

March 28, 2024
Item No. 9.4.
ETJ Release Petitions

Sponsor: Michael Ostrowski, Chief Development Officer

Reviewed By CBC: N/A

Agenda Caption: Presentation, discussion, and possible action on resolutions regarding extraterritorial jurisdiction (ETJ) release petitions for approximately (1) 5.569 acres of land generally located at Raymond Stotzer and Jones Road, (2) 46.59 acres of land generally located at 2321 and 2327 Arrington Road, and (3) 17.34 acres of land generally located at Stousland Road and Saddle Creek Drive.

Relationship to Strategic Goals:

Recommendation(s): The purpose of the extraterritorial jurisdiction (ETJ) of municipalities is to promote and protect the general health, safety, and welfare of people residing in and adjacent to the city. After review, staff has determined that the removal of these properties from the City's ETJ will have a negative effect on the general health, safety and welfare of people residing in and adjacent to the City. Mainly, the removal would cause negative impacts to the health, safety, and welfare in administering emergency services to these areas, as well as impacting the orderly subdivision and development of land. Staff recommends denial of the ETJ release petitions.

Summary: Texas Senate Bill 2038 (SB 2038), which is a new statute which conflicts with current statutory law, allows property owners in the extraterritorial jurisdiction (ETJ) to leave the City's ETJ through a petition or election. The ETJ is a set area outside the city limits (College Station's ETJ is 5 miles from the city limits) in which the city can exercise certain legal powers, such as regulating subdivisions. SB 2038 has since been codified under Chapter 42 Subchapter D of the Texas Local Government Code:

SUBCHAPTER D. RELEASE OF AREA BY PETITION OF LANDOWNER OR RESIDENT FROM
EXTRATERRITORIAL JURISDICTION

Sec. 42.101. APPLICABILITY. This subchapter does not apply to an area located:

(1) within five miles of the boundary of a military base, as defined by Section 43.0117, at which an active training program is conducted;

(2) in an area that was voluntarily annexed into the extraterritorial jurisdiction that is located in a county:

(A) in which the population grew by more than 50 percent from the previous federal decennial census in the federal decennial census conducted in 2020; and

(B) that has a population greater than 240,000;

(3) within the portion of the extraterritorial jurisdiction of a municipality with a population of more than 1.4 million that is:

(A) within 15 miles of the boundary of a military base, as defined by Section 43.0117, at which an active training program is conducted; and

(B) in a county with a population of more than two million;

(4) in an area designated as an industrial district under Section 42.044; or

(5) in an area subject to a strategic partnership agreement entered into under Section 43.0751.

Added by Acts 2023, 88th Leg., R.S., Ch. 106 (S.B. 2038), Sec. 1, eff. September 1, 2023.

Sec. 42.102. AUTHORITY TO FILE PETITION FOR RELEASE. (a) A resident of an area in a municipality's extraterritorial jurisdiction may file a petition with the municipality in accordance with this subchapter for the area to be released from the extraterritorial jurisdiction.

(b) The owner or owners of the majority in value of an area consisting of one or more parcels of land in a municipality's extraterritorial jurisdiction may file a petition with the municipality in accordance with this subchapter for the area to be released from the extraterritorial jurisdiction.

Added by Acts 2023, 88th Leg., R.S., Ch. 106 (S.B. 2038), Sec. 1, eff. September 1, 2023.

Sec. 42.103. APPLICABILITY OF OTHER LAW. Chapter 277, Election Code, applies to a petition requesting removal under this subchapter. Added by Acts 2023, 88th Leg., R.S., Ch. 106 (S.B. 2038), Sec. 1, eff. September 1, 2023.

Sec. 42.104. PETITION REQUIREMENTS. (a) A petition requesting release under this subchapter must be signed by:

(1) more than 50 percent of the registered voters of the area described by the petition as of the date of the preceding uniform election date; or

(2) a majority in value of the holders of title of land in the area described by the petition, as indicated by the tax rolls of the applicable central appraisal district.

(b) A person filing a petition under this subchapter must satisfy the signature requirement described by Subsection (a) not later than the 180th day after the date the first signature for the petition is obtained.

(c) A signature collected under this section must be in writing.

(d) The petition must include a map of the land to be released and describe the boundaries of the land to be released by:

(1) metes and bounds; or

(2) lot and block number, if there is a recorded map or plat.

Added by Acts 2023, 88th Leg., R.S., Ch. 106 (S.B. 2038), Sec. 1, eff. September 1, 2023.

Sec. 42.105. RESULTS OF PETITION. (a) A petition requesting removal under this subchapter shall be verified by the municipal secretary or other person responsible for verifying signatures.

(b) The municipality shall notify the residents and landowners of the area described by the petition of the results of the petition. The municipality may satisfy this requirement by notifying the person who filed the petition under Section 42.102.

(c) If a resident or landowner obtains the number of signatures on the petition required under Section 42.104 to release the area from the municipality's extraterritorial jurisdiction, the municipality shall immediately release the area from the municipality's extraterritorial jurisdiction.

(d) If a municipality fails to take action to release the area under Subsection (c) by the later of the 45th day after the date the municipality receives the petition or the next meeting of the municipality's governing body that occurs after the 30th day after the date the municipality receives the petition, the area is released by operation of law.

(e) Notwithstanding any other law, an area released from a municipality's extraterritorial jurisdiction under this section may not be included in the extraterritorial jurisdiction or the corporate boundaries of a municipality, unless the owner or owners of the area subsequently request that the area be included in the municipality's extraterritorial jurisdiction or corporate boundaries.

Added by Acts 2023, 88th Leg., R.S., Ch. 106 (S.B. 2038), Sec. 1, eff. September 1, 2023.

In addition to the above statute, 42.023 of the Texas Local Government Code requires the governing body of the municipality to give its written consent by ordinance or resolution if it desires to reduce its ETJ area:

Sec. 42.023. REDUCTION OF EXTRATERRITORIAL JURISDICTION. The extraterritorial jurisdiction of a municipality may not be reduced unless the governing body of the municipality gives its written consent by ordinance or resolution, except:

- (1) in cases of judicial apportionment of overlapping extraterritorial jurisdictions under Section [42.901](#);
 - (2) in accordance with an agreement under Section [42.022\(d\)](#);
- or
- (3) as necessary to comply with Section [42.0235](#).

Under this item, the owners of three separate properties have petitioned the City to release their property from the City's ETJ.

