

CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 21-2024

**A RESOLUTION FOR THE RELEASE OF AN AREA FROM
THE CITY'S EXTRATERRITORIAL JURISDICTION,
SUCH PROPERTY GENERALLY LOCATED EAST OF AND
PARTIALLY ADJACENT TO THE KERRVILLE-KERR
COUNTY AIRPORT**

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City of Kerrville, Texas ("City") has general authority to adopt an ordinance, resolution, or police regulation that is for the good government, peace, or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Texas Senate Bill 2038 passed by the Texas State Legislature in the 88th Legislative Session, Texas Local Government Code Chapter 42 now allows for the release of an area from the City's extraterritorial jurisdiction ("ETJ") by petition of landowners or by election; and

WHEREAS, pursuant to Texas Local Government Code Section 42.102, a resident of an area or the owners of the majority in value of an area in the City's ETJ may file a petition with the City Secretary for the area to be released from the ETJ; and

WHEREAS, the City has received a petition for the release of a tract of land generally located east of and partially adjacent to the Kerrville-Kerr County Airport, which petition and property description is found at **Exhibit A**; and

WHEREAS, City Council finds the attached *Petition of Landowner for Release of Area from City of Kerrville Extraterritorial Jurisdiction* (the "Petition") is valid and this Resolution is necessary and proper for the good government, peace, or order of the City to release the Property from the City's ETJ;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL
OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:**

SECTION ONE. The foregoing recitals are incorporated into this Resolution by reference as findings of fact.

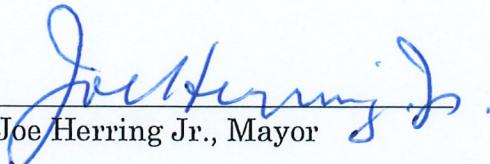
SECTION TWO. The Petition is hereby considered verified, and after adoption of this Resolution, the property described in the Petition shall be released from the City's ETJ.

24-03086

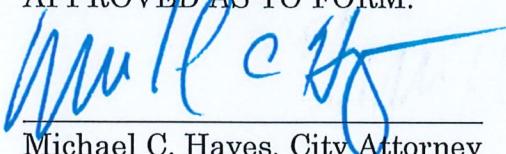
SECTION THREE. The City Secretary is directed to file a certified copy of this Resolution and an updated map of the City's ETJ boundary with the County Clerk of Kerr County, Texas.

SECTION FOUR. This Resolution shall take effect upon the date of final passage noted below.

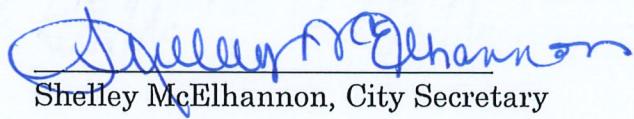
PASSED AND APPROVED on this 14 day of MAY, 2024,
A.D.


Joe Herring Jr., Mayor

APPROVED AS TO FORM:


Michael C. Hayes, City Attorney

ATTEST:


Shelley McElhannon, City Secretary

Received 4/12/2024
SMP

KELLY HART

ATTORNEYS AT LAW

RAY OUJESKY
Ray.oujesky@kellyhart.com

TELEPHONE: 817-878-3556
FAX: 817-878-9280

April 11, 2024

Via Overnight Delivery

City of Kerrville
701 Main Street
Kerrville, Texas 78028
Attention: Shelley McElhannon, City Secretary

Re: Petition to Release Area from the City of Kerrville ETJ

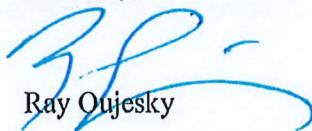
Dear Ms. McElhannon:

Enclosed is the Petition of Landowner for Release of Area from the Extraterritorial Jurisdiction of the City of Kerrville. Also enclosed are the following documents in support of the Petition:

1. Special Warranty Deed
2. Certificates of Formation of Dark Sky Estates, LLC, the property owner

Please call or email me if you have any questions or if additional information is needed

Sincerely,



Ray Oujesky

**PETITION OF LANDOWNER FOR RELEASE OF AREA FROM CITY OF
KERRVILLE EXTRATERRITORIAL JURISDICTION**

TO: THE MAYOR AND CITY COUNCIL MEMBERS OF THE CITY OF KERRVILLE,
TEXAS:

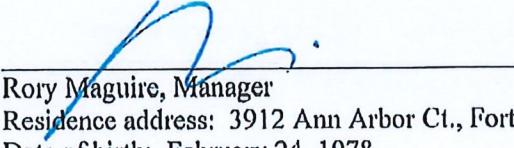
I, Rory Maguire, acting on behalf of Dark Sky Estates, LLC, a Texas limited liability company, whose address is 451 S. Main Street, Suite 200, Fort Worth, Texas 76104, the owner of the tracts or parcels of land located in the John Matchett Survey, Abstract No. 243, Kerr County, Texas, and described in Exhibit "A" attached hereto, containing approximately 336.82 acres of land (the "Property"), hereby petition the City Council of the City of Kerrville, Texas, to release the Property from the extraterritorial jurisdiction of the City of Kerrville, Texas.

