06 minutes 53 seconds West, a distance of 1,055.76 feet to a 5/8-inch iron rod found at an interior corner of said 172.736 acre tract and marking the northwest corner of said 5.2 acre tract and the herein described tract;
2. North 84 degrees 18 minutes 22 seconds East, a distance of 211.69 feet to a 5/8-inch iron rod found at a southerly angle point of said 172.736 acre tract, being the northwest corner of a called 10.6922 acre tract, recorded in the name of William Matthews and Paula Matthews in W.C.C.F. No. 1903503 and marking the northeast corner of said 5.2 acre tract and the herein described tract;

Thence, with the line common to said 5.2 acre tract and said 10.6922 acre tract, South 02 degrees 37 minutes 45 seconds East, a distance of 408.85 feet to a 5/8-inch iron rod with a cap stamped "Miller Survey Group" (MSG) set at the northwest corner of a called 2.0011 acre tract recorded in the name of Michael L. Glover in Vol. 630, Pg. 903, W.C.D.R., marking an easterly angle point of said 5.2 acre and the herein described tract;

Thence, with the line common to said 5.2 acre tract and said 2.0011 acre tract, South 02 degrees 04 minutes 02 seconds East, a distance of 660.12 feet to a 1/2-inch iron pipe found on the northerly R.O.W. line of said Garvie Road, being the southwest corner of said 2.0011 acre tract and marking the southeast corner of said 5.2 acre tract and the herein described tract;

Thence, with the line common to the northerly R.O.W. line of said Garvie Road and said 5.2 acre tract, South 87 degrees 52 minutes 49 seconds West, a distance of 214.41 feet to the **POINT OF BEGINNING** and containing 5.222 acres (227,450 square feet) of land.

MAP OF TRACT 1:



MAP OF TRACT 2:



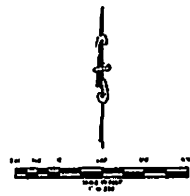
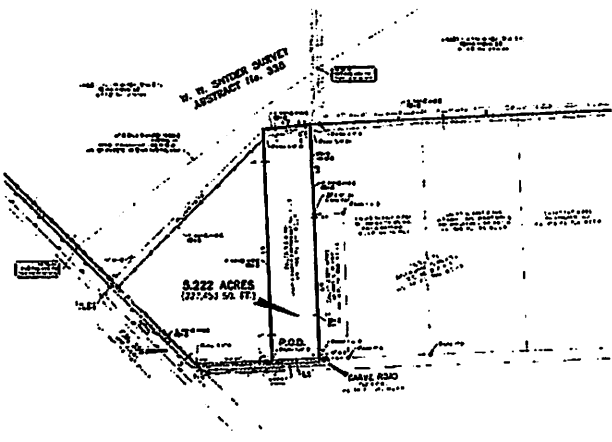
THIS MAP IS A PART OF A SURVEY OF THE TRACTS OF LAND IN THE W. W. SPIDER SURVEY, ABSTRACT NO. 330, COUNTY OF HALLER, TEXAS, AS SHOWN ON THE ORIGINAL SURVEY MAP AND AS REPRODUCED ON THIS MAP. THE TRACTS OF LAND ARE SHOWN BY THE BOUNDARIES THEREON AND ARE IDENTIFIED BY THE LETTERS A THROUGH Z. THE TRACTS OF LAND ARE SHOWN BY THE BOUNDARIES THEREON AND ARE IDENTIFIED BY THE LETTERS A THROUGH Z. THE TRACTS OF LAND ARE SHOWN BY THE BOUNDARIES THEREON AND ARE IDENTIFIED BY THE LETTERS A THROUGH Z.

THE SURVEY WAS MADE BY ALTA/WSPS LAND TITLE SURVEY, INC., A PROFESSIONAL SURVEYING FIRM, ON BEHALF OF THE TEXAS LAND TITLE SURVEYORS ASSOCIATION, INC. THE SURVEY WAS MADE BY ALTA/WSPS LAND TITLE SURVEY, INC., A PROFESSIONAL SURVEYING FIRM, ON BEHALF OF THE TEXAS LAND TITLE SURVEYORS ASSOCIATION, INC.

ALTA/WSPS LAND TITLE SURVEY, INC.
 101 FRENCH CIRCLE
 HOUSTON, TEXAS 77057
 (713) 865-1111
 BROOKSHIRE, TEXAS 77423

ALTA/WSPS LAND TITLE SURVEY
5,222 ACRES
(227,490 SQ. FT.)
 LOCATED IN THE
 W. W. SPIDER SURVEY, A-330
 HALLER COUNTY, TEXAS

NTLTD
GROUP
 A PROFESSIONAL SURVEYING FIRM
 101 FRENCH CIRCLE
 HOUSTON, TEXAS 77057
 (713) 865-1111



Symbol	Description
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FIELD NOTES FOR A 5,222 ACRE TRACT
 THIS SURVEY WAS MADE BY ALTA/WSPS LAND TITLE SURVEY, INC., A PROFESSIONAL SURVEYING FIRM, ON BEHALF OF THE TEXAS LAND TITLE SURVEYORS ASSOCIATION, INC. THE SURVEY WAS MADE BY ALTA/WSPS LAND TITLE SURVEY, INC., A PROFESSIONAL SURVEYING FIRM, ON BEHALF OF THE TEXAS LAND TITLE SURVEYORS ASSOCIATION, INC.

SYMBOLS

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