Budget & Financial Summary:

Attachments:

1. ETJ Denial Resolution Raymond Holdings 3-13-2024
2. Raymond Holdings 5.569 Acre Petition Exhibit A
3. ETJ Denial Resolution MSG-Arrowhead 3-13-24
4. MSG-Arrowhead 46.59 Acre Petition Exhibit A
5. ETJ Denial Resolution Pittman 3-13-2024
6. Pittman 17.34 Acre Petition Exhibit A
7. ETJ Property Map 3-18-24

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF COLLEGE STATION, TEXAS, DENYING RAYMOND HOLDINGS, LLC'S PETITION FOR REMOVAL OF PROPERTY FROM THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF COLLEGE STATION AND DENYING THE CITY'S CONSENT TO THE REDUCTION OF THE CITY'S EXTRATERRITORIAL JURISDICTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 30, 2023, Raymond Holdings, LLC. ("Petitioner") submitted a petition attached as **Exhibit "A"** ("Petition") for releasing property from the City of College Station's extraterritorial jurisdiction ("ETJ"); and

WHEREAS, the property sought to be released is located west of HWY 47 on Raymond Stotzer Parkway and described by metes and bounds in **Exhibit "A"** ("Property"); and

WHEREAS, pursuant to Texas Local Government Code Section 42.023, the City's ETJ may only be reduced if the City Council has exercised its legislative authority consenting to reducing the City's ETJ by ordinance or resolution; and

WHEREAS, pursuant to Texas Constitution, Article II, Section 1, landowners may not be delegated legislative authority to remove their property from the City's ETJ without the City Council's consent by ordinance or resolution; and

WHEREAS, Texas Local Government Code Chapter 42 Subchapter D. (SB 2038) is an unconstitutional delegation of the City's legislative authority and conflicts with the City's grant of legislative discretion under Local Government Code Section 42.023; and

WHEREAS, the City Council finds that it has taken no action by ordinance or resolution regarding the Petition or Property; and

WHEREAS, it is in the best interest of the City to deny the Petition and the removal of the Property from the City's ETJ, and to any reduction in size of the City's ETJ; and deny any previous actions under Texas Local Government Code Chapter 42 Subchapter D. (SB 2038); now therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

- PART 1:** The above recitals are adopted as findings of the City Council.
- PART 2:** The Petition for Release of the Property in **Exhibit "A"** from the City's ETJ is denied and the Property remains in the City's ETJ.
- PART 3:** The City denies any written consent by ordinance or resolution or action under Texas Local Government Code Chapter 42 Subchapter D (SB 2038) to remove the Property from the City's ETJ and any reduction in size of the City's ETJ.

PART 4: That this resolution shall become effective immediately after passage and approval.

ADOPTED this 28th day of March 2024.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:

City Attorney

EXHIBIT A

Approximately 5.569 acres of land being in the John H. Jones League Survey, Abstract 26, generally located at Raymond Stotzer and Jones Road.

Glenn Jones
PE #97600
Firm #9951



Consulting • Engineering • Construction

Services

PO Box 5192
Bryan, Texas 77805
Phone: 979-739-0567
gjones@j4engineering.com

November 30, 2023

Tanya D. Smith
City Secretary - City of College Station
1101 Texas Avenue
College Station, Texas 77840

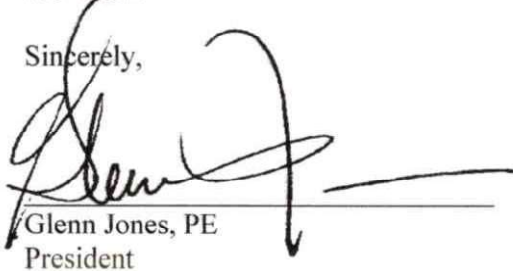
RE: Petition to Remove Property from City's ETJ


Ms. Smith,

On behalf of my client, Raymond Holdings, LLC c/o Mahendimohmad and Rashida Charolia, who has undersigned below, and is the owner of 5.569 Acre Tract in the John H. Jones League Survey, Abstract 26, in accordance with Senate Bill 2038, hereby petitions that said property be removed from the City of College Station's Extra Territorial Jurisdiction (ETJ). Said property is further defined by Exhibit A, attached hereto and containing a certified survey of the property with metes and bounds description.

If there are any questions or further information needed, please do not hesitate to contact me at 979-739-0567.


Sincerely,


Glenn Jones, PE
President


Mahendimohmad Charolia
Property Owner

Date Signed: 11.30.2023

DOB: 04.06.1967


Rashida Charolia
Property Owner

Date Signed: 11.30.2023

DOB: 07.11.1970

Residential Mailing Address (for both):
5307 Jupiter Hills Court
College Station, TX 77845

"Aggie Owned and Operated"

-Page 1 of 1-



FIELD NOTES DESCRIPTION
OF A
5.569 ACRE TRACT

JOHN H. JONES LEAGUE SURVEY, ABSTRACT 26
BRAZOS COUNTY, TEXAS

A FIELD NOTES DESCRIPTION OF 5.569 ACRES IN THE JOHN H. JONES LEAGUE SURVEY, ABSTRACT 26, IN BRAZOS COUNTY, TEXAS, BEING ALL OF A CALLED 5.567 ACRE TRACT OF LAND, CONVEYED TO RAYMOND HOLDINGS, LLC IN VOLUME 18356, PAGE 148 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS (OPRBCT); SAID 5.569 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod found on the northwest line of Raymond Stotzer Parkway (variable width right-of-way, per TXDOT right-of-way plans and 44664/185 OPRBCT), for the east corner of Aggieiland Business Park, Phase 2 recorded in Volume 18152, Page 264 (OPRBCT) and being the south corner of said 5.567 acres and the south corner hereof;

THENCE, with the common line of said Aggieiland Business Park, Phase 2 and said 5.567 acres, **N 47° 27' 45" W**, for a distance of **471.52 feet** to a 1/2 inch iron rod found at an angle point in the southeast line of the remainder of a called 35.9004-acre tract of land conveyed to Martha Ann Williams in Volume 44664, Page 185 (OPRBCT), for the north corner of said Aggieiland Business Park, Phase 2, and being the east corner of said 5.567 acres and the east corner hereof;

THENCE, with the common line of said remainder of 35.9004 acres and said 5.567 acre, **N 41° 32' 51" E**, for a distance of **520.15 feet** to a 5/8 inch iron rod with a plastic cap stamped "PACHECO KOCH" found on the southwest line of the remainder of a called 15 acre tract of land conveyed to Vicki Hiesland Weir in Volume 13159, Page 68 (OPRBCT), for the east corner of said remainder of 35.9004 acres and being the north corner of said 5.567 acres and the north corner hereof, from which City of College Station Monument bears **N 60° 34' 08" E**, a distance of 1,618.35 feet;

THENCE, with the common line of said remainder of 15 acres and said 5.567 acres, **S 46° 06' 31" E**, for a distance of **471.84 feet** to a 1/2 inch iron rod found on the northwest line of Raymond Stotzer Parkway, for the south corner of said remainder of 15 acres and being the east corner of said 5.567 acres and the east corner hereof;

TRACT 2

THENCE, with the common line of Raymond Stotzer Parkway and said 5.567 acres, **S 41° 32' 51" W**, for a distance of **509.00 feet** to the **POINT OF BEGINNING** hereof and containing **5.569 acres**, more or less.