I certify that this petition is signed and duly acknowledged by each and every person, corporation, or entity having an ownership interest in said Property.

A copy of the map of the area to be released is attached hereto as Exhibit "B".

OWNER:

DARK SKY ESTATES, LLC, a Texas limited liability company

By: 

Rory Maguire, Manager
Residence address: 3912 Ann Arbor Ct., Fort worth, Texas 76109
Date of birth: February 24, 1978

(Notary Acknowledgement appears on the following page)

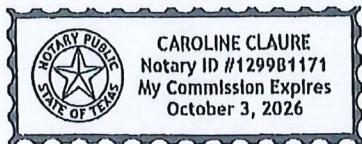
NOTARY ACKNOWLEDGEMENT

STATE OF TEXAS §
§
COUNTY OF TARRANT §

BEFORE ME, the undersigned authority, on this day personally appeared Rory Maguire, Manager of The Carnegie Holding Company, LLC, Manager of Dark Sky Estates Manager, LLC, Manager of Dark Sky Estates, LLC, a Texas limited liability company, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed on behalf of the Owner.

Given under my hand and seal of office this 11th day of April, 2024.

(SEAL)



Caroline Cloure
NOTARY PUBLIC in and for the
STATE OF TEXAS

Caroline Cloure
Printed Name
My commission expires: 10/3/24

FOR OFFICE USE ONLY:

Date of filing with City: _____

Received by: _____

FIELD NOTES DESCRIPTION OF A 336.82 ACRE TRACT OR PARCEL OF LAND
SITUATED IN KERR COUNTY, TEXAS

BEING 336.82 ACRES OF LAND LYING AND BEING SITUATED IN KERR COUNTY, TEXAS, OUT OF THE JOHN MATCHETT SURVEY NO. 43, ABSTRACT NO. 243; COMPRISING 1) 332.58 ACRES OUT OF THAT 527.5 ACRE TRACT DESCRIBED IN WARRANTY DEED FROM THOMAS WELLBORN TO ERNEST WELLBORN DATED THE 18TH DAY OF JULY, 1927, AND RECORDED IN VOLUME 47, PAGE 429, DEED RECORDS OF KERR COUNTY, TEXAS, AND 2) ALL OF THAT 4.24 ACRE, 100 FT. WIDE STRIP OF FORMER RAILROAD RIGHT-OF-WAY, DESCRIBED AS 3.847 ACRES IN WARRANTY DEED FROM SOUTHERN PACIFIC TRANSPORTATION COMPANY TO EDWARD LEE WELLBORN, DATED MARCH 1, 1973, AND RECORDED IN VOLUME 163, PAGE 520, DEED RECORDS OF KERR COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a $\frac{1}{2}$ " iron stake found in the Northeast right-of-way line of State Highway No. 27, a 100 ft. wide right-of-way described in deed to the State of Texas, recorded in Volume 53, Page 578, Deed Records of Kerr County, Texas, the Southwest corner of that 6.0 acre old railroad tract described in deed to Lucille Sutherland Walker recorded in Volume 161, Page 353, Deed Records of Kerr County, Texas, the Southeast corner of that called 3.847 acre old railroad right-of-way described in deed to Edward Lee Wellborn recorded in Volume 163, Page 520, Deed Records of Kerr County, Texas, for the Southeast corner hereof, from which a 8" creosote fence post bears 5.2 ft. N $25^\circ 43'$ E, a concrete right-of-way marker bears 188.36 ft. S $46^\circ 48'$ E, and the Northeast corner of Survey No. 43 bears approximately 13,672 ft. N $00^\circ 06'$ E;

THENCE generally along a fence, with said highway right-of-way line, the Southwest line of said called 3.847 acre tract, N $46^\circ 40' 46''$ W 1845.58 ft. to a $\frac{1}{2}$ " iron stake with "MDS" cap found at fence post, the Southeast corner of that 25.25 acre tract described in deed to the City of Kerrville and the County of Kerr recorded in Volume 581, Page 764, Real Property Records of Kerr County, Texas, the Southwest corner of said called 3.847 acre tract, for the Southwest corner hereof;