Surveyed on the ground January 2023 under my supervision. See plat prepared January 2023 for other information. The bearing basis for this survey is based on the Texas State Plane Coordinate System of 1983 (NAD83), Central Zone, Grid North as established from GPS observation using the Leica Smartnet NAD83 (NAZ011) Epoch 2010 Multi-year CORS Solution 2 (MYCS2). Distances described herein are surface distances. To obtain grid distances (not grid areas) divide by a combined scale factor of 1.00010578745203 (calculated using GEOID12E). Reference drawing: 22-1054-TITLE-5. Revised 01/31/2023. Added a City of College Station monument tie.



Michael Konetski 1/30/23

Michael Konetski
Registered Professional Land Surveyor No. 6531

KERR SURVEYING

Kerr Surveying, LLC | 409 N. Texas Ave. Bryan, TX 77803

Office: (979) 268-3195 | Web: www.kerrlandsurveying.com

Surveyus@kerrsurveying.net | TBPELS Firm No. 10018500

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF COLLEGE STATION, TEXAS, DENYING MSG SERVICES, INC.'S AND ARROWHEAD VILLAGE PARTNERS, LLC'S PETITION FOR REMOVAL OF PROPERTY FROM THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF COLLEGE STATION AND DENYING THE CITY'S CONSENT TO THE REDUCTION OF THE CITY'S EXTRATERRITORIAL JURISDICTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 22, 2023, MSG Services, Inc. and Arrowhead Village Partners, LLC ("Petitioner") submitted a petition attached as **Exhibit "A"** ("Petition") for releasing property from the City of College Station's extraterritorial jurisdiction ("ETJ"); and

WHEREAS, the property sought to be released is located approximately in the area of Windham Ranch Road and Arrington Road and described by plat in **Exhibit "A"** ("Property"); and

WHEREAS, pursuant to Texas Local Government Code Section 42.023, the City's ETJ may only be reduced if the City Council has exercised its legislative authority consenting to reducing the City's ETJ by ordinance or resolution; and

WHEREAS, pursuant to Texas Constitution, Article II, Section 1, landowners may not be delegated legislative authority to remove their property from the City's ETJ without the City Council's consent by ordinance or resolution; and

WHEREAS, Texas Local Government Code Chapter 42 Subchapter D. (SB 2038) is an unconstitutional delegation of the City's legislative authority and conflicts with the City's grant of legislative discretion under Local Government Code Section 42.023; and

WHEREAS, the City Council finds that it has taken no action by ordinance or resolution regarding the Petition or Property; and

WHEREAS, it is in the best interest of the City to deny the Petition and the removal of the Property from the City's ETJ, and to any reduction in size of the City's ETJ; and deny any previous actions under Texas Local Government Code Chapter 42 Subchapter D. (SB 2038); now therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: The above recitals are adopted as findings of the City Council.

PART 2: The Petition for Release of the Property in **Exhibit "A"** from the City's ETJ is denied and the Property remains in the City's ETJ.

PART 3: The City denies any written consent by ordinance or resolution or action under Texas Local Government Code Chapter 42 Subchapter D (SB 2038) to remove the Property from the City's ETJ and any reduction in size of the City's ETJ.

PART 4: That this resolution shall become effective immediately after passage and approval.

ADOPTED this 28th day of March 2024.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:

City Attorney

EXHIBIT A

Approximately 2.768 acres of land being Bewley Addition, Phase 1, Block 1, Lot 1 and 43.82 acres of land in the S.W. Roberston Survey, A-202 generally located at 2321 and 2327 Arrington Road.



FOR OFFICE USE ONLY	
CASE NO.:	_____
DATE SUBMITTED:	_____
TIME:	_____
STAFF:	_____

PLANNING & DEVELOPMENT SERVICES TRANSMITTAL LETTER

Please check one of the options below to clearly define the purpose of your submittal.

- New Project Submittal
- Incomplete Project Submittal - documents needed to complete an application. Case No.: _____
- Existing Project Submittal. Case No.: _____

Project Name <u>Arrowhead Village</u>
Contact Name <u>Michael Schaefer</u> Phone Number <u>979575-4180</u>

We are transmitting the following for Planning & Development Services to review and comment (check all that apply):

- | | |
|---|--|
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Non-Residential Architectural Standards |
| <input type="checkbox"/> Rezoning Application | <input type="checkbox"/> Irrigation Plan |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Variance Request |
| <input type="checkbox"/> Preliminary Plan | <input type="checkbox"/> Development Permit |
| <input type="checkbox"/> Final Plat | <input type="checkbox"/> Development Exaction Appeal |
| <input type="checkbox"/> Development Plat | <input type="checkbox"/> FEMA CLOMA/CLOMR/LOMA/LOMR |
| <input type="checkbox"/> Site Plan | <input type="checkbox"/> Grading Plan |
| <input type="checkbox"/> Special District Site Plan | <input type="checkbox"/> Other - Please specify below |
| <input type="checkbox"/> Special District Building / Sign | _____ |
| <input type="checkbox"/> Landscape Plan | _____ |

INFRASTRUCTURE AND ENGINEERING DOCUMENTS

All infrastructure documents must be submitted as a complete set.

The following are included in the complete set:

- | | |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Waterline Construction Documents |
| <input type="checkbox"/> TxDOT Driveway Permit | <input type="checkbox"/> Sewerline Construction Documents |
| <input type="checkbox"/> TxDOT Utility Permit | <input type="checkbox"/> Street Construction Documents |
| <input type="checkbox"/> Drainage Letter or Report | <input type="checkbox"/> Easement Application |
| <input type="checkbox"/> Fire Flow Analysis | <input type="checkbox"/> Other - Please specify |

Special Instructions:



ARROWHEAD
VILLAGE

September 22, 2023

City of College Station – City Secretary’s Office
Attn: Tanya Smith
1101 Texas Avenue
College Station, Texas 77842

RE: 2321 Arrington Road & 2327 Arrington Road – Petition for Release from the City of College Station’s Extraterritorial Jurisdiction

Tanya:

In accordance with Texas Local Government Code, Chapter 42, Subchapter D, please let this letter serve as the Petition for Release from the City of College Station’s Extraterritorial Jurisdiction for the following properties:

- **2321 Arrington Road (Bewley Addition, Phase 1, Block 1, Lot 1)**
 - *Owner: MGS Services, Inc.*
 - *CAD Property ID: 350748*
 - *Further shown and described on Exhibit A (attached)*

- **2327 Arrington Road (S.W. Robertson Survey, A-202, Tract 7.42)**
 - *Owner: Arrowhead Village Partners, LLC*
 - *CAD Property ID: 446200*
 - *Further shown and described on Exhibit B (attached)*

Let me know if you need any further information to process this Petition.

Respectfully Submitted,

Michael Schaefer, President
MGS Services, Inc.