THENCE with the East line of said 25.25 acre tract, generally along a fence, N $00^\circ 26' 58''$ W at 138.48 ft. passing the Northwest corner of said called 3.847 acre tract, continuing with the West line of said 527.5 acre tract, 1724.08 ft. to a 10" creosote fence post, the Northeast corner of said 25.25 acre tract, the Southeast corner of that 113.073 acre tract described in deed to Green Village Enterprises LLC recorded in Doc. No. 22-05560, Official Public Records of Kerr County, Texas;

THENCE with the East line of said 113.073 acre tract, the West line of said 527.5 acre tract, generally along a meandering fence, N $00^\circ 13' 43''$ W 7854.48 ft. to a 12" cedar fence post with a $\frac{1}{2}$ " iron stake found at its base, the Northeast corner of said 113.073 acre tract, the Southeast corner of Tract 7 of Creekwood II-C, a subdivision of record in Volume 6, Page 224, Plat Records of Kerr County, Texas;

THENCE with the East line of said Tract 7, the West line of said 527.5 acre tract, generally along a fence, N $00^\circ 04' 25''$ W 432.21 ft. to a 12" metal fence post, the Southwest corner of that 77.75 acre tract described in deed to R.W. Armstrong recorded in Volume 896, Page 726, Real Property Records of Kerr County, Texas, for the Northwest corner hereof;

THENCE crossing said 527.5 acre tract, with the South line of said 77.75 acre tract, generally along a fence, S $89^\circ 59' 01''$ E 1409.46 ft. to a 8" cedar fence post in the East line of said 527.5 acre tract, the Southeast corner of said 77.75 acre tract, the Southwest corner of Tract 5 of Creekwood III, a subdivision of record in Volume 6, Page 244, Plat Records of Kerr County, Texas, the Northwest corner of that 562.3 acre tract described in Partition Deed to Lucille Walker, recorded in Volume 193, Page 170, Deed Records of Kerr County, Texas, for the Northeast corner hereof;

THENCE with the East line of said 527.5 acre tract, the West line of said 562.3 acre tract, generally along a meandering fence, S $00^\circ 06' 30''$ W 11276.49 ft. to the PLACE OF BEGINNING, containing 336.82 acres of land within these metes and bounds. Bearings based on True North per G.P.S. A plat of this survey has been prepared.

As surveyed on the ground under my direction, dated this the 2nd day of June, 2023

Eric N. Ashley RPLS 4617 Reg. No. 10032600
Job No. 8026P-0623 Harper, Kevin 336.82 ac.doc



EXHIBIT

A

RAILROAD RIGHT-OF-WAY LOCATED IN V. 20, P. 167, BLOCK 18, P. 125, FILER RECORDS OF FILER COUNTY, TEXAS, APPOINTED TO RELOCATE TO THE PRESENT LOCATION, PREVIOUSLY LOCATED IN A POSITION WHICH PROVIDED SOUTHERN PACIFIC TRANSPORTATION COMPANY TO RELOCATE ITSELF IN KELLOGG, DATED THE 1ST DAY OF MARCH, 1923, AND RELOCATED IN V. 161, P. 570, FILER RECORDS OF 1923, FILER COUNTY, TEXAS AS SOUTHERN PACIFIC, AND UNLOCATED IN THE 316.75 ACRES.

RIGHT-OF-WAY DEED TO STATE OF TEXAS RECORDED IN V. 53,
P. 575, LERO MILLER ET AL. PLANO COUNTY, TEXAS RECORDS
THE 6.35 ACRE TRACT FOR HIGHWAY 27 AS SIGHT RECORD/

"JANET" EASMENT TO LONG STAR GAS COMPANY RECORDED
91 V. 1, P. 400, EASMENT RECORDS OF KERR COUNTY,
TEXAS. NO SPECIFIC LEGAL DESCRIPTION IS ATTACHED. THE
NORTH OF EASMENT IS ESTIMATED. GASLINE IS SHOWN
HEREON.

REFERRING TO THE PUBLIC RECORDS A FEW FEWENTRIES,
NONE FOUND, APPEARS TO REFER TO A COVENANT ON A
TRACT OF LAND LOCATED A WEST OF THIS TRACT (MASE
NATIONAL TITLE INSURANCE COMPANY FILE NO
1-23-217705-AU)

THE FIRST REBUTTAL TO A COMPLAINT FOR
THE CHARGE OF A CRIME OR OFFENSE, MADE
BY THE DEFENDANT, OR BY HIS OR HER ATTORNEY
OR COUNSEL, OR BY ANOTHER PERSON
NOT A MEMBER OF THE DEFENSE TEAM,
IN A COURT OF LAW, IN A STATE OR
FEDERAL COURT.