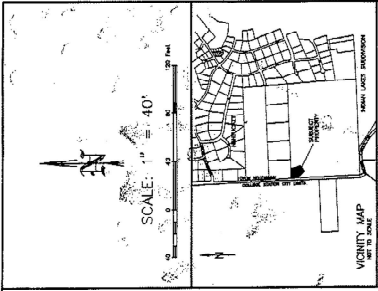
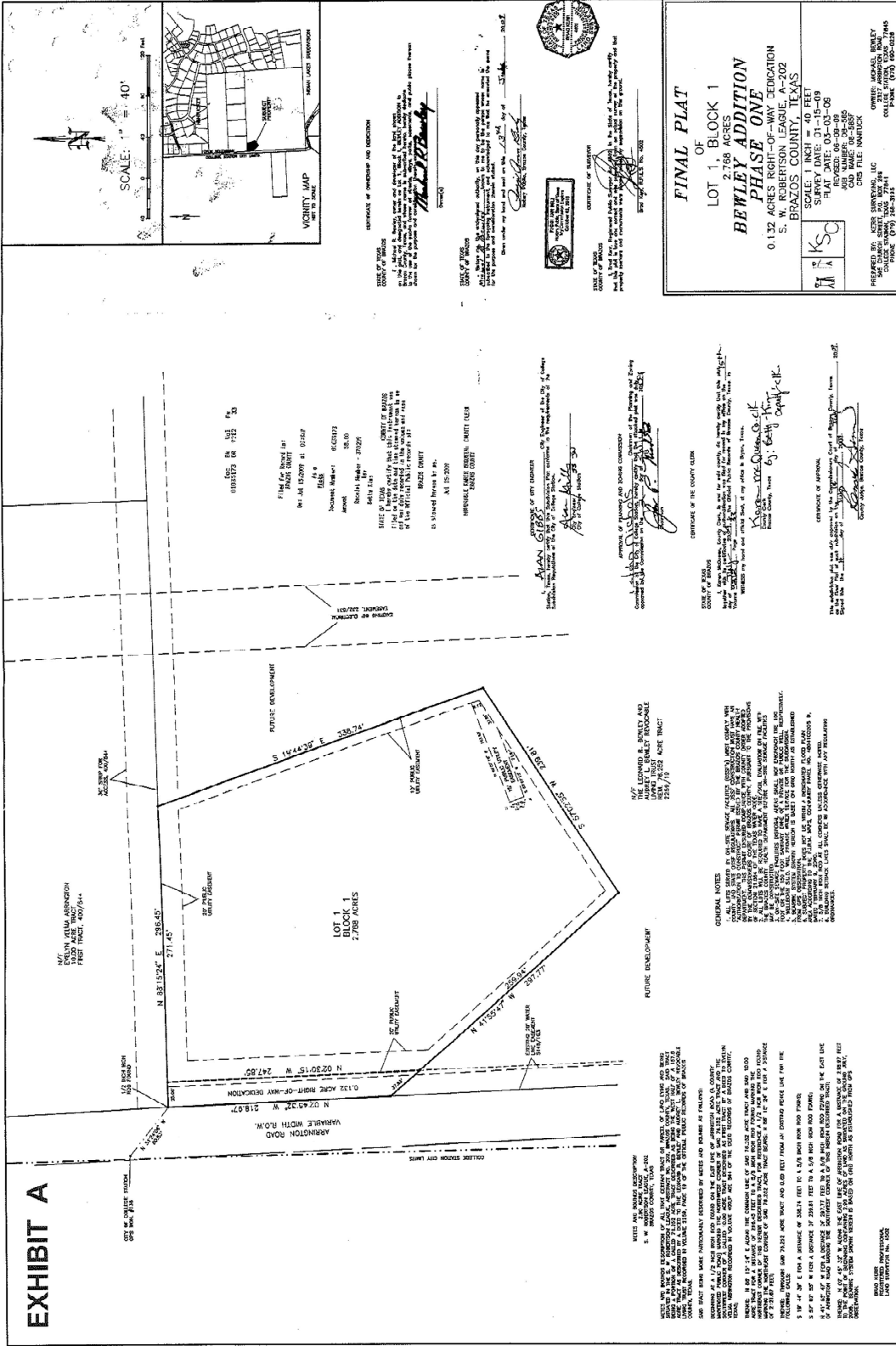
Michael Schaefer, Manager
Arrowhead Village Partners, LLC

CC: Bryan Woods, College Station City Manager
Michael Ostrowski, Planning & Development Services Director

Enclosures:

- Exhibit A – Plat (2321 Arrington Road; College Station)
- Exhibit B – Survey (2327 Arrington Road; College Station)
- Certificate of Filing – MGS Services, Inc.
- Certificate of Filing – Arrowhead Village Partners, LLC
- City of College Station Preliminary Plan Owner Certification

EXHIBIT A



REQUIREMENTS OF OVERSIGHT AND REGULATION

STATE OF TEXAS
 COUNTY OF BRAZOS

SECTION 505.001, ACTS 1989, CHAP. 206, SUBCHAPTER A, SECTION 505.001
 The State of Texas, being the owner of the land described in the plat, and the Brazos County, Texas, being the owner of the land described in the plat, do hereby certify that the plat is a true and correct copy of the original plat of record.

SECTION 505.002, ACTS 1989, CHAP. 206, SUBCHAPTER A, SECTION 505.002
 The State of Texas, being the owner of the land described in the plat, and the Brazos County, Texas, being the owner of the land described in the plat, do hereby certify that the plat is a true and correct copy of the original plat of record.

FINAL PLAT

LOT 1, BLOCK 1
2,750 ACRES
BEWLEY ADDITION
PHASE ONE
 0.132 ACRES RIGHT-OF-WAY DEDICATION
 S. W. ROBERTSON LEAGUE, A-202
 BRAZOS COUNTY, TEXAS

DATE: 03-03-08
 SURVEY DATE: 03-03-08
 JOB NUMBER: 03-08-00
 CAD FILE: 03-08-00
 COUNTY: BRAZOS
 CITY: WASHINGTON
 OFFICE: MICHAEL BENEY
 1317 ARBORVIEW DRIVE
 HOUSTON, TEXAS 77056
 PHONE: (713) 660-0288

SECTION 505.001, ACTS 1989, CHAP. 206, SUBCHAPTER A, SECTION 505.001
 The State of Texas, being the owner of the land described in the plat, and the Brazos County, Texas, being the owner of the land described in the plat, do hereby certify that the plat is a true and correct copy of the original plat of record.

SECTION 505.002, ACTS 1989, CHAP. 206, SUBCHAPTER A, SECTION 505.002
 The State of Texas, being the owner of the land described in the plat, and the Brazos County, Texas, being the owner of the land described in the plat, do hereby certify that the plat is a true and correct copy of the original plat of record.