SURVEY PLAT OF 336.82 ACRES OF LAND LYING AND BEING
SITUATED IN KERR COUNTY, TEXAS, OUT OF THE JOHN MATCHET
SURVEY NO. 43, ABSTRACT NO. 243; COMPRISING 1) 332.60
ACRES OUT OF THAT 527.5 ACRE TRACT DESCRIBED IN WARRANTY
DEED FROM THOMAS WELLBORN TO ERNEST WELLBORN DATED
THE 10TH DAY OF JULY, 1927, AND RECORDED IN VOLUME 47,
PAGE 429, DEED RECORDS OF KERR COUNTY, TEXAS, AND 2) ALL
OF THAT 4.24 ACRE, 100 FT. WIDE STRIP OF FORMER RAILROAD
RIGHT-OF-WAY, DESCRIBED AS 3.047 ACRES IN WARRANTY DEED
FROM SOUTHERN PACIFIC TRANSPORTATION COMPANY TO
EDWARD LEE WELLBORN, DATED MARCH 1, 1973, AND RECORDED
IN VOLUME 163, PAGE 620, DEED RECORDS OF KERR COUNTY,
TEXAS

IRON ASHLEY
LAND SURVEYOR
337A ST.
KILLEEN, TEXAS 76523
(833) 237-7733

A yellow rectangular evidence tag with a black border. The word "EXHIBIT" is printed in large, bold, black capital letters at the top. In the center, the letter "B" is handwritten in black ink. There is a horizontal line below the "B". The word "tabbies" is printed vertically along the left edge of the tag.

501CTOT T.23·F44956 - AM/KA

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT CONVEYS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

STATE OF TEXAS §
§ KNOW ALL BY THESE PRESENTS:
COUNTY OF KERR §

THAT, ROUND TOP ASSETS, LLC, a Texas limited liability company ("Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) cash and other good and valuable consideration to Grantor paid by DARK SKY ESTATES, LLC, a Texas limited liability company ("Grantee"), whose mailing address for notice is 451 South Main, Suite 200, Fort Worth, Texas 76104, the receipt and sufficiency of which are acknowledged and confessed, has GRANTED, BARGAINED, SOLD, and CONVEYED, and by these presents does GRANT, BARGAIN, SELL, and CONVEY unto Grantee that certain tract of real property in Kerr County, Texas, more particularly described on EXHIBIT "A" attached hereto and incorporated herein by reference for all purposes (the "Land"), together with, all and singular, all improvements thereon, and all rights and appurtenances pertaining thereto, including, without limitation, any right, title and interest of Grantor in and to adjacent streets, roads, alleys, or rights-of-way, strips and gores adjoining the Land, any development rights, air rights, water rights, and any other easements, interests, rights, powers and privileges appurtenant to the use and enjoyment of the Land, in all instances, excluding the Reserved Minerals (as defined below). The Land and all rights, property and interests above described are hereinafter referred to collectively as the "Property." Grantor hereby reserves and shall retain unto itself, and the Property shall not include, an undivided fifty percent (50%) of the interests currently owned by Grantor in and to the oil, gas and other minerals in, on, under or that may be produced from the Land (such undivided interest reserved by Grantor, the "Reserved Minerals"); provided, however, Grantor does not reserve or retain, and hereby forever waives, relinquishes and conveys unto Grantee, any and all rights Grantor may have as owner of the Reserved Minerals, or otherwise, to use or enter upon the surface of the Land, including any implied rights of ingress and egress and reasonable use of the Land, including surface materials, and hereby expressly agrees not to use the surface of the Land, for any reason related to mining, drilling, exploring, operating, developing or removing any oil, gas or other minerals. For the avoidance of doubt, except to the extent included in the Reserved Minerals, all of Grantor's rights, title and interests in and to the oil, gas and other minerals in, on, under or that may be produced from the Land are hereby included in the Property and conveyed to Grantee hereunder.

This Special Warranty Deed ("Deed") is executed by Grantor and accepted by Grantee subject to the items set out and listed in EXHIBIT "B" attached hereto and incorporated by reference (herein collectively called the "Permitted Encumbrances").

Ad valorem taxes for the year of closing having been prorated between Grantor and Grantee as of the date hereof, and Grantee hereby assumes payment of same.