CERTIFICATE OF THE COUNTY CLERK

I, CLARENCE A. GILES, County Clerk of Brazos County, Texas, do hereby certify that the plat is a true and correct copy of the original plat of record.

CERTIFICATE OF THE COUNTY CLERK

I, CLARENCE A. GILES, County Clerk of Brazos County, Texas, do hereby certify that the plat is a true and correct copy of the original plat of record.

GENERAL NOTES

1. THE BOUNDARIES OF THIS TRACT ARE BASED UPON THE SURVEY BY MICHAEL BENEY & ASSOCIATES, INC., DATED 03/03/08.

2. THE BOUNDARIES OF THIS TRACT ARE BASED UPON THE SURVEY BY MICHAEL BENEY & ASSOCIATES, INC., DATED 03/03/08.

3. THE BOUNDARIES OF THIS TRACT ARE BASED UPON THE SURVEY BY MICHAEL BENEY & ASSOCIATES, INC., DATED 03/03/08.

GENERAL NOTES

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CERTIFICATE OF THE COUNTY CLERK

I, CLARENCE A. GILES, County Clerk of Brazos County, Texas, do hereby certify that the plat is a true and correct copy of the original plat of record.

CERTIFICATE OF THE COUNTY CLERK

I, CLARENCE A. GILES, County Clerk of Brazos County, Texas, do hereby certify that the plat is a true and correct copy of the original plat of record.



The State of Texas
Secretary of State

OCT. 19, 1999

MGS SERVICES, MICHAEL G. SCHAEFER
8402 SPRING CREEK
COLLEGE STATION, TX 77845

RE:
MGS SERVICES, INC.
CHARTER NUMBER 01322405-00

IT HAS BEEN OUR PLEASURE TO APPROVE AND PLACE ON RECORD YOUR
CHANGE OF REGISTERED AGENT OR REGISTERED OFFICE, OR BOTH.

THE APPROPRIATE EVIDENCE IS ATTACHED FOR YOUR FILES AND THE
ORIGINAL HAS BEEN FILED IN THIS OFFICE.

PAYMENT OF THE FILING FEE IS ACKNOWLEDGED BY THIS LETTER.

IF WE CAN BE OF FURTHER SERVICE AT ANY TIME, PLEASE LET US KNOW.



A handwritten signature in black ink, appearing to read "Elton Bomer".

Elton Bomer, Secretary of State



Office of the Secretary of State

CERTIFICATE OF FILING OF

MGS SERVICES, INC.
File Number: 132240500

The undersigned, as Secretary of State of Texas, hereby certifies that the statement of change of registered agent/office for the above named entity has been received in this office and has been found to conform to law.

ACCORDINGLY the undersigned, as Secretary of State, and by virtue of the authority vested in the Secretary by law hereby issues this Certificate of Filing.

Dated: 12/01/2014

Effective: 12/01/2014



NANDITA BERRY

Nandita Berry
Secretary of State

Form 401
(Revised 01/06)
Return in duplicate to:
Secretary of State
P.O. Box 13697
Austin, TX 78711-3697
512 463-5555
FAX: 512/463-5709
Filing Fee: See instructions



**Statement of Change of
Registered Office/Agent**

This space reserved for office use.

FILED
In the Office of the
Secretary of State of Texas
DEC 01 2014
Corporations Section

The entity name is: MGS SERVICES, INC.

The file number issued to the entity by the secretary of state is: 132240500

The registered agent and registered office of the entity as currently shown on the records of the secretary of state are: Michael G Schaefer

17912 Indian Lakes Drive College Station, TX 77845

Change to Registered Agent/Registered Office

The certificate of formation or registration is modified to change the registered agent and/or office of the filing entity as follows:

Registered Agent Change (Complete either A or B, but not both. Also complete C if the address has changed.)

A. The new registered agent is an organization (cannot be entity named above) by the name of:

OR

B. The new registered agent is an individual resident of the state whose name is:

First Name

M.I.

Last Name

Suffix

Registered Office Change

C. The business address of the registered agent and the registered office address is changed to:

18599 ANASAZI BLUFF DR.

College Station

TX

77845

Street Address (No P.O. Box)

City

State

Zip Code

The street address of the registered office as stated in this instrument is the same as the registered agent's business address.

Statement of Approval

The change specified in this statement has been authorized by the entity in the manner required by the BOC or in the manner required by the law governing the filing entity, as applicable.

Execution

The undersigned affirms that the person designated as registered agent has consented to the appointment. The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument.

Date: 11-6-17

MEMBER / PRESIDENT

Signature and title of authorized person (see instructions)



Office of the Secretary of State

December 20, 2022

Attn: Michael G Schaefer

Michael G Schaefer
3725 Maricopa Lane
College Station, TX 77845 USA

RE: Arrowhead Village Partners, LLC
File Number: 804844618

It has been our pleasure to file the certificate of formation and issue the enclosed certificate of filing evidencing the existence of the newly created domestic limited liability company (llc).

Unless exempted, the entity formed is subject to state tax laws, including franchise tax laws. Shortly, the Comptroller of Public Accounts will be contacting the entity at its registered office for information that will assist the Comptroller in setting up the franchise tax account for the entity. Information about franchise tax, and contact information for the Comptroller's office, is available on their web site at <https://window.state.tx.us/taxinfo/franchise/index.html>.

The entity formed does not file annual reports with the Secretary of State. Documents will be filed with the Secretary of State if the entity needs to amend one of the provisions in its certificate of formation. It is important for the entity to continuously maintain a registered agent and office in Texas. Failure to maintain an agent or office or file a change to the information in Texas may result in the involuntary termination of the entity.

If we can be of further service at any time, please let us know.

Sincerely,

Corporations Section
Business & Public Filings Division
(512) 463-5555

Enclosure

Secretary of State
P.O. Box 13697
Austin, TX 78711-3697
FAX: 512/463-5709



Filed in the Office of the
Secretary of State of Texas
Filing #: 804844618 12/15/2022
Document #: 1206476250002
Image Generated Electronically
for Web Filing

Filing Fee: \$300

**Certificate of Formation
Limited Liability Company**

Article 1 - Entity Name and Type

The filing entity being formed is a limited liability company. The name of the entity is:

Arrowhead Village Partners, LLC

Article 2 - Registered Agent and Registered Office

A. The initial registered agent is an organization (cannot be company named above) by the name of:

OR

B. The initial registered agent is an individual resident of the state whose name is set forth below:

Name:

Michael G Schaefer

C. The business address of the registered agent and the registered office address is:

Street Address:

3743 Chaco Canyon College Station TX 77845

Consent of Registered Agent

A. A copy of the consent of registered agent is attached.

OR

B. The consent of the registered agent is maintained by the entity.

Article 3 - Governing Authority

A. The limited liability company is to be managed by managers.

OR

B. The limited liability company will not have managers. Management of the company is reserved to the members. The names and addresses of the governing persons are set forth below:

Manager 1: **Michael G Schaefer**

Title: **Manager**

Address: **3743 Chaco Canyon College Station Tx, USA 77845**

Article 4 - Purpose

The purpose for which the company is organized is for the transaction of any and all lawful business for which limited liability companies may be organized under the Texas Business Organizations Code.