OTHER THAN THE WRITTEN REPRESENTATIONS SET FORTH IN THIS DEED, GRANTEE HAS NOT RELIED UPON AND WILL NOT RELY UPON, EITHER DIRECTLY OR INDIRECTLY, ANY REPRESENTATION OR WARRANTY OF GRANTOR OR ANY OF ITS AGENTS AND ACKNOWLEDGES THAT NO SUCH REPRESENTATION OR WARRANTIES HAVE BEEN MADE. GRANTEE REPRESENTS THAT IT IS A KNOWLEDGEABLE,

EXPERIENCED, AND SOPHISTICATED PURCHASER OF REAL ESTATE AND THAT IT IS RELYING SOLELY ON ITS OWN EXPERTISE AND THAT OF GRANTEE'S CONSULTANTS IN PURCHASING THE PROPERTY. GRANTEE HAS CONDUCTED SUCH INSPECTIONS AND INVESTIGATIONS OF THE PROPERTY AS GRANTEE DEEMS NECESSARY INCLUDING, BUT NOT LIMITED TO, THE PHYSICAL AND ENVIRONMENTAL CONDITIONS THEREOF, AND SHALL RELY UPON THE SAME. GRANTEE ALSO ACKNOWLEDGES AND AGREES THAT GRANTEE'S RIGHT TO INSPECT THE PROPERTY WAS ADEQUATE FOR GRANTEE TO FORM GRANTEE'S OWN OPINION AS TO THE CONDITION OF THE PROPERTY, INCLUDING, WITHOUT LIMITATION, COMPLIANCE WITH ENVIRONMENTAL LAWS. AS OF THE DATE HEREOF, GRANTEE ASSUMES THE RISK OF ADVERSE MATTERS, INCLUDING BUT NOT LIMITED TO, ADVERSE PHYSICAL AND ENVIRONMENTAL CONDITIONS, WHICH MAY NOT HAVE BEEN REVEALED BY GRANTEE'S INSPECTIONS AND INVESTIGATIONS AND GRANTEE HEREBY WAIVES ANY CLAIM GRANTEE MAY HAVE, NOW OR IN THE FUTURE, IN CONNECTION WITH ANY SUCH ADVERSE MATTERS, INCLUDING, WITHOUT LIMITATION, ANY RIGHT OF CONTRIBUTION. GRANTEE ACKNOWLEDGES AND AGREES THAT GRANTEE ACCEPTS THE PROPERTY "AS IS, WHERE IS," WITH ALL FAULTS. GRANTEE FURTHER ACKNOWLEDGES AND AGREES THAT THERE ARE NO ORAL AGREEMENTS, WARRANTIES, OR REPRESENTATIONS, COLLATERAL TO OR AFFECTING THE PROPERTY BY GRANTOR, ANY AGENT OR THIRD PARTY.

TO HAVE AND TO HOLD the Property together with all and singular the rights and appurtenances thereto in any wise belonging unto Grantee, its successors and assigns forever; and Grantor does hereby bind itself, and its successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property, subject to the Permitted Encumbrances, unto Grantee, its successors and assigns forever, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through, or under Grantor, but not otherwise.

[Signature Page Follows]

September WITNESS THE EXECUTION HEREOF to be effective as of the 18th day of September, 2023.

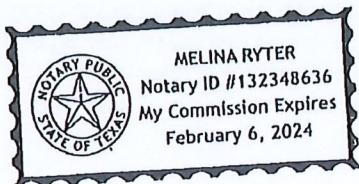
GRANTOR:

ROUND TOP ASSETS, LLC,
a Texas limited liability company

By: *[Signature]*
Name: Stephen Khoury
Title: Member

STATE OF TEXAS §
COUNTY OF Dallas §
§

This instrument was acknowledged before me on the 18th day of Sept., 2023, by Stephen Khoury, Member of Round Top Assets, LLC, a Texas limited liability company, on behalf of the limited liability company.



[Signature]
Notary Public, State of Texas
Printed Name: Melina Rytter Notary
My commission expires: 02/06/2024

After Recording, Please Return To:

Mrs. Jennifer Kostohryz Rosell
Kelly Hart & Hallman LLP
201 Main Street, Suite 2500
Fort Worth, Texas 76102

EXHIBIT "A"