Supplemental Provisions / Information

[The attached addendum, if any, is incorporated herein by reference.]

Initial Mailing Address

Address to be used by the Comptroller of Public Accounts for purposes of sending tax information.

The initial mailing address of the filing entity is:

**3743 Chaco Canyon
College Station, Tx 77845
USA**

Organizer

The name and address of the organizer are set forth below.

Michael G. Schaefer 3743 Chaco Canyon Drive College Station Texas 77845

Effectiveness of Filing

A. This document becomes effective when the document is filed by the secretary of state.

OR

B. This document becomes effective at a later date, which is not more than ninety (90) days from the date of its signing. The delayed effective date is:

Execution

The undersigned affirms that the person designated as registered agent has consented to the appointment. The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certifies under penalty of perjury that the undersigned is authorized under the provisions of law governing the entity to execute the filing instrument.

Michael G Schaefer

Signature of Organizer

FILING OFFICE COPY



CITY OF COLLEGE STATION
Planning & Development Services Department
PRELIMINARY PLAN OWNER CERTIFICATION

NAME OF PROJECT Arrowhead Village

ADDRESS or PARCEL ID: 2327 Arrington Road College Station Texas 77845

APPLICANT/PROJECT MANAGER'S INFORMATION (Primary contact for the project):

Name Michael Schaefer E-mail hoa@arrowheadvillagetx.com

Street Address 2321 Arrington Road

City College Station State Texas Zip Code 77845

Phone Number 979-575-4180 Fax Number _____

PROPERTY OWNER'S INFORMATION:

Name MGS Services E-mail hoa@arrowheadvillagetx.com

Street Address 3743 Chaco Canyon Drive

City College Station State Texas Zip Code 77845

Phone Number 979-575-4180 Fax Number _____

The OWNER certifies that the Applicant has prepared the Preliminary Plan application and that the facts stated herein and in eTRAKiT, and all exhibits attached as part of the application, are true, correct, and complete. If there is more than one owner, all owners must sign this certification or provide the power of attorney. If the owner is a company the application must be accompanied by proof of authority for the company's representative to sign the application on its behalf.

MGS Services

(Michael Schaefer)

Owner Name

Owner Signature

Date

Owner Name

Owner Signature

Date

Owner Name

Owner Signature

Date

Owner Name

Owner Signature

Date

Owner Name

Owner Signature

Date

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF COLLEGE STATION, TEXAS, DENYING SHARON AND STEVEN PITMAN’S PETITION FOR REMOVAL OF PROPERTY FROM THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF COLLEGE STATION AND DENYING THE CITY’S CONSENT TO THE REDUCTION OF THE CITY’S EXTRATERRITORIAL JURISDICTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 11, 2024, Sharon and Steven Pitman (“Petitioner”) submitted a petition attached as **Exhibit “A”** (“Petition”) for releasing property from the City of College Station’s extraterritorial jurisdiction (“ETJ”); and

WHEREAS, the property sought to be released is located approximately in the area of Stousland Road and Saddle Creek Drive and described by metes and bounds in **Exhibit “A”** (“Property”); and

WHEREAS, pursuant to Texas Local Government Code Section 42.023, the City’s ETJ may only be reduced if the City Council has exercised its legislative authority consenting to reducing the City’s ETJ by ordinance or resolution; and

WHEREAS, pursuant to Texas Constitution, Article II, Section 1, landowners may not be delegated legislative authority to remove their property from the City’s ETJ without the City Council’s consent by ordinance or resolution; and

WHEREAS, Texas Local Government Code Chapter 42 Subchapter D. (SB 2038) is an unconstitutional delegation of the City’s legislative authority and conflicts with the City’s grant of legislative discretion under Local Government Code Section 42.023; and

WHEREAS, the City Council finds that it has taken no action by ordinance or resolution regarding the Petition or Property; and

WHEREAS, it is in the best interest of the City to deny the Petition and the removal of the Property from the City’s ETJ, and to any reduction in size of the City’s ETJ; and deny any previous actions under Texas Local Government Code Chapter 42 Subchapter D. (SB 2038); now therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: The above recitals are adopted as findings of the City Council.

PART 2: The Petition for Release of the Property in **Exhibit “A”** from the City’s ETJ is denied and the Property remains in the City’s ETJ.

PART 3: The City denies any written consent by ordinance or resolution or action under Texas Local Government Code Chapter 42 Subchapter D (SB 2038) to remove the Property from the City’s ETJ and any reduction in size of the City’s ETJ.

PART 4: That this resolution shall become effective immediately after passage and approval.

ADOPTED this 28th day of March 2024.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:

City Attorney

EXHIBIT A

Approximately 17.34 acres of land being in the James C. Stuteville Survey, Abstract 216, generally located at Stousland Road and Saddle Creek Drive.

Glenn Jones
PE #97600
Firm #9951



Consulting • Engineering • Construction

Services

PO Box 5192
Bryan, Texas 77805
Phone: 979-739-0567
gjones@j4engineering.com

January 11, 2024

Tanya D. Smith
City Secretary - City of College Station
1101 Texas Avenue
College Station, Texas 77840

RECEIVED
JAN 18 2024

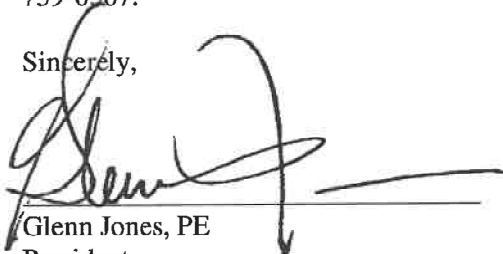
RE: Petition to Remove Property from City's ETJ

Ms. Smith,

On behalf of my client, Steven & Sharon Pittman, who has undersigned below, and is the owner of 17.34 Acre Tract in the James C. Stuteville Survey, Abstract 216, in accordance with Senate Bill 2038, hereby petitions that said property be removed from the City of College Station's Extra Territorial Jurisdiction (ETJ). Said property is further defined by Exhibit A, attached hereto and containing a certified survey of the property with metes and bounds description.


If there are any questions or further information needed, please do not hesitate to contact me at 979-739-0567.