Legal Description of the Land

FIELD NOTES DESCRIPTION OF A 338.02 ACRE TRACT OR PARCEL OF LAND
SITUATED IN KERR COUNTY, TEXAS

BEING 338.02 ACRES OF LAND LYING AND BEING SITUATED IN KERR COUNTY, TEXAS, OUT OF THE JOHN MATCHETT SURVEY NO. 43, ABSTRACT NO. 249; COMPRISING 1) 332.58 ACRES OUT OF THAT 527.5 ACRE TRACT DESCRIBED IN WARRANTY DEED FROM THOMAS WELLBORN TO ERNEST WELLBORN DATED THE 18TH DAY OF JULY, 1927, AND RECORDED IN VOLUME 47, PAGE 420, DEED RECORDS OF KERR COUNTY, TEXAS, AND 2) ALL OF THAT 4.24 ACRE, 100 FT. WIDE STRIP OF FORMER RAILROAD RIGHT-OF-WAY, DESCRIBED AS 3.847 ACRES IN WARRANTY DEED FROM SOUTHERN PACIFIC TRANSPORTATION COMPANY TO EDWARD LEE WELLBORN, DATED MARCH 1, 1973, AND RECORDED IN VOLUME 369, PAGE 520, DEED RECORDS OF KERR COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 42" iron stake found in the Northeast right-of-way line of State Highway No. 27, a 100 ft. wide right-of-way described in deed to the State of Texas, recorded in Volume 53, Page 578, Deed Records of Kerr County, Texas, the Southwest corner of that 6.0 acre old railroad tract described in deed to Lucille Suttenland Waller recorded in Volume 281, Page 363, Deed Records of Kerr County, Texas, the Southeast corner of that called 3,847 acre old railroad right-of-way described in deed to Edward Lee Wellborn recorded in Volume 363, Page 520, Deed Records of Kerr County, Texas, for the Southeast corner hereof, from which a 6" creosote fence post bears 5.2 ft. N 25° 48' E, a concrete right-of-way marker bears 188.38 ft. S 46° 40' E, and the Northeast corner of Survey No. 43 bears approximately 13.072 ft. N 00° 06' E;

THENCE generally along a fence, with said highway right-of-way line, the Southwest line of said called 3,847 acre tract, N 46° 40' 46" W 1845.68 ft. to a 42" iron stake with "MDS" cap found at fence post, the Southeast corner of that 25.25 acre tract described in deed to the City of Kerrville and the County of Kerr recorded in Volume 681, Page 764, Real Property Records of Kerr County, Texas, the Southwest corner of said called 3,847 acre tract, for the Southwest corner hereof;

THENCE with the East line of said 25.25 acre tract, generally along a fence, N 00° 26' 50" W or 233.48 ft. passing the Northwest corner of said called 3,847 acre tract, continuing with the West line of said 527.5 acre tract, 1724.05 ft. to a 10" creosote fence post, the Northeast corner of said 25.25 acre tract, the Southeast corner of that 113.073 acre tract described in deed to Green Village Enterprises LLC recorded in Doc. No. 22-09560, Official Public Records of Kerr County, Texas;

THENCE with the East line of said 113.073 acre tract, the West line of said 527.5 acre tract, generally along a meandering fence, N 00° 13' 43" W 7854.48 ft. to a 12" cedar fence post with a 42" iron stake found at its base, the Northeast corner of said 113.073 acre tract, the Southeast corner of Tract 7 of Creekwood II-C, a subdivision of record in Volume 6, Page 224, Plat Records of Kerr County, Texas;

THENCE with the East line of said Tract 7, the West line of said 527.5 acre tract, generally along a fence, N 00° 04' 25" W 432.21 ft. to a 12" metal fence post, the Southwest corner of that 77.75 acre tract described in deed to R.W. Armstrong recorded in Volume 896, Page 728, Real Property Records of Kerr County, Texas, for the Northwest corner hereof;

THENCE crossing said 627.5 acre tract, with the South line of said 77.75 acre tract, generally along a fence, S 89° 59' 01" E 1409.48 ft. to a 6" cedar fence post in the East line of said 527.5 acre tract, the Southeast corner of said 77.75 acre tract, the Southwest corner of Tract 5 of Creekwood II, a subdivision of record in Volume 6, Page 244, Plat Records of Kerr County, Texas, the Northwest corner of that 562.3 acre tract described in Portion Deed to Lucille Waller, recorded in Volume 493, Page 170, Deed Records of Kerr County, Texas, for the Northeast corner hereof;

THENCE with the East line of said 527.5 acre tract, the West line of said 562.3 acre tract, generally along a meandering fence, S 00° 06' 30" W 11276.49 ft. to the PLACE OF BEGINNING, containing 338.02 acres of land within these metes and bounds, bearings based on True North per G.P.S. A plot of this survey has been prepared.

As surveyed on the ground under my direction, dated this the 2nd day of June, 2023.

Eric N. Ashley RPLS 4617 Reg. No. 1D092600
Job No. 8026P-0623 Harper, Texas 336.02 ac. doc.