Sincerely,


Glenn Jones, PE
President


Steven Pittman
Property Owner

Date Signed: 1/11/24
DOB: 11-30-69


Sharon Pittman
Property Owner

Date Signed: 1/11/24
DOB: 04-17-66

Residential Mailing Address (for both):
701 Francis Dr
College Station, TX 77840



**FIELD NOTES DESCRIPTION
OF A
17.34 ACRE TRACT**

**JAMES C. STUTEVILLE SURVEY, ABSTRACT 216
BRAZOS COUNTY, TEXAS**

A FIELD NOTES DESCRIPTION OF 17.34 ACRES IN THE JAMES C. STUTEVILLE SURVEY, ABSTRACT 216, IN BRAZOS COUNTY, TEXAS, BEING ALL OF A CALLED 7.54 ACRE TRACT OF LAND AND THE REMAINDER OF A CALLED 10.00 ACRE TRACT OF LAND, BOTH DESCRIBED IN A DEED TO STEVEN PITTMAN AND SHARON PITTMAN RECORDED IN VOLUME 16285, PAGE 279 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS (OPRBCT); SAID 17.34 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod with yellow plastic cap stamped 'STRONG RPLS 4961' found on the southwest side of Stousland Road (a variable width right-of-way, 18028/79 & 18346/121 OPRBCT and multiple other deeds) at the north corner of said remainder of 10.00 acre tract, same being the east corner of the remainder of a called 12.44 acre tract of land described in a deed to Charles C. Terry, Jr. and Elizabeth A. Terry recorded in Volume 1196, Page 681 of the Official Records of Brazos County, Texas (ORBCT), from which a 5/8 inch iron rod with yellow plastic cap stamped 'RPLS 1905' found at the original north corner of said 10.00 acre tract bears N 41° 39' 50" E, a distance of 14.01 feet and the City of College Station monument 'MON 4' bears N 24° 42' 15" W, a distance of 1,743.97 feet;

THENCE, with the southwest line of Stousland Road and the northeast line of said remainder of 10.00 acre tract, the following two (2) courses and distances:

- 1) S 29° 01' 51" E**, a distance of **73.78 feet** to a 1/2 inch iron rod with yellow plastic cap stamped 'STRONG RPLS 4961' found for an angle point; and
- 2) S 30° 37' 14" E**, a distance of **510.48 feet** to a 1/2 inch iron rod with yellow plastic cap stamped 'STRONG RPLS 4961' found in the northwest line of said 7.54 acre tract for the east corner of said remainder of 10.00 acres;

THENCE, with the northwest line of said 7.54 acre tract, **N 58° 50' 02" E**, for a distance of **13.80 feet** to a 1/2 inch iron rod with red plastic cap stamped 'SM KLING RPLS 2003' found at the north corner of said 7.54 acres;

THENCE, with the northeast and southeast lines of said 7.54 acre tract, same being the southwest and northwest lines of Stousland Road, the following seven (7) courses and distances:

- 1) S 30° 27' 19" E**, a distance of **14.32 feet** to a cross-tie fence post found;
- 2) S 62° 21' 00" E**, a distance of **18.14 feet** to a 6 inch treated fence post found;

- 3) S 29° 25' 58" E, a distance of **354.22 feet** to a 5 inch treated fence post found;
- 4) S 25° 02' 39" E, a distance of **76.34 feet** to a cross-tie fence post found;
- 5) S 05° 54' 41" E, a distance of **41.42 feet** to a 4 inch treated fence post found for the most easterly corner hereof;
- 6) S 35° 00' 11" W, a distance of **217.36 feet** to an 18 inch oak tree found in fence; and
- 7) S 41° 01' 41" W, a distance of **328.98 feet** to a 5/8 inch iron rod with yellow plastic cap stamped 'RPLS 1905' found at the east corner of a called 10.00 acre tract of land described in a deed to James Tillman and Barbara Tillman recorded in Volume 14891, Page 195 (OPRBCT), the south corner of said 7.54 acre tract and the south corner hereof;

THENCE, with the common line of said Pittman tracts and said Tillman tract, **N 48° 06' 19" W**, at a distance of 511.98 feet passing a 1/2 inch iron rod with a red plastic cap stamped 'SM KLING RPLS 2003' found at the west corner of said 7.54 acre tract and the south corner of said remainder of 10.00 acre tract, and continuing for a total distance of **1,055.89 feet** to a 5/8 inch iron rod with yellow plastic cap stamped 'RPLS 1905' found in the southeast line of said Terry remainder of 12.44 acre tract, at the north corner of said Tillman tract, the west corner of said remainder of 10.00 acre tract and the west corner hereof;

THENCE, with the common line of said Terry and Pittman tracts, along the northwest line of the James C. Stuteville Survey, **N 41° 39' 50" E**, for a distance of **880.03 feet** to the **POINT OF BEGINNING** hereof and containing **17.34 acres**, more or less.

Surveyed on the ground November 2023 under my supervision. See plat prepared November 2023 for other information. The bearing basis for this survey is based on the Texas State Plane Coordinate System of 1983 (NAD83), Central Zone, Grid North as established from GPS observation using the Leica Smartnet NAD83 (NA2011) Epoch 2010 Multi-year CORS Solution 2 (MYC52). Distances described herein are surface distances. To obtain grid distances (not grid areas) divide by a combined scale factor of 1.000074430 (calculated using GEOID12B). Reference drawing: 23-1036-5.



Michael Konetski

11/16/23

Michael Konetski

Registered Professional Land Surveyor No. 6531

**KERR
SURVEYING**

Kerr Surveying, LLC | 409 N. Texas Ave. Bryan, TX 77803

Office: (979) 268-3195 | Web: www.kerrlandsurveying.com

Surveys@kerrsurveying.net | TBPELS Firm No. 10018500

SPECIAL NOTES

RAINAGE SYSTEM SHOWN HEREON IS BASED ON STATE COORDINATE SYSTEM OF 1983, CENTRAL ZONE PROJECTION WITH THE STATE PLANE DATUM OF 1983. THE TOTAL SURVEYED AREA IS APPROXIMATELY 1784 ACRES (3/4 SECTION 26, 1/4 SECTION 27, 1/4 SECTION 28, 1/4 SECTION 29, 1/4 SECTION 30, 1/4 SECTION 31, 1/4 SECTION 32, 1/4 SECTION 33, 1/4 SECTION 34, 1/4 SECTION 35, 1/4 SECTION 36, 1/4 SECTION 37, 1/4 SECTION 38, 1/4 SECTION 39, 1/4 SECTION 40, 1/4 SECTION 41, 1/4 SECTION 42, 1/4 SECTION 43, 1/4 SECTION 44, 1/4 SECTION 45, 1/4 SECTION 46, 1/4 SECTION 47, 1/4 SECTION 48, 1/4 SECTION 49, 1/4 SECTION 50, 1/4 SECTION 51, 1/4 SECTION 52, 1/4 SECTION 53, 1/4 SECTION 54, 1/4 SECTION 55, 1/4 SECTION 56, 1/4 SECTION 57, 1/4 SECTION 58, 1/4 SECTION 59, 1/4 SECTION 60, 1/4 SECTION 61, 1/4 SECTION 62, 1/4 SECTION 63, 1/4 SECTION 64, 1/4 SECTION 65, 1/4 SECTION 66, 1/4 SECTION 67, 1/4 SECTION 68, 1/4 SECTION 69, 1/4 SECTION 70, 1/4 SECTION 71, 1/4 SECTION 72, 1/4 SECTION 73, 1/4 SECTION 74, 1/4 SECTION 75, 1/4 SECTION 76, 1/4 SECTION 77, 1/4 SECTION 78, 1/4 SECTION 79, 1/4 SECTION 80, 1/4 SECTION 81, 1/4 SECTION 82, 1/4 SECTION 83, 1/4 SECTION 84, 1/4 SECTION 85, 1/4 SECTION 86, 1/4 SECTION 87, 1/4 SECTION 88, 1/4 SECTION 89, 1/4 SECTION 90, 1/4 SECTION 91, 1/4 SECTION 92, 1/4 SECTION 93, 1/4 SECTION 94, 1/4 SECTION 95, 1/4 SECTION 96, 1/4 SECTION 97, 1/4 SECTION 98, 1/4 SECTION 99, 1/4 SECTION 100).