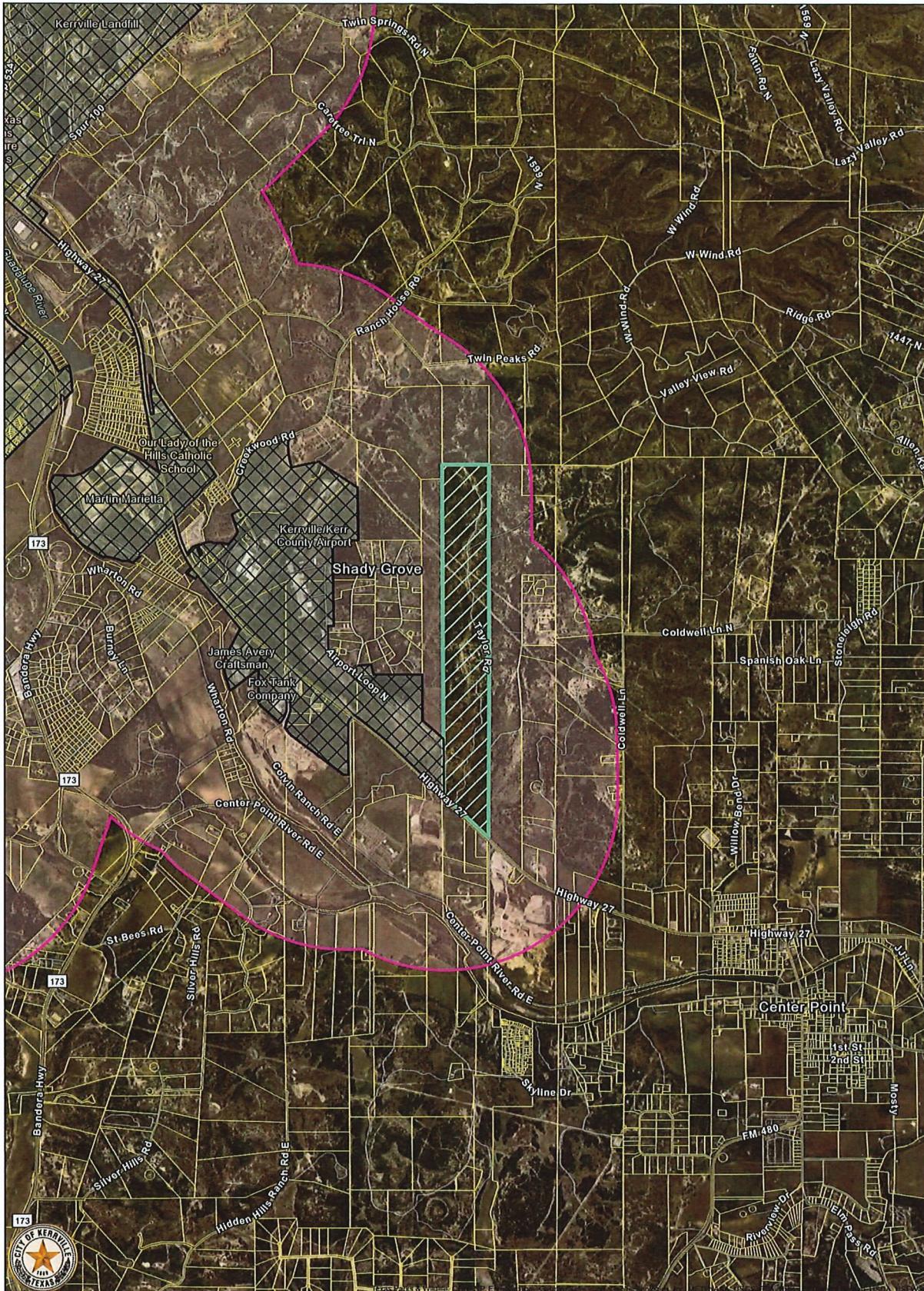


ERIC N. ASHLEY LAND SURVEYOR • 317 'A' STREET • KERRVILLE, TEXAS 78028 • (830) 257-7728

Exhibit "B"