ENGINEER'S NOTES

PROJECT DESCRIPTION: THIS SURVEY WAS CONDUCTED FOR THE PURPOSE OF DETERMINING THE LOCATION OF THE RAINAGE SYSTEM AND THE LOCATION OF THE SURVEYED AREA. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACTS OF 1929 AND 1959.

FLOOD PLAIN NOTES

THE FLOOD PLAIN NOTES ARE BASED ON THE FLOOD PLAIN MAP OF 1983, CENTRAL ZONE PROJECTION WITH THE STATE PLANE DATUM OF 1983. THE FLOOD PLAIN MAP IS AVAILABLE AT THE STATE ARCHIVES OFFICE.

LEGEND

- NP - HIGH CONCENTRATION AREA
- DL - DRAINAGE LINE
- WV - WATER VALUE
- SP - SPECIAL PUBLIC RECORDS
- EL - ELECTRICAL
- TE - TELEPHONE

SUPERVISOR'S CERTIFICATE

I, MICHAEL D. THOMAS, P.E., SURVEYOR, HAVE REVIEWED THIS SURVEY AND CERTIFY THAT THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACTS OF 1929 AND 1959.

1995 STANDARD LAND AND TOPOGRAPHIC SURVEY PLAT

77.34 ACRES TRACT
BEING ALL OF A CERTAIN 77.34 ACRES TRACT AND PARTS OF OTHER CERTAIN TRACTS
RECORDED IN VOLUME 6288, PAGE 274 OF PUBLIC RECORDS
JAMES C. STUTTEVILLE SURVEY, ABSTRACT 216
BRANCO COUNTY, TEXAS

LEGEND

- NP - HIGH CONCENTRATION AREA
- DL - DRAINAGE LINE
- WV - WATER VALUE
- SP - SPECIAL PUBLIC RECORDS
- EL - ELECTRICAL
- TE - TELEPHONE

SUPERVISOR'S CERTIFICATE

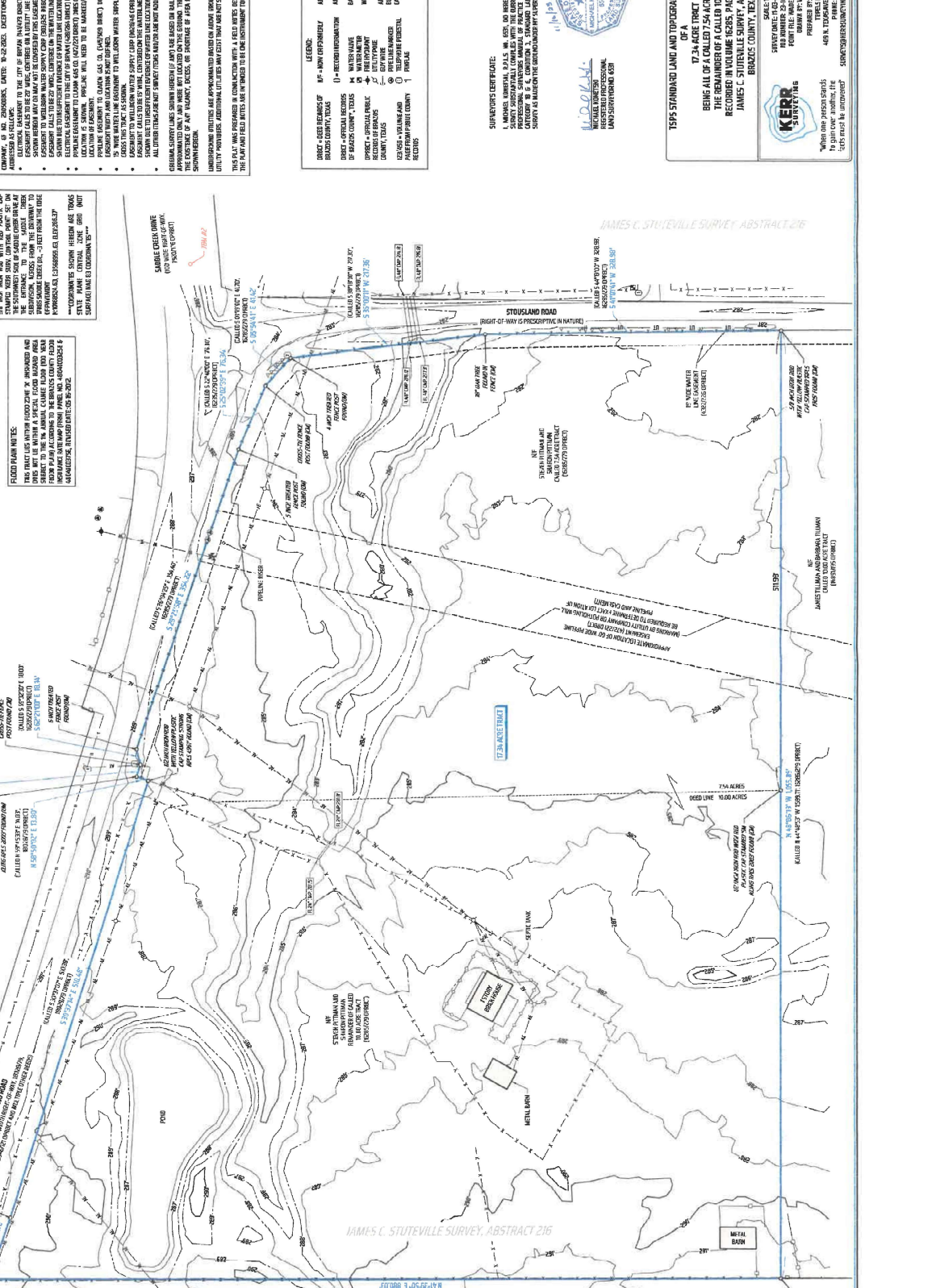
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ETJ Release Petitions