Permitted Encumbrances

1. Standby fees, taxes and assessments by any taxing authority for the year 2023, and subsequent years.
2. Rights of the public, the State of Texas and the municipality in and to that portion of subject property, if any, lying within the boundaries of any roadway, public or private of State Hwy No. 27 along the south as shown, in full or in part, on survey prepared by Eric N. Ashely, Registered Professional Land Surveyor No. 4617, dated June 2, 2023.
3. Railroad right of way described in deeds recorded in Volume 30, Page 167 and Volume 47, Page 429, Deed Records of Kerr County, Texas, as shown in full or in part, on survey prepared by Eric N. Ashely, Registered Professional Land Surveyor No. 4617, dated June 2, 2023.
4. Right of Way Deed to the State of Texas, dated August 19, 1931, recorded in Volume 53, Page 578, Deed Records of Kerr County, Texas, as shown, in full or in part, on survey prepared by Eric N. Ashely, Registered Professional Land Surveyor No. 4617, dated June 2, 2023.
5. Easement to Lone Star Gas Company, dated November 1, 1950, recorded in Volume 1, Page 408, Easement Records of Kerr County, Texas, as shown in full or in part, on survey prepared by Eric N. Ashely, Registered Professional Land Surveyor No. 4617, dated June 2, 2023.
6. Subject property lies within the boundaries of Headwaters Underground Water District.
7. Cattle guard, ranch road, concrete fence post, gas line, as shown in full or in part, on survey prepared by Eric N. Ashely, Registered Professional Land Surveyor No. 4617, dated June 2, 2023.
8. Consequences, if any, arising by virtue of Cedar Fence, Cattle Guard, Sutherland Ln. outside the property, as shown in full or in part, on survey prepared by Eric N. Ashely, Registered Professional Land Surveyor No. 4617, dated June 2, 2023.
9. Variations between the fence lines and subject property lines, as shown in full or in part, on survey prepared by Eric N. Ashely, Registered Professional Land Surveyor No. 4617, dated June 2, 2023.
10. Apparent easement for electric transmission lines as evidenced by power poles and easement for utilities as evidenced by overhead utility lines as shown in full or in part, on survey prepared by Eric N. Ashely, Registered Professional Land Surveyor No. 4617, dated June 2, 2023.



ETJ Removal

Kerrville City Limit

Kerrville ETJ

Tax Parcel

ETJ Removal Request

Overview

5442 Highway 27



0 2,000 4,000
US Feet

04/23/2024 11:49 AM

joyoung

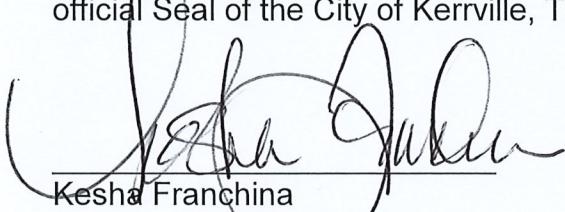
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes.
It does not represent an on-the-ground survey and represents only approximate relative locations.

STATE OF TEXAS

COUNTY OF KERR

I, Kesha Franchina, hereby certify that I am the Deputy City Secretary of the City of Kerrville, Kerr County, Texas, and that records of the City of Kerrville, Texas are kept under my custody and control, and that the attached is a true and correct copy of Resolution No. 21-2024 as the original appears in the records kept in the office of the City Secretary for the City of Kerrville, Texas.

In Testimony Whereof, I have hereunto set my hand and seal and affixed the official Seal of the City of Kerrville, Texas, this the 30th day of May, 2024.



Kesha Franchina
Deputy City Secretary
City of Kerrville, Texas
701 Main Street
Kerrville, TX 78028



FILED AND RECORDED

Document Number: 24-03086

Document Type: RESOLUTION

Filing and Recording Date: 5/30/2024 1:39:03 PM

Number of Pages: 15

GRANTOR CITY OF KERRVILLE

GRANTEE PUBLIC, THE

Returned To: CITY OF KERRVILLE
701 MAIN ST
KERRVILLE, TX 78028

I hereby certify that this instrument was FILED on the date and times stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Kerr County, Texas.



Nadene Alford

Nadene Alford, Clerk
Kerr County, Texas
By: ANA KELLER DEPUTY CLERK

NOTICE: It is a crime to intentionally or knowingly file a fraudulent court record or instrument with the Clerk.

DO NOT DESTROY - This document is part of the Official Public Record.



Kerr County Clerk
700 Main Street
Kerrville TX 78028
830-792-2255

Customer CITY OF KERRVILLE
CITY OF KERRVILLE

TxId 4017710

5/30/2024 1:21 PM

Description

Doc Number	GF Number	Document Type	Pages	Doc Fee Total
24-03086		RESOLUTION NO. 21-2024	15	\$77.00
24-03087		EASEMENT ETC	5	\$37.00
24-03088		EASEMENT	10	\$57.00
				Total Paid: \$171.00

Tender Information

Check #	Name on Check	Tender Type	Amount
0300	KESAH (CITY OF KERRVILLE)	CREDIT CARD	\$171.00
			Total Paid: \$171.00

**All Transactions Approved**

Bureau: 8088171 - Kerr County, TX Clerk

Invoice Item	Amount	Qty	Conv.	Result
			Fee	
Court Fees and Fines:	\$171.00	1	\$4.87	Approved
Payment ID: 100298982705				
Recordings				
Total Amounts + All Fees:	\$175.87			

BILLING INFORMATION**Payment will be billed to:****KESHA FRANCHINA****Card ending in ...0300 (Visa)****Processed at 05/30/2024 1:38:33 PM CDT**

LEGAL NOTICE

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